

**INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT**

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**1997 EDITION**

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**COUNTY TECHNICAL ASSISTANCE SERVICE  
THE UNIVERSITY OF TENNESSEE  
INSTITUTE FOR PUBLIC SERVICE  
NASHVILLE, TENNESSEE**

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**Prepared By  
CTAS Legal Staff**

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## INTRODUCTION

The first regular session of the One Hundredth General Assembly began on Tuesday, January 14, 1997, and continued until Saturday, May 31, 1997. The second session of the One Hundredth General Assembly will convene in organizational session on Tuesday, January 13, 1998.

At the time of publication of this index, there were 560 new designated public chapters and 100 new private acts. We were aware of one or two more public acts that the governor had not acted upon at the time of publication. Due to the lateness of this year's session, we felt it was more important to publish this information now although it is not as complete as we would desire. The acts that are related to county government have been summarized in this publication. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter number. Part 2 contains summaries of public acts of local application; Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

Every attempt has been made to be accurate in these summaries and to be comprehensive in the review of the new laws. However, the actual law should be reviewed prior to taking action on the changes in the laws. You should consult your county attorney to assist you in interpretation of the new laws. If you desire copies of the acts or have need of other information, please contact the CTAS county government consultant for your county. You may make copies of this publication for sharing with other county officials. We hope this information will serve to keep you advised of legislative developments and will be of benefit to officials in the planning and management of their offices.

Sincerely,

J. Rodney Carmical  
Executive Director

## TABLE OF CONTENTS

<b>PART I — PUBLIC ACTS OF GENERAL APPLICATION</b>	1
ALCOHOLIC BEVERAGES	1
ANNEXATION AND INCORPORATION	1
COUNTY CLERKS	2
COUNTY GOVERNMENT	3
COURT CLERKS	6
COURTS	8
ECONOMIC DEVELOPMENT	13
EDUCATION	13
ELECTIONS	14
EMERGENCY SERVICES	15
FINANCE	16
HIGHWAYS	17
LAW ENFORCEMENT	18
PERSONNEL	23
PLANNING AND ZONING	26
PURCHASING	26
RECORDS	27
REGISTERS OF DEEDS	28
RETIREMENT	29
SOLID WASTE	30
STATE GOVERNMENT	31
TAXATION	31
TAXATION - PETROLEUM	31
TAXATION - PROPERTY	32
TAXATION - SALES AND USE	35
TELECOMMUNICATIONS	37
<b>PART II -- PUBLIC ACTS OF LOCAL APPLICATION</b>	38
ANDERSON	38
BEDFORD	38
BLOUNT	38
CARROLL	38
CROCKETT	39
DAVIDSON	39
GIBSON	39
GILES	40
HARDEMAN	40
HAYWOOD	40
KNOX	41
LAUDERDALE	41
LINCOLN	41
SCOTT	41
SHELBY	42
UNICOI	43
WILSON	43

<b>PART III — PRIVATE ACTS</b>	44
ANDERSON	44
BENTON	44
CANNON	44
CARROLL	44
CHEATHAM	45
CHESTER	45
COCKE	46
DAVIDSON	46
FAYETTE	46
GIBSON	46
GILES	47
GREENE	47
HAMILTON	47
HARDEMAN	48
HARDIN	48
HAWKINS	48
HENRY	48
HICKMAN	49
JACKSON	49
JOHNSON	49
McMINN	50
MONROE	50
OBION	50
POLK	50
RHEA	50
SEQUATCHIE	51
SEVIER	51
SHELBY	51
SULLIVAN	51
TIPTON	52
UNION	53
WASHINGTON	53
WARREN	53
WEAKLEY	53
WILLIAMSON	53
WILSON	54

## **PART I -- PUBLIC ACTS OF GENERAL APPLICATION**

### **ALCOHOLIC BEVERAGES**

Public Chapter 140      Senate Bill 1636 House Bill 1358  
Amends 39-17-708 to decriminalize the home brewing of beer for consumption of members of the brewer's household and guests.

Effective April 29, 1997.

Public Chapter 560      House Bill 1023 Senate Bill 1210  
Amends 57-5-109 to add proximity to a residence to the provision which prohibits the suspension, revocation or denial of a beer permit on the basis of proximity to a school, church or other place of public gathering for establishments which held a valid beer permit on January 1, 1993. Enacts 57-5-\_\_\_ to authorize distribution of beer in containers of any size.

Effective June 24, 1997.

### **ANNEXATION AND INCORPORATION**

Public Chapter 98      Senate Bill 1191 House Bill 1000  
Amends several sections in Title 6 regarding new municipal incorporations. Provides that after incorporation the county or counties in which the new municipality is located will continue to receive all situs-based tax revenues until July 1 following incorporation. If the incorporation becomes effective on July 1, then the new municipality will begin receiving situs-based taxes as of that date.

Also amends several sections regarding the timing for elections on the question of charter adoption, changing the requirement that the county election commission hold the election at the next election. The new law provides that the election shall be held within 45 to 60 days after the petition requesting the election is certified.

Amends 6-1-201, changing the number of residents required for incorporation under this statute from 1,500 to 225. Deletes the prohibition against new incorporations within 3 miles of an existing municipality or within 5 miles of an existing municipality of 100,000 or more. (These two provisions remain in effect for only one year). States that a letter requesting incorporation is sufficient to satisfy the petition requirement if it is filed with the county election commission before December 31, 1997. Current law contains no such deadline. Ratifies any incorporation meeting the requirements of the new law, even if it occurred before the new law's effective date. Gives priority for incorporations proposed before January 1, 1996, over attempted annexations of the same territory by an existing municipality.

Effective April 16, 1997, although sections lowering the number required for new incorporations and deleting the distance requirements remain effective for only one year (April 16, 1998), at which time the previous law is revived.

## COUNTY CLERKS

- Public Chapter 73      House Bill 419 Senate Bill 374  
Amends statutes relative to artisans' liens to require artisans (other than car dealers) to make reasonable inquiry and give written notice to persons having an interest in a motor vehicle upon which the artisan claims a lien, and to provide that checking with the county clerk or Department of Safety will constitute reasonable inquiry.
- Effective April 9, 1997.
- Public Chapter 74      House Bill 796 Senate Bill 353  
Amends 45-15-115 to prohibit title pledge lenders from entering into title pledge agreements unless the pledgor presents clear title at the time the loan is made and the lender retains physical possession of the title (except to the extent required to record the lien). If a title pledge lender files a lien without possessing a clear title to the property, the resulting lien is void.
- Effective April 9, 1997.
- Public Chapter 251      Senate Bill 702 House Bill 1147  
Enacts 55-4-103 to provide that county residents who purchase a vehicle out of their county of residence are to receive a county name strip from the county clerk of their county of residence upon proof of proper registration and payment of wheel tax or other applicable county fees.
- Effective May 22, 1997.
- Public Chapter 279      Senate Bill 1073 House Bill 449  
Amends 55-3-126(b) to provide that a second or subsequent lien on a titled vehicle is not perfected unless and until the lien is noted on the certificate of title.
- Effective July 1, 1997.
- Public Chapter 295      Senate Bill 278 House Bill 474  
Amends 36-3-301 to authorize officials and former officials who are presently authorized to perform marriage ceremonies to do so in any county in the state; validates any marriages previously performed by county executives outside his or her county.
- Effective May 29, 1997.
- Public Chapter 309      Senate Bill 1349 House Bill 986  
Enacts the "Check Cashing Act of 1997" which provides that check cashing businesses will be licensed and regulated by the state Department of Financial Institutions.
- Effective October 1, 1997.

Public Chapter 523      House Bill 1047 Senate Bill 1389  
Amends 55-3-126(b)(2) to provide that when a first lienholder has been satisfied and a different first lienholder is created on a motor vehicle, the security interest will be considered perfected as of the time of its creation if the certificate of title is delivered to the county clerk or the division of motor vehicles within 20 days after the secured party receives the certificate from the first lienholder.

Effective June 19, 1997.

Public Chapter 557      House Bill 1140 Senate Bill 1623  
Enacts a pilot project relative to child custody, visitation and allocation of parenting responsibilities in Sullivan, Rutherford, Cannon, Shelby, Davidson, Knox and Hamilton counties. Costs of required mediation to be funded by an additional \$10 tax on marriage licenses in all pilot counties except Davidson.

Effective July 1, 1997.

## **COUNTY GOVERNMENT**

Public Chapter 100      House Bill 718 Senate Bill 1176  
Corrects error in statute regarding the membership of the board of workhouse commissioners. Replaces meaningless term “the executive of the legislative body” with the term “the chief executive officer of the county”.

Effective April 16, 1997.

Public Chapter 103      House Bill 1437 Senate Bill 1692  
Amends 69-7-122(d) to require the bylaws of the board of directors of a watershed district to establish the manner in which the directors will be appointed or reappointed following the initial six year term. These bylaws will contain, at a minimum, provisions for representation on the board to be fairly spread among the counties included in the boundaries of the district, and will designate which county or municipal officials will be the appointing authorities. Also, a public hearing must be held on the proposed bylaws or any amendments thereto, with newspaper notice of the time, place and purpose of the hearing in each county within the boundaries of the district.

Effective April 16, 1997.

Public Chapter 106      House Bill 502 Senate Bill 829  
Amends Title 63, Chapter 12, and 44-17-303, to establish qualifications for certified animal euthanasia technicians and certified animal control agencies (county or municipal animal shelters, dog pounds or animal control agencies; private humane societies; state, county or municipal law enforcement agencies; or any combination thereof, which temporarily house stray animals) and conditions under which euthanasia of animals may be conducted in such facilities by or under the direct supervision of a certified animal euthanasia technician or a licensed veterinarian.

Effective April 22, 1997 for the purpose of promulgating regulations, and January 1, 1998 for all other purposes.

Public Chapter 110      House Bill 835 Senate Bill 1376  
Authorizes the county legislative body, by resolution, to abolish any drainage or levee district created under Title 69, Chapter 6, Part 1, whenever the district has completed the projects for which the district was created. Any funds of the district needed to fund obligations of the district will be placed in a separate account by the county and will remain in such separate account until expended. Any funds remaining and not needed for to pay debts or other obligations of the district shall be transferred to the county general fund.

Effective April 22, 1997.

Public Chapter 125      Senate Bill 280 House Bill 1534  
Amends 8-18-109 to simplify the oath-taking process for county officials. Allows the county executive, the county clerk, or a judge of any court of record in the county to administer the oath of office to any elected or appointed official. Allows officials to swear to and file their oath prior to the official start of the term of office. States that filing the oath early has no impact on the timing of the beginning of a term.

Effective April 29, 1997.

Public Chapter 231      House Bill 810 Senate Bill 1052  
Amends 8-47-122 relative to removal of public officers to allow for the complainants to be taxed for costs and attorney's fees in ouster proceedings pursuant to Rule 11 of the Rules of Civil Procedure if the complaint or petition is withdrawn or if the court finds the charges alleged to be without merit.

Effective May 15, 1997.

Public Chapter 243      House Bill 1904 Senate Bill 1851  
Amends 7-53-305(b) regarding in lieu of tax agreements for lessees of industrial development corporations to provide that the amount payable in lieu of taxes by hotel and motel lessees, ten years after completion of the project on leased property, shall not be less than the ad valorem taxes otherwise due and payable upon the fair market value of the property.

Effective May 20, 1997.

Public Chapter 261      Senate Bill 827 House Bill 1208  
Amends 7-2-104(a) to reduce the amount of the mandatory appropriation by the county legislative body to defray the expenses of a metropolitan government charter commission from \$35,000 to \$25,000 when such a commission is formed.

Effective May 22, 1997.

Public Chapter 262      House Bill 1524 Senate Bill 1410

Amends 8-47-121 to provide that after the final hearing in an ouster proceeding, if the public officer is not removed from office, or if a suspended officer is restored to office, then the officer may be reimbursed reasonable attorney's fees by the county or other government unit the officer serves. However, if either party appeals the trial court's decision, then the reimbursement cannot be made until a final judgment is rendered in favor of the official.

Effective July 1, 1997.

Public Chapter 297

Senate Bill 310 House Bill 480

Amends Title 66, Chapter 29, regarding abandoned property, to authorize a holder of unclaimed property to enter into agreements to find the owners of this property. However, associated costs may not be deducted from the property or charged to the owner.

Effective May 29, 1997.

Public Chapter 311

Senate Bill 1655, House Bill 1249

Amends and rewrites state law regarding weights and measures. Department of Agriculture continues to have primary responsibility for integrity of weights and measures in the state, but counties and cities through their legislative bodies are authorized to appoint weights and measures officials to serve at the pleasure of the appointing legislative body. A county weights and measures official may not exercise authority within a city that has such an official. Such local officials may exercise powers similar to state inspectors, with certain powers reserved to the state, and the local officials must file with the commissioner of agriculture a fiscal year summary of all weights and measures inspections and activities in a format determined by the commissioner.

Effective July 1, 1997.

Public Chapter 330

Senate Bill 800 House Bill 392

Amends Title 50, Chapter 6, to require all subcontractors and anyone else engaged in the construction industry to carry workers compensation insurance regardless of how many employees they have (formerly, they were required to carry it only if they had 5 or more employees). Sole proprietors and partners are not required to carry insurance on themselves. Does not apply in Hancock or Hawkins county.

Effective July 1, 1997.

Public Chapter 344

House Bill 848 Senate Bill 632

Authorizes the county legislative body, by resolution adopted by a 2/3 majority at two consecutive meetings of the county legislative body either (1) abolish the office of constable, or (2) remove law enforcement powers exercised by the constable, or (3) set the term of office of constable at two or four years. Any change except ending law enforcement powers would not be effective until the end of the current term being served by the constable. Removes the requirement that constables "represent substantially equal populations". Seven counties were exempted from this act by narrow population class exception. These counties are: Blount, Bradley, Loudon,

Monroe, Polk, Roane and Wilson.

Effective May 30, 1997.

Public Chapter 382

Senate Bill 1635 House Bill 1397

Amends 7-76-108 regarding sports authorities to authorize the county executive in counties with a population between 47,300 and 50,000 according to the 1990 or subsequent federal census (no counties fall within this class) to make appointments to a sports authority board of directors. Also amends 67-6-103 to provide that if a minor league baseball team of Class AA or higher locates in a municipality and if that municipality constructs a stadium for the new franchise, then the entity responsible for the debt is to receive an allocation equal to the amount of state and local tax revenue derived from sales associated with the franchise.

Effective June 4, 1997.

## **COURT CLERKS**

Public Chapter 64

Senate Bill 162 House Bill 224

Enacts a new section under Title 35, Chapter 3 to allow trustees and others acting in a fiduciary capacity (including court clerks) to use funds, held in trust for a minor, to purchase tuition units under the Tennessee Baccalaureate Education System Trust Act.

Effective April 9, 1997.

Public Chapter 113

House Bill 1020 Senate Bill 876

Amends 41-4-133 to state that the clerk of the court, when forwarding bills of the sheriff, merely certifies that the signature of the sheriff on the accompanying affidavit is authentic. Previous language required the clerk to certify the amounts of the bills.

Effective April 22, 1997.

Public Chapter 119

House Bill 1615 Senate Bill 1566

Amends 24-4-102 regarding out of county witnesses to allow them to receive reimbursement for meals, lodging and mileage at the rates allowed under the State of Tennessee travel regulations instead of the amount of \$40 per day plus mileage as the law previously allowed.

Effective April 22, 1997.

Public Chapter 250

Senate Bill 529 House Bill 788

Enacts a new section under Title 36, Chapter 3, Part 6, relative to orders of protection from foreign jurisdictions. Provides that such orders issued by other states, tribes, or territories shall be honored in this state where the issuing court had jurisdiction and the respondent had notice and an opportunity for a hearing. The petitioner may present a copy of the foreign order of protection to the clerk of court for the county where he or she believes enforcement will be necessary. The clerk

shall receive and maintain the order without charging any costs, fees or taxes for such service. If an enforcement action is necessary, the clerk shall file the order and treat the enforcement action as a case except that all court costs, fees and litigation taxes shall be taxed by the judge at the adjudication of the enforcement action. The foreign order shall be effective for the time specified in the order or for one year from presentation if no time is specified, however, a continuation of any such order may be granted by the court according to 36-3-605. The clerk is under no obligation to determine the validity of the order, but shall forward a copy of the order and any supporting documentation to the police or sheriff's office for entry into the Tennessee criminal information system pursuant to 36-3-609. The clerk shall, upon

request, provide a copy of the order to the person offering it with proof that the clerk's office has received it.

Effective May 22, 1997.

Public Chapter 325

Senate Bill 645 House Bill 394

Amends 40-24-105 regarding the collection of fines, costs and litigation taxes. Allows courts to establish an in-house collection procedure to collect fines, costs and litigation taxes that are over six months delinquent. Monies collected through the in-house procedure are treated as the other fees of the office.

Effective May 30, 1997.

Public Chapter 377

House Bill 1028 Senate Bill 1507

Amends several titles to provide that sections of the Tennessee Code or the Rules of Civil and Criminal procedure govern when a judge or clerk is required to issue a subpoena. If local rules conflict with those authorities, the Tennessee Code at 16-15-708 and 40-17-107, Rule 45 of the Rules of Civil Procedure or Rule 17 of the Rules of Criminal Procedure prevail over any local rule for the appropriate court.

Effective June 2, 1997.

Public Chapter 477

House Bill 1073 Senate Bill 747

Re-writes Parts 1 and 2 of Title 36, Chapter 2, regarding actions to establish parentage. Sets jurisdiction for such action in Juvenile Court or any trial court with general jurisdiction except in Shelby County where only the Juvenile Court has jurisdiction. Provides for expedited hearings, temporary orders of support pending the results of genetic tests, standard provisions for orders of parentage, and the establishment of a putative father registry. Sets the clerk's fee for services in application for an order of parentage at \$50 plus any appropriate litigation tax to be paid by the party petitioning subject to final assessment by the court.

Effective July 1, 1997.

Public Chapter 505

House Bill 1718 Senate Bill 1090

Enacts a new section under Title 16, Chapter 1, Part 1, to provide that courts in Tennessee may implement procedures for the use of electronic signatures in the signing of pleadings, court orders, judgment orders, affidavits of complaint, arrest warrants, a mittimus or other court documents. The electronic signature would have the same force and effect as a written signature.

Effective June 13, 1997.

Public Chapter 522

House Bill 1026 Senate Bill 879

Enacts a new section under Title 16, Chapter 15, Part 7, regarding civil procedure in general sessions courts. Provides that if a defendant feels he or she is not at fault or that another person is also at fault, the defendant is to notify the clerk and the opposing parties, 48 hours prior to the scheduled date of the hearing, of the names, if known, of the other person or persons at fault. If the defendant fails to do so, the

plaintiff is entitled to a continuance. After the clerk receives notice that additional defendants exist, the clerk is to notify the plaintiff and automatically continue the hearing for 30 days to allow the plaintiff to issue service and amend the warrant.

Effective June 19, 1997.

Public Chapter 525

House Bill 1111 Senate Bill 343

Amends 37-1-131 regarding the payment of restitution by juvenile offenders. Provides that in cases where the restitution is not paid by the time the juvenile court no longer has jurisdiction over the child, the amount owed made be converted to a civil judgment that remains in effect for ten years and is enforceable in the same methods as all other civil judgements.

Effective July 1, 1997.

Public Chapter 547

House Bill 1986 Senate Bill 1993

Requires defendants provided with court appointed council to pay an administrative fee of \$50. Allows the court to raise such fee up to \$200. Five percent of the fee is retained by the court clerk with them remainder transmitted to the state treasurer. Requires clerk of court to include as part of the regular monthly report, the number of defendants receiving court appointed council, the number for whom the court waived the administrative fee, the number for whom the clerk collected the fee, the total commissions retained and the total amount of administrative fees forwarded to the State. Allows failure of the defendant to pay to be a sentence enhancing factor. Provides for a similar fee for children receiving court appointed council.

Effective July 1, 1997 and applying to council appointed on or after that date.

Public Chapter 551

House Bill 1810 Senate Bill 1707

Massive re-write of multiple code titles regarding child support to bring Tennessee in line with federal uniform laws and procedures. Outlines new procedures and actions under the Uniform Interstate Family Support Act for proceedings involving two or more states including, but not limited to, extended personal jurisdiction, reconciliation of multiple orders, and enforcement of foreign orders. Repeals and replaces existing Uniform Reciprocal Enforcement of Support Act and Intercounty Enforcement of Support Act. Overhauls the entire collection process involving both court clerks and the Department of Human Services. Creates a Court Clerks Coordinating Council to study the collection and distribution of child support and propose and implement solutions for problems in that area.

The Uniform Interstate Family Support Act becomes effective on January 1, 1998. The provisions regarding the Coordinating Council is effective June 23, 1997. Most of the remainder of the act is effective July 1, 1997.

## **COURTS**

Public Chapter 134

Senate Bill 1187 House Bill 514

Allows a judge to order, in addition to child support, payments for the maintenance

and support of a custodial parent of a child where the custodial parent is a minor, the parents are not married, and the non-custodial parent is an adult. Support would

continue until the minor parent marries, graduates from high school or when the class the minor parent is a member of when he or she turns 18 graduates.

Effective April 29, 1997.

Public Chapter 176

House Bill 1689 Senate Bill 1757

Provides that courts shall instruct criminal defendants in domestic violence cases that it is now a federal offense for a person convicted of a domestic violence offense to possess or purchase a firearm at any future time. The court may accept a guilty plea in such cases only after the defendant is so informed.

Effective May 7, 1997.

Public Chapter 211

House Bill 1901 Senate Bill 1431

Amends Title 36, Chapter 3, Part 6, to expand the availability of orders of protection. Previously petitioners had to be present or former family or household members of the respondent. Under this act, a person may seek an order of protection against someone else if they have been or are currently married, living together, dating, related by blood, adoption, or marriage, or are the adult or minor children of a person in one of those relationships.

Effective May 13, 1997.

Public Chapter 314

Senate Bill 1756 House Bill 1647

Creates a new section under Title 40, Chapter 14, Part 3, to authorize and encourage the Supreme Court to permit the use of video equipment and recordings during the preliminary stages preceding trial for any criminal offense.

Effective May 29, 1997.

Public Chapter 317

House Bill 215 Senate Bill 116

Amends 39-16-609(e) to provide that if a defendant fails to appear in court when charged with a Class A misdemeanor or a felony, the failure to appear is, in itself, a class E felony.

Effective July 1, 1997.

Public Chapter 350

House Bill 1052 Senate Bill 793

Amends Title 36, Chapters 4 and 6, relative to divorce, child custody and visitation rights to add new sections regarding mediation. In cases where there is an order of protection in effect or there is a court finding or criminal conviction for domestic abuse, the court may only order mediation in these proceedings if the victim of the alleged abuse agrees, mediation is provided by a certified mediator trained in dealing with domestic violence, and the victim is permitted to have a "supporting person" present, including but not limited to an attorney or advocate.

Effective May 30, 1997.

Public Chapter 379

House Bill 1424 Senate Bill 801

Amends 36-1-113(f) relative to proceedings for the termination of parental rights of an incarcerated parent. Provides alternative methods for the incarcerated parent to participate in the hearing (teleconference, telecommunication, or other means deemed by the court to be appropriate under the circumstances). Grants such parent the right to perpetuate testimony of witnesses by depositions or interrogatories.

Effective June 2, 1997.

Public Chapter 386

Senate Bill 14 House Bill 1662

Amends 40-11-204 to provide that general sessions judges may also hear petitions for relief on forfeited recognizances.

Effective June 5, 1997.

Public Chapter 407

Senate Bill 429 House Bill 436

Amends law regarding probate, wills, guardians, conservators, trustees and attorneys-in-fact. Changes the number of required real estate appraisals, from two to one by a qualified appraiser when real estate is sold to satisfy debts of a decedent's estate. Amends 30-2-603 regarding service of notice of an accounting in a decedent's estate by the personal representative. Amends 30-5-104 to add "all claiming creditors" to the list of parties that the clerk must send notice of a hearing on a plan of distribution in the administration of an insolvent estate. Amends 34-11-114 to provide that if a petition for a standby fiduciary is filed in a conservatorship or guardianship case, the costs of the action will be charged against the petitioner, regardless of whether a standby fiduciary is appointed. Amends 34-11-119 and 34-11-120 regarding appointment of a standby fiduciary, persons eligible for appointment as a fiduciary and when they are appointed. Adds a new section to Title 34, Chapter 6, Part 1 to authorize an attorney-in-fact to make gifts for the principal under certain conditions.

Effective June 13, 1997.

Public Chapter 426

House Bill 47 Senate Bill 34

Amends statutory law regarding probate. Provides a new petition to apply for letters of administration or letters testamentary, amends the right of the surviving spouse of an intestate decedent or a spouse who elects against a decedent's will to certain tangible personal property (up to \$50,000 in value), increases to \$10,000 the amount of unpaid wages or compensation of a decedent that employers are authorized to pay directly to the surviving spouse, reduces the time period for creditors to file claims against a decedent's estate from 6 months to 4 months, changes the time for payment of claims to reflect the change in time for filing claims (7 months to 5 months after notice to creditors), provides new authority for a personal representative to pay for the reasonable costs of the upkeep of real property passing under the will or intestate succession for up to 4 months after the decedent's death, clarifies that the court may order the sale of real estate by public or private means and upon such terms and conditions as the court may direct and approve, raises the value of an estate qualifying for small estate treatment from \$10,000 to \$25,000, adds a required statement on a small estate affidavit regarding whether or not the

affiant elects to give notice to creditors in the manner of regular estate administration, provides that no clerk or assistant shall be liable for helping in good faith a small estates affiant based upon information furnished by the affiant and provides that the form affidavit will disclose that the affiant is under penalty for perjury for false or misleading statements, requires the small estate affiant's bond to be made payable to the state "for the benefit of those entitled", adds a new section stating that an individual who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of the homestead allowance, year's support allowance, exempt property, elective share, intestate succession, and devisees unless the will contains explicit language dealing with simultaneous deaths or common disasters stating a different survival time in order to take under the will, changes the statute (31-4-101) providing for the share of the surviving spouse of an intestate decedent and the elective share of a spouse who dissents against the will to establish a share based upon a percentage (10% to 40%) which increases according to the number of years of marriage, changes the definition of net estate to add realizable secured debts to the items which reduce the amount of the net estate, makes the elective share of the surviving spouse exempt from the claims of unsecured creditors of the decedent's estate, revises law to limit when gifts to children by an intestate decedent during lifetime are considered advancements, provides that a will when duly proven may be admitted to probate for the limited purpose of establishing a muniment of title without granting letters, increases from \$5,000 to \$10,000 the amount a bank, savings and loan association or credit union can pay directly from the account or safe deposit box of a decedent when no executor or administrator qualifies within 30 days of the death of the depositor, and allows the court to waive the filing of a receipt or certificate from the department of revenue when the gross estate is less than \$100,000 upon statement by the personal representative under certain conditions.

Effective January 1, 1998 and applies to all estates of decedents dying on or after that date.

Public Chapter 459

House Bill 789 Senate Bill 591

Amends Title 36, Chapter 3 regarding domestic abuse. Makes orders of protection issued under that chapter enforceable in any county of this state.

Effective June 13, 1997.

Public Chapter 472

House Bill 1017 Senate Bill 476

Amends 16-15-501 regarding the jurisdiction of General Sessions Courts. Increase the monetary limit on civil cases from \$10,000 to \$15,000 except in Shelby County where the limit is raised from \$15,000 to \$25,000 and in Hamilton County where the act does not apply.

Effective June 13, 1997.

Public Chapter 473

House Bill 1022 Senate Bill 1003

Amends various statutes in Titles 16 and 17 to create a more efficient system of interchange of judges. Gives special judges or judges sitting by interchange the same immunity as the judge they are replacing. Allows General Sessions or Juvenile

Court judges who must be absent to seek a special judge as a replacement. Requires the judge first to attempt to interchange within the county, then with a current, former, or retired judge, then apply to the Administrative Office of the Courts for assistance, and finally allows the judge, after exhausting these options, to appoint a lawyer from a list of attorneys qualified to serve in that capacity subject to certain limitations.

Effective July 1, 1997.

Public Chapter 516

House Bill 731 Senate Bill 1066

Amends 37-1-159 relative to appeals of final orders or judgments of the juvenile courts. Provides that appeals in delinquency proceedings may be made to the criminal court or court having criminal jurisdiction which shall try the case de novo. Appeals in unruly child proceedings or dependent and neglect proceedings shall be made to the circuit court which shall try the case de novo.

Effective June 19, 1997.

Public Chapter 555

House Bill 797 Senate Bill 475

Amends Title 16, Chapter 15, Part 50, to establish the compensation of general sessions court judges for the term beginning September 1, 1998. Counties will fall into classes by population under the 1990 or subsequent federal census or any special census conducted by the Tennessee Department of Economic and Community Development; populations of counties with a consolidated court will be added together and the result increased by one class for the judge of their court; if a county goes down in population during the term the judge's salary cannot be decreased, but if the population goes up the judge's salary must be increased. All full-time judges with the same jurisdiction in a county must receive the same (highest) compensation. On September 1, 1998, each judge will receive an increase of the lesser of \$10,000 or 20% of total compensation as of August 31, 1998. Each judge's compensation (including annual adjustments and supplements) will increase each year by the actual percentage change in the CPI (or such other method as may be used in the future to increase the compensation of state court judges). The compensation is considered the minimum level, and judges may be paid more by private act, but not more than circuit judges. The maximum supplement for judges in Class 3 (pop. 30,000 - 38,000) is raised from \$30,000 to \$40,000.

Effective September 1, 1998.

Public Chapter 556

House Bill 811 Senate Bill 1105

Amends 16-15-5006(a) to authorize the levy of a local litigation tax in excess of \$6.00 in Class 1 counties when necessary to pay salary supplements to general sessions court judges under 16-15-205 (repealed 1993).

Effective June 24, 1997.

Public Chapter 557

House Bill 1140 Senate Bill 1623

Enacts a pilot project relative to the resolution of child custody and visitation matters and allocation of parenting responsibilities in Sullivan, Rutherford, Cannon, Shelby, Davidson, Knox and Hamilton counties. Provides for written parenting plans and

their enforcement. Costs of required mediation to be funded by an additional \$10 tax on marriage licenses in all pilot counties except Davidson.

Effective July 1, 1997, and applicable to each action or petition for modification filed on or after such date.

## **ECONOMIC DEVELOPMENT**

Public Chapter 398      House Bill 1912 Senate Bill 1817  
Amends 7-53-305(b) by removing the requirement that hotel and motel lessees of an industrial development corporation pay an amount in lieu of taxes not less than the ad valorem property taxes otherwise due and payable on the fair market value of the property after 10 years under the lease.

Effective June 5, 1997.

Public Chapter 517      House Bill 861 Senate Bill 628  
Creates the Tennessee Technology Development Corporation. The purpose of this corporation is to contribute to the strengthening of the economy of the state through the development of science and technology and technology transfer to private and public enterprises. The corporation is to be governed by a 17 member board including one member to be appointed by the governor from a list of three persons furnished by the Tennessee County Services Association.

Effective July 1, 1997.

## **EDUCATION**

Public Chapter 72      House Bill 301 Senate Bill 256  
Amends 49-6-3004(e)(1) to authorize the use of accumulated excess instructional time in whole day (6½ hour) increments, and to authorize its use for faculty professional development, M-team meetings, S-team meetings, parent-teacher conferences, and similar meetings.

Effective April 9, 1997.

Public Chapter 210      House Bill 1730 Senate Bill 1785  
Amends 49-6-2003 relative to conflicts of interest to permit a spouse or family member of a principal, teacher, or other school administrative employee to participate in a business transaction with the school system where sealed competitive bids are used, as long as the principal, teacher, or other school administrative employee has no discretion in the selection of bids or specifications.

Effective July 1, 1997.

Public Chapter 228      House Bill 1906 Senate Bill 1884  
Amends 49-3-1005(c) to allow the county legislative body to pledge the non-classroom component of BEP funds towards the repayment of school bonds.

Effective May 16, 1997.

Public Chapter 371      Senate Bill 1579 House Bill 894  
Authorizes local school districts to sell space on the interior or exterior of a school bus for commercial advertising, but not for alcohol or tobacco products, and not for campaign advertising prohibited under 2-19-144.

Effective June 2, 1997.

## **ELECTIONS**

Public Chapter 45

Senate Bill 306 House Bill 968

Makes the provisions of 2-19-144, which makes it unlawful to place or attach campaign signs or posters to public utility poles or towers without legal authorization, apply statewide. Previously the law only applied to counties in certain population classifications.

Effective April 8, 1997

Public Chapter 122

Senate Bill 8 House Bill 9

Amends 2-7-116 to give the officer of elections the discretion to move an physically disabled voter to the front of the line at a polling place.

Effective April 29, 1997.

Public Chapter 287

Senate Bill 886 House Bill 1470

Amends 2-7-131 to allow county election commissions to have paper ballots transported back to the election commission office and counted by the Absentee Ballot Counting Board there instead of at the polling place after it closes.

Effective May 28, 1997.

Public Chapter 357

House Bill 1345 Senate Bill 1479

Amends 16-15-202 to provide that in any county with more than one General Sessions Judge and where the most recent of private acts creating a general sessions judgeship provides for non-partisan elections of the additional judges, then at subsequent August elections all judges of the general sessions court shall be elected on a non-partisan basis.

Effective May 30, 1997.

Public Chapter 410

Senate Bill 739 House Bill 1574

Amends 2-10-105 and -107 regarding financial disclosure of contributions and expenditures. Deletes the requirement that all candidates and political campaign committees in a state or local election are required to report the date of expenditures and contributions. Instead, requires candidates to report the date of each contribution and campaign committees to report the date of expenditures which are contributions to a candidate.

Effective June 13, 1997.

Public Chapter 501

House Bill 1634 Senate Bill 1625

Amends Title 2, Chapter 2, regarding voter registration to add public high schools as designated voter registration agencies.

Effective July 1, 1997.

Public Chapter 550      House Bill 1719 Senate Bill 1772  
Amends various statutes under Title 2 relative to elections procedures. Amends Tennessee law to establish procedures to comply with requirements of the Federal “Motor/Voter” law to allow certain persons who have moved and not updated their address to still be able to vote.

Effective June 23, 1997.

Public Chapter 558      House Bill 1691 Senate Bill 1771  
Makes numerous minor changes, technical corrections, and alterations in elections statutes. Most noticeably changes title of Registrar-at-Large to Administrator of Elections, defines the office of deputy for the county election commission office, requires that a vacancy must occur 60 days (rather than 45 days) before an election in order to appear on a ballot, sets procedures for filing and acceptance of petitions in governmental entities that have a charter provision allowing for recall, referendum or initiative elections pursuant to such charter.

Effective June 23, 1997.

## **EMERGENCY SERVICES**

Public Chapter 37      House Bill 680 Senate Bill 1246  
Amends 55-8-101 to include with the definition of “authorized emergency vehicles” for purposes of the rules of the road, every rescue vehicle or emergency response vehicle owned and operated by a state-chartered rescue squad, emergency lifesaving crew or active member unit of the Tennessee Association of Rescue Squads, and provides that no special authorization, approval or filing will be required for such vehicle by the Commissioner of Safety.

Effective April 2, 1997

Public Chapter 136      Senate Bill 1310 House Bill 382  
Amends 7-86-127 to authorize county and city legislative bodies, and emergency communications districts with delegated authority, to establish and enforce policies for the assignment and posting of property numbers.

Effective April 29, 1997.

Public Chapter 161      Senate Bill 1181 House Bill 678  
Amends 68-140-509 to remove the exemption accorded to volunteer rescue squads which allowed such squads to transport patients without required emergency medical services personnel.

Effective May 2, 1997.

Public Chapter 280      Senate Bill 1340 House Bill 767  
Creates a new section under Title 68, Chapter 140, Part 5, to require ambulance services and invalid vehicle operators to maintain “run records” and all other records deemed necessary and promulgated by the Tennessee Emergency Medical Services

Board. Defines “run records” as ambulance run reports relative to a response by one of these services during which a patient is evaluated, treated, or transported.

Effective May 27, 1997.

Public Chapter 320

Senate Bill 5 House Bill 48

Amends 7-86-201 to provide that the educational requirements for public safety dispatchers (high school graduate or equivalency) will be deemed met if the person has 10 years of experience as a public safety dispatcher or 30 years experience in emergency services or communications management.

Effective May 30, 1997.

## **FINANCE**

Public Chapter 217

Senate Bill 504 House Bill 868

Amends several sections regarding the collateral pool. Authorizes the collateral pool board to purchase insurance against default of public depositories. Deletes the requirement in 9-4-518 that each depository under the act must deliver a statement of public deposits held for the credit of all public depositors by the last business day of the year. Changes requirements for public depositors by deleting the requirement that a public depositor notify the Treasurer of its name, address, tax identification number, and a listing of all accounts, including balances, with public depositories as of December 31 of the prior year. Authorizes the collateral pool board to establish a process to determine whether a qualified public depository is securing its public deposits through the collateral pool.

Adds a twelfth member to the public deposits task force, and adds the requirement that two of the members must be county trustees who are to be appointed from a list of 5 nominees submitted by the County Officials Association of Tennessee. Deletes the requirement that one member be a registered securities broker or dealer. Authorizes the Treasurer and Comptroller to designate staff members to attend task force meetings and to vote in the place of these officials.

Substitutes the State Funding Board as the agency to provide advice regarding the local government investment pool, in place of the Tennessee Advisory Commission on Intergovernmental Relations. Authorizes the State Funding Board to create an intermediate-term investment fund if it finds that such a need exists, and specifies requirements and procedures for such a fund.

Specifies that an irrevocable letter of credit issued by the federal home loan bank qualifies as eligible collateral under specified circumstances. Changes the definitions of “state depository” and “public depository” to include out-of-state institutions under specified circumstances.

Clarifies procedures for the payment of losses and requires the Treasurer to determine any assessment against the other qualified public depositories as promptly as possible. Requires public depositories to pay assessments to the Treasurer within 5 business days, instead of the previous 7 business days. Clarifies that only public depositors whose losses were not satisfied through the assessment procedures are

to file claims for default with the Treasurer. Claims not filed within the specified time limit or not in compliance with other procedural requirements are not binding upon the pool.

Effective May 15, 1997.

Public Chapter 390

Senate Bill 627 House Bill 1395

Amends the Local Government Public Obligations Act of 1986 to authorize counties and municipalities to issue general obligation bonds for unfunded pension obligations resulting from one local government's assumption of governmental responsibilities from another local government if such issuance is approved by the State Funding Board after receiving the recommendation of the State Director of Local Finance.

Effective June 5, 1997.

Public Chapter 405

Senate Bill 1467 House Bill 823

Amends 12-10-111 to require that bonds and notes issued by a public building authority in registered form will be executed in the manner provided in the Tennessee Public Obligations Registration Act codified in Title 9, Chapter 19, and provides other procedural requirements for the issuance of such bonds and notes and the issuance of refunding bonds. Amends 12-10-115 to provide that a county or municipality may enter into a contract repay a loan agreement with a public building authority exclusively from revenues of a project, pledging these revenues and not the taxing power of the county or municipality. Amends 12-10-116, to authorize the governing body or board of a utility system of a county or municipality to enter into a lease, loan agreement or operating contract with a public building authority, without approval of the county or municipal governing body, if the term of the financing of the project does not exceed five years. Also authorizes loan agreements to refund bonds authorized to be refunded under the Parts 9 and 10 of Chapter 21 of Title 9 and authorizes the conversion of capital outlay notes under certain restrictions. Amends 12-10-108(a) to provide that members of the board of directors of the public building authority will be appointed by the chief executive officer subject to confirmation of the governing body.

Effective June 6, 1997.

## **HIGHWAYS**

Public Chapter 50

House Bill 31 Senate Bill 772

Amends 55-50-322(c) relative to commercial driver licenses by adding a new subdivision. Sets standards and regulations for rejecting an application for a commercial driver license due to unsafe vehicle condition. Requires the department to give an applicant a written report listing all defects and informing the applicant of necessary repairs. Prohibits the examiner from conducting a road test if the vehicle doesn't meet safety standards.

Effective July 1, 1997.

Public Chapter 80

Senate Bill 1192 House Bill 1442

Amends 54-10-103 relative to the classification of county roads. Before this act, the

law merely stated that the county legislative body was to receive the recommendation of the road superintendent before classifying the county roads. New language in this act requires the superintendent to submit a listing of all county roads to the legislative body which includes a detailed summary of all changes from the previous year's listing and recommendations for classifying the roads.

Effective April 14, 1997.

Public Chapter 205

House Bill 57 Senate Bill 111

Amends 54-7-104 relative to the qualifying procedures for chief administrative officers (hereafter CAO) of county highway departments under the County Uniform Highway Law. Creates a five member board to evaluate the qualifications of the candidates. The board members would serve for two years and review the qualifications of candidates for both elected and appointed CAO positions. The appointee of the Secretary of State would serve as chair of the board. Subject to approval of the Secretary of State, the board may promulgate rules governing the approval process. The qualifications to hold office will not be changed by this bill and all materials and correspondence from candidates regarding the qualification process will continue to be directed through the office of the Coordinator of Elections. Certain counties are amended out of the bill by narrow population classification.

Effective May 13, 1997.

## **LAW ENFORCEMENT**

Public Chapter 56

House Bill 825 Senate Bill 190

Amends several statutes regarding funds received from drug fines and forfeitures. A budget for these monies is to be recommended by the chief law enforcement officer and approved by the local legislative body of the jurisdiction. Establishes that the revenue may be spent on drug education, treatment, and enforcement expenses and non-recurring law enforcement expenses. Any funds used for undercover operations must be administered under procedures set by the comptroller of the treasury. Requires 20% of the confiscated funds to be set aside each year until 7/1/2002 (or until sufficient funds have been received) for the purchasing of electronic fingerprinting gear. Jurisdictions may contract with one another to purchase and use such equipment jointly. Requires accounting for the use made of the proceeds of this fund and provides that local purchasing laws must be followed in spending the revenue.

Effective July 1, 1997.

Public Chapter 112

House Bill 961 Senate Bill 1323

Enacts a new section under Title 41, Chapter 2, Part 1, relative to work programs for prisoners incarcerated in local penal institutions. Requires all inmates sentenced to the county workhouse or jail, both felons and misdemeanants, to participate in a work program if the county has one. Prisoners refusing to participate will lose sentence reduction work credits at the rate of two days of credit for each day they refuse to work. If the prisoners don't have work credits, they may be denied good behavior credits and any other privileges given to inmates in good standing. Only

those inmates that would be a security risk or those with medical conditions that prevent them from working are exempt.

Effective April 22, 1997.

- Public Chapter 118      House Bill 1578 Senate Bill 1205  
 Exempts private entities that contract for the care, supervision and transportation of inmates from the regulations of Title 62, Chapter 35 regarding private protective services.  
 Effective April 22, 1997.
- Public Chapter 126      Senate Bill 425 House Bill 1127  
 Authorizes security officers of public housing authorities in cities with a population over 100,000 to make arrests for offenses committed on the property of the project and to carry handguns, provided they receive the proper written directive and meet statutory qualifications.  
 Effective July 1, 1997.
- Public Chapter 137      Senate Bill 1380 House Bill 1136  
 Adds a new exemption to private protective services regulations under Title 62, Chapter 35, Part 1. Exempts persons working for a resort who have received a commission from the local chief law enforcement officer and have completed a training program at least as rigorous as POST certification. The commissioner of safety must approve each exemption granted under these provisions.  
 Effective retroactive to October 31, 1996.
- Public Chapter 148      Senate Bill 1910 House Bill 1849  
 Amends 40-33-211 to increase the share of revenues kept by the local government from 15% to 30% of the revenue generated by the sale of a vehicle forfeited for certain DUI offenses. Also extends the deadline for the state treasurer to set up a fund for the remainder of these revenues to January 1, 1998.  
 Effective April 29, 1997.
- Public Chapter 274      Senate Bill 606 House Bill 790  
 Exempts special deputies appointed pursuant to 8-8-212 or special policemen appointed by the chief of police of metropolitan counties over 500,000 in population from the regulations of private protective services under Title 62, Chapter 35.  
 Effective May 27, 1997.

Public Chapter 289

Senate Bill 1369 House Bill 757

Prohibits the approval of a transfer of parole or probation supervision to this state of a sexual offender unless the probationer or parolee agrees to provide a DNA sample to be forwarded to the TBI.

Effective May 28, 1997.

Public Chapter 290

Senate Bill 1718 House Bill 1591

Makes memoranda, work notes or products, case files and communications related to group counseling and therapy for job-related critical incidents provided to law

enforcement officers, emergency medical technicians, paramedics, and firefighters confidential and privileged. States that these materials are not public records.

Effective May 28, 1997.

Public Chapter 292

House Bill 600 Senate Bill 795

Amends 10-7-504 to make riot, escape and emergency transport plans of county jails and workhouses confidential records.

Effective May 28, 1997.

Public Chapter 299

Senate Bill 426 House Bill 557

Amends 55-9-402 relative to colored lights on motor vehicles; prohibits non-emergency vehicles from using flashing light systems; expands regulated flashing lights to include white lights and authorizes their use on certain emergency vehicles; and adds US postal vehicles performing the duties of a rural letter carrier to vehicles authorized to have certain types of flashing light systems.

Effective July 1, 1997.

Public Chapter 338

House Bill 599 Senate Bill 376

Amends 8-8-102 relative to the qualifications for the office of sheriff. Increases minimum age to 25; adds U.S. citizenship and POST (peace officers standards and training) certification to list of qualifications for holding the office; makes modifications in the language of certain of the other qualifications. An affidavit certifying the candidate meets these qualifications is filed with, and verified by, the POST Commission instead of the county election commission. Requires 40 hours per year in-service training for the sheriff. POST certification is not necessary to initially qualify to run for the office of sheriff, but if elected, the sheriff must enroll in the first training program offered. During the period while the sheriff is not POST certified, the salary for the office is reduced.

Effective May 30, 1997.

Public Chapter 375

House Bill 298 Senate Bill 288

Amends 55-50-504(h) to expand conditions where vehicles may be forfeited. Where a person is arrested or cited for driving on a suspended, revoked or canceled license that was originally suspended, revoked or canceled because of a DUI conviction, whether under Tennessee law or the law of another state, the vehicle being driven at the time of the offense may be forfeited. Previously the law only addressed DUI convictions under Tennessee law. The act also clarifies that the vehicle may be seized after the arrest or citation. A conviction for driving on a suspended, revoked or canceled license is not necessary before the vehicle can be seized.

Effective June 2, 1997.

Public Chapter 380

House Bill 1674 Senate Bill 1735

Amends 29-18-115 relative to forcible entry and detainer actions. Provides that, in

addition to other methods set out in that section, when a named defendant who has a contractual or possessory right in the premises is served with a copy of the warrant or summons, this is sufficient to allow the landlord to regain possession of the property. Further provides that if the Sheriff is unable to serve the defendant personally or has failed to locate the person after making 3 attempts in a 10 day period, service of process may be made by posting the warrant or summons on the door and mailing a copy and making an entry of these actions on the face of the warrant or summons.

Effective July 1, 1997.

Public Chapter 388

Senate Bill 281 House Bill 1843

Enacts a new section under Title 41, Chapter 21, to make it a misdemeanor offense for a law enforcement officer or correctional officer to engage in sexual conduct or penetration with a prisoner or inmate in custody at a penal institution.

Effective July 1, 1997.

Public Chapter 408

Senate Bill 510 House Bill 437

Amends 40-35-302 regarding private entities providing services of supervision of misdemeanants. Sets minimum education standards for directors and employees of such companies. Requires such companies to file a bond and financial statements with the county.

Effective July 1, 1997.

Public Chapter 440

House Bill 533 Senate Bill 858

Amends 38-8-111 relative to the employment and training of police officers. Makes it mandatory for sheriffs to complete annual in-service training and provides that they receive cash salary supplements when they do so.

Effective January 1, 1998.

Public Chapter 455

House Bill 756 Senate Bill 1367

Amends Title 40 to provide that the records of persons completing a pre-trial diversion program or probation shall not be expunged or destroyed if the prosecution was for a sexual offense. Also provides that no information pertaining to a sexual offender shall be removed from the TBI's sexual offender registration database unless ordered by a court.

Effective June 13, 1997.

Public Chapter 456

House Bill 759 Senate Bill 1364

Amends 40-15-105 and 40-35-313 to provide that no defendant charged with a sexual offense shall be eligible for suspension of prosecution or deferral of proceedings and probation.

Effective July 1, 1997.

Public Chapter 461

House Bill 798 Senate Bill 1552

Amends Title 40, Chapter 39, relative to the Sexual Offender Registration and Monitoring Act. Makes information in the registry regarding offenses committed

after July 1, 1997 public information. Directs the TBI to make such information available through the state's internet home page before January 1, 1998.

Effective June 13, 1997.

Public Chapter 462

House Bill 799 Senate Bill 1465

Amends 40-39-102 relative to the Sexual Offender Registration and Monitoring Act. Adds aiders and abettors, accessories after the fact and persons facilitating any sexual offense to the list of persons to be include in the registry.

Effective July 1, 1997.

Public Chapter 465

House Bill 899 Senate Bill 1922

Amends 37-1-103 regarding parents of juvenile offenders. Provides that when children under 16 commit a delinquent or unruly act, the court may require the parents to participate in the child's program of treatment or rehabilitation, to seek assistance from school or social service officials or other authorities to provide for the child's rehabilitation, and/or to perform community service individually or jointly with the child.

Effective July 1, 1997.

Public Chapter 466

House Bill 905 Senate Bill 1460

Re-writes the Sexual Offender Registration and Monitoring act to bring the state law into compliance with federal requirements. Expands definitions of "sexual offenders" and "sexual offenses" covered by the act. Allows local law enforcement agencies, when deemed necessary for the protection of the public, to inform the public of a specific offender through written notice, electronic transmission of information or by providing on-line access to information. Provides immunity to officers and employees of local law enforcement agencies relative to their good faith actions, omissions, and conduct pursuant to the act.

Effective July 1, 1997.

Public Chapter 502

House Bill 1636 Senate Bill 1894

Amends various Titles of the Tennessee Code relative to law enforcement officers duties regarding the fingerprinting of certain persons. Requires officers to take two full sets of fingerprints of each person arrested for an offense which results in the person being incarcerated or having to post bond to avoid incarceration. The two sets shall be forwarded to the TBI who shall retain one set and forward the other to the FBI. Requires the Comptroller to work with the TBI and law enforcement associations to develop standardized booking procedures which will be taught to correctional personnel by the Tennessee Corrections Institute. Requires the county to expend funds necessary to comply with this act. Requires the Comptroller to audit sheriffs' offices and police departments on an annual basis to determine whether the office is collecting classifiable fingerprints for at least 85% of those persons to be arrested. The Comptroller makes a report of non-compliance with the POST commission. The non-complying office has 30 days to show cause to the POST commission why the office should not be found in non-compliance. A failure

to show cause will cause the sheriff to be decertified and lose the appropriate salary supplement. The sheriff has 60 days to get the office back in compliance. Reports of non-compliance are also forwarded to the district attorney and Attorney General for determination whether action should be taken to remove the sheriff from office.

Effective July 1, 1998.

Public Chapter 514 House Bill 90 Senate Bill 785  
Amends 40-35-316 to provide that the sentencing court has no authority to grant a furlough to a defendant for the purpose of work unless the defendant meets all the standards and criteria imposed by or pursuant to state law.

Effective June 19, 1997.

Public Chapter 532 House Bill 1553 Senate Bill 1717  
Amends 40-33-203 regarding the seizure or forfeiture of vehicles for their use in criminal activity, including drunk driving. Provides that if the seized vehicle is a commercial vehicle owned by someone other than the driver, than the vehicle is not subject to seizure unless the owner was aware of the illegal use of the vehicle.

Effective June 19, 1997.

## **PERSONNEL**

Public Chapter 82 Senate Bill 1667 House Bill 1244  
Amends 50-7-404(c)(2) to authorize the Division of Employment Security to assess a minimum penalty of \$50 for failure to file reports or pay premiums, in the event that the amount of premiums due is less than that amount.

Effective April 14, 1997.

Public Chapter 104 House Bill 1801 Senate Bill 1932  
Amends various sections of the employment security law; amends 50-7-701 to authorize the disclosure of otherwise confidential reports and other information which an employing unit has been required to furnish to the Commissioner of Employment Security, the board of review, or an appeals referee in connection with processing a claimant's claim for unemployment, to state and local child support agencies or their authorized agents for the enforcement, collection and establishment of child support obligations, provided that the information provided is limited to information on individuals who are child support obligors or who are sought for establishing paternity, and such information is used only for establishing and collecting child support, locating child support obligors, and establishing paternity. Misuse of any information received is a Class C misdemeanor.

Effective April 16, 1997.

Public Chapter 150 House Bill 30 Senate Bill 36  
Amends 50-6-224(c) relative to workers' compensation claims which have been submitted to court upon failure to agree on compensation, to require the employer within 60 days of filing an answer to file a wage statement detailing the employee's

wages for the previous 52 weeks, unless the employer stipulates that the maximum weekly workers' compensation rate applies.

Effective July 1, 1997.

Public Chapter 157

Senate Bill 1699 House Bill 1825

Enacts the Tennessee Health Insurance Portability, Availability and Renewability Act, 56-7-\_\_\_ *et seq.*, in compliance with the federal Health Insurance Portability and Accountability Act of 1996. Among other things, the act prohibits preexisting condition exclusions in group health plans or insurance coverage except under specified circumstances, prohibits discrimination on the basis of health of the individual or a family member in issuance or premiums, and requires guaranteed renewability of group health insurance policies with limited exceptions. Contains similar provisions relative to individual health insurance policies. Requires large group plans (over 50 employees) that offer mental health benefits to have the same lifetime limits as for medical and surgical benefits.

Effective July 1, 1997 for most of the act (January 1, 1998 for mental health provisions).

Public Chapter 198

Senate Bill 443 House Bill 1445

Amends 50-6-204 to authorize the award of attorneys' fees, costs and expenses against an employer who fails to furnish appropriate treatment and care pursuant to a workers' compensation settlement or judgment.

Effective May 13, 1997.

Public Chapter 361

House Bill 1925 Senate Bill 1895

Requires all "county officials" (defined as county trustees, registers of deeds, county clerks, judges who employ county employees, clerks of court, sheriffs, assessors, boards of education, and highway superintendents) are required to adopt personnel policies on four topics specified in the act to govern the employees of their respective offices or departments. The four topics are: (1) leave policies, (2) wage and hour policies, (3) anti-discrimination policies, and (4) drug testing policies (only for employees required by law to be tested). These policies are required to be reviewed by an attorney and filed with the county legislative body to be included in the minutes and filed in the office of the county clerk. The policies must be in place by December 31, 1997 or the employees of that office will be governed by policies prepared at the directions of the county executive/county legislative body.

For all other county employees, the county legislative body and the county executive are jointly responsible for preparing personnel policies on the four topics. They determine how the policies will be prepared, either by one person or a group appointed by the county executive with confirmation by the county legislative body. The policies must be reviewed by an attorney and approved by the county legislative body, and included in the minutes and filed in the office of the county clerk. These policies must be adopted by May 31, 1998.

All officials and department heads are responsible for distributing copies of the policies to their employees, including a statement that the policies do not affect the

employment-at-will status of employees or create a contract of employment, having each employee sign an acknowledgment form, furnishing a copy of T.C.A. § 39-16-504 to each employee, maintaining required personnel records, and ensuring that all required notifications are given to their employees. Officials and employees whose knowing and intentional acts or omissions in connection with the

requirements of this act result in liability for the county which is not covered by insurance may be required to reimburse the county for such liability.

This act does not apply to Davidson, Moore or Shelby County.

Effective July 1, 1997.

Public Chapter 511      House Bill 1788 Senate Bill 1864  
Amends 50-1-304, which prohibits an employer from discharging an employee for refusing to participate in or remain silent about illegal activities or for the use of tobacco products, to make the statute applicable to both public and private employers.

Effective June 13, 1997.

Public Chapter 513      Senate Bill 1714 House Bill 1519  
Amends 8-27-207 and 8-27-301 to authorize the local education insurance committee and the local government insurance committee, respectively, to enter into self-insured contracts with HMOs. Amends 8-27-303 to authorize local education agencies to withdraw from the basic plan under specified circumstances, and to require LEAs to use the portion of premium specified in the general appropriation act as partial payment of the premium collected on behalf of eligible employees participating in the health insurance coverage authorized under 8-27-302(a) or 8-27-303(a)(2).

Effective June 13, 1997.

Public Chapter 533      House Bill 1573 Senate Bill 1820  
Amends various provisions of the worker's compensation law. Amends the provisions governing drug-free workplace programs (50-9-101 *et seq.*) to include alcohol as well as drugs; clarifies that employers are not authorized to test employees in violation of federal constitutional or statutory provisions; requires the state department of labor to develop a form for use by employers to certify compliance with the law; and requires the commissioner of labor to develop a model notice and policy for drug-free workplace programs.

Effective June 19, 1997.

Public Chapter 539      House Bill 1819 Senate Bill 1931  
Enacts 68-10-1\_\_ to provide for evaluation of emergency response workers (paramedics, emergency response employees, fire fighters, first response workers, emergency medical technicians, and volunteers making an authorized emergency response) when they believe they may have been exposed to potentially life-threatening airborne or bloodborne diseases in the course of performing their duties. The worker must make a written request to the designated exposure control officer of the responding agency or the county medical examiner, who will conduct an evaluation pursuant to the rules of the state department of health, at the expense of the responding agency. Medical records provided in connection with the evaluation will be confidential.

Effective June 19, 1997.

## **PLANNING AND ZONING**

Public Chapter 69            Senate Bill 1644 House Bill 1586  
Corrects an amendment, enacted last year, to 13-7-105. Last year's amendment clarified that charter counties are authorized to enacted zoning ordinance amendments through resolution as well as ordinance, and ratified any resolution passed before July 1, "1995." New amendment changes that year to 1996, a correction made to reflect the law's original intent.

Effective April 9, 1997.

Public Chapter 427        House Bill 65 Senate Bill 446  
Amends 29-16-125(b)(2) regarding compensation for members of juries of view in eminent domain proceedings, raising the maximum from the previous \$25 per day to \$100 per day, although by majority vote of the county legislative body before January 1, 1998, the compensation may be set at a \$25 per day maximum.

Effective June 13, 1997.

## **PURCHASING**

Public Chapter 29        Senate Bill 604 House Bill 867  
Enacts 12-3-10\_\_ to authorize county governments to use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by allowing the county to consider the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws.

Effective April 1, 1997.

Public Chapter 153       House Bill 978 Senate Bill 434  
Amends 62-6-119 to require any person or entity involved in the preparation of invitations to bid or comparable bid documents to make reference to Title 62, Chapter 6, and to require the name, license number, expiration date, and classification of both the prime contractors and the electrical, plumbing, and HVAC contractors to appear on the outside of the envelope containing the bid on all bids of \$25,000 or over; for bids under \$25,000 only the name of the contractor is required on the outside of the envelope, but if such bid is actually over \$25,000 it must be disqualified upon opening. Prime contractors who are to perform electrical, plumbing and HVAC must be so designated on the outside of the envelope. Any bidder who does not comply with these requirements must be disqualified and the bid is not to be opened or considered. Prior to bid opening and again before awarding the bid, the completeness of the required information must be checked, and the information must be read aloud at the official bid opening. Acceptance of a bid in violation of this section is a Class A misdemeanor.

Effective July 1, 1997.



Public Chapter 246 Senate Bill 165 House Bill 264  
Amends 12-3-1001 to authorize local governments to purchase goods and services, except motor vehicles, under federal GSA contracts or other federal open purchase contracts, to the extent permitted by federal law or regulations.

Effective May 22, 1997

Public Chapter 335 House Bill 339 Senate Bill 303  
Local option law amends 12-3-1001 to authorize local governments to buy items from local sources without competitive bids if the items are available at a price equal to or lower than the price under an existing competitive bid contract or price agreement of the state Department of General Services, but only where the local government could not purchase under an existing contract of the department. Items must be of equal or better specifications. Also authorizes purchasing programs which include minority set-aside provisions conforming to federal law. This act does not apply in Shelby or Davidson counties.

Effective upon approval by 2/3 vote of the local legislative body and filing notice with the Comptroller's office.

## **RECORDS**

Public Chapter 84 House Bill 24 Senate Bill 57  
Amends 10-7-504, the confidential records statute, to add unpublished telephone numbers in the possession of emergency communications districts to the list of records which are to be treated as confidential.

Effective April 11, 1997.

Public Chapter 272 Senate Bill 525 House Bill 922  
Amends 1-3-105 and 47-1-201 to broaden the definition of "signature" as used in the Tennessee Code to include any symbol or methodology executed or adopted by a party with intention to authenticate a writing or record. Defines "record" to mean information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

Effective May 27, 1997.

Public Chapter 304 Senate Bill 811 House Bill 1274  
Grants each county official the authority to provide computer access and remote electronic access for inquiry only to information contained in the records of that office which are maintained on computer storage media in that office, during and after regular business hours. Remote electronic access of confidential records is not allowed. The official may charge a fee to users of information provided through remote electronic access, but such fee must be in a reasonable amount to recover the costs of providing this service and no more. The cost to be recovered must not include the cost of electronic storage or maintenance of the records. Any such fee

must be uniformly applied. The official offering remote electronic access must file with the Comptroller of the Treasury a statement describing the equipment, software and procedures used to insure that this access will not allow a user to alter or impair the records. This statement must be filed 30 days before offering the service unless it is already offered, whereupon it must be filed within 30 days of the effective date of this act. This act deletes T.C.A. § 10-7-122 which provided authority for registers of deeds to provide remote electronic access to the records of the register's office. Registers of deeds and other county officials may now use the authority provided by this act to allow remote electronic access to records.

Effective May 29, 1997.

## **REGISTERS OF DEEDS**

Public Chapter 79

House Bill 919 Senate Bill 935

Comprehensive revision of Article 8 of the Uniform Commercial Code (Title 47) dealing with investment securities. Provides in the new 47-8-601(b) that if a financing statement securing only investment property is filed during the one-year savings period described in this act to continue perfection of security interests which were perfected under the old law but would not be perfected under the new law without a filing, then this financing statement will not be subject to the tax on indebtedness (mortgage tax) imposed under 67-4-409(b) during this one-year savings period. The one year savings period begins on the effective date of this act. Therefore, this tax exemption will exist during calendar year 1998.

Effective January 1, 1998.

Public Chapter 551

House Bill 1810, Senate Bill 1707

Amends law with respect to child support. Provides in sections relevant to the register (most sections of this massive act deal with the courts and department of human services) that in any case of child or spousal support enforced by the department of human services or its contractors in which overdue support is owned by an obligor who resides or owns property in Tennessee, a lien shall arise by operation of law against all real and personal property, tangible or intangible, then owned or subsequently acquired by the obligor. The department of human services may cause notice of such a lien on real property or upon personal property to be recorded or filed, as appropriate, in the appropriate place for the filing of a judgment lien or security interest in the property. The department may file or record such notices with the register and be required to pay the filing fee, but the department shall be given credit and billed once each month for the notices it files under this act. Also, the department may cause notice of such a lien by provision by the State of a computer terminal in the office of the register and other relevant agencies (such as the secretary of state) where the information regarding the existence, amount and date of the lien or security interest involving an obligor is made available. The cost of the computer terminal arrangement, if implemented, will be paid by the department. Furthermore, the department has the option of developing upon agreement with the secretary of state, a central site for recording all such notices of lien for overdue support instead of the county register filings or computer terminal

option. This information may also be placed on the Internet. If such notices of lien are filed or recorded with the register, then the department may file or record releases of such liens with the register. The release may be conveyed by facsimile transmission. If a facsimile transmission does not produce a copy suitable for recording by the register, then the department must supplement the record by sending a copy of suitable quality.

The portion of the act dealing with the register is effective on July 1, 1997.

## **RETIREMENT**

### **Public Chapter 63**

House Bill 1512 Senate Bill 370

Amends 8-34-101(4)(B)(i) to extend through June 30, 1998 the 3.6% increase in annual earnable compensation for purposes of computing average final compensation. For counties, this will apply only if the county legislative body by resolution accepts the liability for the increase.

Effective April 8, 1997, subject to funding in the General Appropriations Act.

### **Public Chapter 105**

House Bill 4 Senate Bill 4

Amends 8-34-605(b)(2) to change the beginning date for the Vietnam Era to 2/28/61 rather than 8/5/64 for purposes of retirement credit for military service during periods of armed conflict.

Effective April 22, 1997, subject to funding in the General Appropriations Act.

### **Public Chapter 159**

Senate Bill 1077 House Bill 1514

Enacts 8-27-2\_\_ to authorize the state insurance committee to establish a schedule of premiums to be paid by retirees participating in the group insurance plan; retirees pay a portion of premiums based on length of service, with retirees having less than 20 years paying 40%, retirees having less than 30 years paying 30%, and retirees having 30 years or more paying 20%.

Effective May 2, 1997.

### **Public Chapter 219**

Senate Bill 770 House Bill 563

Amends Title 8, Chapters 36 and 37, relative to TCRS. Amends 8-36-108(b)(1) to provide that if any member in Group 1, 3 or 4 dies prior to retirement by accident or physical violence during the actual performance of their duties, the member's surviving spouse or children will be entitled to an annuity of ½ the member's average final compensation, as long as either the spouse or children and no others are designated in writing on file with TCRS; amends 8-36-108(b)(5) to require that any benefits paid under worker's compensation, social security, or the division of claims administration on account of the death of the member must be integrated with the benefits due under TCRS so that the total benefits do not exceed the member's average final compensation; and amends 8-36-108(b) to provide that the benefits upon death in the line of duty for members Groups 1, 3 and 4 will not apply to local governments unless the governing body passes a resolution accepting liability for the

increased costs. Enacts 8-36-1\_\_ to authorize the designated beneficiary of a death benefit to disclaim the benefit upon death of the member. Rewrites 8-36-501 relative to ordinary disability retirement allowances. Amends 8-36-502 to state that the presumption contained in 7-51-201 that certain disabilities of law enforcement officers and firefighters are suffered in the course of their employment does not apply for the purposes of accidental disability retirement allowances under TCRS, and revises the amount of the allowance. Enacts 8-36-505 to authorize a member to set the effective date of disability retirement at any date within 150 days before or after the date the application is filed with the board, provided that the effective date of retirement falls after the date of separation from service or the date of total and permanent disability, whichever is later. Repeals the option contained in 8-36-701(a)(3) to elect at retirement a reduced benefit and be eligible for CPI increases. Amends 8-37-104(a) to authorize TCRS to acquire, hold and convey real estate for investment.

Effective July 1, 1997.

Public Chapter 432

House Bill 166 Senate Bill 379

Amends 8-34-101(4)(B) to extend indefinitely the increases in annual earnable compensation; applies to employees of local governments only if the governing body by resolution authorizes and accepts liability for the continued increases.

Effective July 1, 1998.

Public Chapter 490

House Bill 1401 Senate Bill 517

Amends 8-36-701 to change the annual cost-of-living adjustments to retirement allowances paid to beneficiaries under TCRS effective January 1, 1998, and on the same date provides a one-time percentage increase in each beneficiary's retirement allowance to reflect what the beneficiary would have received under the new cost-of living adjustment provisions. The new provisions do not apply to local government employees unless the governing body by resolution accepts the increased liability and costs.

Effective January 1, 1998.

## **SOLID WASTE**

Public Chapter 192

Senate Bill 929 House Bill 495

Amends 39-14-504 regarding county authority to control litter, removing the criminal penalties for violation of county litter regulations and providing for enforcement through a monetary penalty (the Attorney General had previously opined that these criminal penalties were unconstitutional).

Effective May 8, 1997.

Public Chapter 221

Senate Bill 1620, House Bill 1620

Amends 68-211-802 and -825 to redefine "recycling" as the process by which

recovered materials are transformed into new products, and provides that no grant from the Department of Environment and Conservation from the solid waste management fund will be awarded for the purchase of mechanical processing equipment to be used at a public or not-for-profit recycling collection site if there is adequate equipment at privately-owned facilities which serve the same geographical area, unless the grant applicant demonstrates to the satisfaction of the department that the equipment is an indispensable component of an otherwise eligible grant project and will not be used to compete with a privately-owned facility.

Effective May 15, 1997.

## **STATE GOVERNMENT**

Public Chapter 482      House Bill 1234, Senate Bill 824  
Amends 4-10-103 regarding membership on the Tennessee Advisory Commission on Intergovernmental Relations. Reduces the total membership from 29 to 25 on a gradual basis as the terms of members expire. County representation stays the same at a total of 5 county officials, with one of the 5 being an elected representative of the County Officials Association (COAT) appointed by the Governor from a list of 3 names submitted by COAT, and with 4 appointed by the appropriate authorities from a list supplied by the Tennessee County Services Association (TCSA).

Effective June 13, 1997.

## **TAXATION**

Public Chapter 383      Senate Bill 1758 House Bill 1673  
Amends 67-4-713 regarding personal property taxes credits toward business taxes. Allows credit for the amount of personal property taxes that would be due except for an agreement between the person liable for the taxes and a governmental entity that the personal property has been transferred to a governmental entity. The credit is available only to the extent of tax generated by services rendered by the person to an affiliated person, there is at least 80% common ownership or control between the person and the affiliate, and these provisions are adopted by a 2/3 vote of the city or county legislative body, as appropriate.

Effective June 4, 1997.

Public Chapter 526      House Bill 1227, Senate Bill 649  
Amends 67-4-409(b)(1) regarding the state tax on recording instruments evidencing an indebtedness (the "mortgage" tax) to exempt from this tax Uniform Commercial Code (UCC) instruments which secure an interest solely in investment property.

Effective January 1, 1998.

## **TAXATION - PETROLEUM**

Public Chapter 316      Senate Bill 1945, House Bill 1817  
Extensively rewrites the law regarding state taxes on petroleum products. Retains the gasoline tax, renames the motor vehicle fuel use tax as the diesel tax, retains the special tax on petroleum products, the environmental assurance fee, and the tax on exports temporarily stored in this state and exported to points outside of this state. Ends the highway user fuel tax (but appears to capture this revenue under the gasoline and diesel taxes). Does not change the tax rate or distribution formula of the gasoline and diesel taxes.

Effective January 1, 1998.

## **TAXATION - PROPERTY**

- Public Chapter 109      House Bill 830 Senate Bill 450  
Amends 67-5-501 regarding assessment for property taxation purposes to provide that “golf course playing hole improvements” are to be assessed as farm property, the lowest assessment rate.  
  
Effective April 22, 1997.
- Public Chapter 115      House Bill 1231 Senate Bill 1189  
Amends 67-5-701 by revising procedures by which certain elderly, disabled, and veteran property owners may obtain property tax relief. Former law required the applicant to request a credit voucher from state division of property assessments and then present the voucher to the trustee, who received reimbursement from the state. Amendment provides that application should be made on or before the delinquency date to the collecting official (usually the trustee) on forms provided by the State Board of Equalization. The collecting official makes a preliminary determination of eligibility and may allow credit for the anticipated amount if the applicant appears eligible and submits the remainder of the taxes due. The official forwards the application along with evidence of the credit to the division of property assessments, which authorizes payment to the jurisdiction. However, if credit was erroneously given and paid by the state, the state may recover the payment from the jurisdiction. That amount becomes due from the applicant as property taxes and becomes delinquent 60 days from the date the applicant is notified.  
  
Effective April 22, 1997.
- Public Chapter 160      Senate Bill 1177 House Bill 874  
Amends several sections of Title 67, Chapter 5 regarding property tax appeals. Provides that a petition by 10 or more landowners to challenge capitalization rate, agricultural income estimates, or rural land values under the Greenbelt Law must be filed within 20 days after the assessor publishes notice of availability of the proposed use value schedule. Authorizes the State Board of Equalization to provide for the filing of appeals in a computer-readable format, in which case the postmark date constitutes the date of filing. Extends the time period for appealing initial decisions of hearing examiners from 15 days to 30 days. Increases the amount of compensation for non-state officials on the Assessment Appeals Commission from \$50 to \$75 per day. Contains several other sections regarding procedures for appeals from state assessments of utility companies.  
  
Effective May 2, 1997.
- Public Chapter 168      House Bill 417 Senate Bill 625  
Amends 67-1-403 regarding compensation for members of the county board of equalization. Removes provision setting a maximum compensation, now stating that the compensation is to be established by the county legislative body.  
  
Effective May 7, 1997



- Public Chapter 187      Senate Bill 253 House Bill 340  
Amends 67-5-1801 to authorize trustees in all counties to accept partial payments of property taxes. Removes population classes which formerly authorized only counties within those populations to accept partial payments. Also amends the prohibition, applicable to Davidson County by population class, against accepting any partial payment of less than twenty percent, now allowing the trustee in Davidson County to set a minimum requirement of no more than the lesser of 15% or \$25 for any partial payment.
- Effective May 8, 1997.
- Public Chapter 195      Senate Bill 1588 House Bill 628  
Amends 67-5-601 which provides for current use (residential) assessment for long-time residents whose property has been zoned for commercial use. Extends this exception to a lineal descendent of the owner, and removes the exemption for counties with metropolitan governments.
- Effective May 13, 1997, and applied beginning with the 1997 tax year.
- Public Chapter 218      Senate Bill 648 House Bill 1396  
Amends 67-5-1701 regarding the certified tax rate, authorizing the governing body to adjust the calculation, according to a method approved by the State Board of Equalization, to reflect extraordinary assessment changes anticipated to result from appeals. If in the following year the estimate proves to have been excessive, the Board will determine a recapture rate, which may be exceeded by the county or municipality only after a public hearing.
- Effective May 15, 1997.
- Public Chapter 254      Senate Bill 1559 House Bill 1429  
Amends 13-20-205 regarding housing authorities, providing that redeveloped properties leased to private persons have the same tax status as if owned by the private person, but only if the property is financed with tax increment financing.
- Effective May 22, 1997.
- Public Chapter 313      Senate Bill 1736 House Bill 1485  
Amends 67-1-702 regarding payments of property taxes to authorize any county trustee to accept property taxes any time after July 10. The trustee may begin accepting taxes any time after this date if the county legislative body has adopted a resolution to this effect, if the tax rates are set and the tax rolls and receipts are prepared.
- Effective May 29, 1997.
- Public Chapter 318      House Bill 1075 Senate Bill 1174  
Amends 67-5-1601 regarding reappraisal, rewriting portions of the section to provide for 4, 5, or 6 year reappraisal cycles. In addition to the 4 and 6 year cycles, provides for an alternative 5 year reappraisal schedule which, as with the 4 year cycle,

requires no updating or indexing. The approval of the assessor and the majority of the county legislative body is required to implement the new 5 year cycle in a county.

Deletes the subsection requiring the state to pay ½ of “sharable local cost” of reappraisal and replaces it with provision requiring the state to pay, subject to funding, a per-parcel grant to assist in reappraisal. The amount of the grant is to be determined by the Division of Property Assessments and approved by the State Board of Equalization. Clarifies that the board’s power to disapprove or modify any proposed reappraisal plan submitted by the assessor includes the power to specify any computer appraisal system according to minimum standards adopted by the board. Provides that the board is to determine the initial schedule of review and revaluation; the board may also modify plans previously approved to immediately implement the act’s provisions for the 1997 tax year. Authorizes the board to specify a 4, 5, or 6 year cycle for the initial scheduling of review and revaluation, although county legislative body approval is required to move a mid-cycle updating from an existing reappraisal plan. Any revised plan longer than 5 years must include a mid-cycle updating of values.

Effective May 29, 1997.

Public Chapter 347

House Bill 1791 Senate Bill 1778

Amends 67-5-207 regarding property tax exemptions for low income elderly by providing that, in addition to housing under the specified federal programs, housing under the HOUSE Program (Public Chapter 900 of 1988) also qualifies for the exemption under this section.

Effective May 30, 1997.

Public Chapter 367

Senate Bill 1325 House Bill 589

Amends 67-5-2005 regarding collection of delinquent municipal property taxes, clarifying that when the county trustee or delinquent tax attorney collects delinquent municipal taxes, these must be certified by May 1 of the year after the taxes become due. Also reinforces the power of a municipality to collect its own taxes, if so provided in its charter, and states that these provisions do not abridge the authority of the trustee to collect property taxes.

Effective June 2, 1997.

Public Chapter 383

Senate Bill 1758 House Bill 1673

Amends 67-4-713 regarding personal property tax credits toward business taxes. Allows credit for the amount of personal property taxes that would be due except for an agreement between the person liable for the taxes and a governmental entity that the personal property has been transferred to a governmental entity. The credit is available only to the extent of tax generated by services rendered by the person to an affiliated person, there is at least 80% common ownership or control between the person and the affiliate, and these provisions are adopted by a 2/3 vote of the city or county legislative body, as appropriate.

Effective June 4, 1997.



Public Chapter 467      House Bill 928 Senate Bill 904  
Amend 67-5-212 regarding religious, charitable, scientific, and educational property tax exemptions, authorizing the State Board of Equalization to allow retroactive applicability of the exemption, up to 1 year earlier than the date of the application or the date the exempt use began, as long as the property value does not exceed \$300,000.

Effective June 13, 1997, and applicable to applications both after that date and those pending or under appeal on that date.

## **TAXATION - SALES AND USE**

Public Chapter 111      House Bill 924 Senate Bill 369  
Adds a new sales tax exemption in Title 67, Chapter 6 for adaptive equipment necessary to allow qualified disabled veterans to operate a vehicle.

Effective July 1, 1997.

Public Chapter 143      Senate Bill 1685 House Bill 1263  
Amends sales tax exemption for pollution control equipment needed for compliance with any governmental regulation to allow the purchaser, as an alternative to the credit under previous law, to apply for a refund or for authority to make tax-exempt purchases.

Effective April 29, 1997, applicable to credits outstanding immediately prior to the effective date.

Public Chapter 144      Senate Bill 1720 House Bill 1737  
Enacts an exemption for architectural and engineering drawings used in the development of a prototype for manufacture or production.

Effective July 1, 1997.

Public Chapter 174      House Bill 1280 Senate Bill 1607  
Adds a new sales tax exemption in Title 67, Chapter 6, Part 7 that only applies in municipalities with populations over 100,000. Provides that when sales that are contractually committed to or paid for prior to the effective date of a local option sales tax increase, the portion of the subsequent increase shall not apply to the sale. The municipal officer in charge of collecting the tax may make refunds as necessary and may also make determinations of cases where the contract was accelerated for the purpose of avoiding the tax. In those cases, the tax increase shall apply.

Effective May 7, 1997, and shall apply to sales contractually committed and/or for which money has been paid on or after 7/1/96 through 6/30/98.

Public Chapter 178      House Bill 1814 Senate Bill 1703  
Amends Title 67, Chapter 6, Part 2 to allow a credit for all state sales taxes, except 1/2%, on building materials, machinery and equipment used in the construction of

a “new or expanded headquarters facility” as defined by the act. One of the conditions of the act is that such facility must cost at least 50 million dollars.

Effective May 7, 1997, and shall apply to investments and purchases made on or after 1/1/1997 and shall expire and cease to be in effect for plans submitted after 12/31/2002.

Public Chapter 194 Senate Bill 1686 House Bill 1250  
Amends 67-6-216, 67-6-702, and 67-6-209 relative to taxes on manufactured homes and accessories to the home. Exempts tangible personal property installed in those homes from the use taxes in 67-6-209 and provides that all accessories, appliances, furniture, etc. are considered as part of the home for the purposes of taxation and thus taxed at ½ the rate of the retail property sales tax.

Effective May 8, 1997.

Public Chapter 209 House Bill 1159 Senate Bill 560  
Amends 67-6-313(h)(1) to create a new sales tax exemption for repair and refurbishment services performed in a specific manner on certain airplanes and airplane components and parts. Repair and refurbishment services includes modifications, conversions, and installations.

Effective May 13, 1997.

Public Chapter 212 Senate Bill 166 House Bill 277  
Amends 67-6-322 to create a new exemption to sales and use taxes for 501(c)(13) not-for-profit cemetery companies.

Effective May 14, 1997.

Public Chapter 238 House Bill 555 Senate Bill 304  
Amends 67-6-313 to create a new exemption to sales and use taxes for certain computer media exchange services.

Effective July 1, 1997.

Public Chapter 301 Senate Bill 519 House Bill 1568  
Creates a new section under Title 67, Chapter 6, Part 3 to require TACIR to undertake a study to determine the deficiencies of the state’s sales tax base. The study is to be completed within one year of the effective date of the act.

Effective July 1, 1997.

Public Chapter 385 Senate Bill 726 House Bill 1069  
Amends the definition of “tangible personal property” in 67-6-102 to provide that the sale of a calling card or prepaid authorization number is taxable only to the extent that taxes are imposed on the sale of tangible personal property, thereby prohibiting an additional tax on these items.

Effective from June 5, 1997 until June 30, 1999.

Public Chapter 451      House Bill 685 Senate Bill 1178  
Amends 67-6-102(25) regarding sales and use tax on diesel fuel. Provides that the “sales price” for tax purposes does not include federal excise tax on diesel fuel purchased for off-road use.

Effective January 1, 1998.

## **TELECOMMUNICATIONS**

Public Chapter 260      House Bill 1056 Senate Bill 1050  
Enacts a new section under Title 4, Chapter 3 to authorize the Information Systems Council to establish a program to lease State communications services to public and private agencies (including local governments). These services shall be provided according to regulations prepared by the Commissioner of Finance and Administration. The council will establish fees consistent for all users of the network on a cost recovery basis.

Effective May 22, 1997.

Public Chapter 531      House Bill 1427 Senate Bill 1064  
Amends Title 7, Chapter 52 to allow electric plants owned by cities and counties to acquire, improve, operate, lease and maintain telecommunications equipment and to provide telecommunications services. Makes such operations subject to regulation by the Tennessee Regulatory Authority in the same manner as other telecommunications providers. Sets limitations and regulations on the provision of such services. Also establishes a study committee to examine the impact of de-regulation of electric utilities on the state of Tennessee.

Effective June 19, 1997.

## **PART II — PUBLIC ACTS OF LOCAL APPLICATION**

### **ANDERSON**

#### **Public Chapter 23**

House Bill 255, Senate Bill 158

Amends 8-21-1001, the register's fee statute, to authorize the register of deeds in Anderson County (by narrow county population class exception) to demand and receive an additional data processing fee of \$2.00 for each instrument recorded in the register's office. The proceeds of this additional fee are earmarked for the purchase of computer equipment, upgrades, supplies and maintenance used in the operation of the register's office.

Effective upon approval by 2/3 vote of the county legislative body.

### **BEDFORD**

#### **Public Chapter 546**

House Bill 1961, Senate Bill 1967

Amends 7-82-307, the utility district law, by narrow population class exception applicable to Bedford County, to require members of the utility district's board of commissioners to reside in the district and to have graduated from high school. However, incumbent members of the board are exempt from the education requirement. Also, if at a nominating meeting, only one person is nominated to fill a vacancy on the board, then the current members of the board may elect such nominee by acclamation.

Effective June 19, 1997.

### **BLOUNT**

#### **Public Chapter 99**

House Bill 531, Senate Bill 115

Authorizes utility districts that dispatch fire trucks and offer other fire protection services to charge for such services rendered to a non-subscriber when a fire or other dangerous condition is reported by any citizen or emergency communication district. The board of commissioners of the utility district is required to publish a schedule of such charges. An emergency communications district that requests fire protection services will not be liable for the cost of the fire protection services rendered due to the request.

Effective April 16, 1997.

### **CARROLL**

#### **Private Chapter 67**

Senate Bill 2008 House Bill 1996

(Erroneously designated as private chapter.) Amends Title 64, Chapter 1, Part 8, to make the jurisdiction of the Carroll County Watershed Authority contiguous with Carroll County, except as it may conflict with the power of the West Tennessee River Basin Authority.

Effective upon approval by 2/3 vote of the county legislative body.

## **CROCKETT**

Public Chapter 257      House Bill 300, Senate Bill 189  
Amends 7-86-201(b)(3) to exclude Crockett County by narrow population class exception from the requirement that a public safety dispatcher be a high school graduate or possess equivalency if the public safety dispatcher has ten years or more of experience in this position on the effective date of the act.  
  
Effective May 22, 1997.

## **DAVIDSON**

Public Chapter 247      Senate Bill 292 House Bill 1638  
Amends Title 13, Part 21, regarding slum clearance and redevelopment, adding metropolitan counties over 100,000 to the counties to which this part applies.  
  
Effective May 22, 1997.

Public Chapter 346      House Bill 1340, Senate Bill 485  
Amends the open meetings (sunshine) law at 8-44-102(b)(1) to apply open meeting rules to the board of directors of any nonprofit corporation which through contract or otherwise provides the metropolitan government with heat, steam or incineration of refuse.  
  
Effective May 30, 1997.

## **GIBSON**

Public Chapter 343      House Bill 838, Senate Bill 1599  
Amends 68-211-835(g) to authorize the county government, municipalities or solid waste authority in Hardeman, Haywood, and Gibson Counties, by narrow population class exception, to subject delinquent solid waste disposal fees to the same penalty and interest charges as delinquent property taxes if not paid within 30 days after notice of the fee is mailed. Provides that the unpaid fees, penalty and interest and cost shall be a lien on the real estate upon filing a notice with register of deeds. The notice filed with the register must identify the debtor, owner of record of the real property, property address, and a description of the property, and the amount of obligation secured by the lien. No sale or transfer of the property may be closed until the lien is satisfied.

Effective May 30, 1997.

Public Chapter 381      House Bill 381, Senate Bill 1815  
Creates a respite care program for caregivers who are responsible for caring for ill or disabled persons. The county office on aging is responsible for administering the program. Applies to Gibson County by narrow population class designation.

Effective June 2, 1997.

## **GILES**

Public Chapter 89

House Bill 1141, Senate Bill 1619

Amends Chapter 816 of the Public Acts of 1996, regarding the abolition of the Tennessee Elk River Authority and the distribution of the remaining funds of the Authority so that in Giles County the first \$75,000 shall be allocated to the Giles County Senior Citizens, Inc., and of the remaining funds, 50% shall be allocated to the nonprofit education foundation program in the county which has received a determination of federal income tax exemption pursuant to Section 26 U.S.C. 501(c)(3) of the Internal Revenue Code, and 50% shall be allocated to the industrial development board of Giles County. The change in the act is the addition of the \$75,000 allocation to the Giles County Senior Citizens, Inc.

Effective April 15, 1997.

## **HARDEMAN**

Public Chapter 343

House Bill 838, Senate Bill 1599

Amends 68-211-835(g) to authorize the county government, municipalities or solid waste authority in Hardeman, Haywood, and Gibson Counties, by narrow population class exception, to subject delinquent solid waste disposal fees to the same penalty and interest charges as delinquent property taxes if not paid within 30 days after notice of the fee is mailed. Provides that the unpaid fees, penalty and interest and cost shall be a lien on the real estate upon filing a notice with register of deeds. The notice filed with the register must identify the debtor, owner of record of the real property, property address, and a description of the property, and the amount of obligation secured by the lien. No sale or transfer of the property may be closed until the lien is satisfied.

Effective May 30, 1997.

## **HAYWOOD**

Public Chapter 343

House Bill 838, Senate Bill 1599

Amends 68-211-835(g) to authorize the county government, municipalities or solid waste authority in Hardeman, Haywood, and Gibson Counties, by narrow population class exception, to subject delinquent solid waste disposal fees to the same penalty and interest charges as delinquent property taxes if not paid within 30 days after notice of the fee is mailed. Provides that the unpaid fees, penalty and interest and cost shall be a lien on the real estate upon filing a notice with register of deeds. The notice filed with the register must identify the debtor, owner of record of the real property, property address, a description of the property, and the amount of obligation secured by the lien. No sale or transfer of the property may be closed until the lien is satisfied.

Effective May 30, 1997.

## **KNOX**

Public Chapter 189

Senate Bill 496, House Bill 526

Amends 8-21-1001, the basic fee statute for registers of deeds, by reference to counties with a charter form of government and a population under 350,000, to authorize the register of deeds in Knox County to charge an additional fee of \$2.00 for each instrument registered in the register's office upon approval of a resolution to this effect by the county legislative body. The fee proceeds are to be used for creating, upgrading and maintaining a computerized document retrieval system.

Effective May 8, 1997.

## **LAUDERDALE**

Public Chapter 152

House Bill 904, Senate Bill 1027

Amends 8-21-1001, the basic fee statute for registers of deeds, by narrow population class exception, to authorize the register of deeds in Lauderdale County to charge an additional fee of \$2.00 for data processing for each instrument recorded in the register's office upon approval of a resolution to this effect by the county legislative body. The fee proceeds are to be used for the purchase of computer equipment, supplies and maintenance used in the operation of the register's office.

Effective April 29, 1997.

## **LINCOLN**

Public Chapter 320

Senate Bill 5, House Bill 48

Amends 7-86-201(b) by narrow population class exception to provide that in Lincoln County and in a city in another county, public safety dispatchers who have at least 10 years experience as a public safety dispatcher are exempted from the requirement of being a high school graduate or possess equivalency. Also, a person will be deemed to have meet these educational requirements if such person has 10 years of experience as a public safety dispatcher or 30 years experience in emergency services or communications management.

Effective May 30, 1997.

## **SCOTT**

Public Chapter 554

House Bill 320 Senate Bill 863

Amends 8-10-102(a) to allow a constable who has been separated from the United States armed forces with something other than an honorable discharge to continue to serve as constable if the constable has been in office for 10 or more years.

Effective June 24, 1997.

## **SHELBY**

- Public Chapter 96      Senate Bill 50 House bill 584  
Defines the term “court” for counties with a population over 800,000 (Shelby) in the context of domestic abuse and orders of protection. States that “court” means any court of record with jurisdiction over domestic relations or the general sessions court, criminal and civil, of the county of the petitioner. The act states that it does not intend to confer jurisdiction on the general sessions court for matters relating to child custody, visitation, or support.  
  
Effective April 16, 1997. Continues in effect until August 31, 1998.
- Public Chapter 197      Senate Bill 647 House Bill 1462  
Amends 67-5-1512(b)(2)(B) regarding successful taxpayer appeals in Shelby County. Provides that the successful appellant with multiple properties may request refunds in one check. Requires owners with multiple properties to post a bond in an amount set by the trustee in lieu of the original paid tax receipts. A taxpayer with a single property may provide the trustee an affidavit satisfactory to the trustee or a canceled check to receive the refund.  
  
Effective May 13, 1997.
- Public Chapter 384      House Bill 1202 Senate Bill 731  
Amends 8-21-401 to establish a separate fee schedule for clerks of probate courts in Shelby County.  
  
The act states both that it becomes effective upon approval by a 2/3 vote of the county legislative body and that it becomes effective upon July 1, 1997. Apparently it will become effective when the latter of the two occurs.
- Public Chapter 409      Senate Bill 596 House Bill 1152  
Amends Title 45, Chapter 6, to require pawnbrokers in Shelby County to transfer the required information by electronic means to the sheriff or other appropriate law enforcement agency upon request.  
  
Effective October 1, 1997.
- Public Chapter 415      Senate Bill 415 House Bill 1510  
Amends several titles regarding apportionment of state sales taxes in Shelby County in the event that the municipal sports authority has secured a major league franchise. Removes the previous requirement that apportionments of state sales taxes be used for capital improvements to the sports facility, now specifies that these taxes are to be distributed directly to the local sports authority instead of directly to the municipality. These may not be used for payments to an NFL team unless approved by the county legislative body and the city council. The sports authority must file an annual report with these entities detailing expenditures and obligations. Extends the viability of these provisions from April, 1999, to January 1, 2000.  
  
Effective June 13, 1997.



Public Chapter 419      Senate Bill 1621 House Bill 1456  
Deletes 67-1-401(a)(1) regarding appointment of the board of equalization in Shelby County, providing that the board is to be appointed for 2 year terms, and is to consist of 9 taxpayers, 3 appointed by the governing board of the largest municipality, and 1 member each by the governing boards of each of the 3 largest remaining cities larger than 10,000.  
  
Effective June 13, 1997.

Public Chapter 559      House Bill 989 Senate Bill 1600  
Amends 2-13-203 to allow the county legislative body to adopt a resolution by a 2/3 vote to require that all elections to fill state trial court judgeships and county judicial offices in the county are conducted in a non-partisan manner.  
  
Effective June 24, 1997.

## **UNICOI**

Public Chapter 545      House Bill 1945, Senate Bill 1951  
Amends 7-82-307, the utility district law, by narrow population class exception applicable to Unicoi County. Provides procedures for filling vacancies on the board, with special provisions for filling vacancies on natural gas utility boards after August 1, 1997. Also, provides that there will be five board members of any water utility district and any natural gas utility district serving staggered terms of four years, where the service area is entirely within Unicoi County. Provides new procedure for electing new members of board of any gas utility district by subscribers who are residents beginning March, 1999.  
  
Effective June 19, 1997.

## **WILSON**

Public Chapter 213      Senate Bill 1722 House Bill 1640  
Amends Title 6, Chapter 2, Part 2, to authorize the collection of a special court costs for traffic citations or criminal offenses in Mt. Juliet, Tennessee. Requires the appropriate court clerk for criminal, general sessions, or municipal court to collect a \$10 court cost for traffic and criminal offenses enforced by a municipal law enforcement officer and occurring within the limits of the municipality.  
  
Effective May 14, 1997.

### **PART III -- PRIVATE ACTS**

#### **ANDERSON**

Private Chapter 22      House Bill 1955 Senate Bill 1962  
Amends Private Acts of 1947, Chapter 459, to change the part-time status of the judge of Division II of the general sessions court to full-time, with the same jurisdiction and salary as the judge of Division I.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 98      House Bill 2010 Senate Bill 1992  
Levies a severance tax on pulpwood in the amount of 15¢ per ton severed from the ground in the county. The proceeds are to be deposited in the general fund, with the school system having first priority, to be designated by the county commission. The tax is to be collected by the county trustee.

Effective July 1, 1997, upon approval by 2/3 vote of the county legislative body.

#### **BENTON**

Private Chapter 55      Senate Bill 1281 House Bill 1015  
Levies a severance tax on pulpwood in the amount of 15¢ per ton severed from the ground in the county. The proceeds are to be deposited in the general fund, to be designated by the county legislative body. The tax is to be collected by the county trustee.

Effective July 1, 1997, upon approval by 2/3 vote of the county legislative body.

#### **CANNON**

Private Chapter 49      House Bill 368 Senate Bill 1961  
Imposes a litigation tax in the amount of \$5.00 in all actions in circuit, criminal, chancery and general sessions court in Cannon County, with the proceeds to be deposited in the general fund and used exclusively to purchase equipment for the Cannon County sheriff's department.

Effective upon approval by 2/3 vote of the county legislative body.

#### **CARROLL**

Private Chapter 71      House Bill 2004 Senate Bill 2018  
Authorizes the West Carroll Special School District to continue to collect 67¢ per \$100 or taxable property in the district for improvements of school buildings and properties.

Effective June 7, 1997.

## **CHEATHAM**

Private Chapter 28      House Bill 1958, Senate Bill 1969  
Levies a privilege tax on new residential land development, with one-half of the tax being payable prior to the recordation of any plat in the office of the register of deeds and the balance being payable at the time of the issuance of a building permit. However, if a plat is not required for a residential structure, then the entire tax is to be paid when the building permit is issued. The amount of the tax is to be set by the county legislative body. The proceeds of this tax are to be placed in the county general fund to provide additional or expanded county services or facilities and to reduce debt.

Effective upon 2/3 approval of the county legislative body

Private Chapter 68      Senate Bill 1987 House Bill 1981  
Enacts an adequate facilities tax on new commercial development in the county at a rate not to exceed \$0.50 per gross square foot, as determined by the county legislative body. The privilege tax is payable when the building permit is issued and applies only to commercial (as opposed to industrial or residential) use. Exemptions for public, religious, agricultural, non-profit, and other specified structures. Revenues must be used for future school building programs which are related to new industrial development and for the education bonds issued in December 1996. Procedure for review and appeals. Severability clause.

Effective upon 2/3 approval of the county legislative body.

Private Chapter 69      Senate Bill 1988 House Bill 1979  
Enacts an adequate facilities tax on new industrial development. Provisions are the same as those described in Private Chapter 68 above.

Effective upon 2/3 approval of the county legislative body.

Private Chapter 89      Senate Bill 1989 House Bill 1980  
Enacts an adequate facilities tax on new residential development in the county at a rate not to exceed \$1.00 per gross square foot. The county legislative body determines the rate by resolution, and may develop a rate schedule for different types of residential uses.

Effective upon 2/3 approval of the county legislative body.

## **CHESTER**

Private Chapter 57      House Bill 1946 Senate Bill 2015  
Repeals Private Acts of 1949, Chapter 277, as amended, which had established a county purchasing commission in Chester County.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 70      House Bill 1988 Senate Bill 2014

Authorizes the county legislative body to levy a hotel/motel occupancy tax in an amount not to exceed 4% of the consideration charged by the operator. The

county clerk is responsible for collection of the tax, and the proceeds are to be deposited into the county general fund.

Effective upon approval by 2/3 vote of the county legislative body.

## **COCKE**

Private Chapter 26      House Bill 1957 Senate Bill 1964  
Amends Private Acts of 1995, Chapter 116, relative to rafting in Cocke County, to repeal any authority the county legislative body may have had to establish a user fee as a percentage of the admission charge, and to require that the proceeds of all fees collected be used to defray costs and expenses associated with the commercial use of watercraft on the whitewater rivers in Cocke County.

Effective upon approval by 2/3 vote of the county legislative body.

## **DAVIDSON**

Private Chapter 13      House Bill 1927 Senate Bill 469  
Repeals all former private acts relating to the Probate Court of Davidson County and particularly Chapter 124 of the Private Acts of 1963, as amended by Chapter 366 of the Private Acts of 1974, Chapter 279 of the Private Acts of 1982, Chapter 169 of the Private Acts of 1992 and Chapter 62 of the Private Acts of 1995.

Effective September 1, 1998, upon 2/3 vote of the legislative body (metropolitan council).

## **FAYETTE**

Private Chapter 60      House Bill 2007 Senate Bill 2012  
Effective September 1, 1998, provides for the salary, jurisdictional supplements and annual increases for the general sessions court judge with reference to then obsolete statutes, provides that the judge will be a full-time judge and must be an attorney, and confers juvenile, probate, domestic relations and mental health commitment jurisdiction.

Effective upon approval by 2/3 vote of the county legislative body.

## **GIBSON**

Private Chapter 78      House Bill 2006 Senate Bill 2017  
Purports to amend Public Acts of 1947, Chapter 84, as amended, relative to the Kenton Special School District, but because the caption indicates that the act is to make many more changes than the body of the act contains, this act appears to have been passed and/or engrossed and signed in a defective manner. Section 1 of the act changes the method of electing the board of trustees, but all parts of the act are missing after Section 1, including a statement of the effective date; therefore, the effect of this act is uncertain.

Signed by the Governor on June 19, 1997.

## **GILES**

Private Chapter 80      House Bill 2012 Senate Bill 2019  
Authorizes the county legislative body by resolution to authorize the foreman of the grand jury to appoint a part-time clerk, to be compensated as provided by the county legislative body.

Effective upon approval by 2/3 vote of the county legislative body.

## **GREENE**

Private Chapter 5      House Bill 470, Senate Bill 539  
Repeals Chapter 588 of the Private Acts of 1949 which dealt with prohibiting the use of fireworks in the county.

Effective upon 2/3 approval of the county legislative body.

Private Chapter 10      House Bill 471 Senate Bill 540  
Amends Chapter 127 of the Private Acts of 1986 to increase from 2% to 3% privilege tax that the county legislative body of Greene County is authorized to levy on the occupancy of hotels and motels. Also, this act revises the allocation of the hotel/motel tax revenue to provide that one-half of the proceeds are to be used by the "Greene County Partnership" for direct promotion of tourism and tourist related activities, and one-half of the proceeds are to be used for economic development.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 39      House Bill 1963, Senate Bill 1971  
Amends Chapter 155 of the Private Acts of 1996 to increase from \$5.00 to \$10.00 the litigation tax levied on actions disposed of in circuit, criminal, chancery and general sessions courts. The increased revenue from this source is earmarked for the purchase of cruisers for the sheriff's department upon appropriation by the county legislative body.

Effective upon 2/3 approval of the county legislative body.

## **HAMILTON**

Private Chapter 56      Amends Private Acts of 1967-68, Chapter 248, as amended, to change the method of appointment of the trustees of the Hamilton County Nursing Home, and to authorize the adoption of alternative methods of operation and control upon 2/3 vote of the county legislative body, including placing control under a department of county government or a public/private entity.

Effective upon approval by 2/3 vote of the county legislative body.

## **HARDEMAN**

Private Chapter 20      House Bill 1941 Senate Bill 1959  
Amends Chapter 90 of the Private Acts of 1989 to increase the amount of a purchase requiring written competitive bids from \$2000 to \$5000. Also, any increases in the bidding limit in the County Purchasing Act of 1983 found in 5-14-204 shall apply to purchases under this private act.

Effective upon approval by 2/3 vote of the county legislative body.

## **HARDIN**

Private Chapter 62      House Bill 832 Senate Bill 2013  
Repeals several prior private acts relative to the Hardin County Highway Department. Replaces those obsolete acts with new provisions for the administration of the department and for the selection of the Chief Administrative Officer of the road department and the elected Highway Board. Specifies that for all terms beginning September 1, 1998, and thereafter, the Superintendent of Highways for Hardin County shall be popularly elected to a four year term.

Effective upon approval by 2/3 vote of the county legislative body.

## **HAWKINS**

Private Chapter 79      House Bill 2011 Senate Bill 2026  
Authorizes the county legislative body of Hawkins County to call for an advisory referendum at the regular August election of 1998 on the question of whether the county should formulate its own land use planning or zoning plan.

Effective upon approval by 2/3 vote of the county legislative body.

## **HENRY**

Private Chapter 66      Senate Bill 2004 House Bill 2014  
Authorizes the Paris Special School District to issue and sell tax exempt bonds in an amount not to exceed \$3 million to be used for school property, buildings, facilities and additions thereto, levies an additional tax in the amount of 25¢ per \$100 of property value to pay the principal and interest on the bonds (with any excess tax proceeds to be used for improvements to the schools), and authorizes the issuance of bond anticipation notes.

Effective June 5, 1997.

Private Chapter 73      House Bill 2003 Senate Bill 2023  
Authorizes Henry County and the City of Paris to enter into a contract for the joint operation of a city-county animal shelter. Henry County is authorized to impose a license fee for each dog and cat in the county, due annually at the time the animal is vaccinated, the proceeds to be used solely for the operation of the animal shelter.

Effective upon approval by 2/3 vote of the county legislative body.

## **HICKMAN**

Private Chapter 46

House Bill 1987, Senate Bill 1979

Deletes Section 11 of Chapter 38 of the Private Acts of 1947, as amended, which provided mandatory notice to members of the county highway commission and other procedures regarding construction of driveway connections to county roads.

Effective upon 2/3 approval of the county legislative body.

## **JACKSON**

Private Chapter 16

House Bill 325 Senate Bill 1956

Amends Chapter 217 of the Private Acts of 1976 to transfer clerking duties regarding probate matters from the county clerk to the clerk and master.

Effective upon approval by 2/3 vote of the county legislative body.

## **JOHNSON**

Private Chapter 29

Senate Bill 1978, House Bill 1975

Provides minimum standards for earth products excavation and processing in the unincorporated areas of the county and directs the county planning commission to adopt regulations governing earth products excavation. Such regulations may include a requirement that an owner or lessee submit an application and plan for development to the county planning commission prior to excavation. Makes it unlawful to excavate for earth products in Johnson County unless a permit is obtained from Johnson County or its designated agent. Provides for the administration and enforcement of the act by the county planning commission. Provides for information regarding pre-existing nonconforming excavations to be submitted to the county planning commission. Authorizes the county planning commission to grant variances for good and sufficient reasons.

Effective upon 2/3 approval of the county legislative body.

Private Chapter 38

House Bill 1976, Senate Bill 1985

Makes it unlawful for any person to place or maintain 3 or more mobile homes for living or sleeping purposes on any premises or tract of land outside of Mountain City unless they are contained within a planned mobile home park permitted according to the regulations specified in this act. The Johnson County Planning Commission enforces this act and grants approval of applications and supporting plans for mobile home parks. Authorizes the planning commission to waive regulations for good and sufficient reasons. However, all mobile home park requests and expansions must be submitted for review with a mobile home park development plat.

Effective upon 2/3 approval of the county legislative body.

Private Chapter 61      House Bill 2008 Senate Bill 2021  
Authorizes the county legislative body of Johnson County to call for an advisory referendum in August of 1988 on the question of whether the county should formulate its own land use planning or zoning plan.

Effective upon approval by 2/3 vote of the county legislative body.

**McMINN**

Private Chapter 4      House Bill 465, Senate Bill 495  
Authorizes the county trustee to accept property taxes at any time after July 10 in accordance with 67-1-701.

Effective upon 2/3 approval of the county legislative body.

**MONROE**

Private Chapter 72      House Bill 1998 (no senate bill listed)  
Creates a Law Library Commission composed of the county executive and two attorneys elected by the local bar association. Provides for a litigation fee of up to \$1.00 on all civil and criminal cases filed in Monroe County, the amount to be set by the Law Library Commission and proceeds to be placed in the Monroe County Legal Library Fund.

Effective upon approval by 2/3 vote of the county legislative body.

**OBION**

Private Chapter 45      House Bill 1982, Senate Bill 2000  
Repeals Chapter 20 of the Private Acts of 1961 regarding notation and collection of a fee by the assessor of property on all instruments vesting or divesting title or interest in real property in Obion County.

Effective upon 2/3 approval of the county legislative body.

**POLK**

Private Chapter 44      House Bill 228, Senate Bill 184  
Amends Chapter 2 of the Private Acts of 1981, as amended, by rewording Section 2 of such act regarding the county amusement tax to authorize the county legislative body to levy a privilege tax upon the privilege of a consumer participating in an amusement for which an admission fee is charged.

Effective upon 2/3 approval of the county legislative body.

**RHEA**

Private Chapter 92      House Bill 2024 Senate Bill 2033  
Creates the Family Court of Rhea County, a court of record having jurisdiction over

all juvenile matters, and concurrent jurisdiction with circuit and chancery courts over domestic relations matters. Divests present juvenile judge of all juvenile jurisdiction and other judicial functions including incompetence and guardianship and conservatorship, transferring these to the new family court. The judge of the general sessions court will serve as judge of the family court, and the circuit court clerk will serve as the clerk of the family court. Repeals Private Acts of 1981, Chapter 197, as amended, which created the juvenile court in Rhea County.

Effective September 1, 1998, upon approval by 2/3 vote of the county legislative body.

## **SEQUATCHIE**

Private Chapter 37

House Bill 1974, Senate Bill 1982

Abolishes the separate juvenile court and transfers juvenile jurisdiction to the general sessions court beginning September 1, 1998. Repeals Chapter 297 of the Private Acts of 1982.

Effective September 1, 1998 upon 2/3 approval of the county legislative body.

## **SEVIER**

Private Chapter 99

House Bill 2016 Senate Bill 2025

Amends Private Acts of 1983, Chapter 12, to raise the litigation tax from \$1.00 to \$2.00.

Effective upon approval by 2/3 vote of the county legislative body.

## **SHELBY**

Private Chapter 95

House Bill 642 Senate Bill 532

Amends Private Acts of 1970, Chapter 275, as amended, to raise the county library tax on all actions filed in courts in Shelby County from \$2.00 to \$4.00.

Effective upon approval by 2/3 vote of the county legislative body.

## **SULLIVAN**

Private Chapter 3

House Bill 398, Senate Bill 301

Creates the Northeast Tennessee Corridor Overlay District as an instrumentality of Sullivan County and the City of Kingsport for the purpose of improved management and development of the resources of Sullivan County. Establishes a Northeast Tennessee Corridor Review Commission responsible for developing a comprehensive development plan for the district and also developing and adopting architectural design and development standards for the district. The Review Commission will consist of 7 members, with 3 members appointed by the city governing body, 3 members appointed by the county legislative body, and with one member jointly appointed by both governing bodies. The governing bodies of the city and county may designate areas within their respective jurisdictions wherein the

Review Commission may exercise authority. Review Commission reviews applications for construction permits within district areas (overlay zones). No city or county building permit may be granted in the overlay zone without the applicant obtaining a certificate of appropriateness from the Review Commission. Repeals Chapter 77 of the Private Acts of 1995, an earlier act to establish the Northeast Tennessee Corridor Overlay District.

Effective upon 2/3 approval by both the county legislative body and the governing body of the City of Kingsport.

Private Chapter 34

House Bill 1969 Senate Bill 1980

Amends Private Acts of 1947, Chapter 349, as amended, to create a fourth division of the general sessions court with the judge's term beginning September 1, 1998; criminal and civil actions arising in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first and Twenty-second voting precincts will be heard in Bristol in Division I or IV, and the hours for Divisions I and IV are from 9 a.m. until 5 p.m.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 35

House Bill 1970 Senate Bill 1981

Amends Private Acts of 1947, Chapter 349, as amended, to provide that criminal and civil actions arising in the Seventh-A, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, or Fifteenth voting precincts will be heard in Kingsport, and that the general sessions court judges of Divisions II and III shall be elected by the voters in such precincts.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 64

House Bill 2009 Senate Bill 2020

Amends Private Acts of 1935, Chapter 609, as amended, to require the county legislative body to set the salary of the county attorney at least 60 days before the qualifying deadline for primary elections in 1988 and for each term thereafter, and to make the position full-time and prohibit the county attorney from maintaining a private practice.

Effective upon approval by 2/3 vote of the county legislative body.

## **TIPTON**

Private Chapter 59

House Bill 2002 Senate Bill 2011

Repeals Private Acts of 1981, Chapter 8, as amended, relative to the Perpetual Trust Fund for Medically Indigent Services in Tipton County.

Effective upon approval by 2/3 vote of the county legislative body.

Private Chapter 63

House Bill 1997 Senate Bill 2009

Amends Private Act of 1951, Chapter 193, as amended, to raise the annual salary of the general sessions court judge to the same as that of a state court judge or chancellor, with annual adjustments as provided in 8-23-103(2) for state judges and

chancellors (currently the actual percentage change in the consumer price index), effective September 1, 1998.

Effective upon approval by 2/3 vote of the county legislative body, to take effect on September 1, 1998.

## **UNION**

Private Chapter 74      House Bill 2034 Senate Bill 2039  
Creates a plan for the regulated development of mobile home parks in Union County, setting forth requirements to obtain a mobile park permit from the Union County Planning Commission. The act requires owners to submit a development plan and governs such areas as location, mobile home density, landscaping, parking, lighting, and services. Severability clause.

Effective upon 2/3 approval of the county legislative body.

## **WASHINGTON**

Private Chapter 36      House Bill 1972 Senate Bill 1977  
Repeals Chapter 325 of the Private Acts of 1925 and Chapter 41 of the Private Acts of 1935 relative to the Washington County Highway Department. Replaces those obsolete acts with new provisions for the administration of the department and for the selection of the Chief Administrative Officer of the road department. Specifies that for all terms beginning September 1, 2000, and thereafter, the Superintendent of Highways for Washington County shall be appointed by the county commission to a four year term.

Effective upon approval by 2/3 vote of the county legislative body.

## **WARREN**

Private Chapter 81      House Bill 2017 Senate Bill 2024  
Amends Private Acts of 1951, Chapter 16, as amended, to raise the amount of a purchase requiring sealed competitive bids from \$2,000 to \$5,000.

Effective upon approval by 2/3 vote of the county legislative body.

## **WEAKLEY**

Private Chapter 50      House Bill 1993 Senate Bill 2003  
Amends the county governmental library tax of Weakley County to increase the tax to \$2.00 and provide that the funds it generates may be used to finance the library and provide funds for the improvement of the jail, courthouse grounds and facilities.

Effective upon approval by 2/3 vote of the county legislative body.

## **WILLIAMSON**

Private Chapter 87      House Bill 2029 Senate Bill 2029 [sic]  
Amends Private Acts of 1992, Chapter 181, to authorize Franklin Special School District to issue refunding bonds if the school board finds that the issuance would provide a savings to taxpayers; no increase in tax rate.

Effective June 19, 1997.

## **WILSON**

Private Chapter 15      House Bill 1639 Senate Bill 1755  
Authorizes the Tenth Special School District of Wilson County to issue and sell school bonds in a principal amount not to exceed \$1.1 million.

Effective April 1, 1997.

Private Chapter 27      House Bill 1864, Senate Bill 1770  
Enacts the “Wilson County Traffic Regulation Cost Act”. A special court cost of \$10.00 is to be charged and collected in addition to other court costs by the Clerk of the General Sessions Court and the Clerk of the Criminal Court for each summons, warrant, citation, presentment or indictment which is filed and heard in either the General Sessions or Criminal Court in Wilson County and which involves conduct or events occurring within Wilson County but outside the city limits of Lebanon, Mt. Juliet and Watertown that lead to the filing of charges for a criminal and/or traffic offense and which involves prosecution by a county officer. A special fund for such monies collected as special court costs under this act and maintained by the County Trustee. This special fund shall be used by Wilson County for traffic regulation and enforcement in Wilson County but outside the city limits of the three cities noted above.

Effective upon 2/3 approval of the county legislative body.

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The University does not discriminate on the basis of sex or handicap in the education programs and activities, pursuant to the requirements of Title IX of the Educational Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Mr. Gary Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville, Tennessee 37996-0212, (615) 974-6621. Charges of violation of the above policy should also be directed to Mr. Baskette.