

HOUSE BILL 1508

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8; Title 29, Chapter 20; Title 49, Chapter 5 and Title 50, Chapter 6, relative to application of the Workers' Compensation Law to governmental entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-20-106, is amended by deleting the section in its entirety and by substituting instead the following language:

29-20-106.

(a) A governmental entity shall be subject to the Workers' Compensation Law, compiled in title 50, chapter 6; provided, however, that this chapter shall apply to any action brought by an employee of a governmental entity pursuant to the Workers' Compensation Law. In the event of a conflict between this chapter and the Workers' Compensation Law, this chapter shall prevail.

(b) This section shall not apply to:

(1) Any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census;

(2) Any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census; or

(3) Any municipality having a population in excess of one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 50-6-102, is amended by deleting subdivision (11) in its entirety and by substituting instead the following:

(11)

(A) "Employer" includes:

(i) Any individual, firm, association or corporation, the receiver or trustee of the individual, firm, association or corporation, or the legal representative of a deceased employer, using the services of not less than five (5) persons for pay, except as provided in except as provided in § 50-6-902, and, in the case of an employer engaged in the mining and production of coal, one (1) employee for pay;

(ii)

(a) Any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census;

(b) Any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census; or

(c) Any municipality having a population in excess of one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census; and

(iii) The employer's insurer, if the employer is insured, unless otherwise provided in this chapter;

SECTION 3. Tennessee Code Annotated, Section 50-6-106, is amended by deleting subdivision (6) in its entirety and by substituting instead the following:

(6)

(A) The state; provided, that the state may accept this chapter by filing written notice of the acceptance with the division under the administrator, at least thirty (30) days before the happening of any accident or death, and may at any time withdraw the acceptance by giving like notice of the withdrawal;

(B) The state may accept this chapter as to any department or division of the state by filing written notice of acceptance with the division under the administrator, at least thirty (30) days before the happening of any accident or death and may, at any time, withdraw acceptance for the division or department by giving like notice of the withdrawal, and the acceptance by the state for any department or division of the state shall have effect only of making the department or division designated subject to the terms of this chapter; or

SECTION 4. Tennessee Code Annotated Section 49-5-714, is amended by adding the following language as a new subsection (c):

(c) This section shall apply solely to LEAs located in:

(1) Any county having a metropolitan form of government and having a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census;

(2) Any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census; or

(3) Any municipality having a population in excess of one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census.

SECTION 5. This act shall take effect on July 1, 2011, the public welfare requiring it.