

This publication contains summaries of acts passed by the General Assembly in 2013 that may be of interest to county governments. These summaries are intended for information only and should not be relied upon for implementation purposes. The full text of all acts summarized in this publication can be viewed on the Secretary of State's website:  
<http://www.tennessee.gov/sos/acts/index.htm>

# **INDEX OF ACTS RELATED TO COUNTY GOVERNMENT**

**2014 EDITION  
Laws Effective July 1, 2014**

**COUNTY TECHNICAL ASSISTANCE SERVICE  
...a service of The University of Tennessee**

**Prepared by  
CTAS Legal Staff**

**June 2014**

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## PART I - PUBLIC ACTS OF GENERAL APPLICATION

### ALCOHOLIC BEVERAGES

#### **Public Chapter 861**

SB 289 – HB 47

#### **High Alcohol Beer**

Amends 57-5-101 to change the definition of beer from beverages having an alcoholic content of not more than 5% alcohol by weight to beverages having an alcoholic content of not more than 8%. . Amends 57-3-101 to change the definition of high alcohol beer to more than 8% but not more than 20% alcohol by weight. Changes definitions throughout the liquor laws to exclude beverages with alcohol content of 8% by weight or less. Makes changes throughout the beer laws to include the new definition of beer. Amends 57-5-101(c)(1)(A) to authorize microbreweries/brew pubs to sell high alcohol beer in addition to beer. Amends 57-5-502(11) relative to beer wholesaler-supplier relations, to define wholesaler as one who sells beer with alcohol content of 5% or less to retailers, and amends 57-5-502(1) to change the definition of agreement in the same manner. Amends 57-5-301 to levy a tax of \$100 per year on each brand of beer with an alcohol content greater than 5% or each brand of high alcohol content beer sold in this state. Amends 57-5-512 to provide that agreements between wholesalers and suppliers of beer with alcohol content greater than 5% will be governed by 47-25-1501 *et seq.* Amends 57-4-201 to authorize ABC-licensed manufacturers of high alcohol beer to sell high alcohol beer manufactured on the premises for consumption on the premises without obtaining an additional license, but must advise the ABC of such sales and be subject to the conditions in 57-4-203, except these manufacturers may sell for off premises consumption pursuant to 57-3-202.

Effective January 1, 2017 for new definition of beer and high alcohol beer. Effective July 1, 2014 for authorizing microbreweries to sell high alcohol beer. Effective May 1, 2014 for all other purposes.

### COUNTY CLERKS

#### **Public Chapter 586**

SB 1638 – HB 1434

#### **Issuance of Driver Licenses**

Amends 55-50-331(a) to provide that if the department contracts with an entity other than a county clerk for issuance of driver licenses, those entities can charge and retain the \$4 fee for administrative costs.

Effective July 1, 2014.

#### **Public Chapter 747**

SB 2270 – HB 2274

#### **Marriage**

Amends 36-3-301 to authorize former county clerks who were in office on or after July 1, 2014, to perform marriage ceremonies.

Effective July 1, 2014.

**Public Chapter 869**  
SB 1718 – HB 1560

**Special License Plate Gift Vouchers**

Amends 55-4-203 to authorize the department of revenue to establish a program for the sale of nonrefundable gift vouchers, gift cards, incentives, rebates, debit cards, and other forms of electronic payment for special license plate fees.

Effective July 1, 2014.

**Public Chapter 871**  
SB 1781 – HB 1648

**Medium Speed Vehicles**

Amends Title 55, Chapter 4, Part 1, to authorize certain medium-speed vehicles without a windshield to be registered as medium-speed vehicles and driven on the highway.

Effective July 1, 2014.

**Public Chapter 886**  
SB 2269 – HB 2279

**Notice of Liens on Motor Vehicles**

Amends Title 66, Chapter 19, to require the inclusion of the VIN in the advertisement of mechanics, garagekeepers, and campground liens on vehicles, if applicable and ascertainable.

Effective July 1, 2014.

**Public Chapter 1005**  
SB 2319 – HB 2312

**Fee for Mailing Plates and Decals**

Amends 55-4-105 to increase the county clerk's fee from \$2 to \$3 for mailing motor vehicle license plates and decals.

Effective July 1, 2014.

**COUNTY GOVERNMENT**

**Public Chapter 851**  
SB 959 – HB 1199

**Eminent Domain**

Enacts a new section at Title 29, Chapter 17, Part 10 to provide that if a condemning entity determines that property taken by eminent domain is not used for the purpose for which it was condemned, or for some other authorized public use, or if the condemning entity decides to sell the property within 10 years of taking the property, then the condemning entity must first offer the property for sale to the persons from which the property was taken. Such persons may purchase the property for not less than fair market value plus costs and have 30 days to sign a purchase agreement for the property. If the former owner does not purchase the property within the 30 days, then the property may be sold in any commercially reasonable manner for not less than fair market value plus costs.

Effective July 1, 2014.

**Public Chapter 859**  
SB 1872 - HB 1783

**Nursing Home Assessment Trust Fund**

Enacts a new Part 28 in Title 71, Chapter 5. Establishes an assessment fee on nursing home beds and creates a nursing home assessment trust fund. Provides that licensed facilities that are owned or operated by an

agency of this state are not excluded from paying the assessment fee.

Amends 71-5-1412 relative to managed care organizations contracting with nursing facilities.

Effective July 1, 2014.

**Public Chapter 865**  
SB 1634 – HB 1430

**Community Safety Act**

Enacts the Community Safety Act by amending various sections in Title 29, Chapter 3, Part 1 relating to the abatement of gang conduct through nuisance actions.

Effective July 1, 2014.

**COURTS & COURT CLERKS**

**Public Chapter 504**  
SB 1803 - HB 1692

**Offense of Retaliation against Deputy Clerk**

Amends 39-16-510(a)(1) to add employees of court clerks to the statute that makes it a Class E felony to retaliate against certain officials for action taken by such persons in their official capacity.

Effective July 1, 2014.

**Public Chapter 531**  
SB 1434 - HB 1370

**Issuance of Arrest Warrant or Criminal Summons**

Amends 40-6-205 and 40-6-215 to revise the factors used in determining whether to issue an arrest warrant or a criminal summons.

Effective July 1, 2014.

**Public Chapter 557**  
SB 1372 - HB 1243

**Mechanics' and Materialmen's Liens**

Amends 66-11-126 to revise several provisions relative to the enforcement of mechanics' and materialmen's liens. Provides that liens shall be served upon the persons whose interests the prime contractor or the remote contractor seeks to attach and sell under process, with the owners being given notice only of the filing of such warrant and writ of attachment. Provides that when a bond has been provided with the lien being enforced by an action on the bond, the action shall be served upon the principal of the bond.

Effective July 1, 2014 (applicable to any lien based on work or labor that is performed on or after such date).

**Public Chapter 562**  
SB 1689 – HB 1522

**Jurisdiction to Order Destruction of Dogs**

Amends 44-17-120 to transfer jurisdiction for issuing orders to destroy dogs that attack humans from circuit court to general sessions court.

Effective July 1, 2014.

**Public Chapter 567**

**Pretrial Diversion – Sentencing -- Deferral**

SB 1962 - HB 1759

Amends 40-15-105(a)(2) to provide that for any memorandum entered into on or after July 1, 2014, the defendant use a transdermal monitoring device or other alternative monitoring device if, in the opinion of the district attorney general, the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct. Amends 40-35-303(d) to add as a possible condition of supervised probation that the offender use a transdermal monitoring device or other alternative monitoring device if the court determines that the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct and the defendant is granted probation on or after July 1, 2014. Amends 40-35-313(a)(1)(B) to provide that "reasonable conditions" includes, but is not limited to, the use of a transdermal monitoring device or other alternative monitoring device for all qualified defendants granted deferral pursuant to this section on or after July 1, 2014, if the court determines that the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct.

Effective July 1, 2014.

**Public Chapter 587**  
SB 1643 - HB 1438

#### **Restricted Licenses and Interlock Devices**

Amends 55-10-409, 55-10-417 and 55-50-502 relative to the issuance of restricted licenses for those arrested for DUI. The restricted license may only allow the person arrested to operate a motor vehicle for the purpose of going to and from, and working at, the person's regular place of employment, or to operate only a motor vehicle that is equipped with a functioning ignition interlock device, during the period of time between arrest and conviction, dismissal or acquittal. Provides that a resident of this state, whose operator's license has been suspended because of a DUI arrest in another jurisdiction may apply for a restricted motor vehicle operator's license during the period of time between arrest and conviction, dismissal or acquittal. Removes exception that allowed a person who has been ordered to only operate a motor vehicle equipped with a functioning ignition interlock device to operate a company vehicle in the scope of employment without such device.

Effective July 1, 2014 (applicable to offenses committed on or after such date).

**Public Chapter 596**  
SB 1953 - HB 1686

#### **Civil Judgments Based on Criminal Conduct**

Amends 28-3-110 to provide that there is no statute of limitations applicable to a civil judgment if that judgment is for the injury or death of a person that resulted from the judgment debtor's criminal conduct and the judgment debtor is convicted of a criminal offense for the conduct that resulted in the injury (or the civil judgment is originally an order of restitution converted to a civil judgment). Prior to entry of the judgment, the judge shall make a determination on the record that the plaintiff's injury or death was the result of the defendant's criminal conduct and that the defendant's

conduct resulted in a criminal conviction. When entering such a civil judgment on or after July 1, 2014, both the trial judge and clerk shall sign and note the existence of the conviction on the judgment document, and the clerk shall also make appropriate docket notations. Such signatures and notations shall be sufficient evidence that the judgment is valid until paid in full or otherwise discharged as authorized by law. Provides that if a person was awarded a judgment meeting the above criteria but the judgment was entered prior to July 1, 2014, and is still valid as of the date it is presented to the clerk, the statute of limitations on such judgment shall be tolled if the person: (1) obtains a certified copy of the defendant's judgment of conviction from the clerk of the court in which the conviction occurred showing that the conviction meets the above criteria; (2) obtains a certified copy of the person's civil judgment that was based on the defendant's criminal conduct; and (3) completes, under penalty of perjury, an affidavit, in substantially the form set out in subsection (d) of 28-3-110. The clerk must ensure that the documents presented are those required. If they are the correct documents, the clerk shall record the documents and from the date of recordation, the statute of limitations of the person's civil judgment shall be tolled. Amends 40-35-304 to provide that a civil judgment entered pursuant to unpaid restitution shall remain in effect from the date of entry until it is paid in full or is otherwise discharged and shall be enforceable by the victim or the victim's beneficiary in the same manner and to the same extent as other civil judgments are enforceable.

Effective July 1, 2014 (applicable to civil judgments entered after such date and to such judgments entered before such date if the judgment is still valid and the person follows the procedure set forth in the act).

**Public Chapter 617**  
SB 1488 - HB 1851

**Child Custody and Parental Rights**

Amends Title 36, Chapters 4 and 6. Revises numerous provisions relative to increasing parental rights when the child is in the other parent's custody. Revises factors considered for custody, relocation and residential scheduling.

Effective July 1, 2014.

**Public Chapter 671**  
SB 2379 - HB 1742

**Expungement of Multiple Offenses**

Amends 40-32-101(g) to provide that a person who was convicted of more than one of the offenses listed in 40-32-101(g)(1) shall still be eligible for an expungement of their records if the conduct upon which each conviction is based occurred contemporaneously, at the same location, represented a single continuous criminal episode with a single criminal intent and all such convictions are eligible for expunction. Provides that the offenses of a person who is an eligible petitioner under 40-32-101(g)(1)(D) shall be considered a single offense for the purposes of 40-32-101 so that the person is eligible for expunction consideration if all other requirements are met. Provides that any moving or non-moving traffic offense shall not be considered a

criminal offense for the purposes of 40-32-101(g)(2)(A). Increases fine amount for eligibility for expungement for certain marijuana convictions.

Effective July 1, 2014 (applicable to petitions for expungement per 40-32-101(g) filed prior to or after such date).

**Public Chapter 673**  
SB 1930 - HB 1809

**Criminal Cases**

Amends 16-1-117(a)(1) to provide that each criminal case shall be assigned a unique docket number. A criminal case shall be defined and reported as a single charge or set of charges arising out of a single incident concerning a single defendant in one court proceeding. An incident shall be all criminal activity occurring on the same date. A court proceeding refers to a single level of court, such as general sessions or circuit. An appeal, probation revocation, or other post-judgment proceeding shall be considered a separate case. Provides that this definition shall not alter the practice in the Tennessee rules of criminal procedure dealing with joinder and severance of criminal cases. In courts of record, multiple incidents shall be counted as a single case when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding pursuant to a single indictment. If a case has more than one charge or count, then the administrative office of the courts shall count the case according to the highest class of charge or count for the weighted caseload study based on the formula set out in 16-2-513(a). Provides that nothing in this act shall operate

Effective July 1, 2014.

**Public Chapter 693**  
SB 1794 - HB 2337

**Sentencing – Domestic Assault**

Amends 39-13-111. Extends the minimum sentences for repeat domestic assault offenders. A person convicted of a violation under this section shall be required to serve at least the minimum sentence day for day. All persons sentenced under this section shall, in addition to service of at least the minimum sentence, be required to serve the difference between the time actually served and the maximum sentence on supervised probation.

Effective July 1, 2014.

**Public Chapter 732**  
SB 1312 - HB 1257

**Methamphetamine Registry**

Amends 39-17-436 to change the name of the methamphetamine registry to the drug offender registry. In addition to meth offenders, requires that all felony drug offenders be placed on the registry. Extends the amount of time that drug offenders will be placed on the registry from seven to 10 years. NOTE: The court clerks shall forward a copy of the judgment and date of birth of all persons who are convicted of a violation of such offenses to the TBI within forty-five (45) days of the date of judgment.

Effective July 1, 2014.

**Public Chapter 750**  
SB 2350 - HB 2368

**Electronic Traffic Citations**

Amends 55-10-207 to provide for the issuance of electronic traffic citations. Provides that replicas of traffic citation data sent by electronic transmission shall be sent within three days of the issuance of the citation to the court having jurisdiction over the alleged offense. Provides that any person issued a traffic citation prepared by a law enforcement officer electronically shall be provided with a paper copy of the traffic citation. A law enforcement officer who files a citation electronically shall be considered to have certified the citation and has the same rights, responsibilities, and liabilities as other citations issued pursuant to 55-10-207. Provides that the local legislative body of any county or municipality may, by majority vote, adopt a resolution or ordinance to authorize a county or municipal court clerk to charge and collect an electronic traffic citation fee of \$5.00 for each traffic citation resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any offense cited in a traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. The court clerk retains \$1.00 of the fee and transmits the remaining \$4.00 monthly to the law enforcement agency that prepared the traffic citation. All funds derived from the electronic traffic citation fee that are transmitted to the law enforcement agency that prepared the traffic citation must be accounted for in a special revenue fund of such law enforcement agency and may only be used for: (1) electronic citation system and program related expenditures; and (2) related expenditures by such local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs. All funds derived from the electronic citation fee set aside for court clerks shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and not revert to the general fund at the end of a budget year if unexpended. Any electronic traffic citation fee imposed pursuant to an ordinance or resolution shall terminate five years from the date on which the ordinance or resolution is adopted.

Effective July 1, 2014 (applicable to all offenses committed on or after such date).

**Public Chapter 786**  
SB 1909 - HB 1877

**Divorce**

Amends 36-4-121 to provide that if an order of protection issued in or recognized by this state has been in effect or there is a court finding of domestic abuse or any criminal conviction involving domestic abuse within the marriage that is the subject of the divorce, the court shall attribute any debt owed for any batterers' intervention or rehabilitation programs to the abuser only.

Effective July 1, 2014 (applicable to all divorce actions commenced on

or after such date).

**Public Chapter 791**  
SB 2113 - HB 2072

**Controlled Substance Monitoring Database**

Amends 53-10-306 to establish a pilot project which will allow judges of certain drug courts access to the controlled substances monitoring database on certain conditions. Provides that the commissioner of health shall select the three judicial districts that will participate in the pilot project.

Effective July 1, 2014 (expires June 30, 2016).

**Public Chapter 799**  
SB 2485 - HB 2317

**Conservatorships**

Amends 34-3-106 to provide that the respondent for whom a petition for conservatorship has been filed may present evidence, including testimony or other evidence from a physician, psychologist or senior psychological examiner of the respondent's choosing, and confront, as a cross-examiner, witnesses. Amends 34-3-107 to provide that if the court grants a protective order placing under seal the respondent's financial information, as provided by 34-3-106(6), the order shall not deny access to information regarding fees and expenses of the conservatorship.

Effective July 1, 2014.

**Public Chapter 803**  
SB 2448 - HB 2359

**Garnishments and Executions**

Amends 26-2-103 relative to the personal property exemption from garnishment and enacts 26-2-312 relative to the homestead exemption from execution. Provides that neither exemption shall apply if the property was purchased or maintained by fraudulently obtained funds.

Effective July 1, 2014.

**Public Chapter 815**  
SB 276 - HB 1109

**Certificate of Employability**

Enacts 40-29-107 to provide a procedure where a person seeking to have their rights of citizenship restored may also petition the court for a certificate of employability. Directs the AOC to develop the necessary forms. Provides that both the district attorney general of the county the petition is filed in and the county of conviction shall be given 20 days' notice of any hearing on the subject.

Effective July 1, 2014 (the act contains numerous effective dates relative to different sections, but the provisions most relevant to county government are effective July 1, 2014).

**Public Chapter 902**  
SB 1633 - HB 1429

**Sentencing – DUI Offenses**

Amends 55-10-402. Upon conviction for second offense, the offender shall be sentenced to serve not less than 45 consecutive days nor more than 11 months and 29 days in the county jail or workhouse. As a condition of probation, the judge may order the person to participate in a substance abuse treatment program provided that the person first

completes a clinical substance abuse assessment and serves at least 25 days of the period of incarceration imposed in the county jail or workhouse. Upon conviction for third offense, the offender shall be sentenced to serve not less than 120 consecutive days nor more than 11 months and 29 days in the county jail or workhouse. As a condition of probation, the judge may order the person to participate in a substance abuse treatment program provided that the person first completes a clinical substance abuse assessment and serves at least 65 days of the period of incarceration imposed in the county jail or workhouse. A person ordered to attend a substance abuse treatment program shall receive sentence reduction credits from the period of incarceration imposed by the court as follows: (1) day-for-day credit for the period of time the person spends in a residential treatment program; and (2) one day of credit for every nine hours of successfully completed intensive outpatient treatment. The court shall calculate the sentence reduction credits the person has earned. A person who does not successfully complete the substance abuse treatment program shall be committed to the county jail or workhouse for service of the full period of the mandatory minimum confinement required by law and any portion of confinement in excess of the minimum imposed by the court that the court deems necessary. The person shall receive no sentence reduction credits for any time spent in the substance abuse treatment program prior to failure to complete the program. Upon successful completion of a substance abuse treatment program, the person shall be required to report to the county jail or workhouse to serve the remainder of any mandatory period of confinement required by law and imposed by the court. The court is not empowered to order the expenditure of public funds to provide treatment. However, if a person ordered to participate in such a program is indigent, the court may allow the person, subject to availability of services, to enter any program that provides the treatment without cost to an individual.

Effective July 1, 2014.

**Public Chapter 912**  
SB 2399 - HB 2208

**Special Commissioners**

Amends 8-21-401 and 8-21-801 to provide that court clerks and special commissioners for selling real or personal property under decree of court, and receiving, collecting, and paying out the proceeds, shall receive a commission that does not exceed 3%. Amends 35-5-109 to provide that the day fixed for the sale may be any day Monday through Saturday, but shall not be fixed on a state or federal legal holiday.

Effective July 1, 2014.

**Public Chapter 928**  
SB 2144 - HB 2200

**Voice Stress Analysis**

Enacts a new section in Title 40, Chapter 17, Part 1 to provide that voice stress analysis and testimony regarding voice stress analysis shall not be admissible as evidence in any criminal proceeding.

Effective July 1, 2014.

**Public Chapter 984**  
SB 1690 - HB 2177

**Serious Bodily Injury and Wiretaps**

Amends 39-11-106 to provide that the definition of “serious bodily injury” shall include a broken bone of a child who is 12 years of age or less. Amends 40-6-308 to change the progress reporting requirements for wiretaps or electronic surveillance.

Effective July 1, 2014.

**EDUCATION**

**Public Chapter 626**  
SB 1762 – HB 2252

**High Performing School Districts Flexibility Act**

Amends 49-2-702 relative to definition of high performing school district to allow use of either average SAT scores of 980 or higher or average ACT scores of 21 or higher, as long test was taken by at least 30 students or 25% of graduating class, whichever is greater.

Effective July 1, 2014.

**Public Chapter 678**  
SB 1611 – HB 1977

**Notice of Waivers**

Amends 49-1-203 to require the department of education to place on its website any rules, regulations or policies of the state board that are waived by the local board of education within five business days of the commissioner’s approval, together with an explanation from the local board for the waiver.

Effective July 1, 2014.

**Public Chapter 721**  
SB 2285 – HB 1989

**Charter Schools**

Amends 49-13-122 to revise the provisions governing revocation or nonrenewal of public charter school agreements, and add provisions for a procedure to close the charter school.

Effective July 1, 2014.

**Public Chapter 882**  
SB 2101 – HB 1978

**Fiscal Analysis of State Board Policies**

Enacts 49-1-212 to require the state department of education to prepare a fiscal analysis of any policy, rule or regulations proposed to the state board if the proposal will financially impact an LEA, including where possible a dollar estimate of the impact.

Effective July 1, 2014.

**Public Chapter 905**  
SB 1835 – HB 1549

**Student Data**

Enacts 49-1-3\_\_ to provide that no educational standards may be imposed on the state by the federal government, and that adoption of such standards must be by the state board of education. Enacts the Data Accessibility, Transparency and Accountability Act to provide for increased confidentiality measures for student data. Requires state department of education to develop a model student records policy for

LEAs, and prohibits LEAs from collecting student data on political affiliation, religion, voting history, or gun ownership. Prohibits the state from adopting common core standards in subjects other than math and English.

Effective July 1, 2014 (common core provisions effective May 13, 2014).

## **EMERGENCY SERVICES**

### **Public Chapter 715** SB 2541 - HB 2444

#### **Emergency Medical Services Act**

Amends 68-140-309 to provide that emergency medical personnel may under medical direction: (1) provide care that is not EMS, as defined by present law, including non-emergent care or transportation by ambulance; or (2) treat patients on scene who do not require transport. This act is not to be construed to allow a provider of emergency medical services to function as a home care organization.

Effective July 1, 2014.

## **ENVIRONMENT**

### **Public Chapter 507** SB 1640 - HB 1435

#### **Third Party Appeals of Permitting Decisions**

Amends 68-201-108, 68-211-113 and 68-212-113 to revise the provisions governing third party appeals of permitting decisions under the Tennessee Air Quality Act, Tennessee Solid Waste Disposal Act, or the Tennessee Hazardous Waste Management Act. Generally requires the individual to have been involved in the public comment period or public hearing to appeal.

Effective July 1, 2014 (applicable to all appeals filed on or after such date).

### **Public Chapter 624** SB 1641 - HB 1437

#### **Tennessee Board of Water Quality, Oil and Gas**

Amends 4-11-102, 68-221-714, 69-3-104, 69-3-110, and 69-10-107. Revises provisions relative to hearings and appeals with the Tennessee Board of Water Quality, Oil and Gas. Revises provisions relative to the membership of the board and relative to conflict of interests.

Effective July 1, 2014.

### **Public Chapter 849** SB 2560 - HB 2425

#### **Shredding of Tires**

Amends 68-211-802 to define “shredded” as shredded, chipped, chopped, quartered, sliced at least circumferentially, or otherwise processed and rendered not whole in a manner to effectively prevent a tire from floating, as determined by the underground storage tanks and solid waste disposal control board.

Effective July 1, 2014.

## FINANCE

### **Public Chapter 529** SB 462 – HB 552

#### **Anti-Kicking the Can Act**

Enacts 9-21-1\_\_ to require local governments seeking to issue balloon indebtedness to submit a plan of balloon indebtedness to the comptroller and receive approval of the plan from the comptroller. Authorizes the state funding board to establish approval guidelines to be used by the comptroller.

Effective July 1, 2014.

### **Public Chapter 766** SB 1512 – HB 1446

#### **Bonds and Notes**

Amends 9-21-151(c)(2) to provide that if an open meeting of the governing body is not scheduled to take place within the 45-day period, then the public entity shall provide a copy of the information required in (c)(1) to the members of the governing body and then present the information at the next scheduled open meeting. Amends 9-21-401 to provide that the terms of part 4 and part 1 are applicable to the authorization and issuance by any local government of debt under chapter 21. Amends 9-21-403 to place the language “interest-bearing notes”, “serial bonds and notes” and “notes” with “debt” throughout the section. Enacts a new section at Title 9, Chapter 21, part 1 to require local governments seeking to issue balloon indebtedness to submit a plan of balloon indebtedness to the comptroller and receive approval of the plan from the comptroller. Authorizes the state funding board to establish approval guidelines to be used by the comptroller.

Effective July 1, 2014.

## FIREARMS

### **Public Chapter 870** SB 1774 - HB 1480

#### **Unlawful Carrying or Possession of a Weapon**

Amends 39-17-1307(e) to revise the exception to the prohibition against carrying a weapon with the intent to go armed. Provides that a person carrying or possessing a firearm or firearm ammunition in a motor vehicle does not commit an offense if the person: (1) is not prohibited from possessing or receiving a firearm pursuant to federal law or purchasing a firearm under state law; and (2) is in lawful possession of the motor vehicle. “Motor vehicle” does not include any motor vehicle that is: (1) owned or leased by a governmental or private entity that has adopted a written policy prohibiting firearms or ammunition not required for employment within such a motor vehicle; and (2) provided by such entity to an employee for use during the course of employment.

Effective July 1, 2014.

## **HIGHWAYS**

**Public Chapter 998**  
SB 2243 – HB 2156

### **Bus Rapid Transit**

Amends 7-56-102 to require local government approval and approval of the commissioner of transportation for any bus rapid transit system that uses a separate, dedicated lane on any state highway or right-of-way. If such system is being funded with state or federal-aid funds, it must also be approved by the general assembly in the annual appropriations act. If no state or federal-aid funds are being used, then it must also be approved by the general assembly by joint resolution.

Effective July 1, 2014.

## **JAILS**

**Public Chapter 867**  
SB 1695 - HB 2218

### **Release Eligibility - Aggravated Child Neglect**

Amends 40-35-501(k)(6) to provide that there shall be no release eligibility for a person committing aggravated child neglect or endangerment, on or after July 1, 2014, until the person has served 85% of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by 41-21-236, or any other law, shall operate to reduce below 70% the percentage of sentence imposed by the court such person must serve before becoming release eligible.

Effective July 1, 2014.

**Public Chapter 940**  
SB 1362 - HB 1293

### **Release Eligibility – Sexual Abuse of a Child**

Enacts 39-13-534, the “Child Protection Act.” Among other things, provides that there shall be no release eligibility for a person committing continuous sexual abuse of a child as defined by 39-13-534 on or after July 1, 2014, until the person has served the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. Such person shall be permitted to earn any credits for which the person is eligible and the credits may be used for increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

Effective July 1, 2014.

## **LAW ENFORCEMENT**

**Public Chapter 531**  
SB 1434 - HB 1370

### **Issuance of Arrest Warrant or Criminal Summons**

Amends 40-6-205 and 40-6-215 to revise the factors to determine whether to issue an arrest warrant or a criminal summons.

Effective July 1, 2014.

**Public Chapter 534**

### **Execution of Writ of Possession**

SB 1732 - HB 1409

Amends 29-18-127 to provide that the prevailing plaintiff in a forcible entry and detainer action must place the defendant's personal property (1) on the premises from which the defendant is being removed; (2) in an appropriate area clear of the entrance to the premises; and (3) at a reasonable distance from any roadway. Provides that the defendant's personal property cannot be disturbed for 48 hours after it is removed from the premises. Specifies that local government entities shall not be liable for any damages to a defendant's personal property following removal of the property.

Effective July 1, 2014.

**Public Chapter 548**  
SB 1693 - HB 1739

**Unclaimed or Abandoned Vehicles**

Amends 55-16-105(e) to make it a Class A misdemeanor for any person, firm or entity to fail to notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle prior to towing a motor vehicle when the owner of the vehicle is not present.

Effective July 1, 2014.

**Public Chapter 625**  
SB 1664 - HB 2101

**Automated License Plate Recognition**

Amends Title 55, Chapter 10, Part 3 to provide that any captured plate data collected or retained by any governmental entity through an automated license plate recognition system may not be stored for more than 90 days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusion of either: (1) an investigation that does not result in any criminal charges being filed; or (2) any criminal action undertaken in the matter involving the captured plate data.

Effective July 1, 2014.

**Public Chapter 640**  
SB 1503 - HB 1397

**Property Where Meth is Manufactured**

Amends 68-212-503 to make it a Class B misdemeanor for a person who knows, or reasonably should know, that a controlled substance listed in 39-17-408(d)(2) has been manufactured or is being manufactured in or on certain property to intentionally fail to notify the appropriate law enforcement agency within 24 hours of acquiring such knowledge.

Effective July 1, 2014.

**Public Chapter 646**  
SB 1748 - HB 2241

**Sexual Offenses – Promoting Prostitution**

Amends 39-13-515 to provide that it is not a defense that: (1) the subject of the offense is a law enforcement officer; or (2) the victim of the offense is a minor and consented to the offense.

Effective July 1, 2014.

**Public Chapter 647**  
SB 1771 - HB 1883

**Switchblade Knives**

Amends 39-13-515 to make lawful the sale, transfer, ownership, possession and transportation of switchblade knives and knives with a blade length in excess of four inches, and to increase from \$3,000 to \$6,000 the maximum fine for possessing a switchblade with intent to employ it during commission of a dangerous felony.

Effective July 1, 2014.

**Public Chapter 669**  
SB 1959 - HB 1701

**Identity Theft**

Amends 39-14-150 to make it a Class A misdemeanor for a person to: (1) use a scanning device or reencoder without the permission of the cardholder of the card from which information is being scanned or reencoded with the intent to commit, aid, or abet any unlawful activity; or (2) possess any device, apparatus, equipment, software, material, good, property, or supply that is designed or adapted for use as a scanning device or reencoder with the intent to commit, aid, or abet any criminal offense.

Effective July 1, 2014.

**Public Chapter 674**  
SB 1947 - HB 1863

**Enforcement of Traffic Offenses by Municipalities**

Amends 55-10-308 to require certain municipalities authorized to patrol portions of national interstate highways within the territorial limits of the municipalities to use marked law enforcement vehicles when enforcing rules of the road, and removes the ability of certain municipalities to enforce such rules of the road.

Effective July 1, 2014.

**Public Chapter 711**  
SB 1660 - HB 2304

**Child Abuse**

Amends 37-1-102(b)(23)(C) to add the offense of promoting prostitution to the list of offenses constituting severe child abuse.

Effective July 1, 2014.

**Public Chapter 722**  
SB 2564 - HB 2415

**Sex Offender Registration**

Amends 40-39-202(20)(A) to include the offense of patronizing prostitution, where the victim is a minor, in the definition of "sexual offense" for purposes of sex offender registration.

Effective July 1, 2014.

**Public Chapter 729**  
SB 2242 - HB 1704

**Sex Offender Registration**

Amends 40-39-202(20)(A) to include the offense of observation without consent, upon a third or subsequent conviction, in the definition of "sexual offense" for purposes of sex offender registration.

Effective July 1, 2014.

**Public Chapter 735**  
SB 1508 - HB 1513

**Controlled Substances**

Amends 39-17-406(d) and 39-17-438(a)(1) to add "25H-NBOMe" as a new hallucinogen to the controlled substances in Schedule I and add "Quinolinyndolecarboxesters" and "(1-Aminocarbonyl) propylindazolecarboxamides" to synthetic cannabinoids.

Effective July 1, 2014.

**Public Chapter 741**  
SB 1843 - HB 2212

**School Resource Officers**

Enacts 49-6-4219 to provide that any law enforcement agency providing a school resource officer, school security officer or other law enforcement officer providing security at a school shall have a policy regulating the use of electronic control devices, which policy shall address training in the proper use of such devices, as well as investigation, documentation and review of such use, to include final approval of any report documenting such use by the agency's chief executive officer or sheriff.

Effective July 1, 2014.

**Public Chapter 769**  
SB 1685 - HB 1488

**Search Warrants**

Enacts 40-6-109 to provide that a magistrate may issue a warrant based on information communicated by telephone or other reliable electronic means. The proposed warrant, the signed affidavit, and accompanying documents may be transmitted by electronic facsimile transmission (fax) or by electronic transfer with electronic signatures to the magistrate, who may act upon the transmitted documents as if they were originals. If the warrant is being sought by electronic means rather than face-to-face, the warrant affidavit must be sworn to or affirmed by administration of the oath by audio-visual means by the magistrate, and the magistrate's examination of the affiant shall also be by audio-visual means; provided, the warrant affidavit must be in writing and received by the magistrate prior to the administration of the oath and examination of the affiant. The affidavit with electronic signature received by the magistrate and the warrant approved by the magistrate, signed with electronic signature, shall be deemed originals. The magistrate shall facilitate the filing of the original warrant with the court clerk and take reasonable steps to prevent tampering with the warrant. The issuing magistrate shall retain a copy of the warrant and shall issue a copy of the warrant, with electronic signatures, to the affiant. This section does not alter the requirement that the affidavit be submitted to the magistrate in writing regardless of the means of transmission.

Effective July 1, 2014 and ceases to be effective on July 1, 2015.

**Public Chapter 770**  
SB 2083 - HB 1503

**Sex Offender Registration**

Amends 40-39-202, 40-39-206 and 40-39-207 to require any sexual offender whose victim was a child of 12 years of age or less to be classified as an offender against children and to register for life; adds

certain acts to those considered a "violent juvenile sexual offense" for purposes of registration.

Effective July 1, 2014.

**Public Chapter 785**  
SB 1757 - HB 1869

**Search and Seizure – Cell Phones**

Enacts 40-6-109 to provide that no law enforcement officer shall search, examine, extract or duplicate any cellular telephone data, even if incident to a lawful arrest, unless: (1) the officer has obtained a search warrant; (2) the owner of the cellular telephone or the person in possession of the cellular telephone at the time it is seized gives the officer informed consent for the officer to search the cellular telephone; or (3) exigent circumstances exist at the time of the seizure requiring the officer to search the cellular telephone. No cellular telephone data obtained in violation of this section may be used in any court of law or administrative board as evidence, nor may other evidence derived from the illegally obtained data be used as evidence in any such proceeding. This section does not apply to any cellular telephone that, at the time of its seizure or discovery, was abandoned by the owner or person responsible for its abandonment.

Effective July 1, 2014.

**Public Chapter 790**  
SB 2215 - HB 2038

**Electronic Tracking of Motor Vehicles**

Amends 39-13-606 to increase the penalty for electronic tracking of motor vehicles from a Class C to a Class A misdemeanor.

Effective July 1, 2014.

**Public Chapter 797**  
SB 2150 - HB 2267

**Aggravated Criminal Littering**

Amends 39-14-505(b) to enhance the fine for aggravated criminal littering when the amount of litter exceeds 100 pounds in weight or 30 cubic feet in volume from no greater than \$2,500 to between \$2,500 and \$4,000.

Effective July 1, 2014.

**Public Chapter 906**  
SB 1751 - HB 1574

**Controlled Substances - Ephedrine or Pseudoephedrine**

Amends 39-17-431 to limit the maximum amount of products containing ephedrine or pseudoephedrine that may be purchased in a consecutive 30-day period.

Effective July 1, 2014.

**Public Chapter 956**  
SB 1811 - HB 2030

**No Trespass Public Notice List**

Amends 39-14-405 to require the Secretary of State to establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser. Requires law enforcement agencies to maintain the most recent no trespass public notice list received from the

Secretary of State for its use in responding to complaints of criminal trespass.

Effective July 1, 2014.

**Public Chapter 957**  
SB 1815 - HB 2326

**Sexual Offenses**

Amends 39-13-514 to increase the penalty for patronizing a prostitute under age 18 from a Class E felony to a Class A felony; to increase the penalty for patronizing a prostitute with an intellectual disability from a Class E felony to a Class B felony; and to specify that it is not a defense that the subject of the offense is a law enforcement officer or that the victim of the offense is a minor who consented to the offense.

Effective July 1, 2014.

**Public Chapter 970**  
SB 2021 - HB 1661

**Possession and Manufacture of Methamphetamines**

Amends 39-17-417 and 418 to require a person convicted of manufacturing methamphetamine to serve at least 180 days in confinement and a person convicted of possession of methamphetamine to serve at least 30 days in confinement. Persons convicted of methamphetamine offenses will not be prohibited from participating in drug or recovery court programs or from receiving sentence credits for up to the full amount of the mandatory minimum sentence for participation in such programs.

Effective July 1, 2014.

**Public Chapter 977**  
SB 579 - HB 8

**Invasion of Privacy and Sex Offender Registry**

Amends 39-13-605 to make unlawful photographing a Class E felony if: (1) the defendant disseminates or permits the dissemination of the photograph to any other person; or (2) the victim of the offense is under 13 years of age at the time of the offense. Makes unlawful photographing a Class D felony if: (1) the defendant disseminates or permits the dissemination of the photograph to any other person; and (2) the victim of the offense is under 13 years of age at the time of the offense. Amends 39-13-607 to make observation without consent a Class E felony if the victim is under the age of 13 at the time the offense is committed. Amends 40-39-202(20)(A) to add the following to the list of offenses that constitute a "sexual offense" for purposes of the sex offender registry: (1) observation without consent when the offense is classified as a Class E felony; and (2) unlawful photographing when the offense is classified as a Class D or E felony.

Effective July 1, 2014, and applies only to offenses occurring on or after that date.

**Public Chapter 982**  
SB 1662 - HB 1687

**Bribery of Public Servant –Extortion - Riot**

Amends 39-16-102(b) to provide that it is no defense to prosecution under this section that the person who sought to influence a public official took action on behalf of a public or private organization or any

other entity, for the purpose of organizing a campaign or for any other lawful purpose. Amends 39-14-112(a) to provide that a person commits extortion who uses coercion upon another person with the intent to impair any entity from the free exercise or enjoyment of any right or privilege secured by the Constitution of Tennessee, the United States Constitution or the laws of the state, in an effort to obtain something of value for any entity. Amends 39-17-301 (3) to provide that any otherwise lawful activity may constitute a riot if the public peace is disturbed by tumultuous or threatening conduct

Effective July 1, 2014, and applies only to offenses occurring on or after that date.

**Public Chapter 987**  
SB 1929 - HB 2270

**Money Laundering - Forfeiture**

Amends 39-14-903 to provide that all assets and proceeds used to facilitate money laundering are subject to seizure and forfeiture. Any court having criminal jurisdiction to conduct a preliminary hearing or trial of the criminal offense is empowered to order forfeiture as herein provided.

Effective July 1, 2014.

**Public Chapter 992**  
SB 2090 - HB 1972

**Sexual Offenders**

Amends 40-39-211 (a) to provide that no sexual offender or violent sexual offender, while mandated to comply with the requirements of the sex offender registration law, whose victim was an adult, shall knowingly establish a primary or secondary residence or any other living accommodation or knowingly accept employment within 1,000 feet of the property line of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public.

Effective July 1, 2014.

**PERSONNEL**

**Public Chapter 574**  
SB 2004 - HB 1918

**Governmental Tort Liability - Removal of Immunity**

Enacts 29-20-208 to remove the state's immunity from suit for the purpose of claims against and relief from a governmental entity under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Effective July 1, 2014.

**Public Chapter 995**  
SB 2126 – HB 1954

**Tennessee Human Rights Act**

Amends 4-21-301 to remove the provision making it a discriminatory practice to aid, abet, incite, compel or command a person to engage in any of the acts or practices declared discriminatory under the Tennessee Human Rights Act (THRA), and to add a provision that no

individual employee or agent can be held liable for employment discrimination under part 4 of the THRA that the employer is found to have committed. Enacts 4-21-313 to set monetary limits on damages for actions brought under 4-21-401 (employment discrimination), 8-50-103 (disability discrimination), and 50-1-304 (whistleblower). Enacts 4-21-314 to prohibit employees from concurrently maintaining actions under these statutes in state court and in federal court.

Effective July 1, 2014.

## **PURCHASING**

### **Public Chapter 644** SB 1713 – HB 1671

#### **Information on Bid Envelope**

Rewrites 62-6-119 to clarify requirements for information required to be placed on the outside of a bid envelope for construction projects. Removes provision that bids without required information on envelope cannot be opened and instead provides that such bids are void. Before awarding contract, purchasing entity must verify all listed information, and typographical errors may be corrected within 48 hours after bid opening excluding weekends and holidays. Penalty for awarding contract to unlicensed contractor is Class A misdemeanor.

Effective July 1, 2014.

### **Public Chapter 739** SB 1770 – HB 1569

#### **Purchasing from the Blind and Disabled Persons**

Amends Title 71, Chapter 4, Part 7, regarding the purchase of goods and services from blind persons and persons with disabilities. Expands the program to apply to "other entities" defined in the act, in addition to qualified work centers serving blind individuals and agencies serving individuals with severe disabilities. Requires all departments, institutions, agencies, and political subdivisions of this state supported in whole or in part by the state to purchase services or commodities from "the central nonprofit agency" rather than from qualified nonprofit work centers. Makes other changes related to administration of the law.

Effective July 1, 2014.

## **RECORDS**

### **Public Chapter 648** SB 1830 - HB 1731

#### **Electronic Storage**

Amends 10-7-121, 10-7-404 and 10-7-702 to delete references to storage of certain records on CD-ROM disks. Such records may be stored instead on any appropriate electronic medium.

Effective July 1, 2014.

### **Public Chapter 925** SB 2006 – HB 1973

#### **Students of Military Parents**

Amends 49-6-5101 to provide that the department of education shall:  
(1) create a data entry point that identifies students with active duty

military parents or guardians; (2) disaggregate data to identify students with active duty parents and guardians and children of parents or guardians of the national guard or reserves as separate groups; (3) prescribe a uniform program for the collection, maintenance, and transfer of data that each LEA must adopt; (4) prescribe the format for the data; and (5) prescribe the date by which each LEA shall report the data to the department.

Effective July 1, 2014.

## **RETIREMENT**

### **Public Chapter 659 SB 2324 – HB 1957**

#### **Public Employee Benefits**

Amends Title 8, Chapters 25 and 34 through 38 relative to public employee benefits. Provides that plans must honor claims under a qualified domestic relations order that relates to the provision of marital property rights for the benefit of a former spouse. Revises numerous provisions in order to provide for a variety of investment options for different retirement plans. Adds “occupational therapist” to definition of teacher under TCRS. Establishes an administrative committee and an investment committee of the TCRS board. Provides that no state department, instrumentality or entity of or affiliated with state government shall be authorized to cover its otherwise eligible employees in the retirement system unless the general assembly approves the annual operating budget for the entity, or unless the entity has specific Tennessee state statutory authority to cover its otherwise eligible employees in the retirement system and the entity obtains written advice from nationally recognized counsel employed by the retirement system in the area of government employee benefit plans that the entity is eligible to participate in a governmental plan. Provides that the foregoing also applies to any person seeking admission to the retirement system whose compensation is paid, in whole or in part, from funds not appropriated by the general assembly. Provides that if an employer does not extend social security coverage to its employees, the employer is authorized, subject to the approval of the board, to establish a different benefit accrual rate, adopt different retirement eligibility service and age requirements, or to otherwise alter the pension plan benefit structure for all or for certain classes of its employees. Based on the advice of nationally recognized counsel employed by TCRS, any such alternative plan shall comply with all requirements of federal laws, rules, and regulations and also qualify as a social security replacement plan. Removes provision requiring a political subdivision to authorize an actuarial study before voting to allow its board members to participate in TCRS. Revises provision relative to the requirements that a covered member must meet in order to establish credit for prior service. Revises numerous provisions in order to standardize the age at which a death benefit is payable to children (choosing the standardized age of 22). Revises provisions relative to reentering service. Revises provisions relative to the maximum total combined employer contributions in the hybrid plans.

Revises provisions relative to the stabilization reserve trust account in hybrid plans. Makes numerous other administrative amendments to the TCRS.

Multiple sections effective July 1, 2014, with remaining sections effective April 10, 2014.

## **TAXATION**

### **Public Chapter 901 SB 1464 – HB 1403**

#### **Mixed Drink Tax Revenues**

Amends 57-4-306 to provide that mixed drink tax revenues will be distributed by the commissioner of revenue as follows: one-half to the state general fund to be used for education; the other half to the local political subdivisions, with taxes collected within municipalities being sent to the city recorder and taxes collected outside incorporated municipalities being sent to the county trustee. One-half of the tax proceeds distributed to the local political subdivisions must be used for education. For a one-year period beginning July 1, 2014, local tax proceeds that are earmarked for education must be distributed locally as follows: (1) If the county school system is the only LEA in the county, all revenues (both city and county) go to the county trustee for the county school system. (2) If the city where the revenues are collected operates K-12 schools, the city keeps all for its schools. (3) If the city where the revenues are collected operates less than K-12 schools, the proceeds are to be distributed to the LEAs where the city's students attend school according to formulas based on ADA calculations. "ADA" is defined in the act. (4) If the city where the revenues are collected does not operate schools, all of the city's revenues go to the county school system and the revenues do not have to be shared, notwithstanding 49-3-315. If a special school district is located in the city where the revenues are collected, the revenues are allocated by ADA to the SSD and to the county school system. (5) If revenues are collected in a county in which one or more cities operate schools, the county is not required to share its proceeds (collected outside cities) with any cities that have school systems and have liquor by the drink, notwithstanding 49-3-315. (6) If the city where the revenues are collected is in two or more counties and does not operate schools, the proceeds are divided between the counties based on situs of collection, and distributed to the county trustee for the county school system in each county. After July 1, 2015, proceeds will be distributed under the distribution formula in existence before this act, but without the exception for Bedford County. By August 1, 2014, each city and county "that exercises the privilege authorized under § 57-4-301(c)" must send a written notice to each school system operating within that jurisdiction, stating that the city or county "exercises the privilege authorized under § 57-4-301(c)," that students within the jurisdiction attend a school(s) operated by the school system, that the school system is authorized to receive a portion of the revenues, and a reference to these statutes. A jurisdiction newly adopting liquor by the drink must send this notice within 30 days of the referendum. If the local political

subdivision fails to remit the proceeds to the appropriate school system(s) within 60 days of receipt from the commissioner, the school board must notify the comptroller, who within 5 days must send notice to the local political subdivision by certified mail. If the proceeds are not remitted within 30 days of receipt of the notice, the comptroller will direct the commissioner of revenue to withhold future distributions to the local political subdivision until the matter is resolved by suit in chancery court. If the state is a named party, the suit must be in Davidson County. Contains an exception and special distribution formula that applies only to Hamilton and Bradley counties, which is the same as the current statute with an additional provision authorizing the commissioner to distribute the local proceeds to either the city recorder or the county trustee, depending on the situs of collection, and having them distribute the proceeds locally.

The foregoing provisions become effective July 1, 2014.

Also amends 49-2-203 to enact a new subsection (d) authorizing boards of education and municipal and county legislative bodies to enter into binding agreements for the disposition of revenues received under the statute as it existed prior to July 1, 2014, as long as the city or county was acting in good faith when they failed to remit the proceeds appropriately. These agreements may take into account any offsets of liability by past, present or future appropriations, expenditures, allocations of revenue, gifts, capital projects or similar payments, grants, or any consideration made by the city or county to the school system, on behalf of the school system, or otherwise directly benefitting the school system. Any such agreement must be in place by August 31, 2014. Copies must be filed with the commissioner of revenue and the comptroller. If any party defaults, the aggrieved party must notify the comptroller who will send written notice to the defaulting party by certified mail within 5 business days. If the default is not cured within 60 days of receipt of notice, the comptroller will direct the commissioner to withhold future distributions of proceeds “authorized under 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014, to the defaulting party.” The aggrieved party is authorized to file suit in Davidson County chancery court. Upon receipt of a copy of the judgment, the commissioner will release the withheld proceeds. If no binding agreement has been entered into by September 1, 2014, any party may (1) file suit in Davidson County chancery court, or (2) ask the comptroller to undertake binding arbitration to resolve the disagreement. Recovery is limited to proceeds received by the local political subdivision between July 1, 1999 and June 30, 2014. The amount may be paid in equal installments not exceeding 10 years. If a party fails to either file suit in Davidson County chancery court or seek binding arbitration by December 31, 2014, the party is barred from relief for all proceeds received by a political subdivision prior to July 1, 2014.

Nothing in the new subsection (d) above applies to any case or action

filed before June 1, 2014. (Suits filed before June 1, 2014, are not required to be filed in Davidson County and the limitation on recovery of proceeds to 1999 will not apply.)

The foregoing provisions are effective May 13, 2014 (these provisions do not apply to Bradley or Hamilton counties).

**Public Chapter 908**  
SB 2076 – HB 1769

**Diesel Fuel Tax**

Enacts the Transportation Fuel Equity Act, 67-3-14\_\_, to provide that all diesel fuel, whether dyed or undyed, used by a commercial carrier to produce power for a means of transportation within the state is subject to the 17¢ diesel tax. All tax revenues collected will be deposited in the state's transportation equity trust fund created under 9-4-207 and used in accordance with that statute. Makes revisions to other statutes in accordance with this new law.

Effective July 1, 2014.

**Public Chapter 942**  
SB 1477 – HB 1536

**Business Tax**

Amends Title 67, Chapter 4, Part 7, to add natural gas marketers to class 5 for business tax, to be taxed at 1/50 of 1% of all sales within the state without the \$450 minimum or the \$1,500 maximum applicable to other businesses in class 5. Businesses in class 5 are not required to obtain a business license from the county clerk. 100% of the taxes, penalty and interest collected from any business in class 5 goes to the state general fund.

Effective July 1, 2014.

**TAXATION - PROPERTY**

**Public Chapter 599**  
SB 625 - HB 455

**Delinquent Property Tax Sales**

Amends 67-5-2502 (a)(3) to provide that if there is any remainder after the proceeds of the sale have been distributed the parties receiving notice of the sale shall also be given notice of the amount of proceeds resulting from the sale, the division of such proceeds, and the remainder.

Effective July 1, 2014.

**Public Chapter 883**  
SB 2128 - HB 2165

**Delinquent Property Tax Sales**

Amends 67-5-513, 67-5-2010, 67-5-2103, 67-5-2405, 67-5-2411, 67-5-2415, 67-5-2502, 67-5-2504, 67-5-2515. Deletes 67-5-2505, 67-5-2512, 67-5-2513, 67-5-2514. Deletes 67-5-2701 through 67-5-2706. Enacts new 67-5-2701 and 67-5-2803. Revises certain requirements related to delinquent property tax sales.

Effective July 1, 2014.

**Public Chapter 937**  
SB 2553 - HB 2451

**Certified Tax Rate**

Amends 67-5-1703 and 67-5-1704 to allow the state board of equalization to correct an error in the computation of a certified tax rate. The corrected rate will be applicable to the tax year in which the certified tax rate is calculated if the error is corrected before the tax billing date and in the next tax year if the error is corrected after the tax billing date.

Effective July 1, 2014.

**TAXATION - SALES**

**Public Chapter 1012**  
SB 2549 – HB 2402

**Sales Tax**

Amends 67-6-210 to exempt from the use tax boats that were purchased and registered in another state before the owner moved to Tennessee. The boat must be for personal use only and have a value less than \$10,000.

Effective July 1, 2014.

**WORKERS' COMPENSATION**

**Public Chapter 837**  
SB 2088 – HB 1786

**Workers' Compensation Ombudsman**

Amends 50-6-216. Provides that any party that is not represented by legal counsel may request the services of a workers' compensation ombudsman by contacting the office of mediation services. An ombudsman may not provide legal advice.

Effective July 1, 2014.