

INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT

2004 EDITION

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

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INTRODUCTION

The second regular session of the One Hundred and Third General Assembly convened on Tuesday, January 13, 2004, and continued until Friday, May 21, 2004, when it adjourned *sine die*. The first session of the 104th General Assembly will convene on January 11, 2005. At the time of publication of this index, there are 541 new designated public chapters and 72 new private acts.

All acts that relate to county government have been summarized in this publication. Acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 1 contains summaries of public acts of general application; 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. All three tier numbers appearing in this publication, such as 5-1-102, are references to a section of the *Tennessee Code Annotated* affected by the new act that is summarized.

Every attempt has been made to accurately summarize 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
Executive Director

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PART I - PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 598 Senate Bill 2835 (McNally) House Bill 2901 (Buttry)
Amends 57-5-105(g)(2) to authorize counties with populations over 300,000 to issue temporary beer permits on public property. Amends 57-5-109, the “grandfather” provision, to delete the requirement that a beer permit must have been issued on that location as of January 1, 1993; as amended, this statute provides that the county cannot suspend, revoke or deny a permit to a business on the basis of proximity to a school, residence, church or other place of public gathering if a valid permit had been issued to any business on that same location and there has not been an interruption in the sale of beer for any continuous six-month period.

Effective July 1, 2004.

Public Chapter 956 Senate Bill 3291 (Clabough) House Bill 3272 (U Jones)
Amends 57-5-101(c) to authorize brew pubs (manufacturing beer retailers) in a certain city as defined in 67-6-103(a)(3)(B)(iii), and to provide that any transfer or sale of beer from a manufacturer operating as a retailer to an off-site retailer’s location constitutes a wholesale sale.

Effective June 15, 2004.

ANIMAL CONTROL

Public Chapter 765 Senate Bill 2840 (Cohen) House Bill 3229 (West)
Enacts 68-8-101 *et seq.*, the Tennessee Anti-Rabies Law. Declares it unlawful to own, keep or harbor a dog or cat six months or older which has not been vaccinated for rabies by or under supervision of a veterinarian. Requires appropriate proof of vaccination and provides for seizure of dogs running at large, confinement of biting animals and those suspected of having rabies. Authorizes the state commissioner of health to promulgate regulations. Authorizes the adoption of local laws or ordinances to require registration of dogs or cats in counties or municipalities. Local laws or ordinances must include methods for collection of registration fees and must require expenditure of the funds solely to establish and maintain a rabies control program to conduct animal control activities and to ensure that dogs and cats are properly vaccinated and that biting animals or rabies suspects are observed or confined in accordance with state law and regulations. If the local law or ordinance meets or exceeds the minimum requirements of the state law, the state law will not apply in that jurisdiction.

Effective July 1, 2005 (for promulgation of state regulations, effective May 24, 2004).

Public Chapter 920

Senate Bill 3209 (Person) House Bill 3458 (McMillan)

Amends 39-14-212(b)(1) to add to the definition of aggravated cruelty to animals the failure to provide food and water to a companion animal resulting in death or a substantial risk of death. Amends 39-14-210 to authorize a governmental animal control agency or humane society to petition the court requesting that a person from whom an animal has been seized be required to post security in an amount sufficient to pay all reasonable expenses expected to be incurred by the animal control agency or humane society in caring for the animal pending disposition of criminal charges. If the court orders the security, the animal control agency or humane society may draw from the security the actual costs incurred in caring for the seized animal. The owner is not, however, prohibited from voluntarily relinquishing the animal to the animal control agency or humane society to avoid posting the security, with no effect on the outcome of the criminal charges.

Effective July 1, 2004.

CONFLICTS OF INTEREST

Public Chapter 444

Senate Bill 2322 (McCleary) House Bill 2272 (Shaw)

Amends 13-23-128 regarding the Tennessee Housing Development Agency (THDA). Under prior law, no member or employee of THDA may be employed by, hold any paid official relation to, or have any financial interest in, any housing sponsor or any housing development financed or assisted by THDA. This prohibition applies during such member's or employee's tenure and for six months after such tenure. Prior law also provided that no real property to which such member or employee holds legal title or in which such person has any financial interest may be sold, during such member's or employee's tenure or for six months thereafter, to a housing sponsor for a housing development to be financed by the agency. This act creates an exception to the above prohibitions for a THDA member if the member is a full-time employee of a local government, a public housing authority, or a 501(c)(3) entity and the member has no personal financial interest in a housing development financed or assisted by THDA other than such person's interest as an employee.

Effective March 15, 2004.

COUNTY CLERKS

Public Chapter 422

Senate Bill 422 (Cooper) House Bill 1479 (Fitzhugh)

Amends 70-1-206 to authorize the Tennessee Wildlife Resources Agency to promulgate rules and regulations to adjust fees for hunting, fishing and trapping licenses and permits.

Effective March 9, 2004.

- Public Chapter 501 Senate Bill 3175 (Williams) House Bill 3224 (Pinion)
Amends 55-4-113(a)(4) to make vehicles owned by nurseries eligible for registration as freight motor vehicles at the reduced rates for farm trucks.

Effective July 1, 2004.
- Public Chapter 660 Senate Bill 2185 (Miller) House Bill 2185 (Wood)
Amends 55-6-104 to raise the county clerk's fee for receiving and forwarding applications for certificates of title and issuing duplicate certificates of ownership from \$3.00 to \$5.50. Repeals the sunset provision that would have repealed 55-4-132 (\$1.00 fee to fund computerization of titling and registration) on June 30, 2004, provides for the fee to remain in effect until June 30, 2008, and requires annual reports by the department of safety to the legislature until the computerized titling and registration system is completed.

The fee increase becomes effective July 1, 2004; all other sections are effective May 14, 2004.
- Public Chapter 666 Senate Bill 3231 (Burchett) House Bill 2823 (Buck)
Amends 55-21-102 to change the definition of disabled driver to include conditions certified to result in the use of a wheelchair or "cause such person to be so ambulatorily disabled that he or she cannot walk two hundred feet (200') without stopping to rest" (instead of the old language "cause such person to walk with difficulty or insecurity"). Amends 55-21-103(f)(1) to require the submission of a new certification prior to renewal of a permanent or temporary placard. Deletes an obsolete reference to the department of revenue as designer of the placards. Enacts 55-21-108(e) to impose a penalty up to \$1,000 for falsely representing oneself as meeting the requirements for a disabled driver to obtain a permanent or temporary placard.

Effective July 1, 2004.
- Public Chapter 698 Senate Bill 3371 (Burchett) House Bill 3439 (Hagood)
Amends 55-4-110 to make it a Class C misdemeanor to place tinted materials over a license plate, even if the information thereon is not concealed.

Effective May 18, 2004.
- Public Chapter 778 Senate Bill 3430 (Ketron) House Bill 3486 (McMillan)
Amends 55-50-102 by adding subsections (18) and (29). Defines "certificate for driving" as a certificate issued by the department to an individual who does not satisfy the requirements of 55-50-321(c)(1)(C)(i) or (ii). Provides that the certificate for driving will be clearly distinguishable from a driver license and will clearly display on its face: "FOR DRIVING PURPOSES ONLY – NOT VALID FOR IDENTIFICATION". Defines "lawful permanent resident" as the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. Amends 55-50-303(a) by adding subdivision (9). Provides that the department shall not issue a driver

license to any person who is not a United States citizen or lawful permanent resident of the United States. Amends 55-50-321(c)(1) by adding new subdivisions (C) and (D). Provides that any applicant applying for a driver license, instruction permit, intermediate driver license or photo identification license, upon initial issuance or reinstatement, must provide either an original or certified copy of one of the following: documentation that the applicant is a citizen of the United States; or documentation issued by the United States government establishing that the applicant is a lawful permanent resident. Provides further that any applicant who has received an initial issuance of a driver license since January 1, 2001, must provide documentation as required above upon the first renewal date of the license. Amends 55-50-322(a)(1)(A) by requiring the department to examine every applicant for a certificate for driving in addition to a driver license, intermediate driver license, or learner permit, except as otherwise provided by law. Amends 55-50-323 by providing that the fee charged for a certificate for driving will be the same as the fee charged for a five year Class D license. Amends 55-50-331 by adding new subsections (g) - (i). Provides that the department may issue a certificate for driving to persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay. Provides that the certificate of driving will be valid only during the period of the time of the applicant's authorized stay in the United States. Specifies that no certificate will be issued for a period of less than one year or longer than five years. Provides that the department may issue a certificate for driving to persons who do not satisfy the requirement of 55-50-331(g) or the requirements of 55-50-321(c)(1)(C), however, such certificate for driving will be valid only for a period of one year. Provides that, except as otherwise provided by law, all laws applicable to driver licenses and financial responsibility will also apply to certificates for driving and all laws applicable to convictions, suspensions, cancellations, and revocations of driver licenses will also apply to certificates for driving. Amends 55-50-332 by adding new subsection (c). Provides that duplicate certificates for driving obtained in place of such certificates for driving, issued pursuant to 55-50-331(g) or 55-50-331(h) will be valid during the period of time specified in such subsections. Amends 55-50-337 by adding new subsections (c) and (d). Provides that certificates for driving issued pursuant to 55-50-331(g) or 55-50-331(h) will be valid during the period of time specified in such subsections. Provides further that any person issued a license or permit prior to the effective date of this act, who is subject to the provisions of 55-50-331(g) or 55-50-331(h) will, upon renewal or reapplication, receive, if otherwise eligible, a certificate for driving which shall expire in accordance with such subsections.

Effective May 28, 2004, for amendments to 55-50-303(a) and 55-50-321(c)(1). The amendments to 55-50-102, 55-50-322(a)(1)(A), 55-50-323, 55-50-331, 55-50-332, and 55-50-337 become effective July 1, 2004.

- Public Chapter 787 Senate Bill 236 (Miller) House Bill 1838 (Bunch)
Authorizes the issuance of a new specialty earmarked license plate for supporters of the Traditional Music Center.

Effective July 1, 2004.
- Public Chapter 788 Senate Bill 2051 (Person) House Bill 2137 (Sargent)
Authorizes the issuance of a new specialty earmarked license plate for Tennessee Golf, with the proceeds allocated to the Tennessee Golf Foundation to be used 60% for designated chapters of The First Tee youth development initiative and 40% to be used to assist the Foundation’s Junior Tour and other golf programs including Golf in Schools and the Blind Golf Program.

Effective July 1, 2004.
- Public Chapter 789 Senate Bill 2240 (Fowler) House Bill 2552 (Vincent)
Authorizes the issuance of new “MAKUS Buckle Up! Drive Safely!” specialty earmarked license plates with the proceeds allocated to the MAKUS Buckle Up program for teenagers in Chattanooga.

Effective July 1, 2004.
- Public Chapter 790 Senate Bill 2266 (Crutchfield) House Bill 2236 (B Turner)
Authorizes the issuance of a new specialty earmarked license plate for Baylor School of Chattanooga.

Effective July 1, 2004.
- Public Chapter 791 Senate Bill 2279 (Crowe) House Bill 2540 (Patton)
Authorizes the issuance of a new specialty earmarked license plate for The Children’s Hospital at Johnson City Medical Center with the proceeds allocated to Mountain States Health Foundation to develop and expand The Children’s Hospital.

Effective July 1, 2004.
- Public Chapter 792 Senate Bill 2285 (Kilby) House Bill 2342 (Ferguson)
Authorizes the issuance of a new specialty earmarked license plate for Shriners with the proceeds allocated to the Shriners Hospitals for Children.

Effective July 1, 2004.
- Public Chapter 793 Senate Bill 2373 (Crutchfield) House Bill 3082 (B Turner)
Authorizes the issuance of a new specialty earmarked license plate for McCallie School.

Effective July 1, 2004.

Public Chapter 794 Senate Bill 2581 (McLeary) House Bill 3357 (Patton)
Authorizes the issuance of a new specialty earmarked license plate for American Cancer Society Relay for Life with the funds allocated to the American Cancer Society.

Effective July 1, 2004.

Public Chapter 795 Senate Bill 3170 (Norris) House Bill 3187 (Bowers)
Authorizes the issuance of a new specialty earmarked license plate for the Regional Medical Center at Memphis (The MED).

Effective July 1, 2004.

Public Chapter 854 Senate Bill 2193 (Cohen) House Bill 2356 (Johnson)
Amends Title 8, Chapter 16 to revise the laws governing notaries public. Deletes obsolete provisions that no longer applied after the 1993 amendments that authorized all notaries to act statewide, deletes any distinction between “notary public” and “notary at large” and instead provides that all notaries are notaries public for the state of Tennessee, and consolidates the separate statutes regarding election, powers and duties, bond, oath, and the notary seal, placing all of the statutes in one part.

There are three major changes. The first one adds qualifications to be a notary, requiring that applicants file an affidavit stating that they have never been removed for official misconduct, had their commission revoked or suspended, or been found guilty of unauthorized practice of law. The second one requires that when a notary moves out of the county from which they were elected, they notify the county clerk in the county from which they were elected and pay a fee of \$7.00, and the county clerk notifies the secretary of state and forwards \$2.00 of the fee, and makes it a Class C misdemeanor (\$50 fine and/or up to 30 days in jail) for a notary to continue to act after the notary has moved out of state. The third one deals with the notary seal. The stamp is to be in a color other than black or yellow, but notaries do not have to change until the expiration of their current term, and there is no penalty for using the wrong color ink. (The Secretary of State has designed a new seal, which can be viewed on their website.)

Minor changes are: (1) adds “unless otherwise provided by law” to the requirement that notaries sign documents in their own hand, so the Uniform Electronic Transactions Act or other legislation can apply; and (2) deletes criminal penalties for failure to turn in notary seal when the commission expires or failure to include an expiration date on acknowledgments.

Effective July 1, 2004.

- Public Chapter 933 Senate Bill 2571 (Burchett) House Bill 2589 (Hagood)
Amends 55-4-202 and -203 to authorize the issuance of Handicapped Veteran cultural plates for veterans who are residents of Tennessee and have a service-connected disability that is less than 100% permanent total disability, upon payment of regular the fee and the cost of actually designing and manufacturing the plates.

Effective July 1, 2004.
- Public Chapter 934 Senate Bill 2951 (Dixon) House Bill 2814 (Pruitt)
Authorizes the issuance of new specialty earmarked license plates to promote organ donation awareness.

Effective July 1, 2004.
- Public Chapter 935 Senate Bill 2992 (Burks) House Bill 2789 (Hargrove)
Authorizes the issuance of a new specialty earmarked license plate for the Tennessee Councils of the Boy Scouts of America, with the proceeds distributed to each of the six Tennessee Councils of the Boy Scouts of America in proportion to the number of license plates sold in the counties comprising each council.

Effective July 1, 2004.
- Public Chapter 936 Senate Bill 3045 (Jackson) House Bill 2893 (Hensley)
Authorizes the issuance of a new specialty earmarked license plate for The Elephant Sanctuary in Tennessee, with proceeds going to The Elephant Sanctuary. Also, outside the scope of the bill caption, this act deletes the existing provisions related to NASCAR license plates and re-authorizes NASCAR plates; the department of safety may design multiple plates provided that the minimum issuance and renewal requirements apply only once to the entire classification of NASCAR plates; proceeds go to the Tennessee State Museum Foundation and to Speedway Children's Charities in Tennessee. Also, outside the scope of the bill caption, this act gives the Driving to a Cure new specialty earmarked license plate until July 1, 2005 to qualify.

Effective July 1, 2004.
- Public Chapter 937 Senate Bill 3066 (Ramsey) House Bill 3373 (Vaughn)
Authorizes issuance of special emergency license plates to trauma physicians and requires a statement from a hospital or trauma center that the applicant practices medicine in order to obtain the emergency license plate. Changes the deadline for the special Eagle Foundation license plate to meet the initial minimum order from July 1, 2004, to July 1, 2005.

Effective June 1, 2004.

Public Chapter 938 Senate Bill 3289 (Clabough) House Bill 3211 (Stanley)
Authorizes the issuance of new specialty earmarked license plates to raise public awareness about autism, with proceeds allocated to the Autism Solution Center, Inc. of Cordova, Tennessee. Also, outside the scope of the bill caption, extends the deadline for the Memphis Zoo and Memphis Grizzlies plates to meet minimum qualifications to July 1, 2005.

Effective July 1, 2004.

Public Chapter 943 Senate Bill 596 (Kyle) House Bill 830 (Head)
Amends 55-50-331(a) to authorize a county clerk who contracts with the department of safety to issue driver licenses to charge an additional fee of \$4. Also, amends 55-4-132(b) to authorize the use of the proceeds of the \$1 fee on registrations and renewals for operation of the titling and registration system, in addition to development of the new computerized system.

Effective June 15, 2004.

Public Chapter 951 Senate Bill 3057 (Jackson) House Bill 2543 (Fowlkes)
Amends 36-6-413(b)(2) to delete the exemption from the \$60 state marriage tax for non-residents in all counties except Sevier, so that the \$60 tax applies to non-residents in the same way it applies to residents except in Sevier County.

Effective June 15, 2004.

COUNTY GOVERNMENT

Public Chapter 436 Senate Bill 2315 (Clabough) House Bill 2397 (Overbey)
Amends 4-3-305 to authorize a county, after any necessary changes to county charters, private acts or resolutions, to prepare and adopt a biennial budget for such departments as authorized by the state director of local finance for the particular county.

Effective March 12, 2004.

Public Chapter 487 Senate Bill 2748 (Trail) House Bill 2720 (Bone)
Amends 58-2-107 and 58-2-110(3)(A) to authorize the director of TEMA and chief local elected officials to declare a state of emergency for the purpose of triggering the emergency relief effort portion of the hours-of-service regulations promulgated by the federal motor carrier safety administration.

Effective April 8, 2004.

- Public Chapter 530 Senate Bill 2684 (Ford) House Bill 2347 (Kent)
Amends 68-120-101 regarding building construction safety standards to allow the state fire marshal to use amended versions of the publications of nationally recognized agencies and organizations when establishing minimum statewide building construction safety standards. Increases from six to seven years the time within which a local government’s building construction safety code publications must be current unless otherwise approved by the state fire marshal.
- Effective April 13, 2004.
- Public Chapter 536 Senate Bill 17 (McNally) House Bill 226 (Hackworth)
Enacts the “Older Neighborhood Preservation Act.” Defines “older residential neighborhood” as an area where the majority of the residential property was constructed 50 years or more ago. Upon adoption by a two-thirds vote of the legislative body, a county or municipality may create a grant program for the revitalization of substandard residential rental property and/or for residential real property located in an older residential neighborhood.
- Effective April 22, 2004.
- Public Chapter 568 Senate Bill 2981 (Burks) House Bill 2538 (Hargrove)
Amends 5-6-101 to allow the title “county mayor” to be redesignated “county executive” by private act.
- Effective April 27, 2004.
- Public Chapter 590 Senate Bill 3294 (Cooper) House Bill 3415 (Curtiss)
Requires that nursing homes that are not fully sprinklered by August 1, 2004 must provide a smoke alarm and/or smoke detector in each patient room. Also, any nursing home not fully sprinklered as of May 3, 2004, must submit to the department of health a sprinkler plan for the full sprinklering of the facility. If patient care is provide above the ground floor, the plan must be submitted within 6 months of May 3, 2004, and within 11 months of this date if patient care is only on the ground floor. A facility may be replaced (with sprinklers) as an alternative to submitting a plan of compliance if procedures for licensure of a new facility are followed.
- Effective May 3, 2004.

Public Chapter 664 Senate Bill 2612 (Crowe) House Bill 2683 (Curtiss)
Amends 58-3-109. Authorizes veteran service offices to serve all veterans of the U.S. armed forces whether or not they served during wartime. Deletes the present law authorization for veteran service offices to study local employment opportunities for veterans. Amends 58-3-110. Allows veteran service officers to be paid a salary similar to that of other county employees in comparable positions. Amends 58-3-111. Requires all veterans' service officers to be veterans and opens the field to all veterans of the U.S. armed forces whether or not they served during wartime.

Effective July 1, 2004.

Public Chapter 763 Senate Bill 2602 (Person) House Bill 2889 (Brooks, Harry)
Amends 4-18-104(d)(1) by adding "or other elected official" to the existing language of the investigation and prosecution section of the false claims statute. Extends exemption from suit to elected county and city officials not previously covered.

Effective July 1, 2004.

COURTS

Public Chapter 514 Senate Bill 2212 (Graves) House Bill 2197 (McDonald)
Enacts a new section 54-1-134 to make it a criminal offense to vandalize or steal any highway bridge, overpass, tunnel, fence, wall, traffic control device, sign or other public highway structure or building. Such offense is a class A misdemeanor. Requires clerks of courts to collect fines for violations of this act and deposit such money in a dedicated county fund to be used to provide rewards of \$250 to any person who reports information that leads to the apprehension and conviction of a person for violation of this section. Excess funds in the account not needed for rewards may be expended for litter control programs upon adoption of an appropriate resolution by the county legislative body.

Effective July 1, 2004.

Public Chapter 523 Senate Bill 2304 (McNally) House Bill 2906 (Hackworth)
Amends 22-4-108 to provide that the person responsible for paying jurors shall, upon request from a juror prior to each day's service, provide the juror's employer with a statement that shows the number of hours the juror spent serving if service has been less than three hours.

Effective July 1, 2004.

- Public Chapter 549 Senate Bill 3133 (Ford) House Bill 3112 (Bowers)
Amends 36-5-101 to allocate the obligor's child support responsibility among all children in an "equitable" manner rather than equally among all children. Requires the court to give equitable consideration to the children for whom support is being set in the case before the court and any other children for whom the obligor is legally responsible and is supporting. Provides that the birth or adoption of another child for whom the obligor is legally responsible to support and is supporting would constitute a substantial and material change in circumstances for the Department of Human Services to review the existing order. The department would review to determine if the addition of such child and any credits applicable for the addition of a child under the department's guidelines would result in a significant variance. Allows the court to modify an order if a significant variance is demonstrated by the review. Requires that the significant variance established by the department provide a lower threshold for modification of support orders for persons whose gross incomes are within low-income categories established by the department's child support guidelines. Directs that the variance involving low-income persons be established by rule of the department at no more than 7.5 percent of the difference between the current child support order and the amount of the proposed child support order.
- Effective April 22, 2004.
- Public Chapter 584 Senate Bill 3451 (Crutchfield) House Bill 3541 (McMillan)
Amends 37-1-149 to provide that any guardian ad litem appointed by the court shall receive training appropriate to that role prior to appointment.
- Effective May 3, 2004.
- Public Chapter 588 Senate Bill 2984 (Burks) House Bill 2792 (Hargrove)
Amends Title 36, Chapter 3, Part 6, relative to service of orders of protection. Rewrites 36-3-609. Provides that any subsequent order of protection is effective when the order is entered if the respondent has been served with a copy of the petition, notice of hearing, and any ex parte order issued pursuant to section 36-3-605(c). An order is considered entered when the order is signed by (1) the judge and all parties or counsel, (2) the judge and one party or counsel and contains a certificate of counsel that a copy of the proposed order has been served on all other parties or counsel, or (3) the judge and contains a certificate of the clerk that a copy has been served on all other parties or counsel. However, regardless of when an order is considered entered, if the court finds that the protection of the petitioner so requires, the court may order, in the manner provided by law or rule, that the order of protection take effect immediately. Service upon a party or counsel may be made by delivering to the party or counsel a copy of the order of protection, or by the clerk mailing it to the party's last known address. In the event the party's last known address is unknown and cannot be ascertained upon diligent inquiry, the certificate of service shall so state. Service by mail is complete upon mailing. Provides that, if the respondent has been served with a copy of the petition, notice of hearing, and any ex parte order issued pursuant to section 36-3-605(c), an order of protection issued pursuant to this part after a hearing will be in full force and

effect against the respondent from the time it is entered regardless of whether the respondent is present at the hearing. A copy of any order of protection and any subsequent modifications or dismissal will be issued to the petitioner, the respondent, and the local law enforcement agencies having jurisdiction in the area where the petitioner resides. Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency must immediately enter the order or dismissal in the Tennessee crime information system and take any necessary action to immediately transmit it to the national crime information center. Amends 36-3-605(b) by providing that any ex parte order of protection shall be in effect until the time of the hearing and, if the hearing is held within fifteen days of service of the order, the ex parte order shall continue in effect until the entry of any subsequent order of protection issued pursuant to 36-3-609.

Effective May 3, 2004, for the purpose of changing any forms necessary to implement the provisions of the act. For all other purposes, the effective date is July 1, 2004.

Public Chapter 626

Senate Bill 2139 (Cohen) House Bill 2218 (Fowlkes)

Amends 55-10-406 relative to restricted driver licenses. Allows a person whose license has been suspended to apply for a restricted license in either the county where the license was suspended or in his or her county of residence. Expands the allowed circumstances for driving on a restricted license to include going to and from a court-ordered alcohol safety program; going to and from a college or university for a full-time student; and going to and from a scheduled interlock monitoring appointment.

Effective May 10, 2004.

Public Chapter 627

Senate Bill 2153 (Williams) House Bill 2346 (Harrison)

Amends 37-10-204 to authorize courts issuing a missing child order to request telephone records which the court believes are necessary or would be of assistance in locating such child to the telecommunications provider. The request is to be reasonably specific as to the records requested and the reason for the request. The provider, upon receiving a request, is required to provide the records to the juvenile judge issuing the request without delay and at no charge.

Effective July 1, 2004.

Public Chapter 647

Senate Bill 3197 (Crutchfield) House Bill 3102 (Bunch)

Enacts a new section 36-6-111 to provide that in all actions that award, change or affect the custody of a minor child, an interlocutory or final judgment by any court in this state shall not be stayed after entry unless otherwise ordered by that court and upon such terms as to bond or otherwise as it deems proper to secure the other party.

Effective July 1, 2004.

Public Chapter 659

Senate Bill 539 (Miller) House Bill 1846 (Bunch)

Amends 26-2-301 by adding a new subsection to provide that unmarried persons age sixty-two or older are entitled to a homestead exemption of \$12,500 upon real property used as a principal place of residence. Married couples where one spouse

is sixty-two or older are entitled to an exemption of \$20,000. Married couples where both spouses are sixty-two or older are entitled to an exemption of \$25,000.

Effective May 14, 2004.

Public Chapter 691 Senate Bill 2681 (Haynes) House Bill 3121 (DeBerry)
Amends 36-6-306 to add a new subsection relative to grandparent visitation that defines the term grandparent to include a biological grandparent, the spouse of a biological grandparent or a parent of an adoptive parent.

Effective May 18, 2004.

Public Chapter 693 Senate Bill 3008 (Burks) House Bill 3454 (McMillan)
Amends 29-13-116 and 40-30-313 to provide that the expense of DNA analysis for a post-conviction petitioner pursuant to a court order shall be paid by the Administrative Office of the Courts from the funding appropriated each year for indigent defendant's counsel.

Effective May 18, 2004.

Public Chapter 714 Senate Bill 3316 (Burks) House Bill 3062 (Buck)
Amends 36-5-101 relative to security bonds under orders of child support to provide that clerks of courts are authorized to approve sureties under orders of child support when the judge is absent from the court.

Effective May 18, 2004.

Public Chapter 728 Senate Bill 243 (Miller) House Bill 861 (Bunch)
Amends 36-5-103 to clarify and revise the present procedures for adjusting child support orders. Provides that proof of substantial change in circumstances will be required in the case of a request for review that is made between three-year cycles. Clarifies that an adjustment will be made if there is a significant variance between the current support order and the amount that will be ordered under the guidelines. Provides that if the department elects to adjust the support order by issuance of an administrative order instead of judicial order, notice of the proposed administrative adjustment must be sent to the obligor and obligee thirty calendar days prior to the proposed issuance. The obligor or the obligee will have the right to contest the proposed administrative order by filing a motion with the court having jurisdiction of the order for a hearing on the proposed adjustment within 30 days of the mailing of the notice and the time frame for completion of judicial review will be governed by federal law. If the obligor or obligee contests the proposed administrative adjustment, no further administrative appeal will be available and further appeal of the modified order entered by the court will be pursuant to the rules of appellate procedure. In the event that neither the obligor or the obligee contests the proposed administrative adjustment, then the department will issue the administrative order adjusting the support order within thirty calendar days of the mailing of the notice of proposed adjustment. A copy of the administrative order of adjustment will then be filed with the court having jurisdiction of the child support order. If the support

order is adjusted by an administrative order, the obligor and the obligee will have the right to seek administrative review through the contested case process pursuant to the Uniform Administrative Procedures Act if the administrative adjustment was not contested.

Effective upon becoming a law for rule making purposes; effective for all other purposes on January 1, 2005.

Public Chapter 735

Senate Bill 2300 (McNally) House Bill 2572 (Hackworth)

Amends 36-5-501 relative to child support income assignments. Requires employers to report the following information, if known, to the appropriate court in the event the business files for bankruptcy or ceases operations: the names of employees subject to income assignment and such employees' last known address and address of their new employer or source of income. Changes the penalties for noncompliance with reporting requirements. Requires an employer to notify the department of labor if an employee's employment ceased in a manner that qualifies the employee for unemployment benefits. Requires all employers, instead of only employers that withhold employees' wages for child support, who declare bankruptcy or cease operations to notify the county clerk or the department. Changes the penalty for an employer's failure to withhold child support pursuant to an order or adverse employment action against an employee solely because of a child support income assignment. Provides that the employer is liable for any accumulated amount that should have been withheld and a civil penalty of \$100 per obligor for a first offense, \$200 per obligor for a second offense and \$500 per obligor for a third or subsequent offense. Requires any civil penalty collected for noncompliance to be pro-rated among the child support recipients as an amount in addition to the support owed. Authorizes any employer who is assessed a penalty for noncompliance to appeal pursuant to the Uniform Administrative Procedures Act.

Effective July 1, 2004.

Public Chapter 753

Senate Bill 2291 (Ford) House Bill 2263 (Cooper)

Amends 40-11-140 to provide that a clerk shall have five years from execution on a judgment on a bail bond to demand collection on such judgment.

Effective July 1, 2004.

- Public Chapter 755 Senate Bill 2246 (Cohen) House Bill 2338 (Bowers)
Amends 16-3-813 to direct the Administrative Office of the Courts to create and maintain a registry of credentialed court interpreters of spoken foreign languages and to post such registry on the internet.
- Effective July 1, 2004.
- Public Chapter 756 Senate Bill 2318 (Clabough) House Bill 2353 (Overbey)
Amends 16-21-107 to direct the judicial council to appoint a committee to study courts costs and make recommendations to the full judicial council, which shall make recommendations to the legislature. The study shall include recommendations to make court costs more uniform and simple and to recommend appropriate amounts for court costs. The report shall be filed with the chairs of the House and Senate judiciary committees by January 17, 2005.
- Effective May 24, 2004.
- Public Chapter 761 Senate Bill 2900 (Miller) House Bill 2730 (Bunch)
Enacts a new section in Title 24, Chapter 2, Part 1, to provide that each subpoena issued must contain, at a minimum, explicit language that states that a party being served must appear and that failure to do so may put the party in contempt of court. The subpoena must also state the potential penalties for being held in contempt of court.
- Effective May 24, 2004; however, the provisions of the act do not apply to subpoena forms printed prior to the effective date of the act.
- Public Chapter 827 Senate Bill 214 (Person) House Bill 779 (Patton)
Amends 68-55-301 through 68-55-304 regarding the additional fines imposed on certain offenses which are earmarked for the traumatic brain injury fund. Increases the additional fine on speeding more than ten miles over the limit from \$2.00 to \$5.00. Increases the additional fine on reckless driving from \$25.00 to \$30.00. Increases the additional fine on driving with an invalid license from \$10.00 to \$15.00. Increases the additional fine on driving under the influence from \$10.00 to \$15.00.
- Effective July 1, 2004.
- Public Chapter 828 Senate Bill 1012 (Norris) House Bill 821 (Overbey)
Amends 26-2-216 to add new language providing that the filing of a motion to make installment payments on a judgment by a debtor who has admitted the debt and is paying the judgment by agreed installment payments does not stay the issuance, execution or return of any writ of garnishment against the wages or salary due the debtor or any satisfaction or payment of or upon such judgment.
- Effective June 8, 2004.
- Public Chapter 859 Senate Bill 2734 (Trail) House Bill 2546 (Fowlkes)

Amends 37-1-129 relative to the placement of juveniles. Provides that a court may review the residential or treatment placement of a child placed in the custody of the department of children's services and may order a hearing to review evidence and testimony with regard to such. Requires the court to provide notice 30 days prior to the hearing to the department, the child's biological parent(s) and any other person who served as a primary care-giver in the year prior to the child's placement. Within ten days after the hearing, the court is to make a placement recommendation to the department. Upon receiving the court's recommendation, the department is to make a determination of the child's placement within 15 days and notify the court and the other parties who were notified of the hearing.

Effective July 1, 2004.

Public Chapter 866

Senate Bill 2599 (Fowler) House Bill 2639 (Fowlkes)

Amends the law regarding decedent's estates and probate. Authorizes any creditor instead of the largest creditor to file an affidavit to administer a small estate when no personal representative is named by will and 45 days have passed from the decedent's death without a petition being filed for the appointment of a personal representative. Clarifies that the surviving spouse of an intestate decedent has a right of election to take an elective share as defined by 31-4-101 (which varies according to the length of time of marriage) instead of an intestate share. Provides new rules regarding the rights of specific legatees and devisees when the gifted property has been disposed of or mortgaged due to various circumstances. In matters of guardianship or conservatorship, the social security number of the respondent must be given to the duly appointed fiduciary and to the clerk to be placed in the court record and used in the issuance of letters of guardianship or conservatorship and in any other matter approved by the court.

Effective June 8, 2004.

Public Chapter 869

Senate Bill 2929 (Trail) House Bill 2659 (Briley)

Amends 8-4-115(a)(1)(C). Authorizes the local law enforcement agency and the court clerk to collaborate on an automated process for the electronic submission of final dispositions for criminal cases to the Tennessee Bureau of Investigation. Once the process has been certified by the TBI, all final dispositions shall be reported electronically. Further, upon implementation of an automated process, the delivery to the local law enforcement agency of a completed judgment order to be used by the local law enforcement agency for completion of an R-84 Disposition Card and the submission by the local law enforcement agency of a completed R-84 Disposition Card to the TBI will no longer be required. Amends 8-4-115(a)(1) by adding a new subdivision (E). Requires the law enforcement agency to deliver to the appropriate court clerk's office a warrant or capias containing the state control number assigned by the law enforcement agency upon the arrest of an individual. Requires the court clerk to record the state control number in the court information system of the court clerk office. Amends 8-4-115 by adding a new subsection (h). Provides that upon the establishment of an automated system for final disposition reporting, clerks of court shall submit final disposition reports electronically to the TBI. Jurisdictions that submit final disposition reports electronically will cease the

submission of R-84 Disposition Cards upon advisement from the TBI. Provides that the submission of an electronic final disposition report shall have the same force and effect as the submission of a R-84 Disposition Card. Amends 8-4-115 by adding a new subsection (i). Provides that any automated court information system being used or developed on or after July 1, 2005, including, but not limited to, the Tennessee court information system (TnCIS) being designed pursuant to 16-3-803(h), shall ensure that an electronic file of final disposition data will be reported to the TBI. The form, general content, time, and manner of submission of the electronic file of final disposition data will comply with the rules and regulations prescribed by the TBI.

Effective July 1, 2004.

Public Chapter 875

Senate Bill 2813 (Fowler) House Bill 2742 (Bunch)

Amends 16-15-727 to apply the procedures for correction of judgements established in Rule 60 of the Tennessee Rules of Civil Procedure to general sessions court. Provides that the judge of a general sessions court has the same authority to correct judgements and may do so under the same circumstances and time limits and in the same manner as provided in Rule 60 for other courts.

Effective July 1, 2004.

Public Chapter 889

Senate Bill 2922 (Crutchfield) House Bill 3008 (Hagood)

Amends 40-6-205 and 40-6-215. Revises the provisions governing the issuance of a criminal summons. Provides that a criminal summons will be issued if the affiant is not a law enforcement officer except that a magistrate may issue a warrant for arrest rather than a criminal summons if: (1) the offense complained of is a felony, (2) there are multiple-affiants and one or more of the affiants is a law enforcement officer, (3) after examination of the affiant and the affidavit of complaint, the magistrate has probable cause to believe that the issuance of a warrant of arrest rather than a criminal summons is necessary to prevent an immediate danger of domestic abuse victim, (4) the affiant has a written police report concerning the incident for which the arrest warrant is sought or the incident can be verified with a report on file with the appropriate law enforcement agency, (5) a reasonable likelihood exists that the person will fail to appear in court, (6) there are one or more outstanding warrants or criminal summons for such a person, or (7) the person cannot, has not, or will not offer satisfactory evidence of identification. Gives the local law enforcement agency responsible for booking and processing the discretion to establish booking and processing procedures that meet the needs of the particular jurisdiction. Eliminates the requirement of keeping persons being booked pursuant to a criminal summons segregated from other criminals during the booking and processing procedure. Requires the sheriff or other law enforcement agency in the county responsible for serving the summons, to provide the defendant with notice of the court time and date the defendant is to appear, either at the time the summons is served or at the time the defendant is booked and processed, if booking and processing is ordered to occur prior to the first court date. Requires the court clerk, sheriff, or other law enforcement agency, to provide notice to the affiant, or affiants in the case of multiple-affiants, of the date and time when the defendant is required

to appear before the court. Clarifies that the failure to appear for court or failure to appear for booking and processing is a separate criminal offense punishable as provided for in 39-16-609. Adds new section 40-6-117. Clarifies that a judge who is elected to an eight year term and who is licensed to practice law in Tennessee can always issue an arrest warrant regardless of whether the exceptions in 40-6-205 or 40-6-215 apply.

Effective June 8, 2004.

Public Chapter 906

Senate Bill 2862 (Herron) House Bill 3337 (Maddox)

Amends 36-5-101 relative to child support. Requires, in Title IV-D child support cases, the department of human services to provide a child support obligor notice 90 days prior to the 18th birthday of a child for whom the obligor is paying support. Allows the obligor to seek termination of the Title IV-D order of support if the following conditions are met: (1) the department's records demonstrate that the child for whom an order of support in a Title IV-D child support case has been entered has reached 18 years of age and has graduated from high school, or that the class of which the child is a member when the child reached 18 years of age has graduated from high school, the obligor has otherwise provided the department with written documentation of such facts, or the obligor has provided the department with written documentation that a child for whom the obligor is required to pay support has died or has married; (2) no other special circumstances exist that require the obligation to continue; (3) the obligor does not owe arrearages to the obligee parent, any guardian or custodian of the child, the department of human services, or to any other agency of the state of Tennessee, or any other Title IV-D agency of any state; (4) the costs of court have been paid; and (5) there are no other children for whom the obligor is required to pay child support. If these conditions exist in the Title IV-D case, then the department shall immediately suspend the order of support temporarily, for the child who has reached majority. If the existing court order was the result of a deviation from the child support guidelines, the department shall immediately seek from the court termination of the support order for such child, and provide the obligee with notice of the filing of the petition to terminate such order. If the existing order was not the result of a deviation from the child support guidelines, the department shall give notice to the obligee and to the other obligor of the temporary suspension of the order based upon verification of the status of the case of its intent to permanently terminate the support order by an administrative order, which the department may issue for such purpose, and of the opportunity for a hearing upon the issue of permanent termination of the order. If the obligee contests the temporary suspension of the order of support under the circumstances described above and prevails following entry of the court or administrative order, the obligor would pay the support amounts and any other arrearages or court costs not paid as a result of the temporary suspension of the order. If the conditions are met, but there are other children for whom the obligor is still obligated to support, the department shall immediately conduct a review of the support order and seek its adjustment if appropriate under the child support guidelines. If the existing order was not the result of a deviation from the child support guidelines, and the department determines, the department would notify the parties of its intent to modify the support order by an administrative order, which the department may

issue for such purpose, and of the opportunity for a hearing upon the issue of modification of the order. The support order would be modified as established by order of the court or the department as required pursuant to the child support guidelines. If the obligor's payment would be lower, the obligor would be given credit for such amount against future payments of support for the remaining children under the order. If the obligor's payment would be higher, then the obligor shall pay the higher ordered amount from the date of entry of the order. Requires the local education agency to provide proof of a child's graduation from high school to the department of human services within twenty business days of a written request for such proof.

Effective January 1, 2005.

Public Chapter 914

Senate Bill 3355 (Person) House Bill 3423 (Fowlkes)

Enacts the Municipal Court Reform Act of 2004. Establishes the jurisdiction which may be exercised by municipal courts. Enacts provisions related to the costs and litigation taxes which may be charged in municipal courts. Establishes uniform appeal provisions for decisions of municipal courts. Mandates training for municipal judges and clerks. Establishes a review procedure that is required before any municipal court may be granted jurisdiction concurrent with the general sessions court. Creates a feasibility study committee with representatives of the city, county, the district attorney and the public defender to review the proposal for expansion of jurisdiction against six required factors. Provides that a negative recommendation by the committee prevents any action on granting general sessions jurisdiction for one year at which time the municipality would have to bring the proposal back to the committee. Creates the Tennessee municipal judges conference. Requires municipalities of 10,000 or less to comply with rules of the Commissioner of Safety in regards to law enforcement on interstates. Extends the moratorium on granting concurrent general sessions jurisdiction to any existing or newly created municipal court from May 12, 2003 to March 1, 2005.

Effective March 1, 2005.

Public Chapter 918

Senate Bill 3019 (Burks) House Bill 3453 (McMillan)

Amends 29-13-105 and 29-13-107 relative to the criminal injuries compensation fund. Removes the requirement that the victim of the crime be unmarried and under 24 years of age for a family member to be compensated under the fund. Changes the requirement that all such assistance go to "a family member who provided substantial support or needed services to the victim at the time of the victim's death." Instead, requires merely that the assistance go to "a relative of the victim." Allows compensation for un-reimbursed or un-reimbursable mental health counseling or treatment for any sibling or non-custodial parent made necessary by a sexually oriented crime committed against a victim who is under the age of 18. Also allows compensation for un-reimbursed or un-reimbursable mental health counseling or treatment for a child of the victim who witnessed a domestic assault against the victim and who is under the age of 18. Caps the amount awarded for mental health counseling or treatment at \$3,500.

Effective July 1, 2004, applicable to all claims for compensation filed on or after July 1, 2004.

Public Chapter 929 Senate Bill 3390 (Crutchfield) House Bill 3514 (McMillan)
Amends 33-5-505 and 33-5-506 relative to certain judicial proceedings under Title 33. Allows two-way electronic audio-video conferencing in lieu of in-court hearings for hearings regarding emergency involuntary admission to inpatient treatment at the court's discretion and for other proceedings under Title 33 at the court's discretion if all the parties agree and if the following conditions are met: (1) the defendant, plaintiff, and judge can see and hear each other throughout the entire hearing except during private conference between the defendant and his attorney; (2) the judge, the defendant, the plaintiff, and their attorneys can see and hear all witness testimonies and hear all questions asked of the witnesses and all statements made by attorneys or parties involved in the hearing, and (3) the defendant and his attorney and the plaintiff and his attorney can confer in private. Allows pleadings and certificates of need for care and treatment that must be filed under Title 33, Chapters 5 through 8 to be delivered to the court by telefax transmission in conformity with the Tennessee Rules of Civil Procedure.

Effective July 1, 2004.

ECONOMIC DEVELOPMENT

Public Chapter 592 Senate Bill 3418 (Crutchfield) House Bill 3480 (McMillan)
Amends the program providing a credit against the state excise tax for businesses creating a net new full time job in an economically distressed county. Expands the definition of economically distressed county. Expands the definition of qualified business enterprise to include additional types of activity and increases the job tax credit from \$3000 to \$4500 per net new full time employee job.

Effective May 3, 2004.

Public Chapter 662 Senate Bill 2415 (Atchley) House Bill 2600 (Tindell)
Authorizes industrial development corporations to prepare and submit to the county or municipality which created the industrial development corporation an economic impact plan for areas affected by projects of the industrial development corporation. Any area designated in an economic plan must be within the creating county or municipality and must contain an industrial park or a project that is either owned by the industrial development corporation or will be financially assisted by the industrial development corporation. The area subject to the plan may also include such other properties that will be directly improved or benefitted due to the industrial park or project. The plan must provide that the property taxes collected on property in the plan area, including taxes on personal property, above the base year amount will be allocated to a separate fund of the industrial development corporation and used for industrial development purposes or to pay debt service on obligations of the industrial development corporation. However, the plan may include an amount greater than the base year amount to the taxing governments. The plan is subject to approval by the county or municipality that creates the

industrial development corporation. If the area subject to the plan is within the corporate limits of a city or town, the taxes that would otherwise be payable to the city, town or county that is not the local government that created the industrial development corporation will not be paid to the industrial development corporation unless such city, town or county has also approved the plan. The clerk of any governing body approving such a plan shall submit to the appropriate property tax assessors a copy of the resolution adopting the plan including a description of the property in the plan area. Notwithstanding the earlier provisions, any taxes levied on property within an economic impact area for the payment of principal and interest on indebtedness of the taxing local government will not be subject to the allocation to the industrial development corporation.

Effective May 14, 2004.

Public Chapter 672

Senate Bill 2665 (McLeary) House Bill 2719 (Bone)

Amends Title 7, Chapter 56 regarding rail authorities established by counties and/or municipalities to allow members of the board of directors to receive compensation, but only upon a two-thirds vote of the board of directors. Also, members of the board may receive a per diem allowance if appropriated by the governing body of the city or county electing the director. The board of directors may set reasonable compensation for officers of the rail authority. A rail authority is specifically authorized to accept grants, loans or other financial assistance from the state, any county or municipality and any federal, state, county or municipal agency or authority, or other aid for the operation, acquisition or improvement of the property and facilities of the authority. The directors of the rail authority may issue bonds and notes and enter into leases and lease-purchase agreements, may mortgage property, enter in installment payment agreements and enter into joint ventures and cooperative arrangements with governmental and private entities. Rail authorities are granted a wide range of powers to conduct business; however, all funds of a rail authority must be invested in accordance with the requirements for counties and cities. Any county or city participating in a rail authority is authorized to issue its bonds or notes and grant or loan the proceeds to the authority. The authority may borrow money and create security interests only if approved in writing by the commissioner of transportation.

Effective May 17, 2004.

Public Chapter 909 Senate Bill 3328 (Henry) House Bill 3399 (Head)
Amends Title 7, Chapter 88, Part 1 dealing with convention center and tourism financing. Modifies the definition of a qualified public use facility which may receive financing under this act by raising the private investment requirement from \$25 million to \$ 50 million. Authorizes the state’s Department of Finance and Administration to reduce or reconfigure a tourism development zone proposed by a county or city. Defines a “qualified associated development” within the tourism development zone which will qualify for financing under this law. Limits the tourism development zone to one mile of the qualified public use facility with waivers possible from the Department of Finance and Administration for unusual circumstances for up to three miles. Excludes revenue from increases in the state sales and use tax rate from being used for the tax increment financing above the base tax revenues.

Effective June 8, 2004.

Public Chapter 924 Senate Bill 3428 (Crutchfield) House Bill 3483 (McMillan)
Amends 67-4-2109 and the earlier enacted 2004 Public Chapter 592 by allowing the Department of Economic and Community Development to define an economically distressed county based on unemployment, per capita income and poverty levels and other factors such as high concentrations of employment in declining industries for purposes of companies in such counties receiving credits on the state excise or franchise tax for new full time jobs.

Effective June 7, 2004.

EDUCATION

Public Chapter 521 Senate Bill 2735 (Trail) House Bill 2782 (Fowlkes)
Amends 34-6-302 to provide that an LEA is not required to enroll a student with a power of attorney stating a hardship other than one of the three specifically set out in the statute, but may do so on a case-by-case basis.

Effective April 12, 2004.

Public Chapter 585 Senate Bill 2876 (Herron) House Bill 2161 (McDaniel)
Amends 49-2-203(b) to require school boards to include in student handbooks or other information disseminated to parents and guardians, information on contacting child advocacy groups and the state department of education for information on student rights and services, but not until existing supplies of handbooks are exhausted.

Effective July 1, 2004.

Public Chapter 586 Senate Bill 2208 (McNally) House Bill 2428 (Winningham)
Amends 8-27-303(a)(3) to authorize school board members to participate in the state's basic group insurance plan for local education employees if the member pays the total monthly premium.

Effective May 3, 2004.

Public Chapter 670 Senate Bill 3397 (Crutchfield) House Bill 3510 (McMillan)
Amends Title 49 relative to teachers' salary equity. Amends 49-3-356 to provide that the state will provide 65% of the funds generated by the BEP formula in the instructional positions component. Amends 49-3-366 to provide that the dollar value of the BEP instructional positions component will be \$34,000 beginning with the 2004-05 fiscal year and will be adjusted each year in the same manner as other BEP components. In 2004-05 and subsequent years, no LEA will receive less state funding for instructional salaries and benefits than it received in 2003-04. The commissioner of education will provide each LEA that received salary equity funds in 2003-04 with a state funding plan to transition to funding under the BEP for the instructional positions component. Amends 49-1-302 to reconstitute the state BEP review committee and require the state board of education to appoint at least one member from each of the following: teachers, school boards, directors of schools, county governments, municipal governments which operate schools, finance directors of urban school systems, and finance directors of rural school systems. The BEP review committee must meet at least four times per year to review the BEP components and the formula for needed revisions, and is required to review the salary component annually with consideration given to total instructional salary disparity among LEAs, differences in benefits and other compensation among LEAs, inflation, and instructional salaries in states in the southeast and other regions. The committee must provide a report by November 1 each year to the governor, state board of education, and select oversight committee on education. Amends 49-3-354(b) to require that BEP funds earned in the instructional positions component be spent for instructional positions. Allows reductions in local salary supplements to be taken to offset increases in the state minimum salary for 2004-05 if agreed under collective bargaining agreements and if not, the state will adjust the state minimum salary by an appropriate amount. When reviewing the BEP program for 2005-06, the BEP review committee is directed to give special consideration to costs of enhanced services for at-risk children and English language learners, and the development of a system-level fiscal capacity model.

Effective May 14, 2004.

Public Chapter 708 Senate Bill 2743 (Trail) House Bill 2783 (Fowlkes)
Enacts 49-6-2307 to require the state board of education to promulgate rules to establish minimum nutritional standards for food sold to pupils in grades pre-K - 8 through vending machines and other sources, in time for the 2005-06 school year.

Effective May 18, 2004.

- Public Chapter 764 Senate Bill 2859 (Herron) House Bill 2934 (Rinks)
Amends 49-2-203 to require a school board, prior to extending the contract of the director of schools, to give notice of the intent to do so at least ten calendar days prior to the scheduled meeting at which the action will be taken, and to include the proposed action as a specific, clearly stated item on the agenda for the meeting.
- Effective May 24, 2004.
- Public Chapter 832 Senate Bill 1550 (Dixon) House Bill 1175 (Brown)
Amends Title 49 to delete references to “low performing schools or school districts” and substitute “high priority schools or school districts.” Authorizes the Commissioner of Education to authorize up to 24 school systems or any part of a school system to operate as innovative educational programs that emphasize school-based decision making and the creation of small learning communities. Removes present law authorization for the commissioner to award grants of up to \$50,000 to LEAs for planning and implementation of plans to operate a school system or an individual public school as an alternative education program. Specifies that any authorization for a public school or public school system to operate as an alternative education program does not impact collective bargaining agreements with educators, and that alternative education programs are not charter schools and cannot convert to a charter school after being authorized to conduct an innovative education program.
- Effective June 7, 2004.
- Public Chapter 837 Senate Bill 1364 (Crutchfield) House Bill 1433 (Brown)
Amends 49-3-352(c) relative to the unrestricted use of education fund balance when state shared revenues distributed to counties are less than the levels distributed in the 2002-03 fiscal year. If an LEA submits a budget in 2004-05 that provides for the use of the fund balance and it is later determined that state-shared revenues distributed actually exceeded the levels distributed in 2002-03, the Commissioner of Education may approve the unrestricted use of the fund balance.
- Effective June 8, 2004.
- Public Chapter 928 Senate Bill 3395 (Trail) House Bill 3511 (McMillan)
Amends Title 49, Chapter 1, Part 6 to be compatible with the No Child Left Behind provisions. Requires performance goals for each LEA that include: (1) all public schools and LEAs must make adequate yearly progress in achieving proficiency for all student subgroups in core academic subjects, as determined by the state board of education; and (2) all public schools and LEAs must have academic growth for each measurable academic subject within each grade greater than or equal to standards for expected academic growth set by the commissioner with the approval of the state board. Growth is to be determined through the value-added assessment. LEAs must have academic growth equal to or greater than the standards for expected growth set by the commissioner with approval of the state board. Sets 2002-03 as the base year for measuring graduation (formerly dropout) rates. All tests must be equivalent and at least 70 percent of items on each test in the previous four years in grades 3 - 8,

and the previous three years in subject-specific high school tests, be non-redundant. The commissioner will ensure that assessments used to measure academic progress meet acceptable standards of reliability and appropriately measure students at all levels of achievement. The state board, in consultation with the commissioner, must establish appropriate performance goals and measures.

Effective June 7, 2004.

ELECTIONS

Public Chapter 472

Senate Bill 2890 (Dixon) House Bill 2709 (Maddox)

Amends 2-2-111 to require the county election commissions to conduct a supplemental voter registration when a planned and scheduled group naturalization ceremony is held within the county. Requires the election commission to attend the supplemental voter registration in person or to send one or more assistant registrars or designees to register such new citizens to vote.

Effective April 5, 2004.

Public Chapter 480

Senate Bill 2485 (Haynes) House Bill 3460 (McMillan)

Amends numerous statutes to make changes to election procedures. Allows publication of multiple notices in newspapers when such notices are legally required to be published during the same time frame. Changes the timing of the notice given to elderly or handicapped voters regarding the inaccessibility of their polling place from 30 days prior to an election to 45 days prior to an election. Clarifies that elderly or handicapped voters who register by mail must vote in person the first time they vote after registration. Increases the number of signatures required in order to be placed on a ballot as an independent presidential candidate. Allows the local county election office to mail a sample ballot to every registered voter five days before early voting in lieu of publishing the ballot. Authorizes county election commission offices to begin conducting voting at licensed nursing homes 29 days before an election instead of 22 days before the election. Allows the directors of nursing homes to give the administrator of elections a list of residents at the nursing home for the limited purpose of effectuating voting. Specifies that the administrator of elections request the list no later than 40 days prior to election day and for the administrator of the facility to provide it promptly. Amends existing law to extend the amount of time a voter who is voting without assistance may remain in a voting compartment to five minutes if other voters are waiting or ten minutes in any event. Clarifies that voting more than once on the same election is a Class E felony. Removes requirement that a person or corporation must be identified if the person or corporation makes any expenditure for the purpose of expressing a view about an issue or measure. Requires legislative bodies to provide their local county election commission with an updated list of any modifications or changes to house, road, and street names or numbers every six months.

Effective April 8, 2004.

Public Chapter 594

Senate Bill 925 (Crutchfield) House Bill 857 (Brown)

Amends 2-10-104 relative to affirmation of campaign finance disclosures to require such statements to be signed by the person filing the statement in the presence of

one witness who shall then sign the statements as a witness prior to filing. The campaign treasurer is not authorized to sign as a witness. Under this act, statements are no longer required to be sworn or affirmed by a notary.

Effective May 4, 2004.

Public Chapter 758

Senate Bill 2693 (Cohen) House Bill 2653 (Cooper)

Enacts a new section in Title 40, Chapter 39, Part 1 to provide that when any non-violent offender convicted of an infamous crime is granted final release from incarceration or discharged from parole, probation, pre-trial or judicial diversion or community correction supervision, the sentencing court, department of correction and board of probation and parole are urged to have the official processing the release of the prisoner provide the prisoner with information explaining the procedures necessary to restore the prisoner's citizenship rights.

Effective May 24, 2004.

Public Chapter 898

Senate Bill 2347 (Kyle) House Bill 3175 (McMillan)

Enacts a new section 2-12-117 to authorize county election commissions to develop an Internet-based electronic filing process for use by candidates for local public office and all political campaign committees for a local election that are required to file statements and reports with the county election commission. Requires any such system to provide secure access to the system and safeguard against tampering. Requires the election commission to give public notice of the system once it is tested and operational. Requires all costs for such system to be an expenditure of the county election commission.

June 8, 2004.

Public Chapter 915

Senate Bill 3219 (Burchett) House Bill 3427 (Buttry)

Amends 2-10-105 relative to the filing of contribution, loan and expenditure statements. Provides that candidates or political campaign committees who certify a treasurer less than one year before the election, but prior to December 31, must file their initial contribution, loan and expenditure report in accordance with the 2-10-105(c)(5). Those who certify a treasurer after December 31 will be required to file the initial contribution, loan and expenditure report within ten days following the qualifying deadline.

Effective June 7, 2004.

EMERGENCY SERVICES

- Public Chapter 487 Senate Bill 2748 (Trail) House Bill 2720 (Bone)
Amends 58-2-107 and 58-2-110(3)(A) to authorize the director of TEMA and chief local elected officials to declare a state of emergency for the purpose of triggering the emergency relief effort portion of the hours-of-service regulations promulgated by the federal motor carrier safety administration.
- Effective April 8, 2004.
- Public Chapter 525 Senate Bill 3127 (McLeary) House Bill 3192 (Maddox)
Amends 68-140-506(f) by changing the date of renewal for licenses and permits for ambulances or emergency service vehicles from December 31 to June 30 of each year. Directs that licenses and permits issued in 2004 would expire on June 30, 2005.
- Effective July 1, 2004.
- Public Chapter 743 Senate Bill 3139 (McNally) House Bill 3094 (Rinks)
Enacts the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004 as a new chapter 8 under Title 58. Establishes a statewide mutual aid agreement for local governments in Tennessee that maybe used at the option of the local government. Requires local governments that want to keep existing mutual aid agreements in force to pass a resolution to extend them before July 1, 2004. Provides that the provisions of this act become the agreement if the local government does not pass such a resolution. Does not affect service and operational agreements. Allows future mutual aid agreements if a local government wants to do this. Creates a distinction between aid, which is provided under the act on request in situations in which there has been no declaration of a state of emergency or disaster and for which no cost reimbursement is required, and assistance, which is provided after an emergency or disaster is declared and for which cost reimbursement is required. Allows municipal and county mayors and executives to declare local states of emergency. Allows requests for aid or assistance to be made verbally, but requests for assistance must be confirmed in writing within 30 days of the initial request. Parties must keep records of all requests for assistance made under this act. Establishes procedures for requesting and responding to requests. Allows a responding entity to send personnel and equipment anywhere in the state to respond to a request for aid or assistance. Does not create a duty to respond or to stay at a scene for any length of time. Provides responding employees and entities acting outside their boundaries the same protections they have in their home jurisdiction. Provides that for liability purposes, employees of the responding party will be considered employees of the requesting party while under the requesting party's supervision. At all other times they will be considered employees of the responding party. Requires the requesting party to pay the responding party all documented allowable costs incurred by the responding party in providing assistance after a state of emergency is declared. Provides that the responding party is entitled to one half its reimbursable costs for the first six hours of its response and to 100% after six hours are exceeded. This does not apply to responding utilities,

which are to be reimbursed for 100% of their costs from the beginning of the state of emergency. Requires the requesting party to reimburse personnel costs; also to reimburse equipment and material costs according to FEMA fee schedules. Requires the responding party to maintain records and submit invoices for reimbursement by the requesting party. The responding party must forward an itemized invoice to the requesting party no more than 60 days after the provision of assistance has ended. Allows local government entities to provide aid or assistance to any state or federal entity upon request in any part of the state. Repeals 58-2-111(a), (b), and (c)(1)–(9), the Local Government Emergency Assistance Act of 1987, which now becomes obsolete. Directs the recodification in Title 7, Chapter 51 of subdivision (c)(10) of 58-1-111. This provision, which was codified with the Local Government Assistance Act, was enacted after the tornado that hit downtown Nashville and authorizes government work on private property in certain circumstances. Repeals 58-2-112, which now is an obsolete section authorizing mutual aid agreements.

Effective July 1, 2004.

Public Chapter 810

Senate Bill 3115 (Cooper) House Bill 3039 (Matheny)

Amends Title 7, Chapter 86, relative to providing emergency communications districts the necessary authority to meet homeland security requirements and be self-supporting. Directs the Tennessee Advisory Commission on Intergovernmental Relations to conduct, within existing resources, an expedited, comprehensive study of all aspects of Tennessee's emergency telephone service (911) statutes, including, but not limited to, local emergency communications districts and their respective boards, the state emergency communications board, the provision of enhanced 911 service, and the assessment of emergency telephone service charges upon telecommunications service providers and customers. Directs the Tennessee Advisory Commission on Intergovernmental Relations to specifically examine the funding mechanisms and the adequacy of the funding for local emergency communications districts and their respective boards, as well as the state emergency communications board. Directs the Tennessee Advisory Commission on Intergovernmental Relations to evaluate the feasibility and necessity of: (1) increasing emergency telephone service charges on telephone land lines and wireless telecommunications services; and (2) revising the statutory assessment formula for funding emergency telephone services. Directs the Tennessee Advisory Commission on Intergovernmental Relations to complete the study and report its findings and recommendations, including any necessary legislation, to the General Assembly no later than February 1, 2006. Amends 7-86-306(a). Allows the board to respond to requests from "other parties," in addition to requests from emergency communications districts or commercial mobile radio service providers. Allows the board to review and approve requests for payment of obligations incurred for enhanced statewide wireless 911 service in addition to approving requests for reimbursements for expenditures.

Effective June 3, 2004.

Public Chapter 873

Senate Bill 2307 (Crowe) House Bill 2700 (Cochran)

Amends Title 68, Chapter 140, Part 5 by adding a new section 68-140-525.

Provides that as a condition for employment of any licensed EMT, EMT-P, and other certified EMS personnel, employers are allowed to initiate a criminal background check on any person applying for employment, or any employee that is currently employed by the employer. Such criminal background investigations will be at the expense of the employer. Provides that applicants must: (1) provide past work history and personal references to be checked by the employer, (2) agree to the release of only such information and investigative records to the employer, or to any agency that contracts with the state of Tennessee, necessary for the purpose of verifying whether the individual has been convicted of a felony in the state of Tennessee, (3) supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee Bureau of Investigation, the Federal Bureau of Investigation, other law enforcement agency, or any legally authorized entity; and (4) release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry. Provides that any cost incurred by the Tennessee Bureau of Investigation, Federal Bureau of Investigation, professional background screening organization, law enforcement agency or other legally authorized entity, in conducting such investigations of applicants will be paid by the applicants. In the event that the applicants fail to pay for these incurred expenses the responsibility for payment will fall to the employer originally requesting the criminal background checks. Payments of the cost to the Tennessee Bureau of Investigation are to be made in accordance with the provisions of 38-6-103 and 38-6-109.

Effective June 7, 2004.

ENVIRONMENT

Public Chapter 519

Senate Bill 2770 (Graves) House Bill 2584 (McDonald)

Amends 69-3-108 to specify that the discharges and practices which the Commissioner of Environment and Conservation may grant permits to authorize may include the land application of wastewater.

Effective April 12, 2004.

Public Chapter 578

Senate Bill 877 (Ramsey) House Bill 1418 (McCord)

Amends 68-221-1107 regarding properties that do not discharge storm water runoff into the storm water control facilities of a municipality or county. Prior law provides that such properties are exempt from any storm water user fee. This act merely includes language to clarify that this exemption may include agricultural land which does not discharge storm water runoff.

Effective May 3, 2004.

- Public Chapter 779 Senate Bill 69 (Cooper) House Bill 39 (Turner)
Enacts a new section in Title 68, Chapter 221, Part 4, relative to subsurface sewage disposal systems. Prohibits any county official from requiring a homeowner or the department of environment and conservation to excavate a pre-existing subsurface sewage disposal system prior to issuing any county permit for altering any building that uses the sewage system if the following conditions are met: (1) the altered building will be owned by the same owner, or a relative of such owner, who used the system before the alteration occurred; (2) the owner or relative has no actual knowledge of any defect in the system; (3) the system is not altered, other than being connected to the altered structure; (4) the alteration is not made in connection with the sale of the property; and (5) the owner signs a sworn statement certifying compliance with this bill. The act also requires the property owner, when selling a house, to disclose improvements utilizing the pre-existing subsurface sewage disposal system on the residential property disclosure statement.
- Effective May 28, 2004.
- Public Chapter 849 Senate Bill 2264 (Crutchfield) House Bill 2285 (Vincent)
Amends 68-221-1107 regarding the collection of storm water management fees. In counties which are not in the state's computer assisted appraisal system, the county trustee is authorized to bill and collect such storm water fees for the county as a designated item on the ad valorem tax notice issued by the trustee. Municipalities in these counties are also authorized to into a contract with the county to have their storm water fees collected in this manner.
- Effective June 8, 2004.
- Public Chapter 901 Senate Bill 3281 (Dixon) House Bill 3216 (Kent)
Amends Title 13, Chapter 7, Part 1. Provides that this act applies to any county in the state of Tennessee that either is in an early action compact or is in non-attainment for air quality according to the Environmental Protection Agency as of April 15, 2004. Provides that any county to which this act applies and whose population according to the 2000 federal census was 60,000 or more and the county as of April 15, 2004, did not have a land-use plan, must adopt a land-use plan which states that air quality issues will be considered as part of the county-wide land use plans.
- Effective June 7, 2004.
- Public Chapter 925 Senate Bill 3413 (Crutchfield) House Bill 3413 (McMillan)
Amends Title 68, Chapter 215 relative to petroleum underground storage tanks. Defines the term "local government agency" for the purposes of these statutes. Deletes the provision making it illegal to pay the annual fee per tank. Adds new provisions making it unlawful to receive, or attempt to receive, reimbursement from the petroleum underground storage tank fund in a fraudulent manner or refuse, or fail to comply with, any order of the commissioner or the board that becomes final. Requires an owner/operator of a tank to have paid all outstanding fees, interest, and penalties in order to receive a certificate for the tank. Authorizes the Department of

Environment and Conservation to affix a notice or tag to a dispenser or fill port and/or give notice on the department's web site for any tank that does not have a current certificate. It will be a Class C misdemeanor to remove a tag or notice. Amends provisions related to a fund maintenance fee to be paid by or on behalf of the owner/operator for the fiscal year of 2004-2005 only. The fund maintenance fee will be assessed upon the owners/operators as follows: 1 to 5 tanks, located at one facility, \$400; 1 to 5 tanks, located at more than one facility, \$710; local government agency, \$710; and 6 tanks or more, \$710. Provides that if there is evidence of a suspected or a confirmed release from an underground tank on or after July 1, 2004, in order for the tank owner, tank operator, or petroleum site owner to receive reimbursement from the fund, an application for fund eligibility must be filed within 90 days of the discovery of evidence of a suspected release which is subsequently confirmed or within 60 days of a release which was identified in any manner other than the present law process for confirmation of a suspected release. Requires a tank owner or operator to send notification to the petroleum site owner by certified return receipt mail within seven days of confirmation of release. If the owner or operator fails to comply with the 90 and 60 day deadlines then the release will not be eligible for reimbursement from the fund. Provides that, on or after July 1, 2004, all applications for the payment of costs of cleanup must be received by the division of underground storage tanks within one year of the performance of the tasks covered by that application in order to be eligible for reimbursement. Deletes language in current law that provides that claims that have a deductible level greater than \$10,000 are reimbursed only when the net value of the petroleum underground storage tank fund exceeds \$28,000,000 for three consecutive months and that any payments due are discontinued when the net fund balance is less than \$28,000,000. Makes the commission of one of the specified unlawful acts in regard to petroleum underground tanks a Class C misdemeanor. Provides that any person who knowingly causes or allows a release of petroleum into the environment in violation of the law of underground storage tanks or the rules, regulations, or orders of the commissioner or the board will commit a Class E felony, punishable by the applicable fine only. If the release results in an expenditure for cleanup by any other person or from the fund, the offense would be graded as a theft offense and punishable by the provisions governing theft. Allows the department, court, or board to suspend a certificate for one felony conviction. Creates a Tennessee petroleum underground storage tank advisory committee to advise the commissioner concerning the fund. By June 1, 2004, the commission will appoint the members of the committee in such a manner as to provide representation of stakeholders who have an interest in the fund, including gasoline station owners as well as other tank owners, oil marketers, local government, environmental interests, and the public. The committee must report its recommendations concerning the revenues and the expenditures by December 1, 2004, to the commissioner.

Effective July 1, 2004.

Amends 55-4-128(a)(3). Provides that the Air Pollution Control Board created by 67-201-104, will promulgate rules providing conditions under which owners of motor vehicles that do not successfully complete an emissions test may apply for waivers or variances. The rules may set appropriate conditions for such waivers that are consistent with federal as well as state law and consider the expenditures made by the owner in order to come into compliance. Amends 55-4-130(a). Provides that 55-4-101(d)(2) [vehicle registration], 55-4-104(d)(2) [registration renewal], and 55-6-105(a)(9) [registration issuance by county clerk] shall only apply in those counties: (1) that have been designated by the Air Pollution Control Board to have an inspection and maintenance program because it is necessary to attain or maintain compliance with national ambient air standards, provided that the Board may only designate counties that: (A) have been designated by the US E.P.A. as not attaining the national ambient air standards and have over 50,000 registered vehicles in the most recent year, (B) are former non-attainment counties with over 50,000 registered vehicles in the most recent year that are under a maintenance plan designed to continue to meet the national ambient air standards, or (C) that contribute significantly to non-attainment in another county and have more than 60,000 motor vehicles registered in the county in the most recent year; or (2) for which a resolution has been passed by the governing body of the county which specifically establishes an inspection and maintenance program for the county and the Board approves such resolution as providing for a program that is consistent with the programs operated under subsection (1). Provides that the Board may also oversee the implementation of such programs to assure statewide consistency and shall review such programs at least once every three years. Provides that the implementation of 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) shall be in a manner as to assure compliance with the Clean Air Act, 42 U.S.C. § 7401 et seq., and the Air Pollution Control Act, Title 68, Ch. 201, Pt. 1. Provides that all counties implementing a vehicle inspection and maintenance program may only charge fees that are directly related to the county's cost of establishing and implementing the vehicle inspection and maintenance program. Amends 55-4-130(b). Provides that, for purposes of purchasing goods and services relevant to emissions testing, the state or county may purchase goods and services on the same terms and conditions as such goods and services have been purchased by the state or a county where such contract, as amended or extended, is in effect at the date of the purchase by the state or a county and where such contract was executed in the first instance by the state or a county pursuant to its regular purchasing procedures for such goods and services. Such contract, whether the existing contract from which the purchase is made or the new contract, may be modified by the state or county for one additional term of not more than sixty months, the policy of the state being to promote statewide uniformity of price and term of such contracts. Amends 55-4-130(c). Provides that, with respect to any fleet of motor vehicles owned or leased by any manufacturer of motor vehicles located in any county designated in 55-4-130(a), the rules promulgated by the Tennessee Air Pollution Control Board will allow the manufacturer to provide its own vehicle inspection and maintenance program so long as the vehicle inspection and maintenance program meets the standards required by the Board. Amends Title 68, Chapter 201, Part 1 by adding a new, appropriately designated section which provides that the Tennessee Air Pollution

Control Board will promulgate rules that specify the type of vehicle inspection and maintenance program to be established and implemented, and establish that the inspection associated with the vehicle inspection and maintenance program will occur on an annual basis in connection with vehicle registration renewal. Amends Title 68, Chapter 201, Part 1 by adding a new, appropriately designated section providing that it is unlawful for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the Federal Clean Air Act, 42 U.S.C. §§ 7401 et seq., prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser. Amends 68-201-102(2). Deletes from the definition of “air contaminant source” the following exceptions: (1) automobiles, trucks, tractors, buses or other motor vehicles powered by any fuel other than diesel oil manufactured prior to September 1, 1967, (2) automobiles, trucks, tractors, buses and other motor vehicles powered by diesel oil manufactured prior to January 1, 1970; and (3) automobiles, trucks, tractors, buses or other motor vehicles which are equipped to comply and do comply with the Federal Motor Vehicle Air Pollution Control Act. Repeals 68-201-203, deleting the provisions for the “Voluntary Inspection and Maintenance Program to Study Emissions for Light Duty Vehicles” which had a stated purpose of obtaining improvements in air quality with respect to the levels of photochemical oxidants in the metropolitan area in and around Davidson County.

Effective June 8, 2004.

FINANCE

Public Chapter 454

Senate Bill 2603 (Kyle) House Bill 2763 (Fitzhugh)

Amends 9-4-502(5) dealing with the collateral pool for public deposits to provide that the average monthly balance of public funds held by the depository in any 12 month period will not exceed 110% of the average daily balance of all deposits by public depositors held during a calendar month immediately preceding the current month.

Effective March 25, 2004.

Public Chapter 589

Senate Bill 3243 (Henry) House Bill 3288 (Head)

Amends the Local Government Public Obligations Law and other statutes to apply the present legal requirements for revenue bonds to other types of interest rate agreements entered into by local governments and utility districts; authorizes the pledging of the fees, rents, tolls, or other charges received or receivable by the local government from any public works project. Also, allows a local government to covenant against the future pledging of any such fees, rents, tolls, or charges to any other bonds or any other obligations of the local government. These provisions also apply to any governmental entity created by private act which has the power to issue revenue bonds and to enter into interest rate agreements. Defines “interest rate agreement” in the Perfection, Priority and Enforcement of Public Pledges and Liens Act to mean an interest rate swap or exchange agreement, an agreement establishing

interest rate floors or ceiling, or both, and other interest rate hedging agreements which an issuer is authorized by statute to enter into.

Effective May 3, 2004.

Public Chapter 705 Senate Bill 2982 (Burks) House Bill 2539 (Hargrove)
Amends the Local Government Public Obligations Law to authorize the governing body of a local government operating a nursing home to issue health care revenue anticipation notes for the purpose of providing funds to be transferred to the state pursuant to an approved intergovernmental transfer agreement. Also, local governments are authorized to make interfund loans in accordance with procedures for issuance of health care revenue anticipation notes.

Effective May 18, 2004.

FIRE PREVENTION

Public Chapter 709 Senate Bill 3202 (Ketrone) House Bill 2830 (Hood)
Amends 68-120-113 to provide that the state fire marshal shall recognize and accept certification from the National Fire Protection Association as well as the Southern Standard Building Code Congress International, International Code Council (ICC) as satisfying the standards and qualifications for certification of county, municipal and state employed fire prevention and building officials. An employing governmental entity must have all newly employed applicants for fire safety and building inspectors certified within 12 months of employment.

Effective May 18, 2004.

Public Chapter 863 Senate Bill 3031 (Ketrone) House Bill 2612 (DuBois)
Enacts the "Good Samaritan Volunteer Firefighters' Assistance Act. Bars civil liability for any personal injury, property damage or death proximately caused by a defect in the equipment donated by a county or others that act reasonably and in good faith in the donation of fire control or fire rescue equipment to a volunteer fire department. This liability protection is removed if the defect resulted from an act or omission that constitutes gross negligence, malice, recklessness or intentional conduct or if the equipment was modified or altered after it had been re-certified by an authorized technician as meeting the manufacturer's specifications.

Effective July 1, 2004.

HEALTH CARE

- Public Chapter 451 Senate Bill 2079 (Harper) House Bill 2198 (Sontany)
Amends Title 68, Chapter 11 to require nursing homes, assisted living facilities and residential homes for the aged to provide disclosure of the lack of fire suppression sprinkler system, smoke detectors, or alarms in the facility or in each patient room. This notice must be provided to the resident and the resident's guardian, conservator or representative, if any. Also, these facilities are required to post signs in 24 point type at the main public entrance providing this disclosure.
- Effective April 17, 2004.

HIGHWAYS

- Public Chapter 474 Senate Bill 3109 (Kurita) House Bill 3448 (McMillan)
Amends 55-9-402 to provide that highway maintenance or utility vehicles may operate a white light system within the headlight assembly or grill area of the front of the vehicle or an amber light system on any location on the vehicle other than in the tail light lamp, stoplight area, or factory installed emergency flasher and backup light area if such light system is flashing, oscillating or revolving which the vehicle is engaged in repair or maintenance work on or near the highway.
- Effective April 5, 2004.

- Public Chapter 512 Senate Bill 3448 (Crutchfield) House Bill 3546 (McMillan)
Amends 54-4-507 to increase the state share of a project undertaken through the bridge grant program from 70% to 80% . Accordingly, the local government's share of the program would be decreased from 30% to 20%. The new percentages described above would apply to any unexpended balances from appropriations prior to 2004 that are not subject to a written agreement between the local government and the department. If a written agreement exists, then the percentage contained in the agreement would apply.
- Effective April 12, 2004.

- Public Chapter 514 Senate Bill 2212 (Graves) House Bill 2197 (McDonald)
Enacts a new section 54-1-134 to make it a criminal offense to vandalize or steal any highway bridge, overpass, tunnel, fence, wall, traffic control device, sign or other public highway structure or building. Such offense is a class A misdemeanor. Requires clerks of courts to collect fines for violations of this act and deposit such money in a dedicated county fund to be used to provide rewards of \$250 to any person who reports information that leads to the apprehension and conviction of a person for violation of this section. Excess funds in the account not needed for rewards may be expended for litter control programs upon adoption of an appropriate resolution by the county legislative body.
- Effective July 1, 2004.

LAW ENFORCEMENT

- Public Chapter 438 Senate Bill 3341 (Southerland) House Bill 3120 (Yokley)
Amends Title 8, Chapter 8, Part 2, relative to the duties of the sheriff. Amends 8-8-201 by consolidating references to sheriffs' duties found throughout the code into one subsection.
- Effective March 12, 2004.
- Public Chapter 450 Senate Bill 2933 (Ramsey) House Bill 2402 (Mumpower)
Amends Title 8, Chapter 10, Part 1, relative to constables. Amends 8-10-101(h) by deleting the language "24,700" and substituting "24,650." The amendment to 8-10-101(h) retains the office of constable in McNairy County. Amends 8-10-101(m) by deleting the language "17,550" and substituting "17,400." The amendment to 8-10-101(m) retains the office of constable in DeKalb and Johnson Counties. Amends 8-10-108 by adding new subsection (e) vesting constables in Johnson County with law enforcement powers.
- Effective March 15, 2004.
- Public Chapter 483 Senate Bill 2085 (Trail) House Bill 2202 (Coleman)
Amends 39-17-1351 by creating an exception regarding the length of validity of a handgun permit issued to a member of the U.S. Armed Services. A handgun carry permit issued to a person who is in or who enters the U.S. Armed Services will remain valid for as long as the person's service continues and the person is stationed outside of Tennessee. Time spent in the state by such person for purposes of furlough, leave, or delay en route does not interfere with this provision, so long as such stay does not exceed 60 days. Allows such persons eight months from discharge or separation from service or reassignment back to the state in which to renew the permit without being considered a new applicant. Any renewal application beyond the eight-month period is considered a new application.
- Effective April 8, 2004. Applies to all handgun carry permits in effect or issued on or after the effective date of the act.
- Public Chapter 499 Senate Bill 2845 (Person) House Bill 2661 (Briley)
Amends 45-6-209(b) by specifically requiring pawnbrokers to include the following information, if available, in their recorded descriptions of pawned articles: (1) brand name; (2) model number; (3) valid, manufacturer-issued serial number; (4) size; (5) color to the untrained eye, except the color of diamonds would not have to be recorded; (6) precious metal type, content and weight; (7) gemstone description, including the number of stones; (8) any other unique identifying marks, numbers, names or letters; and (9) the action-type, caliber or gauge, number of barrels, barrel length and finish of any firearm.
- Effective July 1, 2004.
- Public Chapter 515 Senate Bill 2453 (Graves) House Bill 2326 (McDonald)

Enacts new section 55-8-193. Prohibits a person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway from operating or permitting the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle. It is not necessary that a person hearing the amplified sound be able to discern particular words in order for the sound emission to constitute a violation. The prohibition does not apply to noise produced by motor vehicles on private property. In addition, the prohibition does not apply to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercrafts operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government. It is not the intent of this section to prohibit any right guaranteed by the United States Constitution and state constitution including freedom of speech and freedom of religion. A violation of this act is a Class C misdemeanor punishable by a fine only of up to \$50.00.

Effective July 1, 2004.

Public Chapter 533

Senate Bill 2797 (Burchett) House Bill 2753 (Vaughn)

Amends Title 49, Chapter 7, Part 1, relative to certain deaths or injuries occurring on the property of institutions of higher education and to enact the "Robert 'Robbie' Nottingham Campus Crime Scene Investigation Act of 2004". Adds new section 49-7-129. Provides that regardless of whether a public or private institution of higher education has entered into a mutual assistance agreement with a law enforcement agency pursuant to 49-7-118, the chief security officer or chief law enforcement officer of the institution must immediately notify, unless otherwise provided by federal law, the local law enforcement agency with territorial jurisdiction over the institution if the medically unattended death of a person occurs on the property of the institution or if the officer or any other official of the institution is in receipt of a report alleging that any degree of rape has occurred on the property of the institution. The chief security officer or chief law enforcement officer must designate one or more persons who will have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer. Provides that upon notification it will be the duty of each law enforcement agency to participate in a joint investigation of the death or alleged rape. In the case of a medically unattended death, the local law enforcement agency shall lead the investigation. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation.

Effective April 15, 2004.

- Public Chapter 552 Senate Bill 3280 (Trail) House Bill 3379 (Coleman)
Amends Title 38, Chapter 6, Part 1, relative to certain criminal history information compiled by the Tennessee Bureau of Investigation by adding new section 38-6-120. Authorizes the TBI to sell intrastate criminal history information to the private sector and noncriminal justice agencies for \$29.00 per name submitted. Purpose of the fee is to offset expenditures related to operational costs of the TBI.
- Effective April 22, 2004.
- Public Chapter 588 Senate Bill 2984 (Burks) House Bill 2792 (Hargrove)
Amends Title 36, Chapter 3, Part 6, relative to service of orders of protection. Rewrites 36-3-609. Provides that any subsequent order of protection is effective when the order is entered if the respondent has been served with a copy of the petition, notice of hearing, and any ex parte order issued pursuant to section 36-3-605(c). An order is considered entered when the order is signed by (1) the judge and all parties or counsel, (2) the judge and one party or counsel and contains a certificate of counsel that a copy of the proposed order has been served on all other parties or counsel, or (3) the judge and contains a certificate of the clerk that a copy has been served on all other parties or counsel. However, regardless of when an order is considered entered, if the court finds that the protection of the petitioner so requires, the court may order, in the manner provided by law or rule, that the order of protection take effect immediately. Service upon a party or counsel may be made by delivering to the party or counsel a copy of the order of protection, or by the clerk mailing it to the party's last known address. In the event the party's last known address is unknown and cannot be ascertained upon diligent inquiry, the certificate of service shall so state. Service by mail is complete upon mailing. Provides that, if the respondent has been served with a copy of the petition, notice of hearing, and any ex parte order issued pursuant to section 36-3-605(c), an order of protection issued pursuant to this part after a hearing will be in full force and effect against the respondent from the time it is entered regardless of whether the respondent is present at the hearing. A copy of any order of protection and any subsequent modifications or dismissal will be issued to the petitioner, the respondent, and the local law enforcement agencies having jurisdiction in the area where the petitioner resides. Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency must immediately enter the order or dismissal in the Tennessee crime information system and take any necessary action to immediately transmit it to the national crime information center. Amends 36-3-605(b) by providing that any ex parte order of protection shall be in effect until the time of the hearing and, if the hearing is held within 15 days of service of the order, the ex parte order shall continue in effect until the entry of any subsequent order of protection issued pursuant to 36-3-609.
- Effective May 3, 2004, for the purpose of changing any forms necessary to implement the provisions of the act. For all other purposes, the effective date is July 1, 2004.
- Public Chapter 593 Senate Bill 3426 (Crutchfield) House Bill 3528 (McMillan)
Amends Title 38, Chapter 3, Part 1, relative to homeland security. Authorizes the

Commissioner of Safety to commission as peace officers certain officers of the Office of Homeland Security, upon application of the Office of Homeland Security. Homeland Security officers eligible for commission will be those who directly support state, federal, and local law enforcement activities in countering or responding to acts of terrorism. Each officer so commissioned will have all the powers of a peace officer for the sole purpose of carrying out the scope of assigned duties. Those powers include the power to make arrests, serve process, and carry weapons while in the performance of official duties. Every appointed on-duty officer must possess a badge and identification card that identifies the officer as working for the Office of Homeland Security. The officer must exhibit the badge and identification card on demand and before making an arrest within a reasonable amount of time. The officers must also complete appropriate initial training and recurrent law enforcement training substantially equivalent to the requirement of the Tennessee Peace Officers Standards and Training Commission. Requires the keepers of jails in any county or municipality, wherein a violation occurs, to receive all persons arrested by such officers. Persons so arrested shall be received by keepers of jails on the same basis and shall have the same status as prisoners arrested by any other law enforcement officer.

Effective May 3, 2004.

Public Chapter 624

Senate Bill 2097 (Burchett) House Bill 2208 (Brooks, Harry)
Amends 40-39-106(f). For all sexual offenses committed on or after July 1, 1997, makes the name and address of any institution of higher education in the state at which a sexual offender is employed, carries on a vocation or is a student public information. Requires that the aforementioned information be placed on the State of Tennessee's internet home page by October 1, 2004.

Effective May 10, 2004.

Public Chapter 636

Senate Bill 2745 (Trail) House Bill 3452 (McMillan)
Amends 41-3-106(b)(2). Authorizes inmates housed in a county or municipal jail or workhouse to perform any labor on behalf of a charitable organization or a nonprofit corporation or a governmental entity. Requires that all inmate labor for any such organization, corporation, or governmental entity be voluntary.

Effective May 10, 2004.

Public Chapter 655

Senate Bill 2764 (Kilby) House Bill 2705 (Ferguson)
Amends Title 8, Chapter 10 relative to constables. Amends 8-10-119(b)(2), 8-10-120(a), 8-10-120(d), 8-10-201, 8-10-203. Extends the authority and responsibilities of the Tennessee Constable Association to the Tennessee Constable Council relating to the following functions: (1) approving the design of the patch displayed on the shirt of the official constable uniform; (2) adopting the stripe design and other emblems and lettering displayed on the constable patrol car; (3) sponsoring in-service training on operating a patrol car using lights; (4) developing and maintaining in-service education courses offered throughout the year; and (5) establishing requirements for range qualification for constables. Amends 8-10-205.

Requires the county election commission or the county legislative body to notify either the Tennessee Constable Association or the Tennessee Constable Council on the election or appointment of constables. Recognizes that the Tennessee Constable Council is a valid constable organization dedicated to enhancing the professionalism of Tennessee constables and may elect its own officers, set its own dues, determine its own eligibility requirements, and prescribe its own training and teaching requirements. No state funds may be appropriated to the Tennessee Constable Council. The Tennessee Constable Council is not a governmental entity and is not subject to the governmental entity review law, compiled in Title 4, Chapter 29.

Effective May 14, 2004.

Public Chapter 661

Senate Bill 2432 (Burchett) House Bill 2275 (Brooks, Harry)

Amends 62-35-118(d). Permits state or local correctional officer who has completed basic correctional training program and who is current on annual refresher courses to be issued "unarmed security guard/officer" registration card without completion of the required training for such card. Amends 62-35-103(a). Exempts from the provisions governing private protective services those companies using or providing certified law enforcement officers or others for traffic control purposes within temporary work zones located in the public right-of-way and established in accordance with the manual on uniform traffic control devices (MUTCD). The law enforcement agency providing the officers may require that the company have on staff a traffic control supervisor or a traffic control engineer to order to insure compliance with the MUTCD and may also require the company to demonstrate proof of liability insurance.

Effective May 14, 2004.

Public Chapter 695

Senate Bill 3257 (Harper) House Bill 3365 (Sontany)

Amends 41-4-115(d). Authorizes any county or municipality, by resolution or ordinance adopted by a two-thirds vote of its legislative body, to establish and implement a plan authorizing the jail or workhouse administrator of the county or municipality to charge an inmate in the jail or workhouse a co-pay amount for any medical care, treatment, pharmacy services or substance abuse treatment by a licensed provider provided to such inmate by the county or municipality. The county or municipality adopting the co-pay plan must establish the amount the inmate is required to pay for each service provided. A county or municipality may not deny medical care, treatment, pharmacy services or substance abuse treatment by a licensed provider to an inmate who cannot pay the co-pay amount established by the plan.

Effective May 18, 2004.

Public Chapter 727

Senate Bill 3181 (Kilby) House Bill 3397 (Stanley)

Amends 39-16-609 by adding criminal summons to the failure to appear statute.

Effective May 19, 2004.

- Public Chapter 757 Senate Bill 2278 (Crowe) House Bill 2601 (Godsey)
Amends 55-10-108(b). Authorizes any motor vehicle officer who investigates any accident to have the parties exchange insurance information.
- Effective May 24, 2004.
- Public Chapter 766 Senate Bill 3073 (Crowe) House Bill 3242 (Patton)
Amends 49-7-118. Redefines qualifications for higher education campus security guards. Divides campus security guards into three categories: police officers, public safety officers, and security officers. Defines "campus police officer" as a person commissioned by an employing institution and rendered an oath to provide police services, enforce law, exercise arrest authority, and carry firearms. These officers will be subject to the provisions of the Peace Officer Standards and Training Commission. Defines "public safety officers" as a person who is a campus police officer and also performs other significant duties such as certified firefighter, medical first responder, and/or tasks associated with homeland security. Defines "campus security officer" as a person employed by an institution to provide non-police, security-related service. These officers would not be authorized to exercise arrest authority or carry firearms, nor would they be subject to the provisions of the Peace Officer Standards and Training Commission. Defines "law enforcement agency" as an institution employing one or more commissioned police officers. In addition to the minimum requirements under regulation by the Peace Officer Standards and Training Commission, this act allows each board or institution to set additional qualifying factors, training standards, and policies for employees holding a police officer's commission. Extends the jurisdiction of a campus police officer to include the public roads or rights-of-way which connect between facilities, property, or interests of a particular institution. Transfers the authority to enter into written mutual assistance or other agreements with other law enforcement agencies from "security officer" to "a law enforcement agency."
- Effective July 1, 2004.
- Public Chapter 769 Senate Bill 3256 (Harper) House Bill 3364 (Sontany)
Amends 41-4-142. Permits a county or municipality upon two-thirds vote of the legislative body to authorize the jail or workhouse administrator to charge an inmate committed to the jail or workhouse a nominal fee set by the legislative body at the time of adoption for the following special services, when provided at the inmate's request: (1) participation in GED or other scholastic testing for which the administering agency charges a fee for each test administered; (2) escort by correctional officers to a hospital or other health care facility for the purpose of visiting an immediate family member who is a patient at such facility; or (3) escort by correctional officers for the purpose of visiting a funeral home or church upon the death of an immediate family member. The plan adopted may authorize the jail or workhouse administrator to deduct the amount from the inmate's jail trust account or any other account or fund established by or for the benefit of the inmate while incarcerated. Clarifies that a county or municipality may not deny necessary clothing or hygiene items or to fail to provide services based on the inmate's inability to pay.

Effective May 24, 2004.

Public Chapter 776

Senate Bill 1083 (Jackson) House Bill 1622 (Cochran)

Amends 39-17-1351(c)(6) and (c)(7). Clarifies the eligibility requirements for a handgun carry permit. Provides that a conviction of a criminal offense that is designated as a felony disqualifies a person from obtaining a handgun carry permit. Excepts convictions for any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices. Provides that a current indictment or information for any criminal offense that is designated as a felony disqualifies a person from obtaining a handgun carry permit. Excepts indictment or information for any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices.

Effective May 28, 2004.

Public Chapter 777

Senate Bill 3226 (Miller) House Bill 3232 (McKee)

Amends 40-39-111. Provides that a sexual offender may not knowingly reside or work within one thousand feet of any public school, private or parochial school, licensed day care center, or any other child care facility. Provides that a sexual offender may not knowingly reside within 1,000 feet of the property on which the offender's former victims, or the victims' immediate family members, reside. Provides that a sexual offender may not knowingly reside where a minor resides. Excepts the minor children of the offender unless the offender's parental rights have been or are in the process of being terminated as provided by law; or if any minor or adult child of the offender was a victim of a sexual offense committed by the sexual offender. Clarifies that if the ownership or use of or person or entity that occupies property within 1,000 feet of a sex offender's registered address changes, and such change occurs while a sexual offender is residing or working in a particular location, the change shall not form the basis for finding that a sexual offender is in violation of the residence or employment restrictions of this section.

Effective January 1, 2005.

Amends 55-50-102 by adding subsections (18) and (29). Defines "certificate for driving" as a certificate issued by the department to an individual who does not satisfy the requirements of 55-50-321(c)(1)(C)(i) or (ii). Provides that the certificate for driving will be clearly distinguishable from a driver license and will clearly display on its face: "FOR DRIVING PURPOSES ONLY – NOT VALID FOR IDENTIFICATION". Defines "lawful permanent resident" as the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. Amends 55-50-303(a) by adding subdivision (9). Provides that the department shall not issue a driver license to any person who is not a United States citizen or lawful permanent resident of the United States. Amends 55-50-321(c)(1) by adding new subdivisions (C) and (D). Provides that any applicant applying for a driver license, instruction permit, intermediate driver license or photo identification license, upon initial issuance or reinstatement, must provide either an original or certified copy of one of the following: documentation that the applicant is a citizen of the United States; or documentation issued by the United States government establishing that the applicant is a lawful permanent resident. Provides further that any applicant who has received an initial issuance of a driver license since January 1, 2001, must provide documentation as required above upon the first renewal date of the license. Amends 55-50-322(a)(1)(A) by requiring the department to examine every applicant for a certificate for driving in addition to a driver license, intermediate driver license, or learner permit, except as otherwise provided by law. Amends 55-50-323 by providing that the fee charged for a certificate for driving will be the same as the fee charged for a five year Class D license. Amends 55-50-331 by adding new subsections (g) - (i). Provides that the department may issue a certificate for driving to persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay. Provides that the certificate of driving will be valid only during the period of the time of the applicant's authorized stay in the United States. Specifies that no certificate will be issued for a period of less than one year or longer than five years. Provides that the department may issue a certificate for driving to persons who do not satisfy the requirement of 55-50-331(g) or the requirements of 55-50-321(c)(1)(C), however, such certificate for driving will be valid only for a period of one year. Provides that, except as otherwise provided by law, all laws applicable to driver licenses and financial responsibility will also apply to certificates for driving and all laws applicable to convictions, suspensions, cancellations, and revocations of driver licenses will also apply to certificates for driving. Amends 55-50-332 by adding new subsection (c). Provides that duplicate certificates for driving obtained in place of such certificates for driving, issued pursuant to 55-50-331(g) or 55-50-331(h) will be valid during the period of time specified in such subsections. Amends 55-50-337 by adding new subsections (c) and (d). Provides that certificates for driving issued pursuant to 55-50-331(g) or 55-50-331(h) will be valid during the period of time specified in such subsections. Provides further that any person issued a license or permit prior to the effective date of this act, who is subject to the provisions of 55-50-331(g) or 55-50-331(h) will, upon renewal or reapplication, receive, if otherwise eligible, a certificate for driving which shall expire in accordance with such subsections.

Effective May 28, 2004, for amendments to 55-50-303(a) and 55-50-321(c)(1). The

amendments to 55-50-102, 55-50-322(a)(1)(A), 55-50-323, 55-50-331, 55-50-332, and 55-50-337 become effective July 1, 2004.

Public Chapter 780

Senate Bill 2364 (Person) House Bill 2343 (Ferguson)

Enacts "Elder Tennesseans Protection Act of 2004". Amends 40-11-150 by adding new subsection (k). Provides that any offender arrested for a violation of section 71-6-119, involving physical harm or abuse in which the alleged victim is an adult of advanced age as such terms are defined in section 71-6-102, shall not be released within 12 hours of arrest if the official authorized to set bail in the case finds that the offender would be a continued threat to the alleged victim if released within the 12 hour period. The official may, however, release the accused in less than 12 hours if the official determines that sufficient time has or will have elapsed for the victim to be protected. Also amends 68-11-254(a)(1), 68-11-254(a)(2), 71-6-102(5), 71-6-120, 40-15-105(a)(3), 40-35-313(a)(3)(A), and 68-11-1004.

Effective July 1, 2004, except that the provisions of section 6 shall take effect January 1, 2005.

Public Chapter 796

Senate Bill 176 (Norris) House Bill 591 (Pleasant)

Amends 55-8-187. Prohibits the exhibition of obscene and patently offensive movies on or within a motor vehicle if such exhibition is visible to other drivers. Imposes a fine from \$2.00 to \$50.00 for a violation of the statute.

Effective July 1, 2004.

Public Chapter 803

Senate Bill 2419 (McNally) House Bill 2796 (Curtiss)

Amends Title 67, Chapter 4, relative to the taxation of unauthorized substances. Provides that the purpose of this act is to levy an excise tax to generate revenue for state and local law enforcement agencies for use by those agencies to investigate, combat, prevent and reduce drug crimes, and for the state general fund. Defines "local law enforcement agency" as a municipal police department, a metropolitan police department, or a sheriff's office. Provides that every local law enforcement agency and every state law enforcement agency must report to the Department of Revenue within 48 hours after seizing an unauthorized substance, or making an arrest of an individual in possession of an unauthorized substance, listed in this subsection upon which a stamp has not been affixed. The report must be in the manner prescribed by the commissioner and must include the time and place of the arrest or seizure, the amount, location, and kind of substance, the identification of any individual in possession of the substance and such individual's social security number, and any other information prescribed by the commissioner. The report must be made when the arrest or seizure involves any of the following unauthorized substances upon which a stamp has not been affixed as required by this act: (1) more than 42½ grams of marijuana, (2) any illicit alcoholic beverage, (3) seven or more grams of any other unauthorized substance that is sold by weight, (4) ten or more dosage units of any other unauthorized substance that is not sold by weight. Provides that the commissioner shall credit the proceeds of the tax levied by this act to a special non-reverting account, to be called the "State Unauthorized Substances Tax Account", until the tax proceeds are unencumbered. The commissioner shall

remit the unencumbered tax proceeds as provided in this section on a quarterly or more frequent basis. Directs that the commissioner shall first apply the unencumbered tax proceeds to the costs of storing and disposing of the assets seized in payment of the assessment under this act, which costs shall be added to and become part of the assessment. From the remaining proceeds, the commissioner shall remit 75% of the unencumbered tax proceeds that were collected by assessment to the state or local law enforcement agency that conducted the investigation of a dealer that led to the assessment. Such proceeds are to be used by the agency solely for the purpose of investigating, combating, preventing, and reducing drug crimes. If more than one (1) state or local law enforcement agency conducted the investigation, the commissioner shall determine the equitable share for each agency based on the contribution each agency made to the investigation. The commissioner's determination of the equitable share for each agency shall be final, and shall not be subject to review in an administrative or judicial proceeding. The commissioner shall credit the remaining unencumbered tax proceeds to the state general fund.

Effective January 1, 2005.

Public Chapter 818

Senate Bill 30 (Clabough) House Bill 64 (Overbey)

Amends 39-16-510. Expands the crime of retaliation for past action to include threats against family members. Defines "family member" as the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half-brother, half-sister, adopted children of the parent, or the spouse's parents.

Effective July 1, 2004.

Public Chapter 833

Senate Bill 827 (Harper) House Bill 1202 (Pruitt)

Amends 40-33-211. Requires the Department of Health to apportion up to \$200,000 from the funds derived from forfeiture of seized vehicles, driven by owners using a canceled, suspended, or revoked driver license while under the influence of an intoxicant, and placed in the alcohol and drug addiction treatment fund, along with any other gifts or grants, to supplement services related to compulsive gambling disorder, including: (1) a compulsive gambling hotline; (2) coordination of activities and services, and gathering data regarding compulsive gambling; (3) training personnel to screen for, assess, and prevent compulsive gambling; and (4) assuring that assessment services are available through local treatment providers.

Effective June 8, 2004.

Public Chapter 845

Senate Bill 2143 (Kilby) House Bill 2209 (Winningham)

Amends 39-17-417(c) by adding methamphetamine to the present law provisions governing the punishment of cocaine. Amends 39-17-417(i)(10). With respect to a violation of 39-17-417(a), lowers the amount necessary to constitute a Class B felony from 100 grams or more to 26 grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine. Amends 39-17-417(j)(10). With respect to a violation of 39-17-417(a), lowers the amount necessary to constitute a Class A felony from 1,000 grams or more to 300 grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine. Adds new section 39-17-434, prohibiting the possession of any substance with the intent to use such substance in the manufacture of a Schedule I or Schedule II controlled substance or to knowingly convey such substance to another for use in the manufacture of a Schedule I or Schedule II controlled substance. Provides courts with a non-exclusive list of considerations to apply in determining whether the above provisions were violated. Provides that any person authorized by law to dispense, prescribe, manufacture or possess the controlled substance in question would be exempt from the new prohibition. A violation of 39-17-434 is a Class E felony.

Effective July 1, 2004.

Public Chapter 855

Senate Bill 2979 (Burks) House Bill 2385 (Curtiss)

Amends Title 68. Adds a new part relative to the inspection, testing and quarantine of property where methamphetamine was manufactured. Directs the Commissioner of Environment and Conservation to compile and maintain a list of certified industrial hygienists and such other persons or entities as the Commissioner certifies as qualified to perform the services of industrial hygienists. Directs the commissioner to also compile and maintain a list of persons authorized to perform clean-up of hazardous waste sites, including but not limited to property used to manufacture methamphetamine. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. Such lists may also be posted on the website maintained by the commissioner. Provides that the combination of substances necessary for the manufacture of methamphetamine is a hazardous substance pursuant to 68-131-102 (9)(A). Provides that any property, or any structure or room in any structure on any property wherein the manufacture of a controlled substance listed in 39-17-408(d)(2) is occurring or has occurred, may be quarantined by the local law enforcement agency where the property is located. The law enforcement agency which quarantines the property will be responsible for posting signs indicating that the property has been quarantined and, to the extent they can be reasonably identified, for notifying all parties having any right, title or interest in the quarantined property, including any lienholders. Provides that any person who has an interest in property quarantined may file a petition in the general sessions, criminal, circuit or chancery court of the county in which the property is located for the purpose of requesting that the court order the quarantine of the property be lifted for one of the following reasons: (1) that the property was wrongfully quarantined; or (2) that the property has been properly cleaned, all hazardous materials removed

and that it is now safe for human use but the law enforcement agency who imposed the quarantine refuses to lift it. The court shall take such proof as it deems necessary to rule upon the petition filed and, after hearing such proof, may grant the petition and lift the quarantine or deny the petition and keep the quarantine in place. Once the property has been quarantined, any party having a right, title or interest in the quarantined property, including any lienholders, may contact either a certified industrial hygienist or other person or entity certified as qualified from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list certifies to the quarantining agency that the property is safe for human use.

Effective June 8, 2004, for the purpose of promulgating rules. Effective July 1, 2004, for all other purposes.

Public Chapter 865

Senate Bill 2935 (Ramsey) House Bill 2629 (Buttry)

Amends Title 38, Chapter 8, Part 1, by adding a new section. Provides that all law enforcement agencies are allowed to open their shooting ranges for public use when such ranges are not being used by law enforcement personnel. The law enforcement agency in charge of a shooting range may establish reasonable regulations for the use of such firing range in order to promote the full use of such range without interfering with the needs of law enforcement personnel. Allows law enforcement agencies to charge a reasonable fee for persons or organizations using the range and may require users to make improvements to the range.

Effective July 1, 2004.

Public Chapter 869

Senate Bill 2929 (Trail) House Bill 2659 (Briley)

Amends 8-4-115(a)(1)(C). Authorizes the local law enforcement agency and the court clerk to collaborate on an automated process for the electronic submission of final dispositions for criminal cases to the Tennessee Bureau of Investigation. Once the process has been certified by the TBI, all final dispositions shall be reported electronically. Further, upon implementation of an automated process, the delivery to the local law enforcement agency of a completed judgment order to be used by the local law enforcement agency for completion of an R-84 Disposition Card and the submission by the local law enforcement agency of a completed R-84 Disposition Card to the TBI will no longer be required. Amends 8-4-115(a)(1) by adding a new subdivision (E). Requires the law enforcement agency to deliver to the appropriate court clerk's office a warrant or capias containing the state control number assigned by the law enforcement agency upon the arrest of an individual. Requires the court clerk to record the state control number in the court information system of the court clerk office. Amends 8-4-115 by adding a new subsection (h). Provides that upon the establishment of an automated system for final disposition reporting, clerks of court shall submit final disposition reports electronically to the TBI. Jurisdictions that submit final disposition reports electronically will cease the submission of R-84 Disposition Cards upon advisement from the TBI. Provides that

the submission of an electronic final disposition report shall have the same force and effect as the submission of a R-84 Disposition Card. Amends 8-4-115 by adding a new subsection (i). Provides that any automated court information system being used or developed on or after July 1, 2005, including, but not limited to, the Tennessee court information system (TnCIS) being designed pursuant to 16-3-803(h), shall ensure that an electronic file of final disposition data will be reported to the TBI. The form, general content, time, and manner of submission of the electronic file of final disposition data will comply with the rules and regulations prescribed by the TBI.

Effective July 1, 2004.

Public Chapter 877

Senate Bill 2833 (Trail) House Bill 2813 (Coleman)

Amends 37-2-415(a)(8). Authorizes the Department of Children's Services to request that a criminal justice agency perform a federal name-based criminal history record check of each adult residing in a home during an emergency situation when a child must be placed in home-care due to the absence of parents or custodians. Provides that the child shall be removed from the home immediately if any adult resident fails to provide fingerprints or written permission to perform a federal criminal history check when requested.

Effective July 1, 2004.

Public Chapter 889

Senate Bill 2922 (Crutchfield) House Bill 3008 (Hagood)

Amends 40-6-205 and 40-6-215. Revises the provisions governing the issuance of a criminal summons. Provides that a criminal summons will be issued if the affiant is not a law enforcement officer except that a magistrate may issue a warrant for arrest rather than a criminal summons if: (1) the offense complained of is a felony, (2) there are multiple-affiants and one or more of the affiants is a law enforcement officer, (3) after examination of the affiant and the affidavit of complaint, the magistrate has probable cause to believe that the issuance of a warrant of arrest rather than a criminal summons is necessary to prevent an immediate danger of domestic abuse victim, (4) the affiant has a written police report concerning the incident for which the arrest warrant is sought or the incident can be verified with a report on file with the appropriate law enforcement agency, (5) a reasonable likelihood exists that the person will fail to appear in court, (6) there are one or more outstanding warrants or criminal summons for such a person, or (7) the person cannot, has not, or will not offer satisfactory evidence of identification. Gives the local law enforcement agency responsible for booking and processing the discretion to establish booking and processing procedures that meet the needs of the particular jurisdiction. Eliminates the requirement of keeping persons being booked pursuant to a criminal summons segregated from other criminals during the booking and processing procedure. Requires the sheriff or other law enforcement agency in the county responsible for serving the summons, to provide the defendant with notice of the court time and date the defendant is to appear, either at the time the summons is served or at the time the defendant is booked and processed, if booking and processing is ordered to occur prior to the first court date. Requires the court clerk, sheriff, or other law enforcement agency, to provide notice to the affiant, or affiants

in the case of multiple-affiants, of the date and time when the defendant is required to appear before the court. Clarifies that the failure to appear for court or failure to appear for booking and processing is a separate criminal offense punishable as provided for in 39-16-609. Adds new section 40-6-117. Clarifies that a judge who is elected to an eight year term and who is licensed to practice law in Tennessee can always issue an arrest warrant regardless of whether the exceptions in 40-6-205 or 40-6-215 apply.

Effective June 8, 2004.

Public Chapter 893

Senate Bill 2606 (Williams) House Bill 3104 (Hood)

Amends 55-9-603(f). Makes the violation of the seat belt law a primary offense. Amends 55-9-603(a). Revises the requirement that no person may operate a passenger motor vehicle unless that person and all passengers over four years of age are restrained by a safety belt to only those times in which the vehicle is on a highway. Amends 55-9-603(h). Exempts from the seat belt law vehicles being operated under 15 miles per hour if it is used in a parade, hayride, or crossing a highway from one field to another. Amends 55-9-603(f). Provides that the Department of Safety shall not report any convictions under this section except for law enforcement or governmental purposes. Amends 55-9-603 by adding a new subsection (k). Provides that the Department of Safety shall file a report by March 1 of each year to the 104th, 105th, and 106th General Assemblies on data collected for the prior five years by the department relating to violations of 55-9-603. Such data shall include the number of persons cited for violations of 55-9-603, their race, ethnicity, sex, age, and any other information the department deems relevant. Amends 55-9-604(a). Specifies that receipt of a citation or warrant for arrest for failure to wear a seat belt is inadmissible in a civil action, except under certain circumstances.

Effective July 1, 2004.

Public Chapter 899

Senate Bill 3159 (Kilby) House Bill 3182 (Briley)

Enacts the "Tennessee Serious and Violent Sex Offender Monitoring Pilot Project Act". The Act makes appropriations for the monitoring program for the fiscal year beginning July 1, 2004. Amends 40-28-201(a). Provides that in addition to the other charges and fees imposed by this section, any person who is under the jurisdiction and supervision of the Board of Probation and Parole and is enrolled in an electronic monitoring and tracking supervision program shall be required to contribute such funds as the board deems necessary and reasonable to cover the applicable costs of said program. Provides that the provisions of this subdivision shall also apply to any probationer or parolee for violation of a serious offense or sexually violent offense, as defined in 40-39-201, transferred to the state of Tennessee from another state under the supervision of the Interstate Compact for the Supervision of Probationers or Parolees. Amends Title 40, Chapter 39 by adding a new part setting forth definitions and authorizing the board to establish the monitoring program and promulgate guidelines governing it. Directs the board to develop implementing guidelines for the continuous satellite-based monitoring of serious offenders and violent sexual offenders, in consultation with all participating

state and local law enforcement, by December 31, 2004. Directs the board to contract, prior to December 31, 2004, with a single vendor for the hardware services needed to monitor subject offenders and correlate their movements to reported crime incidents using a system meeting the requirements of the act. Requires the board to make a report, on or before March 1, 2005, to a joint meeting of the Judiciary Committee of the Senate and the House of Representatives and the Joint Oversight Committee on Correction regarding the implementation of this act, and the results of the programs created by this act. Sets forth additional guidelines for the administration of the program. Specifically authorizes the Department of Correction, the Board of Pardons, the Tennessee Bureau of Investigation, and all local law enforcement agencies to share criminal incident information (limited to the time, place, and nature of the crime) with each other and the vendor selected by the department to carry out the purposes of this part, and authorizes the department to direct the vendor so chosen to use data collected pursuant to this part in preparing correlation reports for distribution to and use by state and local law enforcement agencies.

Effective July 1, 2004.

Public Chapter 907

Senate Bill 3203 (Harper) House Bill 3363 (Sontany)

Amends 41-2-123(b)(1). Adds “public easements” and “alongside public waterways” to the list of places the sheriff and/or superintendent of the county workhouse can permit misdemeanor jail inmates or workhouse inmates to work for sentence reduction credits. Requires that inmates work within 50 feet of the shoreline when working alongside public waterways.

Effective July 1, 2004.

Public Chapter 908

Senate Bill 3180 (Kilby) House Bill 3394 (Shepard)

Amends 8-7-110(a). Provides that any law enforcement officer employed by or assigned to a judicial district drug task force pursuant to 8-7-110 must meet the minimum certification requirements of the Peace Officers Standards and Training Commission, however, such officer will not be entitled to receive a police pay supplement for said certification. Amends 8-42-101(3)(C). Requires members of a drug task force to meet the criteria set forth in 8-7-110 in addition to the rules and regulations promulgated by the Commissioner of Finance and Administration in order to be eligible for state-supported legal defense in lawsuits arising from the performance of their official duties.

Effective June 7, 2004.

Amends 39-14-150. Enacts the "Identity Theft Victims' Rights Act of 2004". Defines the offense of identity theft and identity theft trafficking and classifies identity theft as a Class D felony and identity theft trafficking as a Class C felony. In a prosecution for identity theft trafficking, permits the trier of fact to infer from the defendant's possession of the personal identifying information of five or more different individuals that the defendant possessed the information with the intent to sell, transfer, give, trade, loan or deliver the information. However, if the defendant had the consent of one or more of the individuals to possess the information of that individual, any such consenting individual cannot be counted in determining whether an inference of possession for sale may be drawn by the trier of fact. Defines "personal identifying information." Declares that any person whose identity is unlawfully obtained in violation of this section is a victim of crime within the meaning of Article I, § 35 of the Constitution of Tennessee and Title 40, Chapter 38. Requires that a business with a policy of discarding customer records after a specified period of time must, prior to discarding it, shred or burn the record, erase the identifying information, modify the record to make the information unreadable, or take action to destroy the information so that it reasonably believes that no unauthorized person will have access to it. A violation of this requirement is a violation of the Tennessee Consumer Protection Act and is punishable by a civil penalty of \$500 for each record that identifies a customer. Limits this fine to a total of \$10,000 for any one customer. Establishes procedures for the seizure and judicial forfeiture of any property acquired or used in connection with violations of this section. Provides that seized property will be forfeited pursuant to the procedure set out in 39-11-713 but will be disposed of pursuant to this section as follows: All property ordered forfeited will be sold at public auction. The proceeds will be disposed of by the court. The attorney general will be compensated first for all expenses incident to the litigation, as approved by the court. The costs for appeals will be provided for by the trial court upon conclusion of the litigation. The attorney general will direct that any public agency be reimbursed for out-of-pocket expenses resulting from the investigation, seizure and storage of the forfeited property. Out of the remaining proceeds, the court will order restitution to be made to the person or persons whose identity was stolen for any identifiable losses resulting from the offense. The court will then award the remainder of the funds as follows: (1) in the event that the investigating and seizing agency was a state agency, ten percent of the funds will be distributed to the state treasurer who will deposit the funds in a designated account for the agency to be used in its identity theft operations, (2) in the event that the investigating and seizing agency is the Tennessee Bureau of Investigation then, ten percent of the funds will be distributed to the state treasurer who will deposit the funds in a designated account for the agency to be used in its identity theft operations, and (3) in the event that the investigating and seizing agency is a local public agency, then 25% of the funds will be distributed to its local government for distribution to the law enforcement agency for use in the enforcement of this section (when more than one local public agency participated in the investigation and seizure of forfeited property as certified by the attorney general, then the court will order a distribution of the funds according to the participation of each local public agency), and (4) the remainder of the funds will be distributed to the state treasurer who will deposit the funds in the state general

fund to defray the incarceration costs associated with the offense of identity theft trafficking. Funds awarded under this section may not be used to supplement salaries of any public employee or law enforcement officer. Funds awarded under this section may not supplant other local or state funds.

Effective July 1, 2004.

Public Chapter 921

Senate Bill 3217 (Jackson) House Bill 3467 (McMillan)

Amends Title 40, Chapter 39 by adding a new part 2. Enacts the “Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004.” 40-39-201 sets forth the legislative intent of the act. 40-39-202 defines terms used in the act. (Note: “SOR” means the Tennessee Bureau of Investigation’s centralized record system of offender registration, verification, and tracking information.) 40-39-203 provides that within 48 hours of establishing or changing a primary or secondary residence or becoming employed or practicing a vocation or becoming a student in this state, the offender shall register in person as required by the provisions of this act. Likewise, within 48 hours of release on probation or any other alternative to incarceration, excluding parole, the offender shall register in person as required by the provisions of this act. Provides that an offender who is incarcerated in this state in a local, state, or federal jail, or a private penal institution shall, within forty-eight hours prior to such offender's release, register in person, completing and signing a Tennessee Bureau of Investigation (TBI) registration form, under the penalty of perjury pursuant to 39-16-702(b)(3) as follows: (1) if incarcerated in a state, federal, or private penal facility, with the warden or the warden's designee, or (2) if incarcerated in a local jail, with the sheriff or the sheriff's designee. Provides that an offender from another state, jurisdiction, or country, who has established a primary or secondary residence within this state, shall, within forty-eight hours of establishing such residency, register in person with the designated law enforcement agency, completing and signing a TBI registration form. Provides that an offender from another state, jurisdiction, or country, who is not a resident of this state, shall within 48 hours of employment, commencing practice of a vocation or becoming a student in this state, register in person, completing and signing a TBI registration form with: (1) the sheriff in the county or the chief of police in the municipality within this state where the offender is employed or practices a vocation, or (2) the law enforcement agency of any institution of higher education, or if not applicable, the designated law enforcement agency with jurisdiction over the campus, if the offender is employed or practices a vocation or is a student. Provides that an offender from another state, jurisdiction, or country, who becomes a resident of this state pursuant to the Interstate Compact Act codified in Title 40, Chapter 28, Part 4, shall register within forty-eight hours of becoming a resident in person with the board, in addition to the requirements of the Interstate Compact Act and the sex offender directives from the board. Provides that offenders who were previously required to register under Title 40, Chapter 39, Part 1, shall register in person with the designated law enforcement agency within 30 days of the effective date of this act. Offenders who reside in nursing homes and assisted living facilities are exempt from this requirement, as otherwise provided by this act. Sets forth the information the registrant is required to disclose on the TBI registration form. Provides that not later than the third day after an offender’s initial

registration, the registering agency must send by the U.S. postal service the original signed TBI registration form to TBI headquarters in Nashville. 40-39-204 provides that the TBI will maintain and make available a connection to the SOR, for all criminal justice agencies with Tennessee Information Enforcement System (TIES) (internet) capabilities by which registering agencies will enter original, current and accurate data required by this act. TBI will provide viewing and limited write access directly to the SOR through TIES (internet) to registering agencies for the entry of record verification data, changes of residence, employment, or other pertinent data required by this act and to assist in offender identification. Provides that registering agencies must, within twelve hours, enter all data received from the offender into the TIES (internet) for the enforcement of this act by TBI, designated law enforcement agencies, Tennessee Department of Correction (TDOC), private contractors with TDOC, and the board. Provides that at least once during the months of March, June, September, and December of each calendar year, all violent sexual offenders must report in person to the designated law enforcement agency to update the offender's fingerprints, palm prints and photograph and to verify the continued accuracy of the information in the TBI registration form. Once a year during the March reporting, the violent sexual offender will pay the specified administrative costs not to exceed \$60. Provides that once a year, all sexual offenders shall report in person, no earlier than seven calendar days before and no later than seven calendar days after the offender's date of birth, to the designated law enforcement agency to update the offender's fingerprints, palm prints, and photograph, to verify the continued accuracy of the information in the TBI registration form, and to pay the specified administrative costs not to exceed \$60. Requires that within three days after the offender's verification, the designated law enforcement agency with whom the offender verified must send by U.S. postal service the original signed TBI registration form to TBI headquarters in Nashville. Provides that the TBI will be the state central repository for all original TBI registration forms and any other original forms required by 40-39-207 which are deemed necessary for the enforcement of this act. Provides that the designated law enforcement agency must retain a duplicate copy of the TBI registration form as a part of the business records for that agency. 40-39-205 sets forth the requirements and procedures for completing the TBI registration form and transmitting the form to TBI headquarters. 40-39-206 sets forth the requirement that TBI establish, maintain, and update a centralized record system of offender registration, verification, and tracking information. Requires TBI to report to the appropriate agency responsible for the offender's supervision whenever there is a factual basis to believe that an offender has not complied with the provisions of this act. Requires the TBI to establish and operate a toll-free telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline," to permit members of the public to call and inquire as to whether a named individual is listed among those who have registered as offenders as required by this act. 40-39-207 sets forth the time frame and procedure by which an offender may petition TBI to be removed from the sex offender registry. Provides for an appeal process through the courts. 40-39-208 sets forth a non-exclusive list of ways in which an offender can violate the provisions of the act. Provides that a violation of this act is a Class E felony and sets forth the punishment for violation of the act. 40-39-209 provides that no record may be removed from the SOR, unless ordered by a court of competent jurisdiction,

except as otherwise provided in 40-39-207(a)-(d). 40-39-210 provides that upon receipt of notice of the death of a registered offender, the TBI shall remove from the SOR all data pertaining to the deceased offender. 40-39-211 provides that a sexual offender or violent sexual offender may not knowingly reside or work within one thousand feet of any public school, private or parochial school, licensed day care center, or any other child care facility. Provides that a sexual offender or violent sexual offender may not knowingly reside within 1,000 feet of the property on which the offender's former victims, or the victims' immediate family members, reside. Provides that a sexual offender or violent sexual offender may not knowingly reside where a minor resides. Excepts the minor children of the offender unless the offender's parental rights have been or are in the process of being terminated as provided by law; or if any minor or adult child of the offender was a victim of a sexual offense committed by the sexual offender. Clarifies that if the ownership or use of or person or entity that occupies property within one thousand feet of a sex offender's registered address changes, and such change occurs while a sexual offender is residing or working in a particular location, the change shall not form the basis for finding that a sexual offender is in violation of the residence or employment restrictions of this section. A violation of this section is a Class E felony. Amends 39-16-702(b) by adding a new subdivision (3). Provides that perjury committed on a sexual offender or violent sexual offender TBI registration form is a Class E felony.

Effective August 1, 2004. Effective June 8, 2004, for the purpose of the TBI designing, printing, and distributing the registration and other necessary forms pursuant to 40-39-205(a) and promulgating any rules necessary to implement the provisions of this part.

Public Chapter 940

Senate Bill 374 (Cohen) House Bill 1474 (Briley)

Amends Title 38, Chapter 8, Part 1 by adding a new section 38-8-116. Enacts the "General Patton Act of 2003." Provides that, the course of training leading to the basic certificate of compliance issued by the Tennessee POST Commission pursuant to 38-8-107, may include a course of instruction in animal behavior generally and canine behavior specifically. For law enforcement officers who have completed the animal behavior training course required by subsections (a) and (d) of this section, provides that any annual in-service training, necessary for the salary supplement authorized in 38-8-111, may also include the animal behavior training course. Provides further that every officer who was employed prior to the time when the course of instruction was established and offered may be required to complete it as part of such officer's annual in-service training. Amends Title 4, Chapter 7, Part 1 by adding a new section 4-7-118. Provides that before a person appointed by the commissioner can become a commissioned member of the highway patrol, such person, as a part of the training for the position, must complete a course of instruction in animal behavior generally and canine behavior specifically that complies with the requirements 38-8-116. For members of the highway patrol who have completed the animal behavior training course required by this section, provides that any annual in-service training, required for members of the highway patrol, may also include the animal behavior training course. Provides that any member of the highway patrol who was employed prior to the time when the course of instruction required by subsection (a) was established and offered will be required

to complete it as part of any annual in-service training required of the highway patrol. Provides that any such member will have two years from the effective date of this act to receive the instruction required by subsection (a). Any officer who does not comply with this subsection shall be subject to department disciplinary proceedings. Provides that any member of the highway patrol who completes a course of instruction in animal behavior approved by the POST commission for use as required in 38-8-116, will be in compliance with the provisions of this section. Amends 44-17-403 by deleting subsection (f) in its entirety. Amends 39-14-212(d). Provides that aggravated cruelty to animals is a Class E felony. Amends 39-14-202(f). Provides that cruelty to animals is a Class A misdemeanor and that a second or subsequent conviction for cruelty to animals is a Class E felony. NOTE: The provisions of this act shall not apply to any animal while that animal is being used for training, for an occupational purpose, or for hunting.

Effective June 15, 2004.

LOTTERY

Public Chapter 476

Senate Bill 3212 (Kyle) House Bill 3250 (Tindell)

Enacts the “Tennessee Charitable Gaming Implementation Law” and provides a process for United States Tax Code § 501(c)(3) organizations to apply to the Secretary of State to hold an annual lottery event for the benefit of the organization. This law provides standards for applicants. The Secretary of State will submit a list of qualified applicants to the General Assembly in an omnibus bill for the approval of the General Assembly in accordance with the Tennessee Constitution. The Secretary of State will post approvals and relevant information on the Secretary’s website. Each § 501(c)(3) organization holding an approved lottery event must give notice to each chief law enforcement officer of the county or municipality in which the annual event is conducted 130 days prior to the event date listed in the application, but if the event date is less than 130 days from receiving approval for the event, the organization must immediately give notice to law enforcement officials. Also, notice must be given of cancellation of events. Notice of an event or cancellation must be given by letter sent by certified mail or by actual physical delivery and must include the name of the organization, the name of the event, the location of the event, the type of lottery game, the event date (as applied and actual if different), any additional locations, and the name, address and telephone number of the person responsible if different than the organization’s chair, president or chief administrative officer. No more than two annual events per calendar year will be held at the same location in each county during any annual event period.

Effective April 7, 2004.

Public Chapter 620

Senate Bill 3078 (Cohen) House Bill 3390 (Tindell)

Modifies 2004 Public Chapter 476 regarding charitable gaming. Changes some deadlines for submitting applications to the Secretary of State to hold annual events and provides for the transmittal of an additional list of qualified 503(c) organizations to the General Assembly. Authorizes the Secretary of State to establish rules concerning conflicting locations for annual events.

Effective May 6, 2004.

Public Chapter 890 Senate Bill 3094 (Cohen) House Bill 3017 (Tindell)
Amends the earlier enacted 2004 public chapters dealing with annual events to raise money for § 501(c)(3) organizations. Changes the time period for making application to the Secretary of State and modifies the information required in the application, which must include the location or locations, at a minimum, each county in which the annual event will be operated.

Effective June 8, 2004.

MUNICIPALITIES

Public Chapter 587 Senate Bill 2455 (Southerland) House Bill 2435 (Litz)
Amends 7-52-601 to expand the pilot project that allows municipal electric systems to provide cable service to include one municipal electric system located in the eastern grand division of the state. Requires the comptroller to report on the efficiency and profitability of the program to the General Assembly by 2008. Prohibits any other municipal electric system from participation in the pilot project until the comptroller issues his report and recommendations.

Effective May 3, 2004.

OUSTER

Public Chapter 621 Senate Bill 23 (Cohen) House Bill 56 (Miller)
Amends 8-47-101 regarding ouster to clarify that public officials who engage in illegal gambling may be subject to ouster rather than officials who engage in any form of gambling.

Effective May 10, 2004.

PERSONNEL

Public Chapter 433 Senate Bill 1631 (Cooper) House Bill 1611 (West)
Amends 50-6-204(a)(4) relative to the employer's selection of physicians for employees under workers' compensation, to provide that for back injuries the employer must choose a fourth physician who must be a chiropractor, but no more than 12 visits per back injury will be covered; however, this new requirement does *not* apply to governmental employers or self-insurer pools. The remaining provisions of 50-6-204(a)(4) will apply to governmental employers and self-insurance pools.

Effective March 12, 2004.

Public Chapter 508 Senate Bill 3378 (Haynes) House Bill 3522 (McMillan)
Amends 50-3-911 to allow the Tennessee Department of Safety and Health to investigate and enforce actions against local government employers for

discriminating against an employee for filing a complaint, instituting an action, or exercising other rights under the Tennessee Occupational Safety and Health Act (TOSHA), regardless of whether the local government has elected to be treated as a private employer under TOSHA.

Effective April 12, 2004.

Public Chapter 558 Senate Bill 3452 (Haynes) House Bill 2311 (McMillan)
Amends 50-3-908 to give local governments until July 1, 2006 to elect whether to be treated as a private employer or to develop its own program of compliance under TOSHA by filing a written statement meeting statutory requirements.

Effective April 22, 2004.

Public Chapter 629 Senate Bill 2330 (Cooper) House Bill 3213 (Fitzhugh)
Amends 8-27-207 to make utility district commissioners appointed or elected pursuant to 7-82-307 eligible to participate in the state health insurance plan for employees of local governments and quasi-governmental entities.

Effective May 10, 2004.

Public Chapter 648 Senate Bill 563 (Walker) House Bill 527 (Windle)
Amends 50-6-115 to extend workers' compensation coverage to injuries that occur out of state if at the time of the injury the injured worker was a Tennessee resident and there existed a substantial connection between this state and the particular employer and employee relationship.

Effective July 1, 2003 [sic].

Public Chapter 822 Senate Bill 1716 (Graves) House Bill 189 (M Turner)
Amends 50-2-204 relative to damages in state equal pay litigation. Employers who are found in a second lawsuit to have knowingly violated the equal pay law may be held liable for double damages, and employers may be held liable for treble damages if a knowing violation is found in a third lawsuit.

Effective June 7, 2004.

Public Chapter 962 Senate Bill 3424 (Haynes) House Bill 3531 (McMillan)
The workers' compensation reform act makes numerous changes and additions to the present Workers' Compensation Act.

Effective July 1, 2004, with many provisions becoming effective either January 1, 2005 or July 1, 2005.

PLANNING AND ZONING

Public Chapter 494 Senate Bill 2341 (Kurita) House Bill 2595 (Curtiss)
Enacts a new section under Title 13, Chapter 3, Part 4 to provide that for any new subdivision development that is located in whole or in part within 1,000 feet of any land on which is contained a sport shooting range that preexisted the subdivision development, the owner of the development is required to provide notice on any plat of the fact that the property is in the vicinity of the shooting range. Such provisions only apply to counties that have a planning commission and subdivision regulations.

Effective April 12, 2004.

Public Chapter 632 Senate Bill 2446 (Norris) House Bill 3061 (Sargent)
Amends 13-7-402 regarding the transfer of development rights to delete subsection (c) of the statute which conflicted with other recently passed provision of Title 13.

Effective May 10, 2004.

Public Chapter 694 Senate Bill 3228 (McNally) House Bill 3360 (DuBois)
Amends 39-17-316 relative to sport shooting ranges to make various changes regarding the liability of owners of such ranges and to prescribe when such ranges may be sued under nuisance actions by affected property owners.

Effective July 1, 2004.

Public Chapter 730 Senate Bill 990 (Williams) House Bill 107 (McCord)
Amends 13-7-208 relative to billboards to provide that when a grand-fathered use that is permitted to continue, expand or be rebuilt is an off-premises sign, such use shall not preclude any new or additional conforming use or structure on the property on which the sign structure is located or on any adjacent property under the same ownership, provided that any such new or additional use or structure does not result in any additional violations of the applicable zoning restrictions other than those non-conformities associated with the off-premises sign.

Effective May 24, 2004.

Public Chapter 779 Senate Bill 69 (Cooper) House Bill 39 (Turner)
Enacts a new section in Title 68, Chapter 221, Part 4, relative to subsurface sewage disposal systems. Prohibits any county official from requiring a homeowner or the department of environment and conservation to excavate a pre-existing subsurface sewage disposal system prior to issuing any county permit for altering any building that uses the sewage system if the following conditions are met: (1) the altered building will be owned by the same owner, or a relative of such owner, who used the system before the alteration occurred; (2) the owner or relative has no actual knowledge of any defect in the system; (3) the system is not altered, other than being connected to the altered structure; (4) the alteration is not made in connection with the sale of the property; and (5) the owner signs a sworn statement certifying compliance with this bill. The act also requires the property owner, when selling a house, to disclose improvements utilizing the pre-existing subsurface sewage disposal system on the residential property disclosure statement.

Effective May 28, 2004.

PURCHASING

Public Chapter 500 Senate Bill 3167 (Clabough) House Bill 3304 (Overbey)
Amends the 1957 County Purchasing Law to provide that books, recordings or other material previously in general circulation in the county public library are not subject to the requirement that sales of surplus personal property be by public auction or sealed bid by the county purchasing agent in those counties under the 1957 County Purchasing Law. Requires the county public library in such counties conduct sales of surplus, obsolete or unusable books, recordings and other material after giving notice in a newspaper of county-wide circulation, posting on a bulletin board at the county courthouse and at the county public library at least five days prior to the sale.

Effective April 12, 2004.

Public Chapter 504 Senate Bill 3223 (Burks) House Bill 3236 (McKee)
Amends 49-6-2006(c) and -2007(b) to authorize a school board to sell real property upon which it has constructed a building under its vocational education program, or surplus personal property, by Internet auction after advertising the sale in a newspaper of general circulation and including the web site address and other necessary information concerning the sale.

Effective April 12, 2004.

Public Chapter 518 Senate Bill 2368 (Crutchfield) House Bill 2573 (Hackworth)
Amends 12-4-201 to prohibit any city, county or state authority from requiring a contractor or subcontractor on a public bid or contract to obtain a bond from any particular surety, agent, broker or producer.

Effective July 1, 2004.

Public Chapter 542 Senate Bill 2434 (Burchett) House Bill 3081 (Tindell)
Amends 12-4-205 to provide that a notice of claim by a laborer or materialman on

a public contractor's bond is to be sent by certified mail rather than by registered mail.

Effective April 22, 2004.

Public Chapter 613

Senate Bill 2767 (Graves) House Bill 2619 (McDonald)

Amends 5-14-207, the County Purchasing Law of 1983, relative to purchases of chemical products to allow manufacturers of chemical products to create and maintain a material safety data sheet (MSDS) for their products either on the national MSDSSEARCH repository, on the manufacturer's website, or on an association website as long as the information is freely accessible to the public. The URL for MSDSSEARCH will be posted on the state department of general services website. If the MSDS is not posted on MSDSSEARCH, a bidder must include the manufacturer's URL in the bid proposal or purchase order. Also amends 12-3-217 and 6-56-307 in the same manner.

Effective May 5, 2004.

Public Chapter 806

Senate Bill 2594 (Beavers) House Bill 2633 (Lynn)

Enacts 12-4-121 to prohibit state and local governments from discriminating against religious organizations when contracting for goods and services provided thorough or administered by the Departments of Children's Services and Health and Human Services and requires state and local governments to allow contracts with religious organizations to provide goods and services provided thought or administered by the Departments of Children's Services and Health and Human Services. If a person who applies for or receives goods, services or disbursements objects to the religious character of the organization from which the person receives assistance, the state or local government must provide an alternate provider if one is available. Prohibits contracting religious organizations from discriminating against recipients on the basis of religion. Prohibits contracting religious organizations from using funds provided through these contracts for sectarian worship, instruction or proselytization. No funds provided by any state or local government for foods and services to religious organizations shall supplant present funding of programs provided by such groups but shall be a supplement to the activities rendered by these groups.

Effective June 3, 2004, and applies to contracts entered into or renewed on or after this date.

Public Chapter 826 Senate Bill 905 (Clabough) House Bill 724 (Curtiss)
Enacts the “Limited Licensed Plumbers’ Act of 2004” in Title 62, Chapter 4, to require plumbers to obtain a state license. Applies in all counties except Lake, Obion, Weakley, Henry, Stewart, Henderson, Benton, Decatur, Perry, Humphreys, Dickson, Hickman, Lewis, Lawrence, and Giles.

Effective January 1, 2006 (for rulemaking, effective June 7, 2004).

REGISTERS OF DEEDS

Public Chapter 497 Senate Bill 2712 (Norris) House Bill 3147 (Russell Johnson)
Amends 66-24-101(a) to authorize county registers to record affidavits of scrivener’s error and other affidavits in furtherance of identification and title to land.

Effective April 12, 2004.

Public Chapter 576 Senate Bill 2380 (Haynes) House Bill 2547 (Fowlkes)
Amends 66-22-101 to codify the common law rule that documents recorded with the county register must be executed by the maker’s original signature, unless otherwise provided by law. Authorizes the register to refuse documents not executed and authenticated according to this statute. Amends 66-24-101 to allow the register to refuse to register any writing eligible for registration according to Title 66 (dealing with property interests) if the writing is wholly or substantially written in any language other than English unless an affidavit is attached containing a complete translation of the original writing into English. Removes provisions in Title 13 that made it a misdemeanor offense for the register to record plats that require planning commission approval without such approval being endorsed on the plat.

Effective July 1, 2004.

Public Chapter 801 Senate Bill 2180 (Fowler) House Bill 2544 (Fowlkes)
Amends 66-24-101 to allow registers of deeds to record copies of documents otherwise eligible for registration that are created or retained as an electronic record according to law if such copy is certified by a licensed attorney or the custodian of the record that such copy is a true and accurate copy of the original and the signature of such attorney or custodian is notarized. The register may require that the copy be in paper form.

Effective June 3, 2004.

Public Chapter 896

Senate Bill 2711 (Norris) House Bill 3146 (Russell Johnson)

Requires registers of deeds to adopt a policy regarding the procedure to follow if the register receives instruments for recordation accompanied by fees in excess of the required amount. The policy must include at least one of the following, but may include combinations or all of the following:

- (1) Establishing a credit or debit account or a copy account for individual customers;
- (2) Contacting the person or entity tendering the instrument for specific instructions;
- (3) Allowing the register's office to retain reasonable overage amounts as fees of the office;
- (4) Registering every eligible instrument and providing a refund of the excess monies, less a reasonable amount of the excess payments retained as fees of the office.

Effective June 8, 2004.

RETIREMENT

Public Chapter 631

Senate Bill 2407 (Atchley) House Bill 2744 (Fitzhugh)

Amends 8-34-101(14)(B) to include within the definition of "earnable compensation" bonuses and incentive payments authorized by resolution of the governing body of a local government unit if the resolution provides that the payment is to be included as earnable compensation for retirement purposes and that it is not made for the purpose of increasing the member's benefit or inducing the member to retire; all employees, or all employees in a broad class or group, must be given the opportunity to qualify for the bonus or incentive payment. Amends 8-34-101(46)(B) to delete the requirement that a teacher who transfers from a teaching to a non-teaching position keep his or her teaching certification current in order to remain in the retirement plan for teachers. Amends 8-35-202(c) to delete the four month limit on the time a political subdivision has to notify TCRS, after receiving notice of legislation that increases the political subdivision's liability, that it desires to be covered by the provisions of the legislation. Amends 8-35-203(a)(2)(C) to allow local government employees and teachers to make back contributions for prior service through transfers from a pre-existing plan. Amends 8-36-802(b) to restore at subsequent retirement any optional benefit which was voided as a result of a retiree's return to employment. Amends 8-36-802(e) relative to computation of benefits for retirees who return to work, depending on whether they complete three or more years of creditable service and whether they elected the Social Security leveling plan. Amends 8-36-818 relative to retired members who accept service in positions covered under 8-35-226(a) to provide that prior service cannot have been in a position covered under 8-35-226(a). Amends 8-36-821 to extend the sunset date for the provision allowing retirees to accept employment as K-12 teachers until June 30, 2012.

Effective May 10, 2004.

SOLID WASTE

Public Chapter 783

Senate Bill 3409 (Crutchfield) House Bill 3499 (McMillan)

Amends 68-211-835 to continue the state surcharge on the disposal of municipal solid waste at Class I solid waste disposal facilities or incinerators at the current rate of \$.75 per ton until June 30, 2008. Amends 68-211-814 to provide that a regional plan may be revised at any time to reflect subsequent developments in the region subject to approval by the Department of Environment and Conservation. Each municipal solid waste region must submit an annual progress report to the department covering the next ten years. Amends 68-212-108 to provide that any unencumbered balance in the hazardous waste fund will not revert to the general fund but will be carried forward. Amends 68-211-116 to provide that interest on investments and deposits of the solid waste disposal site restoration fund will return to the fund.

Effective May 28, 2004.

TAXATION

Public Chapter 592

Senate Bill 3418 (Crutchfield) House Bill 3480 (McMillan)

Amends 67-6-710(f) to remove the former requirement that 9% of the amount otherwise allocated to counties from the local sales tax with respect to intrastate telecommunications services be transmitted to the state general fund; but amends 67-6-221 to provide that before making the distribution to counties and incorporated municipalities from the 7.5% tax levied on interstate telecommunications services, 9% of the amount otherwise allocated to cities and counties will be transmitted to the state general fund. Modifies the definition of “services” for purposes of the business tax to provide that services for profit or monetary gain does not include services rendered by a person for an affiliated business entity, provided that the services are accounted for as allocations of cost incurred in providing the service without any markup whatsoever.

Effective May 3, 2004.

Public Chapter 800

Senate Bill 2137 (Kurita) House Bill 2169 (Turner, M.)

Amends 67-2-112(b)(1), 67-4-1703(c)(1), and 67-5-2011(a). Extends the deadline for the payment of income taxes, professional privilege taxes, and property taxes by a person in the armed forces of the United States, or called into active military service of the United States from a reserve or national guard unit from 90 days to 180 days. Amends 67-5-2011(b) and (c). Authorizes military personnel to provide notice of delay in paying property taxes due to deployment to their county trustee instead of the Commissioner of Revenue.

Effective June 3, 2004.

TAXATION - PROPERTY

Public Chapter 531 Senate Bill 2220 (Cooper) House Bill 2172 (Turner, M.)
Amends 67-5-201(a) to require an owner of tax-exempt property who sells or leases the property to promptly notify the assessor of property if the sale or lease renders the property as nonexempt. This requirement applies to governmental entity owners and lessors as well as any other owners or lessors of the property. Also requires that the person buying or leasing tax-exempt property to promptly notify the assessor of property of any change in tax exempt status. A buyer or lessee of property who fails to do so will be personally liable on all taxes, penalty, and interest from the date of the transfer until the date the assessor was notified. Does not allow a tax lien to be placed on a subsequent bona fide purchaser who records the deed for the property or notifies the assessor of the change in status. Amends 67-5-201(b) to require the grantor or lessor of nonexempt property to notify the assessor of any change in the use or ownership of the property that may affect its nonexempt status. This notice is required when the property is conveyed or transferred by sale, lease or otherwise to a person, firm, or corporation. The grantor or lessor of nonexempt property includes any person, firm, or corporation who is not otherwise exempt from property taxes. The nonexempt grantor's or lessor's notice of the change in ownership or use to the assessor is a prerequisite to the grantor or lessor seeking a refund of taxes paid related to exempt ownership or use of the property occurring after the date of transfer to the tax exempt grantee or lessee by sale or lease. Amends 67-5-212(b)(3) to provides that where a religious institution acquires property previously approved for a religious use exemption or property to replace its own property previously approved for religious use exemption, the effective date of the exemption is to be one year prior to the date of application, or the date the acquiring institution began to use the property for religious purposes, whichever is later.

Effective April 14, 2004, and applies to claims pending on the effective date.

Public Chapter 536 Senate Bill 17 (McNally) House Bill 226 (Hackworth)
Amends Title 7, Chapter 64. Enacts the "Older Neighborhood Preservation Act." Provides that upon the adoption of a resolution by a two-thirds vote of the legislative body, a municipality or county may create a grant program for the revitalization of substandard residential rental property located in an older residential neighborhood and may also create a grant program for the revitalization of residential real property located in an older residential neighborhood. Grant programs must be based on the estimated expense of renovating the property to property which is decent, safe and sanitary and which meets all local building and housing codes concerning fitness for habitation. Before the legislative body adopts a resolution, the legislative body must hold a public hearing relating to the proposal after publishing a notice of the public hearing in a newspaper of general circulation in the municipality or county at least two weeks prior to the date of the public hearing. The notice must include the time, place and purpose of the public hearing.

Effective April 22, 2004.

Public Chapter 571 Senate Bill 2946 (Ford) House Bill 3038 (Head)
Amends 67-5-502(a)(3). Revises archaic terminology concerning assessment of

personal property by deleting the words “lunatics” and “lunatic” and substituting therefore the words “severely and persistently mentally ill persons” and “severely and persistently mentally ill person.”

Effective April 30, 2004.

Public Chapter 635

Senate Bill 2713 (Harper) House Bill 2758 (Pruitt)

Amends 67-5-212(a)(1)(A) relative to property tax exemptions for religious, charitable, scientific, and educational institutions. Adds another exception to the \$1.00 per year limit on rent. Provides that if the owning institution owns and operates real and personal property consisting of a parking garage and leases parking spaces in the parking garage to a metropolitan hospital authority for a metropolitan government hospital and the staffing for such hospital by a medical and dental school, the parking garage will be exempt from property taxation, provided that from and after July 1, 2004, the parking garage will be exempt from property taxation only to the extent parking spaces in the parking garage are actually leased by the metropolitan government hospital authority.

Effective May 10, 2004 and applies retroactively to the calendar year beginning January 1, 1998, and thereafter.

Public Chapter 667

Senate Bill 3245 (Henry) House Bill 3286 (Head)

Amends 67-5-502. Authorizes the comptroller of the treasury to establish a pilot program for assessing leased tangible personal property to the person who owns the property rather than the person leasing the property. Participation in the program is voluntary, at the election of owners and lessors who will be selected by the comptroller to participate based on criteria that optimizes savings in the cost of assessment compliance and administration. Allows the comptroller to charge a fee to defray the cost of administration of this program. Allows participants to report leased property centrally rather than on the schedules otherwise required for paying tax on property used in business and leased property. The comptroller will be responsible for distributing centrally reported assessments based on the location of the property. Allows participants to claim the present law business tax credit for property taxes paid pursuant to a central assessment. Allows the credit to be taken in the jurisdiction where the personal property is located or the jurisdiction from where the lease originated.

Effective May 14, 2004.

- Public Chapter 682 Senate Bill 2263 (Crutchfield) House Bill 2286 (Vincent)
Amends 67-1-704(b) and 67-1-705. Requires the county trustee to give each taxpayer a receipt that gives the taxpayer notice that no other receipt will be mailed separately in situations where the taxpayer is to retain a portion of the tax notice. The tax notice must clearly state that no mailed receipt will be forthcoming and that the taxpayer may elect to receive a mailed receipt by providing a separate self-addressed, stamped envelope. If a trustee provides a separate receipt by mail, the receipt must be numbered and dated.
- Effective July 1, 2004.
- Public Chapter 719 Senate Bill 3242 (Henry) House Bill 3289 (Head)
Amends 67-5-501(9). Classifies certain property associated with utilities and railroads as real property for purposes of the property taxation. Examples include but are not limited to: surface, underground or elevated railroads, and railroad structures, substructures and superstructures, tracks and the metal thereon, telephone, broadcast, transmission and telegraph poles, supports, conduits, towers and enclosures for electrical conductors upon, above and underground and pipes and conduits used for wire, cables and lines buried underground, and mains, pipes, pipelines and tanks permitted or authorized to be built, laid or placed in, upon, or under any public or private street or place for conducting steam, heat, water, oil, electricity or any property, substance or product capable of transportation or conveyance therein or that is protected thereby.
- Effective May 18, 2004. Applies to tax year 2004, and to tax years thereafter, and to any claim(s) for prior years that have not been finally adjudicated by the State Board of Equalization as of the effective date of the act.
- Public Chapter 732 Senate Bill 2077 (Cooper) House Bill 2147 (Matheny)
Amends 67-5-212. Exempts from property taxation the real and personal property, or any part thereof, that is owned by a religious or charitable institution that is occupied and used by the institution for a thrift shop, provided that: (1) the institution is exempt from payment of federal income taxes under Section 501(c)(3) of the Internal Revenue Code; (2) the thrift shop is operated as a training venue for persons in need of occupational rehabilitation; or the thrift shop is operated primarily by volunteers; (3) the inventory of the thrift shop is obtained by donation to the institution that owns and operates the shop; (4) goods are priced at levels generally ascribed to used property; (5) goods are given to persons whose financial situations preclude payment; and (6) the net proceeds of the thrift shop are used solely for the charitable purposes of the institution that owns and operates the shop. Further amends 67-5-212 by adding a new subdivision. Provides that land not necessary to support exempt structures or site improvements associated with exempt structures, including land used for recreation, retreats or sanctuaries, is not eligible for exemption beyond a maximum of 100 acres per county for each religious, charitable, scientific or nonprofit educational institution qualified for exemption pursuant to this section. For purposes of applying this limit, land owned by an exempt institution shall be aggregated with land owned by related exempt institutions having common ownership or control. Land in excess of the limit may

be designated by the county for open space classification pursuant to 67-5-1007 as an alternative to exemption.

Effective May 24, 2004. In addition to prospective applications, applies to applications pending or under appeal to the State Board of Equalization on the effective date.

Public Chapter 737 Senate Bill 2365 (Person) House Bill 3011 (DeBerry)
Amends 67-5-1412(c). Requires that rules of the State Board of Equalization which permit electronic appeals must also permit electronic appeals for a single parcel, in such format as the board may require by rule.

Effective May 24, 2004.

Public Chapter 852 Senate Bill 2351 (Clabough) House Bill 2352 (Overby)
Amends 67-5-704(b)(2). Removes the 30 day requirement for veterans who served as POWs so that any veteran who is 100% disabled, as determined by the U.S. Veterans' Administration, due to service as a POW is eligible for the residential property tax exemption.

Effective July 1, 2004. Applies to tax years beginning on and after January 1, 2005.

TAXATION - SALES

Public Chapter 724 Senate Bill 1600 (Ramsey) House Bill 643 (Maddox)
Amends 67-6-313 to provide that sales of helicopters and related equipment within Tennessee to purchasers who are not residents of the state are exempt where such helicopters and related equipment are intended to have a situs out of Tennessee, and where such helicopters and related equipment remain within Tennessee following the sale solely for purposes of repair and refurbishment services and in fact are removed within fifteen days of completion of such services.

Effective May 19, 2004.

Public Chapter 725 Senate Bill 3215 (Atchley) House Bill 3345 (Armstrong)
Amends 67-6-209 to create a new subsection. Provides that there is an exemption from sales tax for any tangible personal property owned by the United States, or any agency thereof, that is provided to a contractor or subcontractor on a temporary basis for testing under the Small Business Innovation Research Program.

Effective May 19, 2004.

- Public Chapter 782 Senate Bill 3419 (Crutchfield) House Bill 3479 (McMillan)
Amends several statutes in Title 67, Chapter 6 relative to sales tax. Adds or amends numerous definitions in 67-6-102. Establishes new rules and rates for taxation of telecommunications services. Establishes the local sales tax rate on interstate and international telecommunications services at 1.5%. Establishes the local sales tax rate on intrastate telecommunications services at 2.5%. Establishes sourcing rules for the sale of telecommunications services.
- Certain provisions of this act take effect in conjunction with the effective date of the streamlined sales tax act; other provisions related to telecommunications take effect for bills that are submitted to customers dated on or after July 1, 2004; the remaining provisions take effect July 1, 2004.
- Public Chapter 842 Senate Bill 2277 (Wilder) House Bill 2160 (McDaniel)
Amends 67-6-303 to clarify that the present law creating a sales tax exemption for motor vehicles sold to members of the armed forces would apply to a vehicle sold to a reserve member of a uniformed service of the United States or a member of the Tennessee National Guard, if such member of the reserve or national guard has been called into active military service of the United States and is stationed outside the United States during hostilities in which such person is actually engaged and in which military personnel are entitled to combat compensation.
- Effective June 8, 2004.
- Public Chapter 924 Senate Bill 3428 (Crutchfield) House Bill 3483 (McMillan)
Amends several statutes in Title 67, Chapter 6 relative to sales tax exemptions. Provides that moving aircraft into Tennessee in conjunction with establishing a new headquarters facility shall be exempt from any sales and use tax liability that arise as a result of moving the aircraft. Clarifies that the sales tax credit for purchases made to come into compliance with pollution regulations applies to purchasers who create the pollution as a part of their normal course of business and not to persons who are in the business of treating pollution created by others. Exempts purchases of detailing services and repair services performed on motor vehicles that are held for resale by a licensed motor vehicle dealer or licensed automobile auction. Includes repair services to aircraft owned by non-affiliated business entities within the definition of “fabricating or processing tangible personal property for resale.”
- The provisions of this act described above take effect June 7, 2004.
- Public Chapter 959 Senate Bill 3454 (Crutchfield) House Bill 3542 (McMillan)
This act makes various revisions to the streamlined sales tax provisions enacted in 2003 in order to correct errors and be consistent with current statutes and policy. Clarifies that hearing aids and dental prostheses are both prosthetic devices that are exempt from taxation. Clarifies that credit for any trade-in is excluded from sales price. Revises the distribution of tax on interstate telecommunications sold to businesses to reflect the change in the tax from a 7.5% state rate and no local tax to a 7% state tax and up to 2.75% local tax. This act eliminates the special distribution to local governments which is no longer needed with the application of

the local option tax to the sale. Clarifies that no sales tax is to be imposed on sales of food and food ingredients and prepared food that will be sold as a part of school lunch programs, but that food, food ingredients and prepared food sold for fund raisers are subject to tax. Specifies that the tax exemption for durable medical equipment will only apply if the equipment is dispensed pursuant to a prescription and removes the exemption for surgical supports. Limits the exemption for ostomy products to disposable items. Clarifies that prescribed over-the-counter drugs are exempt from taxation and that grooming and hygiene products are not. Requires that reports regarding the transportation equity fund include the user privilege tax on diesel used in locomotives and special tax on aviation fuel. Revises the present law deduction for dealers' accounting costs. Creates an amnesty provision for persons who rely on erroneous data in the taxability matrix provided by the Department of Revenue. Specifies that streamlined registration is not determinative of whether a person has sufficient nexus with the state so as to be subject to tax. Clarifies that only modular homes sold unaffixed to realty as completed units are single articles for local tax purposes. Specifies that the 2.25% tax on vending machine sales is to be distributed to the counties based on the ratio of local tax collections in the county pursuant to the local option tax provisions over total tax collections in all counties pursuant to the local option tax provisions. The remainder would be distributed to the cities and towns in the county based on the ration of total collections in the municipality to total collections in the county. Creates a distribution scheme to be followed for distribution to municipalities and counties of local tax collected that cannot be identified to a particular local jurisdiction. Establishes sourcing rules for retail florists. States that there is no intention to levy a tax upon articles of tangible personal property imported into this state for export, or produced or manufactured in this state for export. If the sale of tangible personal property imported into this state is sourced to this state this exemption would apply provided that the purchaser's use of the tangible personal property imported into this state is limited to storage, inspection, or repackaging for shipment of the property for export outside this state. Establishes provisions for administering special user privilege taxes. Provides an exclusion from the special user privilege tax provisions for common carriers subjected to other taxes. Establishes a crediting provision in special user privilege taxes for taxes paid to other states. Clarifies that the cable television tax and satellite cable television tax apply only to services delivered to a subscriber in this state and specifies that these taxes do not apply when the television programming or services are sold for resale. Adds in the taxpayer bill of rights provisions that taxpayers have the right to know the department's policies with respect to use and retention of personally identifiable information. Allows refund of bad debt credit to certified service providers. Revises the sales and privilege tax exemptions for aviation fuel. Specifies that special user taxes are in lieu of the sales or use tax. Clarifies that the tax on computer software includes pre-written software.

Effective July 1, 2005, except for certain provisions related to implementation of the Streamline Sales Tax Agreement by the Commissioner of Revenue and a provision amending the effective date of 2003 Public Chapter 357 (the original Streamline Sales Tax legislation) which both take effect on June 15, 2004.

UTILITIES

Public Chapter 618

Senate Bill 2411 (Graves) House Bill 2890 (Head)

Enacts the “Utility District Commissioner Selection Reform Act of 2004.” Provides that utility districts will have three commissioners, except in multi-county districts and those having a greater number on the effective date of the act. Provides for 4-year terms for utility district commissioners and their appointment by the county mayor from a list of three nominees submitted by the utility commissioners, except in those utility districts using other selection methods on the effective date of this act. The county mayor has 21 days to select the nominee or reject the list, whereupon a new list is to be submitted. If the county mayor does not act, the first person on the list is appointed by operation of law. Allows, but does not require, the board of commissioners of existing utility districts with different methods of selection to change to the new standard procedure of this act with the approval of the Utility Management Review Board. Also, the Utility Management Review Board may change the method of appointment of utility district commissioners of financially distressed districts to the uniform method of this act. Provides a new procedure for removal of utility district commissioners upon petition of 20% of the customers of a district and a finding of willful misconduct, or knowing or willful negligence, by the Utility Management Review Board. Provides that if the a utility district board of commissioners fails to submit a list of nominees to fill a vacancy in the time required by this act, the county mayor may make an interim appointment to serve until the lawful procedures are followed.

Effective May 6, 2004.

Public Chapter 619

Senate Bill 3246 (Henry) House Bill 3285 (Head)

Changes the method for determining whether a water or wastewater system, utility district or emergency communication district is financially distressed. Utility districts will be considered financially distressed if the audits show it either has deficit net assets, is in default on any indebtedness, fails to establish rates sufficient to pay costs and retire bonds for three consecutive years, or has a negative change in net assets for three consecutive years. An emergency communications district may be considered financially distressed and become subject to the supervision of the state emergency communications board if it is either subject to a lien by the IRS, or cannot satisfy its financial obligations to the extent that the continued operation of the district is at risk, or the district has defaulted on any indebtedness due to insufficient funds and is not cured within 60 days, and the state board determines that the continued operation of the district is at risk.

Effective May 6, 2004.

Public Chapter 663

Senate Bill 2696 (Bryson) House Bill 2678 (Stanley)

Amends 7-82-501 to require utility districts proposing to sell bonds in excess of \$50 million at a negotiated sale to send a written request for proposals to at least five qualified firms not later than 30 days prior to the first meeting of the board of commissioners of the district held to discuss the sale. A minimum of three proposals must be received no later than 14 days prior to the first meeting.

Effective May 14, 2004.

Public Chapter 754

Senate Bill 2452 (Graves) House Bill 2327 (McDonald)

Enacts a new section in Title 68, Chapter 221, Part 12, to direct the water resources division of the Department of Environment and Conservation to investigate the needs of rural areas of the state for service by public water systems. The division is required to file a report with the chairs of the appropriate committees of the House and Senate by January 31, 2005, detailing the results of the investigation and proposing options for future legislation.

Effective May 24, 2004.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

BLOUNT

Public Chapter 463 Senate Bill 3166 (Clabough) House Bill 3130 (Overbey)
Amends 18-6-106(a) so that the county clerk in Blount County will continue to serve as the clerk of the court with probate jurisdiction.

Effective March 29, 2004.

CAMPBELL

Public Chapter 857 Senate Bill 2726 (Clabough) House Bill 2512 (McKee)
Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a facility in Campbell County with resort lodge condominiums, homes and vacation cottages and an 18-hole golf course, tennis courts and pro shop, a swimming pool, rock climbing, hiking and biking trails, a full service spa, banquet and dining services and a business service center, and which does not discriminate against any patron on the basis of age, gender, race, religion or national origin. Also authorizes the sale of alcoholic beverages in a community in Loudon and Monroe counties, and wine in certain restaurants in Shelby County (see summaries listed under those counties).

Effective June 8, 2004.

CHESTER

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

DAVIDSON

Public Chapter 726 Senate Bill 3235 (Burchett) House Bill 3344 (Armstrong)
Defines “leisure pool” as a single swimming area of at least 15,000 square feet situated on at least three acres of property and sets operational requirements. Applies to Davidson and Knox Counties by narrow population class.

Effective May 19, 2004.

Public Chapter 843

Senate Bill 2382 (Haynes) House Bill 2166 (Turner)

Enacts the Neighborhood Preservation Act. Requires the owner of residential rental property or an unoccupied residence to maintain the exterior of such property and the lot on which the residence is located at a level no less than the community standards of residential property in the area. Provides that it is prima facie evidence of a violation of this act if the owner has been cited for three or more separate violations of local building and construction codes or property standards within a one year period and the owner has not brought the building into compliance. Authorizes owners of residential property that is affected by the substandard property to bring an action for damages against the owner of the substandard residence. If the failure to maintain property is due to an act of nature, serious illness or a legal barrier, this constitutes a defense to the cause of action for damages.

Effective July 1, 2004.

DECATUR

Public Chapter 945

Senate Bill 2152 (Williams) House Bill 2638 (Hagood)

Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

DeKALB

Public Chapter 450

Senate Bill 2933 (Ramsey) House Bill 2402 (Mumpower)

Amends Title 8, Chapter 10, Part 1, relative to constables. Amends 8-10-101(h) by deleting the language "24,700" and substituting "24,650." The amendment to 8-10-101(h) retains the office of constable in McNairy county. Amends 8-10-101(m) by deleting the language "17,550" and substituting "17,400." The amendment to 8-10-101(m) retains the office of constable in DeKalb and Johnson counties. Amends 8-10-108 by adding new subsection (e) vesting constables in Johnson county with law enforcement powers.

Effective March 15, 2004.

Public Chapter 816

Senate Bill 3336 (Beavers) House Bill 3355 (Buck)

Amends 7-82-307 to provide that the membership of the board of commissioners of a multi-county water utility district whose principal office is located in and whose principal service area lies within DeKalb County (identified by narrow population class) and containing and physically divided by a United States government corp of engineers dam and reservoir project of 34,000 acres, will be selected according this act notwithstanding any other law to the contrary. This act increases the representation on the utility board from DeKalb County by two members, giving DeKalb County three members on the board. The other two counties within the

service area will each have one member on the utility district board of commissioners. Provides procedures for the appointment of members to the utility district's board of commissioners. Also, states that no contract entered into or renewed after the effective date of the act for the sale of water to the water utility district described above will contain a clause which prohibits the district from selling water to other municipalities or governmental entities.

Effective June 3, 2004.

FAYETTE

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

GIBSON

Public Chapter 540 Senate Bill 2095 (McLeary) House Bill 2190 (Crider)
Amends 64-1-1002 regarding the Gibson County Water Projects Authority by deleting subsection (f) which limited the terms of board members to two terms. Also, changes the minimum number of board of director meetings per year from quarterly to semiannually.

Effective April 22, 2004.

HAMILTON

Public Chapter 645 Senate Bill 2223 (Fowler) House Bill 2323 (Brown)
Amends 12-4-320 to include Hamilton County by narrow population class in the list of counties wherein the board for licensing health care facilities may, by regulation, establish a pilot program to reimburse residential homes for the aged, to the exclusion of institutional homes for the aged, subject to amounts appropriated for this purpose in the general appropriations act.

Effective July 1, 2004.

Public Chapter 676 Senate Bill 2119 (Crutchfield) House Bill 2324 (Brown)
Amends 57-4-102(21) to authorize the sale of alcoholic beverages in an art museum owned and operated by a charitable or nonprofit organization which has been in existence for at least 50 years and which focuses on American art, located in an historical mansion and a sleek contemporary building on bluffs overlooking the Tennessee River and which does not discriminate against patrons on the basis of age, gender, race religion or national origin, located in a county with a population between 307,800 and 307,900 according to the 2000 or subsequent federal census.

Effective May 18, 2004.

Public Chapter 685 Senate Bill 2371 (Crutchfield) House Bill 3113 (Brown)
Amends 40-1-111 to add a new subsection relative to judicial commissioners in Hamilton County. Authorizes the county legislative body to appoint one or more judicial commissioners to assist the general sessions court. Terms of office and compensation for the positions are to be set by the legislative body with terms not exceeding four years. Gives the judicial commissioners the duty to issue arrest and search warrants, issue mittimus, appoint attorneys for indigent defendants, set and approve bonds of criminal defendants and set bond for circuit court judges and chancellors in cases involving orders of protection between the hours of 9:00 p.m. and 7:00 a.m. on weekdays, weekends and holidays and any other time when the judge or chancellor is unavailable to set bond.

Effective May 18, 2004.

Public Chapter 700 Senate Bill 3466 (Crutchfield) House Bill 3557 (Vincent)
Amends Public Acts of 1980, Chapter 905, Section 7, to impose a civil penalty of \$50.00 per day on each operator who fails to collect hotel/motel tax or each transient who fails to pay the tax in a county with a population between 254,000 and 255,000 according to the 1970 or subsequent federal census.

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

HARDIN

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

HENDERSON

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

JEFFERSON

Public Chapter 671 Senate Bill 2644 (Dixon) House Bill 2618 (Armstrong)
Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a commercially

operated facility located no more than three and one-half miles from the right of way of Interstate 40 and fronting state highway 92, with a minimum of eight acres of lake front property and a minimum of 5,800 feet of shore line, with at least 80 boat slips and 48 dry slips, a boat launching ramp, a full service restaurant seating at least 175 inside with outside patio dining, a ships' store offering supplies and gasoline, and an outdoor pavilion, having at least 20 lakeside hotel/motel units, and located in a county with a population between 44,000 and 44,900 according to the 2000 or subsequent federal census. Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a commercially operated facility located within one-half mile of the right of way of Interstate 40 and adjacent to Sharon Drive with at least 100 motel rooms and an enclosed pool and a 5,000 square foot convention facility or with restaurant seating for at least 150 and motel accommodations within four miles, or both motel and restaurant, and located in a county with a population between 44,000 and 44,900 according to the 2000 or subsequent federal census.

Effective May 17, 2004.

Public Chapter 945

Senate Bill 2152 (Williams) House Bill 2638 (Hagood)

Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

JOHNSON

Public Chapter 450

Senate Bill 2933 (Ramsey) House Bill 2402 (Mumpower)

Amends Title 8, Chapter 10, Part 1, relative to constables. Amends 8-10-101(h) by deleting the language "24,700" and substituting "24,650." The amendment to 8-10-101(h) retains the office of constable in McNairy County. Amends 8-10-101(m) by deleting the language "17,550" and substituting "17,400." The amendment to 8-10-101(m) retains the office of constable in DeKalb and Johnson Counties. Amends 8-10-108 by adding new subsection (e) vesting constables in Johnson County with law enforcement powers.

Effective March 15, 2004.

KNOX

Public Chapter 671 Senate Bill 2644 (Dixon) House Bill 2618 (Armstrong)
Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a commercially operated health club that only allows members and invited guests, having two swimming pools, volleyball courts, basketball court and recreation area with food service, located within 15 miles of an airport, which is located in a county with a population between 382,000 and 382,100 according to the 2000 or subsequent federal census, and which does not discriminate against patrons on the basis of age, gender, sexual orientation, race, religion, or national origin.

Effective May 17, 2004.

Public Chapter 726 Senate Bill 3235 (Burchett) House Bill 3344 (Armstrong)
Defines “leisure pool” as a single swimming area of at least 15,000 square feet situated on at least three acres of property and sets operational requirements. Applies to Davidson and Knox Counties by narrow population class.

Effective May 19, 2004.

LAWRENCE

Public Chapter 749 Senate Bill 1892 (Jackson) House Bill 2063 (Hensley)
Amends 7-82-307 to provide that vacancies on the board of commissioners of a water utility district with less than 1600 customers in Lawrence County (identified by narrow population class) will be filled by a process whereby the board of commissioners of the district sends three qualified nominees to the county mayor who chooses the new utility commissioner. The county mayor may reject the entire list whereupon a second list of three will be submitted and if all are rejected, either a third and final list of three nominees will be submitted by the utility board, or the county mayor may ask the county legislative body to submit a list of three nominees. If no nominees are acceptable to the county mayor after three lists have been submitted, then an election will be held by the customers of the district at the first regular board meeting of the utility commissioners occurring more than 35 days after the entry of the order of the county mayor rejecting the final list of nominees. Ten or more adult customers who reside in the district may nominate a person for the office.

Effective May 24, 2004.

LOUDON

Public Chapter 857 Senate Bill 2726 (Clabough) House Bill 2512 (McKee)
Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a 960-acre peninsula gated community on a lake with ten miles of shoreline with an 18-hole golf course, tennis courts, club house, restaurant, lounge, fitness center, swimming pool, community garden, community dock and boat ramp, equestrian facility and extensive riding trails, and which does not discriminate against any patron on the

basis of age, gender, race, religion or national origin, and which is located in Monroe and Loudon counties. Also amends 57-4-102(24) to authorize the sale of alcoholic beverages in a facility in Campbell County, and to authorize the sale of wine in certain restaurants in Shelby County (see summaries listed under those counties).

Effective June 8, 2004.

McNAIRY

Public Chapter 450 Senate Bill 2933 (Ramsey) House Bill 2402 (Mumpower)
Amends Title 8, Chapter 10, Part 1, relative to constables. Amends 8-10-101(h) by deleting the language "24,700" and substituting "24,650." The amendment to 8-10-101(h) retains the office of constable in McNairy County. Amends 8-10-101(m) by deleting the language "17,550" and substituting "17,400." The amendment to 8-10-101(m) retains the office of constable in DeKalb and Johnson Counties. Amends 8-10-108 by adding new subsection (e) vesting constables in Johnson County with law enforcement powers.

Effective March 15, 2004.

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

MONROE

Public Chapter 710 Senate Bill 2638 (Dixon) House Bill 2875 (U Jones)
Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a commercially operated facility located no more than one-half mile from the right of way of Interstate 75 and accessible to state highway 68, having at least 9,000 square feet of conference space, at least 125 hotel or motel rooms and an indoor swimming pool, which is located in a county with a population between 38,900 and 39,000 according to the 2000 or subsequent federal census, and which does not discriminate against any patron on the basis of age, gender, sexual orientation, race, religion, or national origin.

Effective May 18, 2004.

Public Chapter 857

Senate Bill 2726 (Clabough) House Bill 2512 (McKee)

Amends 57-4-102(24) to authorize the sale of alcoholic beverages in a 960-acre peninsula gated community on a lake with ten miles of shoreline with an 18-hole golf course, tennis courts, club house, restaurant, lounge, fitness center, swimming pool, community garden, community dock and boat ramp, equestrian facility and extensive riding trails, and which does not discriminate against any patron on the basis of age, gender, race, religion or national origin, and which is located in Monroe and Loudon counties. Also amends 57-4-102(24) to authorize the sale of alcoholic beverages in a facility in Campbell County, and to authorize the sale of wine in certain restaurants in Shelby County (see summaries listed under those counties).

Effective June 8, 2004.

MONTGOMERY

Public Chapter 591

Senate Bill 3156 (Kurita) House Bill 3462 (McMillan)

Amends 67-5-2404 by adding a new subsection (c). Authorizes the Montgomery County Trustee, upon written agreement between the trustee and the clerk of the court where suit has been filed for the collection of delinquent taxes, to continue to collect delinquent property taxes, including penalty and interest due, on any property included on the delinquent tax list until such property has been sold at a delinquent tax sale if the offices of the court clerk and the trustee have computer systems that are sufficiently connected so as to enable the trustee to collect the correct amount of taxes, penalties, and interest due. Requires the trustee to pay over to the court clerk the entire amount collected pursuant to the agreement and requires the court clerk to allocate the amount as if the monies were collected by the court clerk. Applies only upon adoption of a resolution by a two-thirds vote of the county legislative body authorizing the county trustee to collect delinquent property taxes as provided herein.

Effective May 3, 2004.

ROBERTSON

Public Chapter 669

Senate Bill 3372 (Graves) House Bill 3440 (Davidson)

Amends 8-8-201(2). Eliminates the authority of Robertson County general sessions courts judges to hire their own court officers.

Effective May 14, 2004.

ROANE

Public Chapter 813 Senate Bill 3288 (McNally) House Bill 3382 (Hackworth)
Amends 7-53-305 to remove Roane County, identified by narrow population class, from a provision formerly applicable only to Shelby and Roane counties, that states that an industrial development corporation cannot negotiate any payment in lieu of tax agreement for less than the county ad valorem taxes otherwise due unless certain conditions are met.

Effective June 3, 2004.

RUTHERFORD

Public Chapter 490 Senate Bill 1998 (Trail) House Bill 2076 (Rowland)
Amends 68-8-104 to provide that in Rutherford County the animal control director will handle animal registrations instead of the county trustee, and the director will post a bond in sufficient amount to assure the funds collected are properly administered and paid over to the county.

Effective April 12, 2004.

SCOTT

Public Chapter 861 Senate Bill 2658 (Kilby) House Bill 2565 (Winningham)
Amends 67-4-601 to authorize Scott County, or municipalities within Scott County, by two-thirds vote of their legislative body, to levy an additional litigation tax per case in sessions, juvenile and municipal courts, in an amount set by the appropriate legislative body, to fund a pilot project concerning drug testing in public schools.

Effective June 7, 2004.

SHELBY

Public Chapter 544 Senate Bill 2694 (Cohen) House Bill 2860 (Cooper)
Amends Title 57, Chapter 4, to authorize the sale of wine on Fridays and Saturdays without a special occasion permit or server permits in establishments other than restaurants and bars within a special historic district organized pursuant to a municipal urban planning and development board and listed on the national register of historic places, on a trolley line in a county having a population of 800,000 or more. The historic district shall pay an annual privilege tax of \$100.00.

Effective April 22, 2004.

- Public Chapter 599 Senate Bill 2342 (Kyle) House Bill 2975 (J DeBerry)
Amends 55-6-104(1) to delete the exception under which the Shelby County Clerk only collected \$1.50 for issuing, transferring or accepting surrender of motor vehicle registrations and plates, thereby allowing \$2.50 as in all other counties.
- Effective May 4, 2004.
- Public Chapter 651 Senate Bill 2260 (Dixon) House Bill 2971 (Lois DeBerry)
Amends 38-7-104 to provide that in Shelby County, identified by population class, the medical examiner shall be appointed by the county mayor, subject to confirmation by the county legislative body. The county mayor will appoint the medical examiner from a list of a maximum of two physicians submitted by a convention of the county's resident physicians called for this purpose. If such convention fails to submit a list within 90 days of a request from the county mayor, the county mayor may proceed with the appointment without the list. The term of the medical examiner is six years. At the end of the term, the county mayor shall reappoint the incumbent medical examiner subject to confirmation by the county legislative body, or call a convention of physicians to submit a list of candidates. The county mayor may suspend the county medical examiner for good cause for a period of 90 days. After the 90 day period, the suspension will end unless the county mayor has recommended to the county legislative body, in writing, that the county legislative body remove the medical examiner from office and the body votes to so remove the medical examiner from office.
- Effective May 14, 2004.
- Public Chapter 684 Senate Bill 2346 (Kyle) House Bill 2673 (Stanley)
Amends 16-15-5006 to remove the exclusion which prevented Shelby County from levying a litigation tax pursuant to that section.
- Effective May 18, 2004.
- Public Chapter 703 Senate Bill 2290 (Ford) House Bill 2366 (Bowers)
Authorizes the county commission of any county with a population in excess of 800,000 to designate a division of the county's general sessions court as the mental health court. Grants such court powers to hear cases involving petitions filed under the Mental Health Law and mental commitments.
- Effective July 1, 2004.
- Public Chapter 797 Senate Bill 1337 (Person) House Bill 3148 (Miller)
Amends Title 67, Chapter 5, Part 15 by adding a new section 67-5-1515. For the purposes contained only in this section, authorizes the Shelby County Clerk to own property, enter into leases, and declare any property owned by it exempt from local property taxes. Provides that any citizen who is a property owner and taxpayer (referred to as "applicant") designated in this section may apply to the Shelby County Clerk for senior citizen assessment status: (1) if the applicant has reached the age of 70 years and has been a property owner and taxpayer for at least 20 of the

immediate past 30 years of the applicant's major domicile which is located within the state; or (2) if the applicant has reached the age of 70 years and has a combined household annual income of less than \$25,000. Provides that upon receipt of the appropriate application and verification of the facts contained therein, the applicant shall be granted senior citizen assessment status by the Shelby County Clerk. Such status shall entitle the applicant to the right to transfer title and ownership of the applicant's major domicile to the Shelby County Clerk for a consideration of one dollar. A lease for the domicile at an annual rental of one dollar will be granted to the applicant along with an option to repurchase the domicile for consideration of one dollar. The lease and option period will extend no longer than 20 years and the option may be exercised at any time during this period. If the applicant does not exercise the option to repurchase and the property is held during the entire term of the lease, the property will revert to the applicant or his or her heirs at the end of the lease term. During the lease and option period, the applicant shall pay to the respective county and, if applicable, the municipality an annual sum in lieu of property taxes in an amount equal to the last full tax year's property taxes due immediately prior to the transfer of ownership to the Shelby County Clerk. Requires the Shelby County Clerk to charge each applicant an annual fee in sufficient amount to offset the administrative costs of this section and fees must be proportionate to the value of the senior citizen's property.

Effective June 3, 2004. Requires the county legislative body to adopt the provisions of the act by a two-thirds majority vote before it becomes applicable to the County.

Public Chapter 843

Senate Bill 2382 (Haynes) House Bill 2166 (Turner)

Enacts the Neighborhood Preservation Act. Requires the owner of residential rental property or an unoccupied residence to maintain the exterior of such property and the lot on which the residence is located at a level no less than the community standards of residential property in the area. Provides that it is prima facie evidence of a violation of this act if the owner has been cited for three or more separate violations of local building and construction codes or property standards within a one year period and the owner has not brought the building into compliance. Authorizes owners of residential property that is affected by the substandard property to bring an action for damages against the owner of the substandard residence. If the failure to maintain property is due to an act of nature, serious illness or a legal barrier, this constitutes a defense to the cause of action for damages.

Effective July 1, 2004.

Public Chapter 857 Senate Bill 2726 (Clabough) House Bill 2512 (McKee)
Amends 57-4-101(c)(1) to authorize the sale of wine for on premises consumption in restaurants with a seating capacity of at least 24 people located within a central business improvement district in Shelby County. Also authorizes the sale of alcoholic beverages in certain facilities in Campbell, Loudon, and Monroe counties (see summaries listed under those counties).

Effective June 8, 2004.

WAYNE

Public Chapter 945 Senate Bill 2152 (Williams) House Bill 2638 (Hagood)
Amends 67-4-601(b) to authorize eight counties to levy a litigation tax for the purpose of funding jail or courthouse renovation at a rate up to \$25.00 instead of the \$10.00 rate allowed other counties. The affected counties are Decatur, Chester, Wayne, Henderson, Hardin, McNairy, Jefferson and Fayette.

Effective June 15, 2004.

WILLIAMSON

Public Chapter 820 Senate Bill 1388 (Bryson) House Bill 110 (Sargent)
Adds Williamson County (identified by narrow population class) to the list of counties that may use the authority in Title 13, Chapter 21, Part 2 to acquire blighted or deteriorated property, including the use of the power of eminent domain, and hold, clear, manage or dispose of the property for residential, commercial, industrial or related use.

Effective June 8, 2004.

PART III – PRIVATE ACTS

BLOUNT

Private Chapter 111 Senate Bill 3480 (Clabough) House Bill 3577 (Oversbey)
Amends Private Acts of 1947, Chapter 345, and any other acts amendatory thereto, to create a fourth section of the court of general sessions for Blount County. Provides for the selection of a judge for such section. Transfers the status of presiding judge from the judge of section one of the court to section three of the court on September 1, 2006.

Effective upon approval by 2/3 vote of the county legislative body, with the limitation that the act shall only take effect if the cost of providing any additional assistant district attorney general, assistant public defender, or other costs associated with the new section are funded by Blount County for the term of the judgeship created by the act.

BRADLEY

Private Chapter 66 Senate Bill 2049 (Miller) House Bill 2130 (Newton)
Amends Private Acts of 1991, Chapter 19, to raise the rate of the hotel/motel tax in Bradley County from 4% to 5% and to allocate the proceeds as follows: 20% to the general fund, 27.5% in support of tourism, 27.5% in support of industrial recruitment, and 25% in support of the Tri-State Exhibition Center.

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

CAMPBELL

Private Chapter 102 Senate Bill 3481 (Kilby) House Bill 3574 (Baird)
Enacts a hotel/motel tax in Campbell County in an amount not to exceed 5% of the rate charged by the operator. The county clerk is the collector of the tax and is allowed to retain 5% of the amount remitted. The proceeds are to be used as determined by resolution of the county legislative body.

Effective on the first day of the month following approval by 2/3 vote of the county legislative body.

CANNON

Private Chapter 124 Senate Bill 3509 (Beavers) House Bill 3605 (Bone)
Changes the title of the county mayor in Cannon County to county executive.

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

COCKE

Private Chapter 99 Senate Bill 3473 (Southerland) House Bill 3568 (Yokley)
Repeals Chapter 179 of the Private Acts of 1939, as amended, which created the office of county attorney in Cocke County.

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

DECATUR

Private Chapter 120 Senate Bill 3505 (Herron) House Bill 3590 (McDaniel)
Levies a wheel tax in the amount of \$30.00 in Decatur County. The tax is to be collected by the county clerk, who is entitled to a fee of 5% or such higher or lower fee as may be authorized by general law for receiving and paying over county revenue. If the county legislative body determines by resolution that a decal or emblem will be issued, it will be designed by the county clerk. Expenses of issuance of receipts, and decals or emblems if used, will be paid from the county general fund.

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

GIBSON

Private Chapter 108 Senate Bill 3498 (McLeary) House Bill 3572 (Crider)
Amends Chapter 84 of the Public Acts of 1947, and public and private acts amendatory thereto, to require that trustees of the Kenton Special School District shall be elected to staggered four year terms so that the terms of approximately one-half of the trustees will expire every two years. In order to establish the staggered terms, the trustee from Gibson County receiving the largest number of votes and the trustee from Obion County receiving the largest number of votes elected at the August 2004 regular election shall serve a four year term of office, while the trustee from Gibson County and the trustee from Obion County each receiving the second largest number of votes shall serve a term of two years. The trustee from the City of Kenton elected at the August 2004 regular election shall serve a four year term. Trustees of the school district elected in the August 2004 regular election shall take office September 9, 2004.

Effective May 3, 2004.

Private Chapter 109 Senate Bill 3489 (McLeary) House Bill 3583 (Crider)
Deletes Section 11 of Chapter 144 of the Private Acts of 1975, as amended which formerly established a property tax rate for the Trenton Special School District and amends Section 8 of Chapter 202 of the Private Acts of 1996 to establish a new tax rate of \$1.87 per \$100 of assessed value for all real and personal property for the Trenton Special School District as such assessed value appears on the tax records of Gibson County for each respective year.

Effective May 3, 2004.

GILES

Private Chapter 123

Senate Bill 3511 (Jackson) House Bill 3602 (Fowlkes)

Designates the chancery court as the probate court for Giles County. Grants the clerk and master all statutory powers when the chancery court is exercising probate jurisdiction. Provides that beginning July 1, 2004, all books and records relating to probate matters shall be filed with the clerk and master. Provides further that the general sessions court shall retain probate jurisdiction over probate matters pending in that court on June 30, 2004, until their conclusion.

Effective May 24, 2004, for the purpose of approving or rejecting the act; effective July 1, 2004, upon approval by 2/3 vote of the county legislative body, for all other purposes.

GREENE

Private Chapter 101

Senate Bill 3484 (Southerland) House Bill 3571 (Hawk)

Amends Private Acts of 1986, Chapter 127, as amended, to raise the rate of the hotel/motel tax in Greene County from 3% to 7% of the consideration charged by the operator. The tax proceeds will be used as follows: 1½% of the tax (rate) will be placed in the general fund and allocated to direct support of industrial development, recruitment and retention; 1½% will be placed in the general fund and allocated for direct support of tourism; 2% will be allocated to Greene County's General Debt Service Fund; 1% will be allocated to the capital improvement fund; and 1% to support or promote the performing arts. These allocations may be changed by two-thirds vote of the county legislative body.

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

HAMBLEN

Private Chapter 72

Senate Bill 2510 (Southerland) House Bill 2440 (Litz)

Amends Private Acts of 1996, Chapter 161, as amended, and repeals Private Acts of 2003, Chapter 29, relative to fiscal procedures and expenditures by the road commission and road superintendent. Provides that, in addition to warrants signed by the county mayor and countersigned by the finance director, authorized expenditures of the road department may be paid by warrant signed by the road superintendent and countersigned by the chairman of the Hamblen County Road Commission.

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

Private Chapter 73 Senate Bill 2513 (Southerland) House Bill 2441 (Litz)
Amends Private Acts of 1951, Chapter 374, as amended, to transfer jurisdiction over all active and new domestic relations cases in Hamblen County to the chancery court. Provides that upon transfer of jurisdiction from general sessions to chancery court, all records pertaining to domestic relations cases shall be in the custody of the clerk and master of the chancery court.

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

Private Chapter 74 Senate Bill 2508 (Southerland) House Bill 2442 (Litz)
Repeals Chapter 84 of the Private Acts of 1973 relative to killing and capturing raccoons in Hamblen County. The 1973 act prohibited using firearms to hunt raccoons in Hamblen County.

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

HAMILTON

Private Chapter 69 Senate Bill 2047 (Crutchfield) House Bill 2132 (Wood)
Makes numerous amendments to Private Acts of 1937, Chapter 689, as amended, regarding the Hamilton County Department of Education Insurance and Pension Fund Employees' Retirement Act.

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

Private Chapter 76 Senate Bill 2048 (Crutchfield) House Bill 2133 (Wood)
Makes numerous amendments to Private Acts of 1939, Chapter 557, as amended, regarding the Hamilton County Employees' Retirement Act.

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

Private Chapter 81 Senate Bill 2144 (Fowler) House Bill 2506 (Clem)
Amends Private Acts of 1996, Chapter 192, (a typo in the legislation incorrectly refers to this as an act of 1992) to add an additional duty to the responsibilities of judicial commissioners in Hamilton County. Provides that judicial commissioners may set bond for the circuit court judges and chancellors in cases involving violations of orders of protection between 9:00 p.m. and 7:00 a.m. on weekdays, weekends and holidays and at any other time when the judge or chancellor is unavailable.

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

Private Chapter 128 Senate Bill 3517 (Crutchfield) House Bill 3618 (Brown)
Amends Chapter 192 of the Private Acts of 1996 by deleting Section 3 which provided for the appointment of judicial commissioners.

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

HENRY

Private Chapter 95

Senate Bill 2881 (Herron) House Bill 2868 (Borchert)

Amends Chapter 87 of the Private Acts of 1965, as amended, to levy an additional property tax for the Paris Special School District at a rate of 23 cents on every \$100 dollars of real and personal property located within the district for tax year 2004 and thereafter. This additional levy is to be collected at the same time that other property taxes are collected under the general law by the county trustee of Henry County. This levy is to be used to replace operating funds lost due to the failure of the Paris Special School District to receive TVA revenue sharing funds.

Effective March 26, 2004.

LAWRENCE

Private Chapter 134

Senate Bill 3513 (Jackson) House Bill 3611 (Hensley)

Amends Private Acts of 1901, Chapter 311, as amended by Private Acts of 1977, Chapter 158, relative to clerking duties for juvenile and probate matters in Lawrence County. Transfers all books, records, accounts, papers and documents relative to juvenile matters from the county clerk to the circuit court clerk effective July 1, 2004. Transfers all books, records, accounts, papers and documents relative to probate matters from the county clerk to the clerk and master effective July 1, 2004.

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

MACON

Private Chapter 79

Senate Bill 2064 (Beavers) House Bill 2822 (Buck)

Repeals Private Acts of 1982, Chapter 234, and enacts new provisions to grant jurisdiction to the chancery court of Macon County over the probate of wills and the administration of estates. Provides that the clerk and master shall serve as the clerk of the court and retain all records and other documents related to probate and the administration of estates. Provides that all probate and estate matters pending in any other court in Macon County shall be transferred to the chancery court on the effective date of the act. On the effective date of the act all records related to probate or estates in the custody of the county clerk are directed to be transferred to the clerk and master.

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

MARION

Private Chapter 104

Senate Bill 3486 (Crutchfield) House Bill 3581 (Harmon)

Authorizes the Richard City and Deptford Independent School District to issue and sell to the U.S.A. , acting through Rural Development, an installment bond not to exceed \$2,000,000 to provide funds for the construction, renovation, expansion, improvement, furnishing, fixturing and equipping of school buildings, including the purchase of property, real and personal. The bond's rate will not exceed 4.25% and is payable in 38 consecutive annual installments of principal and interest. The property tax currently levied in and for the benefit of the district pursuant to Chapter 136 of the Private Acts of 1949 is continued for the purpose of retiring the bond authorized by this act. The property taxes of the district will be collected by the trustee of Marion County in the manner provided by general law for county taxes. The rate of the property tax may be adjusted in accordance with 67-5-1704 in conjunction with a countywide reappraisal. The board of trustees of the school district is also authorized to pledge to the payment of the bond all or a portion of its BEP funds for capital outlay, local option sales tax revenue collected in Marion County, and other funds received from the State for school purposes that are available for capital outlay purposes. The district may also sell notes in anticipation of the bond issuance for a term not exceeding three years.

Effective April 14, 2004.

MARSHALL

Private Chapter 93

Senate Bill 3469 (Ketron) House Bill 3560 (Fowlkes)

Amends Private Acts of 1979, Chapter 73, as amended, relative to the wheel tax in Marshall County, to raise the fee for a replacement wheel tax sticker from \$1.00 to \$5.00 and to change the specified use of the proceeds allocated to the highway fund from bridge construction to general road purposes.

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

Private Chapter 71

Senate Bill 3086 (Ketron) House Bill (Fowlkes)

Amends Private Acts of 1993, Chapter 30, relative to the hotel/motel tax in Marshall County to impose a \$50.00 penalty for each day that an operator knowingly fails to collect or remit the tax or a transient knowingly refuses to pay the tax, and to clarify that the county clerk may pursue any civil remedy available under current law, including distress warrants and seizure of assets.

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

MAURY

Private Chapter 91 Senate Bill 3463 (Ketron) House Bill 3556 (DuBois)
Enacts the “2004 Human Resources Law” for Maury County, creating a human resources department for all county departments except the board of education. The department will operate under the supervision of a designated oversight committee of the county legislative body. The committee is authorized to establish and approve policies for implementing human resources matters for the county, and to appoint or dismiss a director, subject to the approval of the county legislative body. The director is to preaudit all payroll before payment and maintain payroll records, assist county officials and department heads in human resources and payroll matters, and perform such other duties as are outlined in the job description approved by the oversight committee and the county legislative body. The current human resources director will continue in employment under the act.

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

Private Chapter 117 Senate Bill 3499 (Ketron) House Bill 3595 (DuBois)
Empowers the county legislative body of Maury County to authorize the foreman of the grand jury to appoint a part-time clerk to handle the administrative duties for the grand jury and to compensate such clerk at the rate paid the guard of the grand jury. The clerk will be appointed by and serve at the pleasure of the foreman. The duties of the clerk will be established by the foreman and approved by the county legislative body. Repeals Chapter 651 of the Private Acts of 1947 which fixed the compensation of the foreman and minute clerk of the grand jury at \$6 per day.

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

McMINN

Private Chapter 107 Senate Bill 3491 (Miller) House Bill 3580 (McKee)
Repeals Private Acts of 1947, Chapter 210, as amended, relative to the probate court in McMinn County. Designates the chancery court as the probate court. Provides that the clerk and master shall have all statutory powers when the court is exercising probate jurisdiction. Effective July 1, 2004, provides that all records related to probate matters shall be filed with the clerk and master who has clerking responsibilities for the court from that date forward. Provides that the general sessions court retains probate jurisdiction over all probate matters pending in that court on June 30, 2004, until their conclusion.

Effective April 22, 2004, for the purpose of approving or rejecting the act; effective July 1, 2004, upon approval by the 2/3 vote of the county legislative body for all other purposes.

MONTGOMERY

Private Chapter 90

Senate Bill 3462 (Kurita) House Bill 3555 (Head)

Enacts the Montgomery County Adequate Facilities Tax. Authorizes Montgomery County to impose a tax on new residential development in the county. Exempts structures owned by nonprofit corporations, non residential facilities, permanent residential structures replacing mobile homes, places of worship, public buildings, replacement structures for existing structures destroyed by fire or other disasters, platted lots of record, and any lot on which the tax imposed has been previously paid. The rate of the tax is \$250 on each lot to be used for single or multi-family dwelling units and \$250 for each single or multi-family unit, increasing 6% annually to a combined maximum of \$1,000. The portion of the tax imposed on each lot shall be collected by the register of deeds at the time the approved plat is recorded. The portion imposed on the unit shall be collected at the time the building permit is issued. For condominiums or townhouses where each unit is individually owned, each separate unit is taxed at a combined \$500 rate collected upon issuance of the building permit. Proceeds from the tax are applied to school services, capital projects or related debt service for new school construction including renovation and additions to existing school facilities. Allows appeals by aggrieved persons to the Montgomery County board of construction appeals.

Effective March 25, 2004, for the purpose of approving or rejecting the act; effective July 1, 2004, upon approval by the 2/3 vote of the county legislative body for all other purposes.

MORGAN

Private Chapter 136

Senate Bill 3527 (Kilby) House Bill 3619 (Windle)

Redesignates the county mayor in Morgan County as county executive.

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

OBION

Private Chapter 108

Senate Bill 3498 (McLeary) House Bill 3572 (Crider)

Amends Chapter 84 of the Public Acts of 1947, and public and private acts amendatory thereto, to require that trustees of the Kenton Special School District shall be elected to staggered four year terms so that the terms of approximately one-half of the trustees will expire every two years. In order to establish the staggered terms, the trustee from Gibson County receiving the largest number of votes and the trustee from Obion County receiving the largest number of votes elected at the August 2004 regular election shall serve a four year term of office, while the trustee from Gibson County and the trustee from Obion County each receiving the second largest number of votes shall serve a term of two years. The trustee from the City of Kenton elected at the August 2004 regular election shall serve a four year term. Trustees of the school district elected in the August 2004 regular election shall take office September 9, 2004.

Effective May 3, 2004.

PUTNAM

Private Chapter 126 Senate Bill 3520 (Burks) House Bill 3609 (Hargrove)
Changes the title of the county mayor in Putnam County to county executive.

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

RHEA

Private Chapter 125 Senate Bill 3521 (Kilby) House Bill 3608 (Vincent)
Changes the title of the county mayor in Rhea County to county executive.

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

SHELBY

Private Chapter 118 Senate Bill 3506 (Cohen) House Bill 3599 (J DeBerry)
Amends Private Acts of 1969, Chapter 131, as amended, to change the definition of “transient” for hotel tax purposes so that persons directly involved with a film or video production that has received formal assistance from the Memphis and Shelby County Film and Television Commission who have occupied lodgings in a hotel for 30 continuous days are entitled to a refund of the privilege tax on hotel occupancy in Shelby County.

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

STEWART

Private Chapter 83 Senate Bill 3265 (Herron) House Bill 2869 (Borchert)
Levies a wheel tax in Stewart County in the amount of \$35.00, to be collected by the county clerk who is entitled to a fee of 5%. Imposes a civil penalty of \$50.00 for each violation.

Effective upon approval by 2/3 vote of the county legislative body “within thirty (30) days of the 2nd reading of the county legislative body.”

Private Chapter 110 Senate Bill 3490 (Herron) House Bill 3585 (Borchert)
Authorizes the county legislative body to levy a hotel/motel tax in the amount of 5% of the rate charged by the operator, to be collected by the county clerk who is allowed to retain 5%. Proceeds of the tax will be used as specified by resolution of the county legislative body.

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

SUMNER

Private Chapter 137 Senate Bill 3528 (Graves) House Bill 3621 (Lynn)
Changes the title of the county mayor in Sumner County to county executive.

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

UNION

Private Chapter 77 Senate Bill 2151 (Williams) House Bill 2230 (Baird)
Amends Private Acts of 1943, Chapter 154, as amended, to set the compensation for commissioners of the county highway or road commission elected and qualified subsequent to July 1, 2004, at \$200 per month. Provides that the act shall not be interpreted to alter the compensation of any county official during the term of office for which that official was selected.

Effective upon approval by 2/3 vote of the county legislative body provided such approval is granted prior to July 1, 2004.

WAYNE

Private Chapter 75 Senate Bill 2595 (Wilder) House Bill 2604 (McDaniel)
Levies a wheel tax in Wayne County in the amount of \$30.00, to be collected by the county clerk who is entitled to a fee of 5%. Imposes a civil penalty of \$50.00 for each violation. Repeals Private Acts of 1984, Chapter 198, which imposed a \$50.00 civil penalty for failure to pay a wheel tax.

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

WASHINGTON

Private Chapter 129 Senate Bill 3503 (Crowe) House Bill 3601 (Patton)
Repeals Chapter 681 of the Private Acts of 1949, as amended, which prohibited the sale and use of fireworks. Authorizes officially recognized fire departments within Washington County to sell fireworks for pyrotechnic display at public functions such as the county fair or patriotic assembly upon receiving an annual permit. The person or organization conducting a public fireworks display must keep the pyrotechnic articles in its possession at all times and transport the same out of Washington County at the conclusion of the public entertainment. The county legislative body may make reasonable rules regarding the use of fireworks and may establish an annual application fee of not less than \$200 for a permit to allow a fire department to sell fireworks. The county clerk will forward applications to the county legislative body for a decision on granting the permit. The possession, sale and use of fireworks in violation of this act is prohibited and the sheriff and other peace officers have a duty to confiscate illegal fireworks and destroy them.

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

WILSON

Private Chapter 119

Senate Bill 3471 (Beavers) House Bill 3564 (Bone)

Amends Chapter 43 of the Private Acts of 1995, Chapter 123 of the Private Acts of 1996 and Chapter 15 of the Private Acts of 1997. Empowers the Tenth Special School District of Wilson County to apply revenue from the debt service tax levy not required for debt service for operational expenses of schools in the district.

Effective May 24, 2004.