

INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT

2005 EDITION

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

Prepared By
CTAS Legal Staff

Visit Our Internet Site at:
www.ctas.utk.edu

July 1, 2005

INTRODUCTION

The first regular session of the 104th General Assembly convened on Tuesday, January 11, 2005, and adjourned on Saturday, May 28, 2005. The second session of the 104th General Assembly will convene on January 10, 2006. At the time of publication of this index, there are 505 new designated public chapters and 75 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

TABLE OF CONTENTS

PUBLIC ACTS OF GENERAL APPLICATION	1
ADULT BUSINESSES	1
ALCOHOLIC BEVERAGES	1
ANNEXATION	2
COUNTY CLERKS	2
COUNTY GOVERNMENT	4
COURTS	6
ECONOMIC DEVELOPMENT	11
EDUCATION	13
ELECTIONS	16
EMERGENCY SERVICES	17
ENVIRONMENT	17
ETHICS	19
FINANCE	19
FIREFIGHTERS	21
FIRE PREVENTION	22
FIRE SAFETY	22
HIGHWAYS	23
LAW ENFORCEMENT	24
MEDICAL EXAMINER	38
PERSONNEL	39
PLANNING AND ZONING	39
PURCHASING	42
RECORDS	43
REGISTERS OF DEEDS	44
RETIREMENT	46
SOLID WASTE	47
TAXATION	48
TAXATION - PROPERTY	49
TAXATION, SALES	51
UTILITIES	52
WORKERS' COMPENSATION	53
PART II - PUBLIC ACTS OF LOCAL APPLICATION	55
ANDERSON	55
CAMPBELL	55
DAVIDSON	56
GRAINGER	56
HAMILTON	57
HARDIN	57
JEFFERSON	57
KNOX	57

LOUDON	58	
MOORE	58	
SCOTT	59	
SHELBY	59	
TROUSDALE		60
UNION	61	
WILLIAMSON		61
PART III - PRIVATE ACTS		
CARROLL	62	
CHESTER	62	
CLAIBORNE	62	
COFFEE	62	
DYER	62	
FENTRESS	63	
GIBSON	63	
GILES	64	
GREENE	64	
HUMPHREYS		64
JEFFERSON	64	
LAWRENCE	64	
LOUDON	65	
MADISON	65	
MARION	66	
MARSHALL	66	
PERRY	66	
PICKETT	67	
POLK	67	
ROBERTSON		67
RUTHERFORD		68
SCOTT	68	
SEQUATCHIE		68
SHELBY	68	
SUMNER	69	
TIPTON	69	
UNION	69	
WARREN	69	
WASHINGTON		70
WILLIAMSON		70
WILSON	70	

PUBLIC ACTS OF GENERAL APPLICATION

ADULT BUSINESSES

Public Chapter 79 Senate Bill 78 (Burks) House Bill 31 (Swafford)
Amends 7-51-1102 to modify the definition of adult bookstore for the purpose of the adult-oriented establishment registration act. Provides that either the amount of sexually oriented material in the business' inventory or the retail value of the material may be used in determining whether the principal stock and trade of a business is sexually oriented. Also adds that the definition includes items which are sexually oriented in nature, regardless of how labeled or sold, such as adult novelties, risque gifts or marital aids.

Effective April 19, 2005.

Public Chapter 439 Senate Bill 1980 (Burchett) House Bill 1620 (Overbey)
Amends the Adult-Oriented Establishment Registration Act of 1998 to increase the penalties for violation of the act from a fifty dollar fine and the suspension and revocation of any license to a class B misdemeanor punishable by fine of five hundred dollars and the suspension and revocation of any license for first offenses and a class A misdemeanor and the suspension and revocation of any license for second or subsequent offenses.

Effective June 17, 2005.

ALCOHOLIC BEVERAGES

Public Chapter 294 Senate Bill 225 (Miller) House Bill 20 (Newton)
Amends 57-5-105 to require applicants for beer permits to establish that no person or entity having at least a 5% ownership interest in the applicant, and no person employed by the applicant in the distribution or sale of beer, has been convicted of any violation of the laws against the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance.

Effective June 6, 2005.

Public Chapter 298 Senate Bill 1225 (Miller) House Bill 1067 (Mumpower)
Amends 57-5-101 to redefine "beer" as "beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than 5% by weight, except wine as defined in § 57-3-101(20); provided however, no more than 49% of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol."

Effective January 1, 2006.

ANNEXATION

Public Chapter 411 Senate Bill 1583 (Norris) House Bill 403 (Sargent)
Amends numerous statutes in Title 6, Chapter 51, Part 1 regarding notices of annexation and related actions. Requires a municipality to notify a county mayor of a proposed annexation and provide a copy of the annexation ordinance and a map of the area being annexed. Requires a copy of a proposed plan of services for an annexed area to be forwarded to the county mayor. Also requires the municipality to provide a copy of the annexation ordinance, those portions of the proposed plan of services relative to emergency services, and a detailed map to any affected emergency communications district. Similarly requires a municipality to notify the county mayor and any affected emergency communications district of the final decision in a quo warranto contesting a proposed annexation or the outcome of any referendum regarding an annexation. Directs the county mayor to notify the appropriate departments of the county of the information received from the municipality.

Effective June 17, 2005.

COUNTY CLERKS

Public Chapter 21 Senate Bill 1977 (Ketron) House Bill 1567 (Fowlkes)
Amends 36-3-301 to authorize all former county commissioners to perform marriages.

Effective April 5, 2005.

Public Chapter 84 Senate Bill 736 (Tracy) House Bill 419 (Matheny)
Enacts 55-4-134 to require that any replica license plate manufactured or sold in Tennessee purporting to be an official license plate previously issued by the State of Tennessee must include the language "REPLICA" in at least 24-point type on the face of the plate.

Effective January 1, 2006.

Public Chapter 130 Senate Bill 2289 (Kyle) House Bill 2305 (McMillan)
Amends 55-3-208(c) to raise the state's fee for issuing a rebuilt certificate of title on which a salvage title has been issued from \$45.00 to \$75.00.

Effective July 1, 2005.

Public Chapter 360 Senate Bill 1075 (Ketron) House Bill 783 (DuBois)
Amends 70-2-107 to authorize the issuance of hunting, fishing or trapping licenses for periods exceeding one year. TWRA is authorized to promulgate rules and regulations.

Effective June 7, 2005 for promulgation of rules and regulations; effective July 1, 2005 for all other purposes.

Public Chapter 440 Senate Bill 2025 (Cooper) House Bill 1784 (Curtiss)
Amends Title 45, Chapter 15, to transfer licensing and regulation of title pledge lenders to the state department of financial institutions effective November 1, 2005. Persons who are in business on November 1, 2005 and operating under a license issued by a county clerk may continue operating under that license until the commissioner has acted on their application for a license if the application is filed by December 31, 2005.

Effective November 1, 2005 (effective June 17, 2005 for rulemaking; effective July 1, 2005 for the commissioner's records access).

Public Chapter 401 Senate Bill 339 (Norris) House Bill 1815 (Rinks)
Amends 55-12-139 to apply the financial responsibility law to vehicles subject to the state title and registration laws (rather than every vehicle driven on the state's highways). Enacts 55-4-134 to give returning full-time military personnel who were stationed outside the continental United States a grace period of 14 days after their return to Tennessee to renew their vehicle registration.

Effective July 1, 2005.

Public Chapter 460 Senate Bill 1266 (Ramsey) House Bill 718 (Montgomery)
Enacts the "Amusement Ride and Attraction Safety Act" by amending 56-38-102 and -103 to provide that the county clerk, before issuing an annual permit to the owner of an amusement ride or attraction, must require proof of insurance in the amount of at least one million dollars and proof of inspection of the amusement ride or attraction by the insurer or its designated representative. The county clerk may charge a fee of \$25.00 for issuance of the annual permit. Permits issued for an amusement ride must be displayed prominently on the ride and are valid in all counties of the state, and permits for an amusement attraction must be filed and available for inspection at the main office of the amusement attraction. Operation without the appropriate permit is a Class C misdemeanor. (The State Department of Commerce and Insurance is designated under 56-38-102(3) to enforce the provisions of the law.)

An "amusement ride" is open to the general public and includes mechanical devices that convey passengers along a fixed route or within a defined area; dry slides over 20 feet in height (excluding water slides); trams, open cars or a combination of open cars or wagons pulled by a tractor or other motorized device (except hay rides, those used for transport to and from parking areas, and those used for guided or educational tours); bungee cord attractions or similar elastic devices; and climbing walls over 10 feet in height (except not-for-profit entities that follow the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines). The definition excludes mechanical devices activated by insertion of coins.

An "amusement attraction" is an enterprise having multiple amusement rides operated by one entity. It does not include an enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

Effective January 1, 2006.

Public Chapter 475 Senate Bill 316 (Miller) House Bill 364 (Newton)
Amends 55-21-103(f)(1) to provide that disabled veterans as defined in 55-4-237(a)(3) or (b) are exempt from payment of the \$3.00 fee for renewal of a permanent placard.

Effective June 20, 2005.

COUNTY GOVERNMENT

Public Chapter 161 Senate Bill 1843 (Herron) House Bill 1095 (McMillan)
Enacts 47-18-126 as new section. In credit or debit card transactions, no more than the last five digits of the card number may be printed on the receipt. This provision applies immediately to receipts that are electronically printed if the machine was first put into use on or after January 1, 2005. If the machine that electronically prints receipts was in use prior to January 1, 2005, then this provision becomes effective January 1, 2005.

Effective May 13, 2005.

Public Chapter 191 Senate Bill 2093 (Henry) House Bill 2019 (Fitzhugh)
Enacts the Local Government Modernization Act of 2005. Directs the comptroller of the treasury to determine those local governments which are in noncompliance with the accounting and reporting model for financial statement presentation established by the governmental accounting standards board (GASB) in statement 34. Those governments not in compliance must submit an implementation work plan to the comptroller on a date set by the comptroller. For counties, the county mayor will serve as the primary person with responsibility for the work plan's development and implementation which must not be later than June 30, 2008.

If a local government fails to submit a work plan by the date set by the comptroller,
then the comptroller will provide assistance to the local government to develop a work plan within 60 days of the date the plan should have been filed.

If the local government fails to implement GASB standards by June 30, 2008, then penalties and restrictions will be imposed on the local government. These penalties will include withdrawal of eligibility for economic and community development grants, reduction of the bank excise tax and hall income tax revenues (not to exceed 5%) of the total amount due in any fiscal year, until the local government is in compliance. If a school system fails to comply, then it will not be eligible for certain state funded education grants as determined by the comptroller and the commissioner of education. If a county highway department fails to comply, then the comptroller and the commissioner of revenue

shall determine the amount reduction of monthly state gasoline tax proceeds going to the county. The amounts of gasoline tax proceeds reduced will be held in reserve and allocated to the county upon the county becoming compliant as determined by the comptroller.

The comptroller will provide a list of professional firms to the local government not in compliance with GASB standards to assist in the work plan. The local government must provide funds for the cost of this assistance.

The comptroller will review and evaluate the financial management system in those county governments not in compliance with GASB standards by June 30, 2008. The comptroller will then make a recommendation to the county legislative body on how to improve the system to facilitate compliance. The county legislative body has 90 days from receiving the recommendation to take action on it.

Local governments are encouraged to form an audit committee and the comptroller may require it if a local government is not in compliance with GASB standards by June 30, 2008 or has recurring findings or material weakness in internal control for three or more consecutive years.

Effective May 19, 2005.

Public Chapter 336 Senate Bill 1179 (Bryson) House Bill 944 (Sargent)
Amends the interlocal cooperation law at Title 12, Chapter 9 to provide that public agencies may contract with other public agencies for the conveyance or transfer of property, real or personal, if the public agency or agencies receiving the conveyance or transfer uses the property for a public purpose and the governing body of each public agency that is a party to the contract authorizes the conveyance or transfer and determines that the terms and conditions are appropriate. This new provision may be used without declaring property surplus. This act supersedes any contrary requirements in any budget or purchasing act, public or private.

Effective June 7, 2005.

Public Chapter 349 Senate Bill 2142 (Ramsey) House Bill 1976 (McKee)
Amends 47-29-102 to increase the maximum amount of the handling charge for a bad check from \$20 to \$30.

Effective June 7, 2005.

Public Chapter 457 Senate Bill 561 (Burks) House Bill 382 (Bone)
Amends 48-101-502(a) to add county fairs, community fairs and division fairs that have been qualified by the commissioner of agriculture as agricultural fairs qualified to receive state grants, to the list of organizations that are exempt from the state law regarding solicitation of charitable funds and its registration, reporting and other requirements.

Effective June 18, 2005.

Public Chapter 471 Senate Bill 2123 (Black) House Bill 1985 (Lynn)
Amends 5-5-102(c)(2) to provide that after June 18, 2005, a director of schools is not qualified to serve as a member of the county legislative body. This act does

not apply to any person who was serving as both a director of schools and a member of the county legislative body on the effective date of the act.

Effective June 18, 2005.

COURTS

Public Chapter 75 Senate Bill 1715 (Person) House Bill 1433 (S. Jones)
Amends 36-3-605 to specify that ex parte orders of protection shall be personally served upon respondents who reside in Tennessee. If the respondent is not a resident of Tennessee, the ex parte order shall be served through the secretary of state as provided for in 20-2-215 and 20-2-216. Also amends 36-3-602 regarding venue to provide that a petition for an order of protection against a respondent who is not a resident of Tennessee may be filed in the county where the petitioner resides.

Effective April 18, 2005.

Public Chapter 120 Senate Bill 295 (Fowler) House Bill 590 (Curtiss)
Amends 55-10-306 to add new language requiring the administrative office of the courts, in conjunction with the department of safety, to provide annual training and information to clerks of court concerning the importance and necessity of preparing and forwarding to the department of safety the abstract forms for convictions for offenses involving motor vehicles.

Effective May 4, 2005.

Public Chapter 137 Senate Bill 1351 (Bryson) House Bill 1869 (McMillan)
Amends 36-1-106 to provide that Tennessee residents adopting a child in a foreign country may file, with the petition for adoption, a copy of the decree, order or certificate of adoption from the foreign country and proof of full and final adoption from the United States government with the clerk of the chancery or circuit court. The court is directed to assign a docket number and enter the documents with an order recognizing the foreign adoption. A hearing is not necessary. Such order has the same force and effect as if a final order of re-adoption were granted. Authorizes adoptive parents to request a report of foreign birth pursuant to 68-3-310.

Effective June 1, 2005.

Public Chapter 155 Senate Bill 459 (McLeary) House Bill 671 (Maddox)
Adds language to 55-50-502 to provide that any person whose license has been suspended for a conviction of a driving offense and the subsequent failure to pay a fine or cost for that offense may apply to the court for the issuance of a restricted license. Such license shall only be valid for going to and from employment. The court must order the person whose license was suspended to make payments to the court during the period of the restricted license in an amount reasonably calculated to fully pay the monies owed the court during the period of the restricted driver license. Failure to timely make payments results in the suspension of the restricted license. The authority of the judge to issue this license only applies one time per violator. This restricted license shall not be issued if the violation resulting in the conviction was for driving under the influence or refusal to submit to a blood test. A person would not be eligible for this license if he or she had a prior conviction for vehicular assault, vehicular homicide, or aggravated vehicular homicide in

this state or another state. A person is also not eligible if he or she has a prior conviction for driving under the influence or adult driving while impaired within 10 years of the present violation.

Effective July 1, 2005.

Public Chapter 195 Senate Bill 1719 (Person) House Bill 482 (Overbey)
Amends 8-24-102 to authorize the county legislative body, by resolution, to set additional compensation in the amount of 10% of the base salary for any clerk of court who serves more than one court in the county.

Effective May 19, 2005.

Public Chapter 254 Senate Bill 1738 (Person) House Bill 182 (Fowlkes)
Amends 22-2-304 to eliminate language which allowed the board of jury commissioners or presiding judge to set aside the names of potential jurors who are known to be mentally or physically disabled.

Effective July 1, 2005.

Public Chapter 257 Senate Bill 808 (Burchett) House Bill 489 (Dunn)
Authorizes the Department of Children's Services, in cases where the department is a party, or a guardian ad litem to file a petition for an order of protection on behalf of an unemancipated minor.

Effective May 28, 2005.

Public Chapter 260 Senate Bill 1767 (Person) House Bill 1007 (Fowlkes)
Amends 33-7-301 to allow a court, in the post-conviction state of a criminal proceeding, to order a defendant to be evaluated on either an outpatient or inpatient basis if it is believed such defendant may be incompetent to participate in the proceeding. The administrative office of the courts is required to determine and pay for the evaluation cost if the defendant is indigent. If the defendant is not indigent, the cost of the evaluation shall be charged as court costs. If it is necessary to hospitalize the defendant for the evaluation in a mental health department facility, such hospitalization shall not be for more than 30 days and is subject to the availability of suitable accommodations. Any costs incurred by the administrative office of the courts under this act are to be absorbed within its current appropriation for the indigent defense fund.

Effective July 1, 2005.

Public Chapter 287 Senate Bill 2091 (Henry) House Bill 2244 (McMillan)
Amends Title 36, Chapter 5, Part 1 relative to support. Separates the child support provisions from the alimony provisions in current law. Also makes changes to current law concerning child support collections. Removes language that makes participation in the central collection system in Title IV-D cases optional for court clerks. Adds language that directs Title IV-D obligors to make payments to the department. Also removes authorization for court clerks to disburse child support receipts directly to an obligee pursuant to a written agreement with the department. Allows courts to remain authorized to order one spouse to pay support to another spouse in order to allow the recipient spouse to prosecute the divorce. Requires courts to ensure that each side has reasonable access to resources to allow them to employ counsel and expert witnesses. Authorizes courts to appoint expert witnesses and order the payment of any fees and expenses from the marital assets. Authorizes courts to order payment of attorney's fees as a lump sum.

Effective July 1, 2005.

Public Chapter 324 Senate Bill 540 (Black) House Bill 223 (Davidson)
Amends 16-15-5003(a)(1) to raise the compensation of general sessions judges in counties of the first class (population over 49,000) to 97.5% of the salary paid to a circuit court judge beginning with the new term on September 1, 2006.

Effective September 1, 2006.

Public Chapter 378 Senate Bill 254 (Crutchfield) House Bill 1562 (Buck)
Amends 40-11-130 to revise the law governing the duration of a bond or recognizance in criminal cases. Provides that if the defendant makes a timely appeal, and the trial court judge orders that a new bond be made, such new bond or recognizance shall be made to the court of criminal appeals and shall not terminate until the final state court to which the defendant may appeal has rendered a decision on such appeal. Upon the conclusion of the appellate process, the bondsman is required to surrender the defendant. Provides that if the defendant is placed on pre-trial, post-plea, or judicial diversion, community correction, fined, or if the defendant's sentence is suspended and probation granted, any such action would constitute a disposition. With such disposition, the bond or recognizance is terminated, and the bondsman or other surety is released from such person's obligations. Further provides that if the court orders the defendant to make a new bond or

recognizance while on any of the programs set out above, then such new bond or recognizance is made to the court granting the placement. The new bond or recognizance does not terminate until the defendant has completed the period of court-ordered supervision or until the diversion, community correction or probation is revoked. If such placement is revoked, the bondsman may be required to surrender the defendant. Clarifies that if the defendant is required to make another bond or recognizance because the bond is insufficient in amount, the sureties are insolvent, the bail is forfeited or the court finds other good and sufficient cause for doing so, the sureties on the original bond may surrender the defendant and be released on the bond.

Effective June 9, 2005.

Public Chapter 381 Senate Bill 645 (Hagood) House Bill 460 (Sontany)
Amends multiple statutes in Title 36, Chapter 3, part 6 relative to orders of protection. Authorizes a person who has been subjected to, threatened with, or placed in fear of stalking or sexual abuse to utilize statutory authority to petition for an order of protection in the same manner as domestic abuse victims. Redefines "domestic abuse" to mean committing abuse against a victim when the persons have lived together, been married, are related by blood or marriage or adoption, are dating or have dated, or adult or minor children of a person in one of these relationships. Defines "abuse" as inflicting or attempting to inflict physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party.

Effective July 1, 2005.

Public Chapter 394 Senate Bill 1763 (Person) House Bill 1210 (Bowers)
Amends 36-3-612 relative to violations of orders of protection to creates the separate offense of violation of a protective order as a class A misdemeanor. Any sentence imposed for such violation shall be consecutive to any other offense based in whole or in part on the same factual allegations unless the judge specifically makes the sentences concurrent. To be found guilty of such offense, the person must have received notice of the request for an order of protection or restraining order, the person must have had an opportunity to appear and be heard in such matter, and the court must have made findings of fact in the order of protection or restraining order that the person committed domestic abuse. Violation of a protective order subjects the violator to arrest and a twelve-hour hold period. The act requires the magistrate, at the time the issue of bond is being determined, to notify the victim of the violator that the defendant has been arrested.

Effective July 1, 2005.

Public Chapter 403 Senate Bill 707 (Haynes) House Bill 122 (Jones, S.)
Amends Title 36, Chapter 5, Part 1 to enact a new section to recognize the Department of Human Services Income Shares Advisory Committee that reviews child support guidelines and reports on the topic to the General Assembly. The committee has as its goal guidelines that are simple to apply, easy to administer and enforce, fair to both parents, and that provide adequate support for children. It is directed to report on these findings by February 15, 2006.

Effective June 17, 2005.

Public Chapter 409 Senate Bill 1256 (Kyle) House Bill 1728 (Kernell)
Amends 36-1-111 to provide that an interpreter shall be provided to a surrendering parent or guardian who is not fluent in English prior to a final hearing on an adoption. Assigns responsibility for costs of the interpreter on the prospective adoptive parent or parents.

Effective July 1, 2005.

Public Chapter 412 Senate Bill 1663 (Harper) House Bill 1921 (Pruitt)
Amends 37-1-153 to provide that any person who is tried and adjudicated delinquent by a juvenile court may subsequently petition the juvenile court for expunction of all court files and records. The act provides that nothing in the act shall be construed to apply to any law enforcement records, files, fingerprints or photographs pertaining to any delinquency adjudication. The court may order expunction of all or a portion of the record if the court finds the petitioner is 18 years old or older; is at least one year removed from his or her most recent adjudication of delinquency and has never been convicted of a criminal offense as an adult or a transferred juvenile and has never been convicted of a sexual offense; and, the court finds the juvenile has maintained a consistent and exemplary pattern of responsible, productive and civic-minded conduct for one or more years prior to filing the petition for expunction, or that the juvenile has made such an adjustment of circumstances that the court believes the expungement serves the best interest of the child and the community.

Effective July 1, 2005.

Public Chapter 429 Senate Bill 1768 (Person) House Bill 1010 (Fowlkes)
Amends numerous statutes throughout the code relative to the collection and administration of court costs and state litigation taxes. Simplifies the system of court costs by shifting away from itemized fees (or fees which are charged for each minor service performed by the clerk) to flat fees which apply to categories of judicial proceedings. Repeals or amends statutes throughout the code to eliminate miscellaneous clerk's fees. Repeals 8-21-401, the clerk's primary fee statute, and totally re-writes it. Eliminates the need for a cost bond from attorneys in many cases, instead providing that clerk's fees are to be paid and collected in advance in most proceedings. Knox County is exempted from most of the changes to court costs. Also amends and re-writes multiple statutes in Title 67, Chapter 4, Part 6 regarding litigation tax in order to simplify collection and administration of the tax. Changes the clerks commission on litigation tax to a uniform 6.75% with a hold harmless provision. Mandates the use of standard Department of Revenue forms for reporting litigation taxes and other revenues collected and remitted to the state by court

clerks.

Effective January 1, 2006.

Public Chapter 483 Senate Bill 60 (Fowler) House Bill 36 (Harwell)
Enacts 55-10-454. Provides that in addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to 55-10-403(h), a blood alcohol concentration test fee in the amount of \$100.00 will be assessed upon conviction for a violation of driving while under the influence, vehicular assault, vehicular homicide, or aggravated vehicular homicide, for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory. This fee will be collected by the court clerk and forwarded to the state treasurer on a monthly basis for deposit in the "TBI toxicology unit intoxicant testing fund" designated for the exclusive use by the TBI. Moneys in the "TBI toxicology unit intoxicant testing fund" will be used to fund a forensic scientist position in each of the three bureau crime laboratories, employ forensic scientists to fill those positions and to purchase, maintain and upgrade the equipment and supplies for drug and alcohol testing.

Effective June 22, 2005, for the purposes of collecting the additional blood alcohol concentration test fee and establishing the "TBI toxicology unit intoxicant testing fund." Effective July 1, 2005, for all other purposes, including the disbursement of moneys from the fund.

ECONOMIC DEVELOPMENT

Public Chapter 212 Senate Bill 906 (Miller) House Bill 1800 (Rinks)
Enacts the "Tennessee River Resort District Act." Applies to any qualified county and any city within such a county upon a 2/3 vote of the legislative body of the jurisdiction and certification to the secretary of state and commissioner of the department of revenue. A county qualifies if it borders upon or is crossed by the Tennessee River and is ranked in the first quartile of county economic distress in the United States for fiscal year 2006 as determined the Tennessee commissioner of economic and community development according to three year average unemployment, per capita market income and poverty rate. If qualified and locally adopted, a county or city receives 4.5925% of the state sales tax collected within the county or city that qualifies as a district. If the county and city elect under the act between January 1, 2006 and June 30, 2006, the county will only receive an amount from collections outside the city. But, if the county elects on or after July 1, 2006 and the city has not elected, then the county receives an amount from collections both within and outside the city. A county must earmark these proceeds to the general fund to be used exclusively for the promotion of tourism either alone or in conjunction with other jurisdictions electing Tennessee River resort district status. Also, for purposes of the alcoholic beverage law, the Tennessee River resort district (when elected by the county) extends only three miles inland from the Tennessee River. Within such limits, clubs, hotels, motels and restaurants may receive state licenses to sell wine and other alcoholic beverages for consumption on the premises.

Effective May 26, 2005 for purposes of promulgating rules; for all other purposes the act is effective January 1, 2006.

Public Chapter 233 Senate Bill 2272 (Kyle) House Bill 2287 (McMillan)

Enacts the FastTrack Infrastructure Development and Job Training Assistance Act. Creates a new program within the department of economic and community development (ECD) to assist new and existing businesses and industry that locate or expand in this state and create or retain jobs. A new fund is established and funded through the general appropriations act and other gifts, grants and donations. FastTrack funds may be used only where there is a commitment by a responsible official in an eligible business for the creation or retention of private sector jobs and private investment, or where the commissioner of ECD determines that the investment will have a direct impact on employment and investment opportunities in the future. Eligible businesses include manufacturing and other activities where more than half of the products or services are exported outside Tennessee or enter into the production of products or services of exported products. Also included are businesses where the uses of their products primarily result in import substitution. Other eligible businesses include types of economic activity, such as technology projects, that are determined by the commissioner of ECD to have a beneficial impact on the economy of the state.

Site preparation grants or loans to assist eligible businesses may be made only to local governments or to their economic development organizations or other political subdivisions of the state. Infrastructure grants may not be applied to private land or to land that is expected to become privately owned. FastTrack training grants may be awarded to eligible businesses for training of new employees for locating or expanding industries and to support the retraining of existing employees due to installation of new machinery or production processes. The total amount of FastTrack grants and loans cannot exceed \$750,000 per eligible business within any three year period beginning July 1, 2005 unless according to procedures established by the state funding board. In determining allocation of grants and loans, consideration will be given to local ability to pay with areas of lesser ability being eligible for higher grant rates.

Effective May 27, 2005.

EDUCATION

Public Chapter 194 Senate Bill 247 (Finney) House Bill 445 (Fowlkes)
Authorizes LEAs to implement a program that identifies public school children who are at risk for obesity under a framework developed by the state department of health with the assistance of the department of education.

Effective May 19, 2005.

Public Chapter 200 Senate Bill 2106 (Burchett) House Bill 1938 (Harry Brooks)
Amends 49-6-3402 and 49-6-501 to authorize local boards of education to establish evening alternative schools for students in grades 6-12.

Effective May 19, 2005.

Public Chapter 202 Senate Bill 1621 (Black) House Bill 2114 (S. Jones)
Enacts 49-6-1014 - 49-6-1019 requiring school districts to adopt and implement a policy prohibiting harassment, intimidation and bullying.

Effective May 19, 2005.

Public Chapter 211 Senate Bill 2094 (Henry) House Bill 2017 (Fitzhugh)
Authorizes the state's local development authority, in conjunction with the state department of education, to develop an enhancement program whereby the authority would loan funds to eligible local governments for education capital outlay purposes. The state department of education, in conjunction with the authority will develop an application and review procedure for requests under the enhancement program and criteria for the use of the funds. Each local government issuing debt under this program, as well as any local education agency for which such debt is issued, is empowered to assign or pledge the available local capital outlay funds, including the state share of the capital outlay portion of the non-classroom component of the BEP funding, to the authority for the repayment of the loan.

Effective July 1, 2005.

Public Chapter 218 Senate Bill 460 (McLeary) House Bill 675 (Maddox)
Amends 49-5-5209 to allow LEAs more flexibility in the expenditure of state funds allocated to extended contracts, with approval of the state department of education.

Effective May 12, 2005.

Public Chapter 223 Senate Bill 1660 (Hagood) House Bill 1262 (Winningham)
Amends 49-3-352 to authorize the use of education fund balance in excess of 3% of the current year's budgeted annual operating expenses for any education purposes, either recurring or non-recurring, as long as the expenditure is recommended by the school board prior to appropriation by the county legislative body.

Effective May 27, 2005.

Public Chapter 291 Senate Bill 641 (Hagood) House Bill 585 (Litz)
Enacts 49-2-1__ to encourage LEAs to conduct an inspection and evaluation program and to take action to maintain or improve indoor air quality in schools. The state department of education is to survey each LEA and report the results to the legislature by March 1, 2006.

Effective June 6, 2005.

Public Chapter 312 Senate Bill 2317 (Kyle) House Bill 2333 (McMillan)
Enacts the "Voluntary Pre-K for Tennessee Act of 2005."
Authorizes LEAs to provide pre-kindergarten programs for at-risk children who reach 4 years of age by September 30, and for other children when an insufficient number of at-risk children are enrolled to fill a classroom. The maximum class size is 20. There must be at least one licensed teacher certified in early childhood education per classroom, and one educational assistant with a child development associate credential or associate degree in early childhood education or who is actively working toward such credentials (with exceptions if no such person is available). There must be at least 5½ hours of quality instructional time daily, with an appropriate curriculum and a developmental learning program. Programs must comply with rules promulgated by the state board of education.

LEAs apply to the state department of education for funding and approval of pre-K programs. The state provides funding based on the BEP formula as recommended annually by the commissioner of education. As a condition of receiving state funding, the LEA must provide a matching amount based on the applicable state and local BEP classroom component ratio in effect for the LEA. To meet the matching fund requirement the LEA may use local funding, grants, federal funds, private funds, in-kind matches (such as the use of non-LEA-owned physical facilities, instructional materials, equipment, supplies, food services and transportation services). Any matching funds used by the LEA, regardless of source, will not be used in calculating the local maintenance of effort requirements. Students cannot be charged tuition for enrollment in the pre-K program, but fees may be charged for childcare provided outside the times of the instructional day. Any local funding used is subject to annual appropriations by the local governing body.

As part of the application process, the LEA must include a long-range plan to include serving all children 4 years of age regardless of at-risk status in the event such programs are later authorized. The long range plan must include proposed sources of local matching funds and, if applicable, the LEA is encouraged to include a resolution of support from the local governing body indicating the intent to provide any required local matching funds. Preference will be given to programs serving at-risk students not served by an existing program. Local financial support will also be considered as a factor. Applications will be approved on a competitive basis.

For operation of these programs LEAs may contract with non-school system entities such as non-profit and for-profit child care providers and Head Start programs, but may not contract with any child care provider licensed by the department of human services unless the provider has attained the highest designation under the rated licensing system administered by DHS.

Programs established under this act are subject to annual state appropriations. The appropriation from excess net education lottery proceeds shall not

exceed \$25,000,000 in any fiscal year.

Effective June 6, 2005.

Public Chapter 338 Senate Bill 1284 (Ramsey) House Bill 1250 (Mumpower)
Amends 49-5-402 to provide that school personnel employed on a system-wide basis who complete academic training to qualify for a higher salary rating after the beginning of the school year but before January 1 will be eligible to have their salary rating redetermined as of January 1 of the school year. The employee must give written notice of their intent to complete the training to the director of schools and the chair of the board of education prior to submission of the LEA's budget to the county legislative body, and must provide documentation of completion of the training by February 1, to be filed with the commissioner of education by February 15.

Effective January 1, 2006.

Public Chapter 320 Senate Bill 312 (Burks) House Bill 547 (Swafford)
Amends 49-2-201 to extend the date to bring local boards of education into compliance with the requirements of the Education Improvement Act of 1991 from July 31, 2000 to July 31, 2005. This will allow boards of education which are not currently elected pursuant to the provisions of 49-2-201 to enact transition plans to implement the law.

Effective June 7, 2005.

Public Chapter 452 Senate Bill 434 (Ford) House Bill 1419 (Ulysses Jones)
Amends 49-3-317 to provide that when two or more LEAs enter into a joint agreement that results in the shifting of students from one LEA to another, the commissioner of education will adjust the ADM of the students residing in the affected area.

Effective June 18, 2005.

ELECTIONS

Public Chapter 163 Senate Bill 2215 (Jackson) House Bill 2245 (McMillan)
Amends 2-2-122 to clarify that a person may not register to vote using a business location as the registration address when the sole basis for the person's presence at such location is based on a business or commercial use. Provides further that a commercial address may not be used for residential purposes under voter registration laws unless an applicant provides evidence that he or she actually uses the commercial address for residential purposes. Also removes requirement that unexpended campaign contributions must be allocated to an approved use within 60 days.

Effective July 1, 2005.

Public Chapter 301 Senate Bill 857 (Harper) House Bill 1217 (Brooks, Henry)
Amends 2-7-116 to allow the officer of elections, in accordance with policies and procedures promulgated by the state coordinator of elections, to move a physically disabled, visibly pregnant or frail voter to be moved to the front of any line at a polling place if the voter requests it. Requires a temporary sign that reflects the provisions of this act to be prominently placed at the polling place whenever voting is underway.

Effective July 1, 2005.

Public Chapter 302 Senate Bill 858 (Harper) House Bill 1218 (Brooks, Henry)
Amends 2-7-133 and 2-8-113 regarding write-in candidates to provide that in both primary and general elections, when the administrator of elections receives notice from a write-in candidate requesting that his or her ballots be counted, the administrator of elections is required to promptly inform the state coordinator of elections, the registry of election finance as well as all other candidates participating in the affected election.

Effective July 1, 2005.

Public Chapter 308 Senate Bill 2012 (Haynes) House Bill 1871 (McMillan)
Enacts a new Title 2, Chapter 2, Part 3 to establish a statewide voter registration database maintained by the state coordinator of elections to comply with the Help America Vote Act. Establishes the Automated Electoral System as the official list of registered voters in the state. Requires data from county election commissions to be transferred to the state coordinator of elections via the Automated Electoral System not less than once daily.

Effective July 1, 2005.

Public Chapter 470 Senate Bill 1830 (Jackson) House Bill 961 (Fitzhugh)
Amends 2-12-208 to provide that any certified administrator of elections in a county where the election commission office is open five full days a week shall receive as a base salary at least ninety percent of the salary of the assessor of property in the county. Provides that if the administrator's salary is currently less than ninety percent of the assessor's salary, the salary shall be increased by five percent per year until it reaches that level.

Effective June 18, 2005.

EMERGENCY SERVICES

Public Chapter 129 Senate Bill 2107 (Haynes) House Bill 2193 (Briley)
Amends 7-86-205 by deleting the language "each 911 or public safety dispatcher" and substituting instead the language "each emergency call taker or public safety dispatcher." Requires all current emergency call takers and public safety dispatchers to receive mandatory training by July 1, 2006. All emergency call takers and public safety dispatchers employed after July 1, 2006, are required to receive mandatory training within six months of the date of their employment. Does not define "emergency call taker."

Effective May 4, 2005.

Public Chapter 264 Senate Bill 1968 (Norris) House Bill 2058 (Ulysses Jones)
Amends the Governmental Tort Liability Act (GTLA) to provide that whenever a governmental entity (including counties) is found liable under the GTLA for any injury arising out of the provision of emergency services under any mutual aid or similar agreement, the governmental entity benefitting from the provision of services may pay any judgment or award against the provider unless otherwise provided in the agreement, up to the liability limits of the GTLA.

Amends title 6, chapter 51, part 1 to provide that an annexing municipality shall provide a copy of the annexation ordinance, along with a copy of the plan of services dealing with emergency services and a detailed map of the annexed area, to any affected emergency communications district upon final passage of the annexation ordinance, or if contested, whenever the annexation becomes final.

Effective July 1, 2005.

ENVIRONMENT

Public Chapter 83 Senate Bill 701 (Cohen) House Bill 2063 (Kernell)
Amends 11-21-102 to allow the county legislative body to increase the membership on county conservation boards from the current five to up to nine members. Also amends 11-21-103 to provide that a majority of the members to which the board is entitled will constitute a quorum for the transaction of business.

Effective July 1, 2005.

Public Chapter 103 Senate Bill 111 (Bryson) House Bill 49 (Sargent)
Amends 68-221-418(c). Allows counties to require excavations before a building permit will be issued in situations where the county has entered into an agreement with the commissioner of the department of environment to implement the subsurface sewage disposal system laws in the county. Requires a majority vote of the county legislative body and written notification of the vote to be sent to the department.

Effective May 4, 2005.

Public Chapter 350 Senate Bill 2154 (Herron) House Bill 2077 (Maddox)
Amends 68-215-121 regarding petroleum underground storage tanks to provide that the commissioner, board or court may consider all circumstances surrounding a violation, including past compliance history, the degree of risk posed to the environment by the violation and other factors listed in the statute when deciding whether to assess a civil penalty against a violator of rules, regulations or statutes with regard to petroleum underground storage tanks.

Effective July 1, 2005.

Public Chapter 283 Senate Bill 2257 (Kyle) House Bill 2271 (McMillan)
Revises various provisions of the Tennessee Petroleum Underground Storage Tank Act as found in Title 68, Chapter 215, Part 1. Requires the petroleum underground storage tank board to develop two certification programs, one for installers of and service providers for tank systems and one for owners or operators of tanks. Authorizes the board to promulgate rules regarding fees for petroleum underground storage tanks, including which tanks are subject to fees, the amount of fees and a system of incentives for use of improved technology. Sets an annual tank maintenance fee of \$250 per tank per year for non-compartmentalized petroleum underground storage tanks and \$250 per tank compartment per year for compartmentalized petroleum underground storage tanks. Authorized the board, by rule, to raise these amounts up to a maximum level of \$300. Revises provisions regarding liability for spills to provide that the fund would provide for cleanup of contamination caused by leaking petroleum underground storage tanks for which the required fees related to petroleum underground storage tanks have been paid prior to the effective date of any termination of fund eligibility due to nonpayment of fees in every year since 1998, or for which the owner has followed the procedure in the rules for reestablishing fund eligibility after it has been lost. Sets the required financial responsibility of the owner or operator or the owner of the petroleum site at \$20,000 per occurrence. Authorizes the board to increase the per occurrence amount, but not to an amount greater than \$30,000 per occurrence. Extends the operation of the Tennessee Petroleum Underground Storage Tank Advisory Committee until June 30, 2007.

Effective July 1, 2005.

ETHICS

Public Chapter 102 Senate Bill 1841 (Herron) House Bill 1 (McMillan)
Enacts new sections under Title 2, Chapter 10, Part 1 to prohibit elected local government officials from receiving fees for performing consulting services.

Such fees do not include compensation paid by the state, a county, or municipality. The covered officials include members-elect to the county legislative body. As defined with respect to local officials, the term "consulting services" means services to advise or assist a person or entity in influencing municipal or county legislative or administrative action, including, but not limited to, services to advise or assist in maintaining, applying for, soliciting or entering into a contract with the local government represented by such official. The term "consulting services" does not mean the practice of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure. A violation of this prohibition is a class A misdemeanor unless the conduct giving rise to the violation would also constitute the offense of bribery in which case the offense is a class C felony. A person convicted of any violation under this statute is forever afterwards disqualified from holding any office under the laws or Constitution of Tennessee. The act includes other provisions requiring disclosure of certain income or relationships, but these provisions do not apply to local government officials.

Effective July 1, 2005.

FINANCE

Public Chapter 135 Senate Bill 1063 (Ketron) House Bill 495 (DuBois)
Enacts 39-16-407. Creates Class C misdemeanor for public servant who, with intent to deceive, knowingly misrepresents information to an auditor.

Effective July 1, 2005.

Public Chapter 248 Senate Bill 2090 (Henry) House Bill 2016 (Fitzhugh)
Amends Title 9 to clarify that computer software, whether acquired before, after or at the same time as the hardware needed for its use, will constitute equipment for debt financing purposes.

Effective May 27, 2005.

Public Chapter 392 Senate Bill 1348 (Bryson) House Bill 981 (Stanley)
Amends the Local Government Public Obligations Law at 9-21-151 to provide that before the later of the date on which a finance transaction involving debtor derivatives is authorized by a public entity (e.g., county) and the date the public entity commits to the payment of fees to a public finance professional in connection with a finance transaction, the public finance professional is required to file with the public entity (including the county legislative body) the estimated costs for the finance transaction, whether payable at issuance or continuing, and the identification of any financial relationships between the public finance professional and any anticipated service providers. A copy of this statement is sent by the public finance professional to the state director of local finance. Not later than 45 days following the issuance or execution of a financial transaction by on or behalf of a public entity, the public entity must submit to the local governing body (with a copy to the state director of local finance) a brief description of the finance transaction, the issuance and continuing costs of the transaction, a copy of the information return filed with the federal IRS (if applicable), a description of any continuing disclosure obligations, a copy of the offering document (if any), and such other information as may be required by the state funding board.

lists of entities
of any public
two years.

The state director of local finance will maintain as a public record that have failed to comply with this law including the identification of any public finance professional involved in a non-compliant filing for at least two years.

Effective June 9, 2005 for purposes of the state funding board adopting policies, procedures and forms, but for all other purposes, the act is effective July 1, 2005 or 30 days after adoption of filing forms by the state funding board, whichever is later.

Public Chapter 393 Senate Bill 1349 (Bryson) House Bill 983 (Stanley)
Amends the Local Government Public Obligations Law. Amends 9-21-203 to allow local governments to sell general obligation bonds at a competitive public sale after five days notice of the sale either in a financial newspaper having national circulation or via an electronic communication system generally available to the financial community. The notice must include the time, date and place of sale, the maximum amount of bonds to be sold, the maximum interest rate, the maximum discount, if any, in dollars or as a percentage of par value, and the basis upon which the bonds will be awarded. If the principal amount of the bonds is not greater than \$ 5 million, then the notice of sale may be published either as noted above or in a newspaper having general circulation in the local government.

Amends 9-21-505 to provide that the state director of local finance is not required to approve the issuance or extension of any bond anticipation note issued in anticipation of the issuance of a bond or other obligation to a state or federal agency.

Amends 9-21-604 to modify the maximum time period for maturity of three year capital outlay notes from three years from the date of issuance to a period not to exceed the end of the third fiscal year following the fiscal year in which the notes were issued. The "three year notes" continue to be able to be extended or renewed for not more than two additional periods not exceeding three years each with the approval of the state director of local finance. Amends 9-21-605 to change the maximum maturity period for a capital outlay note issued solely for the acquisition of a fee simple absolute interest in land from seven years (with a three year extension with the approval of the state director of local finance) from the date of issue to a period not to exceed the end of the tenth fiscal year following the fiscal year in which the notes were issued.

Amends 9-21-608 to modify the "twelve year capital outlay note" provisions to allow the issuance of such notes for a period greater than the end of the third fiscal year but not greater than the 12th fiscal year following the fiscal year in which the notes were issued. Amends 9-21-609 to provide that "twelve year" capital outlay notes that are sold at a competitive sale must have a five day notice of such sale either in a financial newspaper having national circulation or via an electronic communication system which is generally available to the financial community. If the sale is for notes of a principal amount of not greater than \$ 5 million, then the notice of sale may be published

either as noted above or in a newspaper having general circulation in the local government.

Amends 9-21-910 to provide notice provisions regarding refunding bonds sold at a competitive sale similar to general obligations bonds as noted above. Amends 9- 21-911 to delete detailed requirements regarding notice of legislative body meeting to adopt resolution authorizing refunding bonds to be sold to state or federal government agencies.

Effective June 9, 2005.

Public Chapter 432 Senate Bill 565 (Kyle) House Bill 1276 (Briley)
Authorizes governmental entities, including counties, to invest funds held by them in certificates of deposit through a bank or savings and loan association with a branch in Tennessee under certain conditions, including FDIC insurance of the full amount of principal and interest or collateralization of amounts not so insured. The investments by counties are subject to the approval of the county's investment or finance committee as appropriate.

Effective January 1, 2006.

FIREFIGHTERS

Public Chapter 314 Senate Bill 122 (Ketron) House Bill 321 (Hood)
Amends 7-51-206(a). Extends the authorization for the \$25,000 death benefit to all volunteer firefighters, paid or unpaid.

Effective June 7, 2005. Applies to firefighters killed in the line of duty on or after June 8, 2004.

Public Chapter 450 Senate Bill 181 (Ketron) House Bill 110 (Coleman)
Enacts 7-51-207. Authorizes death benefit of \$25,000 from the state general fund to volunteer rescue squad workers killed in the line of duty.

Effective June 18, 2005.

FIRE PREVENTION

Public Chapter 148 Senate Bill 2264 (Kyle) House Bill 2278 (McMillan)

Amends 68-102-151(c). Provides that smoke detectors for one-family or two-family rental units shall be installed in accordance with the 2003 International Residential Code and in accordance with the manufacturer's directions, unless those directions conflict with applicable codes that are adopted by the State Fire Marshal. Amends 68-120-111(a)(2). Provides that smoke detectors for one-family or two-family dwelling which require a new connection for electric service shall be installed in accordance with the 2003 International Residential Code and in accordance with the manufacturer's directions, unless those directions conflict with applicable codes that are adopted by the State Fire Marshal.

Effective January 1, 2006.

Public Chapter 284 Senate Bill 2263 (Kyle) House Bill 2280 (McMillan)

Amends 68-120-101(a)(2). Substitutes the International Code Council for the Southern Building Code in regard to the source of standards selected by the State Fire Marshal in the promulgation of rules establishing minimum statewide building construction safety standards. Amends 68-120-101(b)(2)(A). Clarifies that the standards established by the State Fire Marshal apply to any occupancy requiring an inspection by the State Fire Marshal for initial licensure. Also revises the sources from which local governments may select when adopting a building construction safety code. Deletes 68-120-101(b)(3)(C). Removes Davidson County's exemption from the State Fire Marshal audit provision. Amends 68-120- 204. Revises the minimum handicapped accessibility specifications for any public building which is constructed, enlarged, or substantially altered or repaired after

July 1, 2006. For public buildings for which a local building inspector is the responsible authority, a local government may select handicapped accessibility specifications from the codes or publications listed in 68-120-204(a)(1) or from the codes or publications of other nationally recognized agencies or organizations.

Effective May 28, 2005 for the purposes of rulemaking and July 1, 2006 for all other purposes.

FIRE SAFETY

Public Chapter 404 Senate Bill 851 (Harper) House Bill 745 (Turner)

Enacts 68-11-259. Provides that not later than one hundred fifty days after July 1, 2005, each hospital, recuperation center, nursing home, residential hospice, home for the aged, residential HIV supportive living facility, assisted-care living facility or ambulatory surgical treatment, except those operated by the United States government, must ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Requires lock boxes to be permanently mounted seventy-two inches from the floor to the center of the box, be operable by a universal key no matter where such box is located, and contain only fire service keys and drop keys to the appropriate elevators. The failure to comply with the provisions of this section is a Class C misdemeanor, and is punishable by a fine only of not more than \$250.00.

Effective July 1, 2005.

HIGHWAYS

Public Chapter 405 Senate Bill 853 (Harper) House Bill 476 (Odom)
Authorizes any local government to request that the department of transportation place signs within its jurisdiction stating that truck tractors and semitrailers cannot use an engine compression braking system without an operational, approved muffler. The local government requesting signs under this act must remit the cost of manufacture and installation to the department.

Effective July 1, 2005.

Public Chapter 344 Senate Bill 1646 (Norris) House Bill 1376 (Pinion)
Amends 12-8-101 relative to the production of hot mix asphalt by governmental entities. Authorizes local governments to, individually or jointly, own or operate a hot mix asphalt facility. Requires a financial feasibility study prior to investment in asphalt plant that includes the following factors: (1) an analysis of those cost factors which must be considered by the local government based upon the Comptroller's asphalt study; (2) an estimate of cost savings by local government; including a record of competitive bids for asphalt, F.O.B. at plant, received in recent years including current year and examination of bids received by comparable local government; (3) an estimate of the demand for asphalt for fifteen years demonstrating a volume that would allow the local government to realize a cost savings; (4) the availability of raw materials at competitive prices; and (5) the estimated impact on local tax collections. Establishes a three-member feasibility oversight committee, consisting of members named by the Comptroller of the Treasury, the Tennessee Road Builders Association, and the Tennessee County Highway Officials Association. Requires completed study to be filed with Comptroller of the Treasury and County Mayor/Executive for public inspection. Establishes time frame for committee appointments; a meeting date, time and location; and provides for public notice of meeting. Provides that sole function of committee shall be to review the feasibility study to determine all appropriate costs are included and publicly disclosed. Requires the committee to either (1) approve the study if the committee determines it includes all significant costs and accurate estimates of the costs and benefits of owning and operating a facility; or (2) disapprove the study if committee determines it is incomplete and lacks substantial information to provide an accurate estimate of costs and benefits of owning and operating a plant. If the committee determines that the study is incomplete, it shall indicate in writing those items lacking and return to the local government for modification and re-submission. If, after a second re-submission, a majority of the committee still determines that the study is incomplete, the study shall then be forwarded to the governing body of the submitting entity with a negative recommendation from the committee and shall include written comments. The determination of the committee shall be forwarded to the governing body within 30 days after meeting. If the members of the committee do not unanimously agree as to whether the study is sufficient, the committee shall forward two written reports to the local governing body, stating the majority and minority positions of the committee and indicating the reasons why the members of the committee approve or disapprove the study. After receiving the report of the oversight committee the governing body shall review the document and shall approve or deny any action to acquire an asphalt facility in a resolution or ordinance passed by a two-thirds vote of the governing body before any public funds are expended. Provides that the term "local government" as used in this act is defined to include any county or incorporated

municipality. Requires all hot mix materials produced by a local government to comply with the provisions of any state rule, regulation or standard for the quality of asphalt used in the construction of roads, streets, or highways. Exempts from the act all local governments that had asphalt facilities in existence on March 29, 1976, and all metropolitan governments. Requires Comptroller of the Treasury to conduct an annual audit of local government asphalt facilities. Provides that asphalt products manufactured under this statute shall be used exclusively for paving public streets, roads or highways under the control of the unit of local government. Requires local governments that own and operate an asphalt facility to solicit bids annually for hot mix asphalt products. The local government shall explicitly reserve the right to reject any and all bids. Bidding provisions do not apply to local governments that own or operate an asphalt facility upon the effective date of the act. Provides that all local governments that do not own or operate an aggregate facility for the production of crushed limestone, commercial lime, agricultural lime, sand, gravel, or any other product resulting from the processing of aggregate upon the effective date of this act shall be prohibited from acquiring such a facility unless the local government prepares a financial feasibility study comparable to the one required for asphalt facilities. The procedures for review and approval of the study shall be substantially the same as that for asphalt facilities. The acquisition of such facility shall also require the passage of a resolution or ordinance by a two-thirds vote of the governing body. Allows a local government that owns and operates an aggregate facility to transfer materials to another entity of that local government only if a study has been completed to determine actual cost of producing that material and reimbursement of actual costs is required.

Effective June 7, 2005.

LAW ENFORCEMENT

Public Chapter 18 Senate Bill 2318 (Kyle) House Bill 2334 (McMillan)
Enacts the "Meth-Free Tennessee Act of 2005." Amends 39-17-431. Requires that any product containing an "immediate methamphetamine precursor" must be sold only by licensed pharmacies. Exempts products that cannot be used to manufacture methamphetamine. Requires the Board of Pharmacy, in consultation with the TBI, to determine whether a product or category of products can be used to manufacture methamphetamine. Requires the Board to maintain a list of exempt products or categories of products. The initial list shall include liquid preparations and gel capsules. Prohibits the sale of more than three packages of a non-exempt product or nine grams of pseudoephedrine to the same person over a 30-day period, unless that person has a physician's prescription. Mandates that only a pharmacist, or pharmacy technician or pharmacy intern working under the supervision of a pharmacist, can sell a non-exempt product. Requires purchaser to present ID. Requires pharmacies to maintain an electronic record of the sale or a written log. Requires that non-exempt products must be placed behind the pharmacy counter or in a locked case within view of and within 25 feet of the counter. Makes it a Class A misdemeanor, punishable by fine only, for a pharmacy owner or operator to violate this section. Requires violations to be reported to the Board of Pharmacy for review and appropriate action. States that this section shall supersede any local laws or ordinances currently regulating sales of products containing any immediate methamphetamine precursor.

Amends 68-24-103(b). Requires the Department of Health, in coordination with the Department of Education, to educate and raise public awareness of the

dangers of methamphetamine manufacturing and abuse and to direct addicts to treatment resources. Amends 38-1-101(a). Requires health professionals to report methamphetamine laboratory-related burns and injuries to local law enforcement, similar to the existing requirement to report gun and knife wounds.

Amends 68-212-502. Requires the Department of Environment and Conservation to maintain lists of individuals and businesses qualified to test and clean properties contaminated by methamphetamine manufacturing.

Amends 68-212-503. Clarifies that the purpose of the existing provision to quarantine properties in which methamphetamine manufacturing has occurred is to prevent persons from being exposed to the hazards associated with manufacturing. Amends 68-212-503. Makes it a Class B misdemeanor to offer for rent or to live in property that has been quarantined, or to remove signs or notices of quarantine. Amends Title 68, Chapter 212, Part 5. Requires law enforcement to inform the Department of Environment and Conservation of a quarantine within seven days of issuing the quarantine order. Requires the Department to maintain an online registry listing properties that have been quarantined for at least 60 days, and to remove properties after the quarantine is lifted.

Amends 39-17-402. Defines "immediate methamphetamine precursor" as ephedrine, pseudoephedrine or phenylpropanolamine or any products containing detectable quantities of those substances. Amends Title 39, Chapter 17, Part 4. Makes it a Class B felony for any person to initiate a process intended to result in the manufacture of methamphetamine. Amends 39-17-433. Makes it a Class D felony for any person to promote the manufacture of methamphetamine. Defines promoting as: Purchasing or possessing more than nine grams of an immediate methamphetamine precursor with intent to manufacture; delivering more than nine grams to another person who intends to manufacture; or selling, acquiring or delivering any substance or apparatus intended for use in the manufacturing process. Exempts certain licensed individuals and entities from restrictions on possession of an immediate methamphetamine precursor, including pharmacies or pharmacists, drug wholesalers, drug manufacturers or healthcare professionals.

Amends 39-17-434. Deletes 39-17-434 in its entirety, which addressed possession of substances with intent to manufacture or with intent to convey to another person).

Amends Title 39, Chapter 17, Part 4. Establishes within the TBI a registry of persons convicted of manufacturing methamphetamine. Requires court clerks, beginning September 1, to forward copies of judgments against persons convicted of manufacturing methamphetamine as well as the dates of birth of such persons. Requires the TBI to remove names from the manufacturing registry seven years after the most recent offense. Amends Title 39, Chapter 17, Part 4. Makes it a Class A misdemeanor to attempt to use fraudulent means to pass a drug test. Amends 39-17-417. Removes the manufacturing "personal use loophole" from current law. The Act provides that if any provision of the act is held invalid by a court, then the other provisions will remain in force (severability clause).

Effective March 30, 2005. Requires pharmacies and retailers with pharmacies to comply with Section 2 of the Act within 30 days of the act becoming law. Requires non-pharmacy retailers to cease selling non-exempt products within 24 hours of effective date.

Public Chapter 75 Senate Bill 1715 (Person) House Bill 1433 (Jones S)
Amends 36-3-605(c). Requires that an ex parte order of protection be personally served upon the respondent unless the respondent is not a resident of Tennessee. If the respondent is not a resident of Tennessee, the ex parte order shall be served through the secretary of state as provided for in 20-2-215 and 20-2-216. Amends 36-3-602. Allows a petition to be filed in the county where the petitioner resides if the respondent is not a resident of Tennessee.

Effective April 18, 2005.

Public Chapter 87 Senate Bill 1756 (Person) House Bill 410 (Coleman)
Amends 40-6-304(a). Allows applications for wiretapping to be made in any judicial district where the underlying offense occurred in cases involving: (1) criminal homicide; (2) conspiracy to commit criminal homicide; or (3) manufacturing, delivering, selling, or possessing with intent to sell, deliver, or manufacture specified amounts of: heroin; morphine; hydromorphone; LSD; cocaine; a combination of pentazocine and tripeleonnamine or joint possession of pentazocine and tripeleonnamine; phencyclidine; barbituric acid or any of the salts of a derivative of barbituric acid; phenmetrazine; amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine; peyote; restricted controlled substances; or marijuana or hashish.

Effective January 1, 2006.

Public Chapter 142 Senate Bill 1554 (Cooper) House Bill 1373 (Briley)
Amends TCA 8-8-213 and 38-3-102. Requires the sheriff to patrol county roads, ferret out crimes, secure evidence, and apprehend and arrest criminals and to furnish the necessary deputies to carry out these duties.

Effective May 9, 2005.

Public Chapter 174 Senate Bill 612 (Jackson) House Bill 818 (McKee)
Amends 8-8-201, 40-35-212, and 41-8-106. Requires the sheriff to promptly transfer inmate sentenced to department of correction who is being housed in local jail awaiting transfer when requested by department and withholds certain reimbursement payments to counties for failing to do so. Requires the department to notify the sheriff in writing as early as possible of the date it intends to take custody of an inmate. Requires the department to notify each sheriff of the provisions of this bill and consequences for failing to comply within 30 days after this bill's effective date.

Effective May 17, 2005.

Public Chapter 180 Senate Bill 206 (Black) House Bill 759 (Bunch)
Amends 41-51-104. Prohibits a person convicted of a sexual offense that will require the person to register as a sexual offender and is being housed in a local jail or workhouse from being placed on trusty status.

Effective May 17, 2005.

Public Chapter 187 Senate Bill 0617 (Jackson) House Bill 1204 (Buck)
Amends 41-4-141. Specifies types of interlocal agreements
counties may enter into when establishing regional jails.

Effective May 19, 2005.

Public Chapter 209 Senate Bill 293 (Crutchfield) House Bill 191 (Hackworth)
Enacts 55-50-515. Creates a Class B misdemeanor, punishable by
a fine only of not more than \$500.00, for operating a motor vehicle while in possession of
five or more grams of methamphetamine. A second or subsequent violation is a Class A
misdemeanor punishable by a fine only of not more than \$1,000. In addition, a person
convicted of driving a vehicle while in possession of five or more grams of
methamphetamine will have his/her license revoked for five years. The vehicle used in the
commission of a person's violation of this section is subject to seizure and forfeiture in
accordance with the procedure established in Title 40, Chapter 33, Part 2. The Department
of Safety is designated as the applicable agency, as defined by 40-33-202, for all forfeitures
authorized by this section. In order for the provisions of this section to be applicable to a
vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in
Tennessee. Only P.O.S.T.- certified or state-commissioned law enforcement officers will
be authorized to seize such vehicles under this section.

Effective July 1, 2005.

Public Chapter 214 Senate Bill 788 (Burchett) House Bill 100 (Harry Brooks)
Amends 39-14-502 redefining the offense of criminal littering.
Provides for punishment by fine (\$500 for first offense and \$1500 for second and subsequent
offenses) and removal of litter from the state or local highway system, public playgrounds,
public parks or other appropriate public locations. In addition to the minimum penalties, the
court may require a person convicted under this law to remove any litter left by such person
and restore the property to its former condition and/or work in a recycling center or other
appropriate location for up to six months.

Any person who reports information to a law enforcement officer
that leads to a conviction under this litter law will receive a reward of \$250. The county
where the conviction occurs will provide the reward money from the proceeds of the
mandatory fines collected. The fines collected by the court clerks under this act are to be
deposited in a dedicated county fund that will not revert to the general fund, but shall remain
for the reward program. Each county legislative body is required to appropriate the
mandatory fines for littering under this act to the litter enforcement rewards. Excess funds,
if any, may be expended for other litter control programs upon adoption of an appropriate
resolution by the county legislative body.

Effective July 1, 2005.

Public Chapter 243 Senate Bill 1174 (Harper) House Bill 991 (Vaughn)
Enacts the "Vanessa K. Free Emergency Services Training Act of
2005." Amends Title 4, Title 63 and Title 68 relative to emergency vehicles. Mandates that

each emergency vehicle driver shall take not less than two hours of training annually and shall take and pass a comprehensive examination covering all applicable laws pertaining to emergency vehicles, the operation of the vehicle in emergency and non-emergency situations, and response to actions of non-emergency vehicles. The provisions of this act apply to all law enforcement personnel, firefighters, including volunteer firefighters, rescue personnel, including volunteer rescue personnel, and emergency services personnel.

Effective January 1, 2006.

Public Chapter 258 Senate Bill 1692 (Kilby) House Bill 582 (Curtiss)
Amends 8-7-110(a). Clarifies that any law enforcement officer employed by 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. Changes reference to "sheriffs departments" to "sheriffs offices."

Effective May 28, 2005.

Public Chapter 296 Senate Bill 1754 (Person) House Bill 642 (Cochran)
Amends 40-7-103(a). Allows an officer, without a warrant, to arrest a person who is the driver of a motor vehicle involved in a traffic accident, who leaves the scene of the accident, who is apprehended within four hours of the accident, when the officer has probable cause to believe such driver has violated 55-10-401.

Effective July 1, 2005.

Public Chapter 304 Senate Bill 1769 (Person) House Bill 1291(DeBerry)
Amends Title 37, Chapter 3, Part 1. Charges the Commission on Children and Youth with the development of an objective assessment tool to be used by juvenile court judges to determine whether a child should be securely detained. Requires the Tennessee Sheriffs' Association to appoint one representative to the study group.

Effective June 6, 2005.

Public Chapter 305 Senate Bill 811 (Burchett) House Bill 1542 (Hargrove)
Amends 49-7-129(b), (c) and (e). Allows only the chief security officer or chief law enforcement officer of public and private institutions of higher education to notify the local law enforcement agency with jurisdiction over the institution of reports of alleged rapes occurring on the property of the institution. Permits the chief security officer or chief law enforcement officer to designate one or more persons who shall 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. Retains the provision requiring a joint investigation of an alleged rape led by the educational institution's law enforcement agency. Provides that any official of a public or private institution of higher education receiving a report from a victim of rape occurring on the property or in the vicinity of such institution shall refer the victim to a sexual assault program or other service on campus or in the community. Further provides that sexual assault programs shall report annually, by January 31, the number of requests for assistance received from victims who were raped on or in the vicinity of a public or private institution of higher education during the preceding calendar year to the chief security or law enforcement officer of such institution. Amends 49-7-2207 by adding a new subsection (b). Provides that the mandatory offense reporting requirements shall not apply if the offense the student is believed to have committed is a sexual assault of any kind and the victim of such assault does not consent to the reporting of the offense. Amends 49-7-2202. Adds the state technology centers to the higher education institutions covered by the present law requirements that each institution with its own campus security force must keep and report crime records and crime statistics.

Effective June 6, 2005.

Public Chapter 307 Senate Bill 1880 (Herron) House Bill 1660 (Maddox)
Amends 41-2-111(b). Provides that in calculating the amount of good time credit earned, the one-quarter reduction shall apply to the entire sentence, including pre-trial and post-trial confinement.

Effective July 1, 2005.

Public Chapter 309 Senate Bill 2189 (Miller) House Bill 2001 (Bunch)

Amends 55-10-452. Expands the permissible expenditure of county funds dedicated from fines for driving under the influence to include payment to agencies or organizations for drug testing for misdemeanor offenders placed on probation or the employment of a probation officer for supervising drug and alcohol offenders.

Effective July 1, 2005.

Public Chapter 316 Senate Bill 190 (Jackson) House Bill 2256 (McMillan)
Amends Title 40, Chapter 39, Part 2, relative to the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004."

Amends 40-39-202(2). Provides that a conviction, for the purposes of the act, does not include a disposition of pretrial diversion under 40-15-105 or a disposition of judicial diversion under 40-35-313 or the equivalent dispositions from other jurisdictions. Amends 40-39-202(4). Deletes from the definition of "employment" the previous reference to the period of employment. Amends 40-39-202 (7)(C). Corrects the definition of "local law enforcement agency" within the unincorporated territory of the county to the "sheriff's office." Amends 40-39-202(10). Defines "parent" as any biological, adoptive parent, or step-parent, and includes any legal or court-appointed guardian or custodian. Amends 40-39-202(11). Adds "or establishes any other living accommodations in this state" to the definition of "primary residence" and decreases the period required to establish a residence from fourteen consecutive days to five consecutive days. Amends 40-39-202(12). Corrects reference to "sheriff's department" to "sheriff's office" in the definition of "registering agency." Amends 40-39-202(14). Defines "resident" as any person who abides, lodges, resides, or establishes any other living accommodations in this state. Amends 40-39-202(15). Adds "or establishes any other living accommodations in this state" to the definition of "secondary residence." Amends 40-39-202(17)(A). Adds "spousal sexual battery" to the definition of "sexual offense." Amends 40-39-202(25). Adds "spousal rape, aggravated spousal rape, and criminal exposure to HIV" to the definition of "violent sexual offense." Also adds "facilitating the commission" and "being an accessory after the fact" to the definition of "violent sexual offense."

Amends 40-39-203(e). Provides that offenders from another state, jurisdiction, or country, who become a resident of this state pursuant to the Interstate Compact Act, shall within forty-eight hours of entering the state register in person with the Board of Probation and Parole. Amends 40-39-203(f). Provides that offenders who do not maintain either a primary or secondary residence, as defined by the act, shall be considered homeless, and are subject to the registration requirements of the act.

Amends 40-39-203 (g). Adds offenders who were previously required to register under Title 40, Chapter 39, Part 1, and who are committed to mental health institutions or continuously confined to home or health care facilities due to

mental and/or physical disabilities to those offenders who are exempt from the registration requirement of the act. Amends 40-39-203 (i)(10). Requires offenders to disclose on the TBI registration form information regarding any vehicle, mobile home, trailer, or manufactured home, used by an offender, including descriptions, VIN, and license tag numbers. Amends 40-39-203 (i)(11). Requires offenders to disclose on the TBI registration form information regarding any vessel, live-aboard vessel, or houseboat used by an offender, including the name of the vessel, description, and all other identifying numbers. Amends 40-39-203 (I)(17). Requires offenders to disclose on the TBI registration form any other registration, verification, and tracking information, including fingerprints and a current photograph of the offender, vehicle(s) and vessel(s) as referred to in subdivisions (10) and (11).

Amends 40-39-204(b). Gives designated law enforcement agencies discretion in deciding whether to update a violent sexual offender's fingerprints, palm prints, and photograph when the offender reports to the agency in March, June, September, and December. Increases the allowable administrative fee violent sexual offenders pay each March to \$100.00. Specifies that the fee shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs, and/or any other expenses incurred as a result of the implementation of the act. Provides that violent sexual offenders who reside in nursing homes and assisted living facilities and violent sexual offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental and/or physical disabilities are exempt from the quarterly in-person reporting and fingerprinting requirement and are exempt from paying the administrative fee.

Amends 40-39-204(c). Gives designated law enforcement agencies discretion in deciding whether to update a sexual offender's fingerprints, palm prints, and photograph when the offender reports to the agency for his/her yearly update. Increases the allowable administrative fee sexual offenders pay each year to \$100.00. Specifies that the fee shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs, and/or any other expenses incurred as a result of the implementation of the act. Provides that sexual offenders who reside in nursing homes and assisted living facilities and sexual offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental and/or physical disabilities are exempt from the yearly in-person reporting and fingerprinting requirement and are exempt from paying the administrative fee.

Amends 40-39-204(f). Adds offenders who are committed to mental health institutions or continuously confined to home or health care facilities due to mental and/or physical disabilities to those offenders who are exempt from the in-person reporting, fingerprinting, and administrative cost requirements of the act. Clarifies that the person holding the exempted offender's power of attorney, along with other listed individuals, is responsible for reporting any changes in the residential status of the offender to TBI headquarters in Nashville by U.S. postal service.

Amends 40-39-205(b). Provides that all information contained in the SOR may be verified by any designated law enforcement agency as well as any district

attorney general's criminal investigator. Amends 40-39-205(c)(1)(C). Provides that the officer or employee responsible for supervising an offender who has been released on probation, parole, or any other alternative to incarceration, shall promptly obtain the offender's fingerprints, palm prints and photograph of the offender, and vehicle(s), and vessel(s) as determined necessary by the agency. Amends 40-39-205(c)(2). Provides that the fingerprints of the offender along with the photographs of the offender, vehicles, and vessels should be sent by U.S. postal service to TBI headquarters in Nashville within three days if they are not electronically submitted.

Amends 40-39-205(d). Requires the sheriff, prior to releasing an offender from the jail, to obtain the offender's fingerprints, palm prints and a photograph of the offender, and vehicle(s), and vessel(s) as determined necessary by the sheriff. Also provides that the fingerprints of the offender along with the photographs of the offender, vehicles, and vessels should be sent by U.S. postal service to TBI headquarters in Nashville within three days if they are not electronically submitted.

Amends 40-39-211(a). Provides that no sexual offender or violent sexual offender, who is required to comply with the requirements of the act and whose victim was a minor, shall knowingly establish a primary or secondary residence or any other living accommodation or knowingly accept employment within one thousand feet of the property line on which any public school, private or parochial school, licensed day care center, or any other child care facility is located.

Amends 40-39-211(c). Provides that no sexual offender or violent sexual offender, who is required to comply with the requirements of the act and whose victim was a minor, shall knowingly establish a primary or secondary residence or any other living accommodation where a minor resides. However, such offender may reside with a minor if the offender is the parent of the minor, unless the offender's parental rights have been or are in the process of being terminated as provided by law, or any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender.

Amends 40-39-211(d). Provides that changes in the ownership or use of property within one thousand feet of the property line of an offender's primary or secondary residence or place of employment which occur after an offender establishes residence or accepts employment shall not form the basis for finding that an offender is in violation of the residence restrictions of the act.

Effective August 1, 2005. Effective June 7, 2005, 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 322 Senate Bill 428 (Finney) House Bill 716 (Montgomery)
Amends 39-17-417(c)(2) by adding a new subdivision (C). Provides as part of any sentence imposed for an offense involving the manufacture of methamphetamine that the court shall order the defendant to pay restitution to any private property owner, whose property is destroyed or suffers damage as a result of such offense. In the case of property that was rented or leased, damages may also include the loss of any revenue that occurred because the property was uninhabitable or a crime scene. The type

and amount of restitution permitted pursuant to this subdivision shall be determined by the court using the procedure set out in 40-35-304.

Effective July 1, 2005.

Public Chapter 343 Senate Bill 1643 (Norris) House Bill 890 (Crider)
Amends 39-17-1351(e). Exempts applicants for a handgun carry permit from the classroom hours requirement, in addition to the firing range requirement, if the applicant has (1) been certified by the Peace Officer Standards and Training Commission; (2) successfully completed training at the Law Enforcement Training Academy; (3) successfully completed the firearms training course required for armed security officer/guard registration; or (4) successfully completed all handgun training of not less than four hours as required by any branch of the military.

Effective July 1, 2005.

Public Chapter 347 Senate Bill 2064 (Norris) House Bill 2086 (Newton)
Enacts 68-212-507. Requires the local law enforcement agency quarantining real property, or any structure or room in any structure on any real property, due to the manufacture of meth, to file for recording a Notice of Methamphetamine Lab Quarantine in the office of county register in the county in which the real property or any portion thereof lies. Provides that the signature of the local law enforcement agent shall be accepted in lieu of acknowledgment. Requires the register to record the notice in the record series containing the title deeds and to index the notice with the owner or owners of the real property as the grantor and with the agency giving the notice as the grantee. Provides that no fee shall be collected for this filing. An example form is provided in the statute.

Enacts 68-212-508. Requires a certified industrial hygienist or other qualified person or entity to issue a Certificate of Fitness after determining, based upon prescribed standards, that the quarantined property is safe for human use. Allows the owner or any person having any right, title or interest in the real property, including any lien holders, to file for recording the Certificate of Fitness in the office of county register in the county in which the real property or any portion thereof lies. The certificate must be acknowledged or proved as provided in 66-22- 101 et. seq. Requires the register to record the certificate with the record series containing the title deeds and to index the certificate with the owner or owners of the real property as the grantee, and the local law enforcement agency that issued the quarantine as grantor. The fee for filing shall be in accordance with 8-21-1001. An example form is provided in the statute.

Effective July 1, 2005.

Public Chapter 377 Senate Bill 222 (Miller) House Bill 17 (Newton)

Enacts the "Drug Dealer Liability Act". Provides a civil remedy for damages to persons in a community injured as a result of illegal drug use. These persons include parents, employers, insurers, governmental entities, and others who pay for drug treatment or employee assistance programs, as well as infants injured as a result of exposure to drugs in utero. Enables individuals and entities to recover damages from drug dealers. Shifts, to the extent possible, the cost of the damage caused by the existence of the illegal drug market in a community to those who illegally profit from that market. Establishes an incentive for drug users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past. Damages recoverable under this act include all of the following: (1) economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug use; (2) non- economic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services and consortium, and other non- pecuniary losses proximately caused by an individual's use of an illegal drug; (3) exemplary damages; (4) reasonable attorney fees; and (5) costs of suit, including, but not limited to, reasonable expenses for expert testimony.

Effective July 1, 2005.

Public Chapter 482 Senate Bill 1061 (Ketrone) House Bill 498 (DuBois)

Amends 39-17-315. Enacts a new stalking law which broadens the type of conduct that constitutes stalking. Creates three classes of stalking to include (1) stalking, punishable as a Class A misdemeanor; (2) aggravated stalking, punishable as a Class E felony; and (3) especially aggravated stalking, punishable as a Class C felony. Specifically authorizes courts to impose the following punishments, in addition to any term of imprisonment and/or fine, upon any person who is convicted of any class of stalking: (1) a probation period equal to the length of the maximum sentence for the crime, if probation is granted; (2) refrain from stalking any individual during the term of probation; (3) refrain from having any contact with the victim or the victim's immediate family members; (4) be evaluated for the need of psychiatric, psychological, or social counseling and, if determined appropriate by the court, to receive such counseling at the defendant's own expense; (5) submit to drug testing to verify that the defendant is taking any medication necessary for the treatment or management of a psychiatric, psychological, or social problem; and (6) submit to the use of an electronic tracking device at the defendant's own expense. Provides that any person who reasonably believes they are a victim of stalking, regardless of whether the alleged perpetrator has been arrested, charged or convicted of a stalking-related offense, is entitled to seek and obtain an order of protection in the same manner and under the same circumstances as is provided for victims of domestic abuse. Provides that when a person is charged and arrested for the offense of stalking, aggravated stalking or especially aggravated stalking, the arresting law enforcement officer must inform the victim that the person arrested may be eligible to post bail for the offense and be released until the date of trial.

Amends 40-7-103(a) by adding new subdivision (9). Allows an officer, without a warrant, to arrest a person when the officer has probable cause to believe a person has committed the offense of stalking (including misdemeanor stalking).

Amends 40-6-205(b)(1) and 40-6-215(a)(2)(A). Permits a magistrate, based upon the affidavit of a person who is not a law enforcement officer, to issue a warrant of arrest instead of a criminal summons for the offense of stalking (including misdemeanor stalking).

Amends 40-11-150(a). Requires magistrates to consider specified factors when setting bail for persons who are charged with any class of stalking. Amends 40-11-150(h)(1). Provides that any person arrested for any class of stalking may not be released within twelve hours of their arrest if the magistrate or other official duly authorized to release the offender finds that the offender is a threat to the alleged victim.

Amends 40-35-303(m). Provides that in determining whether a person convicted of any class of stalking, in which the victim falls within the definition set forth within 36-3-601(8), should be granted probation, the court must consider the safety and protection of the victim of the offense and of any other member of the victim's family or household.

Amends 39-17-1316(a)(1). Prohibits licensed firearm dealers from selling firearms to persons who are convicted of stalking.

Effective July 1, 2005.

Public Chapter 483 Senate Bill 60 (Fowler) House Bill 36 (Harwell)

Amends 55-10-406(a). Provides that any person who drives a motor vehicle in this state is deemed to have given consent to a test for the purpose of determining the alcoholic content of that person's blood, a test for the purpose of determining the drug content of that person's blood, or both tests. Tests can only be conducted at the direction of a law enforcement officer having reasonable grounds to believe the person was driving while under the influence of alcohol, a drug, any other intoxicant or any combination thereof or committed vehicular assault, vehicular homicide, or aggravated vehicular homicide. Test results are admissible as evidence only after establishing that all tests administered were administered to the person within two (2) hours following the person's arrest or initial detention.

Amends 55-10-410(b). Provides that when a specimen is sent to the TBI for analysis, the "toxicology request for examination" form must indicate whether or not a breath alcohol test has been administered and the results of any such test.

Enacts 55-10-454. Provides that in addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to 55-10-403(h), a blood alcohol concentration test fee in the amount of \$100.00 will be assessed upon conviction for a violation of driving while under the influence, vehicular assault, vehicular homicide, or aggravated vehicular homicide, for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory. This fee will be collected by the court clerk and forwarded to the state treasurer on a monthly basis for deposit in the "TBI toxicology unit intoxicant testing fund" designated for the exclusive use by the TBI. Moneys in the "TBI toxicology unit intoxicant testing fund" will be used to fund a forensic scientist position in each of the three bureau crime laboratories, employ forensic scientists to fill those positions and to

purchase, maintain and upgrade the equipment and supplies for drug and alcohol testing.

Effective June 22, 2005, for the purposes of collecting the additional blood alcohol concentration test fee and establishing the "TBI toxicology unit intoxicant testing fund." Effective July 1, 2005, for all other purposes, including the disbursement of moneys from the fund.

Public Chapter 504 Senate Bill 79 (Burks) House Bill 581 (Curtiss)

Amends 55-10-403(a). Provides that upon the conviction of driving under the influence of an intoxicant, the punishment for the first offense shall be a fine of not less than \$350 nor more than \$1,500. Further provides that in addition to the fine, the court shall prohibit the convicted person from driving a vehicle in the state of Tennessee for one year.

Amends 55-10-403 by adding a new subsection (s). Provides that in addition to the punishment provided in subsection (a), a person convicted of driving under the influence of an intoxicant for the first time, shall be punished as follows: (1) if the person is less than twenty-one years of age at the time of the offense, the court shall sentence the person to confinement in the county jail or workhouse for not less than forty-eight hours nor more than eleven months and twenty-nine days and to remove litter during daylight hours from state route highways or state-aid highways for a period of twenty-four hours to be served in three shifts of eight consecutive hours each; and (2) if the person is twenty-one years of age or more at the time of the offense, the court shall sentence the person to confinement in the county jail or workhouse for not less than twenty-four hours nor more than eleven months and twenty-nine days and to remove litter during daylight hours from state route highways or state-aid highways for a period of twenty-four hours to be served in three shifts of eight consecutive hours each.

Provides that each of the three days spent picking up litter shall be considered confinement for purposes of application and payment of the jail fees set forth in 8- 26-105(a).

If the offender is a resident of Tennessee, the litter removal portion of the sentence

shall occur in the offender's county of residence. The court is required to transmit the name and address of each offender sentenced pursuant to this subsection to the sheriff of the county in which the offender resides. The sheriff of the offender's county of residence must notify each offender of the date and time they are to report to the county jail for assignment on a litter removal crew. The sheriff must schedule the assignments so that there are no less than five offenders assigned to and participating in a litter removal crew at any particular time and in such a manner that each offender completes the three days of litter removal within a thirty day period. The days and times to which offenders are assigned for litter removal must be days and times that the offender is off from work and will not interfere with the offender's regular employment. Litter crews may work only during daylight hours and only on state route highways or state-aid highways.

Each offender ordered to remove litter pursuant to this subsection must be required to wear a blaze orange or other distinctively colored vest with the words "I am a DRUNK DRIVER" stenciled or otherwise written on the back of the vest in letters

no less than four inches in height.

Offenders sentenced pursuant to this subdivision will be required to furnish their own clothes and food while engaged in litter removal.

Upon completion of eight hours of litter removal, the offender will be permitted to return home until notified by the sheriff of the next date the offender is scheduled for litter removal duty.

The sheriff is responsible for the supervision, transportation and control of all offenders sentenced to litter removal duty. The sheriff has the discretion to select the state route highways or state-aid highways from which offenders remove litter. If the highway selected is a state route highway, the Department of Transportation must provide a truck or trucks to remove the litter removed by the offenders. If the highway selected is a state-aid highway, the appropriate county must provide a truck or trucks to remove the litter removed by the offenders. Regardless of the highway selected, the sheriff is responsible for transportation to the litter removal site and the supervision and control of the offenders while on the site.

The sheriff is responsible for placing signs on the front and back of the litter removal truck or on the side of the road approaching the litter removal crew from either direction stating that it is a "DUI Litter Pickup Crew". The required signs must be of sufficient size and visibility to permit motorists using such road in either direction to readily ascertain the reason for and purpose of the litter removal crew.

The sheriff may enter into agreements with any city or municipality located within the county whereby offenders sentenced pursuant to this subsection may be used to remove litter from state route highways or state-aid highways located within the limits of the city or municipality. The same conditions set out in this subsection apply to offenders removing litter pursuant to such an agreement. The agreement may provide that the city or municipality assume responsibility for the supervision and control of the offenders.

If any entity receives funds under 41-2-123(c), the offenders shall be the responsibility of the entity supervising that program and under that entity's supervision and control; otherwise, the sheriff is responsible for the supervision and control of all offenders sentenced to litter removal duty.

No sheriff shall be permitted to use an offender sentenced pursuant to this subdivision to perform any task other than litter removal.

Provides that the provisions of this act shall cease to be effective on January 1, 2009. Unless extended by the General Assembly, the law in effect on December 31, 2005 shall govern any person violating the provisions of 55-10-401 on or after January 1, 2009.

Requires the Department of Safety to conduct a study, between January 1, 2006 and January 1, 2009, of the effectiveness of this act. The report must be filed with the Clerk of the Senate and Clerk of the House of Representatives by January 10, 2010.

Effective January 1, 2006.

MEDICAL EXAMINER

Public Chapter 356 Senate Bill 2277 (Kyle) House Bill 2292 (McMillan)
Amends 68-1-1103 regarding the Sudden, Unexplained Child Death Act, to provide that the commissioner of health will promulgate rules which establish minimum standards for conducting and completing an investigation, including an autopsy if deemed necessary, into the sudden, unexplained death of any child from birth to age seventeen. Compliance with these rules will make county governments eligible for reimbursement, to the extent authorized by those rules, of the costs of any autopsy deemed necessary.

Effective June 7, 2005.

Public Chapter 472 Senate Bill 2202 (Burks) House Bill 2158 (Hargrove)
Amends 38-7-104 to authorize the county legislative body to establish the position of medical investigator to assist the county medical examiner. Sets qualifications for the position. If the county has an elected coroner, then the coroner acts as the medical investigator if the position is established and the coroner is qualified; however, if the coroner has served for 10 years or more, the coroner does not have to meet the qualifications for medical investigator. The county medical investigator may conduct investigations of possible unnatural death under the supervision of the county medical examiner and may make pronouncements of death, but cannot sign a death certificate. The medical investigator may recommend an autopsy but cannot order one unless this authority is delegated to the medical investigator by the county medical examiner.

Effective June 18, 2005 for purposes of allowing the county legislative body to create the position of medical investigator; fully effective July 1, 2005.

PERSONNEL

Public Chapter 204 Senate Bill 503 (Henry) House Bill 120 (Fitzhugh)
Amends 5-1-310(b), (c) and (d). Changes the deadline for submitting an application for the "certified public administrator" educational incentive to August 31 of each year. Provides that the incentive will be paid by no later than October 31 of each year.

Effective May 23, 2005.

Public Chapter 276 Senate Bill 1438 (Jackson) House Bill 985 (Tidwell)
Amends 8-20-101 to require that petitions for authority to employ deputies and assistants (commonly referred to as salary suits) must be heard and determined by a judge or chancellor serving in the judicial district in which the petition is filed, unless otherwise prohibited by law or rule of the supreme court.

Effective May 28, 2005.

PLANNING AND ZONING

Public Chapter 19 Senate Bill 2207 (Burks) House Bill 1931 (Davidson)
Amends 1-3-105 and Title 43 to add a definition for the term
“agriculture” as it is used in state laws. Provides that “agriculture” means the land, buildings
and machinery used in the commercial production of farm products and nursery stock; the
activity carried on in connection with the commercial production of farm products and
nursery stock; and recreational and educational activities on land used for the commercial
production of farm products and nursery stock..

Effective April 4, 2005.

Public Chapter 148 Senate Bill 2264 (Kyle) House Bill 2278 (McMillan)
Amends 68-102-151(c). Provides that smoke detectors for one-
family or two-family rental units shall be installed in accordance with the 2003 International
Residential Code and in accordance with the manufacturer's directions, unless those
directions conflict with applicable codes that are adopted by the State Fire Marshal. Amends
68-120-111(a)(2). Provides that smoke detectors for one-family or two-family dwelling
which require a new connection for electric service shall be installed in accordance with the
2003 International Residential Code and in accordance with the manufacturer's directions,
unless those directions conflict with applicable codes that are adopted by the State Fire
Marshal.

Effective January 1, 2006.

Public Chapter 245 Senate Bill 1584 (Norris) House Bill 239 (Hood)
Amends 6-58-101 and 6-58-114 to reduce the number of times the executive committee of the joint economic and community development board must meet from eight to four times a year. Also authorizes a county or city mayor or manager to designate an alternate representative on the board and its executive committee so long as the alternate has experience or education in administration, economic community development or planning, and is able to speak for the represented entity.

Effective May 27, 2005.

Public Chapter 246 Senate Bill 1587 (Norris) House Bill 408 (Sargent)
Amends 6-58-111 to provide that a municipality possesses exclusive authority to annex territory within its approved urban growth boundaries. Clarifies further that no municipality may annex territory within another municipality's urban growth boundary by ordinance or by referendum.

Effective January 1, 2006.

Public Chapter 278 Senate Bill 1585 (Norris) House Bill 407 (Sargent)
Amends 6-58-104 relative to the growth plan dispute resolution panel to alter the method of settling disputes between counties or municipalities and the county coordinating committee regarding comprehensive growth plans. Gives the secretary of state discretion to appoint one to three members to the dispute resolution panel when an impasse has been declared. Provides that if the county legislative body and the municipal governing bodies do not accept the non-binding proposal of the initial dispute resolution panel, then the secretary of state would appoint a new panel of administrative law judges which would have the ability to initiate formal proceedings for the purpose of obtaining sufficient information to make a decision with regard to the comprehensive growth plan. The proceedings must be in compliance with open meeting laws but not with the Uniform Administrative Procedures Act. This bill would allow the panel to consult experts or commission studies, reports or maps to assist with the development of a solution in mediating a dispute or adopting a growth plan. Provides that the costs of such shall be a reasonable and necessary cost associated with the panel's development of the growth plan. The act further directs the Tennessee Advisory Commission on Intergovernmental Relations to study quo warranto judicial proceedings to challenge annexations, the practice of annexation by limited funding and service municipalities, and the process and frequency of local governments amending comprehensive growth plans.

Effective May 28, 2005.

Public Chapter 284 Senate Bill 2263 (Kyle) House Bill 2280 (McMillan)
Amends 68-120-101(a)(2). Substitutes the International Code Council for the Southern Building Code in regard to the source of standards selected by the State Fire Marshal in the promulgation of rules establishing minimum statewide building construction safety standards. Amends 68-120-101(b)(2)(A). Clarifies that the standards established by the State Fire Marshal apply to any occupancy requiring an inspection by the State Fire Marshal for initial licensure. Also revises the sources from which local governments may select when adopting a building construction safety code. Deletes 68-120-101(b)(3)(C). Removes Davidson County's exemption from the State Fire Marshal audit

provision. Amends 68-120- 204. Revises the minimum handicapped accessibility specifications for any public building which is constructed, enlarged, or substantially altered or repaired after July 1, 2006. For public buildings for which a local building inspector is the responsible authority, a local government may select handicapped accessibility specifications from the codes or publications listed in 68-120-204(a)(1) or from the codes or publications of other nationally recognized agencies or organizations.

Effective May 28, 2005 for the purposes of rulemaking and July 1, 2006 for all other purposes.

Public Chapter 373 Senate Bill 2198 (Haynes) House Bill 2182 (Jones, U.)
Enacts new provisions under Title 13, Chapter 24, Part 3 to place limits on the ability of any planning commission or local government that has adopted planning and zoning regulations with regard to the siting of wireless telecommunications towers. Specifies that the regulatory authority may not regulate the placement of an antenna or related equipment on an existing tower unless the addition of such antenna requires an extension of the tower that requires lighting or exceeds the height limitations of the authority. Provides that co-location shall not be considered an expansion and that the authority may not impose additional costs or restrictions on an applicant wanting to co-locate on a tower unless the tower is owned by the regulatory authority itself. Prohibits regulatory authorities from requiring applicants to justify radio frequency needs. Prohibits any action by a regulatory authority that has the effect of prohibiting the provision of wireless services.

Effective June 7, 2005.

Public Chapter 489 Senate Bill 828 (Black) House Bill 907 (Maggart)
Authorizes local governments, by a two-thirds vote of the county legislative body, to adopt the provisions of the act to require certain contractors to register with a local department of codes administration or other appropriate agency and post a permit bond. If adopted locally, the provisions of the act apply to persons who contract to perform the following services: the construction, erection, alteration, repair, removal or demolition of any building or structure or part thereof; the repair or replacement of any damage to a building or structure caused by insects or natural disaster; the erection or construction of signs or billboards; the construction of swimming pools; or any other work for which a permit is required. Requires a bond of \$10,000 for building permits under \$25,000, and a bond of \$50,000 for permits of \$25,000 or more. Requires a bond of \$40,000 for all gas/mechanical, plumbing and excavation permits. Specifies the requirements of the bond and the liability of the surety. Requires any person or firm desiring to register with the department of codes administration to secure the required contractor's business license. Contractors of multiple trades or involved with work on more than one structure in the municipality or county may provide one \$50,000 bond to meet the requirements of the law. The act exempts nonprofit housing ministries.

Effective June 22, 2005.

PURCHASING

Public Chapter 10 Senate Bill 718 (Southerland) House Bill 630 (Hawk)
Amends 5-1-125 to allow county officials and employees to

purchase surplus county property if the sale is by competitive sealed bid as well as by public auction.

Effective March 23, 2005.

Public Chapter 114 Senate Bill 1286 (Ramsey) House Bill 1823 (Rinks)
Amends 54-7-113 to raise the threshold amount for competitive bidding for purchases made by or for county highway departments in counties operating under the County Uniform Highway Law from \$5,000 to \$10,000.

Effective April 11, 2005.

Public Chapter 336 Senate Bill 1179 (Bryson) House Bill 944 (Sargent)
Amends the interlocal cooperation law at Title 12, Chapter 9 to provide that public agencies may contract with other public agencies for the conveyance or transfer of property, real or personal, if the public agency or agencies receiving the conveyance or transfer uses the property for a public purpose and the governing body of each public agency that is a party to the contract authorizes the conveyance or transfer and determines that the terms and conditions are appropriate. This new provision may be used without declaring property surplus. This act supersedes any contrary requirements in any budget or purchasing act, public or private.

Effective June 7, 2005.

Public Chapter 386 Senate Bill 2077 (Cooper) House Bill 1955 (McDonald)
Enacts 12-4-123 to authorize counties and other governmental entities to enter into multi-year contracts for painting and other maintenance of water storage tanks and appurtenant facilities. These contracts may be procured through a request for proposals process whereby factors are considered such as qualifications, experience on similar projects, availability of workers, technical approach, minority participation, cost and/or additional factors deemed relevant, and proposers must be given at least 30 days to respond. Governmental entities may instead require such contracts to be competitively bid.

Effective June 9, 2005.

Public Chapter 462 Senate Bill 1343 (Burchett) House Bill 954 (Hargett)
Amends 49-2-203(a)(3)(C)(iii) relative to the procurement of construction management services by local boards of education. Construction management services provided for a fee and involving preconstruction and construction administration and management services are deemed to be professional services and may be performed by qualified person licensed under the Contractors Licensing Act, Title 62, Chapter 6. Construction management services for each project are to be procured through a written request for proposals (RFP) process after advertisement in accordance with 49-2-203(a)(3)(A). The board may include in a single RFP projects at up to three sites if construction at all sites will occur at substantially the same time. Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced.

Effective June 18, 2005.

RECORDS

Public Chapter 216 Senate Bill 7 (Bryson) House Bill 316 (Lynn)
Amends Title 38, Chapter 7, Part 1 to enact a new statute to provide that it is an offense for the chief medical examiner, a county medical examiner or pathologist or any employee or agent of such to contract with or grant an unauthorized person authority to photograph, videotape or otherwise capture visual images or audio recordings of a deceased human body, a human autopsy or a body prior to, during or immediately following an autopsy. This should not be construed to prevent the examiner, pathologist or employee from performing statutory duties or training efforts. A person is not considered unauthorized if he or she has the written consent or is working at the direction of the next-of-kin of the deceased; is a law enforcement officer or district attorney using the information for official uses only; is seeking access pursuant to court order or subpoena; or is an attorney representing a defendant in a criminal case where such materials are not available by discovery. A violation of these regulations is class A misdemeanor punishable by fine only unless the person allowing unauthorized access receives compensation as an inducement to violate the law in which case punishment may include confinement.

Effective July 1, 2005.

Public Chapter 262 Senate Bill 868 (Fowler) House Bill 1968 (Winningham)
Amends 10-7-503 to provide that all records, employment applications, credentials and similar documents obtained by any person in conjunction with an employment search for a director or schools or any chief public administrative officer are public records.

Effective May 28, 2005.

Public Chapter 473 Senate Bill 2220 (Herron) House Bill 2170 (Maddox)
Enacts new provisions under Title 47, Chapter 18, Part 21 regarding the release of personal consumer information. Requires any business doing business in the state of Tennessee and all agencies of the state of Tennessee and its political subdivisions to disclose, to any residents whose information has been compromised, any breach of a computer system which allows unauthorized disclosure of certain personal information. Personal information is defined to mean an individual's name in combination with any of the following: social security number, driver license number, financial account numbers, or credit or debit card numbers. Personal information does not include publicly available information lawfully made available to the general public from federal, state, or local government records. Notice may be provided by written notice or electronic notice. Substitute notice is allowed if the cost of providing notice would exceed \$250,000 or requires notice to more than 500,000 individuals. Substitute notice is defined to consist of e-mail notice if the information holder has e-mails for the affected parties, conspicuous posting of the notice on any internet page of the information holder, and notice to major statewide media. If circumstances require notification to more than 1,000 persons at one time, notice to all consumer reporting agencies and credit bureaus of the breach is also required. Any person injured by a violation of this act may bring a civil action against business entities to recover damages or enjoin the violator from further actions violating these requirements. State agencies and political subdivisions are exempt from the civil damages provisions of the act.

Effective July 1, 2005.

REGISTERS OF DEEDS

Public Chapter 13 Senate Bill 544 (Fowler) House Bill 443 (Fowlkes)
Amends 66-24-101 to allow copies of writings created or retained as electronic records under the provisions of the Uniform Electronic Transactions Act to be registered if the copy has attached a Certification of Electronic Document that is signed by a licensed attorney or the custodian of the record and such signature is notarized. Chapter 801 of the Public Acts of 2004, which contained similar provisions but was suspect due to errors in the order of passage of amendments, is repealed.

Effective March 29, 2005.

Public Chapter 99 Senate Bill 1162 (Fowler) House Bill 1001 (Fowlkes)
Amends the transfer tax law at 67-4-409(a)(3)(A) dealing with the exemption from the transfer tax by the creation or dissolution of a tenancy by the entirety to provide that the exemption exists whether this is by conveyance from one spouse to the other, by conveyance from one or both spouses to the original grantor or grantors and the original grantor's spouse, or by conveyance from one or both spouses to a trustee and immediate reconveyance in the same instrument as tenants in common, tenants in common with right of survivorship, joint tenants, or joint tenants with right of survivorship.

Effective April 22, 2005.

Public Chapter 205 Senate Bill 1869 (Herron) House Bill 2029 (Odom)
Provides for a new type of conservation easement that are to be

recorded with the register of deeds. Registers are to treat these instruments the same as any other easement offered for recording.

Effective May 23, 2005.

Public Chapter 303 Senate Bill 752 (Miller) House Bill 1277 (Fowlkes)
Amends 66-24-101 to provide that an instrument will be deemed validly registered even if not in full compliance with the requirements for acknowledgment or proof, if accepted for delivery by the purchaser and recorded. However, the register continues to have authority to refuse to register an instrument if it is not properly acknowledged or proved by witnesses in accordance with 66-22-101.

Effective June 6, 2005.

Public Chapter 306 Senate Bill 1695 (Haynes) House Bill 1575 (West)
Amends 25-5-101 to provide that judgments and decrees obtained by a government entity from and after July 1, 2005 in any court in Davidson County will be liens upon the debtor's lands from the time a certified copy of the judgment or decree is registered in the lien book in the register's office of the county where the land is located.

Effective July 1, 2005.

Public Chapter 347 Senate Bill 2064 (Norris) House Bill 2086 (Newton)
Requires the sheriff or other law enforcement agency to file for recording a Notice of Methamphetamine Lab Quarantine with the county register whenever real property, or any structure or room in any structure is quarantined. This act specifies the information required to be entered on this notice. This notice need only be signed by the law enforcement agency's representative to be eligible for recording. The register records the notice in the records with the title deeds without charging any fees, with the property owner indexed as the grantor and the law enforcement agency as the grantee. The owner of the real property or any person having an interest in the real property that has been so quarantined and that has subsequently been made safe for human use may file a Certificate of Fitness with the county register if the certificate has the acknowledged (or properly witnessed) signature of a certified industrial hygienist or other person on a list of qualified persons or entities by the commissioner of environment and conservation. The register charges the regular recording fees for recording this certificate and indexes it with the law enforcement agency that issued the quarantine as the grantor and the property owner as the grantee.

Effective July 1, 2005.

RETIREMENT

Public Chapter 89 Senate Bill 1826 (Herron) House Bill 1212 (Borchert)
Amends 8-35-237 to provide that any county with officials participating in the Tennessee Consolidated Retirement System pursuant to 8-35-116(b) shall not be required to perform an actuarial study in order to authorize membership in the retirement system for an elected purchasing agent or appointed administrator of elections.

Effective April 19, 2005.

Public Chapter 203 Senate Bill 500 (Henry) House Bill 962 (Fitzhugh)
Changes various provisions of TCRS regarding employment after retirement. Increases the amount of time a retired member may be temporarily re-employed and continue to receive retirement benefits to 120 days in a year. Deletes specific re-employment exceptions for various retirees.

Effective July 1, 2005, for some provisions and January 1, 2006, for others.

Public Chapter 204 Senate Bill 503 (Henry) House Bill 120 (Fitzhugh)
Amends 8-35-218. Extends the authority to withdraw from TCRS to hospitals, nursing homes, transit authorities, utilities, and other government entities that operate under their own governing board. The entity must give the board of trustees one year's advance notice of intent to withdraw and then may terminate its membership June 30 of the calendar year following the notice period. The governing body of the entity and the chief legislative body of the political subdivision where the entity is located must submit resolutions approving the withdrawal and both must be adopted by a two-thirds vote of both the political subdivision's legislative body and the entity's governing body. Either the legislative or governing body may rescind its resolution approving withdrawal within the one- year notice period.

Amends 8-35-219(a) and (b). Deletes the reference to part-time employees with service prior to April 7, 1999, and makes any resolution extending retirement benefits to part-time employees irrevocable.

Amends 8-36-205(a)(3)(B). Provides that a political subdivision may set the mandatory retirement age for those members employed as firefighters or police officers with the political subdivision. Provides that if these employees are in a supervisory or administrative position, they must be allowed to continue in service until they reach the age at which they are eligible for federal social security benefits. Enacts 8-36-205(a)(3)(C). Provides that any member who serves as the chief of a police department or of a fire department may continue in service beyond the age at which the person is eligible for federal social security benefits.

Enacts 8-36-503(b). Requires disability retirement members to report quarterly on any workers' compensation claims filed by the member and provide TCRS with a copy of the final settlement or judgment within 30 days of the final judgment or settlement. If the member does not comply, the member's retirement allowance may be suspended. Enacts 8-36-504(c). Allows the board of trustees to accept a medical

determination by the social security administration instead of referring the decision on whether a member is disabled to the medical board. If the board of trustees decides to accept the medical determination, the member must submit all medical and other evidence used by the social security administration within 12 months of application. If the member fails to submit the information within 12 months and still fails to do so 90 days after the information is requested, then the member's monthly retirement benefit may be suspended. This provision would only apply to determinations made based on federal law in effect on January 19, 2005.

Amends 8-36-802(e)(2). Provides that if the retirement payments upon the subsequent retirement of a member who retires and then is reemployed for three or more years would be lower than the previous retirement payments would have been, then the payments must be made equal to what the previous retirement allowance would have been.

Amends 26-2-105(a). Provides that all benefits received by TCRS recipients would be protected from execution of a judgment, regardless of the residency of the recipient.

Effective May 23, 2005.

SOLID WASTE

Public Chapter 317 Senate Bill 194 (Hagood) House Bill 98 (Harry Brooks)
Amends 68-211-825(a) regarding the preference for applicants of recycling grants from the Tennessee department of environment and conservation for applicants that employ adults with a developmental disability to redefine the preference to include applicants whose "program" employs adults with a developmental disability.

Effective June 7, 2005.

Public Chapter 361 Senate Bill 1190 (Williams) House Bill 802 (Armstrong)
Enacts the "Landfill Methane Development Act." Authorizes any person, firm, corporation, city or county to own, operate, lease and dispose of rights, titles and interest in facilities to produce and treat methane produced from landfill properties as a substitute for natural gas with the agreement of the owner of the landfill.

Effective June 7, 2005.

TAXATION

Public Chapter 86 Senate Bill 161 (Crutchfield) House Bill 217 (Briley)
Amends 57-5-201(a)(1) and 67-4-402(b)(1) to extend for an additional six years the the existing additional “temporary” tax on manufacturing and selling bottles of soft drinks (.4% of gross receipts) and barrels of beer (50¢ per barrel). These revenues go the state highway fund and are earmarked for the litter grant program in which counties may participate.

Effective June 1, 2005.

Public Chapter 171 Senate Bill 510 (Kilby) House Bill 221 (Davidson)
Enacts a new section 66-5-211 to require the seller to furnish the purchaser of a dwelling a statement disclosing the amount of any impact fees or adequate facilities taxes paid to any city or county on any parcel involving the first sale of a dwelling.

Effective July 1, 2005.

Public Chapter 311 Senate Bill 731 (Haynes) House Bill 2088 (Briley)
Delays implementation of the “Streamlined Sales and Use Tax Agreement” until July 1, 2007. Directs the state officials designated as delegates to the multi-state discussion on streamlined sales and use tax to study the revenue distribution effects of shifting from situs to destination sourcing of sales and related hold harmless provisions; the effect on small retailers of implementation of streamlined sales tax provisions; and other appropriate issues. Provides that the Tennessee County Services Association shall designate an individual to represent county government interests to the officials conducting this study.

Effective June 6, 2005.

Public Chapter 371 Senate Bill 1133 (Cooper) House Bill 1781 (Curtiss)
Amends 67-6-209 to add language to exempt from sales tax certain tangible personal property provided to a contractor or subcontractor on a temporary basis for testing when the facility where the testing is undertaken is owned by the United States or any agency thereof.

Effective June 7, 2005.

Public Chapter 499 Senate Bill 2310 (Kyle) House Bill 2317 (McMillan)
Amends numerous statutes relative to various forms of taxation administered by the state. Amends 67-6-322 to clarify that the sales tax exemption in that statute applies to Tennessee historic property preservation or rehabilitation entities. Amends the definition of “manufacturer” with respect to sales tax paid on water and energy. Gives certain officers and agents of the Commissioner of Revenue law enforcement authority. Makes numerous changes to the state excise tax and the state franchise tax. Modifies certain sales tax provisions to allow special distribution of sales tax revenues generated by a baseball and softball complex built adjacent to a stadium used by a major or minor league baseball franchise. Revises several definitions related to telecommunications services for sales tax purposes. Amends provisions relative to certain tax credits for a “qualified headquarters

facility.” Amends provisions relative to voluntary registration by a vendor under the streamlined sales tax act. Creates a state tax credit for facilities to support emerging industries.

Effective June 22, 2005, for provisions related to the baseball facility and tax credits for headquarters facilities. Multiple effective dates apply to the other provisions of this act.

Public Chapter 500 Senate Bill 2312 (Kyle) House Bill 2327 (McMillan)
Restores half of the revenue from state shared taxes which the state deducted from local governments in the 2003-2004 fiscal year. The affected revenue sources include the tax on wine and spirits, the liquor-by-the-drink tax, wholesale beer tax, Hall income tax, bank excise tax, sales tax on business interstate and international telecommunications, the coal severance tax and the portion of the state sales tax which is allocated to municipalities.

Effective August 1, 2005, for provisions related to the distribution of state shared taxes.

TAXATION - PROPERTY

Public Chapter 201 Senate Bill 2176 (Chism) House Bill 2007 (Overbey)
Amends 67-5-902. Provides that a taxpayer who is liable for additional tax due to a back assessment of property omitted from a reporting schedule, or due to reassessment of property included in the schedule, may offset this liability by showing that other property listed on the schedule was over reported, or by providing information that the reassessed property or other property listed on the schedule should be valued using a nonstandard method that more closely approximates fair market value.

Effective July 1, 2005.

Public Chapter 326 Senate Bill 666 (Haynes) House Bill 457 (Moore)
Amends 67-5-701(d)(2). Regarding property tax relief for elderly low-income or disabled homeowners, extends the date that applications for property tax refunds or presentments of credit vouchers must be received by from June 30 to May 31.

Effective June 7, 2005.

Public Chapter 334 Senate Bill 1088 (Henry) House Bill 1868 (McMillan)
Amends Title 67, Chapter 5, relative to eligibility for exemption of land from property taxes. Directs the Comptroller of the Treasury to conduct a study of property tax exemptions available for land, including statutory limits on land exemptions and alternatives to exemption including but not limited to classification under the Agricultural, Forest and Open Space Land Act of 1976. Requires the Comptroller to report the results of this study to the General Assembly by February 22, 2006.

Effective June 7, 2005.

Public Chapter 458 Senate Bill 578 (Kyle) House Bill 1584 (McMillan)
Amends 67-5-704(a)(2), (3), and (4). Increases the value of a

disabled veteran's residence on which tax relief is available from \$140,000 to \$150,000.

Effective July 1, 2005. Applies to tax years beginning on and after January 1, 2006.

Public Chapter 480 Senate Bill 1008 (Ford) House Bill 1558 (Jones, Ulysses)
Amends 67-5-1412(b) by adding a new subdivision (2). Provides that a taxpayer or owner of industrial and commercial property may, with the written consent of the assessor, appeal the valuation of industrial and commercial real and tangible personal property to the local board of equalization or directly to the State Board of Equalization. Requires the taxpayer or owner to request in writing via certified mail, return receipt requested, consent from the assessor within ten days after the date the assessment notice for the property is sent or by June 1 of the tax year, whichever is later. The assessor must provide his/her consent at least ten days before the adjournment of the county board. If the assessor does not concur with a direct appeal to the state board and so states in writing at least ten days before the adjournment of the county board of equalization, then the taxpayer or owner must appeal first to the local board of equalization. If the assessor fails to act upon the taxpayer's or owner's request at least ten days before the adjournment of the county board, then the State Board of Equalization must accept the direct appeal of the taxpayer or owner. A taxpayer or owner filing a direct appeal must attach a copy of the assessor's concurrence to the appeal form filed with the state board or, if the assessor fails to act timely on a request for a direct appeal, a taxpayer or owner filing a direct appeal must attach a copy of the written request for the concurrence and a statement that the assessor of property failed to provide a timely response to the request. Provides that a direct appeal to the State Board of Equalization under this subdivision must be filed before August 1 of the tax year. This provisions of this subdivision do not apply to Bedford, Davidson, Hamilton, Knox, Marshall or Shelby counties.

Effective June 20, 2005.

Public Chapter 500 Senate Bill 2312 (Kyle) House Bill 2327 (McMillan)
Amends 67-5-212(b)(3). Changes the effective date of the property tax exemption from one year prior to five years prior to the date of application, or the date the acquiring institution began to use the property for religious purposes, whichever is later, in circumstances where a religious institution acquires property previously approved for a religious use exemption or property to replace its own property previously approved for a religious use exemption

Amends 67-5-226. Provides that real property and tangible personal property owned or possessed by an organization and used exclusively for an educational museum, shall have a 100% exemption from property tax if: (1) the museum is located upon land owned by the state or a local government or agency thereof; (2) the museum exhibits historic artifacts and other items of historical significance and instruction; (3) the museum is designated as an official state repository and archive; (4) the organization is exempt under § 501(c)(3) of the Internal Revenue Code; (5) the organization's board members receive no compensation for service; and (6) the organization's employees and volunteers actually manage and perform the daily operations and programs of the education museum.

Effective June 22, 2005.

TAXATION, SALES

Public Chapter 398 Senate Bill 2294 (Kyle) House Bill 2314 (McMillan)

Amends Title 67, Chapter 6 to establish a sales tax holiday for the period between the first Friday in August until the following Sunday. Specifies that the sales tax exemption for that weekend applies to clothing and school supplies with sales price of \$100 or less per item and computers with sales price of \$1,500 or less per item. Requires retailers to report the amount of exempt sales that they make during the tax exemption weekend on their sales tax returns. Requires the Commissioner of Revenue to substantially reimburse counties and municipalities for the aggregate amount of local option sales tax that would have been collected during the exemption weekend. Distributes reimbursements on a pro rata basis calculated by comparing the ratio of total sales tax collections in a county to total sales tax collections in all counties. The first half of the revenue received by the county is distributed in the same manner as the property tax for education. For the second half of the revenue, the act requires counties to reimburse municipalities on the same pro rata basis using the ratio of sales tax collected in the municipality compared to the total sales tax collected in the county.

Effective July 1, 2006.

Public Chapter 441 Senate Bill 2131 (Beavers) House Bill 1952 (Bone)

Amends 67-6-103 and 67-6-712 relative to special distributions of sales tax revenues from sales generated by sports franchises. Expands the law to allow such special allocations for minor league hockey in addition to the other sports franchises already listed in the statute. Requires the municipality, board or instrumentality desiring such special allocation to reimburse the state for its expenses related to the reallocation.

Effective July 1, 2005.

Public Chapter 448 Senate Bill 1831 (Herron) House Bill 963 (Fitzhugh)

Amends Title 6 to establish a pilot program to authorize the governing bodies of municipalities that serve as county seats in counties of not more than 120,000 in population to apply to the Commissioner of Finance and Administration to designate an area within their jurisdiction as a courthouse square revitalization zone. Under the pilot program, the Commissioner of Finance and Administration, in conjunction with the Commissioner of Revenue and the Comptroller, shall select from applicants one project from each grand division of the state. In those selected county seats, an amount equal to any sales and use taxes collected in a courthouse square revitalization zone would be distributed to the municipality where the zone is located for the sole purpose of maintaining the viability of the zone. The act authorizes selected municipalities to use courthouse square revitalization funds in any manner that their governing bodies deem appropriate in order to maintain and improve the viability of a zone.

Effective June 17, 2005, for the purpose of promulgating rules to establish the program. For all other purposes, the act takes effect July 1, 2005, and is repealed on June 30, 2015.

UTILITIES

Public Chapter 61 Senate Bill 1060 (Ketron) House Bill 682 (Lutz)

Provides that when two or more utility districts, each of which has a board of three commissioners, agree to consolidate, the utility districts may by agreement increase the size of the board of commissioners of the consolidated utility district to five commissioners. This agreement must be included in the petition to the county mayor or mayors of the affected county or counties. The consolidation petition shall name up to five individuals to serve as commissioners, each of whom must be a commissioner of one of the consolidating utility districts. The county mayor or mayors must appoint the commissioners named in the petition unless the county mayor or mayors find such person or persons unqualified under subsection 7-82- 308(d). The appointments shall be for initial terms of two (one commissioner), three (two commissioners), and four years (two commissioners) to create a staggered term system.

If four or more utility districts (each with three commissioners) agree to consolidate, they may agree that the new consolidated district will have seven commissioners. The initial appointments by the county mayor or mayors will be for terms of two (two commissioners), three (two commissioners) and four years (three commissioners).

Effective April 14, 2005.

Public Chapter 94 Senate Bill 202 (Henry) House Bill 526 (McDonald)
Amends 7-82-307 to allow the state's utility management review board to hold a contested case hearing on the question of whether a member or members of the board of commissioners of a utility district should be removed from office due to either a failure of the utility district to comply with an order of the utility district review board or misconduct in connection with the office or failure to perform a duty imposed by law. Any such hearing must be conducted within the territory of the utility district. After the hearing, the utility management review board may order the removal of the utility district board member from office. The vacancy created will be filled using the selection method used by the particular utility district to fill vacancies; however, no person removed by this procedure will be eligible for reappointment or reelection, nor shall such person participate in either the nomination, appointment or election of new members.

Effective April 22, 2005.

Public Chapter 178 Senate Bill 1332 (Burchett) House Bill 1369 (Armstrong)
Amends the Municipal Electric Plant Law of 1935 to provide that when a municipal utility provides electric service in multiple counties and one of the counties outside the county with the principal office has in excess of 60% of the customers of the utility, then the board of public utilities will be expanded to allow two additional members from the county with over 60% of the utility's customers. Municipality is defined to include a county or metropolitan government.

Effective May 17, 2005.

Public Chapter 485 Senate Bill 250 (Finney) House Bill 1334 (Tindell)
Amends 7-82-302(j) to allow utility districts that have a propane gas service to sell the propane gas service operation in whole or in part.

Effective June 22, 2005.

WORKERS' COMPENSATION

Public Chapter 7 Senate Bill 1426 (Cooper) House Bill 720 (West)
Amends 50-6-204(I)(4). Extends deadline for commissioner of labor and workforce development to file proposed rules with the clerks of the Senate and House of Representatives and designated standing committees regarding comprehensive medical fee schedule, from February 15, 2005, to April 1, 2005.

Effective March 21, 2005.

Public Chapter 390 Senate Bill 2321 (Kyle) House Bill 2337 (McMillan)

Amends 50-6-110(c)(1). Changes the blood alcohol concentration that triggers the legal presumption that alcohol was the proximate cause of the injury for non-safety sensitive positions from .10 percent to 0.08 percent.

Enacts 50-6-118(c). Authorizes the Commissioner of Labor and Workforce Development, in addition to the Department of Labor and Workforce Development Division, to assess penalties for violations of the Workers' Compensation Law after providing notice and opportunity to be heard. If a hearing is requested, the commissioner or agency member would have authority to hear the matter as a contested case and hear an administrative appeal of an agency.

Repeals 50-6-129. Removes the Department of Labor and Workforce Development from the certificate of compliance process for purposes of issuing building permits. Allows an employer to produce evidence of compliance with the Workers' Compensation Law in order to obtain a building permit by presenting a copy of the employer's insurance policy or a certificate which indicates that such employer is self-insured.

Amends 50-6-203(b)(1) by deleting the word "voluntarily" and 50-6-203(c) by deleting the word "voluntary". Clarifies that it does not matter whether the employer "voluntarily" paid workers' compensation benefits, the statute of limitations for giving notice to the employer and requesting a benefit review conference is one year from the date of the injury or one year from the date the last compensation payment is made.

Enacts 50-6-208(h). Requires parties to notify the Second Injury Fund of the fund's potential liability in a workers' compensation claim in order to require the fund to participate in a benefit review conference.

Amends 50-6-405(b)(2). Changes the time a self-insured employer has to file the annual certified financial statement showing proof of financial ability to pay all workers' compensation claims to the last day of the sixth month after the end of the employer's immediately preceding fiscal year.

Amends 50-6-405(c). Requires self-insured employer pools to pay premium tax and surcharges at the same rates as workers' compensation insurers. Payments are due by the last day of the sixth month following the end of the group's fiscal year. Groups that fail to timely pay would be subject to the delinquency penalties under the insurance tax provisions.

Amends 50-6-501(a). Requires all employers whose experience modification factor applied to the premium is greater than or equal to 1.20 to establish a safety committee.

Effective June 9, 2005.

PART II - PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 396 Senate Bill 2221 (McNally) House Bill 2171 (Winningham)
Creates the "north east Tennessee railroad authority" to provide railroad service for Anderson, Campbell and Scott counties upon authorization by two-thirds (2/3) majority vote of the county legislative bodies of two or more of the aforementioned counties to become members of the authority and appropriate sufficient funds to provide for the administration of the authority. The authority is to be governed by a board of directors consisting of the county mayor of each county becoming a member of the authority and one member selected by the county legislative body of each member county. The act provides for the board selecting a secretary-treasurer, the powers of the authority and the financial and other reporting duties of the authority to the counties and the Tennessee department of transportation.

Effective June 9, 2005.

CAMPBELL

Public Chapter 396 Senate Bill 2221 (McNally) House Bill 2171 (Winningham)
Creates the north east Tennessee railroad authority to provide railroad service for Anderson, Campbell and Scott counties upon authorization by two-thirds (2/3) majority vote of the county legislative bodies of two or more of the aforementioned counties to become members of the authority and appropriate sufficient funds to provide for the administration of the authority. The authority is to be governed by a board of directors consisting of the county mayor of each county becoming a member of the authority and one member selected by the county legislative body of each member county. The act provides for the board selecting a secretary-treasurer, the powers of the authority and the financial and other reporting duties of the authority to the counties and the Tennessee department of transportation.

Effective June 9, 2005.

Public Chapter 505 Senate Bill 104 (Kilby) House Bill 800 (Baird)
Adds a new subsection to 67-6-103 to allow a special apportionment of sales tax revenue in Campbell County. The sales tax revenue is distributed in an amount equal to the amount of state and local sales taxes derived from sales occurring within certain properties in Campbell County, in which there is a state park containing approximately 6,500 acres, of which approximately 4,000 acres are an impounded reservoir, a portion of which is owned by the Tennessee Valley Authority, over which an easement has been given to the state and the state has leased or otherwise conveyed its rights to the property to Campbell County for development. The sales tax revenue distributed to Campbell County pursuant to this act must be used exclusively for retirement of indebtedness incurred by such county for the development of such specified property, to the same extent that such county may pledge any revenues of the county. No portion of this revenue will be distributed to Campbell County if it is derived from the increase in the rate of sales and use tax allocated to educational purposes in 1992 or from the increase in the rate of sales and use tax from 6

percent to 7 percent in 2002. Prior to any special apportionment to Campbell County, an amount equal to the state sales and use taxes collected within Campbell County in fiscal year 2004-2005 must be deposited in the treasury and allocated as otherwise provided by law. Requires the county legislative body to submit a plan for development to the executive committee of the state building commission for such committee's review and recommendation to the state building commission before the issuance of any bonds for development of the property.

Effective July 1, 2005, but only if Campbell County pays the estimated cost of software changes necessary to implement this act to the Department of Revenue.

DAVIDSON

Public Chapter 6 Senate Bill 656 (Beavers) House Bill 380 (Bone)
Amends 65-32-102 to provide that the Utilities Cut-Off Procedures Act (which was enacted in 1978) will only apply to counties with a metropolitan government and a population of more than 500,000 according to the 2000 federal census or any subsequent federal census instead of all counties with a metropolitan government. Therefore, the Utilities Cut-Off Procedures Act will continue to apply to Davidson County but will no longer apply to Moore and Trousdale Counties, nor to any future metropolitan government county with a population not over 500,000.

Effective March 21, 2005.

Public Chapter 428 Senate Bill 1778 (Haynes) House Bill 965 (Briley)
Amends 2-5-151 to exempt metropolitan counties with more than 100,000 in population from the procedures established by that section for circulating and processing petitions for recall, referendum or initiative.

Effective June 17, 2005.

GRAINGER

Public Chapter 230 Senate Bill 2008 (Williams) House Bill 1735 (Harry Brooks)
Amends the Utility District Law of 1937 at 7-82-308(a) to allow utility district board members to be paid per diem for not more than twelve meetings per year at rates not to exceed \$250 per meeting. Grainger County identified by narrow population class exception.

Effective May 27, 2005.

HAMILTON

Public Chapter 64 Senate Bill 1334 (Burchett) House Bill 1370 (Jones U)
Amends 7-86-105(b)(3). Requires appointees to the emergency communications boards in Hamilton and Knox counties be appointed by the county mayor, subject to confirmation by the county legislative body.

Effective April 14, 2005.

HARDIN

Public Chapter 162 Senate Bill 624 (Wilder) House Bill 1826 (Rinks)
Amends 67-4-1425 to exempt Hardin County by narrow population classification from the prohibition against both a city and county levying a hotel/motel tax by private act within the same territory.

Effective May 13, 2005.

JEFFERSON

Public Chapter 115 Senate Bill 464 (Williams) House Bill 695 (Roach)
Amends 18-6-106(a) to provide that the county clerk in Jefferson County will continue to serve as clerk of the court with probate jurisdiction.

Effective May 4, 2005.

KNOX

Public Chapter 29 Senate Bill 1333 (Burchett) House Bill 1366 (Tindell)
Amends Chapter 99 of the Public Acts of 2003, regarding the administration of the public library system in Knox County. Grants the county legislative body the authority to continue the supervisory authority of the county mayor over the public library system beyond April 30, 2006, by passage of a resolution by a 2/3 majority.

Effective April 6, 2005.

Public Chapter 64 Senate Bill 1334 (Burchett) House Bill 1370 (Jones U)
Amends 7-86-105(b)(3). Requires appointees to the emergency communications boards in Hamilton and Knox counties be appointed by the county mayor, subject to confirmation by the county legislative body.

Effective April 14, 2005.

Public Chapter 126 Senate Bill 943 (Ford) House Bill 655 (DeBerry)
Amends 45-6-209(b)(7) to require that the thumb or fingerprint taken by pawnbrokers in connection with pawn transactions under the pilot programs in Shelby County and Knox County must be clear and complete and contain no smears or smudges.

Effective July 1, 2005.
Public Chapter 225 Senate Bill 1634 (Norris) House Bill 1337 (Stanley)
Amends 45-6-222. Authorizes magistrates to issue a subpoena for a thumbprint taken and maintained by a pawnbroker in connection with pawn transactions under the pilot programs in Shelby County and Knox County pursuant to 45-6-209(b)(7).

Effective July 1, 2005.

Public Chapter 433 Senate Bill 1957 (Burchett) House Bill 1405 (Tindell)
Amends 40-35-303 by adding new subsection (o). Gives probation officers in Knox County who have completed training equal to the training required by the standards of the Peace Officer's Standards and Training Commission and who successfully complete at least forty hours of appropriate in-service training each year the authority to serve warrants and make arrests solely relating to their duties as probation officers, the authority to bring probationers before the court when directed by the court to do so, and while acting in the performance of their duties as probation officers, the same authority as a peace officer while serving warrants and making arrests that relate solely to their duties as probation officers. Provides that such probation officers are not eligible for the pay supplement authorized in 38-8-111. Provides that the provisions of this subsection do not apply to a state probation officer employed by the board of probation and parole and paid by the state of Tennessee.

Effective July 1, 2005.

LOUDON

Public Chapter 24 Senate Bill 877 (McNally) House Bill 852 (Johnson R)
Provides that the circuit court clerk, who also serves as the general sessions court clerk, shall serve as the clerk of the court with probate jurisdiction in Loudon County.

Effective April 5, 2005, for the purpose of transferring records, files and documents related to probate matters; effective July 1, 2005, for all other purposes.

MOORE

Public Chapter 6 Senate Bill 656 (Beavers) House Bill 380 (Bone)
Amends 65-32-102 to provide that the Utilities Cut-Off Procedures Act (which was enacted in 1978) will only apply to counties with a metropolitan government and a population of more than 500,000 according to the 2000 federal census or any subsequent federal census instead of all counties with a metropolitan government. Therefore, the Utilities Cut-Off Procedures Act will continue to apply to Davidson County but will no longer apply to Moore and Trousdale Counties, nor to any future metropolitan government county with a population not over 500,000.

Effective March 21, 2005.

SCOTT

Public Chapter 396 Senate Bill 2221 (McNally) House Bill 2171 (Winningham)

Creates the north east Tennessee railroad authority to provide railroad service for Anderson, Campbell and Scott counties upon authorization by two-thirds (2/3) majority vote of the county legislative bodies of two or more of the aforementioned counties to become members of the authority and appropriate sufficient funds to provide for the administration of the authority. The authority is to be governed by a board of directors consisting of the county mayor of each county becoming a member of the authority and one member selected by the county legislative body of each member county. The act provides for the board selecting a secretary-treasurer, the powers of the authority and the financial and other reporting duties of the authority to the counties and the Tennessee department of transportation.

Effective June 9, 2005.

SHELBY

Public Chapter 54 Senate Bill 519 (Ford) House Bill 701 (Bowers)
Amends 29-20-102(3)(B) to extend to December 31, 2011 the application of the Governmental Tort Liability Act to a local government-supported nonprofit hospital in Shelby County.

Effective April 14, 2005.

Public Chapter 126 Senate Bill 943 (Ford) House Bill 655 (DeBerry)
Amends 45-6-209(b)(7) to require that the thumb or fingerprint taken by pawnbrokers in connection with pawn transactions under the pilot programs in Shelby County and Knox County must be clear and complete and contain no smears or smudges.

Effective July 1, 2005.

Public Chapter 144 Senate Bill 1753 (Person) House Bill 2064 (Marrero)
Amends 8-13-108 to authorize county register of deeds to assume the functions and duties of the microfilm, public records and/or archives departments as established by the county commission.

Effective May 9, 2005.

Public Chapter 186 Senate Bill 607 (Ford) House Bill 1361 (John DeBerry)
Adds a new section 66-2-610 to authorize the county legislative body to establish a vector control fee which may be assessed and collected from each ratepayer of a water, gas or electric utility that the county has contracted with for the collection

of this fee. The fee cannot exceed \$1.00 per ratepayer per month.

Effective May 19, 2005.

Public Chapter 225 Senate Bill 1634 (Norris) House Bill 1337 (Stanley)
Amends 45-6-222. Authorizes magistrates to issue a subpoena for a thumbprint taken and maintained by a pawnbroker in connection with pawn transactions under the pilot programs in Shelby County and Knox County pursuant to 45-6-209(b)(7).

Effective July 1, 2005.

Public Chapter 342 Senate Bill 1549 (Person) House Bill 1602 (Miller)
Amends 67-5-1515(a) by deleting the words “the Shelby County clerk” and by substituting instead the language “the county clerk in any county having a population greater than 890,000 according to the 2000 federal census or any subsequent federal census”. Amends 67-5-1515(b) by deleting the words “the Shelby County clerk” wherever they appear and by substituting instead the words “the county clerk of such county”. Amends 67-5-1515(c). Provides that the county clerk may charge an applicant a one-time application fee, proportionate to the value of the applicant’s property as determined by the assessor of property, not to exceed \$250 to determine whether the applicant’s property qualifies for senior citizen assessment status. Provides further that no fees may be charged any applicant whose annual household income is less than \$25,000.

Effective June 7, 2005.

Public Chapter 372 Senate Bill 1638 (Norris) House Bill 2059 (DeBerry)
Amends 10-7-408 to authorize a county public records commission in Shelby County to appropriate such funds as may be required to carry out the purposes of Title 10, Chapter 7, including, but not limited to, the purchase or leasing or equipment, equipping of an office, furnishing of secretarial and clerical help and the employment of expert advice and assistance. Also authorizes all entities creating public records in Shelby County, except for the office of county register, to charge an archives and record management fee not to exceed two dollars per document filed. Funds generated by this new fee must be designated exclusively for duplicating, storing, and maintaining any records required by law to be permanently kept.

Effective June 7, 2005.

TROUSDALE

Public Chapter 6 Senate Bill 656 (Beavers) House Bill 380 (Bone)
Amends 65-32-102 to provide that the Utilities Cut-Off Procedures Act (which was enacted in 1978) will only apply to counties with a metropolitan government and a population of more than 500,000 according to the 2000 federal census or any subsequent federal census instead of all counties with a metropolitan government. Therefore, the Utilities Cut-Off Procedures Act will continue to apply to Davidson County but will no longer apply to Moore and Trousdale Counties, nor to any future metropolitan government county with a population not over 500,000.

Effective March 21, 2005.

UNION

Public Chapter 230 Senate Bill 2008 (Williams) House Bill 1735 (Harry Brooks)
Amends the Utility District Law of 1937 at 7-82-308(a) to allow utility district board members to be paid per diem for not more than twelve meetings per year at rates not to exceed \$250 per meeting. Union County identified by narrow population class exception.

Effective May 27, 2005.

WILLIAMSON

Public Chapter 253 Senate Bill 243 (Bryson) House Bill 108 (Sargent)
Amends 57-4-101 and -102 to authorize the sale of alcoholic beverages, wine and beer in a certain retirement center in Williamson County located on a parcel of land between 48 and 49 acres consisting of individual living unit villas, an assisted living facility, a nursing home facility and common areas, with a club house having a health club, game room, dining facility, and lounge offering food, non-alcoholic beverages, mixed alcoholic drinks, wine and beer to residents and their guests, and serving mixed alcoholic drinks, wine and beer in other areas to residents and their guests, and which does not discriminate against patrons on the basis of gender, sexual orientation, race, religion or national origin.

Effective July 1, 2005.

PART III – PRIVATE ACTS

CARROLL

Private Chapter 67 Senate Bill 2399 (McLeary) House Bill 2414 (Maddox)
Amends Chapter 533 of the Private Acts of 1917, as amended.
Increases the property tax rate of the McKenzie Special School District from \$1.53 per \$100 of assessed value to \$2.00 per \$100 of assessed value.

Effective June 17, 2005.

CHESTER

Private Chapter 47 Senate Bill 2380 (Wilder) House Bill 2393 (McDaniel)
Amends Private Acts of 1972, Chapter 234, as amended, to levy an additional wheel tax in the amount of \$50.00, to be collected by the county clerk who retains a 5% commission.

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

CLAIBORNE

Private Chapter 11 Senate Bill 120 (Williams) House Bill 240 (Roach)
Changes the title of the county mayor to county executive.

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

COFFEE

Private Chapter 14 Senate Bill 1943 (Cooper) House Bill 1943 (Matheny)
Repeals Chapter 31 of the Private Acts of 1973, as amended by Chapter 103 of the Private Acts of 1975, Chapter 26 of the Private Acts of 1985 and Chapter 168 of the Private Acts of 1992, and other act amendatory thereto, being the private acts which established the Coffee Medical Center as a non-profit hospital district.

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

DYER

Private Chapter 43 Senate Bill 2376 (Norris) House Bill 2389 (Pinion)
Enacts the "Dyer County Budget and Fiscal Procedure Act of 2005."
Provides for a six member county budget committee consisting of the county mayor and five members elected by the county legislative body. Budget requests from the county highway superintendent, county board of education, county mayor and other offices, together with estimated revenues, go to the director of finance and budgets by April 1 of each year. The director files a consolidated budget document with the budget committee by May 1 of each year. The budget committee reviews the proposed budget, conducts a public hearing and submits a revised budget (after hearing from any officer or department head affected by a

change) to the county legislative body. The county legislative body receives the budget from the budget committee in July or with the consent of the chair of the county legislative body, in August. Pending adoption a budget, the director of finance and budgets may make temporary expenditure allotments for essential county services in amounts not in excess of comparable allotments for an average quarter of the preceding fiscal year. The county legislative body may alter or revise the proposed budget, except for debt service and other expenditures required by law, and must adopt a budget by the third Monday in August. The director of accounts and budgets and mayor may impound appropriations when necessary due to revenue shortfalls. Procedures are established for pre-audit of invoices and other obligations before payment by disbursement warrant.

The county mayor appoints a director of accounts and budgets with the approval of the county legislative body. Under this director a system of fiscal procedure, control and centralized accounting is established. Provisions relating to the county department of education are subject to the approval of the commissioner of education. Also, the provisions relating to the county highway department, except budgetary procedures, are subject to the approval of the county highway superintendent.

Repeals Chapter 319 of the Private Acts of 1972 as amended, being the "Dyer County Budget Act."

Effective upon approval by 2/3 vote of the county legislative body on or before December 31, 2005.

FENTRESS

Private Chapter 27 Senate Bill 512 (Kilby) House Bill 537 (Winningham)
Changes the title of the county mayor to county executive.

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

GIBSON

Private Chapter 73 Senate Bill 2405 (McLeary) House Bill 2420 (Crider)
Amends Chapter 62 of the Private Acts of 1981. Authorizes Gibson County Special School District to issue and sell school bonds in amount not to exceed \$3 million.

Effective June 17, 2005.

GILES

Private Chapter 71 Senate Bill 2407 (Jackson) House Bill 2418 (Fowlkes)
Changes the title of the county mayor to county executive.

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

GREENE

Private Chapter 46 Senate Bill 2379 (Southerland) House Bill 2392 (Hawk)
Amends Private Acts of 1927, Chapter 130, as amended, relative to the salaries of district road commissioners in Greene County. Deletes existing provisions and provides that district road commissioners shall each receive an annual salary in an amount set and approved by the county legislative body prior to election to a four year term. Such salary shall be paid monthly out of the road fund. In addition, the commissioners shall receive the expenses necessary and incident to the operation of the commissioner's car, provided that such expenses shall be itemized and sworn to and approved by the county mayor before payment. The act does not alter the salary of any incumbent commissioner prior to the end of the term for which the commissioner was elected.

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

HUMPHREYS

Private Chapter 4 Senate Bill 1440 (Jackson) House Bill 920 (Tidwell)
Changes the title of the county mayor to county executive.

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

JEFFERSON

Private Chapter 68 Senate Bill 2400 (Williams) House Bill 2415 (Roach)
Amends Private Acts of 1995, Chapter 17, as amended, to raise the rate of the hotel- motel tax from 4% to 8%, with the proceeds from the additional 4% to be used for debt service related to capital projects and improvements in the general fund, school fund and other capital projects funds designated by resolution of the board of county commissioners.

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

LAWRENCE

Private Chapter 12 Senate Bill 1919 (Jackson) House Bill 1787 (Hensley)
Changes the title of the county mayor to county executive.

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

LOUDON

Private Chapter 55 Senate Bill 2126 (McNally) House Bill 1997 (Johnson)

Amends Private Acts of 1959, Chapter 57, to create a family court in Loudon County. Requires the judge of such court to have all the qualifications and be paid the same compensation as general sessions judges. Directs such judge to be elected at the August 2006 regular election to an 8 year term. Gives the family court original jurisdiction over all probate, domestic and juvenile matters. Provides that the general sessions judge may sit as family court judge during a temporary absence and visa versa. Directs that the general sessions judge for Loudon County assume the position of Senior Judge of the inferior courts of Loudon County upon passage of this act.

Effective January 1, 2006, for the purposes of qualifying for, and seeking election to, the office of Judge of the Family Court; effective August 1, 2006, for all other purposes after approval by 2/3 vote of the county legislative body.

MADISON

Private Chapter 16 Senate Bill 2339 (McCleary) House Bill 2357 (Eldridge)
Repeals Private Acts of 1963, Chapter 166 to delete provisions regarding a building permit fee. Provides that the appointed building commissioner is authorized and directed to collect a building permit fee as set by resolution of the county legislative body for each building permit issued. Such fee is to be remitted to the county trustee for general fund purposes.

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

Private Chapter 19 Senate Bill 2350 (McLeary) House Bill 2371 (Eldridge)
Repeals Chapter 479 of the Private Acts of 1949, and any other acts amendatory thereto. Repeals the prohibition of the manufacture, sale, offer for sale, possession, use or transportation of fireworks within Madison County and instead prohibits such activities within any municipality located in Madison County.

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

Private Chapter 65 Senate Bill 2385 (McLeary) House Bill 2402 (Shaw)
Amends Private Acts of 1980, Chapter 324, as amended, to change the distribution of the hotel/motel tax in Madison County so that 40% of the proceeds are allocated to the general fund of the City of Jackson, 40% are allocated to the general fund of Madison County, and 20% are allocated to a fund administered by the Community Economic Development Commission.

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

MARION

Private Chapter 21 Senate Bill 2346 (Crutchfield) House Bill 2368 (Harmon)
Amends Chapter 93 of the Private Acts of 1920, as amended. Authorizes and empowers the Richard City and Deptford Independent School District to issue and sell an installment school bond in a principal amount not to exceed Eight Hundred Thousand Dollars (\$800,000) to the United States of America, acting through Rural Development; to provide the form and terms of said bond; to authorize the refinancing of said bond; to establish and provide for the payment of the bond; to provide for the issuance, sale and payment of said bond and the use and disposition of proceeds from the sale thereof; to provide for the pledge, levy and collection of taxes to pay principal and interest on said bond; and to authorize the issuance of notes in anticipation of the issuance and sale of said bond.

Effective April 5, 2005.

MARSHALL

Private Chapter 17 Senate Bill 2349 (Ketron) House Bill 2358 (Fowlkes)
Repeals Chapter 69 of the Private Acts of 1965 and acts amendatory thereto regarding the budget system and enacts a new budget system for Marshall County to replace the old system. Many elements of the old system are retained, but the new act clarifies that the budget committee will consist of five members of the county commission elected by the county commission, and the county mayor who serves a non-voting ex officio member. The county's director of accounts and budgets serves as both a non-voting ex officio member of the committee and as secretary to the committee. The budget committee elects its chairperson.

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

Private Chapter 34 Senate Bill 2365 (Ketron) House Bill 2381 (Fowlkes)
Amends Private Acts of 1993, Chapter 30, as amended, to raise the maximum hotel motel tax rate from 5% to 7%, with the actual rate to be set by the county legislative body by resolution. Changes the civil penalty for violation of the act from \$50.00 to a civil penalty "to be imposed as state law allows."

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

PERRY

Private Chapter 20 Senate Bill 2361 (Herron) House Bill 2363 (Tidwell)
Amends Private Acts of 1980, Chapter 207 to increase the Perry County severance tax from five cents to ten cents.

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

PICKETT

Private Chapter 38 Senate Bill 2342 (Burks) House Bill 1647 (Winningham)
Changes the title of the county mayor to county executive.

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

POLK

Private Chapter 3 Senate Bill 223 (Miller) House Bill 19 (Newton)
Changes the title of the county mayor to county executive.

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

Private Chapter 52 Senate Bill 2384 (Miller) House Bill 2399 (Newton)
Enacts a hotel-motel tax in the amount of 3% of the rate charged by the operator, to be collected by the county clerk. The proceeds are to be placed in the general fund, with 1/3 to be applied to the county debt service fund and 2/3 to be provided to the Polk County-Copper Basin Chamber of Commerce to promote tourism, further economic development and provide the chamber with operating capital. The tax is to be made effective July 1, 2005.

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

ROBERTSON

Private Chapter 1 Senate Bill 63 (Black) House Bill 224 (Davidson)
Changes the title of the county mayor to county executive.

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

Private Chapter 51 Senate Bill 2369 (Black) House Bill 2385 (Davidson)
Creates Part II of the general sessions court of Robertson County beginning September 1, 2006.. Provides for the election of a judge for this part at the August general election in 2006 and each eight years thereafter. The current general sessions judge will serve as judge of Part I. The two parts will exercise the same jurisdiction and the two judges will receive the same compensation. Beginning in September 2006 with the judge of Part I and rotating every two years, one judge will be the presiding judge and will determine the cases and times for holding court for each judge. Robertson County must provide all funding necessary for the establishment and operation of Part II including a courtroom, office space and personnel as necessary to efficiently operate the court.

This act's effectiveness is contingent upon Robertson County funding any additional assistant district attorney general, assistant public defender, or other costs associated with the judgeship created by this act.

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

RUTHERFORD

Private Chapter 30 Senate Bill 2358 (Tracy) House Bill 2374 (Coleman)
Amends Private Acts of 2000, Chapter 72, to raise the salary of the juvenile court judge so that it is commensurate with that of the general sessions judge effective September 1, 2006.

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

Private Chapter 59 Senate Bill 2359 (Ketron) House Bill 2372 (Coleman)
Amends Private Acts of 1947, Chapter 384, as amended, to create Part III of the Court of General Sessions of Rutherford County beginning September 1, 2006, with a judge to be elected in the August 2006 election. This act is to take effect only if the cost of any additional assistant district attorneys general, assistant district public defenders, or other costs associated with the judgeship created by this act are funded by Rutherford County.

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

SCOTT

Private Chapter 41 Senate Bill 2370 (Kilby) House Bill 2384 (Winningham)
Amends Chapter 599 of the Private Acts of 1951, as amended, by deleting Sections 4 and 5 regarding the compensation of the county veterans service officer.

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

SEQUATCHIE

Private Chapter 2 Senate Bill 84 (Cooper) House Bill 65 (Harmon)
Changes the title of the county mayor to county executive.

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

SHELBY

Private Chapter 37 Senate Bill 1728 (Person) House Bill 895 (Kernell)
Amends Private Acts of 1973, Chapter 161, as amended, to provide that the divorce referee in Shelby County has the authority to designate other individuals to accept service of process on behalf of the referee.

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

SUMNER

Private Chapter 24 Senate Bill 2357 (Black) House Bill 2377 (Maggart)
Changes the number of members on the Sumner County school board from six to eleven, with transition.

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

TIPTON

Private Chapter 29 Senate Bill 2362 (Norris) House Bill 2364 (Naifeh)
Changes the title of the county mayor to county executive.

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

UNION

Private Chapter 31 Senate Bill 2366 (Williams) House Bill 2380 (Baird)
Amends Section 3 of the Private Acts of 1973, Chapter 87 which limited the building permit fee to \$5. Provides that the assessor of property is entitled to a fee for the issuance of each building permit. Authorizes the county legislative body to set the amount of the fee not to exceed \$225 for residential construction and \$450 for commercial construction. For the purpose of the fee, a unit or development of more than two residential units shall be considered commercial construction.

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

WARREN

Private Chapter 10 Senate Bill 82 (Cooper) House Bill 607 (Curtiss)
Changes the title of the county mayor to county executive.

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

Private Chapter 13 Senate Bill 96 (Cooper) House Bill 606 (Curtiss)
Amends Private Acts of 1959, Chapter 61 relative to the Warren County superintendent of roads to grant the superintendent authority to make purchases in accordance with the County Uniform Highway Law.

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

WASHINGTON

Private Chapter 48 Senate Bill 2382 (Crowe) House Bill 2394 (Hill)
Amends Private Acts of 1980, Chapter 201, as amended, to transfer probate jurisdiction and the administration of estates from the general sessions court to the chancery court of the first judicial district. Transfers clerking responsibilities for probate matters and the administration of estates from the county clerk to the clerk and master of the chancery court of the first judicial district.

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

Private Chapter 53 Senate Bill 2381 (Crowe) House Bill 2397 (Hill)
Authorizes Washington County to conduct a non-binding countywide referendum to determine if public support exists to pursue the consolidation of the school systems of Washington County and Johnson City. Provides that such referendum shall be held at the sole expense of Washington County.

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

WILLIAMSON

Private Chapter 57 Senate Bill 2386 (Bryson) House Bill 2403 (Sargent)
Amends Private Acts of 1937, Chapter 373, as amended, to delete language which required all county roads to be constructed and maintained not less than thirty feet in width and all district roads not less than twenty-four feet in width.

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

WILSON

Private Chapter 15 Senate Bill 2127 (Beavers) House Bill 1951 (Bone)
Amends Chapter 330 of the Private Acts of 1901, as amended by Chapter 91 of the Private Acts of 1993, and all other acts amendatory thereto. Modifies, revises and expands the boundary of the Tenth Special School District of Wilson County by adding to the boundaries of the District all of the remainder of that parcel shown on the official tax maps of Wilson County, as of January 1, 2005, as being Parcel 14.01 on Map 56, which is not presently within the District. Amends Chapter 7 of the Private Acts of 1993 by adding a new Section 8. Authorizes the Tenth Special School District, by resolution of the Board of Commissioners, to borrow money and issue bonds for the purpose of refunding the previously issued bonds.

Effective March 23, 2005.