



University of Tennessee, Knoxville  
**TRACE: Tennessee Research and Creative  
Exchange**

---

MTAS Publications: Full Publications

Municipal Technical Advisory Service (MTAS)

---

10-23-2007

## Tennessee Public Acts 2007: Summaries of Interest to Municipal Officials

Dennis Huffer

*Municipal Technical Advisory Service*

Follow this and additional works at: [https://trace.tennessee.edu/utk\\_mtaspubs](https://trace.tennessee.edu/utk_mtaspubs)

 Part of the [Public Administration Commons](#)

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: [mtas.tennessee.edu](http://mtas.tennessee.edu).

---

### Recommended Citation

Huffer, Dennis, "Tennessee Public Acts 2007: Summaries of Interest to Municipal Officials" (2007). *MTAS Publications: Full Publications*.

[https://trace.tennessee.edu/utk\\_mtaspubs/207](https://trace.tennessee.edu/utk_mtaspubs/207)

This Report is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Full Publications by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact [trace@utk.edu](mailto:trace@utk.edu).

# TENNESSEE PUBLIC ACTS 2007

## *Summaries of Interest to Municipal Officials*

Dennis Huffer, 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.



---

# TENNESSEE PUBLIC ACTS 2007

## *Summaries of Interest to Municipal Officials*

**Dennis Huffer, Legal Consultant**

### **MTAS OFFICES**

Knoxville (Headquarters).....	(865) 974-0411
Johnson City .....	(423) 854-9882
	(423) 282-0416
Nashville.....	(615) 532-6827
Jackson .....	(731) 423-3710
Martin .....	(731) 587-7057

[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

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.

MTAS provides one copy of our publications free of charge to each Tennessee municipality, county and department of state and federal government. There is a \$10 charge for additional copies of "Tennessee Public Acts 2007."

Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

---





# TABLE OF CONTENTS

Alcoholic Beverages .....	1	Metropolitan Government.....	25
Animals.....	1	Motor Vehicles and Traffic .....	25
Authorities .....	2	Open Meetings .....	27
Building, Utility, and Housing Codes.....	3	Personnel .....	28
Business Regulation.....	3	Personnel—Retirement.....	29
City Courts.....	4	Planning and Zoning .....	29
City Manager—Commission Charter .....	4	Public Officials .....	30
Contracts.....	5	Purchasing.....	30
Crimes and Criminal Procedure.....	5	Records .....	32
Economic Development.....	7	Recreation and Parks.....	32
Education and Schools.....	8	Streets and Public Ways .....	33
Elections .....	12	Taxes—General.....	33
Emergencies.....	13	Taxes—Hotel-Motel.....	33
Emergency Services .....	13	Taxes—Property .....	34
Environment .....	13	Taxes—Rental Car .....	35
Finance .....	15	Taxes—Sales.....	35
Firefighting.....	20	Taxes—Tourism Business Tax.....	36
Flag Protocol.....	20	Urban Development.....	36
Health and Sanitation .....	20	Utilities.....	36
Interlocal Cooperation.....	21	Weapons.....	37
Law Enforcement .....	21	Workers’ Compensation .....	38
Mayor—Aldermanic Charter .....	24		





# TENNESSEE PUBLIC ACTS 2007

## Summaries of Interest to Municipal Officials

### ALCOHOLIC BEVERAGES

**Chapter No. 52 (SB 1187/HB 913). Referendum on liquor-by-the-drink in Goodlettsville.** Amends T.C.A. § 57-4-103(a) to allow a referendum on liquor-by-the-drink in the Sumner County portion of Goodlettsville without affecting liquor-by-the-drink in the Davidson County portion of the city.

*Effective date: April 24, 2007.*

**Chapter No. 73 (SB 390/HB 1412). Facial hair of males used in underage purchase stings.** Amends T.C.A. § 39-15-413(c)(1) to eliminate the prohibition on males used in underage alcoholic beverage sting operations having facial hair.

*Effective date: May 3, 2007.*

### ANIMALS

**Chapter No. 70 (SB 2282/HB 2174). Removal of electronic transmitter from dog.** Amends T.C.A. Title 39, Chapter 14, Part 2, to make it a Class B misdemeanor to remove an electronic or radio transmitting collar or microchip implant from a dog. If the dog is lost or killed because of the removal of the device, the offense becomes a Class A misdemeanor. Each offense is punishable by fine only, but upon conviction a person must be ordered by the court to pay restitution for a lost or killed dog.

*Effective date: July 1, 2007.*

**Chapter No. 466 (SB 172/HB 35). Value of fire dogs, search and rescue dogs, and police horses.** Amends T.C.A. § 39-14-205(a) to provide that in determining the value of a stolen fire dog,

search and rescue dog, or police horse, the court will consider both the cost of the animal and any specialized training the animal received.

*Effective date: July 1, 2007.*

**Chapter No. 510 (SB 487/HB 953). Sex with animals.** Amends T.C.A. Title 39, Chapter 14, Part 2, to make it a Class E felony to have sex with an animal, to aid or permit or further such activities, or to photograph them for sexual gratification.

*Effective date: July 1, 2007.*

**Chapter No. 533 (SB 140/HB 107).**

**Punishment for dogs running at large.** Amends T.C.A. § 44-8-409 to change the punishment for certain instances of dogs running at large from a Class C misdemeanor to other designations based upon the damage done by the dog and the dog's previous propensities. If the dog was trained to fight or kill or had been used for that purpose, or if the owner knew the dog's dangerous nature and the dog had previously bitten someone causing serious injury, the crime is:

- Still a Class C misdemeanor if the dog causes no damage or injury;
- A Class A misdemeanor if the dog causes property damage;
- A Class E felony if the dog causes bodily injury;
- A Class D felony if the dog causes serious bodily injury; or
- A Class C felony if the dog causes death.

*Effective date: July 1, 2007.*





**Chapter No. 555 (SB 136/HB 255). Fighting swine.** Amends T.C.A. § 39-14-203 to add swine to the list of animals it is unlawful to own, use, or train to fight other animals for amusement.

*Effective date: July 1, 2007.*

**Chapter No. 556 (SB 139/HB 106). Punishment for dogs running at large.** Confusingly, this act, which was passed on the same day as Chapter No. 533, amends T.C.A. § 44-8-408 in its entirety and repeals § 44-8-409. It provides these punishments:

- Class C misdemeanor for dog running at large with no property or bodily injury;
- Class B misdemeanor if dog causes property damage;
- Class A misdemeanor if dog causes bodily injury;
- Class E felony if dog causes serious bodily injury; and
- Class D felony if dog causes death.

This act creates these exceptions:

- The dog was on a hunt or chase or on the way to a hunt or chase;
- The dog was guarding or driving stock or on the way to do so;
- The dog was being moved;
- The dog was a police or military dog performing its duties;
- The violation occurred when the injured person was trespassing with intent to act unlawfully;
- The dog was protecting its owner from attack;
- The violation occurred while the dog was securely confined; or
- The violation occurred as a result of the dog being harassed.

This act creates these exceptions to the exceptions:

- The first three exceptions listed above apply only if the dog owner pays damages; and
- It is an affirmative defense when the dog was being moved or was a police or military dog if the owner exercised reasonable care in an attempt to control the dog.

This act also provides that it is not a defense when the dog is on a hunt or chase, is on the way to a hunt or chase, or is herding livestock that the owner exercised reasonable care to control the dog.

*Effective date: July 1, 2007.*

## **AUTHORITIES**

**Chapter No. 389 (SB 2309/HB 2300).**

**Transfers of land to port authority.** Amends T.C.A. § 7-87-108 to allow counties and other local governments, in addition to municipalities, to acquire land and transfer it to a port authority.

*Effective date: June 8, 2007.*

**Chapter No. 426 (SB 2141/HB 2172). Regional megasite authorities authorized.**

Amends T.C.A. Title 64 to allow municipalities and counties to create regional megasite authorities, which will be similar to a regional industrial development corporation (IDC). A “megasite” should consist of at least 1,000 contiguous acres before an authority may be created. The authority would be incorporated similarly to an IDC and governed by a board of directors on which the mayor of each participating municipality would sit. The authority could issue bonds and may be delegated the authority to require in-lieu-of-tax payments by lessees. Restrictions on tax breaks and in-lieu-of-tax payments are similar to those for IDCs. The authority may also prepare economic impact plans. Any authority is subject to sunset review.

*Effective date: June 13, 2007.*



## **BUILDING, UTILITY AND HOUSING CODES**

**Chapter No. 89 (SB 464/HB 259). New edition of electrical safety code.** Amends T.C.A. § 68-101-104 to adopt the August 1, 2006, edition of the American National Standard Electrical Safety Code as the state's official electrical safety code.

*Effective date: January 1, 2008.*

### **Chapter No. 379 (SB 733/HB 1428).**

**Electrical service release inspections.** Amends T.C.A. § 68-102-143 to provide that inspection fees for service release inspections will be set based upon service size and to define a service release inspection as temporary electric service to test equipment, such as HVAC systems, for construction. The inspection is valid for 45 days on designated circuits only. Also allows these inspections on manufactured homes.

*Effective date: July 1, 2007.*

**Chapter No. 452 (SB 2007/HB 1995). Citizen enforcement of building, fire, and sanitation codes in Davidson and Shelby counties.** Purports to amend T.C.A. Title 13, Chapter 6, Part 1, to allow certain nonprofit corporations, interested parties, and neighbors to bring a civil action to enforce local building, housing, air pollution, sanitation, health, fire, zoning, and safety codes in Davidson and Shelby counties.

*Effective date: June 18, 2007.*

### **Chapter No. 582 (SB 1018/HB 1481).**

**Certification of plumbing and mechanical inspectors.** Amends T.C.A. Title 68, Chapter 120, Part 1, to require municipal plumbing and mechanical inspectors to be certified in a manner similar to building and fire inspectors. New hires have 12 months to achieve certification, which is valid for three years.

*Effective date: January 1, 2008.*

## **BUSINESS REGULATION**

**Chapter No. 54 (SB 1726/HB 735). Limited licensed plumbers—exception.** Amends T.C.A. §§ 62-6-402 and 404 to exempt from licensing under the limited licensed plumber law any person who does general maintenance work (installing home appliances and making minor repairs when the labor cost is \$500 or less) within a residence.

*Effective date: April 24, 2007.*

**Chapter No. 64 (SB 928/HB 349). Minimum age to buy common fireworks.** Amends T.C.A. § 68-104-112(a)(1) to increase the minimum age to buy Class C common fireworks from 10 to 16. Persons aged 16 or 17 who wish to buy these fireworks must show the retailer a state-issued photo ID or be accompanied by an adult.

Amends T.C.A. § 68-104-114 to make a sale to an underage person a Class C misdemeanor punishable by a fine of up to \$100 for a first offense, up to \$250 for a second offense, and up to \$500 for subsequent offenses. Specifically authorizes municipalities to adopt the offense of selling fireworks to an underage person by reference.

*Effective date: July 1, 2007.*

### **Chapter No. 172 (SB 1488/HB 1226).**

**Regulation of tax refund loan businesses.**

Amends T.C.A. Title 62 to regulate businesses offering tax refund loans. Preempts local regulation.

*Effective date: January 1, 2008.*

**Chapter No. 227 (SB 1893/HB 1704). Helicopter regulation.** Amends T.C.A. § 42-8-105 to make helicopter regulations apply to premier tourist resort cities in Sevier County.

*Effective date: July 1, 2007.*



**Chapter No. 231 (SB 2201/HB 2256). Blasting regulations revised.** Amends T.C.A. Title 68, Chapter 105, Part 1, to revise several provisions relative to blasters. Exempts from state blasting regulations law enforcement personnel carrying out official duties.

*Effective date: January 1, 2008.*

**Chapter No. 460 (SB 1728/HB 1006). Home improvement contractor regulations amended and moved.** Repeals T.C.A. Title 62, Chapter 37, relative to home improvement contractors and re-enacts home improvement contractor regulations in Title 62, Chapter 6, Part 5. Municipal authority relative to home improvement contractors appears to remain intact.

*Effective date: July 1, 2007.*

**Chapter No. 495 (SB 2091/HB 1876). Geologists.** Section 6 of this act prohibits municipalities and other political subdivisions from contracting for geological work with anyone other than a geologist licensed under this act or a firm employing a licensed professional geologist.

*Effective date: January 1, 2008.*

**Chapter No. 541 (SB 1263/HB 1678). Location of adult businesses restricted.** Amends T.C.A. Title 7, Chapter 51, Part 14, to prohibit adult businesses within 1,000 feet of any child care facility, school, public park, residence, or place of worship. Measurement is straight line, from property line to property line. Grandfathers existing locations. Local ordinances are not preempted.

*Effective date: July 1, 2007.*

## **CITY COURTS**

**Chapter No. 248 (SB 1624/HB 968). Orders to remove junk vehicles.** Amends T.C.A. § 55-5-122(a) to clarify that municipal courts may issue orders to remove vehicles from private property.

*Effective date: May 24, 2007.*

**Chapter No. 375 (SB 2027/HB 1871). Additional drug fee.** Section 5 of this act amends T.C.A. § 16-22-109 to require clerks of municipal courts exercising general sessions jurisdiction to collect \$75 from any person found in violation of the terms of a suspended sentence when the violation is based upon a positive drug test. Funds from this assessment will be used to administer drug court treatment programs created by courts exercising criminal jurisdiction. This act also allows juvenile courts to create and operate drug court treatment programs, but provides that revenues from the \$75 fee cannot be used to support these juvenile programs.

*Effective date: July 1, 2007.*

## **CITY MANAGER—COMMISSION CHARTER**

**Chapter No. 44 (SB 1997/HB 872). Change to November general election for Burlison and Gilt Edge.** Purports to amend T.C.A. § 6-20-102, part of the general law City Manager-Commission Charter, to enact a procedure for Burlison and Gilt Edge to change to the November general election by ordinance passed by a two-thirds vote.

*Effective date: April 19, 2007.*



## CONTRACTS

**Chapter No. 201 (SB 1275/HB 1003). Retainage—amount limited and interest required.** Amends T.C.A. § 66-11-144 to require retainage to be kept in an interest-bearing account and to limit amount of retainage to 5 percent of the amount of the contract. Requires the owner to release and pay all retainages to the prime contractor within 90 days after completion or after substantial completion of a project for which work is completed.

This act also amends T.C.A. §§ 66-34-203, 204, and 303, part of the Prompt Pay Act, to limit retainage to 5 percent of the amount of the contract.

*Effective date: July 1, 2007.*

**Chapter No. 351 (SB 1669/HB 1153). Jurisdiction to enforce contracts.** Adds T.C.A. §§ 16-10-113 and 16-11-115 providing that jurisdiction to enforce contracts lies in the chancery or circuit court of the county where the defendant is found, the contract was executed, the goods were provided or to be provided, or the services were rendered or to be rendered.

*Effective date: June 5, 2007.*

**Chapter No. 495 (SB 2091/HB 1876). Geologists.** Section 6 of this act prohibits municipalities and other political subdivisions from contracting for geological work with anyone other than a geologist licensed under this act or a firm employing a licensed professional geologist.

*Effective date: January 1, 2008.*

## CRIMES AND CRIMINAL PROCEDURE

**Chapter No. 46 (SB 127/HB 1404). Escape for civil offense.** Amends T.C.A. § 39-16-605 to make it a Class A misdemeanor for a person lawfully confined in a penal institution for a civil offense to escape.

*Effective date: July 1, 2007.*

**Chapter No. 56 (SB 1963/HB 1730). Automated victim notification system eliminated.** Repeals T.C.A. § 40-38-118, which established an automated victim notification system.

*Effective date: April 24, 2007.*

**Chapter No. 70 (SB 2282/HB 2174). Removal of electronic transmitter from dog.** Amends T.C.A. Title 39, Chapter 14, Part 2, to make it a Class B misdemeanor to remove an electronic or radio transmitting collar or microchip implant from a dog. If the dog is lost or killed because of the removal of the device, the offense becomes a Class A misdemeanor. Each offense is punishable by fine only, but upon conviction a person must be ordered by the court to pay restitution for a lost or killed dog.

*Effective date: July 1, 2007.*

**Chapter No. 225 (SB 1196/HB 867). DNA sample from violent felony arrestees.** Amends T.C.A. § 40-35-321 to require the arresting authority to take a biological sample for DNA analysis from any person arrested for a violent felony after a determination by a magistrate or grand jury that probable cause exists for the arrest but before release.

*Effective date: January 1, 2008.*

**Chapter No. 242 (SB 193/HB 600). Transportation of illegal aliens.** Amends T.C.A. Title 39, Chapter 17, Part 1, to make it a Class A misdemeanor for any person, for financial gain, to transport or cause to be transported into the state an individual the person knows or should know entered and remained in this country illegally.

*Effective date: July 1, 2007.*



**Chapter No. 355 (SB 694/HB 1415). Criminal impersonation of a law enforcement officer.**

Amends T.C.A. § 39-16-301 to make pretending to be a law enforcement officer to engage in law enforcement activities a Class A misdemeanor.

*Effective date: July 1, 2007.*

**Chapter No. 395 (SB 1828/HB 1703). Using pesticides inconsistent with label to do harm.**

Amends T.C.A. Title 43, Chapter 8, Part 1, to make it a Class A misdemeanor knowingly to use a pesticide in a manner inconsistent with its label to harm another person, animals, or the environment.

*Effective date: June 11, 2007.*

**Chapter No. 412 (SB 1419/HB 1365). Unlawful carrying a weapon.**

Amends T.C.A. § 39-17-1307 to make any first offense of carrying a firearm, knife, or club with the intent to go armed a Class C misdemeanor.

*Effective date: July 1, 2007.*

**Chapter No. 416 (SB 2191/HB 2248). Abuse of adults.**

Amends T.C.A. § 71-6-117 to make it a Class E felony to knowingly abuse, neglect, or exploit an adult.

*Effective date: June 11, 2007.*

**Chapter No. 468 (SB 472/HB 299). Impaired person abuse.**

Amends T.C.A. § 71-6-119 to make it a Class C felony to knowingly abuse or grossly neglect an impaired person causing serious mental or physical harm.

*Effective date: July 1, 2007.*

**Chapter No. 480 (SB 1945/HB 1998). Aggravated nonemergency 911 calls.**

Amends T.C.A. § 7-86-316 to make an aggravated nonemergency 911 call a Class A misdemeanor. An aggravated nonemergency 911 call is one where a single caller

calls in an offensively repetitious manner, the nonemergency call results in a delay in response to an actual emergency, or the call results in harm to person or property.

*Effective date: July 1, 2007.*

**Chapter No. 510 (SB 487/HB 953). Sex with animals.**

Amends T.C.A. Title 39, Chapter 14, Part 2, to make it a Class E felony to have sex with an animal, to aid or permit or further such activities, or to photograph them for sexual gratification.

*Effective date: July 1, 2007.*

**Chapter No. 555 (SB 136/HB 255). Fighting swine.**

Amends T.C.A. § 39-14-203 to add swine to the list of animals it is unlawful to own, use, or train to fight other animals for amusement.

*Effective date: July 1, 2007.*

**Chapter No. 556 (SB 139/HB 106). Punishment for dogs running at large.**

Confusingly, this act, which was passed on the same day as Chapter No. 533, amends T.C.A. § 44-8-408 in its entirety and repeals § 44-8-409. It provides these punishments:

- Class C misdemeanor for dog running at large with no property or bodily injury;
- Class B misdemeanor if dog causes property damage;
- Class A misdemeanor if dog causes bodily injury;
- Class E felony if dog causes serious bodily injury; and
- Class D felony if dog causes death.



This act creates these exceptions:

- The dog was on a hunt or chase or on the way to a hunt or chase;
- The dog was guarding or driving stock or on the way;
- The dog was being moved;
- The dog was a police or military dog doing its duties;
- The violation occurred when the injured person was trespassing with intent to act unlawfully;
- The dog was protecting its owner from attack;
- The violation occurred while the dog was securely confined; and
- The violation occurred as a result of the dog being harassed.

This act creates these exceptions to the exceptions:

- The first three exceptions listed above apply only if the dog owner pays damages; and
- Makes it an affirmative defense when the dog was being moved or was a police or military dog that the owner exercised reasonable care in an attempt to control the dog.

This act also provides that it is not a defense when the dog is on a hunt or chase, on the way to a hunt or chase, or herding livestock that the owner exercised reasonable care to control the dog.

*Effective date: July 1, 2007.*

**Chapter No. 594 (SB 1967/HB 1835). Possession of firearm during dangerous felony.** Amends T.C.A. § 39-17-1324 to make it a Class C felony to possess a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony.

*Effective date: January 1, 2008.*

**Chapter No. 595 (SB 1265/HB 1877). Littering; disposition of fine revenues.** Amends

T.C.A. Title 39, Chapter 14, Part 5, to comprehensively amend littering statutes. Creates the offense of mitigated criminal littering (littering in an amount less than or equal to five pounds or 7.5 cubic feet) and designates it a Class C misdemeanor. Littering in greater amounts is greater than a Class C misdemeanor, depending on amounts, purpose, and number of convictions.

This act requires all law enforcement officers to enforce littering laws but provides that all revenues derived from littering fines must accrue to the general fund of the county where the offense occurred to be used for litter prevention.

*Effective date: July 1, 2007.*

## **ECONOMIC DEVELOPMENT**

**Chapter No. 426 (SB 2141/HB 2172). Regional megasite authorities authorized.** Amends

T.C.A. Title 64 to allow municipalities and counties to create regional megasite authorities, which will be similar to a regional industrial development corporation (IDC). A “megasite” should consist of at least 1,000 contiguous acres before an authority may be created. The authority would be incorporated similarly to an IDC and governed by a board of directors on which the mayor of each participating municipality would sit. The authority could issue bonds and may be delegated the authority to require in-lieu-of-tax payments by lessees. Restrictions on tax breaks and in-lieu-of-tax payments are similar to those for IDCs. The authority may also prepare economic impact plans. Any authority is subject to sunset review.

*Effective date: June 13, 2007.*



**Chapter No. 449 (SB 1300/HB 930). Reports about in-lieu-of-tax payments by IDC lessees.**

Amends T.C.A. § 7-53-305 to require the annual report by IDC lessees to the state Board of Equalization to contain, in addition to information already required, the property address and ID number assigned by the assessor, the amount of rent paid to the governing body, the amount of property taxes paid, any name changes since the last filing, and how payments in lieu of taxes are allocated under the economic development agreement. A copy of the report must be filed with the assessor of property. Reporting requirements apply to lessees of building authorities; sports authorities; health, educational, and housing facility corporations; and city and county property. This act also revises penalties for late filings.

*Effective date: June 18, 2007.*

**Chapter No. 521 (SB 281/HB 267). State funding increase for development districts.**

Amends T.C.A. § 13-14-111 to increase state funds for development districts based upon the per capita assessments local governments agree to. Counties may pay the per capita assessment of any city or town in the county.

*Effective date: June 26, 2007.*

**Chapter No. 524 (SB 1924/HB 1692). Special allocations for tourist attractions.**

Amends T.C.A. § 7-53-101 to include tourist attractions and related development involving an aggregate of \$200 million in public and private investment in projects that can be undertaken by industrial development corporations.

Amends T.C.A. Title 7, Chapter 88, Part 1, to include private theme parks that require investment of \$100 million and other privately owned tourist attractions that require investment of \$200 million in the projects subject to a special allocation of

sales taxes from increases in these revenues caused by the attraction in existing or approved tourist development zones.

This act enacts a minority business participation requirement and requires the local government to monitor the results.

*Effective date: June 26, 2007.*

**EDUCATION AND SCHOOLS**

**Chapter No. 45 (SB 57/HB 101). Suicide prevention training.**

Amends T.C.A. § 49-6-3004 to require in-service training for teachers and principals each school year to include at least two hours of suicide prevention education.

*Effective date: July 1, 2007.*

**Chapter No. 94 (SB 1529/HB 1271). Reporting of drug violations.**

Amends T.C.A. § 49-6-4209 to require school personnel to report to the school principal or law enforcement authorities any reasonable suspicion that a student has violated any drug laws.

*Effective date: May 7, 2007.*

**Chapter No. 99 (SB 2153/HB 1942). Report on employment standards for school resource officers.**

Amends T.C.A. § 49-6-4217 to require each LEA to report to the commissioner at the beginning of each school term on the employment standards for school resource officers.

*Effective date: July 1, 2007.*

**Chapter No. 163 (SB 798/HB 774). Enrollment in insurance plan.**

Amends T.C.A. § 8-27-304 to require that enrollment in any insurance plan for education employees be open to any teacher who changes from part time to full time, notwithstanding the teacher's failure to participate as a part-time employee.

*Effective date: July 1, 2007.*



**Chapter No. 212 (SB 26/HB 881). Hearings by school boards on student suspensions.**

Amends T.C.A. § 49-6-3401(c)(6) to close to public access meetings of school boards to hear student suspension appeals unless the student or student's parents/guardians request the hearing to be open.

*Effective date: July 1, 2007.*

**Chapter No. 238 (SB 562/HB 337). Speed limit signs encouraged.**

Amends T.C.A. Title 49, Chapter 6, to encourage each LEA to post signs prohibiting anyone from driving more than 10 mph.

*Effective date: May 24, 2007.*

**Chapter No. 261 (SB 51/HB 479). Policies on exiting school buses.**

Amends T.C.A. Title 49, Chapter 6, Part 21, to require LEAs to adopt policies on students exiting school buses, including requiring a note signed by a student's parent or guardian when the student will exit the bus at a place other than the student's regular spot.

*Effective date: July 1, 2007.*

**Chapter No. 273 (SB 2175/HB 2236). Required testing.**

Amends T.C.A. § 49-6-6001(b) to require diagnostic testing of students in grades 8, 10, and 11. Test results will be used by the schools to help students graduate and to succeed after graduation.

*Effective date: July 1, 2007.*

**Chapter No. 302 (SB 1451/HB 1765).**

**Study of school police departments.** Amends T.C.A. Title 49, Chapter 1, Part 2, to require the Department of Education to study the feasibility of allowing LEAs to have police departments. The study is due January 15, 2008.

*Effective date: May 30, 2007.*

**Chapter No. 303 (SB 2051/HB 1944). Personal finance instruction.**

Amends T.C.A. § 49-6-1205(b) to eliminate the one-half unit credit for free enterprise instruction for a course in personnel finance.

*Effective date: July 1, 2007.*

**Chapter No. 306 (SB 2176/HB 2237). Student personal identification number.**

Amends T.C.A. § 49-6-5101 to eliminate the required use of the Social Security number as a student's personal identification number.

*Effective date: May 30, 2007.*

**Chapter No. 314 (SB 629/HB 665). Delinquents.**

Amends T.C.A. Title 49, Chapter 6, Part 31, to require hospitals that believe a child leaving a treatment program is a danger to others to warn the school principal or designee so a transition plan can be made. Makes this information confidential and restricts sharing with personnel to an as-needed basis. A violation of confidentiality is a Class C misdemeanor.

Amends T.C.A. § 49-6-3102 to provide that a school system is not obligated to enroll a child required to have a transition plan until the plan has been developed, but a child may not be delayed in attending school for more than five days from the date of notice.

*Effective date: July 1, 2007.*

**Chapter No. 326 (SB 2054/HB 1467). Regulation of school support organizations.**

Amends T.C.A. Title 49, Chapter 2, to regulate the creation and operation of school booster clubs and other school support organizations.

*Effective dates: July 1, 2007, and July 1, 2008.*





**Chapter No. 341 (SB 938/HB 403). School resource officers.** Amends T.C.A. § 49-6-4202 to define “school resource officer” as a law enforcement officer who meets POST standards and who has been assigned to a school under a memorandum of understanding between a police chief and an LEA.

Amends 49-6-4217 to require training courses for school resource officers to be designed specifically for school policing and to be administered by a POST-approved entity. School resource officers must have 40 hours of basic training in school policing within 12 months of assignment to a school and a minimum of 16 hours per year afterward.

Specifically amends Title 38, Chapter 8, to authorize memorandums of understanding between a police chief and a local education agency and to provide that 40 hours of training in school policing may be substituted for regular training.

*Effective date: July 1, 2007.*

**Chapter No. 368 (SB 2326/HB 2354). Revenues from cigarette tax increase to be used for education.** Amends T.C.A. §§ 67-4-1004 and 1025 to increase the cigarette tax by 40 cents per pack and to direct that all but \$21 million (which goes to agriculture) of the resulting revenues be deposited in the education trust fund. This act also levies an additional two cents tax per pack, with revenues from that increase funding trauma centers.

*Effective date: July 1, 2007.*

**Chapter No. 369 (SB 2177/HB 2293). More state funding for education.** Amends T.C.A. Title 49, Chapter 3, Part 3, to do the following:

- Make BEP appropriations for 2006-2007 plus cost adjustments the base amount of funding;
- Require the state to provide 75 percent of funds for instructional positions;
- Increase the dollar value of instructional positions to \$38,000 for 2007-2008, with adjustments in succeeding years by appropriation;
- Eliminate the cost differential factor;
- Provide 100 percent funding for at-risk students in grades K through 12;
- Provide funding for English language learners at a ratio of 1-to-20 and for teachers and translators at a ratio of 1-to-200;
- Base local fiscal capacity on the ability of the local government to raise property tax and local sales tax revenues. There will be no reduction for in-lieu-of-tax agreements;
- Require that each LEA receive at least 25 percent from the state for nonclassroom components;
- Prohibit an LEA’s measurement of ability to raise local revenues from being adjusted more than 40 percent in one year; and
- Require the state to provide 50 percent funding for medical insurance premiums for instructional positions.

This act provides that the changes prescribed by it will be phased in as funds allow.

*Effective date: July 1, 2007.*



**Chapter No. 376 (SB 570/HB 472). Greater educational accountability.** Amends various sections of T.C.A. Title 49 to attempt to attain greater educational accountability.

*Effective date: July 1, 2007.*

**Chapter No. 402 (SB 247/HB 51). Attack by two or more students grounds for suspension.**

Amends T.C.A. § 49-6-3401 to make it grounds for suspension for two or more students to initiate a physical attack on an individual student on school property or during a school activity.

*Effective date: July 1, 2007.*

**Chapter No. 432 (SB 1730/HB 1062). Automatic revocation of teacher's license.**

Amends T.C.A. Title 49, Chapter 5, Part 4, to allow the state Board of Education to automatically revoke without a hearing the teacher's license of a teacher convicted of murder, kidnapping, aggravated robbery, rape, aggravated arson, child abuse, or drug crimes.

*Effective date: July 1, 2007.*

**Chapter No. 457 (SB 2205/HB 2260).**

**Bomb threats.** Amends T.C.A. § 49-6-3401(a) to make a threat to use a bomb or chemical weapon on school property or at a school-sponsored event, or to make a false report of such use, grounds for suspension of the student.

*Effective date: July 1, 2007.*

**Chapter No. 459 (SB 620/HB 99). Cooperation between public colleges and local boards.**

Amends T.C.A. Title 49 to authorize cooperation between public universities and colleges and local boards of education to expand student opportunities. The programs will target students in danger of dropping out and students who would benefit from accelerated instruction.

*Effective date: June 19, 2007.*

**Chapter No. 491 (SB 2342/HB 1302). Teacher dismissal hearings in Nashville.** Purports to amend T.C.A. § 49-5-512 to govern tenured teacher dismissal hearings in Nashville.

*Effective date: July 1, 2007.*

**Chapter No. 517 (SB 2157/HB 2125). Alternative school performance.**

Amends T.C.A. Title 49, Chapter 6, Part 34, to require LEAs to track the operation and performance of alternative schools. Requires reporting to the state and efforts to improve performance. Requires LEAs to make transition plans for integrating students into and out of alternative schools.

*Effective date: July 1, 2007.*

**Chapter No. 545 (SB 1585/HB 2070). Child of nonresident teacher.**

Amends T.C.A. § 49-6-403 to allow local policy to provide that the child of a teacher residing outside Tennessee may attend a school in the district in which the nonresident teacher is employed at no tuition.

*Effective date: July 1, 2007.*

**Chapter No. 548 (SB 1910/HB 1950). School safety plans required.**

Amends T.C.A. Title 49, Chapter 6, to require each LEA to adopt districtwide and school building safety plans. The plans must be developed by a school safety team appointed by the director of schools. A state safety team will assist LEAs with their plans and will provide a template. Plans must be made available for public comment at least 30 days before adoption. There must be one public hearing before adoption. Municipal governing bodies may appropriate funds to help develop safety plans. This act also requires the establishment of a statewide uniform violent incident reporting system that all LEAs must follow.

*Effective date: June 27, 2007.*



**Chapter No. 557 (SB 152/HB 1312). Paying for eye examinations.** Amends T.C.A. § 49-6-5004 to allow LEAs to use revenues from gifts, grants, and state and local appropriations to pay for eye examinations for students who cannot afford them. Encourages LEAs to seek free or reduced-cost eye examinations.

*Effective date: July 1, 2007.*

**Chapter No. 587 (SB 2048/HB 1991). Criminal background checks for contractors with direct contact with children.** Amends T.C.A. § 49-5-413 to require contractors with local boards of education who have direct contact with children to undergo a criminal background check. Prohibits contact between sex offenders and children.

*Effective date: September 1, 2007.*

**Chapter No. 598 (SB 907/HB 374). Enforcement of special education laws; hiring child abusers.** Amends T.C.A. Title 49, Chapter 10, Part 6, to establish procedures to be used by the Department of Education in enforcing special education laws against LEAs. Requires names of all potential employees to be submitted to the Department of Children's Services to determine whether they are child abusers. Prohibits LEAs from hiring child abusers.

*Effective date: July 1, 2007.*

## **ELECTIONS**

**Chapter No. 44 (SB 1997/HB 872). Change to November general election for Burlison and Gilt Edge.** Purports to amend T.C.A. § 6-20-102, part of the general law City Manager-Commission Charter, to enact a procedure for Burlison and Gilt Edge to change to the November general election by ordinance passed by a two-thirds vote.

*Effective date: April 19, 2007.*

**Chapter No. 88 (SB 221/HB 158). Property rights voting in Spring Hill.** Purports to amend T.C.A. § 6-1-204, part of the general law Mayor-Aldermanic Charter, to allow nonresident property owners to vote in Spring Hill, although it refers to the governing body as the board of commissioners rather than the board of mayor and aldermen.

*Effective date: May 7, 2007.*

**Chapter No. 90 (SB 439/HB 353). Change from nonstaggered two-year terms to nonstaggered four-year terms for mayor-aldermanic municipalities.** Amends T.C.A. § 6-3-102, part of the general law Mayor-Aldermanic Charter, to allow municipalities incorporated under that charter to change by ordinance from nonstaggered two-year terms to nonstaggered four-year terms.

*Effective date: July 1, 2007.*

**Chapter No. 124 (SB 912/HB 1392). Run-off elections in metro government.** Amends T.C.A. § 2-3-206 to require the election commission in a metropolitan government to set a run-off election not fewer than 30 nor more than 45 days after the regular election.

*Effective date: May 10, 2007.*

**Chapter No. 151 (SB 1287/HB 1779). Correction of omissions in filing contributions.** Amends T.C.A. § 2-10-110 to prohibit the registry of election finance from levying a civil penalty on a candidate for state or local office who corrects the omission within 10 days after being notified. A candidate may correct only two omissions per calendar year.

*Effective date: May 14, 2007.*



## EMERGENCIES

### **Chapter No. 129 (SB 1597/HB 1285). Regulation of guns during emergencies.**

Amends T.C.A. § 58-2-107 to prohibit the state or political subdivisions from prohibiting or imposing restrictions on the lawful possession, transfer, transport, carrying, storage, display, or use of firearms during any state of emergency or disaster.

*Effective date: May 10, 2007.*

## EMERGENCY SERVICES

### **Chapter No. 55 (SB 1758/HB 1564). Appointment of emergency communications district board in Shelby County.**

Amends T.C.A. § 7-86-105(b) to provide for the appointment of members of the emergency communications district board in Shelby County. The county mayor makes the appointments subject to confirmation by the governing body, but they must “ensure that the views and opinions of all participating governmental entities are given full consideration” in making the appointments.

*Effective date: July 1, 2007.*

### **Chapter No. 145 (SB 1596/HB 1758). Performance-based criteria in fire agreements with counties.**

Amends T.C.A. § 5-17-101 to allow any county with a countywide fire district to mandate that all interlocal agreements for services contain performance-based criteria designed to ensure timely response and effective service.

*Effective date: July 1, 2007.*

### **Chapter No. 480 (SB 1945/HB 1998). Aggravated nonemergency 911 calls.**

Amends T.C.A. § 7-86-316 to make an aggravated nonemergency 911 call a Class A misdemeanor. An aggravated nonemergency 911 call is one where a single caller calls in an offensively repetitious manner, the nonemergency call results in a delay in response to an actual emergency, or the call results in harm to person or property.

*Effective date: July 1, 2007.*

## ENVIRONMENT

### **Chapter No. 362 (SB 2257/HB 2310).**

**Environmental fees and enforcement.** Amends T.C.A. §§ 68-203-103 and 68-215-109 to provide that penalties and interest that accrue on unpaid environmental and petroleum underground storage tank fees cannot exceed three times the original fee.

Amends T.C.A. § 68-203-103 to increase air emission and commercial hazardous waste fees and to enact fees for well drillers and safe dams.

Amends T.C.A. § 69-3-115 relative to water pollution to make providing false information to the department subject to a civil penalty.

This act also amends various other provisions in Titles 68 and 69 relative to environmental fees and enforcement.

*Effective date: July 1, 2007.*

### **Chapter No. 456 (SB 2150/HB 2216).**

**Vehicles using alternative fuels.** Amends T.C.A. § 54-1-136 to allow the Department of Transportation to implement a program to encourage political subdivisions to increase the number of vehicles using alternative fuels in their fleets.

*Effective date: June 18, 2007.*



**Chapter No. 462 (SB 2267/HB 2289). Solid waste provisions amended.**

Amends T.C.A. Title 68, Chapter 211, Part 8, the Solid Waste Management Act of 1991, to do the following:

- Eliminate reference to a particular year (which was 2003) for the reduction of solid waste by 25 percent at Class I landfills and incinerators;
- Require solid waste management plans to include plans for managing solid waste caused by disasters and emergencies;
- Require noncompliance by solid waste regions to be resolved as soon as possible. Provides that if noncompliance continues for 30 days (as opposed to the previous 90 days) the noncomplying county or region could lose eligibility for solid waste management funds;
- Allow a civil penalty to be assessed by the commissioner for noncompliance that continues for 60 days (as opposed to the previous 180 days). Allows a civil penalty of up to \$5,000 per day;
- Expand the number of municipalities and counties that may receive mobile household hazardous waste collection grants;
- Allow funds in the solid waste management fund to be used for grants to counties and municipalities that have a closed Class I landfill without a liner. The grants would be used to take corrective action. The amount of the grant would not exceed 50 percent of the cost of investigation and correction;
- Allow funds in the solid waste management fund to be used to provide for proper disposal of hazardous waste and other hazardous materials in K through 12 schools;
- Increase the solid waste surcharge for each ton of municipal solid waste received at Class I facilities from 75 cents to 90 cents;
- Allow the operator to keep 1 percent of the surcharge;

- Authorize the Solid Waste Disposal Control Board to adopt rules promoting recycling and waste reduction;
- Require the waste tire program to provide for use of tires on playgrounds, running tracks, and walking paths;
- End the mobile tire shredder;
- Allow funds in the solid waste management fund to be used for grants to schools, municipalities, and counties for using shredded tires for recreational purposes;
- Require the Department of Environment and Conservation to make forms and information for filing annual progress reports by solid waste regions available on its website by January 1 of each year;
- Require regions to file the annual progress report by March 31, rather than the previous March 1; and
- Require any county or municipality applying for a waste tire grant or making a contract with the department relative to waste tires to submit a work plan and budget to reflect the expenditures on the grant or contract.

*Effective date: July 1, 2007.*

**Chapter No. 559 (SB 353/HB 657). Open burning of wood waste.**

Amends T.C.A. § 68-201-115(c) to require the constant presence of a person, to limit the burn to 48 hours, and to limit burning to no more than twice in any 30-day period for wood waste burns within 200 feet of an occupied building if the burn is done by someone other than the occupant. For burns within 100 feet of an occupied building, an adult occupant must give written permission for the burn to occur. Stricter local ordinances control.

*Effective date: January 1, 2008.*



**Chapter No. 584 (SB 1779/HB 1345). Reducing landfill waste.** Directs the Solid Waste Advisory Committee to develop recommendations on reducing landfill waste by December 31, 2009. The recommendations may be incorporated into rules.

*Effective date: June 28, 2007.*

**Chapter No. 595 (SB 1265/HB 1877). Littering; disposition of fine revenues.** Amends T.C.A. Title 39, Chapter 14, Part 5, to comprehensively amend littering statutes. Creates the offense of mitigated criminal littering (littering in an amount less than or equal to five pounds or 7.5 cubic feet) and designates it a Class C misdemeanor. Littering in greater amounts is greater than a Class C misdemeanor, depending on amounts, purpose, and number of convictions.

This act requires all law enforcement officers to enforce littering laws but provides that all revenues derived from littering fines must accrue to the general fund of the county where the offense occurred to be used for litter prevention.

*Effective date: July 1, 2007.*

## **FINANCE**

**Chapter No. 153 (SB 2266/HB 2288).**

**Matching park funds with land.** Amends T.C.A. § 67-4-409(i)(4)(A) to allow municipalities and counties receiving local parks land acquisition funds to match those with land not previously used for park purposes whose value is commensurate with the funds received, rather than matching the funds with money.

*Effective date: May 14, 2007.*

**Chapter No. 184 (SB 333/HB 465). Other post-employment benefits trust.** Section 18 of this act amends T.C.A. § 8-50-1203 to prohibit the investment policy of the investment committee for any other post-employment benefits trust established by a local government from allowing investments in any obligation that would not be a legal investment for a Tennessee domestic life insurance company. It also makes it the sole responsibility of the local government to ensure that the trust conforms to IRS rules. And, it requires that only the trust document be submitted to the state funding board for approval rather than the document and the benefits plan, the investment plan, and other documentation.

*Effective date: May 18, 2007.*

**Chapter No. 206 (SB 2053/HB 1469).**

**Reporting of taking of public money.** Amends T.C.A. Title 8, Chapter 4, to require any public official with a reasonable belief that a theft, forgery, credit card fraud, or other act of unlawfully taking public money, property, or services has occurred to report this to the comptroller. The comptroller will prescribe the method for making these reports. Grants civil and criminal immunity to the reporting official unless the official benefited from the act.

*Effective date: May 22, 2007.*

**Chapter No. 368 (SB 2326/HB 2354). Revenues from cigarette tax increase to be used for education.** Amends T.C.A. §§ 67-4-1004 and 1025 to increase the cigarette tax by 40 cents per pack and to direct that all but \$21 million (which goes to agriculture) of the resulting revenues be deposited in the education trust fund. This act also levies an additional 2 cents tax per pack with revenues from that increase funding trauma centers.

*Effective date: July 1, 2007.*



**Chapter No. 369 (SB 2177/HB 2293). More state funding for education.**

Amends T.C.A. Title 49, Chapter 3, Part 3 to do the following:

- Make BEP appropriations for 2006-2007 plus cost adjustments the base amount of funding;
- Require the state to provide 75 percent of funds for instructional positions;
- Increase the dollar value of instructional positions to \$38,000 for 2007-2008, with adjustments in succeeding years by appropriation;
- Eliminate the cost differential factor;
- Provide 100 percent funding for at-risk students in grades K through 12;
- Provide funding for English language learners at a ratio of 1-to-20 and for teachers and translators at a ratio of 1-to-200;
- Base local fiscal capacity on the ability of the local government to raise property tax and local sales tax revenues. There will be no reduction for in-lieu-of-tax agreements;
- Require that each LEA receive at least 25 percent from the state for nonclassroom components;
- Prohibit an LEA's measurement of ability to raise local revenues from being adjusted more than 40 percent in one year; and
- Require the state to provide 50 percent funding for medical insurance premiums for instructional positions.

This act provides that the changes prescribed by it will be phased in as funds allow.

*Effective date: July 1, 2007.*

**Chapter No. 449 (SB 1300/HB 930). Reports about in-lieu-of-tax payments by IDC lessees.**

Amends T.C.A. § 7-53-305 to require the annual report by IDC lessees to the state Board of Equalization to contain, in addition to information already required, the property address and ID number assigned by the assessor, the amount of rent paid to the governing body, the amount of property taxes paid, any name changes since the last filing, and how payments in lieu of taxes are allocated under the economic development agreement. A copy of the report must be filed with the assessor of property. Reporting requirements apply to lessees of building authorities; sports authorities; health, educational, and housing facility corporations; and city and county property. This act also revises penalties for late filings.

*Effective date: June 18, 2007.*

**Chapter No. 456 (SB 2150/HB 2216).**

**Vehicles using alternative fuels.**

Amends T.C.A. § 54-1-136 to allow the Department of Transportation to implement a program to encourage political subdivisions to increase the number of vehicles using alternative fuels in their fleets.

*Effective date: June 18, 2007.*

**Chapter No. 461 (SB 1391/HB 1433). Increase in tourist accommodation tax for Nashville; financing through IDC; secondary tourist development zones for Nashville and Shelby County—convention center financing.**

Amends T.C.A. §§ 7-4-102 and 110 to authorize Nashville to increase the tourist accommodation, or hotel-motel, tax by 1 percent to help finance a new convention center and to provide for distribution of tax proceeds. It allows the tax to be levied only in a secondary tourist development zone or within the entire jurisdiction.



Amends T.C.A. §§ 7-53-101 and 302 to include convention centers related to hotels as a project for industrial development corporations when the convention center contains at least 75,000 square feet.

Amends T.C.A. Title 7, Chapter 88, Part 1, relative to convention center financing to allow Davidson and Shelby counties to have a secondary tourist development zone that is located more than three miles from the courthouse. Allows the IDC to develop the convention center in the secondary zone and requires a total local investment of at least \$200 million. Provides for distribution of increased taxes for the benefit of the center. Requires Nashville to solicit bids from minority businesses.

*Effective date: June 19, 2007.*

**Chapter No. 493 (SB 1806/HB 1791). Special assessments—transfer of public facilities to municipality; financing through special assessments and improvement bonds.** Amends T.C.A. Title 7, Chapter 32, Part 1, to authorize municipalities to acquire streets, sidewalks, utilities and related improvements, parking facilities, parks, and greenways from private entities when the municipality reasonably anticipates that there will be private investment of at least \$25 million on property adjacent to the facility. The municipality may pay consideration for the transfer that cannot exceed the cost of the improvements. The agreement for the transfer must be in writing and approved by the governing body after a public hearing, at least two weeks notice of which must be published in a newspaper of general circulation in the municipality. Approval is veto-proof and must be by a majority vote of all members of the legislative body then in office. Costs will be apportioned among the parcels

benefited by the public facility. Payments may be made by installment.

This act also amends T.C.A. Title 7, Chapter 33, Part 1 relative to improvement bonds to allow a municipality accepting public facilities under the special assessment provisions of the act to issue revenue bonds to finance the purchase. The authority to issue bonds and to acquire the public facilities may also be delegated to the industrial development corporation or the public building authority.

*Effective date: June 21, 2007.*

**Chapter No. 494 (SB 1494/HB 1792). Acquiring improvements in central business improvement districts.** Amends T.C.A. Title 7, Chapter 84, Parts 1, 2, 3, and 4, to allow municipalities to acquire from private entities improvements in central business improvement districts and finance those improvements by special assessments and improvement revenue bonds. Authority to acquire and finance these improvements may be delegated to the industrial development corporation or the public building authority. Extends payoff requirement from 20 to 30 years.

*Effective date: June 21, 2007.*

**Chapter No. 500 (SB 2198/HB 2296). Local Tourism Development Zone Business Tax Act enacted.** Amends T.C.A. Title 67, Chapter 4, to authorize municipalities and counties to levy a privilege tax of up to 5 percent of the sale price on goods sold in a qualified public use facility or in a tourism development zone established under the Convention Center and Tourism Development Financing Act of 1998. Businesses exempt from the business tax are also exempt under this tax. Passage of the tax requires a two-thirds vote of the governing body at two consecutive meetings.





A petition signed by 10 percent of those who voted in the municipality in the latest gubernatorial election can require that the tax be put to referendum. Revenues from the tax will be used to pay the cost of the convention center or other qualified public use facility.

This act does not apply in Davidson County.  
*Effective date: June 21, 2007.*

**Chapter No. 524 (SB 1924/HB 1692). Special allocations for tourist attractions.** Amends T.C.A. § 7-53-101 to include tourist attractions and related development involving an aggregate of \$200 million in public and private investment in projects that can be undertaken by industrial development corporations.

Amends T.C.A. Title 7, Chapter 88, Part 1, to include private theme parks that require investment of \$100 million and other privately owned tourist attractions that require investment of \$200 million in the projects subject to a special allocation of sales taxes from increases in these revenues caused by the attraction in existing or approved tourist development zones.

This act enacts a minority business participation requirement and requires the local government to monitor the results.  
*Effective date: June 26, 2007.*

**Chapter No. 567 (SB 869/HB 290). Pay supplements for firefighters and police officers.** Amends T.C.A. §§ 4-24-202 and 38-8-111 to require that the firefighter and police pay supplements for officers who complete required training be \$600.  
*Effective date: July 1, 2007.*

**Chapter No. 576 (SB 2059/HB 2127). Certified finance officer required.** Amends T.C.A. Title 6, Chapter 56, to enact the Municipal Finance Officer Certification and Education Act of 2007. The act requires each municipality to have in its employ at least one certified municipal finance officer who can be the recorder, director of finance, city clerk, or other official with financial oversight responsibility in accordance with this schedule based upon gross revenues for all funds in the July 1, 2006, to June 30, 2007, fiscal year, including utilities:

GROSS REVENUES	COMPLIANCE DATE
\$10 million or more.....	January 1, 2010
\$5 million to \$9,999,999.99 .....	January 1, 2011
Less than \$5 million.....	January 1, 2012

Any municipality with \$300,000 or less in gross revenues and debt totaling \$300,000 or less in the immediately preceding fiscal year may contract with a certified municipal finance officer (CMFO) or qualified individual for financial oversight rather than having a CMFO in the municipality’s employ.

MTAS, in conjunction with the comptroller, will develop the curriculum and provide training and testing leading to the CMFO designation. The program must include at least 80 hours of course and lab work in government environment, auditing and internal controls, government accounting, budgeting, debt administration, cash and investment management, strategic planning and capital improvement plans, pensions and benefits administration, risk management, and procurement and enterprise resource planning systems.



A candidate must be at least 18 years of age and a high school graduate or the equivalent to apply for the CMFO designation. Each candidate must demonstrate proficiency in the subject matter of each course to receive the designation. A candidate may choose to take the examination before taking the course except for the course on government environment, which is mandatory.

To maintain certification, a CMFO must earn at least 24 continuing education units (CEUs) per year. Up to 24 CEUs may be carried over per year.

The following are exempt from the requirements leading to the CMFO designation but must comply with continuing educational requirements:

- An individual designated as a certified government finance manager (CGFM) by the Association of Government Accountants;
- An individual designated as a certified public finance officer (CPFO) by the Government Finance Officers Association; and
- An individual licensed as a certified public accountant (CPA) by the state board of accountancy and in active status and who has a minimum of five years of primarily governmental experience with at least three of those years in Tennessee.

These individuals must send proof of exemption to the comptroller.

When a municipality is past the compliance date and must hire a person required to have the CMFO designation, the person hired must be exempt or must achieve the designation within two years of being hired.

A municipality that defiantly refuses to comply with the requirement that it have in its employ a CMFO is subject to a civil penalty of up to \$50 per day during the continuance of the violation, to be levied by the comptroller.

*Effective date: June 27, 2007.*

**Chapter No. 586 (SB 1881/HB 1141). Forfeitures for sex offenses; curfew in Hardeman County and its municipalities.** Amends T.C.A. § 40-33-211 to provide that proceeds from forfeitures of vehicles and property used in sex offenses accrue to the state to be allocated to the child abuse fund.

Purports to amend T.C.A. § 39-17-1703 to allow Hardeman County and its municipalities to adopt the state curfew law.

*Effective date: June 28, 2007.*

**Chapter No. 595 (SB 1265/HB 1877). Littering; disposition of fine revenues.**

Amends T.C.A. Title 39, Chapter 14, Part 5, to comprehensively amend littering statutes. Creates the offense of mitigated criminal littering (littering in an amount less than or equal to five pounds or 7.5 cubic feet) and designates it a Class C misdemeanor. Littering in greater amounts is greater than a Class C misdemeanor, depending on amounts, purpose, and number of convictions.

This act requires all law enforcement officers to enforce littering laws but provides that all revenues derived from littering fines must accrue to the general fund of the county where the offense occurred to be used for litter prevention.

*Effective date: July 1, 2007.*



**Chapter No. 603 (SB 2334/HB 2353).**

**Appropriations act.** Makes appropriations to defray the expenses of state government.

*Effective date: July 1, 2007.*

**FIREFIGHTING**

**Chapter No. 323 (SB 2042/HB 2000). Timing of criminal background checks on firefighter applicants.**

Amends T.C.A. § 68-102-308(b) to eliminate the requirement that a criminal background check on a firefighter applicant may be made only after an employment offer.

*Effective date: May 31, 2007.*

**Chapter No. 466 (SB 172/HB 35). Value of fire dogs, search and rescue dogs, and police horses.**

Amends T.C.A. § 39-14-205(a) to provide that in determining the value of a stolen fire dog, search and rescue dog, or police horse, the court will consider both the cost of the animal and any specialized training the animal received.

*Effective date: July 1, 2007.*

**Chapter No. 527 (SB 1295/HB 620). Gender friendliness urged and encouraged.**

Amends T.C.A. Title 4, Chapter 24, to “encourage” fire departments to have separate restroom, shower, and locker facilities for men and women in newly constructed stations. Fire departments are “urged” to make plans that will lead to gender friendliness in existing facilities. The purpose of the plans is to identify stations that can be made gender friendly and those that cannot. The plans are public documents. Existing facilities “should” be made gender friendly by using empty or unused rooms, male/female flip signs for showers and locker rooms, and individual cubicles for sleeping quarters.

*Effective date: June 26, 2007.*

**Chapter No. 567 (SB 869/HB 290). Pay supplements for firefighters and police officers.**

Amends T.C.A. §§ 4-24-202 and 38-8-111 to require that the firefighter and police pay supplements for officers who complete required training be \$600.

*Effective date: July 1, 2007.*

**FLAG PROTOCOL**

**Chapter No. 394 (SB 1932/HB 1408). Flag placement.**

Amends T.C.A. Title 4, Chapter 1, Part 4, to require the following flag placement top to bottom for the state and political subdivisions: U. S. flag, state flag, other flags.

*Effective date: June 11, 2007.*

**HEALTH & SANITATION**

**Chapter No. 248 (SB 1624/HB 968). Orders to remove junk vehicles.** Amends T.C.A. § 55-5-122(a) to clarify that municipal courts may issue orders to remove vehicles from private property.

*Effective date: May 24, 2007.*

**Chapter No. 382 (SB 1623/HB 969). Clean-up of owner-occupied property.**

Amends T.C.A. § 6-54-113 to allow municipalities to clean up owner-occupied property and charge the cost to the owner when the owner refuses to clean the property. The municipality must wait, however, until cumulative charges equal or exceed \$500 before placing a lien on the owner-occupied property for the costs.

*Effective date: June 8, 2007.*



**Chapter No. 410 (SB 1325/HB 1851). Smoking ban enacted.** Adds a new Part 18 to T.C.A. Title 39, Chapter 17, which bans smoking in most enclosed public places in Tennessee, including places of employment. “Place of employment” includes public employers. The following are exempt from the smoking ban: places that do not allow those under 21 years of age, hotel and motel smoking rooms, premises of tobacco businesses, nonenclosed areas of public places, nursing homes and long-term care facilities, private businesses with three or fewer employees, private clubs, private homes and vehicles, tobacco stores that prohibit minors, and commercial vehicles when occupied only by the operator.

“No Smoking” signs or the international no smoking symbol must be placed at every entrance to a public place or place of employment where smoking is banned.

The smoking ban is enforced by the Department of Health and the Department of Labor and Workforce Development. A person smoking in violation of the ban is subject to a civil penalty of \$50. Owners or managers of public places who violate the ban will be subject to a warning for a first violation, a civil penalty of \$100 for a second violation in a 12-month period, and a civil penalty of \$500 for a third or subsequent violation in a 12-month period.

*Effective date: October 1, 2007.*

## **INTERLOCAL COOPERATION**

**Chapter No. 207 (SB 2057/HB 1472). Filing of annual statement.** Amends T.C.A. § 12-9-112 to require that joint venture entities, rather than local governments participating in the entities, file an annual statement with the comptroller indicating the parties, annual revenues and expenses, and other information required by the comptroller.

*Effective date: May 21, 2007.*

## **LAW ENFORCEMENT**

**Chapter No. 67 (SB 1942/HB 1506). Curfew law for Hardeman.** Amends T.C.A. § 39-17-1703 purportedly to allow Hardeman County and its municipalities to adopt the state curfew law.

*Effective date: April 30, 2007.*

**Chapter No. 73 (SB 390/HB 1412). Facial hair of males used in underage purchase stings.** Amends T.C.A. § 39-15-413(c)(1) to eliminate the prohibition on males used in underage alcoholic beverage sting operations having facial hair.

*Effective date: May 3, 2007.*

**Chapter No. 106 (SB 276/HB 309). Seizure of property by campus police.** Amends various sections of T.C.A. Title 40, Chapter 33, Title 53, Part 11, and sections 39-17-420 and 55-5-108(b)(1) to allow campus police of universities to seize property used in drug violations and other unlawful activities. Allows seized property to be used for the benefit of the university.

*Effective date: July 1, 2007.*



**Chapter No. 121 (SB 614/HB 148). Offering for sale or agreeing to pay ticket of person buying a radar jamming device.** Amends

T.C.A. § 47-18-104 to make offering to pay a traffic ticket for a purchaser of a radar jamming device or offering for sale a device that scrambles the radar of law enforcement officers a Class B misdemeanor and an unfair trade practice.

*Effective date: May 10, 2007.*

**Chapter No. 134 (SB 866/HB 75). Photographing and recording of juveniles.** Amends

T.C.A. § 37-1-155 to allow law enforcement officers to photograph and make video and audio recordings of a juvenile when the juvenile is committing an offense, the law enforcement officer is conducting a field sobriety test based upon suspicion the juvenile is driving under the influence of an intoxicant, or the juvenile is a victim of an offense and consents to the recording or photograph.

Recordings and photographs are to be made only as evidence and must be destroyed if no charges are brought against the juvenile within the statute of limitations. The photographs and recordings are not public records and will be released to the public only on court order.

*Effective date: July 1, 2007.*

**Chapter No. 139 (SB 224/HB 851). Accident reports—insurance information and financial responsibility compliance information required.**

Amends T.C.A. §§ 55-10-104, 107, and 108 to require reports of motor vehicle accidents by the driver of a vehicle and the law enforcement officer investigating an accident to contain information on the insurance policies of the drivers, including the name of the insurer, and a copy of the certificate of compliance with the Tennessee Financial Responsibility Law, if the drivers have one.

These provisions apply only as new accident report forms are obtained.

*Effective date: July 1, 2007.*

**Chapter No. 171 (SB 294/HB 238). Limited driver permits for traffic offenders.** Amends

T.C.A. §§ 55-10-403 and 55-10-502 to allow judges to issue limited driver permits for persons convicted of DUI and other traffic offenses to go to and from the office of the person's probation officer and to attend worship services.

*Effective date: May 15, 2007.*

**Chapter No. 178 (SB 920/HB 854). Records of mental health intervention for municipal correction officers and dispatchers.** Amends

T.C.A. § 10-7-504(a)(13)(A) to make the records of mental health intervention techniques conducted in a group setting for municipal and county correction officers and dispatchers confidential and not open for public inspection.

*Effective date: July 1, 2007.*

**Chapter No. 210 (SB 11/HB 1907). Use of deadly force by individuals.** Amends

T.C.A. § 39-11-611 to clarify that deadly force can be used in vehicle break-ins and similar situations when the victim reasonably fears for his or her life.

This act adds a new section to Title 39, Chapter 11, Part 6, granting civil immunity for use of justified deadly force unless the recipient of the deadly force is a police officer.

*Effective date: May 22, 2007.*

**Chapter No. 259 (SB 1701/HB 2079). Training in dealing with persons with mental illness.**

Amends T.C.A. Title 38, Chapter 8, Part 1, to require all police officers to be provided training in proper procedures to respond to people with mental illness.

*Effective date: July 1, 2007.*



**Chapter No. 302 (SB 1451/HB 1765). Study of school police departments.** Amends T.C.A. Title 49, Chapter 1, Part 2, to require the Department of Education to study the feasibility of allowing LEAs to have police departments. The study is due January 15, 2008.

*Effective date: May 30, 2007.*

**Chapter No. 341 (SB 938/HB 403). School resource officers.** Amends T.C.A. § 49-6-4202 to define “school resource officer” as a law enforcement officer who meets POST standards and who has been assigned to a school under a memorandum of understanding between a police chief and an LEA.

Amends T.C.A. § 49-6-4217 to require training courses for school resource officers to be designed specifically for school policing and to be administered by a POST-approved entity. School resource officers must have 40 hours of basic training in school policing within 12 months of assignment to a school and a minimum of 16 hours per year afterward.

It also specifically amends Title 38, Chapter 8, to authorize memorandums of understanding between a police chief and a local education agency and to provide that 40 hours of training in school policing may be substituted for regular training.

*Effective date: July 1, 2007.*

**Chapter No. 353 (SB 1336/HB 1167). Parents responsible for juvenile vandalism of government property.** Amends T.C.A. § 37-1-156 to make parents or guardians of juveniles who are found delinquent a second or subsequent time for vandalism of government property responsible for the violation unless the parent or guardian took all reasonable means to prevent the vandalism. Parents and guardians may be ordered to repair, replace, or pay for the property. The child may be ordered to help.

Indigent parents may be ordered to do community service work.

*Effective date: June 5, 2007.*

**Chapter No. 425 (SB 2005/HB 1828). Confidential personnel information of law enforcement officers.** Amends T.C.A. § 10-7-503(c) to require information made confidential by the open records law to be redacted when possible, with the costs of redaction to be borne as provided by current law.

Amends T.C.A. § 10-7-504(g) to require a law enforcement officer’s address; home and cell phone numbers; place of employment; names, work addresses, and phone numbers of the officer’s immediate family; and the names, locations, and phone numbers of any educational institution or day care center where the officer’s spouse or child is enrolled to be redacted when there is a reason not to disclose the information as determined by the chief. This is in addition to other information made confidential and that must be redacted. The chief must consider the specific circumstances in making the determination. If the chief decides to withhold information, he or she must give specific reasons in writing to the requester within two business days and must release the redacted file. When the chief determines there is no reason to keep personal information confidential, he or she must notify the officer and give the officer a reasonable opportunity to oppose release of the information. The request for personal information about a law enforcement officer must include the requester’s business address, business phone number, and e-mail address. It must also include the name and contact information for a supervisor for verification.

*Effective date: June 13, 2007.*



**Chapter No. 466 (SB 172/HB 35). Value of fire dogs, search and rescue dogs, and police horses.** Amends T.C.A. § 39-14-205(a) to provide that in determining the value of a stolen fire dog, search and rescue dog, or police horse, the court will consider both the cost of the animal and any specialized training the animal received.

*Effective date: July 1, 2007.*

**Chapter No. 503 (SB 1638/HB 1132). Radar jamming devices.** Amends T.C.A. § 47-18-104 to make it an unfair trade practice to advertise, offer for sale, or sell a radar jamming device or for any person to represent that he or she will pay the traffic citation for any person who purchases a radar jamming device.

*Effective date: June 22, 2007.*

**Chapter No. 529 (SB 202/HB 729). Hiring of illegal aliens.** Amends T.C.A. § 50-1-103 to prohibit any legal entity from knowingly employing an illegal alien. Verification of status within 14 days of commencement of employment is a defense if the verification information was false or the employer used the federal work authorization verification service.

Local government officers and employees with reason to believe they have knowledge of a violation must file a complaint with the Department of Employment and Workforce Development.

Adds a new section to Title 50, Chapter 1, Part 1, authorizing municipalities to make agreements with the federal Department of Homeland Security concerning the enforcement of federal immigration laws. Law enforcement officers designated by the chief would then be trained in enforcing these laws.

*Effective date: January 1, 2008.*

**Chapter No. 552 (SB 2194/HB 2251). Juvenile records task force created.** Amends T.C.A. Title 37, Chapter 1, to create a juvenile records task force to study submission of juvenile fingerprints and reporting of juvenile court dispositions. It must file a report with the General Assembly and the governor by February 15, 2008.

*Effective date: July 1, 2007.*

**Chapter No. 567 (SB 869/HB 290). Pay supplements for firefighters and police officers.** Amends T.C.A. §§ 4-24-202 and 38-8-111 to require that the firefighter and police pay supplements for officers who complete required training be \$600.

*Effective date: July 1, 2007.*

**Chapter No. 586 (SB 1881/HB 1141). Forfeitures for sex offenses; curfew in Hardeman County and its municipalities.** Amends T.C.A. § 40-33-211 to provide that proceeds from forfeitures of vehicles and property used in sex offenses accrue to the state to be allocated to the child abuse fund.

Purports to amend T.C.A. § 39-17-1703 to allow Hardeman County and its municipalities to adopt the state curfew law.

*Effective date: June 28, 2007.*

## **MAYOR-ALDERMANIC CHARTER**

**Chapter No. 88 (SB 221/HB 158). Property rights voting in Spring Hill.** Purports to amend T.C.A. § 6-1-204, part of the general law Mayor-Aldermanic Charter, to allow nonresident property owners to vote in Spring Hill, although it refers to the governing body as the board of commissioners rather than the board of mayor and aldermen.

*Effective date: May 7, 2007.*



**Chapter No. 90 (SB 439/HB 353). Change from nonstaggered two-year terms to nonstaggered four-year terms for mayor-aldermanic municipalities.** Amends T.C.A. § 6-3-102, part of the general law Mayor-Aldermanic Charter, to allow municipalities incorporated under that charter to change by ordinance from nonstaggered two-year terms to nonstaggered four-year terms.

*Effective date: July 1, 2007.*

## **METROPOLITAN GOVERNMENT**

**Chapter No. 124 (SB 912/HB 1392). Run-off elections in metro government.** Amends T.C.A. § 2-3-206 to require the election commission in a metropolitan government to set a run-off election not fewer than 30 nor more than 45 days after the regular election.

*Effective date: May 10, 2007.*

**Chapter No. 422 (SB 1116/HB 1809). Increase in certain taxes in Nashville to finance convention center.** Amends T.C.A. Title 7, Chapter 4, to authorize Nashville to increase tourist accommodation, or hotel-motel, taxes to finance a new convention center.

Amends T.C.A. Title 67, Chapter 4, Part 19, to allow Nashville to enact a 1 percent surcharge on taxi service with revenues accruing to the convention center fund.

*Effective date: June 13, 2007.*

**Chapter No. 452 (SB 2007/HB 1995). Citizen enforcement of building, fire, and sanitation codes in Davidson and Shelby counties.** Purports to amend T.C.A. Title 13, Chapter 6, Part 1, to allow certain nonprofit corporations, interested parties, and neighbors to bring a civil action to enforce local building, housing, air pollution, sanitation, health, fire, zoning, and safety codes in Davidson and Shelby counties.

*Effective date: June 18, 2007.*

## **MOTOR VEHICLES AND TRAFFIC**

**Chapter No. 7 (SB 498/HB 275). Television in vehicles.** Amends T.C.A. § 55-9-105 to revise language prohibiting television and video screens in vehicles that are visible to the driver. Exempts vehicle information displays, global positioning displays, visual enhancement displays, television displays in law enforcement vehicles, wireless devices for receiving calls or gaining access to GPS, and electronic displays in utility vehicles when the vehicle is not in motion.

*Effective date: July 1, 2007.*

**Chapter No. 28 (SB 767/HB 387). Misdemeanors relative to certificates of driving.** Amends T.C.A. § 55-50-601 to make Class C misdemeanors relative to displaying, lending, or using a suspended, revoked, or fraudulently altered driver license apply also to certificates of driving and other government-issued photo identification documents.

Amends T.C.A. § 55-50-602 to make it an offense to photograph, photostat, or reproduce a certificate of driving or other similar government-issued ID so that it could be mistaken for a valid ID. Also prohibits the sale of the copied ID unless in compliance with this chapter.

*Effective date: July 1, 2007.*





**Chapter No. 32 (SB 263/HB 227). Fine increased for parking in space designated for the disabled.**

Amends T.C.A. § 55-21-108(a)(1) to increase the fine for parking in a disabled-designated space from \$100 to \$150.

*Effective date: July 1, 2007.*

**Chapter No. 81 (SB 1699/HB 235). Move over for bicyclists.** Amends T.C.A. § 55-8-175 to require motorists overtaking a bicycle traveling in the same direction to leave a safe distance of at least three feet between the vehicle and bicycle. Violation is a Class C misdemeanor.

*Effective date: May 3, 2007.*

**Chapter No. 139 (SB 224/HB 851). Accident reports—insurance information and financial responsibility compliance information required.**

Amends T.C.A. §§ 55-10-104, 107, and 108 to require reports of motor vehicle accidents by the driver of a vehicle and the law enforcement officer investigating an accident to contain information on the insurance policies of the drivers, including the name of the insurer, and a copy of the certificate of compliance with the Tennessee Financial Responsibility Law, if the drivers have one.

These provisions apply only as new accident report forms are obtained.

*Effective date: July 1, 2007.*

**Chapter No. 143 (SB 1670/HB 1329). Authority to adopt rules of the road reinstated.**

Reinstates T.C.A. § 55-10-307, which authorizes municipalities to adopt the rules of the road by reference along with other traffic regulations. Adds a provision making possession of five or more grams of methamphetamine while operating a vehicle exclusively a state offense.

*Effective date: May 10, 2007.*

**Chapter No. 171 (SB 294/HB 238). Limited driver permits for traffic offenders.**

Amends T.C.A. §§ 55-10-403 and 55-10-502 to allow judges to issue limited driver permits for persons convicted of DUI and other traffic offenses to go to and from the office of the person's probation officer and to attend worship services.

*Effective date: May 15, 2007.*

**Chapter No. 214 (SB 270/HB 304). Leaving child in unattended vehicle.**

Amends T.C.A. Title 55, Chapter 10, to make leaving a child under seven years of age in an unattended vehicle in any place frequented by the public a Class B misdemeanor if conditions create a risk to the child's health, if the engine is running, or if the keys are in the vehicle. The court may require a person convicted of violating this act to attend a community education course, which may be conducted by a municipality. The municipality or other provider may charge fees that are the same as those for driver safety courses and are subject to the same requirements, such as consenting to the inspection of records by the Department of Safety.

*Effective date: July 1, 2007.*

**Chapter No. 240 (SB 889/HB 365). Fees for disabled parking.**

Amends T.C.A. § 55-21-105, which prohibits fees for disabled parking, to limit its application to instances in which the disabled person is actually the driver or a passenger.

*Effective date: July 1, 2007.*

**Chapter No. 308 (SB 550/HB 201). Driving motorcycle with front wheel raised.**

Amends T.C.A. § 55-10-205 to make it reckless driving to drive a motorcycle with the front wheel off the ground in disregard of the safety of the public. Makes an exception for driving in a parade at less than 30 mph by a person 18 or older.

*Effective date: July 1, 2007.*



**Chapter No. 447 (SB 666/HB 698). Citations based upon traffic cameras.** Amends

T.C.A. § 55-8-110 to require that a traffic citation based solely on evidence from a surveillance camera must be only for a nonmoving violation.

*Effective date: July 1, 2007.*

**Chapter No. 450 (SB 1593/HB 1154). Speed limits on state highways.** Amends T.C.A. §§ 55-8-152 and

153 to require a municipal governing body to have an engineering and traffic investigation done that shows that public safety requires a lower speed limit on a state highway in the municipality before the governing body may lower the speed limit below the state-set speed limit. These investigations must be done in accordance with engineering practices and with the Manual on Uniform Traffic Control Devices. Signs and markings must also conform to the MUTCD. This act also allows municipal governing bodies to lower speed limits on other streets.

*Effective date: July 1, 2007.*

**Chapter No. 481 (SB 1994/HB 1974). Helmets for minors on off-highway motor vehicles.** Amends

T.C.A. Title 55, Chapter 52, to make it a Class C misdemeanor for any parent or guardian of a person under 18 years of age to allow the minor to ride on an off-highway motor vehicle (ATV, dune buggy, snowmobile) without an appropriate helmet. This does not apply on the private property of the parent or guardian nor to parents or guardians of minors who are commuting to hunt and who have a valid hunting license.

Violation subjects the offender to a maximum \$50 fine and \$10 court costs. No state or local litigation tax may be assessed. Failure to wear a helmet is not admissible in a civil trial.

A law enforcement officer witnessing a violation must obtain the name and address of the parents or guardians and issue and mail a citation in lieu of arrest under T.C.A. § 55-10-207, or, if it is the parent or guardian operating the off-highway vehicle, the officer must issue the citation directly.

Municipalities are specifically authorized to adopt this statute by reference as an ordinance violation.

*Effective date: July 1, 2007.*

**Chapter No. 537 (SB 794/HB 1335). Failure to yield causing bodily injury.** Amends

T.C.A. Title 55, Chapter 8, Part 1, to make failure to yield at an intersection that results in an accident with bodily injury a Class B misdemeanor if the bodily injury is serious and a Class A misdemeanor if there is a death. The court must send a record of the conviction indicating whether bodily injury or death resulted to the Department of Safety. The court may revoke the license of the offender up to six months if there is serious bodily injury or up to one year if there is a death.

*Effective date: July 1, 2007.*

**OPEN MEETINGS**

**Chapter No. 212 (SB 26/HB 881). Hearings by school boards on student suspensions.**

Amends T.C.A. § 49-6-3401(c)(6) to close to public access meetings of school boards to hear student suspension appeals unless the student or student's parents or guardians request the hearing to be open.

*Effective date: July 1, 2007.*

**Chapter No. 558 (SB 327/HB 815). Final report on open records and open meetings.** Amends Chapter

No. 887 of the Public Acts of 2006 to require the special committee on open government to issue its final report by February 1, 2008.

*Effective date: June 27, 2007.*



## PERSONNEL

### **Chapter No. 183 (SB 2256/HB 2305).**

**Unemployment compensation.** Amends T.C.A. § 50-7-303 to allow unemployment compensation when an employee receives wages instead of notice, to provide for denial of benefits when an employee accepts a program that provides incentives for the employee to terminate employment, to require that an employer that is a party to a back pay award settlement simply report to the state the amount of the award settlement rather than how the amount was arrived at, and to express the intent of the General Assembly that no overpayment of benefits may be established as a result of a back pay award.

*Effective date: The provision on incentives to terminate employment took effect on May 16, 2007, and applies to claimants awarded back pay on or after July 2, 2006; other provisions apply to initial claims filed on and after July 2, 2007.*

### **Chapter No. 184 (SB 333/HB 465). Other post-employment benefits trust.**

Section 18 of this act amends T.C.A. § 8-50-1203 to prohibit the investment policy of the investment committee for any other post-employment benefits trust established by a local government from allowing investments in any obligation that would not be a legal investment for a Tennessee domestic life insurance company. Also makes it the sole responsibility of the local government to ensure that the trust conforms to IRS rules. Requires that only the trust document be submitted to the state funding board for approval rather than the document and the benefits plan, the investment plan, and other documentation.

*Effective date: May 18, 2007.*

**Chapter No. 220 (SB 903/HB 1274). Use of taxpayer identification number by employers for identification forbidden.** Amends T.C.A. Title 50, Chapter 1, Part 1, to prohibit employers from using a taxpayer identification number for identification. A taxpayer identification number is a number issued by the IRS to facilitate tax reporting by persons not eligible to get a Social Security number. It looks like a Social Security number but always begins with 9 and includes 7 or 8 as the fourth digit.

*Effective date: May 24, 2007.*

### **Chapter No. 323 (SB 2042/HB 2000). Timing of criminal background checks on firefighter applicants.**

Amends T.C.A. § 68-102-308(b) to eliminate the requirement that a criminal background check on a firefighter applicant may be made only after an employment offer.

*Effective date: May 31, 2007.*

### **Chapter No. 360 (SB 2187/HB 2243). Military leave increased.**

Amends T.C.A. § 8-33-109 to increase from 15 to 20 the number of “working days” paid leave that must be given to reservists for the performance of duty or training under competent orders.

*Effective date: July 1, 2007.*

### **Chapter No. 529 (SB 202/HB 729). Hiring of illegal aliens.**

Amends T.C.A. § 50-1-103 to prohibit any legal entity from knowingly employing an illegal alien. Verification of status within 14 days of commencement of employment is a defense if the verification information was false or the employer used the federal work authorization verification service.



Local government officers and employees with reason to believe they have knowledge of a violation must file a complaint with the Department of Employment and Workforce Development.

Adds a new section to Title 50, Chapter 1, Part 1, authorizing municipalities to make agreements with the federal Department of Homeland Security concerning the enforcement of federal immigration laws. Law enforcement officers designated by the chief would then be trained in enforcing these laws.

*Effective date: January 1, 2008.*

## **PERSONNEL—RETIREMENT**

### **Chapter No. 488 (SB 332/HB 464).**

**Retirement for police officers and firefighters subject to mandatory retirement.** Amends T.C.A. § 8-36-201(a) to allow retirement with full benefits of police officers and firefighters subject to mandatory retirement upon attaining age 55 and completion of 25 years of creditable service. This is optional for municipalities.

Amends T.C.A. § 8-36-211 to revise beginning and ending dates for the required supplemental bridge benefit. Also allows a resolution adopting a mandatory retirement requirement for police officers and firefighters to defer the effective date until the first day of July occurring 12 months after passage.

*Effective date: July 1, 2007.*

### **Chapter No. 508 (SB 340/HB 134).**

**Public safety personnel on TCRS board.** Amends T.C.A. § 8-34-302(a) to add a position to the TCRS board that will alternate between a police officer and firefighter.

*Effective date: June 25, 2007.*

## **PLANNING AND ZONING**

### **Chapter No. 137 (SB 499/HB 326).**

**Time for acting on subdivision plats.** Amends T.C.A. § 13-4-304 to require the planning commission to approve or disapprove a subdivision plat 35 days after the initial consideration of the plat by the commission. Allows the applicant to consent to an extension or extensions of the time period.

*Effective date: May 10, 2007.*

### **Chapter No. 141 (SB 1442/HB 1187).**

**Restrictions on continuing nonconforming car lots in Nashville.** Amends T.C.A. § 13-7-208 to require a show cause hearing on the continuation of nonconforming car lots in Nashville when a lot ceases to operate then resumes operation within 30 months or changes ownership.

*Effective date: July 1, 2007.*

### **Chapter No. 246 (SB 302/HB 840).**

**Moving of single family residences restricted.** Amends T.C.A. Title 13, Chapter 3, to restrict the moving of single family residences into subdivisions. The residence must be consistent with the age, value, size, and appearances of existing residences in the subdivision and must receive the approval of the planning commission with jurisdiction or the municipal legislative body if there is no planning commission.

*Effective date: May 24, 2007.*



**Chapter No. 253 (SB 1613/HB 1294). Membership on municipal planning commission designated as regional.**

Amends T.C.A. § 13-3-102 to require at least one member of a municipal planning commission with five members and designated as a regional planning commission and at least two members of such a commission with more than five but fewer than 11 members to reside within the regional area outside the municipal boundaries served by the regional commission.

*Effective date: July 1, 2007.*

**Chapter No. 521 (SB 281/HB 267). State funding increase for development districts.**

Amends T.C.A. § 13-14-111 to increase state funds for development districts based upon the per capita assessments local governments agree to. Counties may pay the per capita assessment of any city or town in the county.

*Effective date: June 26, 2007.*

**PUBLIC OFFICIALS**

**Chapter No. 206 (SB 2053/HB 1469).**

**Reporting of taking of public money.** Amends T.C.A. Title 8, Chapter 4, to require any public official with a reasonable belief that a theft, forgery, credit card fraud, or other act of unlawfully taking public money, property, or services has occurred to report this to the comptroller. The comptroller will prescribe the method for making these reports. Grants civil and criminal immunity to the reporting official unless the official benefited from the act.

*Effective date: May 22, 2007.*

**Chapter No. 325 (SB 1264/HB 1874).**

**Disqualification for office-related infamous crime.** Amends T.C.A. § 40-20-114 to disqualify forever from holding any state or local office a person convicted of an infamous crime committed

while the person was holding office and involving the duties of the office.

*Effective date: July 1, 2007.*

**PURCHASING**

**Chapter No. 84 (SB 2056/HB 1471). Purchasing by municipalities with charter requirements relative to competitive bidding.**

Amends T.C.A. § 6-56-302, part of the Municipal Purchasing Law of 1983, to remove language bringing all municipalities under that state law. Municipalities that have charter provisions dealing with competitive bidding and either establishing bid limits in the charter itself or allowing bid limits to be set by ordinance but setting a maximum may continue to operate under the charter provisions, but the municipality must by charter or ordinance establish general bid procedures, including public advertising, securing and opening bids, and any exemptions from competitive bidding. Any exemptions must be substantially similar to those in T.C.A. § 6-56-304.

For municipalities with charter provisions that deal with competitive bidding but that set no bidding limits, the municipality may by ordinance set a limit not exceeding \$25,000 over which public advertisement and competitive bidding must precede purchases. These municipalities must also by ordinance set a dollar limit not exceeding 40 percent of this bid limit amount over which the municipality need not advertise but when possible must obtain three competitive bids and below which no advertisement or competitive bidding is required. The ordinance must also establish procedures for public advertising, securing and opening bids, and any exemptions from competitive bidding, which must be substantially similar to those in T.C.A. § 6-56-304.

*Effective date: May 3, 2007.*



**Chapter No. 383 (SB 1723/HB 1788). Purchase of secondhand goods from private entities.**

Amends T.C.A. § 12-3-1003 to allow municipalities and counties to purchase secondhand goods from private individuals or entities without public advertisement or competitive bidding. The municipality or county must document the general value of the item through a listing in a nationally recognized publication or through an appraisal by a licensed appraiser, and the price paid must fall within 10 percent of the documented range.

*Effective date: June 8, 2007.*

**Chapter No. 583 (SB 1722/HB 1789). Purchasing through competitive sealed proposals.**

Amends T.C.A. Title 12, Chapter 3, Part 10, to allow municipalities to make purchases using competitive sealed proposals rather than competitive sealed bids when the governing body determines that competitive sealed bidding is either not practicable or not advantageous to the municipality. This act places these restrictions and requirements on purchasing through competitive sealed proposals:

- The governing body must adopt a procurement code before purchases may be made through competitive sealed proposals. MTAS, in conjunction with the comptroller's office, will develop a code that municipalities may adopt.
- The governing body must follow the procurement code, which must contain criteria and procedures for making purchases.
- Purchases using competitive sealed proposals may be made only in instances when qualifications, experience, and competence are more important than price.

- In addition to qualifications, experience, and competence being more important than price, these purchases may be made only when (1) there is more than one solution to a purchasing issue and the competitive sealed proposals will assist in choosing the best solution, or (2) when there is no readily identifiable solution to a purchasing issue and competitive sealed proposals will assist in identifying one or more solutions.
- Adequate public notice must be given of the request for proposals in the same manner as for requests for competitive sealed bids.
- The request for proposals must state the relative importance of price and other factors.
- Proposals must be opened in a manner that avoids disclosure of contents to competing proposers during the subsequent negotiations. Proposals will be open to public inspection once the intent to award the contract to a particular proposer is announced.
- Discussions may be conducted for clarification with responsible proposers who submit proposals determined by the purchasing agent to be susceptible to being selected. These proposers must be given fair treatment relative to discussion and revision of proposals, and revisions to proposals are permitted after submission and before the intent to award to a particular proposer is announced.
- In the discussions, the purchasing agent and other municipal personnel may not disclose information derived from competing proposals.
- The award must be made to the responsible proposer whose proposal the governing body determines is most advantageous to the municipality. The purchasing agent must place in the file a statement containing the basis on which the award was made.
- Utility boards may also use this law.



In actual emergencies (natural or manmade disasters, delays by contractors, delays in transportation, or unanticipated volume of work) purchases may be made through competitive sealed proposals without specific authorizing action of the governing body. The person or body authorizing the emergency purchase must make a record of the amount paid, the items and services purchased, from whom the purchase was made, and the nature of the emergency, and report this to the governing body as soon as possible.

*Effective date: June 28, 2007.*

## RECORDS

### **Chapter No. 178 (SB 920/HB 854). Records of mental health intervention for municipal correction officers and dispatchers.**

Amends T.C.A. § 10-7-504(a)(13)(A) to make the records of mental health intervention techniques conducted in a group setting for municipal and county correction officers and dispatchers confidential and not open for public inspection.

*Effective date: July 1, 2007.*

### **Chapter No. 425 (SB 2005/HB 1828). Confidential personnel information of law enforcement officers.**

Amends T.C.A. § 10-7-503(c) to require information made confidential by the open records law to be redacted when possible, with the costs of redaction to be borne as provided by current law.

Amends T.C.A. § 10-7-504(g) to require a law enforcement officer's address; home and cell phone numbers; place of employment; names, work addresses, and phone numbers of the officer's immediate family; and the names, locations, and phone numbers of any educational institution or day care center where the officer's spouse or child is enrolled to be redacted when there is a reason not to disclose the information as determined by the chief. This is in addition to other information made

confidential and that must be redacted. The chief must consider the specific circumstances in making the determination. If the chief decides to withhold information, he or she must give specific reasons in writing to the requester within two business days and must release the redacted file. When the chief determines there is no reason to keep personal information confidential, he or she must notify the officer and give the officer a reasonable opportunity to oppose release of the information. The request for personal information about a law enforcement officer must include the requester's business address, business phone number, and e-mail address. It must also include the name and contact information for a supervisor for verification.

*Effective date: June 13, 2007.*

### **Chapter No. 558 (SB 327/HB 815). Final report on open records and open meetings.**

Amends Chapter No. 887 of the Public Acts of 2006 to require the special committee on open government to issue its final report by February 1, 2008.

*Effective date: June 27, 2007.*

## RECREATION AND PARKS

### **Chapter No. 153 (SB 2266/HB 2288).**

#### **Matching park funds with land.**

Amends T.C.A. § 67-4-409(i)(4)(A) to allow municipalities and counties receiving local parks land acquisition funds to match those with land not previously used for park purposes whose value is commensurate with the funds received, rather than matching the funds with money.

*Effective date: May 14, 2007.*



## STREETS AND PUBLIC WAYS

**Chapter No. 76 (SB 593/HB 750). Changeable message signs.** Amends T.C.A. Title 54, Chapter 21, Part 1, to allow changeable message signs along state routes. Changeable message signs are off-premise signs that display a series of messages at intervals by means of digital display or mechanical panels. Digital changeable message signs are permissible if the message display time remains static for a minimum of eight seconds with a maximum change time of two seconds. Video continuous scrolling messages and animation are prohibited. The minimum spacing between digital signs on interstates and controlled access highways is 2,000 feet.

*Effective date: May 3, 2007.*

## TAXES—GENERAL

**Chapter No. 172 (SB 1488/HB 1226). Regulation of tax refund loan businesses.** Amends T.C.A. Title 62 to regulate businesses offering tax refund loans. Preempts local regulation.

*Effective date: January 1, 2008.*

## TAXES—HOTEL-MOTEL

**Chapter No. 156 (SB 163/HB 1736). Occupancy tax in Kingston and Oliver Springs.** Purports to amend T.C.A. § 67-4-1425 to allow Kingston and Oliver Springs to levy a hotel-motel tax by ordinance passed by a two-thirds vote of the governing body and not exceeding 5 percent of the room charge.

*Effective date: May 15, 2007.*

**Chapter No. 422 (SB 1116/HB 1809). Increase in certain taxes in Nashville to finance convention center.** Amends T.C.A. Title 7, Chapter 4, to authorize Nashville to increase tourist accommodation, or hotel-motel, taxes to finance a new convention center.

Amends T.C.A. Title 67, Chapter 4, Part 19, to allow Nashville to enact a 1 percent surcharge on taxi service with revenues accruing to the convention center fund.

*Effective date: June 13, 2007.*

**Chapter No. 461 (SB 1391/HB 1433). Increase in tourist accommodation tax for Nashville; financing through IDC; secondary tourist development zones for Nashville and Shelby County—convention center financing.** Amends T.C.A. §§ 7-4-102 and 110 to authorize Nashville to increase the tourist accommodation, or hotel-motel, tax by 1 percent to help finance a new convention center, and to provide for distribution of tax proceeds. It allows the tax to be levied only in a secondary tourist development zone or within the entire jurisdiction.

Amends T.C.A. §§ 7-53-101 and 302 to include convention centers related to hotels as a project for industrial development corporations when the convention center contains at least 75,000 square feet.

Amends T.C.A. Title 7, Chapter 88, Part 1, relative to convention center financing to allow Davidson and Shelby counties to have a secondary tourist development zone that is located more than three miles from the courthouse. Allows the IDC to develop the convention center in the secondary zone and requires a total local investment of at least \$200 million. Provides for distribution of increased taxes for the benefit of the center. Requires Nashville to solicit bids from minority businesses.

*Effective date: June 19, 2007.*





## TAXES—PROPERTY

### **Chapter No. 37 (SB 1107/HB 1763). Amendment of personal property schedule.**

Amends T.C.A. § 67-5-903(e) to allow a taxpayer to amend a personal property schedule that was “timely” filed with the assessor, rather than “previously” filed.

*Effective date: January 1, 2008.*

### **Chapter No. 38 (SB 1108/HB 1762). Time for turning in personal property schedule.**

Amends T.C.A. § 67-5-903(b) to require the taxpayer to turn in the personal property schedule “on or before” rather than “prior to” March 1 of each year.

*Effective date: January 1, 2008.*

### **Chapter No. 58 (SB 1999/HB 1786). Sale of tax receivables—application in Shelby County—compromise by taxing entity.**

Amends T.C.A. § 67-5-2012 to make the law authorizing the sale of tax receivables applicable in Shelby County and to require a governmental entity that compromises, discharges, delays, or reduces tax receivables that have been sold to pay the purchaser before the compromise can take effect.

*Effective date: April 24, 2007.*

### **Chapter No. 66 (SB 2067/HB 1461). Adoption of exemption for community and performing arts nonprofit organization.**

Amends T.C.A. § 67-5-223(c) to require a two-thirds vote of the county governing body, rather than majority approval, to exempt from property taxes a nonprofit community and performing arts organization under that section.

*Effective date: April 30, 2007.*

### **Chapter No. 514 (SB 1872/HB 894). Open space easement for qualified conservation organizations can get greenbelt tax break.**

Amends T.C.A. § 67-5-1009 to allow the greenbelt tax break to an open space easement of at least 15 contiguous acres granted to a qualified conservation organization.

*Effective date: July 1, 2007.*

### **Chapter No. 539 (SB 1050/HB 1629). Income allowed for elderly participants in state property tax relief program increased.**

Amends T.C.A. § 67-5-702(a)(2) to increase the maximum allowable income for elderly homeowners to participate in the state property tax relief program to \$24,000 or an amount set in the appropriations act. Provides for cost of living adjustments.

*Effective date: January 1, 2008.*

### **Chapter No. 553 (SB 28/HB 157). Tax relief for disabled veterans.**

Amends T.C.A. § 67-5-704(b) to remove the requirement that permanent and total disability must be combat related for a disabled veteran to qualify for the state property tax relief program.

*Effective date: July 1, 2007.*

### **Chapter No. 581 (SB 2/HB 1033). Optional local property tax freeze for elderly low income homeowners authorized.**

Amends T.C.A. § 67-5-705 to allow municipalities and counties to provide property tax relief to homeowners 65 years of age and older who have low income. The municipality must pass an ordinance to implement the freeze, which applies to the elderly homeowner’s principal residence. Taxes would be frozen at the “base tax,” which is the amount due in the year the taxpayer becomes eligible for the program and successfully applies. Improvements made or discovered after the tax base is established, however, would increase the taxes owed.



To qualify for the freeze, the taxpayer must be 65 years of age or older and have income, combined with that of any other owners of the residence, within the greater of the weighted average of the median household income for (1) age group 65 to 74 and (2) age group 75 and over or the state tax relief income limit. The weighted average median household income for each county must be published annually by the comptroller. The taxpayer must apply annually to the tax collecting official, who determines if the application is approved.

The comptroller will provide income verification and other services to implement this freeze, and municipalities and counties must pay the costs. Financial records are confidential but will be made available to officials who administer this program. A taxpayer who knowingly provides false information to take advantage of the program commits a Class A misdemeanor.

The maximum size of lots eligible for the freeze and other rules for implementation of the program will be established by the state Board of Equalization through the Division of Property Assessments.

*Effective date: Applies to tax years beginning January 1, 2008.*

## **TAXES—RENTAL CAR**

**Chapter No. 422 (SB 1116/HB 1809). Increase in certain taxes in Nashville to finance convention center.** Amends T.C.A. Title 7, Chapter 4, to authorize Nashville to increase tourist accommodation, or hotel-motel, taxes to finance a new convention center.

Amends T.C.A. Title 67, Chapter 4, Part 19, to allow Nashville to enact a 1 percent surcharge on taxi service with revenues accruing to the convention center fund.

*Effective date: June 13, 2007.*

## **TAXES—SALES**

**Chapter No. 507 (SB 131/HB 83). Exemption for online sales by nonprofit farmers market.** Amends T.C.A. § 67-6-301 to exempt from sales taxes online sales by a nonprofit online farmers market when the farmer receives the money and the only fee is for a virtual booth.

*Effective date: July 1, 2007.*

**Chapter No. 520 (SB 341/HB 100). Special allocation for coal mining museum.** Amends T.C.A. § 67-6-103 to provide for a special sales tax allocation to retire the debt of a new coal mining museum in a county containing a spallation neutron facility.

*Effective date: July 1, 2007.*

**Chapter No. 534 (SB 616/HB 934). Art supplies included in sales tax holiday.** Amends T.C.A. § 67-6-393 to include school art supplies with a sales price of \$100 or less in the items subject to the sales tax holiday.

*Effective date: June 27, 2007.*

**Chapter No. 600 (SB 568/HB 470). State sales tax on food reduced; additional sales tax holiday.** Amends T.C.A. § 67-6-228 to reduce the state sales tax on food from 6 percent to 5.5 percent. Does not hold municipalities harmless.

Amends T.C.A. § 67-6-393(f) to add a sales tax holiday beginning March 21, 2008, and ending March 23, 2008.

*Effective date: Food tax reduced beginning January 1, 2008; sales tax holiday provision took effect on June 28, 2007.*



**Chapter No. 602 (SB 2223/HB 2281). Delay of sourcing statute under streamlined sales tax; technical corrections.** Amends various sections of T.C.A. Title 67 to delay the sourcing rules under the streamlined sales tax provisions and other controversial streamlined provisions, while allowing other noncontroversial provisions to take effect. The sourcing rules are now set to take effect on July 1, 2009.

This act generally makes technical changes to many tax statutes but does not have a significant revenue impact except for the streamlined provisions that were delayed.

*Effective date: Differing effective dates for different sections.*

## **TAXES—TOURISM BUSINESS TAX**

**Chapter No. 500 (SB 2198/HB 2296). Local Tourism Development Zone Business Tax Act enacted.** Amends T.C.A. Title 67, Chapter 4, to authorize municipalities and counties to levy a privilege tax of up to 5 percent of the sale price on goods sold in a qualified public use facility or in a tourism development zone established under the Convention Center and Tourism Development Financing Act of 1998. Businesses exempt from the business tax are also exempt under this tax. Passage of the tax requires a two-thirds vote of the governing body at two consecutive meetings. A petition signed by 10 percent of those who voted in the municipality in the latest gubernatorial election can require that the tax be put to referendum. Revenues from the tax will be used to pay the cost of the convention center or other qualified public use facility.

This act does not apply in Davidson County.  
*Effective date: June 21, 2007.*

## **URBAN DEVELOPMENT**

**Chapter No. 50 (SB 728/HB 845). Jackson and Madison County brought under Community Redevelopment Act.** Amends Chapter No. 987 of the Public Acts of 1998 to make that act apply in Madison County as well as Shelby County.  
*Effective date: April 24, 2007.*

## **UTILITIES**

**Chapter No. 86 (SB 1938/HB 1562). Water and Wastewater Financing Board placed under comptroller.** Amends T.C.A. § 68-221-1008 to move the Water and Wastewater Financing Board from the Department of Environment and Conservation to the comptroller's office. Also brings water and wastewater authorities under the jurisdiction of the WWFB.

*Effective date: May 3, 2007.*

**Chapter No. 123 (SB 881/HB 382). Sewer work on private property.** Amends T.C.A. § 7-35-401 to allow municipalities to do work on sewer lines on private property behind a meter when there is excessive inflow from rainwater or groundwater that results in overflows and health issues when the owner consents and agrees to hold the municipality harmless.

*Effective date: May 10, 2007.*

**Chapter No. 218 (SB 664/HB 716). Excavations within 100 feet of the edge of pavement covered by Underground Utility Damage Prevention Act.** Amends T.C.A. §§ 65-32-102, 104, and 106 to include excavations within 100 feet of the edge of pavement of a street or highway in the notice requirements of the Underground Utility Damage Prevention Act. Allows a general DIG certificate to be issued for agricultural land that lies within 100 feet of the edge of pavement when no utilities are located there. The excavator must give notice to the utility



at least three working days before the excavation date. If the utility fails to locate its lines in the three-day period, the excavation may proceed and the excavator will not be liable for damages.

*Effective date: May 24, 2007.*

**Chapter No. 243 (SB 738/HB 743). Unaccounted-for water losses.** Amends T.C.A. § 68-221-1009 to authorize the Water and Wastewater Financing Board to issue rules defining excessive water losses by public water systems and to investigate systems with excessive losses and require them to reduce water losses to acceptable levels.

Amends T.C.A. § 68-221-1010 to require the comptroller within 60 days after an audit is filed showing excessive losses to file the audit with the Water and Wastewater Financing Board. If the water system fails to take appropriate actions to reduce losses, the board may petition the chancery court to require these actions.

Amends T.C.A. § 68-221-1012 to require public water systems to include in their annual audits the annual average unaccounted-for water losses in the manner prescribed by the comptroller.

*Effective date: July 1, 2007.*

**Chapter No. 250 (SB 1192/HB 1063). Alternative way to create a water and wastewater authority.** Adds Part 13 to T.C.A. Title 68, Chapter 221, which enacts an alternative method for creating a water and wastewater authority.

*Effective date: May 24, 2007.*

**Chapter No. 263 (SB 755/HB 916). Creation and powers of energy acquisition corporations.**

Amends T.C.A. §§ 7-39-101, 102,103, and 301 to provide that electric and energy authorities may create energy acquisition corporations, that these corporations may buy and sell electrical materials and supplies, and that when an energy acquisition corporation is formed by another EAC, the directors are appointed by the creating corporation.

*Effective date: May 30, 2007.*

**Chapter No. 290 (SB 1533/HB 1264). Water and wastewater authority personnel prohibited from receiving gifts or consideration.**

Amends T.C.A. § 68-221-607 to prohibit personnel of water and wastewater authorities from receiving anything of value in return for providing service or for the sale of materials to be installed in the service area of the authority.

*Effective date: May 30, 2007.*

**Chapter No. 404 (SB 603/HB 1804). Publication of water quality orders and rulings on department's Web site.**

Amends T.C.A. Title 69, Chapter 3, to require the director's and commissioner's orders, the board's rulings, and notices of intent to appeal to be posted on the Department of Environment and Conservation's Web site.

*Effective date: July 1, 2007.*

## **WEAPONS**

**Chapter No. 129 (SB 1597/HB 1285). Regulation of guns during emergencies.**

Amends T.C.A. § 58-2-107 to prohibit the state or political subdivisions from prohibiting or imposing restrictions on the lawful possession, transfer, transport, carrying, storage, display, or use of firearms during any state of emergency or disaster.

*Effective date: May 10, 2007.*



**Chapter No. 594 (SB 1967/HB 1835). Possession of firearm during dangerous felony.** Amends T.C.A. § 39-17-1324 to make it a Class C felony to possess a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony.

*Effective date: January 1, 2008.*

## **WORKERS' COMPENSATION**

**Chapter No. 300 (SB 2259/HB 2307). Second injury fund assessment in death cases and attorney fees in certain cases.** Amends T.C.A. § 50-6-204 to eliminate the requirement that employers pay a second injury fund assessment in death cases.

Amends T.C.A. § 50-6-226 to eliminate the \$10,000 limit on attorney fees for settled cases and make the fee that will be presumed reasonable a maximum of 20 percent of the award.

*Effective date: May 30, 2007.*

**Chapter No. 403 (SB 425/HB 1822). Social Security offset in death cases; information provided for temporary disability or medical benefits.** Amends T.C.A. § 50-6-207(4)(A)(i) to provide that the Social Security offset has no application to death benefits.

Amends T.C.A. § 50-6-238(a) to require records submitted to a workers' compensation specialist in support of a claim for temporary disability or medical benefits to also be submitted to the opposing party. Also provides that any party may see information in the specialist's file upon which the specialist may base a decision. Authorizes fees for copying but requires the party submitting tapes or X-rays to submit them to the other party.

*Effective date: June 11, 2007.*

**Chapter No. 513 (SB 1775/HB 2128). Receipt of unemployment compensation; good faith mediation.** Amends T.C.A. § 50-6-207 to require a person who receives unemployment compensation and workers' compensation temporary disability benefits for the same period to repay the unemployment compensation benefits.

Amends T.C.A. § 50-6-237 to require parties in workers' compensation controversies to mediate in good faith. The specialist must note failure to mediate in good faith in the proceeding report. The party failing to mediate in good faith may have a civil penalty levied of at least \$50 but not more than \$500.

*Effective date: July 1, 2007.*





THE UNIVERSITY of TENNESSEE **UT**  
MUNICIPAL TECHNICAL ADVISORY SERVICE

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the university.

The university does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the UTK Office of Human Resources, 600 Henley Street, Knoxville, TN 37996-4125.