

**INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT**

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**2002 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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July 23, 2002

## INTRODUCTION

The second regular session of the One Hundred and Second General Assembly convened on Tuesday, January 8, 2002, and continued until Thursday, July 4, 2002, when it adjourned *sine die*. This was the second consecutive year in which the General Assembly continued meeting into the month of July in an attempt to pass a budget. This year's struggle over budgetary issues included a three day partial shutdown of those state services that were deemed "non-essential." The first session of the 103<sup>rd</sup> General Assembly will convene on January 14, 2003.

At the time of publication of this index, there are 415 new designated public chapters and 103 new private acts. Some acts were not transmitted to the Governor for action until July 8. Certain of these acts remained in his possession more than the ten day period allowed by the constitution without being approved or vetoed and therefore, have now taken effect. As far as we know, this index includes all new public and private chapters passed during this session of the General Assembly. Since most of the new laws went into effect upon passage or on July 1, we are releasing this index as soon as possible after the adjournment of the session. We would have preferred to publish prior to July 1, but several bills of significance to local governments were still pending legislative or gubernatorial approval at the end of June. We apologize for any inconvenience this delay may have caused, but it was out of our control.

All acts that relate 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. 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 text of the law should be consulted prior to taking action on the changes in the laws summarized in this publication. 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 feel free to contact the CTAS county government consultant for your county. You may make copies of this publication for sharing with other county officials and employees. 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,

Michael Garland  
Acting Executive Director

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

### **ALCOHOLIC BEVERAGES**

Public Chapter 744      Senate Bill 3036 House Bill 3101  
Amends 57-5-109 regarding the prohibition on a county (or city) revoking or denying a beer permit to a business on the basis of the proximity of the business to a school, church or other place of public gathering if a valid permit had been issued to a business on that same location as of January 1, 1993 so long as beer is sold, distributed or manufactured at that location and there is not an interruption for any continuous six month period after January 1, 1993. This act defines “on that same location as of January 1, 1993” to mean within the boundaries of the parcel or tract of the real property on which the business was located as of January 1, 1993. The provisions of this act apply whether or not a business moves the building on the location and whether or not the business was a conforming or nonconforming use at the time of the move. Also, provides that if a business applies for a beer permit within the continuous six-month period and if the county (or city) denies the business a permit and the business appeals that denial, a new six-month continuous sale period shall begin to run on the date when the appeal of that denial is final.

Effective May 8, 2002.

Public Chapter 832      Senate Bill 272 House Bill 451  
Amends 57-4-203(e)(1) to allow convention centers and sports authority facilities to distribute alcoholic beverages and wine in unsealed containers to occupants of suites provided that the beverage is not removed from the facility. Amends 57-4-102(28)(A) to broaden the definition of “sports authority facility” to include those owned by public building authorities and governmental entities.

Effective July 3, 2002.

### **COUNTY CLERKS**

Public Chapter 549      Senate Bill 2682 House Bill 2956  
Amends 55-12-111 to allow religious sects to qualify as self-insurers under the financial responsibility law, upon receipt of a certificate from the commissioner of safety.

Effective April 3, 2002.

Public Chapter 563      Senate Bill 2381 House Bill 2524  
Amends the Revised Uniform Partnership Act to clarify that a statement of partnership is to be recorded locally in the register’s office and not in the office of the county clerk.

Effective July 1, 2002.

- Public Chapter 620      Senate Bill 2217 House Bill 2375  
Amends 55-4-111(b)(4) to repeal item (B), which limited the use of license plates from the era of the manufacture of an antique vehicle to only those antique vehicles that were not licensed as “antique motor vehicles.”  
  
Effective July 1, 2002.
- Public Chapter 633      Senate Bill 2129 House Bill 2061  
Amends Title 55, Chapter 4, to authorize the issuance of special emergency license plates for police officers. These license plates may be issued upon certification as a full-time police officer by the chief law enforcement officer of the organization by which such officer is employed, and upon payment of the regular fee applicable to the vehicle. Amends 55-4-202(c), -203(a) and -222(d) to clarify that “emergency services squad” includes, but is not limited to, EMTs and paramedics.  
  
Effective April 2002.
- Public Chapter 722      Senate Bill 1293 House Bill 1247  
Amends 55-4-221(b) to authorize the issuance of special purpose plates to vehicle preparation services or motor vehicle auction companies for the sole purpose of transporting dealer-owned vehicles between the dealer’s business location and the location where the cleaning, repairing or preparation is performed or where the vehicle is to be auctioned, and to test the vehicle within a 20-mile radius of the location where the cleaning, repairing or preparation is performed.  
  
Effective May 8, 2002.
- Public Chapter 747      Senate Bill 2429 House Bill 2796  
Amends various provisions of Title 55 to include “low speed vehicles” within the definition of motor vehicle and to add a new Class F for low-speed vehicles with a registration fee of \$9.50. “Low Speed Vehicle” is defined as any four-wheeled electric vehicle, excluding golf carts, whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles.  
  
Effective July 1, 2002.
- Public Chapter 793      House Bill 2546 Senate Bill 2562  
Amends Title 68, Chapter 126, relative to the manufacture, sale and installation of manufactured homes. After July 1, 2003, retailers and installers of manufactured homes must be licensed by the Department of Commerce and Insurance. Installation may be performed by either a licensed installer or by a licensed retailer. After January 1, 2004, all installers must obtain a permit from the county clerk by payment of an inspection fee of \$45.00 prior to installing a manufactured home. The county clerk issues a permit decal which must be placed on the electrical panel box cover of the manufactured home. Of the \$45.00 fee, the county clerk retains \$8.00 and remits \$37.00 to the Commissioner of Commerce and Insurance on a monthly basis, no later than the 20<sup>th</sup> day of the month following the month in which the fee is paid, with a report showing the license numbers of the installers and retailers who purchase permits and the corresponding permit numbers sold. Installers and retailers

may purchase decals in lots of 10 each, as long as no more than 20 are outstanding at one time. The decals are to be furnished to the county clerk by the Commissioner of Commerce and Insurance.

Effective immediately for rule-making purposes; effective July 1, 2003 for licensure of retailers and installers; effective January 1, 2004 for issuance of installation permits by county clerks.

Public Chapter 854

Senate Bill 899 House Bill 1334

Amends 36-6-413 to impose an additional fee of \$62.50 on the issuance of marriage licenses. Applicants are exempt from payment of \$60.00 of this fee if both of them are out-of-state residents or if both of them have completed a four-hour premarital preparation course. The remaining \$2.50 of the fee must be paid regardless of whether the applicants are exempt, and this portion is retained by the county clerk. If collected, the \$60.00 portion of the fee is remitted to the State Treasurer for distribution in accordance with the law. Out-of-state residence may be shown either by valid driver license or by affidavit on a form prepared by the Administrative Office of the Courts. Completion of the premarital preparation course is shown by submission of a certificate signed by a qualified instructor. The form is prepared by the Administrative Office of the Courts.

Effective July 4, 2002.

Public Chapter 866

Senate Bill 2764 House Bill 2615

Amends 55-4-203(c), 55-4-238(c) and 55-4-244(c), relative to military cultural plates, to provide that payment of the additional fee equal to the actual cost of designing and manufacturing the plates is only applicable on initial issuance or re-issuance of the plate, and not on renewal.

Effective July 1, 2002.

Public Chapter 876

Senate Bill 1303 House Bill 1893

Amends Title 55, Chapter 4. Raises the fee for cultural, specialty earmarked and new specialty earmarked license plates issued on or after September 1, 2002, from \$25 to \$35. Cultural or new specialty earmarked license plates and collegiate license plates for colleges located outside Tennessee which are authorized after July 1, 2002, are subject to a minimum order of 1,000. Cultural license plates in support of the arts are subject to a minimum order of 1,000 beginning September 1, 2002 (minimum is 250 from July 1 to August 31, 2002). Authorizes the issuance of 30 new specialty plates: Silver Star, Bronze Star, Technology, Share the Road, Harley Owners Group, TVA 70th Anniversary, Tennessee State Guard, Memphis Zoo, Civil Rights, Title VI, Sons of Confederate Veterans, Kiwanis International, Memphis Redbirds, East Tennessee Children's Hospital, Tennessee Titans, Memphis Grizzlies, Nashville Predators, Proud to be American, United for America, Eagle Foundation, Memphis/Shelby County Humane Association, City of Oak Ridge, Rocky Mountain Elk, Friends of Big South Fork River, Ruritan International, Vanderbilt Children's Hospital, Nashville Zoo, Tennessee State Parks, Public Television, Retired Firefighters.

Effective July 15, 2002.

**COUNTY GOVERNMENT**

Public Chapter 627

Senate Bill 2844 House Bill 2361

Amends 5-1-118 to allow counties without zoning regulations to adopt, by resolution of the county legislative body approved by a 2/3 majority vote, the authority to exercise certain municipal powers as delineated in 6-2-201(22) and (23) in the unincorporated areas of the county. These powers include the general "police" powers or "ordinance" powers to regulate or abate activities and uses of property that are detrimental, or liable to be detrimental to the inhabitants of the area and to prescribe limits upon business occupations and practices liable to be nuisances. Counties that have previously exercised any of these powers under prior law identifying counties by narrow population class may continue to exercise these powers without further action of the county legislative body. These powers do not apply to the following activities which are regulated under other provisions of general law: sale of beer and alcoholic beverages, wholesale of beer, surface mining, production of oil and gas, environmental protection laws and regulations dealing with air pollution, atomic energy, solid waste disposal and management, hazardous waste management, petroleum underground storage, oil spill cleanup, dry-cleaning, water, wastewater and sewerage. Further, all court decisions and statutes relating to variances and non-conforming uses applicable to zoning ordinances and land use controls apply to the enforcement and exercise of the powers granted in this act.

Effective April 17, 2002.

Public Chapter 690

Senate Bill 2174 House Bill 2625

Repeals 5-7-112 and -113 which required the appointment of at least three project superintendents to contract for and oversee the building of a new jail or courthouse.

Effective May 1, 2002.

Public Chapter 734

Senate Bill 2302 House Bill 2539

Defines electric personal assistive mobility devices (EPAMDs) and regulates their use. Counties and cities are prohibited from instituting a general prohibition on the use or operation of EPAMDs, but counties and cities may reasonably regulate the use or operation of EPAMDs. Such regulations may include the restriction, limitation or exclusion on the use or operation of EPAMDs, if necessary, in the interest of public safety or in the interest of the preservation of natural areas and only to the same extent as bicycles are restricted, limited or excluded.

Effective May 8, 2002.



Public Chapter 747      Senate Bill 2429 House Bill 2796  
Amends Title 55 relative to the use of low speed vehicles. These vehicles are not to be used on streets with posted speed limits over 35 miles per hour. Authorizes a county or city to prohibit the use of low speed vehicles on any road under its jurisdiction if the governing body determines it is necessary in the interest of safety. "Low Speed Vehicle" is defined as any four-wheeled electric vehicle, excluding golf carts, whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles.

Effective July 1, 2002.

Public Chapter 865      Senate Bill 2553 House Bill 3182  
Amends 67-9-102 relative to Tennessee Valley Authority in lieu of tax payments. Provides that after the 3% impact monies are distributed to impacted counties, CTAS and TACIR, any remaining funds shall be allocated to any regional development authorities created by 64-5-201 that have acquired a former nuclear site from T.V.A. Such funds shall be used to construct roads, install water and wastewater facilities and provide other public infrastructure to assist in the development of the sites and other land as regional industrial/business and job incubator facilities consistent with regional development plans.

Effective July 17, 2002.

## **COURTS**

Public Chapter 493      Senate Bill 2011 House Bill 2157  
Deletes 21-1-108 which codified certain rules of practice of the chancery court.

Effective July 1, 2002.

Public Chapter 494      Senate Bill 2012 House Bill 2158  
Adds a new section 16-3-813 to require persons seeking to be a credentialed court interpreter for spoken foreign languages to supply a fingerprint sample and submit to a criminal history records check. In addition to the fee required by 38-6-109 for the TBI, this act authorizes the sheriff or other law enforcement agency to assess a fee of up to ten dollars for costs incurred in complying with the requirement. Provides that fees related to the criminal background records check are the responsibility of the person seeking to become a credentialed court interpreter.

Effective March 19, 2002.

Public Chapter 495      Senate Bill 2014 House Bill 2160  
Amends 40-32-101 regarding the expungement of records to remove "reversal on appeal" as ground for which person is entitled to have criminal records expunged; provides that appellate court records and opinions are not expungeable "public records"; and requires TBI to forward information on all expungement orders to the Administrative Office of Courts to ensure the expungement of records from their case statistics databases maintained pursuant to 16-3-803 and 16-1-117.

- Effective March 19, 2002.
- Public Chapter 505 Senate Bill 2181 House Bill 2509  
Amends 55-8-152(f)(2) relative to citations for violating reduced speed limits while construction workers are present to cap the fine at a maximum of \$500.
- Effective March 19, 2002, and applicable to fines imposed on or after that date.
- Public Chapter 539 Senate Bill 2853 House Bill 2579  
Amends 37-1-704 to clarify that although youths participating in teen court programs may not receive compensation for their service, they may receive unsolicited tokens or awards of appreciation in recognition of public service in the form of a plaque, trophy, desk item, tee-shirt, mug, cup, wall memento and similar items so long as such item is not in a form which can be readily converted to cash. Participants may also be reimbursed for travel expenses in conformity with the state's comprehensive travel regulations for attending a conference, training, retreat or similar event as a part of participation in teen court.
- Effective March 25, 2002.
- Public Chapter 559 Senate Bill 2013 House Bill 2159  
Amends 67-4-603 to clarify that, for the purposes of collecting litigation tax, the time of "filing in any civil action of an appeal" shall be deemed to be the time of the docketing of the appeal in appellate court. Provides further that the litigation taxes to be collected in any appeal to the court of appeals or the Supreme Court shall be collected by the clerk of the appellate courts upon the docketing of the appeal. Provides that in appeals, the litigation tax is not collected at that time when the appeal is brought pursuant to a pauper's oath. Amends 67-1-801 and 67-1-804 to provide that interest and penalties imposed by those sections are not imposed on delinquent or deficient payments of litigation taxes to be collected by the clerk of appellate courts.
- Effective April 3, 2002.
- Public Chapter 607 House Bill 710 Senate Bill 398  
Amends 41-21-808 regarding inmate litigation to provide that, if judgment is rendered against an inmate and includes the payment of costs, the inmate shall be required to pay the full amount of costs ordered. Directs the clerk of the court to mail a copy of the court's judgment taxing costs to the Department of Corrections or county jail where the appropriate officials are instructed to withdraw funds from the inmate's trust account and forward the collected funds to the court clerk until such time as the costs are paid in full or the inmate is released from confinement. The act provides that this is merely a supplemental method of collection and that clerks of court may still pursue any other authorized means of collection of costs. Also provides that an inmate may authorize payments to the clerk of court in addition to those payments authorized in the act.
- Effective April 17, 2002.



Public Chapter 615

Senate Bill 2418 House Bill 2778

Amends 27-9-111(e) to allow expedited judicial review of decisions of boards or commissions that revoke, suspend or deny licenses or permits relating to engaging in conduct that is protected by the First Amendment of the United States Constitution (e.g. adult businesses). If the petitioner or respondent requests an expedited hearing, the court is required to immediately grant the writ of certiorari, hear the matter and issue a decision within forty days of the court granting the writ.

This act shall not take effect until such time as the United State Supreme Court has denied the petition for a writ of certiorari filed by the Metropolitan Government of Nashville and Davidson County in the case of Deja vu, Inc. v. Metropolitan Government or has affirmed the Sixth Circuit's opinion in that case on the issue of "prompt judicial review." If the Supreme Court reverses the Sixth Circuit's decision on "prompt judicial review," this act never takes effect. Certiorari was denied May 13, 2002.

Public Chapter 628

Senate Bill 2854 House Bill 2619

Amends 41-2-128(a) to allow judges of circuit or criminal court with jurisdiction in the county where an inmate is imprisoned in a workhouse or jail to order release for work, for educational purposes or for medical treatment upon application by the sheriff, warden, superintendent, or other administrative person in charge of the correction facility. Prior law allowed for such review only by general sessions judges.

Effective April 17, 2002.

Public Chapter 631

Senate Bill 3061 House Bill 3199

Alters the procedures for contesting a will. Under this act, prior to certifying the question to the appropriate court, the court having probate jurisdiction over the will would enter an order sustaining or denying the contestant's right to contest the will. If the right is sustained, then the court would: (1) require the contestant to enter into a \$500 surety bond payable to the executor mentioned in the will for the faithful prosecution of the suit; and (2) cause a certificate of the contest and the original will to be filed with the appropriate court for trial. The appropriate court for trial would be the court elected by the contestant to conduct a trial on the validity of the will. Further, pursuant to this act, the court would put out a call for issues to be made, after the filing of the certificate of contest and the original will, in the office of the appropriate court clerk. The present provision concerning the term of the court is deleted. The act provides further that prior to the certification of the will contest the contestant must elect, in the notice of contest, either the circuit, chancery, or other court of record having such concurrent jurisdiction, to conduct a trial on the validity of the will.

Effective July 1, 2002.

- Public Chapter 646      Senate Bill 2318 House Bill 2526  
Amends 36-3-601 and 36-3-602 to change the appropriate venue for a petition for an order of protection and other matters relating to orders of protection from the county in which the petitioner resides to the county where the respondent resides or the county in which the domestic abuse is alleged to have occurred.
- Effective July 1, 2002.
- Public Chapter 649      Senate Bill 2388 House Bill 2530  
Amends 30-13-101, 39-13-102 and 39-13-111 (the statutes regarding assault, aggravated assault and domestic assault) to provide that in addition to any other punishment that may be imposed for those crimes, if the victim of the crime meets the definition of victim in 36-3-601(8), the court may impose an additional fine in an amount not to exceed \$200. Such additional fine is paid to the clerk of the court imposing the sentence who shall transfer it to the state treasurer who shall credit the same to the general fund where it will be earmarked for appropriation for the exclusive purpose of funding family violence shelters and shelter services.
- Effective July 1, 2002.
- Public Chapter 655      Senate Bill 3016 House Bill 3038  
Amends 39-13-521 to provide that, in addition to persons convicted of prostitution, persons convicted of patronizing prostitutes shall also be ordered to submit to an HIV test.
- Effective July 1, 2002.
- Public Chapter 666      House Bill 2528 Senate Bill 2578  
Amends 36-3-617 to provide that a petitioner seeking an order of protection shall not be required to pay any costs associated with the service of the order of protection.
- Effective April 24, 2002.
- Public Chapter 677      House Bill 2968 Senate Bill 3048  
Amends 36-6-404 to clarify that the provisions in the law requiring a parenting plan in divorce cases do not apply to parties who were divorced prior to the enactment of the parenting plan law who subsequently return to court to enter an agreed order modifying the terms of the previous court order.
- Effective April 24, 2002.

- Public Chapter 691      Senate Bill 2233 House Bill 2128  
Amends 40-14-210 relative to the distribution of the \$12.50 charge levied in certain counties for the purpose of defraying the costs of representing indigent criminal defendants. Provides that, in counties that are a part of a multiple county judicial district, the funds from the charge are remitted to the office of the executive director of the district public defenders conference for the purpose of providing supplemental funding for the office of public defender within such district. Prior law provided that such funds were remitted to the county government.
- Effective July 1, 2002.
- Public Chapter 723      Senate Bill 1421 House Bill 347  
Amends 16-15-5001 and 16-15-5003 to eliminate the smallest population class of counties used for the purpose of determining general sessions judges salaries. All counties with a population of 10,000 or less are placed into the seventh class by the provisions of this act.
- Effective September 1, 2006, for the purposes described in this summary. The act also makes an amendment to 9-4-205 that does not affect county governments which takes effect July 1, 2002.
- Public Chapter 735      Senate Bill 2353 House 2580  
Amends sections in Titles 26, 30, 31, 32, 33, 35, and 66 regarding transfers into trust, the administration of estates, power of appointment exercisable by will, probate of wills, transfers to defeat elective shares, removal of fiduciaries, records of adjudication of competence and recording of wills. Deletes 33-3-109 which required court clerks to keep separate records of adjudications of incompetence and restoration of competence and provided that the records which are not confidential shall include only the findings, with all other records in connection with such cases being confidential. Amends 66-24-101(16) regarding writings eligible for recording in the register's office to clarify that wills devising lands in Tennessee or certified copies thereof may be recorded only if duly admitted to probate in Tennessee and the will is presented for recording together with copies of related probate orders.
- Effective May 8, 2002.
- Public Chapter 741      House Bill 2918 Senate Bill 2736  
Amends 40-18-116 to provide that in criminal cases other than capital cases, jurors shall only be sequestered at the discretion of the trial judge who shall prohibit the jurors from separating at times when they are not engaged upon the actual trial or deliberation of the case.
- Effective May 8, 2002.
- Public Chapter 754      House Bill 3144 Senate Bill 3062  
Amends 30-2-609 regarding appeals from probate court. Provides that in counties with a population of 500,000 or more (Shelby and Davidson) appeals of a final settlements of an account in probate court shall be to the court of appeals. In

counties having a population less than 500,000, if the probate judge is the chancellor or circuit court judge, the appeal is made to the court of appeals; if the judge is not the chancellor or circuit court judge, the appeal is made to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

Effective July 1, 2002.

Public Chapter 791

Senate Bill 3129 House Bill 3132

Amends Title 16 relative to court information and reporting. Makes the processing of case data by the administrative office of the courts subject to audit by the comptroller of the treasury. To assist court clerks in reporting the information required by the administrative office of the courts and to encourage modernization and computerization of court clerks offices, this act earmarks the revenue from the fee for data entry levied in 8-21-401(e) for computerization, information systems and electronic records management costs of the clerk's office including, but not limited to, the purchase, upgrade, and maintenance costs of computer equipment, document imaging equipment, and related software and supplies; services, training and personnel costs related to computerization, information systems and electronic records management; and, costs of telecommunications related to computerization, information systems and electronic records management. Such funds shall remain earmarked within the general fund and shall be reserved for the purposes described in this subsection at the end of each fiscal year. This allocation of these revenues is repealed five years after the effective date of the act.

Effective May 29, 2002.

Public Chapter 794

House Bill 2570 Senate Bill 2413

Repeals § 8-21-901 (the sheriff's fee statute) and re-writes the statute, simplifying the fee structure, eliminating population classifications, modernizing the language of the fees and providing for increases in the simplified fee structure. Combines many individual fees into major categories. Provides that, for the purpose of the service of process fee, all garnishments are considered original garnishments and the sheriff is entitled to the new fee for each garnishment served. Additional language clarifies that fees for service of process apply separately per each person served. Earmarks the revenue from the sheriff's data processing fee for computerization of the sheriff's office. Repeals and re-writes sections 16-15-901 through -905 to establish procedures for service of process in general sessions court. The newly enacted 16-15-901 provides that, upon the filing of civil warrants, writs and other papers, the clerk of general sessions court shall issue the required process and cause it to be delivered to such person authorized to serve process as may be designated by the person filing the papers or such person's attorney. The person designated to serve process must be at least 18 years of age and can not be a party to the litigation. The authorization for private individuals to serve process in general sessions court applies to civil warrants, attachments or other leading process used to initiate an action in general sessions court, and subpoenas or summons. Other forms of process would still be served by the sheriff or constable. The sheriff or constable would also still serve process on those items that could be served by a private individual if no one is designated by the litigant or his or her attorney. Where private process servers are used, the act provides that a court, in its discretion, may award recovery of fees

for service of process as a part of the judgment rendered in the case but such fees cannot exceed the fees authorized for sheriffs or constables. Establishes procedures for return of process and service of process upon defendants in state and out of state. Authorizes constructive service in those cases where permitted by statute.

Effective July 1, 2002.

Public Chapter 803

House Bill 2693 Senate Bill 2399

Revises Title 55, Chapter 4, Part 4, regarding the transportation of mobile and manufactured homes and house trailers. Requires a clerk of court to give notice to the Department of Transportation of any convictions for violations of the laws regarding the transportation of these homes. Provides that local law enforcement agencies may enforce the laws covered by this part and may issue a traffic citation to a violator in lieu of arrest. Also allows enforcement by photo, video or other electronic proof of violation.

Pursuant to Article II, Section 18 of the Constitution of the State of Tennessee, the Governor had this bill in his possession longer than ten days, so therefore the bill becomes effective without the Governor's signature ten days after May 22, 2002.

Public Chapter 855

Senate Bill 1471 House Bill 884

Amends numerous statutes regarding alcohol and drug related offenses. Authorizes courts to order repeat offenders to undergo drug and alcohol assessment and receive treatment as appropriate at the expense of the person receiving it. Provides that for indigent defendants, some or all of the expense of such assessment and treatments may be paid from the alcohol and drug addiction treatment fund administered by the Department of Health. Establishes a pilot program in Shelby County for the purpose of determining the value of early assessment and treatment of drug and alcohol offenders. Reduces the presumed level of intoxication for blood alcohol from 0.10% to 0.08%. Amends 55-10-403 to add a new \$100 fee for each conviction of a violation of 55-10-401 with all proceeds for the fee transmitted to the Commissioner of the Department of Health for deposit in the alcohol and drug addiction treatment fund.

Sections 1 - 4 of the act, regarding court-ordered assessments and treatment and the pilot program for Shelby County, take effect October 1, 2002. Sections 5-11, which include the reduction of the blood alcohol level and the new \$100 fee in 55-10-403, take effect on July 1, 2003. Other provisions take effect July 4, 2002.

## **EDUCATION**

Public Chapter 496

Senate Bill 2018 House Bill 2047

Amends 49-2-201(a)(1) to authorize a maximum of eleven members for local boards of education by private act.

Effective March 19, 2002.

Public Chapter 535

Senate Bill 2275 House Bill 2404

Amends 49-5-511(b) to provide that when a tenured teacher has been placed on the



preferred list for re-employment following dismissal due to abolition of the teacher's position, the teacher's right to remain on the list continues until either (1) the teacher receives a bona fide offer of re-employment for a comparable position within the LEA, or (2) the director of schools, after the teacher has been on the preferred list for two consecutive years, notifies the teacher in writing by April 1 of that year that his or her name will be removed from the list and the teacher fails to notify the director in writing by April 15 that year and each year thereafter of his or her intention to stay on the list.

Effective July 1, 2002.

Public Chapter 537

Senate Bill 2719 House Bill 2565

Amends 49-2-207 to require a local board of education to make its operating policies available on its website if it keeps its operating policies in electronic format and maintains a website.

Effective March 25, 2002.

Public Chapter 558

Senate Bill 1959 House Bill 1993

Amends 49-6-3004(e)(1) to allow the use of excess instructional time in cases of natural disaster, serious outbreaks of illness, or dangerous structural or environmental conditions rendering the school unsafe for use.

Effective April 3, 2002.

Public Chapter 586

Senate Bill 2175 House Bill 2779

Amends 49-5-409(b)(2) to provide that teachers may be transferred from one position to another at the option of the director of schools (rather than the board of education).

Effective April 9, 2002.

Public Chapter 683

Senate Bill 467 House Bill 1913

Amends 49-5-601, the Education Professional Negotiations Act, to substantially broaden the definition of the term "working conditions" so that mandatory subjects of negotiation include all matters that "affect a professional employee financially or the employee's employment relationship with the board of education" with two limitations: (1) the director of schools cannot be "directly prevented" from transferring faculty and staff "to address performance and accountability deficiencies" and (2) basic education policy is not a mandatory subject of negotiations. "Basic education policy" is defined to include curriculum content, teaching strategies, class offerings, student placement, and other such things "related to the school system's overall ability to meet and maintain the state's student performance standards." Nothing in this act is to be construed to prevent either a board of education or a professional employee organization from hiring consultants during the negotiation process, but such individuals cannot serve directly as a negotiator.

Effective April 2002.

Public Chapter 770 Senate Bill 2632 House Bill 2295  
Amends 49-2-203(a) to require boards of education to adopt policies on the employment of substitute teachers, including qualifications and training and ensuring that substitute teachers are subject to investigation. Amends 49-2-501(b) to provide that counties in which all students in K - 12 are served by special school districts or city systems are not required to operate a separate county school system or elect a school board.

Effective July 1, 2002.

Public Chapter 823 House Bill 2650 Senate Bill 2145  
Amends 49-6-3007 to authorize a local education agency to enter into an agreement with the local law enforcement agency serving the area and the appropriate local government in that area to assist with the enforcement of compulsory attendance requirements. The school board must create an advisory council that includes representatives of teachers, parents, administrators and other community representatives to assist with the agreement; hold a public hearing; receive input from neighborhood groups and other interested parties; provide for training of law enforcement personnel in provisions of truancy law; provide for training school personnel in truancy issues; and, include safeguards to protect students.

Effective June 27, 2002.

Public Chapter 824 House Bill 2984 Senate Bill 2432  
Amends 49-2-203(a)(4)(C)(ii) to clarify the requirements for hiring construction managers for school building projects. Construction management services are deemed professional services and must be obtained by using a request for proposals process. The factors to be used for evaluating the proposals must include the construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, and fees, as well as any other factors deemed relevant by the procuring entity. Cost cannot be the sole criterion for evaluation. A construction manager cannot perform any of the actual construction work on the project it oversees unless bids have been solicited twice and no bids have been received. A school system may perform work on the project with its own employees and include the coordination and oversight of the work as part of the services of the construction manager. Amends 49-2-203(a)(4)(C) is amended to require competitive bids for construction work performed under the supervision of a construction manager.

Effective July 1, 2002.

Public Chapter 841

Senate Bill 2599 House Bill 2549

Amends 49-6-1001 to require each board of education to require the daily recitation of the pledge of allegiance in each classroom in the system in which a flag is displayed. Each LEA is encouraged to have a flag in each classroom. Students are not required to participate, and teachers are not required to lead or participate in the pledge if they object to doing so. The state board of education, in consultation with the attorney general, is to develop guidelines on constitutional rights and restrictions related to the recitation of the pledge of allegiance in public schools.

Effective July 3, 2002.

Public Chapter 850

House Bill 1131 Senate Bill 887

Enacts the “Tennessee Public Charter Schools Act of 2002.” The local board of education approves charter school applications or agreements. Charter school agreements are for 5 year periods. A sponsor cannot be a for-profit entity, a private school, a religious or church school, or an individual, group or organization promoting the agenda of any religious entity or denomination. No private, parochial, cyber-based or home-based school may be converted to a charter school, and no cyber-based charter school may be authorized. Charter schools must be operated by a not-for-profit organization with 501(c)(3) exemption from federal taxation. Any individual or organization can provide financial or other assistance to a charter school, but such funding or assistance does not entitle the individual or group to any ownership interest in the school. Charter schools may be formed to provide alternatives for students in schools failing to make adequate yearly progress (not to exceed statewide the number of schools failing to make adequate yearly progress; in any county with more than 30 such schools, not to exceed 1/3 per year the number of schools failing to make adequate yearly progress; not more than 10 schools in any LEA in the first year of implementation), or to address the special needs of students eligible for special education services or provide local school systems the opportunity to work with the state’s public higher education teacher training institutions (not to exceed 9 sites per year). A charter school may be formed by creating a new school or by converting an existing eligible public school. Conversion of an existing school requires a petition by the parents of 60% of the children in the school or 60% of the teachers, and the agreement of the LEA. The application for charter status is filed with the local board of education and must contain: (1) mission statement, (2) instructional goals and methods, (3) plan for evaluating student achievement, (4) operating budget, (5) annual audit method, (6) operations timetable, (7) proposed rules and policies, (8) names and addresses of members of governing body, (9) anticipated student enrollment and nondiscriminatory admission policies, (10) behavior and discipline code, (11) plan for compliance with health and safety requirements, (12) qualifications required of employees, (13) names and addresses of sponsors, (14) procedures for investment of idle funds, purchasing, and travel regulations, (15) management and administration plan, (16) proposed by-laws, (17) liability assurance statement, (18) insurance coverage, (19) pupil transportation plan, and (20) financing commitments. Local board of education approves applications; if denied, sponsor may appeal to state board of education, whose decision is not appealable. The charter agreement must be in writing and contain all elements in application. On dissolution of charter school

for any reason, any unencumbered public funds and all LEA property and improvements, furnishings and equipment purchased with public funds, revert to LEA; charter school remains liable for debts. Charter schools must meet the same performance standards as other public schools, and shall not discriminate on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services. Charter schools are accountable to the chartering local board of education to ensure compliance with the charter agreement and the law. The comptroller's office is authorized to audit any charter school when deemed necessary. Bidding is required for goods and services over \$5,000. The governing body is subject to the conflict of interest provisions of 12-4-101 and -102, and their meetings are subject to the open meetings act. All teachers must be licensed or meet the minimum requirements for licensure. Charter schools are entitled to receive 100% of the per pupil expenditure allocated in the LEA, and may also be funded by grants, gifts and donations. Participation in charter school is by parental choice, and charter schools must accept all applications timely submitted, up to capacity of the school, with special provisions if applications exceed capacity. Pupil transportation is provided at the election of the charter school. Employees of a charter school may organize for collective bargaining purposes in accordance with general law, and may participate in the state group insurance plans. The employees participate in the LEA's retirement program. The state department of education is to provide information to the public on how to organize a public charter school.

Effective July 4, 2002. Provisions related to creation of new charter schools sunset on July 1, 2008 unless reenacted or extended prior to that date.

#### Public Chapter 860

#### House Bill 3159 Senate Bill 3086

Amends 49-1-602 to require the commissioner of education to recommend to the state board of education by September 1 each year a list of all schools to be placed on notice of probation for failure to make adequate yearly progress in meeting the standards of the state board. If a school system is deemed as not carrying out its responsibilities to a school(s) on notice of probation, the system may be included in the recommendation to be placed on notice of probation. While a school and/or school system is on notice, the department of education and the office of education accountability will jointly study the school and/or system. The commissioner may provide technical assistance and approve grants to such schools and/or systems. If a school or system does not meet the standards for adequate yearly progress by the end of the first year on notice, the school or system may be placed on probation, during which year the commissioner can oversee and monitor the allocation of financial resources, and parents may transfer students out of the school. If the school or system does not meet standards by the end of the first year on probation, the school or system may be placed on probation a second year, during which the commissioner may present options for alternative governance, including restructure as a charter school. If the school or system does not meet adequate yearly progress after two years on probation, the commissioner may assume governance of the school or system, recommend that the director of schools be replaced, and/or recommend that some or all members of the local board of education be replaced, and if the state board concurs, such director and/or board members will be removed and replaced.

Effective July 15, 2002.

## **ELECTIONS**

Public Chapter 470

Senate Bill 199 House Bill 277

Amends 2-10-310 to permit members of the General Assembly who are candidates for local public offices to conduct fund-raising events and solicit or accept contributions for the campaign for local public office while the legislature is in session. Such fund-raising events may only be held in the county in which the member is a candidate for local office and solicitations and acceptance of contributions may only be made from residents of the county. Fund-raising events may not be held on state property. Contributions from lobbyists are prohibited. Unexpended contributions raised for such a campaign can not be used for or distributed to a campaign fund for the benefit of any candidate for the General Assembly, or for the benefit of any statewide election, or to any state, national or other political party or caucus.

Effective February 15, 2002.

Public Chapter 653

Senate Bill 2811 House Bill 2384

Amends 5-1-111 to provide that a county election commission may establish a precinct which encompasses two or more county legislative body districts in any county which has twenty or more county legislative body districts upon written certification by the Coordinator of Elections. In making a determination whether to allow such action, the coordinator is to consider, among other things, the type of voting equipment used in the county as well as the racial makeup of the districts and the cost savings to the county.

Effective April 24, 2002.

Public Chapter 694

Senate Bill 2373 House Bill 2371

Amends 2-2-138 to provide that any list of registered voters compiled by the Coordinator of Elections shall be sold at a price established by the Secretary of State. Funds from such sales are to be deposited in the "voting machine loan fund." The list is available for purchase by any person who certifies that the list will be used for political purposes only.

Effective May 1, 2002.

Public Chapter 698

Senate Bill 2801 House Bill 3193

Amends 2-6-202 to provide that it is a class A misdemeanor for a person who is not an employee of an election commission to give out unsolicited requests for applications for absentee ballots. Amends 2-3-104 to increase the ratio of voters to voting machines from 650 per machine to 750 per machine. Amends 2-2-116 to delete certain requirements from the affidavit used by a person registering to vote who cannot sign his or her name.

Effective May 1, 2002.

## **EMERGENCY SERVICES**

Public Chapter 516      Senate Bill 2526 House Bill 2239  
Amends 68-40-506 and 68-140-516 regarding emergency services. Provides that counties with ambulance service comply with the Emergency Medical Services Act of 1983, as amended, codified at 68-140-501, *et seq.* which sets standards for ambulance and other emergency services. Provides exceptions to these standards when regular service is unavailable or insufficient, such as at a major scheduled public event (over 100,000 in attendance or more than 2/3 the population of the county). Provides for the use of emergency medical services licensed in another state at major scheduled public events if certain conditions are met.

Effective March 19, 2002.

Public Chapter 567      Senate Bill 2473 House Bill 2337  
Amends 7-86-105 to provide that in an emergency communications district created by a municipality after July 1, 2002, the board of directors of the district may be the legislative body of such municipality. The terms of the members of the legislative body run concurrently with their terms as members on the board of directors. Provides for a procedure to replace any member of the board removed pursuant to the procedures outlined in 7-86-314.

Effective April 3, 2002.

Public Chapter 767      Senate Bill 2392 House Bill 2271  
Enacts the Tennessee Emergency Health Powers Act to establish the framework by which Tennessee will develop a comprehensive plan of preparation and response for public health emergencies that may arise from bio-terrorism. Creates a Public Health Emergency Advisory Committee that includes representatives of county governments, county sheriffs and county health departments. The committee is charged with the duty to recommend to the Governor a detailed time-line for development and implementation of a comprehensive, state-wide plan for emergency preparation and response relative to bio-terrorism events, infectious disease outbreaks and other public health emergencies and to identify the general framework, requirements and necessary components of the comprehensive plan.

Effective May 22, 2002, and repealed June 30, 2005.

## **ENVIRONMENT**

Public Chapter 602      Senate Bill 2950 House Bill 2903  
Amends the Safe Drinking Water Act at 68-221-708 to require a public water system that is not in compliance with the current drinking water regulations to inform the division of water supply in the Department of Environment and Conservation within 24 hours of learning of the noncompliance instead of 48 hours, as established under prior law. Also amends 68-211-711(5) to broaden the definition of certain prohibited acts to include the discharge of sewage or any other waste or contaminant at such proximity to the intake, well or spring serving a public water system in such a manner or quantity that it will or will likely endanger the health or

safety of customers of the system or cause damage to the system. Also, revises 68-211-711(8) to prohibit the heavy pumping or other heavy withdrawal of water from a public water system or its water supply source in a manner that would either interfere with existing customers' normal and reasonable needs or threaten existing customers' health and safety.

Effective April 9, 2002.

Public Chapter 800

House Bill 3148 Senate Bill 3076

Enacts the Tennessee Water Resources Information Act. Requires persons drawing 10,000 gallons or more of water per day from a surface water or groundwater source to register with the Department of Environment and Conservation. Allows withdrawal of water for emergencies involving human health without registering provided it is not done on a regular basis and allows withdrawal of water for agricultural purposes with registration with such agricultural uses not counting towards the 10,000 gallon per day limitations. Revises the powers of the Commissioner of Environment and Conservation relative to water quantity monitoring and regulation. Directs the commissioner to appoint a technical advisory committee, with representatives of local governments, to advise the commissioner on the status of the state's water resources and future planning efforts. Re-writes statutes in Title 69 regarding the licensing and standards for well drillers. Authorizes certain municipalities and charter counties to enact their own enforceable requirements on well drilling so long as they are not less stringent than the state standards.

Effective May 29, 2002.

Public Chapter 821

Senate Bill 2773 House Bill 2250

Amends Title 68, Chapter 215, Part 1 regarding liability for releases from petroleum underground storage facilities to limit the liability of owners of property for leaking tanks if the owner of the property does not operate the tank and the owner of the tank participates in the petroleum underground storage tank fund.

Effective July 1, 2002.

## **FINANCE**

Public Chapter 545

Senate Bill 3092 House Bill 3073

Amends 12-10-111 to authorize counties and cities or metropolitan governments to invest the proceeds of loans from a public building authority in a guaranteed investment contract chosen or established by the public building authority provided it has a defined termination date not exceeding five years, is secured by obligations described in section 9-4-103 and at a level as required by section 9-4-105, is issued by an issuer having at least a AA credit rating and has the obligations securing the contract deposited with an independent third party selected by the public building authority.

Effective March 25, 2002.

Public Chapter 603

Senate Bill 3093 House Bill 3140

Amends the Wastewater Facilities Act of 1987 at 68-221-1005 to allow counties and other local governments and utility districts to assign their rights and obligations under a loan received pursuant to this act to any other local government or utility district with the consent of the Tennessee local development authority. Amends 68-

221-1006 and 68-221-1206 to empower the comptroller of the treasury to appoint an accountant or direct the department of audit to prepare an audit at the expense of any local government or utility district that fails to file an audit in compliance with minimum standards of governmental auditing with the comptroller pursuant to the Wastewater Facilities Act of 1987 or the Drinking Water Revolving Loan Fund Act of 1997. Amends 68-221-1006(a) and 68-221-1206 to provide that loans will only be made to local governments with taxing power that agree to be subject to the jurisdiction of the water and waste water financing board; and in the case of other utility districts and other entities, subject to the jurisdiction of the utility management review board.

Effective April 11, 2002.

Public Chapter 818

Senate Bill 594 House Bill 646

Authorizes the state funding board to establish rules regarding agreements and contracts facilitating the issuance and sale of debt by governmental entities established by private act, including contracts providing for liquidity and credit enhancement and reimbursement agreements relating thereto, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings, other interest hedging agreements, and agreements with the purchaser of the debt.

Effective June 27, 2002.

## **HIGHWAYS**

Public Chapter 536

Senate Bill 2325 House Bill 2261

Amends 65-11-101 to provide that any entity desiring the construction or conversion of a railroad crossing shall be responsible for all costs associated with constructing or converting such crossing in compliance with plans approved by the Department of Transportation. Also removes the limitation that prevents the Department of Transportation from permitting the construction or conversion of crossings on roads that are not designated as part of the state system of highways.

Effective March 25, 2002.

Public Chapter 622

Senate Bill 2377 House Bill 2622

Adds a new subsection to 39-14-105 to authorize the state or any county or municipality to post a sign warning about the penalty for stealing a portion of a rock or stone wall along the right-of-way of any state or local roadway located in close proximity to a stone or rock wall.

Effective July 1, 2002.

Public Chapter 740

House Bill 2916 Senate Bill 2964

Amends 55-8-107 regarding the exemption to rules of the road and traffic offenses for persons who are working on the highway. Current law allows an exemption from most motor vehicle ordinances for persons working on the "surface of the highway." Under this act, that exemption is expanded to also cover persons working on the adjacent right-of-way, provided that the driver of the motor vehicle or equipment covered by this exemption is not relieved from the duty to drive with due regard for the safety of all persons.

Effective May 8, 2002.



Public Chapter 803

House Bill 2693 Senate Bill 2399

Revises Title 55, Chapter 4, Part 4, regarding the transportation of mobile and manufactured homes and house trailers. Requires a clerk of court to give notice to the Department of Transportation of any convictions for violations of the laws regarding the transportation of these homes. Provides that local law enforcement agencies may enforce the laws covered by this part and may issue a traffic citation to a violator in lieu of arrest. Also allows enforcement by photo, video or other electronic proof of violation. Makes transporters of these homes liable for any and all damages resulting from the home or trailer striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the state. Grants immunity to the state and its political subdivisions for any and all damages resulting from a mobile home striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the state.

Pursuant to Article II, Section 18 of the Constitution of the State of Tennessee, the Governor had this bill in his possession longer than ten days, so therefore the bill becomes effective without the Governor's signature ten days after May 22, 2002.

## **LAND USE, PLANNING AND ZONING**

Public Chapter 604

Senate Bill 2135 House Bill 2351

Amends 43-26-103 to modify the rebuttable presumption that a farm or farm operation is not a public or private nuisance. Provides that the presumption may be overcome only if the person claiming the nuisance establishes by preponderance of the evidence that the farm operation does not conform to generally accepted agricultural practices or does not comply with any applicable statute or regulation administered by the Departments of Agriculture or Environment and Conservation. Also, provides that new types of farming operations carry the rebuttable presumption against being a public or private nuisance if the operations exist for one year or more before an action is initiated; but, if a new farm operation is challenged within one year, there is no rebuttable presumption.

Effective April 16, 2002.

Public Chapter 635

Senate Bill 2802, House Bill 2928

Amends Title 44, Chapter 18, regarding the regulation of feedlots, dairy farms and egg production houses, to treat houses for the production of broilers in the same manner as ones for the production of eggs for the purposes of this chapter, classifying both as poultry production houses. Amends 44-18-102 to provide that the normal operation of a poultry production house (now including broiler houses) as well as feedlots for livestock more generally and dairy farms, or litter and/or manure additive that is designed to bind soluble phosphorus in conformity with the Tennessee NCRS interim conservation practice standard will not constitute grounds for any nuisance action brought by or on behalf of a person whose date of ownership of realty is subsequent to the established date of operation of such feedlot, dairy farm or poultry production house.

Effective July 1, 2002.

Public Chapter 862

Senate Bill 2412 House Bill 2434

Amends Title 13 to require training and continuing education for planning commission members, board of zoning appeals members, full-time or contract professional planners and building commissioners and other administrative officials whose duties include advising a planning commission or board of zoning appeals. Provides that the county legislative body or bodies together with any included municipalities, in the case of a joint planning commission, shall be responsible for paying the training and continuing education course registration and travel expenses required by this act. Requires certification of completed training to the secretary of the appropriate planning commission or board of zoning appeals. Requires each planning commission or board of zoning appeals to keep records of the attendance at such training for three years after the calendar year in which the documentation is filed. Failure to complete the requisite number of hours of training and continuing education constitutes grounds for removal from the planning commission or board of zoning appeals. Allows legislative bodies of cities and counties to opt out of these requirements at any time by passage of a resolution or ordinance, as appropriate. Provides that in commissions with multiple governments, all governmental entities included in the multiple or joint planning commission must pass the resolution or ordinance to opt out.

Effective July 17, 2002.

## **LAW ENFORCEMENT**

Public Chapter 469

House Bill 561 Senate Bill 917

Enacts the Tennessee College & University Campus Sex Crimes Prevention Act of 2002. Adds language to the Sexual Offender Registration and Monitoring Act to require offenders to disclose the name and address of institutions of higher education in the state at which the offender is employed or a student. Adds police forces of institutes of higher learning to the list of law enforcement agencies participating in the Sexual Offender Registration and Monitoring Act.

Effective February 14, 2002.

Public Chapter 494

Senate Bill 2012 House Bill 2158

Adds a new section 16-3-813 to require persons seeking to be a credentialed court interpreter for spoken foreign languages to supply a fingerprint sample and submit to a criminal history records check. In addition to the fee required by 38-6-109 for the TBI, this act authorizes the sheriff or other law enforcement agency to assess a fee of up to ten dollars for costs incurred in complying with the requirement. Provides that fees related to the criminal background records check are the responsibility of the person seeking to become a credentialed court interpreter.

Effective March 19, 2002.

- Public Chapter 509      Senate Bill 2317 House Bill 2269  
Amends 55-8-183(b)(3) to provide that motorcycle escorts for funerals may be equipped with a green flashing light of a type approved by the sheriff rather than a clear flashing light of a type approved by the sheriff.  
  
Effective March 19, 2002.
- Public Chapter 591      Senate Bill 2561 House Bill 3088  
Amends 68-1-1102 to require the Department of Health to notify law enforcement association within the state of any changes in policies or procedures pertaining to sudden infant death syndrome. The associations are then to communicate such information in a timely manner to the respective law enforcement agencies for dissemination to law enforcement personnel.  
  
Effective December 31, 2003.
- Public Chapter 607      House Bill 710 Senate Bill 398  
Amends 41-21-808 regarding inmate litigation to provide that, if judgment is rendered against an inmate and includes the payment of costs, the inmate shall be required to pay the full amount of costs ordered. Directs the clerk of the court to mail a copy of the court's judgment taxing costs to the Department of Corrections or county jail where the appropriate officials are instructed to withdraw funds from the inmate's trust account and forward the collected funds to the court clerk until such time as the costs are paid in full or the inmate is released from confinement. The act provides that this is merely a supplemental method of collection and that clerks of court may still pursue any other authorized means of collection of costs. Also provides that an inmate may authorize payments to the clerk of court in addition to those payments authorized in the act.  
  
Effective April 17, 2002.
- Public Chapter 619      Senate Bill 2182 House Bill 2394  
Amends 40-7-118 to clarify that the provisions of that statute which direct an officer to issue a citation in lieu of custody to a person who committed a misdemeanor do not apply to persons charged with any misdemeanor offense for which the provisions of 55-10-207 or 55-12-139 (financial responsibility law) authorize a traffic citation in lieu of arrest, continued custody and the taking of the arrested person before a magistrate.  
  
Effective April 17, 2002.
- Public Chapter 648      Senate Bill 2374 House Bill 2393  
Amends 55-10-207 to clarify that persons cited for a violation of the financial responsibility law (55-12-139) may be given a citation and released in lieu of arrest, continued custody and taken the person before a magistrate.  
  
Effective April 24, 2002.

- Public Chapter 666      House Bill 2528 Senate Bill 2578  
Amends 36-3-617 to provide that a petitioner seeking an order of protection shall not be required to pay any costs associated with the service of the order of protection.
- Effective April 24, 2002.
- Public Chapter 709      House Bill 2430 Senate Bill 2718  
Amends 41-51-102 to provide that when an inmate is tested for bloodborne pathogens as a result of an exposure incident, disclosure of the results of the test to correctional employees or law enforcement officers that may have been exposed shall occur no later than twenty-four hours after the results are known by the proper correctional officials unless the persons cannot be reached by reasonable efforts.
- Effective July 1, 2002.
- Public Chapter 736      House Bill 2632 Senate Bill 2416  
Amends 55-16-103 to change the definition of abandoned vehicle. Shortens the time frame a vehicle must be left unattended on public property in order to be designated an “abandoned motor vehicle” from “more than thirty days” to “more than ten days.” If the vehicle is in an obvious state of disrepair, such time frame is shortened from “more than ten days” to “more than three days.”
- Effective May 8, 2002.
- Public Chapter 794      House Bill 2570 Senate Bill 2413  
Repeals § 8-21-901 (the sheriff’s fee statute) and re-writes the statute, simplifying the fee structure, eliminating population classifications, modernizing the language of the fees and providing for increases in the simplified fee structure. Combines many individual fees into major categories. Provides that, for the purpose of the service of process fee, all garnishments are considered original garnishments and the sheriff is entitled to the new fee for each garnishment served. Additional language clarifies that fees for service of process apply separately per each person served. Earmarks the revenue from the sheriff’s data processing fee for computerization of the sheriff’s office. Repeals and re-writes sections 16-15-901 through -905 to establish procedures for service of process in general sessions court. The newly enacted 16-15-901 provides that, upon the filing of civil warrants, writs and other papers, the clerk of general sessions court shall issue the required process and cause it to be delivered to such person authorized to serve process as may be designated by the person filing the papers or such person’s attorney. The person designated to serve process must be at least 18 years of age and can not be a party to the litigation. The authorization for private individuals to serve process in general sessions court applies to civil warrants, attachments or other leading process used to initiate an action in general sessions court, and subpoenas or summons. Other forms of process would still be served by the sheriff or constable. The sheriff or constable would also still serve process on those items that could be served by a private individual if no one is designated by the litigant or his or her attorney. Where private process servers are used, the act provides that a court, in its discretion, may award recovery of fees for service of process as a part of the judgment rendered in the case but such fees cannot exceed the fees authorized for sheriffs or constables. Establishes procedures

for return of process and service of process upon defendants in state and out of state. Authorizes constructive service in those cases where permitted by statute.

Effective July 1, 2002.

Public Chapter 802

House Bill 1139 Senate Bill 913

Amends 40-35-302 regarding probation services to define the term “governmental employee” as used in that statute, as meaning employees and officials of state government and its political subdivisions who are employed as law enforcement employees or officials, probation and parole employees or officials, judicial employees or officials or correctional employees or officials, including employees and officials of jails and workhouses.

Effective May 31, 2002.

Public Chapter 803

House Bill 2693 Senate Bill 2399

Revises Title 55, Chapter 4, Part 4, regarding the transportation of mobile and manufactured homes and house trailers. Requires a clerk of court to give notice to the Department of Transportation of any convictions for violations of the laws regarding the transportation of these homes. Provides that local law enforcement agencies may enforce the laws covered by this part and may issue a traffic citation to a violator in lieu of arrest. Also allows enforcement by photo, video or other electronic proof of violation.

Pursuant to Article II, Section 18 of the Constitution of the State of Tennessee, the Governor had this bill in his possession longer than ten days, so therefore the bill becomes effective without the Governor’s signature ten days after May 22, 2002.

Public Chapter 847

House Bill 2651 Senate Bill 2354

Amends 29-3-101 to authorize the seizure and forfeiture of any vehicle in which an offense for promoting or patronizing prostitution occurred upon a person’s second or subsequent conviction. The act does not allow seizure at any time prior to the conviction. The act only applies if the violations making the vehicle subject to seizure occur in Tennessee after July 1, 2002, and the second or subsequent offense after July 1, 2002, occurs within five years of the most recent offense.

Effective July 1, 2002. (Note: this law was not signed by the Governor until July 3, 2002.)

Public Chapter 849

House Bill 3232 Senate Bill 3192

Enacts the Terrorism Prevention and Response Act of 2002. Defines “act of terrorism,” creates numerous criminal offenses related to such acts and proscribes penalties for these new offenses. Prohibits price-gouging in direct response to a crime, act of terrorism, war or natural disaster. Establishes requirements for and grants authority to “Transportation Security Officers.” Enacts a new section under Title 40, Chapter 17, Part 1, to establish procedures for seeking to obtain a subpoena for the production of books, papers, records, documents, tangible things or information and data electronically stored for the purpose of establishing, investigating or gathering evidence for the prosecution of a criminal offense. Amends 10-7-504 to make records that would allow a person to identify areas of

structural or operational vulnerability of a utility service provider or otherwise permit unlawful disruption to utility service confidential. Also amends 10-7-504 to make all contingency plans of a governmental entity prepare to respond to or prevent any violent incident, bomb threat, ongoing act of violence at a school or business or public gathering, threat involving a weapon of mass destruction or terrorist incident confidential.

Effective July 4, 2002.

## **PERSONNEL**

Public Chapter 541

House Bill 565 Senate Bill 1035

Amends Title 20 to authorize an employer to petition for a temporary restraining order and injunction to prohibit further unlawful violence or threats of violence against an employee at the workplace or while the employee is acting within the scope of employment.

Effective July 1, 2002.

Public Chapter 695

Senate Bill 2414 House Bill 2276

Amends various sections of the Workers' Compensation Act to require the workers compensation advisory board to report to the legislature on the Workers Compensation Fraud Act, and report recommendations to control the growth of medical costs within the workers compensation system; to allow claims against the second injury fund to be made by either the employer or the injured worker; and to require other reports to the legislature by the council.

Effective July 1, 2002, for claims against the second injury fund and May 1, 2002, for all other purposes.

Public Chapter 833

Senate Bill 277 House Bill 786

Amends the workers compensation law at 50-6-207 to allow an employer to request periodic examination of employees who are found to be permanently totally disabled and may seek reconsideration of the issue of permanent total disability. These requests may not be made until 24 months after the determination of permanent total disability, and not more than once every 24 months thereafter. If the employee fails to submit to examination after a request is made in accordance with the act, the employee's benefits will be suspended. After an examination, the employer, the insurer or the department of labor and workforce development may request reconsideration of the issue of whether the employee continues to be permanently totally disabled, after a benefit review conference has been held. If the court does not terminate the employee's benefits, the employee may recover attorneys fees, court costs and expenses. Employees receiving permanent total disability benefits must file an annual certification with the department of labor and workforce development stating that they continue to be permanently totally disabled, are not and have not been gainfully employed since the date of the award of benefits. Permanent total disability payments cannot be commuted to a lump sum except to pay the employee's attorney fees, litigation expenses and pre-injury obligations in arrears, and the commuted portion cannot exceed the value of 100 weeks of the benefits; after the commuted portion is calculated, the remaining weekly benefit

must be recalculated to distribute the total remaining benefits in equal weekly installments over the term of the award. Amends 50-6-102(12) to add mental injuries to the definition of "injury" or "personal injury" for workers compensation purposes. Amends 50-6-102 to add a definition of "mental injury" which specifically excludes mental injuries due to loss of employment or employment opportunities.

Effective July 1, 2002, applying to injuries occurring on or after July 1, 2002.

Public Chapter 863

Senate Bill 2425 House Bill 2500

Amends several provisions concerning the Tennessee Consolidated Retirement System (TCRS). Changes from 120 days to 150 days the time within which a member must have been in service prior to death before certain death benefits apply. Specifies that "public employee retirement systems" do not include tax deferred retirement plans. Extends to certain members not separated from service the option that members separated from service have to elect to forfeit their service to establish service in another state, federal, county or municipal retirement plan. Permits the payment of benefits to the custodian of the minor child of a member who has died if the member designated the custodian pursuant to the Tennessee Uniform Transfers to Minors Act and the designation is in writing and on file with the retirement division. Limits the compensation payable to a retired member who returns to service to a maximum of 1/2 of the annual full-time salary such member received in the year immediately prior to retiring (adjusted for inflation). Requires the annual report filed with the board of trustees to reveal the number of days to be worked by the retired member and the compensation to be paid; if the member's re-employment exceeds the allowable time period, the member's monthly retirement allowance would be reduced by the greater of the following: (1) each day worked in excess results in the loss of 1/20 of the monthly retirement allowance; or (2) any compensation in excess of the limitation reduces the allowance payable by the ratio such compensation exceeds the limitation. Amends provisions related to lump sum payments to establish service credit in TCRS.

Effective July 17, 2002.

**PURCHASING**

Public Chapter 693

Senate Bill 2255 House Bill 2511

Amends the Drug-Free Workplace Act to require state and local governments to include within their bid specifications for construction services information relative to whether the local government has a drug-free workplace program, and if so, a description of the program, as well as a statement requiring bidders to submit an affidavit attesting that the bidder operates a drug-free workplace program. Gives employers seven calendar days to challenge any contract entered into with the state or a local government in violation of this section by filing suit in chancery court in the county in which the contract was entered, and the trial of the matter is to be expedited over all cases on the trial docket except workers compensation cases. If no challenge is filed within seven days, objection is waived.

Effective May 1, 2002.

## RECORDS

Public Chapter 606

House Bill 3199 Senate Bill 3157

Amends 10-7-401 to allow the designee of the county clerk to serve on the county public records commission in lieu of the county clerk.

Effective July 1, 2002.

Public Chapter 621

Senate Bill 2267 House Bill 2334

Enacts the Educational Records as Evidence Act. Establishes procedures governing the production of subpoenaed student educational records. Provides that it is sufficient to comply with a subpoena requesting educational records for the custodian of the records to furnish a true and correct copy of the records within five days of the subpoena in cases where the school is neither a party to the action nor the place where any cause of action is alleged to have arisen. The act requires that the records be enclosed in a separate sealed inner envelope and addressed to the appropriate court clerk, deposition officer or party. The envelope remains sealed until opened at trial or other appropriate time in the presence of all required parties. Prior to the opening of the envelope, the act requires that the judge or presiding individual first determine that either: (1) the records have been subpoenaed at the instance of an involved student, parent, or the student or parent's counsel; (2) the involved student or parent has consented and waived confidentiality; or (3) the records have been subpoenaed in a criminal proceeding. The act also directs the custodian to provide the records to the requesting attorney if such subpoena conspicuously states that the records are required in a tort action or domestic relations proceeding in which the student's education is an issue and directs the custodian's attendance at a deposition. This act does not require the attorney issuing the subpoena to make any determinations prior to opening the sealed records if copies are provided to the adverse party. The act requires the custodian of records to submit an affidavit with a copy of the records certifying the authenticity of the records, providing that the records were prepared by the personnel of the school or persons acting under their control and certifying the reasonable charges of the school for furnishing such copies. The act provides that the furnished copies and the affidavit of the custodian of the records are admissible into evidence as though the original records were produced and the custodian were present to testify. Multiple affidavits may be filed where more than one person has knowledge of the facts. The act requires a subpoena to contain a clause stating that a copy of the records and an affidavit are not sufficient if the original school records or the personal attendance of the custodian of records is required. Where original records are introduced, the act permits the substitution of copies thereof and the return of the original records after their introduction. Charges for copies and production of the records are allowed as a court cost.

Effective April 17, 2002.



Public Chapter 769      Senate Bill 2580 House Bill 2525  
Amends 10-7-504 by adding a new subdivision to provide that in an order of protection case, any document required for filing, other than the forms promulgated by the supreme court pursuant to 36-3-604(b), shall be treated as confidential and kept under seal except that the clerk may transmit any such document to the TBI, 911 or emergency response agency or other law enforcement agency.

Effective July 1, 2002, and applicable to all orders of protection filed on or after that date.

Public Chapter 819      House Bill 1210 Senate Bill 1304  
Amends 10-7-504 to provide that the private records of any utility shall be treated as confidential and shall not be open for public inspection. Defines “private records” as credit card numbers, social security numbers, tax identification numbers, financial institution account numbers, burglar alarm codes, security codes and access codes. Provides that information made confidential by this act shall be redacted wherever possible and nothing in this act shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information. Requires the entity requesting the records to pay all reasonable costs of redacting the materials.

Effective June 27, 2002.

## **REGISTERS OF DEEDS**

Public Chapter 735      Senate Bill 2353 House 2580  
Amends sections in Titles 26, 30, 31, 32, 33, 35, and 66 regarding transfers into trust, the administration of estates, power of appointment exercisable by will, probate of wills, transfers to defeat elective shares, removal of fiduciaries, records of adjudication of competence and recording of wills. Amends 66-24-101(16) regarding writings eligible for recording in the register’s office to clarify that wills devising lands in Tennessee or certified copies thereof may be recorded only if duly admitted to probate in Tennessee and the will is presented for recording together with copies of related probate orders.

Effective May 8, 2002.

## **SOLID WASTE**

Public Chapter 720      Senate Bill 2878 House Bill 2776  
Amends 68-211-835(d) to remove transfer stations as a point for the collection of the state surcharge for the disposal of municipal type solid waste, leaving Class I solid waste disposal facilities (landfills) or incinerators as points for the collection of the state surcharge.

Effective July 1, 2002.

## TAXES

- Public Chapter 678      Senate Bill 3039 House Bill 3014  
Amends 67-4-409(b) regarding the privilege tax on the recording of instruments evidencing and indebtedness, the so-called "mortgage" tax. Provides that no evidence of calculation or statement thereof is required in addition to the statement "maximum principal indebtedness for Tennessee recording tax purposes is \$ \_\_\_\_\_" when tax is apportioned by formula because collateral securing the debt is located both within and outside of Tennessee. The tax is calculated according to the value of the collateral located in Tennessee as a percentage of the total value of the collateral securing the debt in the document being recorded.
- Effective April 24, 2002.
- Public Chapter 708      Senate Bill 2183 House Bill 2283  
Amends the sales and use tax law at 67-6-102(29) regarding the definition of tangible personal property which is subject to the sales and use tax to exclude signals broadcast over the airwaves.
- Effective May 1, 2002.
- Public Chapter 718      Senate Bill 2514 House Bill 2506  
Amends 67-4-1425 and 67-4-503 regarding hotel/motel occupancy taxes levied by private act to provide that the provisions of 67-4-1425 and 67-4-503 do not apply to any city which has constructed a qualifying project or projects under the Convention Center and Tourism Development Financing Act. Therefore, a private act levying a tax for such a city is not limited by any private act enacted earlier levying a county hotel/motel occupancy tax.
- Effective approximately May 2, 2002.
- Public Chapter 775      House Bill 1201 Senate Bill 1439  
Amends 67-4-803 regarding the tax on bail bonds collected by bail bondsmen to provide that the tax shall not be construed to be a separate tax on each charge arising from incidents in a single course of conduct and the same criminal episode. For the purposes of the tax, bonds related to such incidents shall be construed as a single bail bond.
- Effective May 22, 2002.
- Public Chapter 856      Senate Bill 3110 House Bill 3046  
Raises "sin" taxes on alcoholic beverages, beer and tobacco. Creates a new "Coin-Operated Amusement Machine Tax" collected by the commissioner of revenue from the owner of these machines. No money from the amusement machine tax is allocated to local governments. Prohibits local governments from levying any additional tax on these machines. Raises the state corporate excise tax rate from 6 to 6.5%. Also makes some changes in how depreciation can be deducted from the excise tax. Raises the state sales tax to 7% except on non-prepared food, as defined by the act, which remains at 6%. Levies an additional 2.75% state sales tax

on the cost of a purchase of a single article from \$1,600 to \$3,200. Expands the sales tax base to cover items sold through a vending machine. Increases the professional privilege tax from \$200 to \$400 a year while exempting full time state professional employees from the entire amount of the tax. Increases registration fees for buses, commercial motor vehicles, private carriers, freight motor vehicles, farm motor vehicles, etc. The revenues generated by the increases in rates go to the state general fund. Increases the schedules for business taxes with 100% of the revenue generated by the increase allocated to the state general fund. Repeals language authorizing local governments to reduce business tax rates below the tables establish in the state law. Establishes an "independent" study committee to examine Tennessee's tax structure and report to the General Assembly by 2004 with a representative of county governments on the 15 member commission to be named by the Lieutenant Governor after consulting with TCSA.

Effective July 15, 2002, regarding the increase in "sin" taxes, the changes to the excise tax, the increases in the state sales tax, the expansion of the sales tax base and the professional privilege tax. Effective September 1, 2002, regarding the "Coin-Operated Amusement Machine Tax" and the increases in the business tax schedules. Effective October 1, 2002, regarding the increases in commercial motor vehicle registration fees. Effective July 4, 2002, for all remaining sections of the act.

## **TAXES - PROPERTY**

Public Chapter 632

Senate Bill 3095 House Bill 3147

Amends the Agricultural, Forest and Open Space Land Act of 1976 (Greenbelt Law) at 67-5-1004 and 67-5-1008. Amends the definition of "agricultural land" eligible for "greenbelt" treatment to require any non-contiguous tracts of at least 15 and 10 acres respectively constituting a farm unit to be in the same county. This change does not apply to properties for which the agricultural classification was approved prior to the effective date of this act until there has been a sale of the property or change to a non-qualifying use.

Provides that in determining the rollback taxes due when land ceases to qualify for "greenbelt" treatment or is otherwise withdrawn and the tax rate for the most recent year of rollback taxes is not yet available, the assessor will calculate the amount of taxes saved for the most recent year by using the last made assessment and rate fixed according to law, and the trustee will accept tender of the amount determined to be owing.

Amends the notice procedure for rollback taxes so that when the assessor becomes aware that property is no longer eligible for "greenbelt" classification, the assessor will give written notice to the trustee that rollback taxes are payable and identify the person the assessor finds personally responsible for payment. The trustee then prepares and sends a tax notice for the rollback taxes. Also provides that the assessor may void the rollback assessment if it is determined that the assessment has been imposed in error, except that there will be no refund of rollback taxes that have been collected at the request of the buyer or seller at the time of sale.

Also provides that rollback taxes are not due when there is a temporary transfer of “greenbelt” property to a trustee in bankruptcy.

Effective January 1, 2003.

Public Chapter 664

Senate Bill 2419 House Bill 2451

Adds a new section 67-5-2011 to provide that no property tax owned by a person in the armed forces of the United States, or called to active military service of the United States from a reserve or national guard unit, shall be due until 90 days following the conclusion of hostilities in which such person is actually engaged outside the United States or 90 days after such person is transferred from the theater of operations of such hostilities, whichever is sooner. This section expressly applies to personnel stationed outside the United States during Operation Enduring Freedom.

Effective July 1, 2002.

Public Chapter 680

Senate Bill 3130 House Bill 3146

Amends 67-1-904 to provide that suits to recover ad valorem taxes wrongfully collected by a city or county must be tried in the county wherein the taxes are collected.

Effective April 24, 2002.

Public Chapter 687

Senate Bill 1601 House Bill 1724

Amends 67-5-212 regarding property tax exemptions for religious, charitable, scientific and educational institutions to provide that regardless of the date of application for an exemption, the exemption will take effect up to 24 months earlier than the date of application, where the application was submitted due to relocation by the applicant of a use previously approved for exemption, or where denial of the application was the subject of a pending chancery court appeal on the effective date of the act. This provision expires on July 1, 2002.

The General Assembly finds that public television broadcasting serves a valid educational purpose so long as the broadcaster holds a non-commercial educational broadcast license from the Federal Communications Commission. Property owned by a public television station which is an affiliate of the public broadcasting network and holds the license as a transferee of a license formerly held by a public school board of a county with a metropolitan form of government is exempt from property taxation to the extent the property is used consistently with the license.

Effective May 1, 2002.

Public Chapter 699

Senate Bill 2893 House Bill 3131

Amends 67-5-704 regarding the qualifications of disabled veterans for property tax relief to qualify persons with service related legal blindness rather than total blindness. Also, makes the determination of the United States Veterans' Administration concerning the disability status of a veteran conclusive for purpose of qualification for property tax relief.

Effective May 1, 2002.

Public Chapter 704

Senate Bill 3038 House Bill 3010

Amends 67-5-207 to modify the qualifications for property tax exemption of low cost housing for elderly persons to make property of Tennessee nonprofit corporations which is used for *permanent* housing for low income persons with disabilities exempt so long as it is financed by a grant under the either the National Affordable Housing Act or the McKinney-Vento Homeless Assistance Act (new) or by a loan from various designated agencies. Also exempts, subject to the general requirements of 67-5-207 for federally assisted housing, the property of not-for-profit organizations funded under the HOME Investment Partnerships Program as well as the former HOUSE Program for special needs. These changes are not to be construed to preclude the application of 67-5-212 exemptions for transitional or temporary housing that qualifies as a charitable use of property under that section.

Effective May 1, 2002.

Public Chapter 751

Senate Bill 2577 House Bill 2227

Amends 67-5-704(b)(2) regarding property tax reimbursement on residences of disabled veterans. Reduces the time from 5 months to 30 days that a veteran with 100% total disability as a result of being a prisoner of war must have been held to be classified as a disabled veteran for property tax relief purposes.

Effective May 14, 2002.

Public Chapter 752

Senate Bill 2857 House Bill 2869

Amends 67-1-1005 by providing that only the assessor of property may initiate a back assessment or reassessment of property. Upon initiating a back assessment or reassessment, the assessor must certify certain information to the trustee or other collecting official and send a copy to the owner or taxpayer. The assessor must identify property and state the basis of the back assessment or reassessment and the tax years and amount of any additional assessment for which the owner or taxpayer is responsible. The collecting official must then send a notice of taxes due. Any person aggrieved by a back assessment or reassessment may appeal directly to the state board of equalization within 60 days from the date a copy of the certification is sent to the taxpayer. Accrual of delinquency penalty and interest otherwise applicable is suspended while the appeal is pending, but during this period, simple interest shall accrue in accordance with 67-5-1512. Deletes special provisions regarding back assessments and reassessments of property that applied only to Shelby County.

Effective January 1, 2003.

Public Chapter 815

Senate Bill 2282 House Bill 2672

Amends 13-30-104 to provide that, the county legislative body or city council, except in Davidson County, may delegate to a housing authority created by such county or city the authority to negotiate and accept payments in lieu of ad valorem taxes from the housing authority's lessees operating low-income housing tax credit property upon a finding by the county legislative body that such payments are deemed in furtherance of the housing authority's public purpose. The housing authority must

submit each such agreement to the county or city legislative body of all affected taxing jurisdictions for approval.

Effective June 21, 2002.

Public Chapter 877

Senate Bill 2457 House Bill 2200

Amends Title 67, Chapter 5, Part 2 to provide a property tax exemption for real and personal property owned and used by a federal tax exempt organization (26 U.S.C. § 501(c)(3)) as a museum if the property is within the corporate limits of a municipality, the exempt organization actually operates the museum, the board members of the organization receive no compensation and the museum displays local, regional and state crafts and items of historical interest. Any owner claiming an exemption under this provision must file an application with the State Board of Equalization in the same manner as a religious, charitable, scientific or educational institution pursuant to section 67-5-212.

Effective July 1, 2002.

## **TAXES - SALES**

Public Chapter 719

Senate Bill 2812 House Bill 3013

Amends definitions and statutes related to state sales tax on charges for mobile telecommunication services to make such services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Specifies that local sales taxes on intrastate telecommunications services which are subject to the state tax are imposed at a uniform rate of 2.5%. Provides a formula for the distribution of such revenues.

Effective April 2002, without the signature of the Governor.





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

### **ANDERSON**

Public Chapter 864

Senate Bill 2524 House Bill 2642

Amends 11-14-401 to permit the purchase of lands located in Morgan, Scott, Anderson and Campbell counties known as the “International Paper Company Properties” by the Wildlife Resources Agency with revenue from the wetlands acquisition fund. The executive director of the agency is encouraged by the act to address concerns expressed by the Anderson County Commission in a resolution from May, 2002, that suggested maximizing the benefits of such property to reach the largest number of users through more inclusive programs.

Effective July 17, 2002.

### **BLOUNT**

Public Chapter 572

Senate Bill 2421 House Bill 2419

Enacts a new 6-58-116 to provide that the property of an airport with regularly scheduled commercial passenger which is located in a county other than the county where the creating municipality is located is in an annexation-free zone unless the legislative body of the creating municipality approves the annexation by resolution. (Affects the Knoxville Airport.)

Effective April 2002, without the Governor’s signature.

### **CAMPBELL**

Public Chapter 864

Senate Bill 2524 House Bill 2642

Amends 11-14-401 to permit the purchase of lands located in Morgan, Scott, Anderson and Campbell counties known as the “International Paper Company Properties” by the Wildlife Resources Agency with revenue from the wetlands acquisition fund. The executive director of the agency is encouraged by the act to address concerns expressed by the Anderson County Commission in a resolution from May, 2002, that suggested maximizing the benefits of such property to reach the largest number of users through more inclusive programs.

Effective July 17, 2002.

### **COFFEE**

Public Chapter 661

House Bill 2118 Senate Bill 2643

Amends 57-4-102(10) to add to the definition of “convention center” for the purpose of sale of alcoholic beverages, a 1,300 square foot facility owned by a public building authority located at the intersection of Interstate 24 and Highway 41 with a full kitchen.

Effective April 24, 2002.

## **DAVIDSON**

Public Chapter 571      Senate Bill 2041 House Bill 2224  
Amends Chapter 320 of the Public Acts of 1999 regarding the tourist accommodation tax to make permanent the additional 1% tax levied in 1999 that was set to expire on June 30, 2002.

Effective April 9, 2002, without the Governor's signature.

Public Chapter 667      House Bill 2618 Senate Bill 2744  
Amends Public Acts of 1993, Chapter 212, relative to an environmental court in Davidson County to provide that the judge of the environmental court may appoint one or more referees, who are licensed to practice law, to serve at the pleasure of the judge. The compensation of the referee shall be fixed by the judge, subject to approval of the metro council. The judge may direct any case over which the environmental court has jurisdiction to be heard in the first instance by the referee. Any party may, within five days after a case is heard by a referee, file a request for a hearing by the judge. Unless the judge orders otherwise, the recommendation of the referee shall be the decree of the court pending a rehearing.

Effective April 24, 2002.

Public Chapter 846      House Bill 2613 Senate Bill 2753  
Enacts 62-35-140 to provide that if a full-time sworn police officer is providing security, traffic, crowd control or other duties in a jurisdiction other than the officer's primary jurisdiction, then the chief law enforcement officer of the jurisdiction where the officer is performing those services must be notified of the time and place of the officer's work assignment by the employer of the officer within five days prior to the first date of service. The officer's clothing must have an insignia and markings clearly designating the person as a "Private Duty Law Enforcement Officer" as designed by the POST commission. Applies to officers working in Davidson and Rutherford Counties.

Effective July 1, 2002. (Note: this law was not signed by the Governor until July 3, 2002.)

## **FRANKLIN**

Public Chapter 772      Senate Bill 2778 House Bill 2465  
Amends 62-6-102 to remove Franklin County (identified by narrow population class) from the list of counties where a person undertaking in one's county of residence solely to construct residences or dwellings on private property for the purpose of resale is not defined as a contractor so as to require a contractor's license. Hereafter, such builders will be deemed contractors and will be required to have a license.

Effective May 22, 2002.

## **HAMILTON**

Public Chapter 515      Senate Bill 2515 House Bill 2541  
Amends 40-4-121(a) relative to the jurisdiction of the general sessions court in Knox County to revise the census figures so that Hamilton County does not grow into the classification by virtue of the 2000 census.

Effective March 19, 2002.

Public Chapter 562      Senate Bill 2352 House Bill 2441  
Amends 42-4-105(a)(1)(D), regarding any metropolitan airport authority located in Hamilton County to reduce the number of members on the board of commissioners who govern the authority from eleven to nine, to be appointed by the executive officer of the creating city or county and approved by the governing body of the creating entity. Removes previous requirement that at least three members shall be nonresidents of the creating city or county. Members are to be appointed for terms of three years, but the first appointments shall be for terms of one, two and three years so as to create staggered terms. In order to facilitate the transition, the chief executive of the creating municipality may dissolve the existing board and appoint a new board.

Effective April 3, 2002.

Public Chapter 789      Senate Bill 2355 House Bill 2652  
Amends 55-10-403 to provide that in Hamilton County, the court shall assess against the defendant a blood alcohol concentration test upon conviction for DUI or DWI offenses. The fee is established by the county legislative body in an amount not to exceed fifty dollars. The fee is only assessed if a blood sample is actually taken from a defendant and tested.

Effective July 1, 2002.

## **JEFFERSON**

Public Chapter 838      Senate Bill 2364 House Bill 3003  
Amends 7-82-307(b)(1) to provide that the selection of successor members of boards of commissioners of utility districts in Jefferson County will be according to 7-82-307(a). Under this method, successors are selected by the county executive from a list of three nominees provided by the remaining members of the utility district's board of commissioners.

Effective July 3, 2002.

## **KNOX**

Public Chapter 507      Senate Bill 2276 House Bill 2497  
Amends 39-17-1703 to authorize the Knox County legislative body to establish a curfew identical to that which a municipality has previously adopted by ordinance.

Effective March 19, 2002.

Public Chapter 684 Senate Bill 2423 House Bill 3105  
Amends 67-5-2410(a)(1)(B) to authorize Knox County (identified by narrow population class) or any municipality in Knox County to impose a penalty of 20% upon all delinquent land taxes instead of the standard 10%, which penalty is devoted to the expense of prosecuting such lawsuits.

Effective upon approval by 2/3 vote of the county legislative body for delinquent county land taxes, and upon approval by 2/3 vote of any applicable municipal legislative body for delinquent municipal land taxes.

Public Chapter 832 Senate Bill 272 House Bill 451  
Amends 57-4-102(4) to include within the definition of “club” for purposes of the sale of alcoholic beverages, a private club which does not discriminate on the basis of race, religion or national origin, and is located within 3 miles of a municipal golf course in Knox County, with at least 300 members and a kitchen and dining area seating at least 75 people in a building having at least 1800 square feet.

Effective July 3, 2002.

## **LOUDON**

Public Chapter 679 House Bill 3037 Senate Bill 2913  
Amends 57-4-102(17) to change the definition of “premiere-type tourist resort” for the purpose of sale of alcoholic beverages, to include a facility within a subdivision having between 400 and 525 acres with an 18-hole golf course, a 60,000 gallon swimming pool, tennis courts, and a 5,000 square foot clubhouse with a restaurant seating at least 40 people, having been in operation for at least four years prior to licensing. Also extends the definition to include any entity granted a franchise for operating a restaurant or food and beverage services on the premises of a premier-type tourist resort.

Effective April 24, 2002.

## **MONROE**

Public Chapter 676 House Bill 2940 Senate Bill 3050  
Amends 57-4-102(17) to change the definition of “premiere-type tourist resort” for the purpose of sale of alcoholic beverages, to include a resort with a restaurant with a seating capacity of 280 including outside dining service and serving 75,000 patrons per year, located adjacent to the Cherokee National Forest along the Tellico River, operating nine cabins and a river walk with an open air chapel and pavilion.

Effective April 4, 2002.

## **MORGAN**

Public Chapter 864 Senate Bill 2524 House Bill 2642  
Amends 11-14-401 to permit the purchase of lands located in Morgan, Scott, Anderson and Campbell counties known as the “International Paper Company Properties” by the Wildlife Resources Agency with revenue from the wetlands acquisition fund. The executive director of the agency is encouraged by the act to address concerns expressed by the Anderson County Commission in a resolution from May, 2002, that suggested maximizing the benefits of such property to reach the largest number of users through more inclusive programs.

Effective July 17, 2002.

## **RUTHERFORD**

Public Chapter 846 House Bill 2613 Senate Bill 2753  
Enacts 62-35-140 to provide that if a full-time sworn police officer is providing security, traffic, crowd control or other duties in a jurisdiction other than the officer’s primary jurisdiction, then the chief law enforcement officer of the jurisdiction where the officer is performing those services must be notified of the time and place of the officer’s work assignment by the employer of the officer within five days prior to the first date of service. The officer’s clothing must have an insignia and markings clearly designating the person as a “Private Duty Law Enforcement Officer” as designed by the POST commission. Applies to officers working in Davidson and Rutherford Counties.

Effective July 1, 2002. (Note: this law was not signed by the Governor until July 3, 2002.)

## **SCOTT**

Public Chapter 864 Senate Bill 2524 House Bill 2642  
Amends 11-14-401 to permit the purchase of lands located in Morgan, Scott, Anderson and Campbell counties known as the “International Paper Company Properties” by the Wildlife Resources Agency with revenue from the wetlands acquisition fund. The executive director of the agency is encouraged by the act to address concerns expressed by the Anderson County Commission in a resolution from May, 2002, that suggested maximizing the benefits of such property to reach the largest number of users through more inclusive programs.

Effective July 17, 2002.

## **SHELBY**

Public Chapter 492 Senate Bill 2274 House Bill 2341  
Amends 67-4-1907 regarding the additional rental car tax by a county or city or sports authority located therein with bonded indebtedness to modify or construct an arena for a National Basketball Association team. Grants the county clerk authority to collect penalties and interest on delinquent tax payments. Requires that tax revenue under this act received by the county be transferred not less than monthly to a fund of the sports authority. Amounts received in excess of obligations for the

year are to be held in a fund and applied to future costs of the sports authority. After the bonded indebtedness and related costs are paid, then the total revenue shall be applied as provided under the existing subsection (d) of 67-4-1907 and the tax shall terminate at the time specified in the existing subsection (f). Provides that the bonded indebtedness of the sports authority shall be considered paid in full whenever the bonded indebtedness obligation to the holders of such obligation shall have been satisfied in full even though such obligation may have been paid in part from sources other than the revenue of this tax.

Effective upon approval by 2/3 vote of the county legislative body before January 1, 2003.

Public Chapter 609

House Bill 1537 Senate Bill 1802

Enacts Title 49, Chapter 6, Part 81, to require the state department of education to establish a pilot neighborhood school program in Shelby County, to continue for no more than three years.

Effective April 17, 2002.

Public Chapter 647

Senate Bill 2327 House Bill 3079

Amends 57-4-102(32) to add to the definition of "motor speedway," for purposes of serving alcoholic beverages, a motor sports facility in Shelby County with a 3/4 mile oval track and seating capacity of 16,000 and a 1/4 mile drag strip with a seating capacity of 12,000.

Effective April 24, 2002.

Public Chapter 648

Senate Bill 2374 House Bill 2393

Amends 55-12-139 to provide that in Shelby County police service technicians are authorized to issue traffic citations in lieu of arrest for violation of the financial responsibility law.

Effective April 24, 2002.

Public Chapter 712

Senate Bill 2367 House Bill 2920

Amends 7-53-305 to provide that in Shelby County an industrial development corporation may not negotiate any payment under an in lieu of tax agreement for less than the county ad valorem taxes otherwise due unless the industrial development corporation is a joint corporation organized by the county and one or more municipalities therein and the industrial development corporation has entered into an inter-local agreement with the county in regard to payments in lieu of ad valorem taxes or the industrial development corporation has received written approval from the chief executive and the legislative body of the county regarding payments in lieu of ad valorem taxes.

Effective May 1, 2002.

Public Chapter 873

House Bill 2425 Senate Bill 2735

Amends 36-5-1001 to provide that any new requests for appeals and reviews of any Title IV-D child support administrative actions of the Department of Human Services made either to the juvenile court in Shelby County or to the department after the effective date of this act shall be under the jurisdiction of the department.

Effective September 1, 2002.

## **SULLIVAN**

Public Chapter 590

Senate Bill 2527 House Bill 2241

Amends 62-35-103 relative to private protective services to exempt special police officers appointed by a chief of police or by the sheriff in Sullivan County from the Private Protective Services Licensing and Regulatory Act. The special police officers so appointed must have qualifications equivalent to or superior to those required by the Peace Officer Standards and Training Commission for law enforcement officers.

Effective April 9, 2002.

## **SUMNER**

Public Chapter 848

Senate Bill 3112 House Bill 2996

Amends 7-82-307 to provide that a utility district in Sumner and Trousdale County that has not less than 3000 taps approximately 350 miles of water lines will be governed by a five member board. Provides that a vacancy on the board of commissioners of this utility district shall be filled by a vote of the customers of the utility district at the first regular meeting of the district's board of commissioners that occurs more than forty days after the vacancy occurs. Only customers are eligible for membership on this board.

Effective July 3, 2002.

## **TROUSDALE**

Public Chapter 848

Senate Bill 3112 House Bill 2996

Amends 7-82-307 to provide that a utility district in Sumner and Trousdale County that has not less than 3000 taps approximately 350 miles of water lines will be governed by a five member board. Provides that a vacancy on the board of commissioners of this utility district shall be filled by a vote of the customers of the utility district at the first regular meeting of the district's board of commissioners that occurs more than forty days after the vacancy occurs. Only customers are eligible for membership on this board.

Effective July 3, 2002.



## **WILSON**

Public Chapter 705

Senate Bill 3125 House Bill 2320

Amends 57-4-102(32)(B) to change the definition of “motor speedway” for the purpose of sale of alcoholic beverages, to delete the reference to future construction plans for the paved short track, oval dirt track and drag strip at the race track in Wilson County and to lower the acreage from 3,100 to at least 500 acres.

Effective May 1, 2002.

## **PART III – PRIVATE ACTS**

### **ANDERSON**

Private Chapter 101      House Bill 3239 Senate Bill 3187  
Repeals Private Acts of 1988, Chapter 209, and provides for eight school districts identical to the county legislative body districts in Anderson County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

Effective on September 1, 2002, upon approval by 2/3 vote of the county legislative body.

### **BENTON**

Private Chapter 87      House Bill 2775 Senate Bill 3145  
Repeals Private Acts of 1953, Chapter 117, and provides for six school districts coextensive with the county legislative body districts in Benton County, with two school board members (Seat A and Seat B) being elected from each district to staggered four year terms, with transition provisions.

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

### **BLEDSON**

Private Chapter 156      Senate Bill 3233 House Bill 3280  
Repeals Private Acts of 1907, Chapter 367, as amended, and Private Acts of 1911, Chapter 92, as amended, to remove obsolete provisions relating to the former office of County Judge in Bledsoe County.

Effective June 11, 2002.

### **BRADLEY**

Private Chapter 163      House Bill 3278 Senate Bill 3232  
Repeals Private Acts of 1959, Chapter 324, as amended, and creates seven school districts coextensive with the county commission districts in Bradley County, with one member elected from each district to staggered four-year terms, with transition provisions.

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

### **CARROLL**

Private Chapter 143      Senate Bill 3220 House Bill 3263  
Amends Private Acts of 1981, Chapter 109, as amended, by increasing the property tax rate for the West Carroll Special School District from \$1.00 to \$1.75 per \$100 of assessed valuation of the property with the district.

Effective June 10, 2002.

Private Chapter 157

Senate Bill 3226 House Bill 3269

Amends Private Acts of 1917, Chapter 533, as amended, to increase the property tax rate levied for the McKenzie Special School District from \$1.30 to \$2.00 per \$100 of assessed valuation of the property with the district.

Effective June 21, 2002.

## **CARTER**

Private Chapter 76

House Bill 2190 Senate Bill 2191

Repeals Private Acts of 1994, Chapter 117, and provides for eight school districts identical to the county legislative body districts in Carter County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **CHESTER**

Private Chapter 123

Senate Bill 3206 House Bill 3220

Amends Private Acts of 1968, Chapter 353, regarding the county attorney. Abolishes the office of county attorney at the end of the term of the incumbent. Provides that the county attorney will be an employee of the county appointed by the county executive subject to confirmation by the county legislative body. The county attorney will receive a salary to be set annually by resolution of the county legislative body prior to the adoption of the county's annual budget. Provides that the county attorney will transact all legal business of the county and advise the county executive, county legislative body and county officers respecting their official duties and prepare resolutions for the county legislative body. The county attorney will represent Chester County in litigation when not prevented from doing so because of a conflict of interest or other valid reason, but the annual salary will not be considered compensation for representing the county in litigation. For litigation and other services beyond those specified as part of the regular duties, the county attorney will be compensated at an hourly rate established by resolution of the county legislative body together with reasonable expenses. The county attorney may engage in private practice of law so long as his or her duties as county attorney are not impaired by such practice.

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

Private Chapter 124

Senate Bill 3209 House Bill 3221

Repeals sections of the Private Acts of 1983, Chapter 75, which established a budget committee for Chester County.

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

Private Chapter 125 Senate Bill 3208 House Bill 3222  
Amends Private Acts of 1951, Chapter 68, as amended, regarding the county road supervisor and county highway system of Chester County to remove provisions in conflict with the County Uniform Highway Law and to clarify that the county road supervisor shall serve as purchasing agent for the county highway department.

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

Private Chapter 126 Senate Bill 3207 House Bill 3223  
Repeals Private Acts of 1917, Chapter 277, an act to regulate ownership and operation of pool and billiard rooms within certain areas of Chester County.

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

Private Chapter 127 Repeals Private Acts of 1951, Chapter 67, which provided for the popular election of the county superintendent of education in Chester County.

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

Private Chapter 128 Senate Bill 3210 House Bill 3225  
Repeals Private Acts of 1949, Chapter 229, regarding the registration of conveyances in Chester County. The repealed act called for the presentation of deeds of conveyance to the county trustee for notation of information on tax records prior to recording in the register's office.

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

## **COFFEE**

Private Chapter 78 Senate Bill 2597 House Bill 2117  
Amends Private Acts of 1971, Chapter 8, as amended, to reapportion the Coffee County Highway Commission. Provides for five members to be elected from districts and for the county executive to be an ex officio member. Members are to be elected in the August 2002 general election and every four years thereafter and take office on the following September 1. The current members shall serve until their successors are elected and qualified.

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

## **DICKSON**

Private Chapter 99 Senate Bill 3154 House Bill 3031  
Reapportions the road commission of Dickson County to provide for six road commissioners to be elected one per district (which comprises two county commissioner districts). The six road commissioners are to be elected at the August 2002 general election and very two years thereafter with the term of office beginning September 1 in the year following the election.

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

Private Chapter 162

Senate Bill 3252 House Bill 3276

Amends Private Acts of 2000, Chapter 158, regarding the Dickson County Adequate Facilities Tax to provide for the collection of the tax. The tax is due at the time of issuance of a county building permit, or if the building permit is issued by the city, then prior to the issuance of the city building permit, the developer must pay the tax to the county building inspector's office who issues a certificate stating that the tax has been paid (the city is prohibited from issuing a building permit without evidence of a valid certificate), or if the city does not have a building permit system, then before beginning development, the developer is required to pay to the county building inspector's office the full amount of tax due and obtain a receipt for payment. The county is granted a lien on any real property subject to this tax and may use injunctive relief to stop and enjoin further development of the property if the tax required by this act has not been paid in full.

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

## **GIBSON**

Private Chapter 137

Senate Bill 3204 House Bill 3257

Amends Private Acts of 1975, Chapter 144, as amended, to reduce the property tax levy for the Trenton Special School District in Gibson County from \$2.07 to \$ 1.71 per \$100 of assessed value. Provides that all taxes collected by the trustee of Gibson County under this act will be paid over to the treasurer/fiscal agent of the special school district who shall segregate the amounts needed to pay expenses other than debt service on bonds into an administrative fund. No part of the administrative fund may be disbursed except upon order of the board of trustees of the special school district. No funds of the district shall be disbursed except by check or voucher signed by the treasurer/fiscal agent and countersigned by the superintendent of the district.

Effective May 1, 2002.

Private Chapter 141

Amends Private Acts of 1953, Chapter 192, as amended, regarding the Gibson County Utility District. Provides that the utility district will be governed by a board of commissioners elected by the people of the district at the county general elections in 2002 and every two years thereafter. The commissioners shall be elected from all of the voting precincts of Gibson County, with the exception of the area served by the municipal utility department of the City of Humboldt. The county legislative body of Gibson County will periodically prescribe and apportion districts for the election of board members. Individuals may run for the utility board from the district in which they reside or own property. The terms of the board members will be staggered with districts 1, 3 and 5 electing members for four years, while districts 2 and 4 will elect members for two years to take office September 1, 2002. Thereafter, board members will be elected to four year terms. The board members taking office on September 1, 2002 shall serve no more than two full four year terms in addition to any term of less than four years. Vacancies will be filled by appointment of the county executive subject to the approval of the county legislative body.

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

## **GRUNDY**

Private Chapter 88      House Bill 2817 Senate Bill 2850  
Repeals Private Acts of 1983, Chapter 141, and provides for three school districts coextensive with the county legislative body districts in Grundy County, with three school board members being elected from each district to staggered four year terms, with transition provisions.

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

## **HAMBLEN**

Private Chapter 155      House Bill 3279 Senate Bill 3234  
Enacts a hotel/motel tax in Hamblen County at the rate of 5%, with the proceeds to be used for the operation and maintenance of Cherokee Park. The tax is collected by the county clerk.

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

## **HAWKINS**

Private Chapter 89      House Bill 3207 Senate Bill 3161  
Amends Private Acts of 1939, Chapter 129, as amended, to delete the entire act and provide for a seven member school board with one board member being elected from each of the county legislative body districts in Hawkins County to staggered four year terms, with transition provisions.

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

Private Chapter 121      House Bill 3245 Senate Bill 3200  
The same as Private Chapter 89 above, but with different transition provisions.

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

## **HAYWOOD**

Private Chapter 171      House Bill 3296 Senate Bill 3243  
Repeals Private Acts of 1990, Chapter 192, and makes the judge of the general sessions court a full-time position effective September 1, 2006, with the annual salary being equal to the amount received annually by state court judges.

Effective upon becoming a law for local approval purposes; otherwise effective September 1, 2006.

## **HENRY**

Private Chapter 106      House Bill 3227 Senate Bill 3173  
Repeals Private Acts of 1995, Chapter 56, as amended, and provides for five school districts of substantially equal population established by resolution of the county legislative body, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

Private Chapter 107      House Bill 3228 Senate Bill 3171  
Amends the Private Acts of 1972, Chapter 326, to reapportion the Henry County Road Commission in accordance with the 2000 federal census. Reduces the number of members of the highway commission from seven to six with five elected from road districts established by the county legislative body and one elected from the county at-large. Provides for procedures to transition the membership of the board and maintain staggered terms.

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

## **HICKMAN**

Private Chapter 85      Senate Bill 2902 House Bill 2704  
Amends Private Acts of 1947, Chapter 38, as amended, to reapportion the Board of Highway Commissioners of Hickman County and provide that a vacancy in the office of road superintendent shall be filled according to general law. However, the Board of Highway Commissioners may appoint a temporary successor to perform the duties of road superintendent until the vacancy has been filled. Provides for seven highway zones coextensive with county legislative body districts. Board members are to be elected, one per district, in the August 2002 general election and every four years thereafter. Terms begin on September 1 in the year following election.

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

Private Chapter 108      House Bill 3229 Senate Bill 3179  
Repeals Private Acts of 1992, Chapter 234, as amended, and provides for seven school districts coextensive with the county legislative body districts in Hickman County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **JOHNSON**

Private Chapter 115      House Bill 3242 Senate Bill 3184  
Amends Private Acts of 1949, Chapter 183, as amended, to provide for three school districts composed of county legislative body districts, with one member being elected from district 1 and two members being elected from each of districts 2 and 3.

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

## **LAKE**

Private Chapter 105

Senate Bill 3172 House Bill 3218

Amends Private Acts of 1980, Chapter 262, as amended, to reapportion the highway commission of Lake County. Changes the number of members from five to six beginning on September 1, 2004. Creates two road commission districts each composed of two county commissioner districts with three board members elected from each district. Existing board members continue to serve the remainder of their respective terms to which they were elected. Three board members will be elected in August 2004 from each of the two new districts. The three candidates receiving the greatest number of votes will be elected and take office on September 1 following their election to serve terms of four years and until their successors are elected and qualified.

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

Private Chapter 119

House Bill 3219 Senate Bill 3174

Repeals Private Acts of 1992, Chapter 182, and provides for four school districts coextensive with the county legislative body districts in Lake County, with two school board members being elected from each district to staggered four year terms, with transition provisions.

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

## **LAUDERDALE**

Private Chapter 79

House Bill 2130 Senate Bill 2408

Repeals Private Acts of 1982, Chapter 211, and provides for eight school districts identical to the county legislative body districts in Lauderdale County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **LOUDON**

Private Chapter 122

Senate Bill 3197 House Bill 3253

Repeals Private Acts of 1979, Chapter 172, and provides for ten school districts to be established by resolution of the county legislative body with one board member being elected from each district to staggered four year terms.

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

## **MACON**

Private Chapter 172

House Bill 3292 Senate Bill 3250

Enacts the Macon County Adequate Facilities Tax. Levies a tax on the privilege of engaging in the act of new land development in Macon County. Authorizes the county legislative body to adopt guidelines, procedures, regulations and forms



necessary to implement, administer and enforce the provisions of the act by resolution. Exempts public buildings, places of worship, barns or outbuildings used for agricultural purposes, replacement structures for previously existing structures destroyed by fire or other disaster, structures owned by qualified 501(c)(3) non-profit corporations, permanent residential structures replacing mobile homes where the owner and occupant have resided on the property in the mobile home for not less than three years, and buildings moved from one site within the county to another site within the county. Provides that Macon County may develop a tax rate schedule to classify residential and commercial uses by type. Provides that the tax is collected at the time of application for a building permit for the development. Revenues from the tax are collected by the county building inspector and are to be used for capital projects including, but not limited to, debt service related to such improvements or projects in the general fund, school fund, special revenue funds, highway fund, debt service fund or other capital project funds as designated by resolution of the county legislative body.

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

## **MADISON**

Private Chapter 170

House Bill 3294 Senate Bill 3251

Amends Private Acts of 1941, Chapter 50, as amended, and Private Acts of 1990, Chapter 212, as amended, to provide that the clerk and master will act as clerk for all probate matters in Madison County.

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

## **MEIGS**

Private Chapter 135

House Bill 3254 Senate Bill 3198

Repeals Private Acts of 1927, Chapter 522, as amended, and divides Meigs County into five school districts of substantially equal population which are coextensive with the county legislative body districts, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **OBION**

Private Chapter 139

House Bill 3259 Senate Bill 3222

Repeals Private Acts of 1965, Chapter 150, and creates seven school districts coextensive with the county legislative body districts in Obion County, with one school board member being elected from each district to staggered four-year terms, with transition provisions.

Effective upon approval by two-thirds vote of the county legislative body.

## **PERRY**

Private Chapter 133

Senate Bill 3195 House Bill 3251

Authorizes the county legislative body of Perry County to levy a hotel/motel occupancy tax at a rate of up to five percent of the consideration charged the transient. The proceeds from the tax shall be used as designated by the county legislative body. The operator of the hotel/motel will collect the tax from the transient and remit it with a monthly report to the county clerk, less two percent. The county clerk is responsible for collection and receives a commission of five percent for administering and enforcing the tax. Operators are charged twelve percent interest per annum and a penalty of one per cent per month on delinquent tax remittances. The willful refusal of an operator to collect the tax is punishable by a civil penalty of up to \$50.00 per occurrence. The county clerk remits the tax, penalty and interest to the county trustee to be deposited in the general fund or such other fund of Perry County as may be designated by the county legislative body.

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

## **POLK**

Private Chapter 118

House Bill 3248 Senate Bill 3193

Repeals Private Acts of 1975, Chapter 190, as amended, and provides for three school districts coextensive with the county legislative body districts in Polk County, with three school board members being elected from each district to staggered four year terms, with transition provisions.

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

## **PUTNAM**

Private Chapter 112

House Bill 3234 Senate Bill 3175

Amends Private Acts of 1981, Chapter 63, to raise the dollar amount of purchases for which competitive bidding is required to \$5,000. Purchases between \$1,000 and \$5,000 may be made after obtaining proposals from at least three bidders. Purchases less than \$1,000 may be made without competitive bids.

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

## **RHEA**

Private Chapter 104

House Bill 3217 Senate Bill 3176

Repeals Private Acts of 1953, Chapters 167 and 581, and Private Acts of 1961, Chapter 227, as amended. Provides for nine school districts coextensive with the county legislative body districts in Rhea County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **ROBERTSON**

- Private Chapter 96      Senate Bill 2967 House Bill 3166  
Amends Private Acts of 1947, Chapter 380, as amended, to change the salary of the members of the Robertson County Highway Commission to \$175 per month, with the chairman to receive the same amount. These salaries to be paid from the highway funds of the county.
- Effective July 1, 2002, upon approval by 2/3 vote of the county legislative body.
- Private Chapter 98      Senate Bill 2389 House Bill 2459  
Transfers the duties of clerking for all juvenile matters coming before general sessions court in Robertson County to the circuit court clerk.
- Effective upon approval by 2/3 vote of the county legislative body.
- Private Chapter 147      House Bill 3267 Senate Bill 3213  
Amends Private Acts of 1971, Chapter 70, to reapportion the Robertson County Highway Commission in accordance with the 2000 federal census. Authorizes the county legislative body to establish six highway commission zones in such manner that the six zones generally contain an approximate equivalent number of county citizens. Provides that the zones may be established by combining county commission districts or by such other manner as determined by the county commission and that the zones may change in their boundary from time to time for this purpose.
- Effective July 1, 2002, if approved by 2/3 vote of the county legislative body.

## **RUTHERFORD**

- Private Chapter 81      House Bill 2373 Senate Bill 2322  
Amends Private Acts of 1943, Chapter 421, as amended, to increase the number of members of the Rutherford County Purchasing Commission from five to seven, consisting of the county executive and six members of the county legislative body.
- Effective upon approval by 2/3 vote of the county legislative body on or before September 30, 2002.
- Private Chapter 160      House Bill 3291 Senate Bill 3246  
Amends Private Acts of 1951, Chapter 55, as amended, regarding the Rutherford County Highway Commission. Grants additional authority to the highway superintendent to supervise the work, construction and maintenance of all county public drainage easements as designated by the county highway commission and approved by the county legislative body. Gives the highway commission additional powers to enter upon, work and maintain public drainage easements acquired by the county to provide for the water drainage and run-off within the easements. Grants the highway commission the power of eminent domain as needed to accomplish these tasks. Requires the county legislative body, on or before January 2003, to establish an official list of recognized public drainage easements in Rutherford County after receiving the recommendation of the planning department which

recommendation shall be subject to the advice and consent of the highway commission. Each subsequent January, the county legislative body is required to update such list, after receiving recommendations for changes, additions or deletions from the planning commission after it receives the advice and consent of the highway commission. Provides that the highway commission is only authorized to perform work on public drainage easements which are included on the official listing established by the county legislative body.

Effective October 1, 2002, upon being approved by 2/3 vote of the county legislative body.

## **SCOTT**

### **Private Chapter 86**

House Bill 2773 Senate Bill 2991

Repeals Private Acts of 1923, Chapter 157, as amended, and provides for seven school districts to be established by the county legislative body in Scott County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

### **Private Chapter 94**

Senate Bill 2709 House Bill 2383

Authorizes the board of education for the Oneida Special School District to issue notes and/or bonds not to exceed \$350,000 plus the amount necessary to refinance existing obligations, plus the cost of the issuance and refinancing, within three years of the effective date of this act. The property tax levied by Private Acts of 1990, Chapter 147, shall continue to be levied at the rates set in that act so long as any of the notes and/or bonds shall remain outstanding and such taxes shall continue to be collected by the trustee of Scott County as other taxes are collected and kept in a separate account from all other funds of the special school district.

Effective approximately February 27, 2002.

## **SEQUATCHIE**

### **Private Chapter 83**

House Bill 2552 Senate Bill 2882

Repeals Private Acts of 1992, Chapter 156, and provides for eight school districts identical to the county legislative body districts in Sequatchie County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **SEVIER**

### **Private Chapter 71**

House Bill 2103 Senate Bill 2061

Amends the Private Acts of 1998, Chapter 104, to provide for the election of a general sessions court clerk for Sevier County at the regular August election in 2002 and every four years thereafter. Provides that said clerk must take an oath of office and post a bond and perform all clerking duties relative to the general sessions court

of Sevier County, including all matters within the jurisdiction of said court, except duties relative to the probate of wills and administration of decedent's estates. Compensation for the clerk is determined according to general law. Clerking duties relative to probate of wills and administration of decedent's estates shall continue to be performed by the county clerk of Sevier County. Records of the general sessions court, other than those pertaining to the probate of wills and administration of decedent's estates, are required to be transferred to the custody of the general sessions court clerk as soon as is practicable.

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

Private Chapter 73

House Bill 2104 Senate Bill 2165

Authorizes the Sevier County legislative body to conduct a nonpartisan primary election for members of the county school board in conjunction with the county primary election. If one candidate for a position on the board of education receives a majority of votes in the nonpartisan primary, then such candidate's name appears on the ballot in the general election. If no candidate receives a majority of the votes, then the two candidates receiving the two highest vote totals run against one another in the regular election.

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

Private Chapter 74

Senate Bill 2858 House Bill 2631

Repeals Private Acts of 1927, Chapter 380, as amended, and provides for five school districts to be established by the county legislative body with one school board member being elected from each district to staggered four year terms.

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

## **SMITH**

Private Chapter 84

House Bill 2683 Senate Bill 3169

Repeals Private Acts of 1959, Chapter 46, as amended, and provides for eight school districts identical to the county legislative body districts in Smith County, with one school board member being elected from each district to staggered four year terms, with transition provisions.

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

## **SUMNER**

Private Chapter 111

Senate Bill 3159 House Bill 3201

Amends Private Acts of 1982, Chapter 236, to create an additional general sessions court in Sumner County. Designates the new court as Division III and provides for a judge to be elected at the regular August election in 2004. The judge elected at such time shall serve for two years until the August general election in 2006 at which time the voters shall elect a person to serve as judge of Division III for eight years. Provides for jurisdiction of this new court to be the same as that for Divisions I and II. Establishes a method of filling vacancies in this office. Creates a new method by which the general sessions judges of Sumner County shall select a

presiding judge who shall be authorized and empowered to adopt rules of practice and procedure for the court that are not inconsistent with rules of court or laws of the state. Provides that the act shall take effect only if the cost of providing any additional assistant district attorney general, assistant public defender, or other costs associated with the judgeship created by this act are funded by Sumner County with such funding continuing for the term of the judgeship.

Effective upon approval by 2/3 vote of the county legislative body except for purposes of qualifying for, and seeking election to the position created by this act for which purposes the act shall take effect on January 1, 2004.

Private Chapter 113

Senate Bill 3191 House Bill 3235

Creates the Financial Management System of the County of Sumner, Tennessee of 2002. Creates a finance department to administer the finances of the county for all funds of the various departments, agencies and boards which are handled by the county trustee. Excludes the accounting, bank accounts, personnel and salary policies of the clerks of courts, county clerk, register of deeds, sheriff and trustee which were not subject to the budgeting authority of the county legislative body prior to the application of this act. Finance department to be responsible for purchasing, accounting, budgeting, payroll, cash management and other financial matters of the county. Provides for a financial management committee (committee) consisting of the county executive, supervisor of highways, director of schools, and four members elected by the county legislative body each year from its membership. In the event that either the highway department or education department opt out of this act, then the supervisor of highways or director of schools, respectively, shall not be a member of the committee and the sheriff shall be named a member of the committee. The county legislative body may create separate budget, investment or purchasing committees or let the committee serve in these areas. The committee may employ or dismiss a director of finance, with both actions subject to the approval of the county legislative body. The act provides procedures for budget adoption, amendment and impoundment of appropriations, procedures for disbursement of funds and purchasing, and a schedule for implementation.

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

**TIPTON**

Private Chapter 93

Senate Bill 3160 House Bill 3206

Repeals Private Acts of 1973, Chapter 52, as amended, which provided for the election of one constable from each county commission district except for two constables being elected from the county seat town district. The stated intent is to allow for the election of constables to be governed by general law. This act does not cut short the term of any constable.

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

Private Chapter 92

House Bill 3210 Senate Bill 3164

Repeals Private Acts of 1947, Chapter 378, as amended, and provides for nine school districts coextensive with the county legislative body districts in Tipton County, with one school board member being elected from each district to staggered

four year terms, with transition provisions.

Private Chapter 140      Effective upon approval by 2/3 vote of the county legislative body.  
House Bill 3260 Senate Bill 3214  
Repeals Private Acts of 1947, Chapter 378, as amended, and creates nine school districts coextensive with the county legislative body districts in Tipton County, with one school board member being elected from each district to staggered four-year terms, with transition provisions.

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

Private Chapter 168      House Bill 3290 Senate Bill 3249  
Repeals Private Acts of 1973, Chapter 114, as amended, relative to the Tipton County Public Works Department. Establishes a department of public works with a superintendent selected by a majority vote of the entire membership of the county legislative body for a term of four years, commencing on September 1, 2002, and every four years thereafter. Establishes the superintendent of public works as the chief administrative officer of the department for the purposes of the County Uniform Highway Law. Requires the superintendent to have all the qualification, term of office, duties, powers, authority and minimum compensation as provided by the County Uniform Highway Law. Also requires the superintendent to be a bonafide resident of Tipton County and an engineer licensed to practice in Tennessee. Establishes the superintendent as the purchasing agent for the department. Provides that, if Tipton County adopts a form of centralized purchasing pursuant to a local option general law or private act, the provisions of this act as they relate to purchasing shall be superseded by such adoption. Grants the superintendent the authority to make expenditures from the highway fund and to issue warrants against the road fund of Tipton County under his signature so long as such expenditures conform to the approved budget of the department. Authorizes the county legislative body to establish an advisory committee of the county legislative body to provide recommendations to the superintendent on the needs of the county.

Effective September 1, 2002, if approved by 2/3 vote of the county legislative body.

**VAN BUREN**

Private Chapter 120      House Bill 3238 Senate Bill 3189  
Amends Private Acts of 1984, Chapter 168, to raise the hotel/motel tax rate from 5% to 7% and to provide that 22.28% of the proceeds of the tax will be paid to the City of Spencer; 49.14% will be credited to the Van Buren County Education Capital Outlay Note and 28.58% will be credited to Van Buren County debt service.

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

## **WEAKLEY**

Private Chapter 75      House Bill 2057 Senate Bill 2017  
Amends the Private Acts of 1949, Chapter 640, to reapportion the Weakley County Highway Commission in accordance with the 2000 federal census. Reduces the number of members of the highway commission from five to three. Provides that each member is elected by the qualified voters of a highway commissioner zone with each zone being comprised of three county commissioner districts. Provides for staggered terms.

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

Private Chapter 80      House Bill 2358 Senate Bill 2495  
Repeals Private Acts of 1994, Chapter 128, and provides for nine school districts identical to the county legislative body districts in Weakley County, with one school board member being elected from each district to staggered four year terms, with provisions to accomplish a transition from the previous ten districts to nine.

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

Private Chapter 117      House Bill 3244 Senate Bill 3185  
Amends Private Acts of 1949, Chapter 640, to increase the minimum compensation of the county highway commission of Weakley County from two hundred dollars per month to three hundred dollars per month.

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

## **WILLIAMSON**

Private Chapter 144      Senate Bill 3217 House Bill 3266  
Amends Private Acts of 1949, Chapter 563, as amended, to authorize the board of education of the Franklin Special School District to issue and sell school bonds in an aggregate principal amount of \$3 million for the construction, improvement, renovation, expansion, furnishing, fixturing and equipping of school buildings and facilities, and additions thereto, including the purchase of property, real and personal, or interests therein, necessary for such work. The maturity of such bonds will not exceed 25 years and notes will not exceed 12 years, and the interest rate will not exceed 6.5% per annum. An additional property tax levy for the district is made of one cent per \$100 dollars of assessed value for the first \$1.5 million of indebtedness issued, and an additional one cent for any additional indebtedness of over \$1.5 million but not to exceed \$3 million. The tax rate may be adjusted from time to time in accordance with the procedures specified in T.C.A. § 67-5-1704 relating to county-wide reappraisal. The additional tax revenue shall be collected by the trustee of Williamson County and paid by the trustee to the district. The district shall maintain a debt service fund to receive this additional revenue and from which to retire the indebtedness of the district. The board of education of the district is authorized, but not required, to pledge for the payment of bonds and notes



other revenue of the district for BEP capital outlay funds, local option sales tax revenue, and other funds received from the State of Tennessee or its instrumentalities for school purposes.

Effective June 10, 2002.

Private Chapter 149

Senate Bill 3218 House Bill 3265

Amends Private Acts of 1949, Chapter 563, as amended, to authorize the board of education of the Franklin Special School District to issue and sell school refunding bonds in an aggregate principal amount of \$31.5 million. The maturity of such bonds will not exceed 25 years and the interest rate will not exceed 6.5% per annum. A property tax levy for the district in addition to other levies for the district is made of 28 cents per \$100 dollars of assessed value though tax year 2013, whereupon the rate changes to 25 cents per \$100 dollars of assessed value for tax years 2014 through 2021, inclusive. The tax rate may be adjusted from time to time in accordance with the procedures specified in T.C.A. § 67-5-1704 relating to county-wide reappraisal. The proceeds from these taxes shall be collected by the trustee of Williamson County and paid by the trustee to the district. The district shall maintain a debt service fund to receive revenue which to be used to retire the indebtedness of the district. The board of education of the district is authorized, but not required, to pledge for the payment of refunding bonds local option sales tax revenue and other funds received from the State of Tennessee or its instrumentalities for school capital outlay purposes.

Effective June 10, 2002.

## **WILSON**

Private Chapter 97

Senate Bill 3134 House Bill 2927

Amends Acts of 1901, Chapter 330, as amended, to authorize the Tenth Special School District of Wilson County to borrow money and issue its debt obligations in an aggregate principal amount not to exceed \$500,000. The indebtedness is to be paid from the tax levied by authority of Private Acts of 1951, Chapter 59, as amended, which taxes shall continue to be levied at rates set forth in Section 4 of said act. The district's board of commissioners may pledge all or a portion of its share of the local option sales and use taxes collected in Wilson County and the BEP funds available to be used for capital outlay in addition to the property tax receipts.

Effective March 19, 2002.

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