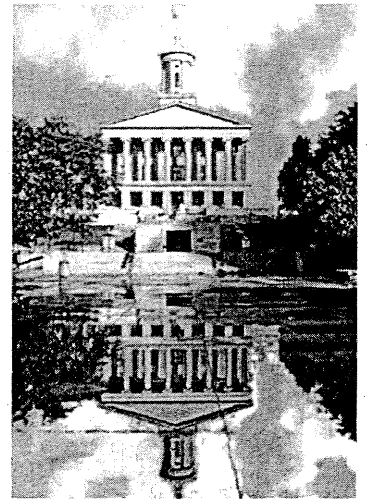


# County Officials Association of Tennessee

## Final Legislative Update



**President:** Charlie Cardwell, Davidson County Trustee

**Executive Director:** Jay West

### COAT

SB 0291  
HB 0404

**GOVERNMENT CONTRACTS: Counties may give purchasing preference to local vendors.**

Permits county legislative bodies to adopt local preference purchasing policies which clearly define both local vendor and local area, establish criteria for vendors to qualify as local, and establish an amount of preference given with a maximum of one percent if based on price. County officials may give preference to local vendors but are not required to. (S: Bell; H: Watson E.)

**Fiscal Note:** Dated: March 8, 2011 Other Fiscal Impact - Counties electing to implement a local preference purchasing policy may experience an unknown permissive increase to local expenditures as a result of utilizing local vendors to procure goods and services. Counties may also experience an unknown increase in local revenue from local option sales taxes as a result of utilizing local vendors to procure goods and services.

**Senate Status:** Referred to Senate State & Local

**House Status:** Referred to House Sub of State & Local.

[Bill Text \(html\)](#)

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[Fiscal Note \(PDF\)](#)

[Full History](#)

SB 0323  
HB 0327

**PUBLIC EMPLOYEES: Cap placed on public employee's average final compensation.**

Redefines average final compensation regarding retirement of public officers and employees to restrict an employee's calculated average from exceeding the salary of a class 1 official which is currently at \$31,000 a year. (S: [Ketron](#); H: [Casada](#))

**Council on Pensions and Insurance comment:** Council on Pensions and Insurance recommended deferring further discussion of the bill until the next legislative session with the additional comment that this bill would place a cap on a member's average final compensation for purposes of computing the member's retirement benefit. Specifically, the bill would cap a member's average final compensation to no more than the salary received by a Class 1 official as defined in T.C.A. 8-23-101. T.C.A. 8-23-101 defines a Class 1 official as (1) the Commissioner of Education; (2) the Commissioner of Finance and Administration; (3) the Commissioner of Transportation; (4) the Comptroller of the Treasury; (5) the Secretary of State; and (6) the Treasurer. Currently, the annual salary of the Commissioner of Education is \$180,000, the annual salary of the Commissioner of Finance and Administration is \$180,000, and the annual salary of the Commissioner of Transportation is \$150,000. Enactment of this bill will decrease the lump sum pension liability by approximately \$11,284,000. The annual savings amortized over 20 years under this proposal is estimated to be \$1,107,000. The additional annual savings to local governments is estimated to be in excess of \$192,000 if all entities authorize this bill. These savings will not be realized until the current employees are replaced with new hires (new to TCRS).

**Fiscal Note:** Dated: March 24, 2011 Decrease state expenditures - \$830,200. Decrease federal expenditures - \$276,800. Decrease local expenditures - \$192,000.

**Senate Status:** Taken off notice in Senate State & Local Government 03/29/2011.

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[Fiscal Note \(PDF\)](#)

[Full History](#)

**House Status:** Referred to House General Subcommittee of Finance.

**Other Status:** Council on Pensions & Insurance deferred to the first full calendar of 2012.

SB 0440  
HB 0470

**PUBLIC EMPLOYEES: Retirement benefits increased for public employees.**

Increases retirement allowances beginning January 1, 2012 for each retired teacher, wildlife officer, state police officer, firefighter, police officer, and general employee.

Establishes the amount of increase based on the date of retirement which range from a one third to a ten percent increase. Prohibits retroactive payment of the increases.

(S: [Barnes](#); H: [Pitts](#))

**Council on Pensions and Insurance comment:** Council on Pensions and Insurance recommended against passage of this bill with additional remark that enactment of this bill will increase the lump sum pension liability by approximately \$7,878,000. The annual cost to amortize the additional liability over 20 years under this proposal is estimated to be \$1,804,700. The additional annual cost to local governments is estimated to be in excess of \$100,000 if all entities authorize this bill.

**Fiscal Note:** Dated: March 28, 2011 Increase state expenditures - \$1,165,200. Increase federal expenditures - \$137,400. Increase local expenditures - \$512,100. Other Fiscal Impact - The total additional lump sum pension liability to the Tennessee Consolidated Retirement System is estimated to be \$7,979,900.

**Senate Status:** Taken off notice in Senate State & Local Government 05/02/2011.

**House Status:** House General Subcommittee of Finance deferred to 2012.

**Other Status:** Council on Pensions & Insurance returned without recommendation due to no motion.

[Bill Text \(html\)](#)

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[Fiscal Note \(PDF\)](#)

[Full History](#)

- SB 0750 **MEDIA & PUBLISHING: Internal audit confidential** [Bill Text \(html\)](#)  
 HB 0465 **working papers clarification.** [Bill Text \(PDF\)](#)  
 Clarifies the definition of confidential working papers [Fiscal Note \(PDF\)](#)  
 created or obtained by the internal audit staff includes [Full History](#)  
 auditee records, intra-agency and interagency  
 communications, draft reports, schedules, notes,  
 memoranda and other records relating to an audit or  
 investigation. (S: [Tracy](#); H: [Watson E.](#))
- Fiscal Note:** Dated: February 16, 2011 Not significant.
- Senate Status:** Senate 03/24/2011 passed.  
**House Status:** House passed 04/21/2011.  
**Other Status:** Enacted as Public Chapter 0151 (effective  
 05/05/2011).
- SB 1096 **PUBLIC EMPLOYEES: Compensation of county officials.** [Bill Text \(html\)](#)  
 HB 2075 Prohibits the salary of county officials from increasing in [Bill Text \(PDF\)](#)  
 any year in which the compensation of other county [Fiscal Note \(PDF\)](#)  
 employees is not increased. Also, prohibits the new federal [Full History](#)  
 census figures from being used to increase the  
 compensation of county officials until the salary of other  
 county employees is increased. (S: [Beavers](#); H: [Pody](#))
- Fiscal Note:** Dated: March 30, 2011 Increase local  
 expenditures - \$450,000/permissive.
- Senate Status:** Referred to Senate State & Local  
 Government.  
**House Status:** Referred to House General Subcommittee  
 of State & Local Government.

SB 1526  
HB 2066

**MEDIA & PUBLISHING: Newspapers of general circulation.**

Authorizes the secretary of state to make a determination regarding whether or not a publication is a "newspaper of general circulation" for purposes of the publication of notices relative to foreclosures, land sales, transactions involving real property, or other legal notices required by statute. Broadly captioned. (S: [Tracy](#); H: [Womick](#))

**Amendment:** House State and Local Subcommittee amendment 1 grandfathers in all newspapers which are currently considered "of general circulation" for the purposes of the bill. Allows the secretary of state to remove a publication from the list of publications which carry such notices when the publication falls below the circulation standards established by the secretary of state.

**Fiscal Note:** Dated: March 12, 2011 Not significant.

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** House State & Local Government deferred to summer study.

[Bill Text \(html\)](#)

[Bill Text \(PDF\)](#)

[Fiscal Note \(PDF\)](#)

[Full History](#)

SB 1687  
HB 1968

**PUBLIC EMPLOYEES: Suspends pay increase for county officials.**

Suspends annual and percentage pay increases to the minimum compensation for county officials for a period of five years. (S: [Campfield](#); H: [Sparks](#))

**Fiscal Note:** Dated: March 24, 2011 Decrease local expenditures - \$2,403,200/FY11-12. Local expenditures - cost avoidance - \$2,523,400/FY12-13. \$2,649,500/FY13-14. \$2,782,000/FY14-15. \$2,921,100/FY15-16.

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 03/30/2011 in House General Subcommittee of State & Local Government.

[Bill Text \(html\)](#)

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[Fiscal Note \(PDF\)](#)

[Full History](#)

SB 1844     **MEDIA & PUBLISHING: Records of local government**  
HB 1154     **entities.**

Requires all records of any local governmental entity to be open for inspection, provided that the person requesting such records is not a party to pending litigation with the local governmental entity named. Allows a local government entity that is a party to civil litigation to file a motion with the court having jurisdiction over the case to preclude the use of the public records laws in obtaining any material that is discoverable under the TN Rules of Civil Procedure. (S: [Finney L.](#); H: [Dennis](#))

**Amendment:** House amendment 1 adds the exception "unless otherwise made confidential by law" to the provision requiring all records of any local governmental entity be open for inspection provided specified circumstances do not exist.

**Fiscal Note:** Dated: March 12, 2011 Not significant.

**Senate Status:** Taken off notice in Senate Judiciary 05/10/2011.

**House Status:** House 04/11/2011 passed with amendment 1.

[Bill Text \(html\)](#)

[Bill Text \(PDF\)](#)

[Fiscal Note \(PDF\)](#)

[Amendments](#)

[Full History](#)

SB 1934 **PUBLIC FINANCE: County educational incentives -**  
HB 1266 **special account.**

Creates special account in general fund from which the annual educational incentive payments will be made to certain eligible county officials. (S: [McNally](#); H: [Sargent](#))

[Bill Text \(html\)](#)

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[Fiscal Note \(PDF\)](#)

[Full History](#)

**Fiscal Note:** Dated: April 5, 2011 On March 28, 2011, a corrected fiscal note was issued estimating a fiscal impact as follows: Increase state revenue - \$416,800/Special Account. Decrease state revenue - \$11,000/General Fund. Increase state expenditures - \$416,800/Special Account. Increase local revenue - \$11,000. Due to an incorrect assumption about the total increase to local governments, this impact was in error. Based upon additional information provided by the Department of Treasury, the estimated impact is: (CORRECTED) Increase state revenue - \$416,800/Special Account. Decrease state revenue - \$11,000/General Fund. Increase state expenditures - \$416,800/Special Account.

**Senate Status:** Taken off notice in Senate State & Local Government 05/02/2011.

**House Status:** Taken off notice 04/19/2011 in House State & Local Government.

- SB 1951 **MEDIA & PUBLISHING: Allows custodians of public**  
 HB 1875 **records to charge labor costs.**  
 Deletes language prohibiting a custodian from assessing a charge to view a public record. Allows custodians of public records to charge for labor costs associated with producing the records, if it requires one hour or longer to produce the documents. Defines labor costs to mean hourly wages of any employees. (S: [Overbey](#); H: [Todd](#))  
**Amendment:** Senate amendment 1 deletes the original bill. Excludes from the definition of public or state records all electronic or mechanical devices or equipment used to create or store public or state records, including cell phones and computers.
- Fiscal Note:** Dated: March 15, 2011 Increase state revenue - \$75,000. Increase local revenue - \$1,642,500/permissive.
- Senate Status:** Senate 05/12/2011 passed with amendment 1.  
**House Status:** House passed 05/18/2011.  
**Other Status:** Enacted as Public Chapter 0353(Effective 5/30/2011)
- SJR 0090 **CAMPAIGNS & LOBBYING: Constitutional amendment - election of county officers.**  
 Proposes an amendment to Article VII of the Tennessee Constitution in order to move the election of county officers and judges from August to November. (S: [Beavers](#))
- Fiscal Note:** Dated: March 3, 2011 Increase state expenditures - \$18,000/one-time.
- Senate Status:** Senate Judiciary deferred to next calendar.
- [Bill Text \(html\)](#)  
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[Fiscal Note \(PDF\)](#)  
[Amendments](#)  
[Full History](#)
- [Bill Text \(html\)](#)  
[Bill Text \(PDF\)](#)  
[Fiscal Note \(PDF\)](#)  
[Full History](#)



SB 1995     **PUBLIC FINANCE: Public funds cannot be used to fund**     [Bill Text \(html\)](#)  
HB 2106\*   **trade associations.**     [Bill Text \(PDF\)](#)

Prohibits a county from appropriating public funds to any professional trade association or associated public interest group, including the TN county services association, TN county highway officials association, county officials association of TN, association of TN valley governments, TN county commissioners association or TN sheriffs' association. Prohibits a municipality from appropriating any public funds for any professional trade association or associated public interest group, including the TN municipal league. Also prohibits a local school board from appropriating any public funds generated from taxpayers for any professional trade association or associated public interest group, including the TN school board association or the TN secondary school athletic association. (S: [Stewart E.](#); H: [Turner M.](#))

**Senate Status:** Withdrawn 03/14/2011 in Senate.

**House Status:** Withdrawn 03/14/2011 in House.

## COURT CLERKS

- SB 0278      **JUDICIARY: Costs for case removal to federal court**      [Bill Text \(html\)](#)  
 HB 1147      **paid by petitioner.**      [Bill Text \(PDF\)](#)  
 Requires persons petitioning for a case to be removed      [Fiscal Note \(PDF\)](#)  
 to federal court to pay all costs associated with      [Full History](#)  
 removal if the petition is granted. (S: [Berke](#); H: [Coley](#))
- Fiscal Note:** Dated: February 7, 2011 Not significant.
- Senate Status:** Taken off notice in Senate Judiciary  
 05/11/2011.  
**House Status:** House passed 05/04/2011.
- SB 0349      **JUDICIARY: Cost bond signed by attorney in lieu of**      [Bill Text \(html\)](#)  
 HB 0535      **fees.**      [Bill Text \(PDF\)](#)  
 Requires clerk to accept cost bond signed by attorney      [Fiscal Note \(PDF\)](#)  
 in lieu of party paying fees or clerk must forfeit all      [Full History](#)  
 costs. (S: [Haynes J.](#); H: [Stewart M.](#))
- Fiscal Note:** Dated: March 22, 2011 Not significant.
- Senate Status:** Senate 04/11/2011 passed.  
**House Status:** House passed 05/02/2011.  
**Other Status:** Enacted as Public Chapter 0234  
 (Effective 5/23/2011).

SB 0387  
HB 0334

**ESTATES & TRUSTS: Bonds of executors and administrators requirements.**

Requires bonds of executors and administrators to be in substantially, instead of may be, in the same form specified in the code. Requires such bonds to include expenses for court costs, attorney's fees and other related expenses of administering the estate. (S: [Kelsey](#); H: [Coley](#))

**Amendment:** House amendment 1 makes technical corrections. Replaces "fiduciary" with "personal representative." Senate amendment 2 requires that the bond of a personal representative of an estate include an obligation of the personal representative to pay all court costs, within the total obligation of the bond, attorney's fees and other expenses reasonably incurred because of the failure of the representative to properly account for and utilize all funds coming into the estate.

**Fiscal Note:** Dated: February 19, 2011 Not significant.

**Senate Status:** Senate 05/21/2011 passed with amendment 2.

**House Status:** House 05/21/2011 concurred in Senate amendment 2.

**Other Status:** Sent to Governor 6/6/2011

[Bill Text \(html\)](#)

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[Fiscal Note \(PDF\)](#)

[Amendments](#)

[Full History](#)

SB 0391  
HB 0533

**JUDICIARY: County litigation tax used for victim-offender mediation.**

Specifies that any revenue generated by a county litigation tax for victim-offender mediation shall be used for the purpose of handling victim-offender mediation or other community mediation matters. (S: [Henry](#); H: [Stewart M.](#))

[Bill Text \(html\)](#)  
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[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: March 24, 2011 Not significant.

**Senate Status:** Senate 05/09/2011 passed.

**House Status:** House passed 04/11/2011.

**Other Status:** Enacted as Public Chapter 0254 (Effective 5/23/2011)

SB 0503  
HB 0491

**JUDICIARY: Notice of exemption change.**

Specifies that the notice of exemption given by a judgment debtor must state "Tennessee law provides a \$10,000 exemption" instead of "Tennessee law provides a \$4,000 exemption." (S: [Finney L.](#); H: [Eldridge](#)) **Fiscal Note:** Dated: February 19, 2011 Not significant.

[Bill Text \(html\)](#)  
[Bill Text \(PDF\)](#)  
[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Senate Status:** Senate 03/28/2011 passed.

**House Status:** House passed 03/28/2011.

**Other Status:** Enacted as Public Chapter 0060 (effective 04/11/2011).

SB 0509\* **FAMILY LAW: Petitioner charged costs for certain**  
HB 0570 **orders of protection.**

**Conference Committee:** The conference committee report removes Senate amendment 1 and House amendment 1 and recommends that House amendment 4 be adopted. House amendment 4 specifies that when the court does not issue or extend an order of protection, the court may assess all associated fees against the petitioner if the court finds by clear and convincing evidence that the petitioner is not a domestic abuse, stalking, or sexual assault victim and that such determination is not based on the fact that the petitioner requested that the petition be dismissed, failed to attend the hearing or incorrectly filled out the petition; and the petitioner knew that the allegation(s) was false. Clarifies that the scope of orders of protection can include directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children.

**Fiscal Note:** Dated: February 22, 2011 Increase state revenue - \$2,300/General Fund. \$4,800/Dedicated Funds. Increase local revenue - \$46,300.

**Senate Status:** Senate 05/21/2011 adopted the conference committee report.

**House Status:** House 05/21/2011 adopted conference committee report.

**Other Status:** Enacted as Public Chapter 0402 (effective 06/06/2011).

[Bill Text \(html\)](#)

[Bill Text \(PDF\)](#)

[Fiscal Note \(PDF\)](#)

[Amendments](#)

[Full History](#)

SB 0639      **JUDICIARY: Successful parties in civil actions**      [Bill Text \(html\)](#)  
 HB 0384      **entitled to full costs.**      [Bill Text \(PDF\)](#)  
 Clarifies that successful parties to a civil action are      [Fiscal Note \(PDF\)](#)  
 entitled to full costs unless the law states otherwise.      [Full History](#)  
 Abolishes the use of judicial discretion to adjudge  
 costs or apportion the cost between litigants in a civil  
 action. (S: [Johnson L](#); H: [Marsh](#))

**Fiscal Note:** Dated: February 19, 2011 Not significant.

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General  
 Subcommittee of Judiciary.

SB 0802      **CRIMINAL LAW: Duplicate copy of capias allowed.**      [Bill Text \(html\)](#)  
 HB 0962      Requires that in the event obtaining a certified copy of      [Bill Text \(PDF\)](#)  
 the undertaking or capias from the clerk's office a the      [Fiscal Note \(PDF\)](#)  
 time of the arrest or surrender is not possible, then a      [Full History](#)  
 duplicate copy must suffice until a certified copy can  
 be obtained. (S: [Overbey](#); H: [Coley](#))

**Fiscal Note:** Dated: February 20, 2011 Not significant.

**Senate Status:** Senate 05/19/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0367(  
 Effective 5/30/2011)

SB 0859  
HB 0711

**JUDICIARY: Requirements for petitions in juvenile court.**

Requires petitions in juvenile court to contain the name of the person who is alleged to be the child's biological father if applicable. Also requires service of summons on alleged biological father in proceedings where the child is alleged to be a dependent and neglected or abused child. Permits service of summons by electronic means. (S: [Barnes](#); H: [Brooks, Harry](#))

[Bill Text \(html\)](#)  
[Bill Text \(PDF\)](#)  
[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: March 12, 2011 Increase state expenditures - \$1,903,400. Increase federal expenditures - \$988,400.

**Senate Status:** Taken off notice in Senate Judiciary 03/15/2011.

**House Status:** Taken off notice 03/29/2011 in House General Subcommittee of Children & Family Affairs.

SB 0943  
HB 1022\*

**ESTATES & TRUSTS: Administration of estates in Greene County.**

Under current law, no county clerk may serve as clerk of a court with probate jurisdiction. There are exceptions to this prohibition under present law, including an exception for Greene County. This bill removes the exception for Greene County, thereby transferring probate duties from the county clerk to the clerk of the court with probate jurisdiction. Also, revises provisions regarding administration of estates in Greene County, including dismissal of cases for certain circumstances. (S: [Southerland](#); H: [Hawk](#))

**Amendment:** SENATE AMENDMENT 1 makes the effective date of the bill July 1, 2011. SENATE AMENDMENT 2: Removes Greene County from the list of counties exempt from the transfer of probate jurisdiction from the County Clerk to the Clerk and Master. Requires the Clerk and Master of Greene County, upon notice, to enter an order of dismissal without prejudice of probate cases in which no order of

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disposition has been entered; the case has been open for at least 18 months or such period of time that disposition could have occurred; and administration of the estate remains incomplete. Extends the time period during which decedent's beneficiaries of property within Tennessee may file certain disclaimers with the county register. Requires such disclaimers involving decedents' estates to be pending for a period extending nine months after the day on which the transferee attains age twenty-one or nine months after the date on which the transfer creating the interest or power in the person is made. In the case of an decedent's estate, in which the decedent passed after December 31, 2009, but before January 1, 2011, in which an appropriate disclaimer involving a decedent's realty has been filed with the county register, such disclaimer shall be pending until the date which is nine months after the date in which the transfer creating the interest or power in the person is made or nine months after the transferee attains age twenty-one, whichever is earlier, should either date come to pass before September 17, 2011, after which estate proceedings will continue. HOUSE AMENDMENT 2 the bill's provisions authorizing the court to dismiss a probate case without prejudice and without liability to the clerk if notice has been sent and the specified conditions are met would apply statewide and not just to Greene County.

**Fiscal Note:** Dated: March 9, 2011 On March 7, 2011, estimating a fiscal impact as follows: Increase local expenditures - \$20,000/one-time. \$36,800/Recurring. The assumptions have been revised to further explain the fiscal impact. Increase local expenditures - \$20,000/one-time. \$36,800/Recurring.

**Senate Status:** Senate 05/21/2011 concurred in House amendment 2.

**House Status:** House 05/21/2011 passed with amendment 2.

**Other Status:** Enacted as Public Chapter 0417



SB 0975  
HB 1461

**JUDICIARY: Notice requirement for destruction of records.**

Decreases from 90 days to 60 days notice required by court clerk to state librarian and archivist prior to destruction of records. (S: [Beavers](#); H: [McCormick](#))

[Bill Text \(html\)](#)  
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[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: February 24, 2011 Not significant.

**Senate Status:** Taken off notice in Senate Judiciary 03/22/2011.

**House Status:** Referred to House General Subcommittee of Judiciary.

SB 0990  
HB 1180

**CRIMINAL LAW: Clarification of TBI court costs.**

Clarifies that certain court costs for TBI are imposed upon the forfeiture of any cash bond or other surety entered as a result of a municipal traffic citation. (S: [McNally](#); H: [Watson E.](#))

[Bill Text \(html\)](#)  
[Bill Text \(PDF\)](#)  
[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: March 4, 2011 Not significant.

**Senate Status:** Senate 03/14/2011 passed.

**House Status:** House passed 03/24/2011.

**Other Status:** Enacted as Public Chapter 0049 (effective 07/01/2011).

SB 1081  
HB 1272

**TAXES PROPERTY: Guidelines for sale of property for delinquent taxes.**

Allows the municipality or county that conducted a sale for delinquent taxes to submit a report of findings of fact to the court that summarizes for each property sold at the sale for delinquent taxes the names of all parties with an interest in the real estate and such other facts relevant to the sale. (S: Woodson; H: Haynes R.)

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[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: March 27, 2011 Not significant.

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

SB 1164  
HB 0178

**JUDICIARY: Citizens' Right to Know: Pretrial Release Program.**

Creates a Citizens' Right to Know: Pretrial Release Program as a three year pilot project for all counties with a population over 300,000. Requires the agencies operating under the pilot project to record and report to the judiciary committee their findings regarding the number of defendants recommended for release without bond, the number who failed to appear, and the number who were rearrested. Requires agencies to report an accounting of the amount of the agency's annual budget used to guide defendants eligible for secured release to obtain release through a non-government sponsored program. (S: Norris; H: Todd)

[Bill Text \(html\)](#)  
[Bill Text \(PDF\)](#)  
[Fiscal Note \(PDF\)](#)  
[Full History](#)

**Fiscal Note:** Dated: March 27, 2011 Not significant.

**Senate Status:** Referred to Senate Judiciary.

**House Status:** House Judiciary Committee deferred to 2012.

SB 1299\* **ESTATES & TRUSTS: Advertisement for judicial or**  
HB 1920 **trust sales.**

**Amendment:** HOUSE AMENDMENT 1 rewrites the bill.

Decreases the number of times the advertisement must be published from three to two. Requires, instead of permits, a common description of the property be included containing the street address and map and parcel number of the property if available. Specifies in the event no street address exists, then the legal description shall also include a metes and bounds description. Specifies that a metes and bounds description may be, but is not required to be, included in the event a street address exists. SENATE AMENDMENT 4, as amended, incorporates the changes made by House Amendment 1 pertaining the to description of the property, except that this amendment does not require inclusion of a metes and bounds description in cases where no street address exists. This amendment instead authorizes the use of a subdivision, lot or tract number in such cases. This amendment restores the present law requirement that notice of a foreclosure sale must be published in a newspaper in the county where the sale will occur three times. This amendment also authorizes the postponement and rescheduling of a foreclosure sale without further newspaper publication under certain circumstances, unless prohibited by contract. This amendment changes the effective date of this bill from "upon becoming a law" to July 1, 2011.

**Fiscal Note:** Dated: March 28, 2011 Not significant.

**Senate Status:** Senate 05/20/2011 passed with amendment 4, as amended.

**House Status:** House 05/21/2011 concurred in Senate amendment 4.

**Other Status:** Sent to governor 06/06/2011.

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[Bill Text \(PDF\)](#)

[Fiscal Note \(PDF\)](#)

[Amendments](#)

[Full History](#)

SB 1502  
HB 1820

**PUBLIC EMPLOYEES: Clerk's fees for computer related expenses.**

Requires the clerk, in each new case filed in all courts, to charge a four-dollar fee earmarked for computer hardware purchases. (S: [Yager](#); H: [Lundberg](#))

**Amendment:** House Judiciary amendment 1 rewrites the bill. Increases by two dollars the amount earmarked as funds for computerization from fees collected by the court clerk. Increases by two dollars numerous fees charged under 8-21-402 and paid to the court clerk for specified civil, criminal, and Juvenile proceedings and for criminal and civil actions instituted in general sessions court. Increases by two dollars data entry fees for each new case filed with the clerk in counties with a charter form of government. Exempts the department of human services from paying additional fees imposed by the act.

**Fiscal Note:** Dated: April 12, 2011 On March 30, 2011, a fiscal note was issued estimating a fiscal impact as follows: Increase local revenue - exceeds \$180,000/permissive. Due to an incorrect assumption about the increase to local revenue, this impact was in error. Based upon additional information provided by the Department of Human Services (DHS), the estimated impact is: (CORRECTED) Increase state expenditures - \$80,900. Increase federal expenditures - \$157,100. Increase local revenue - exceeds \$419,800.

**Senate Status:** Taken off notice in Senate Judiciary 05/17/2011.

**House Status:** Taken off notice 05/17/2011 in House General Subcommittee of Finance.

[Bill Text \(html\)](#)

[Bill Text \(PDF\)](#)

[Fiscal Note \(PDF\)](#)

[Amendments](#)

[Full History](#)

SB 1798     **TRANSPORTATION VEHICLES: License revocation for**  
 HB 1877\*    **non-payment of court costs & fines.**

Revokes a person's license if that person has not paid litigation taxes, court costs, or fines related to a criminal case within one year. Creates a one-time exception valid for a 180 day stay for those with employment or family hardships if they apply to the court in a sworn affidavit. (S: [Johnson L.](#); H: [Gotto](#))

**Amendment:** HOUSE AMENDMENT 1 requires the commissioner of safety to not revoke any license under this section, instead of any license under title 55, while the stay is in effect. HOUSE AMENDMENT 2 specifies that a person who is unable to pay all of the assessed litigation taxes, court costs, and fines but is able to pay some of them on a monthly or weekly basis may apply to the court having original jurisdiction over the offense for an order setting up a payment plan for such taxes, costs and fines. If the person fails to make payments according to the plan for three consecutive months without good cause, the court may revoke the order and notify the clerk. The court clerk would promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. HOUSE AMENDMENT 3 clarifies that the bill would not apply to any motor vehicle sales license, fully enclosed motorcycle sales license, or automotive mobility dealers license.

**Fiscal Note:** Dated: March 14, 2011 Increase state revenue - \$6,141,900. Increase state expenditures - \$984,500. Increase local revenue - \$6,473,500.

**Senate Status:** Senate 05/20/2011 passed.

**House Status:** House 05/19/2011 passed with amendments 1, 2, and 3.

**Other Status:** Sent to governor 06/06/2011.

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SB 1804  
HB 0991

**PUBLIC EMPLOYEES: Fees for actions of sheriffs and constables.**

Requires sheriffs and constables to receive more for serving process, seizing property, collecting money, executing bail bonds, and executing various other court-related orders. (S: [Marrero](#); H: [Todd](#))

**Amendment:** House amendment 1 rewrites the bill to increase certain fees that sheriffs and constables may collect as follows: (1) Fees for the service of process in person and for collecting money to satisfy a judgment would increase from \$20.00 to \$30.00; (2) Fees for the service of process by mail would increase from \$10.00 to \$12.00; (3) Fees for the service of process by any other authorized means would increase from \$10.00 to \$13.00; (4) The fee for serving and delivery of any other process or notice that is not related to a judicial proceeding and is issued by an entity that is not a court would be increased from \$10.00 to \$15.00; (5) Fees collected for the summoning of jurors in a proceeding and for every bail bond issued would increase from \$5.00 to \$10.00; (6) The fee for returning service where there was an unsuccessful attempt would increase from \$7.00 to \$10.00; (7) Fees for the levy of an execution, attachment or other process to seize property to secure a judgment, or executing a writ of replevin, would be increased from \$40.00 to \$65.00; and (8) Fees for arresting and transporting a prisoner would be increased from \$40.00 to \$55.00.

**Fiscal Note:** Dated: March 4, 2011 Increase local revenue - \$1,221,400.

**Senate Status:** Referred to Senate Judiciary.

**House Status:** House 05/20/2011 passed with amendment 1.

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<p>SB 1807 HB 1861</p>	<p><b>JUDICIARY: Frivolous appeals - awarding of fees.</b> Authorizes the court, when it appears to any reviewing court that the appeal from any court of record was frivolous or taken solely for delay, to either award just damages against the appellant and expenses incurred by the appellee as a result of the appeal, including but not limited to, the appellee's attorneys' fees and any related filing costs. (S: <u>Johnson J.</u>; H: <u>Sargent</u>)</p> <p><b>Fiscal Note:</b> Dated: March 5, 2011 Not significant.</p> <p><b>Senate Status:</b> Referred to Senate Judiciary. <b>House Status:</b> Referred to House General Subcommittee of Judiciary.</p>	<p><a href="#">Bill Text (html)</a> <a href="#">Bill Text (PDF)</a> <a href="#">Fiscal Note (PDF)</a> <a href="#">Full History</a></p>
<p>SB 1844 HB 1154</p>	<p><b>MEDIA &amp; PUBLISHING: Records of local government entities.</b> Requires all records of any local governmental entity to be open for inspection, provided that the person requesting such records is not a party to pending litigation with the local governmental entity named. Allows a local government entity that is a party to civil litigation to file a motion with the court having jurisdiction over the case to preclude the use of the public records laws in obtaining any material that is discoverable under the TN Rules of Civil Procedure. (S: <u>Finney L.</u>; H: <u>Dennis</u>)</p> <p><b>Amendment:</b> House amendment 1 adds the exception "unless otherwise made confidential by law" to the provision requiring all records of any local governmental entity be open for inspection provided specified circumstances do not exist.</p> <p><b>Fiscal Note:</b> Dated: March 12, 2011 Not significant. <b>Senate Status:</b> Taken off notice in Senate Judiciary 05/10/2011. <b>House Status:</b> House 04/11/2011 passed with Amendment 1</p>	<p><a href="#">Bill Text (html)</a> <a href="#">Bill Text (PDF)</a> <a href="#">Fiscal Note (PDF)</a> <a href="#">Amendments</a> <a href="#">Full History</a></p>

SB 2042  
HB 0840\*

**CRIMINAL LAW: Study issues related to retention and use of old warrants.**

Requires the board of probation and parole to use existing resources to study certain issues related to the use of old warrants and related process by local law enforcement and to report to the house and senate judiciary committees on or before February 1, 2012. (S: [Ford O.](#); H: [Cooper B.](#))

**Amendment:** House amendment 1 requires the administrator of the courts, rather than the board of probation and parole, to study issues related to the use of old warrants.

**Fiscal Note:** Dated: February 28, 2011 Not significant.

**Senate Status:** Senate 05/20/2011 passed.

**House Status:** House 04/04/2011 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0443 (Effective 6/10/2011)

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