

Knox County Legislative Affairs Committee

Commissioner Schoonmaker, Chairman
Commissioner Dailey, Vice-Chair



Commissioner Oster
Commissioner Lee
Commissioner Jay

NOTICE

TO: MEMBERS OF THE LEGISLATIVE AFFAIRS COMMITTEE
FROM: COMMISSIONER JOHN SCHOONMAKER, CHAIRMAN

THE KNOX COUNTY COMMISSION'S LEGISLATIVE AFFAIRS COMMITTEE SHALL MEET ON MONDAY, JUNE 5, 2023 AT 4:00 P.M. IN THE MAIN ASSEMBLY ROOM OF THE CITY-COUNTY BUILDING.

AGENDA

- Call to Order
- Roll Call
- Review of bills from the 113th TN General Assembly signed by Governor Lee
- Review of bills which are still in progress for 2024
- Other Business
- Adjournment

NOTE: ALL AGENDA ITEMS SUBJECT TO VOTE

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

- Call to Order
-

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

- Roll Call
-

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

- Review of bills from the 113th TN General Assembly signed by Governor Lee
-

Attachments

Bills from the 112th General Assembly

An Excerpt from the

INDEX OF ACTS RELATED TO COUNTY GOVERNMENT

2022 EDITION



County Technical Assistance Service

INSTITUTE *for* PUBLIC SERVICE

...a service of The University of Tennessee

Prepared by
CTAS Legal Staff

May 2022

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.

NOTE: This document was edited by the Tennessee County Services Association to remove summaries that were of lesser significance to its members and to add some summaries of acts which have passed but have not yet been signed by the Governor or assigned a Public Chapter number. Any mistakes in this document are the fault of TCSA and not the County Technical Assistance Service. The association appreciates the opportunity to use these materials.

COUNTY GOVERNMENT

Public Chapter 656
SB 2049 - HB 1684

Conflict of Interest – County Commissioners

Amends 5-5-112 to require a member of a county governing body who is voting on a proposed budget, appropriation resolution, or tax rate resolution, or amendments thereto, that has a conflict of interest under 5-5-112 (a), to declare the conflict of interest at the meeting prior to casting the member's vote.

Effective March 15, 2022.

Public Chapter 663
SB 1755 – HB 1728

Public Finance

Amends 9-21-1001 to add a new subsection (e) to provide modifications of outstanding obligations are considered a refunding and must comply with Title 9, Chapter 21 if the modification is of such significance to be deemed reissued under federal tax law. Also amends 68-221-611(k) and 68-221-1311(k) to revise publication requirements relating to reports received by water and wastewater treatment authorities.

Effective March 16, 2022.

Public Chapter 666
SB 825 – HB 1392

Regulation of Transportation Services

Amends 7-51-1007(a) to authorize all government entities (including counties) to regulate entry into the business of providing passenger transportation services, which includes limousines, sedans, shuttles, entertainment transportation and taxicabs. Amends 7-51-1007(b) to include a definition of “entertainment transportation.” Also amends 7-51-1007(c) to provide that transportation services regulated by a governmental entity must comply with safety rules and regulations and liability insurance requirements in Title 65, Chapter 15.

Effective March 18, 2022.

Public Chapter 700
SB 1758 - HB 1704

57 Law - Conflict of Interest

Amends 5-14-114 to revise the provisions governing conflicts of interest. Applies to the county purchasing agent, members of the county purchasing commission, members of the county legislative body, and other officials of the county. Revises the meaning of direct and indirect interest. Makes the 57 Law more like the general conflict of interest statute.

Effective March 18, 2022.

Public Chapter 720
SB 29 - HB 105

First Responders – Residence Requirements

Amends 8-50-107 to prohibit a local government from dismissing, disciplining, fining, or penalizing a first responder employed by a local government or denying employment to a person applying to be a first responder, based on where the first responder or person applying to be a first responder resides. "First responder" means paid, full-time law enforcement officers, firefighters, emergency medical personnel, and dispatchers of law enforcement, fire, and emergency medical service departments. "First responder" does not mean the chief or head of the department. Does not apply to Hamilton County.

Effective March 24, 2022.

Public Chapter 765
SB 2515 – HB 2653

Tennessee Community Gardening Act

Amends 43-24-102(5) to revise the definition of "vacant public land" to include property controlled by a parks and recreation department or similar entity and that is not currently being used as park land.

Effective March 31, 2022.

Public Chapter 771
SB 1801 – HB 1876

Building Codes

Amends 68-120-101 to add a new subsection providing that neither state nor local regulations may prohibit the use of refrigerants authorized for use under federal law.

Effective April 8, 2022.

Public Chapter 786
SB 2409 – HB 2156

Local Health Departments

Amends 68-2-603(c) to remove the requirement that county health officers receive approval from the commissioner or county mayor prior to providing medical direction, including medical enforcement actions. Amends 68-2-609 to add a new subdivision authorizing county health officers to order rules as are necessary or appropriate to protect the general health and safety of the county, except as provided in Title 14 and 68-2-611. Also amends 68-2-611(a)(1) to provide the governor has exclusive jurisdiction to issue executive orders and directives related to the pandemic with respect to each county health department in the state.

Effective April 8, 2022.

Public Chapter 790
SB 2468 – HB 2596

Limitations of Actions

Enacts a new section at Title 28, Chapter 3, Part 1, to provide that an owner, tenant, or lessee is not liable for injuries occurring when a person uses their land to access a public greenway and such person has not paid to use the land to

access the greenway, unless the injuries stem from gross negligence or willful and wanton misconduct of the owner, tenant, or lessee. Provides that the limitation of liability exists even if the person has permission to use the land to access the greenway.

Effective April 8, 2022.

Public Chapter 796
SB 2704 – HB 2725

Historic Zoning Commission Members

Amends 13-7-403 to provide for filling vacancies on the commission by the chief executive officer of the county or municipality, subject to confirmation by the local legislative body. Also provides for removal of members by the chief executive of the county or municipality, subject to confirmation by the local legislative body.

Effective April 8, 2022.

Public Chapter 802
SB 1197 – HB 1137

Closure of Churches or Religious Organizations

Amends 68-2-609 to provide the conditions under which county health officers may quarantine places or persons or close public establishments, facilities, or buildings. Prohibits the closure of churches or religious organizations. Also amends 58-2-107 to prohibit the state, local governments, or public officials from ordering the closure of churches or religious organizations for purposes of worship services.

Effective April 8, 2022.

Public Chapter 830
SB 1774 – HB 1677

Special Called Meetings Notice

Amends 5-5-105 to add a new subsection authorizing counties to provide alternative notice of special called meetings in cases where newspaper notice cannot occur in a manner timely enough to conduct the necessary business of the body. Provides that such notice may be provided by posting the notice in a location where the public may become aware of the notice and on the county's website if such website exists. Requires the notice contain a reasonable description of the purpose of the meeting or action to be taken. Also requires the notice be posted at least five days before the meeting.

Effective April 19, 2022.

Public Chapter 861
SB 535 – HB 653

Local Government Use of Cryptocurrency

Enacts a new part at Title 9, Chapter 3 to prohibit local governmental entities from paying, compensating, awarding, or remitting funds in the form of, or facilitating the conversion of compensation or funds to, blockchain, cryptocurrency, non-fungible tokens, or virtual currency to

an individual person, corporation, or other entity (or procuring the services for the performance of any such actions) without the prior written approval of the state treasurer.

Effective April 14, 2022.

Public Chapter 866
SB 1925 - HB 2056

Solar Power Facility Agreements

Enacts 66-9-207 relative to solar power facility agreements which includes a lease or easement agreement for real property between a grantee and a landowner for the construction, installation and operation of all or a part of a solar power facility on such real property that generates electricity primarily for use and consumption off the premises. Provides that such agreements must contain certain provisions. Provides that this law does not prohibit a local government from regulating solar power facilities pursuant to its zoning authority, except that a local government shall not impose removal or restoration obligations or require financial assurance securing such obligations that are more stringent than or additional to those provided for in this law.

Effective June 1, 2022.

Public Chapter 930
SB 1982 - HB 1871

COVID-19

Amends Title 4, Title 7, Title 8, Title 14, Title 50, Title 63, and Title 68 relative to COVID-19. Amends section 14-1-101 to include a definition for "acquired immunity" which is an acquired immune system response to the COVID-19 virus that is acquired naturally from a person's previous infection of COVID-19; and is verified by a licensed physician or is documented by a laboratory test showing antibody, memory cell, or T-cell immunity. Amends Title 14, Chapter 2, Part 1 to provide that a governmental entity or private business shall not adopt or enforce a rule that fails to recognize acquired immunity as at least as protective as the COVID-19 vaccine or treats persons with acquired immunity different than persons who have received a COVID-19 vaccine.

Effective April 29, 2022

Public Chapter 940
SB 2203 - HB 2232

County Boundary Changes

Amends 5-2-104(a)(2) to require the county commissioners of counties seeking to change boundary lines to consider the potential impact to all relevant departments before adopting a resolution to request the general assembly change the county boundary lines.

Effective April 29, 2022.

Public Chapter 997
SB 2162 - HB 2649

Megasite Authority of West Tennessee Act of 2021
Amends Title 38, Chapter 8, Part 1 to authorize a local governmental entity to enter into a contract with an entity working on the megasite, as defined in 64-9-103, for the provision of security services at the megasite.

Effective May 4, 2022.

Public Chapter ___
SB 2219 - HB 2303

Regulation of Smoking and Vaping.
Allows municipalities, counties and metropolitan governments to regulate, including prohibit, smoking and the use of vapor products in age-restricted venues other than retail tobacco stores, cigar bars and vapor product stores. Age-restricted venue is defined as a legal establishment that restricts access to its buildings or facilities at all times to persons 21 years of age or older.

Effective July 1, 2022

EDUCATION

Public Chapter 670
SB 2003 - HB 1848

Compensation of School Board Members
Amends 49-2-202(d) to provide that the compensation of school board members cannot exceed the compensation of county legislative body members and must be included in the education budget submitted to the county legislative body. Also provides that the compensation for school board members shall not be reduced from the prior year.

Effective July 1, 2022.

Public Chapter 943
SB 2328 - HB 2300

Basic Education Funding (BEP)
Amends Title 49, Chapter 3, relative to the BEP. Section 1 of the act provides that a high school student that completes an early high school graduation program under 49-6-6103 must be counted as enrolled in the LEA where the student graduated early for the remainder of the year for the purpose of calculating the LEA's ADM or FTE for the year. Section 2 of the act terminates section 49-3-371 on July 1, 2023.

Effective July 1, 2022

Public Chapter 966
SB 2396 - HB 2143

Public School Funding Formula
Amends Title 49, relative to education funding. Replaces the Basic Education (BEP) formula with the Tennessee Investment in Student Achievement (TISA) formula. [NOTE: a more detailed summary of this legislation is provided in a separate handout.]

ELECTIONS

Public Chapter 621 SB 1820 - HB 1868

Instant Runoff Voting

Enacts a new section in Title 2, Chapter 8 to prohibit county election commissions from utilizing instant runoff voting or rank choice voting in conducting an election in this state for statewide or local government offices. Defines instant runoff voting and ranked choice voting as a method of casting and tabulating votes in which: (i) voters rank candidates in order of preference; (b) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated; (iii) votes are transferred from elected or defeated candidates to the voters' next-ranked candidate or candidates in order of preference; and (iv) tabulation ends when a candidate receives the majority of votes cast or the number of candidates elected equals the number of offices to be filled, as applicable.

Effective February 28, 2022.

Public Chapter 626 SB 515 - HB 411

Political Signs on Private Property

Amends 2-7-143 relative to the provisions under the Tennessee Freedom of Speech Act that prohibit local governments and homeowners' associations from placing certain restrictions on political signs placed on private property. Extends the current prohibitions from 60 days before the election to 60 days before early voting.

Effective July 1, 2022.

Public Chapter 809 SB 1952 - HB 1970

Residency Requirement for County Offices

Amends numerous sections to require a candidate for county legislative body, constable, trustee, register, school board, chief administrative officer of the highway department, assessor of property or clerk of a general sessions, circuit, criminal, or other special court to be a qualified voter of the county and a resident of the county for one year prior to the date of the qualifying deadline for running as a candidate for such office.

Effective September 1, 2022 (applies to persons qualifying to run as a candidate for the affected office after such date).

Public Chapter 939 SB 2245 - HB 2128

Prohibiting Noncitizens from Voting

Amends 2-2-102 to prohibit an individual who is not a citizen of the United States from voting in a federal, state, or local election and prohibit a county, municipality, or other political subdivision of this state from granting voting rights to a person who is not a United States citizen for an election.

Enacts a new section in Title 2, Chapter 2, Part 1 relative to providing lists of registered voters to federal courts for selecting jurors. Requires the jury coordinator to provide certain information to the coordinator of elections relative to disqualified jurors. Amends 2-2-106 relative to purging of voter registration. Amends 2-2-141 regarding verifying citizenship.

Effective April 29, 2022.

EMERGENCY SERVICES

Public Chapter 647

SB 2289 - HB 2348

Mental Health Transports

Amends 68-140-306 to revise the Emergency Medical Services Act of 1983 to create an exception to the requirement for a separate license in each county so that an ambulance service that holds a valid and unencumbered license to operate in one or more counties in this state will not be required to hold a license specific to, or establish a base of operations in, a county for which that ambulance service is not licensed in order to provide a secondary mental health transport to, from, or through that county. "Secondary mental health transport" means the transportation of an individual from one healthcare facility to another healthcare facility for the purposes of mental health evaluation or treatment.

Effective March 14, 2022.

Public Chapter 684

SB 1908 - HB 1956

EMT/AEMT Training Centers

Amends 68-140-331 to revise the Emergency Medical Services Act of 1983 to increase the number of EMT/AEMT training centers that may be operated by licensed ambulance services from 15 to 30.

Effective March 28, 2022.

Public Chapter 827

SB 2876 - HB 2275

Emergency Medical Services Employees

Amends Title 8, Chapter 36, Part 8 to authorize emergency medical service employees who have been retired for at least 60 days from the Tennessee consolidated retirement system (TCRS), from any superseded system administered by the state, or from any local retirement fund to accept employment as an emergency medical service employee without loss or suspension of retirement benefits to meet certain conditions.

Effective July 1, 2022.

Public Chapter 977
SB 2340 - HB 2211

Background Checks on Fire Protection Personnel

Amends 68-102-308 to require fire protection personnel, when seeking employment with a public fire agency, to agree to the release of information required for a criminal background investigation by a professional background screening organization or criminal background check services or registry; and supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, another law enforcement agency, or another legally authorized entity.

Effective May 3, 2022.

Public Chapter 1012
SB 1966 - HB 1981

Emergency Medical Responders and Apprentices.

Creates two new classes of emergency services personnel. These include an emergency medical responder (EMR), which is defined as a person who has completed an EMR training course and has qualified by examinations to perform lifesaving interventions and to assist higher-level personnel at the scene and during transport. The second class is an Emergency Medical Services – Apprentice, which is a person who does not possess an EMS license in this state but meets all other requirements for operating an emergency vehicle.

Effective May 9th, 2022.

Public Chapter ___
SB 1872 - HB 1719

Ground Ambulance Service Provider Assessment.

Extends the ground ambulance service provider assessment which is levied annually. This revenue generates federal matching funds through the TennCare program.

Effective July 1, 2022, for some specific provisions of this act and upon becoming a law for the rest.

ENVIRONMENT

Public Chapter 746
SB 2450 - HB 2607

Tire Disposal Funds

Amends 67-4-1610 to provide that the one dollar (\$1.00) that is sent to a county from the one dollar and thirty-five cents (\$1.35) pre-disposal fee imposed on the purchase of a new tire may be used by the county for the beneficial end use of tires (e.g., recycling) or for the shredding and disposal of tires in a landfill so long as the net cost of shredding, transporting and disposing of the tires does not exceed the cost of an available beneficial end use.

Effective July 1, 2022.

Public Chapter 875
SB 2121 - HB 1842

Solid Waste Disposal Facilities

Amends 68-211-814 to provide that TDEC is authorized to continue processing a permit application for the construction or expansion of a solid waste disposal facility or incinerator if the municipal solid waste region does not render a decision on such an application within 90 days after receipt of a complete application. Provides that TDEC shall not approve a permit that is subject to an appeal in chancery court. Provides that if an aggrieved party does not appeal a final action of the region, then TDEC may issue the permit unless TDEC finds that the decision of the region to reject the application is arbitrary and capricious and unsupported in the record developed before the region.

Effective April 14, 2022.

Public Chapter 886
SB 2417 - HB 2167

Water and Wastewater Funding

Amends numerous sections in Title 68, Chapter 221 relative to water. Authorizes TDEC to promulgate emergency rules to make full use of available federal funding. Expands definition of wastewater facility to include stormwater facilities. Authorizes loan forgiveness to certain water systems serving disadvantaged communities. Authorizes TDEC to establish a grant program utilizing federal funds for eligible water related projects under Parts 10 and 12 of Title 68, Chapter 221.

Effective April 14, 2022.

HIGHWAYS

Public Chapter 992
SB 2399 - HB 2146

Commercial Drivers Licenses

Enacts new sections at Title 55, Chapter 50, Part 4, to authorize a third-party skill testing program for CDLs to be administered by the Dept. of Safety. Enacts 55-50-417 to require the department to request driver records from the federal drug and alcohol clearinghouse prior to issuing or renewing a CDL. Enacts 41-21-517 to authorize the Dept. of Corrections to create a CDL training program for incarcerated individuals. Amends various sections related to school bus endorsements.

Effective May 4, 2022, for rulemaking purposes and July 1, 2022, for all other purposes.

JAILS

Public Chapter 646
SB 278 - HB 549

Compensation for Death in Line of Duty

Amends 7-51-210(a)(5) to allow the estate of a deputy jailer who is killed in the line of duty to receive an annuity in the amount of \$250,000, paid over five years.

Effective March 11, 2022.

Public Chapter 895
SB 735 - HB 71

Per Diem for Parole Violators

Amends 41-8-106 to clarify that counties shall be reimbursed for housing state parolees awaiting a parole revocation hearing in the same manner as they are reimbursed for housing convicted felons.

Effective July 1, 2022.

LAW ENFORCEMENT

Public Chapter 667
SB 2794 - HB 1693

Constables

Amends 8-10-201, 203 and 205 to add the East Tennessee Constables Association to the list of entities that are eligible to provide in-service education courses and firearms training for constables. Requires the East Tennessee Constables Association to be notified in the event of the county election or appointment of a constable.

Effective March 18, 2022.

Public Chapter 810
SB 2035 - HB 2058

Prevention of Youth Access to Tobacco

Amends 39-17-1502 and following sections. Defines "smokeless nicotine product" and adds smokeless nicotine products to type of products that are age-restricted to persons aged 21 years and older. Specifies that the general assembly preempts and occupies the entire field of legislation concerning the regulation of tobacco products, smokeless nicotine products, and vapor products.

Effective April 8, 2022.

Public Chapter 969
SB 1782 - HB 1732

Constables

Amends Title 8, Chapter 10, Part 1 to authorize a court with jurisdiction over a criminal case in which an elected constable is indicted or formally charged with a misdemeanor involving gambling or moral turpitude or a felony to place the constable on administrative leave until the conclusion of the criminal prosecution. If a constable is placed on administrative leave, the clerk of court is required to mail a copy of the court's order to the legislative body of the county in which the constable serves for purposes of

temporarily filling the vacant seat of the constable, as necessary. If a constable is convicted of a misdemeanor involving gambling or moral turpitude or a felony, the clerk will be required to mail a certified copy of the conviction to the attorney general and reporter and the appropriate district attorney general, county attorney, and city attorney to determine whether ouster proceedings should be brought.

Effective May 3, 2022.

Public Chapter 997
SB 2162 - HB 2649

Regulation of Health and Related Facilities

Amends Title 68, Chapter 11, Part 2 to authorize licensed health care facilities to establish policies pursuant to which a suitable number of persons may be employed or commissioned, or both, as police officers, public safety officers, and security officers by the facility; provided, that the chief law enforcement officer of the law enforcement agency with jurisdiction over the facility has appointed each police officer who is employed or commissioned pursuant to this section a special deputy in accordance with 8-8-212, or has appointed the police officer a special police officer.

Effective May 4, 2022.

PERSONNEL

Public Chapter 644
SB 1823 - HB 1867

COVID -19 Vaccination Exemptions

Amends Title 14 to require employers to grant certain exemptions to COVID-19 vaccination requirements for healthcare staff members or students. A staff member may request an exemption for a medical condition or sincerely held religious belief. The employer must grant or deny the exemption in writing within ten business days of the request and may not retaliate against or take an adverse action against a staff member for making a request for an exemption. Imposes a civil penalty of \$10,000 against employers who violate this section. Does not impose liability on an employer for actions taken prior to the effective date of this section, nor requires an employer to take or refrain from actions contrary to enforceable requirements of the centers of Medicare or Medicaid services.

The attorney general shall establish a process whereby violations of this section may be reported and may bring an action against an employer that violates this section. Funds collected must be paid into the general fund of the state. Attorney's fees and costs may be awarded to the prevailing party, except no court costs shall be assessed against the attorney general and/or state. Jurisdiction is in chancery or

circuit court of Williamson County or in chancery court where the employer is located.

Effective March 11, 2022.

Public Chapter 832
SB 1780 – HB 1853

E-Verify for Work Authorization

Amends Title 4, Title 12, Title 39, Title 50, and Title 57 relative to immigration. Prohibits a person from knowingly recruiting or employing an illegal alien; requires private employers with 35 or more employees to use E-Verify to verify work authorization and applies on or after January 1, 2023; creates an office of employment verification assistance within the department; requires the office of employment authorization to assist employers, with no internet access and less than 35 employees, with enrolling in E-Verify or by conducting work authorization checks by using E-Verify; provides that an employer will not be in violation of this act during a time period when the E-Verify program is suspended or nonoperational, or if an employer acts upon false results generated by E-Verify about an employee's work authorization status; provides that an employee shall have no civil action for retaliatory discharge if the employee is not authorized to work in the United States; provides that if an employer discovers an employee is not authorized to work in the United States by E-Verify and discharges the employee, then the employee does not have a cause of action for discrimination based on national origin; and requires an employer to maintain an E-Verify case result for each employee that shows that the employee is authorized to work.

Effective April 19, 2022

Public Chapter ___
SB 282 – HB 1386

Salary Suits.

Amends Title 9, Chapter 20, Part 1 regarding salary suits brought by county officials. Establishes an expedited process for resolving the suits in a timely fashion. Directs the courts to give docket priority to these proceedings and to resolve the cases within 120 days unless the court determines the case should be extended. Requires the suing official and the county mayor to engage in mediation within 30 days of filing the petition. Sets limits on discovery and litigation. Requires the court to determine the reasonableness of attorney's fees for all parties.

Effective July 1, 2022.

Public Chapter ___
SB 2294 – HB 2303

Insurance for County Employees

Authorizes a county to pay an employee up to 15% of the total premium that would otherwise be paid by a county to employees who reject or opt out of the insurance coverage provided by the county.

Effective July 1, 2022.

PLANNING AND ZONING

Public Chapter 993
SB 2690 – HB 2503

Regional Plans

Amends 13-3-304 to require amendments to the general plan proposed by the regional planning commission to be adopted by a majority vote of the legislative body to be operative. Authorizes legislative bodies to also amend the general plan on their own initiative. Authorizes the general plan to be adopted as part of a growth plan and specifies that if the general plan is not adopted as part of the growth plan that it cannot be inconsistent with the growth plan. Also amends 13-4-202 relative to general plans and municipal planning commissions.

Effective July 1, 2022.

Public Chapter 994
SB 2692 – HB 2534

Planning Commissions

Amends 13-3-402(a)(1) to provide plats dividing a tract into no more than twenty-five lots, if the development received preliminary plan approval through the planning commission, or five lots if the development did not require preliminary plan approval through the planning commission do not require planning commission approval. Such plats may be endorsed by the secretary or other designee of the planning commission. Amends 13-3-402(b) to prohibit registers of deeds from recording plats without planning commission or planning staff approval. Amends 13-3-402(c) to provide the conditions under which a planning commission may delegate plat approval authority to its staff. Also amends 13-4-302 to make similar revisions relative to municipal planning commissions.

Effective May 4, 2022.

Public Chapter ___
SB 2077 – HB 2246

Regulation of Energy Infrastructure

Prohibits a political subdivision from banning the types or sources of energy that may be used by an electric utility, an entity that generates energy, a gas utility system, a gas transmission company, a liquified petroleum gas dealer or liquid petroleum transmission, distribution, retail or storage entities. Preempts local actions that are a de facto prohibition on siting or construction or expansion of energy, industrial,

or related transportation infrastructure within the political subdivision. Also preempts enforcement of safety standards for interstate or intrastate pipelines. Preserves the authority of local governments to promulgate rules, regulations or policies related to a natural gas system owned or operated by the political subdivision. Also preserves local government authority to make land use regulations that are generally applicable to similar types of commercial and industrial activities. Preserves local authority to regulate solar energy, require franchises prior to providing electric or natural gas services and to grant, deny, amend or revoke said franchises. Preserves local authority to administer programs in lieu of the department of environment and conservation where authorized. Preserves the authority of local governments to regulate energy or industrial infrastructure within public rights-of-way.

Effective July 1, 2022.

PURCHASING

Public Chapter 713 SB 2420 – HB 2170

State Surplus Property

Amends 12-2-420 to require that a transfer of surplus property from the state must satisfy the requirements of 12-2-407. Section 12-2-407 requires the procurement commission to promulgate regulations governing the transfer of surplus property to governmental entities and authorized nonprofit donees under the federal surplus property program. The regulations must include prices to be set on surplus property, restrictions on resale and the reversion to the state for any such resale. The commissioner must set prices at the fair market value for each item. Governmental entities and approved nonprofit donees must retain possession of such surplus property for at least one year unless disposal is approved by the procurement commission. Motor vehicles transferred to governmental entities and authorized donees shall revert to the state if the governmental entity or authorized donee does not transfer the registration of the motor vehicle within seven days after the sale. Notwithstanding any law to the contrary, designated contractors of the department of human services have first priority to purchase surplus passenger motor vehicles for use by programs which have been or may be established by the department who are recipients of assistance in the families first program or successor programs. The designated nonprofit contractors have first priority to purchase up to 50% of the passenger motor vehicles in fiscal year 2001, and up to 25% in each fiscal year thereafter.

Effective March 7, 2022.

Public Chapter 719
SB 2881 – HB 2385

Professional Service Contracts

Amends 12-3-1209(a) to include services from an insurance producer as defined in 56-6-102. Under 56-6-102, an insurance producer is a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

Effective March 18, 2022.

Public Chapter 775
SB 1993 – HB 2050

Public Contracts

Amends Title 4, Title 8, and Title 12 to prohibit a public entity from entering into contracts with a company unless the contract includes a written certification that the company is not engaging in and will not engage in a boycott of Israel throughout the duration of the contract. This section does not apply to contracts with a total value less than \$250,000, or to contractors with less than 10 employees. Contracts entered after July 1, 2022, that fail to comply with this section are void.

Effective July 1, 2022.

Public Chapter ___
SB 2352 – HB 2519

Thresholds for Competitive Sealed Bids.

Increases the threshold over which public advertisement and sealed competitive bids or proposals are required from \$10,000 to \$25,000 for county highway departments.

Effective upon becoming a law.

Public Chapter ___
SB 2489 – HB 2600

Thresholds for Competitive Sealed Bids.

Authorizes a local government with a centralized purchasing authority and a full-time purchasing agent to increase the threshold over which public advertisement and sealed competitive bids or proposals are required to \$50,000. Allows local governments without centralized purchasing and a full-time purchasing agent to increase the threshold to \$25,000.

Effective upon becoming a law.

RECORDS

Public Chapter 721
SB 1682 - HB 1854

Records Requests Procedures

Amends 10-7-503(a)(2)(B) to provide that a records custodian must make the "public record requested available" to the requestor instead of the "information available" to the requestor. Amends 10-7-503(a)(4) relative to the provision that states that the section does not require a governmental entity to sort through files to compile information to add "into a new record" after "compile information." Provides

that a request for inspection or copying of a public record must be sufficiently detailed to enable the governmental entity to identify "responsive records" for inspection and copying instead of the "specific records for inspection and copying." Amends 10-7-503(a)(7)(A) relative to identification, if the requestor does not possess photo identification, to provide that the custodian may require "other forms of identification evidencing the person's residency in this state" instead of "other forms of identification acceptable to the governmental entity."

Effective July 1, 2022.

Public Chapter 989
SB 2819 - HB 1170

Personnel Records

Amends 10-7-504(f) to clarify that certain personal information of public employees - contained in employment records - is confidential. Provides that the information is confidential regardless of which department maintains the employment records.

Effective May 4, 2022.

RETIREMENT

Public Chapter 676
SB 1473 - HB 456

Automatic Deferred or Tax-Sheltered Plans

Amends 8-25-104 to provide that a political subdivision, or an instrumentality of a political subdivision that has at least 1,000 employees, may implement, adopt, or administer an automatic deferred or tax-sheltered compensation plan for employees of that political subdivision or instrumentality that constitutes an eligible automatic contribution arrangement under § 414(w) of the Internal Revenue Code of 1986, codified in 26 U.S.C. § 414(w).

Effective March 28, 2022.

Public Chapter 797
SB 2812 - HB 2450

Purchases of Retirement Credit

Amends 8-34-607 to provide that a TCRS member may purchase retirement credit for all of the member's previous service rendered while a full-time employee and participating member of a political subdivision's defined benefit retirement plan. Provides that upon the purchase of this retirement credit, the member forfeits all of the member's service in the political subdivision's plan and must not receive a benefit from the political subdivision's retirement plan.

Effective April 8, 2022.

Public Chapter 819
SB 2871 - HB 2683

Emergency Communications Personnel

Amends 8-36-308 to provide that emergency communications personnel are eligible for early service retirement when the employing entity has elected to offer this benefit. Provides that the employing entity is responsible for one hundred percent (100%) of any increased cost necessary to provide this benefit to the emergency communications personnel. Provides that "emergency communications personnel" means a person employed as an emergency communications worker, public safety dispatcher, emergency communications telecommunicator, or emergency call taker.

Effective January 1, 2023.

Public Chapter 821
SB 2702- HB 2783

Teachers

Adds a new section to Title 8, Chapter 36, Part 8 to allow a retiree to be reemployed as a kindergarten through twelfth (K-12) grade teacher, as a kindergarten through twelfth (K-12) grade substitute teacher, or as a kindergarten through twelfth (K-12) grade school bus driver under certain conditions and with certain limitations.

Effective July 1, 2022.

TAXATION

Public Chapter 876
SB 2139 - HB 2132

Hotel/Motel Tax

Amends Section 7-4-102(a) to authorize an additional privilege tax for the occupancy in a hotel for any transient not to exceed 3% of the consideration charged by the operator in metropolitan counties having a population of less than 25,000 according to the 2020 federal census or a subsequent federal census.

Effective April 14, 2022

Public Chapter 1006
SB 2484 - HB 2614

Distressed Rural Counties

Amends 67-6-104 to extend the deadline by which a distressed rural county must apply to be eligible to retain the state and local sales and use tax generated from a commercial development district and extends the deadline for the Department of Finance and Administration to approve a commercial development district.

Effective May 7, 2022.

TAXATION – PROPERTY

Public Chapter 658 SB 1688 - HB 1858

Agricultural, Forest and Open Spaces

Amends 67-5-1004 to revise the definition of forest land to clarify that the minimum size requirement of 15 acres for land to be eligible to be classified as forest land for purposes of assessment may be achieved with a single tract or with two noncontiguous tracts within the same county separated only by a road, body of water, or public or private easement.

Effective March 15, 2022.

Public Chapter 672 SB 1907 - HB 1955

Property Taxes - Waiver

Amends 67-5-2803 by adding 67-5-2508, which allows a municipality that bids in property at a delinquent tax sale to, upon a majority vote of the governing body determining it impracticable to sell the property for the full amount of the taxes, cost and interest, sell the property for less than this amount.

Effective March 18, 2022.

Public Chapter 698 SB 1677 - HB 1729

State Board of Equalization

Amends 4-3-5105 to authorize the executive secretary of the state board of equalization to manage appeals before the board. Such management includes, but is not limited to, the power and duty to serve as the hearing officer for hearings before the board or the assessment appeals commission, if a hearing officer is appointed; schedule hearings, prehearing conferences, or other such hearings or meetings as may be necessary or advisable to ensure the efficient hearing of appeals; and issue scheduling or discovery orders, or orders addressing discovery disputes, motions in limine, or other motions that are purely questions of law.

Amends 67-5-212 to provide that the board, the executive secretary, or the executive secretary's designee may determine that property no longer qualifies for property tax exemption or may modify the tax-exempt status of a property. The board shall revoke a property's tax-exempt status through its staff designee. Written notice of the revocation must be sent to the property owner, the county assessor of property, and the county trustee, specifying the date the property's tax-exempt status ends. Written notice includes notification by electronic means, and the record of notice may be preserved in digital or electronic format.

Either the county assessor of property or the property owner may appeal the initial determination to the board and is entitled to a hearing prior to any final determination. A

revocation is final ninety days after the date the written notice is sent, absent an appeal filed pursuant to 67-5-1501(c). An appeal of a revocation of a property's tax-exempt status must be treated as an appeal for purposes of 67-5-1512.

Effective March 18, 2022.

Public Chapter 848
SB 2772 - HB 2467

Prepayments of Property Taxes
Amends 67-5-1808 to allow county trustees to accept prepayments of property taxes.

Effective April 20, 2022.

TAXATION - SALES

Public Chapter 858
SB 160 - HB 192

Administrative Fee on Sales Tax
Amends 67-6-710 to require the Department of Revenue to report on or before January 1 of each year to the finance committees of the House and Senate on the actual costs incurred by the department for administration of the local option sales tax.

Effective April 14, 2022.

Legislative Affairs Committee

Meeting Date: 06/05/2023
Requested By: Drucilla Stills, COUNTY COMMISSION
Department: COUNTY COMMISSION
Requires Expenditure of Funds: Funded in Current Budget:
Appropriation Required:

CAPTION

- Review of bills which are still in progress for 2024
-

Attachments

TCA 67-7-201 (County Mineral Severance Tax)

County Mineral Severance Tax (General Law)

[Tennessee Code Annotated](#)
[Tennessee Attorney General Opinions](#)
Reference Number: CTAS-1614

Authority. T.C.A. §§ 67-7-201 through 67-7-212.

Description. This is a local option tax wherein a county legislative body by resolution adopted by a two-thirds majority vote may levy a tax on all sand, gravel, sandstone, chert and limestone severed from the ground within the county. T.C.A. §§ 67-7-201, 67-7-212. The county legislative body sets the rate, but the rate cannot exceed 15 cents per ton. T.C.A. § 67-7-203. A tax authorized under this Section may be repealed by a resolution passed by a two-thirds majority of the county legislative body. T.C.A. § 67-7-201.

Distribution. The Tennessee Department of Revenue collects this tax. T.C.A. § 67-7-204. All revenues collected, less administrative expenses, are remitted to the county trustee quarterly and become a part of the county road fund. T.C.A. § 67-7-207.

**Table 9
Mineral Severance Tax Rates and Distribution
FY 2020**

County	Rate	Distribution	County	Rate	Distribution
Anderson	0.15¢	Highway fund	Lauderdale	N/A	N/A
Bedford	0.15¢	Highway fund	Lawrence	0.15¢	Highway fund
Benton	0.10¢	Highway fund	Lewis	N/A	N/A
Bledsoe	0.15¢	Highway fund	Lincoln	0.15¢	Highway fund
Blount	0.15¢	Highway fund	Loudon	0.15¢	Highway fund
Bradley	N/A	N/A	Macon	N/A	N/A
Campbell	0.15¢	Highway fund	Madison	0.15¢	Highway fund
Cannon	0.10¢	Highway fund	Marion	0.15¢	Highway fund
Carroll	0.15¢	Highway fund	Marshall	0.15¢	Highway fund
Carter	0.15¢	Highway fund	Maury	0.15¢	Highway fund
Cheatham	0.15¢	Highway fund	McMinn	0.15¢	Highway fund
Chester	N/A	N/A	McNairy	0.15¢	Highway fund
Claiborne	0.15¢	Highway fund	Meigs	0.15¢	Highway fund
Clay	0.15¢	Highway fund	Monroe	0.15¢	Highway fund
Cocke	0.15¢	Highway fund	Montgomery	0.15¢	Highway fund
Coffee	0.15¢	Highway fund	Moore	0.15¢	Highway fund
Crockett	N/A	N/A	Morgan	N/A	N/A
Cumberland	0.15¢	Highway fund	Obion	0.15¢	Highway fund
Davidson	0.15¢	General fund for roads	Overton	0.15¢	Highway fund
Decatur	0.15¢	Highway fund	Perry	0.10¢	Highway fund
DeKalb	0.15¢	Highway fund	Pickett	N/A	N/A
Dickson	0.15¢	Debt service	Polk	N/A	N/A
Dyer	N/A	N/A	Putnam	0.15¢	Highway fund
Fayette	0.15¢	Highway fund	Rhea	0.15¢	Highway fund
Fentress	0.15¢	Highway fund	Roane	0.15¢	Highway fund
Franklin	0.15¢	Highway fund	Robertson	0.15¢	Highway fund
Gibson	N/A	N/A	Rutherford	0.15¢	Highway fund
Giles	0.15¢	Highway fund	Scott	N/A	N/A
Grainger	0.14¢	Highway fund	Sequatchie	N/A	N/A
Greene	0.15¢	Highway fund	Sevier	N/A	N/A
Grundy	N/A	N/A	Shelby	0.15¢	Highway fund
Hamblen	0.15¢	Highway fund	Smith	0.15¢	Highway fund
Hamilton	N/A	N/A	Stewart	N/A	N/A
Hancock	N/A	N/A	Sullivan	0.15¢	Highway fund
Hardeman	N/A	N/A	Sumner	0.15¢	Highway fund
Hardin	0.15¢	Highway fund	Tipton	N/A	N/A
Hawkins	0.15¢	Highway fund	Trousdale	0.15¢	Highway fund
Haywood	0.15¢	Highway fund	Unicoi	0.15¢	General fund
Henderson	N/A	N/A	Union	0.15¢	Highway fund
Henry	N/A	N/A	Van Buren	0.15¢	Highway fund
Hickman	0.15¢	Highway fund	Warren	0.15¢	Highway fund
Houston	N/A	N/A	Washington	N/A	N/A
Humphreys	0.05¢	General fund	Wayne	0.15¢	Highway capital projects fund
Jackson	0.15¢	Highway fund	Weakley	0.15¢	General fund
Jefferson	N/A	N/A	White	0.15¢	Highway fund
Johnson	0.15¢	Highway fund	Williamson	0.15¢	General fund
Knox	N/A	N/A	Wilson	0.15¢	Highway fund
Lake	N/A	N/A			

Note: A severance tax is also applied to pulpwood severance in Anderson, Benton, and Wayne counties by private act. In these counties, the mineral severance tax is authorized under T.C.A. 67-7-201 and is therefore allocated to the highway fund. The pulpwood severance tax in Anderson County is allocated to the general fund with first priority given to the school system. In Benton and Wayne counties the pulpwood severance tax is allocated to the general fund. Pursuant to T.C.A. 67-1-111, no other city or county may levy a pulpwood severance tax unless authorized by general law rather than private act.

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

- Other Business
-

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

- Adjournment
-

Legislative Affairs Committee

Meeting Date: 06/05/2023

Requested By: Drucilla Stills, COUNTY COMMISSION

Department: COUNTY COMMISSION

Requires Expenditure of Funds: Funded in Current Budget:

Appropriation Required:

CAPTION

NOTE: ALL AGENDA ITEMS SUBJECT TO VOTE
