

TABLE OF CONTENTS

PART I -- PUBLIC ACTS OF GENERAL APPLICATION	1
ALCOHOLIC BEVERAGES	1
CLERKS OF COURT	1
CONSTABLES	5
COUNTY CLERKS	5
COUNTY GOVERNMENT	12
COURTS	17
ECONOMIC DEVELOPMENT	21
EDUCATION	24
ELECTIONS	28
EMERGENCY SERVICES	31
FINANCE	31
HEALTH AND ENVIRONMENT	32
HIGHWAYS	34
PERSONNEL	35
PLANNING AND ZONING	37
PUBLIC RECORDS	37
REGISTERS OF DEEDS	38
RETIREMENT	39
SHERIFFS	40
SOLID WASTE	48
TAXATION	51
TAXATION - PROPERTY	51
TAXATION - SALES AND USE	54
PART II -- PUBLIC ACTS OF LOCAL APPLICATION	59
BLOUNT	59
CARROLL	59
CUMBERLAND	60
DAVIDSON	60
DYER	61
FAYETTE	61
GIBSON	62
HAMILTON	62
HARDIN	62
HENRY	62
HICKMAN	63
KNOX	63
LOUDON	63
MONTGOMERY	64
MORGAN	64
POLK	64
SEVIER	64

SHELBY	65
WILLIAMSON	66
PART III -- PRIVATE ACTS	67
BLOUNT	67
DEKALB	68
DICKSON	68
GIBSON	68
GILES	69
GREENE	70
HAMBLÉN	70
HAMILTON	71
HARDIN	72
HENRY	72
JOHNSON	72
KNOX	73
LAUDERDALE	73
LEWIS	73
MADISON	74
MARSHALL	75
MAURY	75
MONROE	76
MONTGOMERY	76
PERRY	77
PUTNAM	77
RHEA	78
ROBERTSON	79
RUTHERFORD	79
SUMNER	80
TIPTON	81
UNICOI	82
WILLIAMSON	82

PART I -- PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 641 Senate Bill 2270 House Bill 2384
Amends 57-5-108(a)(2) to authorize the county to accept payment of a civil penalty from a beer permit holder charged with a violation of the beer laws, at which time the violator will be deemed to have admitted the violation and no other penalty may be imposed; repeals 57-5-103(d)(2), amends 57-5-104(b)(2), and repeals 57-5-104(c), to delete the now obsolete transition provisions which were part of the 1993 beer law amendments; amends 57-5-301(a)(1) to delete citizenship requirement for employees of beer permit holders; repeals 57-5-304(c) to delete obsolete provisions regarding exterior signs; amends 57-6-107(c) to correct an obvious error.

Effective March 20, 1996.

Public Chapter 693 Senate Bill 2170 House Bill 2628
Repeals 57-5-202(c)(2) regarding the enforcement of beer laws. This provision formerly allowed constables in certain counties to share the enforcement powers of the beer statutes with sheriffs and deputy sheriffs. With this revision, the constables no longer have such authority.

Effective April 2, 1996.

Public Chapter 911 House Bill 2673 Senate Bill 2954
Amends 55-10-406(a)(3) to increase from 6 months to 12 months the time a person's driver license is suspended for failure to submit to a drug and alcohol test.

Effective July 1, 1996.

CLERKS OF COURT

Public Chapter 593 Senate Bill 2310 House Bill 2278
Amends the Tennessee Uniform Transfers to Minors Act (Title 35, Chapter 7); changes the definition of *custodian* to add persons designated as a joint custodian pursuant to 35-7-211; amends 35-7-210 to create an alternative to the existing form of transfer of custodial property found in subdivision (a)(1)-(6) of that statute. Under the new method, custodial property may be registered, held, recorded or otherwise created in the name of the minor, followed in substance by the words "minor, by _____ (insert name of custodian or custodians) under the Tennessee Uniform Transfers to Minors Act". The act amends 35-7-211 to provide that up to 2 persons (instead of only one as the law previously provided) may be the custodian of property for a minor. If more than one person is appointed, the 2 people act as joint custodians and, unless otherwise specified, each custodian has the full power and authority to act alone with respect to the custodial property. If either custodian

resigns, dies, becomes incapacitated or is removed, then the remaining one may serve as sole custodian.

Effective March 13, 1996.

Public Chapter 609

House Bill 2027 Senate Bill 2075

Amends 55-8-152 and -153 to require a minimum fine of \$250 for speeding violations in work zones where the speed limits have been reduced by the Department of Transportation and when employees of the department are present.

Effective March 18, 1996.

Public Chapter 880

House Bill 2326 Senate Bill 2206

Amends Title 34 relative to guardianships and conservatorships. Extends the reporting deadline under 34-13-108 from 60 to 120 days after the termination of the conservatorship for the conservator to file a preliminary final accounting with the court. Adds a new subsection to 34-11-115 to provide that property management plans are not required for minors or disabled persons if the property does not exceed \$25,000 unless, on motion of an interested party or guardian ad litem, the court finds such a plan would be in the best interest of the person; adds a new subsection to 34-11-115 to provide that in instances where no plan is filed, the fiduciary's first accounting and all subsequent accountings shall state how the funds of the estate are invested and how the funds are proposed to be invested for the coming year.

Effective July 1, 1996.

Public Chapter 892

House Bill 30 Senate Bill 258

Enacts new a new part under Title 36, Chapter 5 relative to the denial or revocation of licenses for failure to pay child support. This legislation affects licenses, certifications, permits, etc., that grant authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, and to operate motor vehicles or other conveyances (but does not affect licenses to practice law which are under the jurisdiction of the Supreme Court). Under this new legislation, when records of the court clerk or Department of Human Services (hereafter DHS) show that child support payments have become delinquent, the DHS may serve notice upon the obligor of the department's intent to notify licensing authorities that the person is not in compliance with the order of support. He or she is entitled to request an administrative hearing with DHS or make arrangements to correct the delinquency and to judicial review of the department's decision. If he or she does not comply with the order, request a hearing, or make arrangements to pay within 20 days of service, the DHS may notify licensing authorities. Such certification from the DHS shall be a basis for the denial, suspension or revocation of a license, or for refusal to issue or reinstate a license. The licensing authority is required to notify the obligor of the action taken against his or her license. The notice must state the grounds for the suspension and that a release from DHS must be obtained before the license can be issued, reinstated, or renewed. Once the delinquency is corrected, DHS is to

inform the licensing authority of compliance. Unless the time has passed for a new periodic license fee, the obligor shall not be entitled to pay a new fee for the remainder of the licensing period; however, the licensing authority may impose a reinstatement fee not to exceed \$5. On or before July 1, 1996, or as soon thereafter as economically feasible and at least annually thereafter, all licensing authorities are required to provide DHS with a database of information on magnetic tape or other machine-readable format (or if this information is not available on magnetic format, in a format agreed upon by the commissioner of DHS and the licensing authority). That data shall include information about both applicants and all current licensees (including those currently suspended or revoked if able to be reinstated). If available, the information is to include name, date of birth, address, social security number or federal employer ID number, description, type of license, effective date and expiration date of license, and status of the license. In enforcing a provision of child support, if the obligee specifically requests the court to revoke a license, the court may so order any or all licenses subject to revocation, denial or suspension. In that case, the clerk is to send a copy of the order to the appropriate licensing authorities with costs related to the order taxed to the obligor. Upon compliance, the court shall enter an order showing a finding of compliance which the clerk shall send to each licensing authority.

Effective immediately for the purposes of promulgating rules and regulations. For all other purposes, effective July 1, 1996.

Public Chapter 920

House Bill 2975 Senate Bill 3143

Amends 40-24-105 relative to the collection of fines, costs, and litigation taxes. Deletes the word “such” from one sentence and adds a new sentence to re-state that costs of collection for fines, costs, and litigation taxes may be defrayed for the district attorney general and the clerk.

Effective May 8, 1996.

Public Chapter 932

Senate Bill 114 House Bill 318

Amends 26-2-111(4) to increase the exemption from garnishments for tools of the debtor’s trade from \$750 to \$1,900.

States effective date of July 1, 1995.

Public Chapter 951

Senate Bill 3173 House Bill 3058

Amends 40-36-306 regarding community corrections programs; adds a new subsection to provide that trial courts may assess additional fees against any offender sentenced to participate in a community corrections program to offset the cost of the program (such program must have received certification from the Department of Corrections).

Effective May 13, 1996.

- Public Chapter 968 House Bill 2445 Senate Bill 2731
 Makes numerous revisions of the Tennessee Standardized Treatment Program for Sex Offenders including changes to the organization of the board and revisions of the definitions of sex offenders and sex offenses; changes the tax paid by sexual offenders from a graduated scale which was dependant upon the classification of the offense to a tax to be determined by the court, not to exceed \$3,000, for each conviction under this part. For the purpose of collecting unpaid balances on the tax imposed by this part, the Department of Corrections shall deduct monies from any trust fund account of a sex offender.
- Effective July 1, 1996 for all provisions other than appointments to the board.
- Public Chapter 982 House Bill 2758 Senate Bill 2795
 Amends 37-1-131 relative to restitution by juveniles; adds a new subsection to provide that a court may order delinquent children to make restitution for monetary damages caused by the child's delinquent conduct. The Tennessee Commission on Children and Youth is directed to review existing restitution and mentoring programs and report back to the Select Committee on Children and Youth.
- Effective July 1, 1996.
- Public Chapter 997 House Bill 3092 Senate Bill 3141
 Amends 40-35-313 relative to discharge and expungement of court records; specifies that records defined under 40-32-101(b), which includes arrest histories, investigative reports, intelligence information of law enforcement agencies and confidential records of the attorneys general and the Department of Human Services, are not a part of those records which a person can apply to the court to have expunged.
- Effective May 13, 1996.
- Public Chapter 1054 Senate Bill 2737 House Bill 2054
 Makes numerous amendments to the adoption law passed in 1995. The most notable changes relative to court clerks are as follows: corrects apparent engrossing error regarding ratification of orders prior to the new law in 36-1-103(a) and (c) to change the appropriate dates from August, 1995, to January 1, 1995; enacts a new subsection as 36-1-103(d) to ratify certain surrenders and adoptions occurring between January 1, 1996, and October 1, 1996, that may have errors regarding the new law as long as they comply with the law in effect on 12/31/95; amends 36-1-111(p)(2)(A) to clarify that surrenders are not given a new case number and there are no court costs or litigation taxes assessed for the surrender; amends 36-1-111(p)(3)(A)(ii) to clarify that adoptive parents are not entitled to a copy of the surrender where the child is placed by the department or a licensed child placement agency; and, adds new language to 36-1-111(r)(2) to provide that the court clerk or court shall have a separate order of Guardianship Minute Book which shall be kept

locked and available for public view only by written approval of the court.

Effective May 15, 1996.

Public Chapter 1079

Senate Bill 3176 House Bill 3166

Creates the Department of Children's Services to consolidate the administration of children's services. Makes numerous changes to the laws affecting juveniles.

Effective May 21, 1996 for certain provisions and July 1, 1996 for all others.

CONSTABLES

Public Chapter 686

House Bill 2427 Senate Bill 2221

Revises Title 8, Chapter 10, relative to qualifications and regulations of constables. The minimum age to serve as constable is raised from 18 to 21. Also, in order to qualify for election or appointment to the office of constable, a person must now be a qualified voter of the district, be able to read and write, not have been convicted in any federal or state court of a felony, and not have been separated or discharged from the armed forces of the United States with other than an honorable discharge. When qualifying with the county election commission, candidates for the office of constable must now file an affidavit along with their qualifying petition which is signed by the candidate and affirms that the candidate meets these requirements. The same affidavit must be filed with the county clerk when a person is seeking appointment to the office of constable by the county legislative body to fill a vacancy. This act sets a permissive dress code for constables of brown and taupe uniforms. Western type belts, holsters and tie-downs are prohibited. The act sets a standard color scheme for constable patrol cars with colors that match the uniforms. If the vehicles conform to the uniform color scheme, are operated according to 55-9-414, and are used as emergency vehicles, they may be equipped with blue lights and/or red lights and sirens. To drive such a patrol car, the constable must have graduated from the last calendar date in-service sponsored by the Tennessee Constable Association. The costs of marking the patrol cars are the responsibility of the constable. The dress code and patrol car provisions do not apply to counties where the constables have no law enforcement powers. This act does not apply to counties with a population between 14,650 and 15,000 (Fentress County).

Effective March 29, 1996.

Public Chapter 693

Senate Bill 2170 House Bill 2628

Repeals 57-5-202(c)(2) regarding the enforcement of beer laws. This provision formerly allowed constables in certain counties to share the enforcement powers of the beer statutes with sheriffs and deputy sheriffs. With this revision, the constables no longer have such authority under this statute.

Effective April 2, 1996.

COUNTY CLERKS

Public Chapter 552 Senate Bill 622 House bill 884
Enacts the “Motor Vehicle Anti-Theft, Title Reform and Consumer Protection Act of 1996;” requires that certificates of title be labeled if the vehicle is a salvage vehicle, nonrepairable vehicle, rebuilt salvage vehicle, or a flood vehicle; provides for issuance of “nonrepairable vehicle certificate” under which title can transfer only twice; requires anti-theft inspection of certain vehicles prior to transfer; requires notation on title of all known states where previously titled.

Effective October 1, 1996.

Public Chapter 578 Senate Bill 2257 House Bill 2161
Amends 55-3-114(c) to require a lienor whose lien has been discharged to deliver the certificate of title to the owner within 7 days of the owner’s request; redefines “owner” to include anyone who lawfully acquires the vehicle and pays off the lien.

Effective March 5, 1996.

Public Chapter 615 Senate Bill 2216 House Bill 2197
Amends 55-4-202 and -203 to authorize the issuance of special license plates bearing the logo of the International Association of Firefighters; creates a new section under Title 55, Chapter 4 to regulate the issuance of these plates.

Effective March 18, 1996.

Public Chapter 649 Senate Bill 2072 House Bill 2028
Amends 55-4-121(b) to authorize the “Commissioner of Revenue” (the Division of Motor Vehicles was transferred to the Department of Safety in 1990, so this was probably intended to read “Commissioner of Safety”) to establish a system of staggered proportional registration for commercial vehicles in interstate commerce, to allow for uniform distribution of the registration workload throughout the year.

Effective January 1, 1997.

Public Chapter 658 Senate Bill 2372 House Bill 2309
Amends 55-4-202 and -203 to authorize the issuance of special license plates bearing the logo of the Delta Sigma Theta Sorority; creates a new section under Title 55, Chapter 4 to regulate the issuance of these plates.

Effective March 22, 1996.

Public Chapter 672 House Bill 2582 Senate Bill 2879

Amends 55-4-253 regarding the issuance of special license plates to honorably discharged veterans; adds new paragraphs providing more detailed designations for veterans serving in specific wars or campaigns including Vietnam, World War II, the Korean War, Desert Storm and the peacekeeping mission in Bosnia. The act gives the Commissioner of Safety the authority to promulgate rules and regulations

necessary to accomplish the purposes of the act. The fee structure and distribution of funds for these plates is revised.

Effective July 1, 1996.

Public Chapter 673

House Bill 2594 Senate Bill 2614

Amends 55-4-202 and -203 to authorize the issuance of special license plates bearing the logo of the Alpha Kappa Alpha Sorority; creates a new section under Title 55, Chapter 4 to regulate the issuance of these plates.

Effective March 22, 1996.

Public Chapter 687

House Bill 2436 Senate Bill 2460

Amends 55-3-126 and repeals 55-3-137 relative to perfection of liens on motor vehicles, to provide that the lien is perfected by delivery of the certificate to the Division of Motor Vehicles or the county clerk with an application for title showing the lienholder and the required fee; the interest will be perfected as of the time of its creation if within 20 days, otherwise as of the date of delivery of the application to the county clerk or the division; this is the exclusive method of perfection of a lien on motor vehicles, except liens on implements of husbandry and special mobile equipment which must be perfected as security interests in personal property. Amends 55-6-105(a)(5) to allow the county clerk 5 working days within which to mail applications for title to the division, with an additional 5 days allowed for county clerks who issue certificates of title for the state. Amends 55-4-103(b)(3) to provide that wheel tax records are to be maintained by the county clerk for the same period of time as registration records prior to disposition.

Effective March 29, 1996.

Public Chapter 718

Senate Bill 2995 House Bill 2930

Amends Title 45, Chapter 15, relative to title pledge lenders; requires the Department of Financial Institutions to promulgate rules requiring title pledge lenders to issue a standardized consumer notification and disclosure form; requires that the county clerk suspend up to 45 days the license of any title pledge lender found by the department to have violated the disclosure provisions, and upon repeat violations the license will be suspended for at least 90 days or revoked; during periods of suspension or revocation, a title pledge lender cannot conduct business in any county in the state.

Effective October 1, 1996.

Public Chapter 745

House Bill 2622 Senate Bill 2487

Enacts "Uniform Motor Vehicle Records Disclosure Act" to implement the federal Drivers' Privacy Protection Act of 1994. Declares personal information contained in motor vehicle records to be confidential and prohibits disclosure by the Departments of Safety and Revenue and the county clerk's office of personal

information obtained in connection with a motor vehicle record except under specified circumstances (written consent of the person; governmental use; motor vehicle product, safety and research purposes; legitimate business purposes; administrative or legal proceedings; research activities; insurance; notice to owners of towed or impounded vehicles; licensed private investigators; surveys, marketing and solicitations under procedures implemented by the department; public safety). Information may be disclosed to anyone who requests it if the person has been given an opportunity to prohibit the disclosure and has not done so. Contains provisions regarding the re-disclosure of information by persons to whom disclosure has been made. The department is to promulgate regulations to implement this act. Amends 55-2-106 to authorize the department and the county clerk to charge a reasonable fee not over one dollar for each person on whom information is requested.

Effective July 1, 1997.

Public Chapter 759

Senate Bill 2195 House Bill 2514

Amends 55-4-244 relative to special license plates for active and retired members of the United States military and reserves. New language outlines eligibility and application procedures for members of the armed forces who participate in voluntary early retirement.

Effective April 17, 1996.

Public Chapter 824

Senate Bill 2093 House Bill 2809

Amends 70-2-203 to provide that a fishing license issued to a resident of a city that lies in more than one county authorizes that person to fish in all waters within the city, including those outside the person's county of residence.

Effective March 1, 1997.

Public Chapter 839

House Bill 2221 Senate Bill 2133

Amends 55-4-104 relative to registration and renewals for freight motor vehicles registered pursuant to 55-4-113, so that registrations and renewals for freight vehicles purchased or leased prior to July 1, 1996 will expire each year on March 31, and registrations and renewals for freight vehicles purchased or leased after July 1, 1996 will expire one year after the purchase or lease of the vehicle; repeals 55-4-116 (discounts on registration fees); amends provisions enacted by 1996 Public Chapter 552 (the Motor Vehicle Anti-Theft, Title Reform and Consumer Protection Act of 1996, summarized above) to clarify that the act is prospective only and applies from and after October 1, 1996.

Effective July 1, 1996 for provisions relative to registration of freight vehicles and repeal of discounts, and October 1, 1996 for amendments to provisions of 1996 Public Chapter 552.

Public Chapter 854

Senate Bill 2179 House Bill 2292

Amends 55-4-202 and -203 to authorize the issuance of special license plates for supporters of Saint Jude Children's Research hospital; creates a new section under Title 55, Chapter 4, part 2 to regulate the issuance of these plates. The department of Safety is not to implement the act unless at least one hundred plates are ordered.

Effective May 3, 1996.

Public Chapter 885

House Bill 2481 Senate Bill 2226

Amends 45-6-219(a) relative to pawnbrokers; authorizes counties to adopt "by ordinance" the provisions of the Tennessee Pawnbrokers Act of 1988, and to adopt further rules and regulations as their legislative bodies deem right and proper (except as to interest, fees and insurance charges; hours; nature of the business and types of pawn transactions; license requirements; reporting requirements; or the 15-day period a pawnbroker is required to hold over-the-counter purchases before resale); provides that counties have no more authority than cities under this section to regulate pawnbrokers.

Effective May 3, 1996.

Public Chapter 887

House Bill 2789 Senate Bill 2185

Amends Title 62, Chapter 43, relative to the Tennessee Employee Leasing Act and defines the "gross receipts" of an employee leasing company for purposes of state and local taxes on gross receipts as the amount of administrative fees received by the company, rather than the gross charges to clients. If the company fails to establish the amount of administrative fees to the satisfaction of the taxing entity, the gross receipts will be deemed to be the excess of gross charges over cost of wages and actual payments to third parties for taxes, workers' compensation, and benefits.

Effective May 3, 1996 subject to first year's appropriations.

Public Chapter 892

House Bill 30 Senate Bill 258

Enacts new a new part under Title 36, Chapter 5 relative to the denial or revocation of licenses for failure to pay child support. This legislation affects licenses, certifications, permits, etc., that grant authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, and to operate motor vehicles or other conveyances (but does not affect licenses to practice law which are under the jurisdiction of the Supreme Court). Under this new legislation, when records of the court clerk or Department of Human Services (hereafter DHS) show that child support payments have become delinquent, the DHS may serve notice upon the obligor of the department's intent to notify licensing authorities that the person is not in compliance with the order of support. He or she is entitled to request an administrative hearing with DHS or make arrangements to correct the delinquency and to judicial review of the department's decision. If he or she does not comply with the order, request a hearing, or make arrangements to pay within 20 days of service, the DHS may notify licensing authorities. Such certification from the DHS shall be a basis for the denial, suspension or revocation of a license, or for refusal

to issue or reinstate a license. The licensing authority is required to notify the obligor of the action taken against his or her license. The notice must state the grounds for the suspension and that a release from DHS must be obtained before the license can be issued, reinstated, or renewed. Once the delinquency is corrected, DHS is to inform the licensing authority of compliance. Unless the time has passed for a new periodic license fee, the obligor shall not be entitled to pay a new fee for the remainder of the licensing period; however, the licensing authority may impose a reinstatement fee not to exceed \$5. On or before July 1, 1996, or as soon thereafter as economically feasible and at least annually thereafter, all licensing authorities are required to provide DHS with a database of information on magnetic tape or other machine-readable format (or if this information is not available on magnetic format, in a format agreed upon by the commission of DHS and the licensing authority). That data shall include information about both applicants and all current licensees (including those currently suspended or revoked if able to be reinstated). If available, the information is to include name, date of birth, address, social security number or federal employer ID number, description, type of license, effective date and expiration date of license, and status of the license. In enforcing a provision of child support, if the obligee specifically requests the court to revoke a license, the court may so order any or all licenses subject to revocation, denial or suspension. In that case, the clerk is to send a copy of the order to the appropriate licensing authorities with costs related to the order taxed to the obligor. Upon compliance, the court shall enter an order showing a finding of compliance which the clerk shall send to each licensing authority.

Effective immediately for the purposes of promulgating rules and regulations. For all other purposes, effective July 1, 1996.

Public Chapter 914

House Bill 2829 Senate Bill 2499

Amends Title 55, Chapter 4, Part 2, to provide for the issuance of special license plates to members of Delta Sigma Theta, Alpha Kappa Alpha, Zeta Phi Beta, Sigma Gamma Rho, Omega Psi Phi, Alpha Psi Alpha, Phi Beta Sigma, and Kappa Alpha Psi, with the proceeds of the \$25 additional fee to be used for the benefit of Tennessee Historical Black Colleges.

Effective May 8, 1996.

Public Chapter 963

House Bill 2352 Senate Bill 2576

Amends Title 55, Chapter 4, Part 2, to provide for the issuance of special license plates to members of Ducks Unlimited for an additional fee of \$25; applications must be accompanied by proof of membership; proceeds used for grants to Ducks Unlimited.

Effective May 13, 1996.

Public Chapter 965

House Bill 2417 Senate Bill 2468

Amends Title 55, Chapter 4, Part 2, to provide for the issuance of special license plates bearing the logo of the Tennessee Home Education Association, with the

proceeds of the \$25 additional fee to be used for the benefit of Tennessee Home Education Association.

Effective May 13, 1996.

Public Chapter 971 House Bill 2553 Senate Bill 2642
Amends Title 55, Chapter 4, Part 2, to provide for the issuance of special license plates promoting agriculture, with the \$25 additional fee to be placed in the state Agricultural Development Fund.

Effective May 13, 1996.

Public Chapter 983 House Bill 2762 Senate Bill 3009
Amends Title 55, Chapter 4, Part 3, to provide for issuance of “KIDS FIRST!” license plates on the same basis as cultural plates, with additional fees to be used for child abuse prevention services.

Effective July 1, 1996.

Public Chapter 994 House Bill 3079 Senate Bill 3220
Amends Title 55, Chapter 4, Part 2, to provide for issuance of special license plates for Mothers Against Drunk Driving (MADD), with the \$25 additional fee, less costs of design, to be remitted to the Tennessee chapter of MADD.

Effective May 13, 1996.

Public Chapter 1024 Senate Bill 2098 House Bill 2092
Amends Title 55, Chapter 4, part 2, to provide for the issuance of special license plates for the enhancement of passenger rail service, with the proceeds of the \$25 additional fee to be earmarked for the use of the Tennessee Passenger Railroad Commission.

Effective May 15, 1996.

Public Chapter 1030 Senate Bill 2292 House Bill 2187
Amends Title 55, Chapter 4, Part 2, to require the Commissioner of Safety to report to the General Assembly concerning the fiscal and administrative impact of the special license plate program on the Department of Safety and the county clerks by February 15, 1997; also provides for the issuance of special license plates for senior citizens, with the proceeds of the \$25 additional fee to be used for grants to senior citizens centers in Tennessee.

Effective July 1, 1996.

Public Chapter 1031 Senate Bill 2305 House Bill 2907

Enacts 36-3-1__ to declare the public policy of this state that the union of one man and one woman shall be the only legally recognized marriage in this state, and if any other state or jurisdiction issues a license for persons other than one man and one woman to marry, any such marriage will be void and unenforceable in this state. Amends 36-3-103(c)(1) to prohibit a county clerk from issuing a license for any marriage which is prohibited in this state, and amends 36-3-111 to make it a Class C misdemeanor. Amends 36-3-306 to provide that no marriage shall be valid, whether consummated by ceremony or otherwise, if the marriage is prohibited in this state.

Effective May 15, 1996.

Public Chapter 1047

Senate Bill 2613 House Bill 2540

Amends Title 55, Chapter 4, Part 2, to provide for the issuance of special license plates for Friends of Great Smoky Mountains, with proceeds of the \$25 additional fee to be used for the assistance of the National Park Service in the care of the Great Smoky Mountains National Park.

Effective July 1, 1996.

COUNTY GOVERNMENT

Public Chapter 599

Senate Bill 2711 House Bill 2211

Amends 7-56-202 to provide that public rail authorities shall act as agents and instrumentalities of the creating and participating counties and municipalities.

Effective March 15, 1996.

Public Chapter 623

Senate Bill 2683 House Bill 2677

Enacts three new sections under Title 66 to provide that local governments, including, but not limited to, counties and municipalities, shall not enact, maintain, or enforce a rent control ordinance or resolution for private residential or commercial property. The act does not affect the authority of the local government to manage and control residential or commercial property in which the local government has a property interest.

Effective July 1, 1996.

Public Chapter 676

House Bill 1976 Senate Bill 2155

Amends 68-102-113 to provide that the statewide minimum electrical standard promulgated by the State Fire Marshal has precedence over all conflicting local electrical codes in counties or cities which have multiple code jurisdictions. The provisions of this subsection do not apply to a municipality that conducts its own inspection for compliance with electrical standards.

Effective March 28, 1996.

Public Chapter 697 Senate Bill 2509 House Bill 2640
Amends 5-12-210(b) of the Local Option Budgeting Law of 1993 to move the deadline for the county legislative body to adopt a budget, property tax rate resolution, and appropriation resolution from August 1 to August 15. If the county legislative body fails to adopt a budget by this date, the proposed consolidated budget becomes effective by operation of law, except for the education department budget; the education budget proposed by the county department of education becomes effective for the ensuing fiscal year.

Effective April 2, 1996.

Public Chapter 732 Senate Bill 2582 House Bill 2527
Amends 5-8-507 to change the date for publication of the proposed annual county operating budget from “at least ten (10) days prior to” presentation of the budget to the governing body, to “no later than one (1) day after” presentation of the budget to the governing body. The budget may not be adopted until at least 10 days after publication.

Effective April 12, 1996.

Public Chapter 762 Senate Bill 2355 House Bill 2176
Amends 12-10-108 to authorize the board of directors of a public building authority to establish an executive committee and the position of administrator. The executive committee may exercise general superintendence of the authority except as the board of directors may limit its power. The board of directors of the authority may employ an administrator to perform administrative duties under the direction of the board of directors or executive committee.

Effective April 17, 1996.

Public Chapter 778 House Bill 2968 Senate Bill 2704
Enacts the Private Act Hospital Authority Act of 1996 as a new part under Title 7, Chapter 57. For the purposes of this act, a private act hospital authority is any hospital owned or operated by one or more local governments or any hospital, hospital authority, or hospital district created or authorized by a private act. This act gives the private act hospital authority, as supplemental powers, all the powers granted to Private Act Metropolitan Hospital Authorities under title 7, Chapter 57, Part 5. This grant of power should not be construed to limit any powers granted by the authorizing private act. If the hospital ceases to be owned or operated by the governing authority, it loses the powers granted by this act.

Effective April 17, 1996.

Public Chapter 789 House Bill 1952 Senate Bill 2317

Amends Title 44, Chapter 17, to prohibit state and local government entities from enacting or enforcing any law, regulation or ordinance which would restrict or prohibit a dog owner from using an electronic locating collar to protect the dog from loss, but allows the wildlife resources commission to promulgate rules limiting the use of these collars when required for wildlife management; also authorizes unarmed hunters to enter federal property managed by TWRA to retrieve a dog that has strayed onto that property.

Effective April 22, 1996.

Public Chapter 791

House Bill 2688 Senate Bill 2596

Authorizes county owned and operated hospitals to enter into any contract that any privately owned hospital operating under Title 68 is authorized to execute.

Effective April 22, 1996.

Public Chapter 828

Senate Bill 2485 House Bill 3004

Amends 68-120-204(a) of the Tennessee Public Buildings Accessibility Act to recognize the Council of American Building Officials/American National Standards Institute (CABO/ANSI) Handicap Code as alternative minimum accessibility specifications for public buildings.

Effective June 1, 1996.

Public Chapter 831

Senate Bill 2844 House Bill 2508

Amends 5-5-103 relative to filling vacancies in the office of county executive. This act provides that when the office of the county executive becomes vacant, the chairperson of the county legislative body (or the chairperson pro tempore in circumstances where the county executive had been the chairperson) shall serve as the interim county executive. The interim county executive shall have the powers, duties and bonding requirements as provided for county executives under Title 5, Chapter 6. The interim executive shall serve until the office is filled pursuant to Section 5-1-104. This act does not apply if the method of filling the vacancy in the office of the county executive is established by a metropolitan charter or a private act.

Effective April 29, 1996.

Public Chapter 840

House Bill 2244 Senate Bill 1952

Amends Title 4, Chapter 10, relative to the Tennessee Advisory Commission on Intergovernmental Relations. Provides that reappointment or replacement of the county or city officials serving on the commission shall be made from a list of two candidates for each position submitted by the respective state association. Replacement or reappointment of the member appointed from the list submitted by the County Officials Association of Tennessee shall likewise come from a list of two candidates for each such position. This act also removes the duty of the commission

to carry out the functions and responsibilities provided for the commission in the president's proposal on general revenue sharing. The act provides that the Comptroller of the Treasury and the UT Institute for Public Service are to provide staff assistance to the commission as necessary. The act also

revises the reporting requirements of the commission regarding who is entitled to receive copies of such reports.

Effective April 29, 1996.

Public Chapter 841

House Bill 2275 Senate 2411

Amends 8-24-114 to repeal the prohibition against changing the executive's salary during a term of office.

Effective April 29, 1996.

Public Chapter 909

House Bill 2589 Senate Bill 2899

Prohibits any state, county or municipal official or employee authorized to receive personal checks from requiring or encouraging that the check be made out to any person, official or employee in their personal capacity, as opposed to the name of the governmental entity, agency or office, or the official's name and title. Does not prohibit the use of notification forms which were printed prior to the effective date of this act.

Effective May 8, 1996.

Public Chapter 936

House Bill 1352 Senate Bill 869

Amends several sections regarding compensation for county officials, providing for increases for the fiscal year beginning July 1, 1996. Specifies base salary schedules for 3 categories of county officers: (1) "general officers" including assessors of property, county clerks, clerks of court, trustees, and registers of deeds; (2) sheriffs and chief administrative officers of highway departments; and (3) county executives. As in previous law, there are mandatory percentage differentials between categories of officials. For example, the county executive must receive at least 5% more than the maximum payable to any other county constitutional office. Also, the schedules provide for the sheriff and the chief administrative officer of the highway department to receive at least 10% more than the general officers.

Provides that no official may receive more than a 7% increase in any fiscal year. Any remaining amount will be carried over to succeeding years until all officials receive the compensation stated in the salary schedule, plus annual increases. Also states that salary amounts are to be increased annually, based on percentage increase for state employees in the previous fiscal year.

Sets out 16 new county population classes to determine the compensation of county officers. Populations are determined initially by the 1990 federal census. A county moves into another class only as a result of the most recent succeeding federal census or a special census, which can be taken by the federal census bureau or in a manner approved by the Commissioner of Economic and Community

Development. A county must take a special census at its own expense, and may not take more than 3 between regular federal censuses.

Effective for fiscal year beginning July 1, 1996.

Public Chapter 1036

Senate Bill 2406 House Bill 2353

Amends 9-8-307 to provide that the state, county, municipality or political subdivision that employs an inmate on work detail but does not have direct supervision and control of the inmate's work release, confinement, or community based alternative to confinement is not liable for the inmate's medical treatment for injuries incurred while on the work detail.

Effective May 15, 1996.

Public Chapter 1052

Senate Bill 2691 House Bill 2928

Amends Title 6, Chapter 54, Part 1 to enact a new section relative to municipal eminent domain condemnations. When a municipality intends to condemn property in a county where the municipality had no territory prior to May 1, 1995, it must send written notice to the county clerk of that county. The clerk immediately forwards the notice to the county executive and commission. At the next regularly scheduled meeting of the county legislative body, the county shall give interested parties an opportunity to present information about the proposed condemnation and then approve or disapprove of the plan. The county commission shall not be arbitrary or capricious and shall base its decision upon a reasonable consideration of the impact of the condemnation upon the county. The decision can be appealed to the chancery court for review of whether it was arbitrary or capricious. Such a review shall be expedited. This act does not apply to condemnations of territories that lie within the corporate boundaries of the municipality, to condemnations for purposes related to utility services, to certain condemnations of metropolitan governments, to condemnations governed by Title 42, Chapter 5 related to county and municipal airports, or to projects which are jointly sponsored by the county and municipality.

Effective May 15, 1996.

Public Chapter 1053

Senate Bill 2719 House Bill 3118

Amends 71-3-504 by allowing a county legislative body, by 2/3 vote, to authorize a zoning authority to consider the criminal background of one seeking a permit to establish or alter a child welfare agency, as well as the criminal background of anyone who will manage or operate the child welfare agency. The zoning authority is responsible for costs of the background check.

Effective May 15, 1996.

Public Chapter 1080

Senate Bill 927 House Bill 1625

Amends Title 4, Chapter 36, relative to horse racing. Authorizes simulcast wagering

on all days when live races are not conducted by a facility that conducts live racing at least 34 days per year; authorizes simulcasts from satellite simulcast teletheaters as well as tracks; limits simulcasts to races conducted within the United States; provides that the 30% share of the tax which is received by the city or county in which the track or satellite teletheater is located must be earmarked for law enforcement, rehabilitation referral services or programs for problem and compulsive gamblers, and education programs. Enacts 4-36-311 to authorize county, district and division fairs to conduct races and simulcasts in accordance with regulations to be promulgated by the racing commission. Amends 4-36-401 to authorize a separate referendum on whether to permit pari-mutuel wagering at a satellite simulcast teletheater located within a county or city.

Effective May 20, 1996.

Public Chapter 1081

Senate Bill 2095 House Bill 2085

Amends 2-12-208 and -209 regarding compensation for registrars-at-large to provide for salary increases. As in former law, compensation is tied to that of assessor, although percentages have been changed and are now determined according to the new population classes set out in Public Chapter 936, discussed above. Provides for a gradual phase-in period in which salaries are capped at 7% over last year's salary for the coming fiscal year. In subsequent years there is a 10% cap. Like the bill discussed above, amounts above the cap are carried over to succeeding years until all officials receive compensation in the salary schedule, plus annual increases. Also provides for annual increases based on the percentage increase for state employees in the previous fiscal year. The state will contribute an additional \$3,000 per county to offset these increases.

Effective for the fiscal year beginning July 1, 1996.

COURTS

Public Chapter 655

Senate Bill 2287 House Bill 2233

Amends Title 36, Chapter 4, relative to divorce actions. Provides neither party can raise the issue of whether the complaint included a verification that the complaint is not made out of levity or in collusion with the defendant on appeal unless the issue was raised at trial. Specifies that divorce decrees or orders issued prior to the effective date of the act requiring the verification, and which do not have such a verification, shall nevertheless remain valid (See Public Chapter 872 below). Similarly, the act amends 36-4-103 to add that divorce decrees or orders issued prior to new timing requirements for hearings remain valid regardless of the new requirements.

Effective March 22, 1996.

- Public Chapter 684 House Bill 2052 Senate Bill 2177
Amends Title 36, Chapter 3, Part 6, relative to orders of protection. The act adds to the definition of “court” for the purposes of this part. New language specifies that when one of the courts listed in the statute is not available, “court” can include judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge. Revises language of prohibition to prohibit “abuse” instead of “domestic abuse”. Revises language regarding an officer’s discretion whether or not to arrest one or all persons involved. Adds paragraph to title describing possible officer responses to include option of assisting victim in getting an arrest warrant by providing transportation, etc.
- Effective March 29, 1996.
- Public Chapter 690 Senate Bill 1942 House Bill 1947
Amends 22-1-103 regarding exemptions from jury duty by adding full-time law enforcement officers to the list of those exempt.
- Effective July 1, 1996.
- Public Chapter 734 Senate Bill 2607 House Bill 2312
Amends 36-3-606 relative to procedure regarding protection orders in domestic abuse cases. The act adds a new restriction which may be included in the protection order. In addition to the 7 directives previously listed in the statute, the protection order may now also require the respondent to attend counseling programs that address violence, control issues, or substance abuse problems. Violation of the directive may be punished as criminal or civil contempt. The act also provides that the provisions of 36-3-610(a) apply to cases where a non-lawyer general sessions judge holds the respondent in contempt for violation of the subpart (that statute requires the appointment of an attorney referee to hear charges of criminal contempt under those circumstances).
- Effective April 12, 1996.
- Public Chapter 767 Senate Bill 2660 House Bill 2760
Amends 37-1-134 relative to transfer hearings for sending a juvenile to criminal court to be tried as an adult. In counties where, on the effective date of the act, the general sessions court or juvenile court makes audio recordings, the court is instructed to make a recording of all transfer hearings. The recording is to include all open court proceedings and other proceedings which the judge, in his or her discretion, directs to be included as a part of the record. At his or her own expense, the juvenile may obtain a transcript of the hearing which may be used for appellate purposes. In other hearings, transfer hearings are to be recorded using the procedures of Title 40, Chapter 14, Part 3 which governs transcripts and court reporters.
- Effective July 1, 1996.

- Public Chapter 777 House Bill 1551 Senate Bill 1636
Amends Title 4, Chapter 21 regarding jurisdiction over human rights actions. The code is amended to expand jurisdiction over human rights actions from *Chancery Court* to *Chancery Court or Circuit Court*. This includes proceedings regarding conciliation agreements, 4-21-303; judicial review, 4-21-307; access to records, 4-21-308; subpoenas, 4-21-309; remedies, 4-21-311; and election of civil action, 4-21-312. As published, the public act states that it takes effect July 1, 1995.
- Effective July 1, 1995.
- Public Chapter 851 Senate Bill 2094 House Bill 2301
Amends 40-11-118 to add the defendant's prior criminal record as another factor to be considered by a magistrate setting bail for a criminal defendant.
- Effective July 1, 1996.
- Public Chapter 872 House Bill 2017 Senate Bill 2077
Repeals provision of 36-4-107 that required bills or petitions of divorce to include an affidavit stating that the complaint is not made out of levity, or by collusion with the defendant (See Public Chapter 655 above).
- Effective May 3, 1996.
- Public Chapter 913 House Bill 2781 Senate Bill 2627
Enacts a new part under Title 41, Chapter 21 relative to the filing of lawsuits by prison inmates; attempts to reduce frivolous and malicious filings by requiring proof of indigency and fining inmates for costs of frivolous or malicious lawsuits. This new law enables a court to dismiss a claim filed by an inmate, either before or after service of process on the defendant, if the court finds the inmate is not impoverished or the claim is frivolous or malicious. If the inmate is claiming inability to pay, the inmate must file a separate affidavit with a complete list of every lawsuit or claim previously filed by the inmate and information about those suits and a current certified copy of the inmate's trust account statement. Courts shall order an inmate filing a frivolous or malicious lawsuit to pay various fines, fees, and costs. These will be paid out of the inmate's trust account. Expenses to be compensated include any cost incurred by the court, the Department of Corrections, or the county jail in connection with the claim. The act provides for a hearing on the issue of whether the claim is frivolous or malicious. Filing a frivolous or malicious claim may result in a forfeit some or all of the inmate's good conduct sentence reduction credits. The Department of Corrections is to develop and maintain a system for the resolution of grievances by inmates in department facilities.
- Effective May 8, 1996.
- Public Chapter 928 House Bill 3063 Senate Bill 3157
Amends 39-17-417 to create a classification of habitual drug offender. Persons

found to meet the definition of such an offender are sentenced to one higher range of punishment than otherwise provided for under 40-35-105 and may be fined up to \$200,000. The trial court, upon the request of the attorney general, may pursue numerous actions, including issuing injunctions or restraining orders and accepting liens, performance bonds, or security interests for the purpose of collecting such fines. If the district attorney general intends to pursue sentencing under this classification, he or she must meet the notice requirements for enhanced punishment under 40-35-202.

Effective July 1, 1996.

Public Chapter 943

Senate Bill 2160 House Bill 2507

Amends 17-2-118 to create a new procedure for the selection of special judges. Prior to the effective date of this act, when a judge failed to attend or was unable to hold court, a majority of the attorneys who were present and were residents of the state would elect one of their number to act as judge. That system is replaced by the following procedure. When a judge of a state trial court of record is unable to hold court, the judge shall appoint a substitute judge who shall possess all of the qualifications for a judge of that court. The substitute judge shall only sit for 3 days, provided that the judge may finish any trial commenced during the period of appointment. The judge has no authority to award fees except those that are statutory. All litigants who are present at the beginning of the proceeding must sign a form consenting to the appointment of the substitute judge. These limitations on the substitute judge do not apply if the person appointed is a duly elected or appointed judge of any inferior court or a full-time officer of the judicial system under the judge's supervision whose duty it is to perform judicial functions (such as a judicial referee, a child support referee or clerk and master) who is a licensed attorney in good standing with the Tennessee Supreme Court.

Effective July 1, 1996.

Public Chapter 951

Senate Bill 3173 House Bill 3058

Amends 40-36-306 regarding community corrections programs; adds a new subsection to provide that trial courts may assess additional fees against any offender sentenced to participate in a community corrections program to offset the cost of the program (such program must have received certification from the Department of Corrections).

Effective May 13, 1996.

Public Chapter 1015

Senate Bill 1563 House Bill 1328

Amends 34-12-106 regarding the termination of guardianships. Whereas guardianships under previous law terminated automatically upon the minor reaching age 18 (unless the minor is disabled), new law provides opportunities for interested parties to petition the court to continue the guardianship up to the age of 25. This

petition should be filed between 90 days before the 18th birthday and the filing of the preliminary final accounting. The burden of proof is on the person seeking to continue the guardianship. Regardless of the age of a minor, a final accounting of the guardianship may not be waived by the minor. The act also amends 34-13-106 to change the rights of the respondent in a conservatorship. That person previously was entitled to a jury trial on the issue of disability upon demand by respondent or the guardian ad litem. Now, that person is entitled to a hearing.

Effective January 1, 1997; provided, however, the provisions amending 34-13-106 shall take effect July 1, 1996.

Public Chapter 1044

Senate Bill 2541 House Bill 2372

Amends 40-38-102 relative to the Victim's Bill of Rights. Adds a new subsection regarding duties of the court security committee established by 16-2-505(d)(2). That committee is given the responsibility to assess existing facilities to determine where space could be allocated to provide secure waiting areas for victims and prosecution witnesses. Where the committee believes the existing facilities cannot accommodate the waiting area, it should make recommendations as to how the waiting area could be provided for in new construction or renovation projects.

Effective May 15, 1996.

Public Chapter 1046

Senate Bill 2580 House bill 2501

Amends 36-6-101 relative to child custody orders; adds a new paragraph regarding joint and sole custody. The provision states that courts should not show a preference for or against joint legal custody, joint physical custody or sole custody, but should exercise the widest discretion to order a custody arrangement in the best interest of the child. Where the parents have agreed to joint custody, there is a presumption that it is in the best interest of the child unless the court finds to the contrary by clear and convincing evidence. The court may direct an investigation to determine the appropriate custody arrangement. An order of joint custody may be modified at a subsequent proceeding by a preponderance of the evidence.

Effective May 15, 1996.

Public Chapter 1068

Senate Bill 3099 House Bill 2927

Amends 36-1-132 and 36-1-127 regarding confidentiality of adoption records. Any person who uses information obtained under Title 36, Chapter 1, Part 1 to cause injury to the person whose name was obtained commits a Class A misdemeanor. The injured party has a cause of action in the circuit or chancery court for injunctive relief and damages. When the biological parent was the victim of rape or incest, no information from the sealed records, sealed adoption records or post adoption records shall be released without the consent of the biological parent. If the biological parent is dead or a conservator has been appointed under Title 34, the lineal descendants of the victim may petition the court for access to the records.

Effective May 15, 1996.

ECONOMIC DEVELOPMENT

Public Chapter 597 Senate Bill 1782 House Bill 1794
Ends the private matching requirement for expenditure of certain public funds by the Tennessee Ocoee Development Agency in supporting the 1996 Olympic Whitewater Event.

Effective March 15, 1996.

Public Chapter 624 Senate Bill 2837 House Bill 2426
Amends 42-3-103 regarding the composition of airport authority boards. Where former statute provided that the board would be comprised of 5 members, the new statute allows the board to have anywhere from 5 to 11 members; adds a new subsection exempting metro governments with a population of more than 100,000 (currently Davidson).

Effective March 18, 1996.

Public Chapter 760 Senate Bill 2237 House Bill 2826
Amends 7-84-520(4) relative to the powers of central business improvement districts. In describing the powers which may be delegated to the district, the provision encompasses aesthetic improvements, including the decoration of any public place. The new law expands this power to include not only the decoration of a public place, but also the restoration or renovation of any public place or of building facades and exteriors in public view.

Effective April 17, 1996.

Public Chapter 788 House Bill 834 Senate Bill 670
Enacts a new section under Title 6, Chapter 54, Part 1 to limit municipal powers. For the purpose of this act, both counties and metropolitan governments are included in the definition of *municipality*. The act states that no municipality shall have, or acquire by private act or charter amendment, the power to acquire undeveloped real property for the purpose of developing or subdividing the property into residential lots for resale. The prohibition does not affect a municipality which has the power by general law or private act to engage in slum clearance or the redevelopment of blighted areas or the construction or development of subsidized low or moderate income housing.

Effective April 22, 1996.

Public Chapter 816 House Bill 2463 Senate Bill 2911
Terminates the Tennessee Elk River Development Agency and transfers the

functions of the agency to the Tennessee Department of Environment and Conservation (TDEC). Redistributes the funds of the agency to the counties which are part of the Elk River watershed. TDEC directed to dispose of the remaining property of the agency.

Effective April 26, 1996.

Public Chapter 817

Senate Bill 2097 House Bill 3257

Provides for the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to annually compile and maintain a public infrastructure needs inventory in Tennessee on a county-by-county basis. The commission will contract with the 9 development districts for services in regard to conducting this inventory. The inventory will focus on projects which would enhance and encourage economic development, improve the quality of life and support livable communities. Projects will include needs for transportation, water and wastewater, industrial sites, municipal solid waste, recreation, low and moderate income housing, telecommunications, public buildings (including educational facilities), and other public facilities. The inventory will not include projects considered routine maintenance and projects included should have a capital cost of not less than \$50,000. Local officials will be consulted in this process to anticipate the infrastructure needs over the next 5 years, together with estimated costs and time of need within that time frame. The inventory will be completed by the development districts and submitted to the commission by June 30 of each year. The commission will present the annual inventory of public infrastructure needs and costs to the General Assembly at its next annual session following completion of the inventory each year. The commission is authorized to receive annual allocation of funds from the Tennessee Revenue Sharing Act in addition to any funds appropriated by the General Assembly for the purpose of conducting this inventory each year.

Effective July 1, 1996.

Public Chapter 855

Senate Bill 2207 House Bill 2646

Amends 65-31-107 to require natural gas distribution systems to belong to a one-call service formed in the geographical area where the utility operates; specifies that only one one-call service shall be formed and operated within a defined geographical area. Three counties are exempt from this act (Cheatham, Robertson, and Montgomery).

Effective July 1, 1996.

Public Chapter 938

Senate Bill 1218 House Bill 771

Amends 7-56-203 regarding the board of directors of a railway authority to include the mayor of a metropolitan county as well as county executives on the board; provides that these executives may appoint designees to serve in their place. Provides that a railway authority in Cheatham is to include three additional members selected according to the provisions of the act.

Effective May 13, 1996

Public Chapter 953

Senate Bill 3256 House Bill 3286

Amends 7-67-108 regarding the board of directors of sports authorities. Provides that the governing body of the city or county or metropolitan government which

creates the authority shall divide the initial board of directors into three groups containing substantially equal numbers of members to serve initial terms of 2, 4, and 6 years respectively, in order to create staggered terms. In the case of more than one local government acting jointly, the number of directors appointed by the governing body of each local government will be as nearly equal as practicable. In counties with a metropolitan form of government (Davidson) and ones over 600,000 population (Shelby), the chief executive officer will appoint the directors subject to confirmation by the governing body. In these two counties, at least one director must be a female and at least one member must be of a racial minority.

Effective May 13, 1996.

EDUCATION

Public Chapter 638

Senate Bill 2124 House Bill 2356

Amends 49-2-202 to allow boards of education to name 4 high school students as advisory, non-voting members of the school board. One-half of the students named shall be enrolled in the college preparatory track; the other half shall be enrolled in the technology track. Any students so named shall not be compensated, but may be reimbursed for reasonable and necessary expenses incurred while engaged in board business. The selection of the student members is permissive, not mandatory.

Effective July 1, 1996.

Public Chapter 643

Senate Bill 70 House Bill 819

Amends 49-5-5703(a)(1) to provide for a one-year extension to principals or administrators who have not satisfied the requirement of attendance at the principal-administrator academy, and makes attendance optional for principals with at least 15 years experience unless the school board requires attendance.

Effective March 22, 1996.

Public Chapter 667

House Bill 2048 Senate Bill 2146

Amends 49-5-5605 regarding graduation requirements for teacher training programs. Provides that the department of education shall make special accommodations for certain persons applying to take the state teacher's certification test and shall allow the applicants an extra year where the following circumstances apply: the applicant has been employed by a local education agency for one year or more, the applicant has favorable recommendations from the local board and superintendent, the applicant has a handicapping condition, including dyslexia, which adversely affects the applicant's ability to successfully complete the test, the applicant has previously been unsuccessful in achieving a passing score on the test, and the applicant demonstrated a likelihood of passing the test if given additional

time, reading assistance, oral administration of the test, or other reasonable measures which wouldn't compromise the validity of the test.

Effective March 22, 1996.

Public Chapter 763

Senate Bill 2414 House Bill 2296

Amends 49-6-3017, 55-50-502 and 55-50-511 through 55-50-514 to provide for the denial of a motor vehicle license or permit to students in secondary schools who do not make satisfactory academic progress based on end of semester grading (passing 3 full unit subjects).

Effective July 1, 1996.

Public Chapter 764

Senate Bill 2505 House Bill 2279

Amends 49-3-312 to provide that a retired teacher is not required to renew his or her certification in order to work as a substitute teacher.

Effective April 17, 1996.

Public Chapter 814

House Bill 2860 Senate Bill 2117

Enacts 49-6-43__ to establish a Tennessee School Safety Center to develop and evaluate training materials and guidelines in school safety issues; the Center is authorized to establish grants to LEAs for development of innovative programs related to violence prevention.

Effective April 24, 1996.

Public Chapter 843

House Bill 2607 Senate Bill 2887

Amends 49-5-406(a) to extend to persons applying for any position requiring proximity to children the requirement of filing an application disclosing any criminal convictions (excluding only minor traffic violations), dismissals, and copy of resignation from previous school; makes supplying false information relative to criminal convictions grounds for termination and a Class A misdemeanor which must be reported to the Attorney General for prosecution; requires notice of these penalties to be prominently displayed on the application forms, together with notice that the accuracy of the information may be checked by fingerprint and criminal history records check by the TBI; amends 49-5-413 to authorize the local board of education to require applicants for positions requiring proximity to children to submit to fingerprinting and TBI investigation; authorizes local boards of education to require applicants who are hired to pay the cost of their TBI investigations.

Effective July 1, 1996.

Public Chapter 863

Senate Bill 2707 House Bill 2706

Amends 49-6-3005 to authorize the local board of education to excuse children

from attendance in accordance with guidelines to be developed by the State Board of Education and approved by the Joint Oversight Committee on Education.

Effective May 3, 1996.

Public Chapter 888

House Bill 2910 Senate Bill 3008

Enacts 49-6-42__ to ensure safe and secure learning environments in schools. Requires the local board of education to file written policies and procedures with the Commissioner each year (beginning prior to the commencement of the 1996-97 school year) to ensure environments free of drugs, violence and dangerous weapons, and imposing swift, certain and severe discipline on any student who brings a drug, drug paraphernalia, or a dangerous weapon onto a school bus, school property, or to a school activity, or who is under the influence of a drug or assaults or threatens to assault anyone on school property, a school bus, or at a school activity. Encourages the board to include a zero tolerance policy toward any student who engages in such misconduct, and requires prompt reporting of the misconduct to appropriate law enforcement officials. Authorizes deployment of law enforcement officers and/or school safety personnel, use of drug dogs, metal detectors, conflict resolution programs, and/or adoption of uniform clothing styles for students. Requires written notification of policies and procedures to parents and students at the beginning of fall classes each year, as well as conspicuous posting of summaries at each school.

Effective May 3, 1996.

Public Chapter 891

House Bill 3179 Senate Bill 2701

Enacts the “Safe Schools Act”, requiring the Commissioner of Education in conjunction with the Commissioner of Safety to develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools by January 1, 1997 (see Public Chapter 888 summarized above).

Effective May 3, 1996.

Public Chapter 894

House Bill 177 Senate Bill 317

Amends 49-3-359(c)(1) to require, after the BEP is fully funded, that the funds included in the BEP formula for school nurses be used for that purpose, unless the LEA notifies the Department of Education that the LEA has elected not to provide such service and what alternative arrangements have been made to meet the health needs of students.

Effective May 8, 1996.

Public Chapter 923

House Bill 2987 Senate Bill 3074

Amends 49-2-203(a)(4)(C) to provide that construction management services which do not involve actual construction work are deemed professional services and need not be competitively bid, but the actual construction work would continue to require

competitive bids; requires procurement of construction management services through either competitive bids, or by request for proposals based on cost, vendor's qualifications, and other relevant factors; requires that construction managers be licensed contractors in Tennessee.

Effective May 8, 1996.

Public Chapter 935 Senate Bill 726 House Bill 986
Amends 49-1-302 to require the State Board of Education to promulgate guidelines for school uniforms, leaving requirement of uniforms to LEA discretion.

Effective July 1, 1996.

Public Chapter 961 House Bill 2289 Senate Bill 2821
Enacts 49-5-___ to authorize LEAs to offer interest-free loans to teachers for the purpose of obtaining masters or doctorate degrees.

Effective May 13, 1996.

Public Chapter 979 House Bill 2712 Senate Bill 2908
Enacts 49-5-___ to authorize a local board of education to permit its employees to assist students in self-administration of medications under specified circumstances. Health care procedures may be performed by licensed professionals in accordance with guidelines and policies, with the parent's written permission. No liability will attach as long as the assistance was reasonable and prudent and in accordance with policies and guidelines.

Effective May 13, 1996.

Public Chapter 981 House Bill 2745 Senate Bill 3165
Amends 49-3-351(d) to require the Commissioner to establish definitions for ADM, FTEADM and I & S, to be used to determine each LEA's basic education program funding.

Effective July 1, 1996.

Public Chapter 987 House Bill 2859 Senate Bill 2114
Amends 49-1-302 to require the State Board of Education to develop and recommend procedures for use of two-way communications systems. Also, requests the Joint Committee on Education Oversight to study the issue of school security and report to the General Assembly by February 1, 1997.

Effective May 13, 1996.

Public Chapter 988 House Bill 2861 Senate Bill 2116
Repeals Title 49, Chapter 6, Part 40, and enacts the Student and Employee Safe

Environment Act of 1996. Requires each LEA to formulate a code of acceptable behavior and discipline, seeking recommendations from parents, employees, law enforcement, and youth-related agencies in the community. Provides for a civil cause of action for assault or injury to persons or property during school hours, on school property, or at school functions, with treble damages, attorneys' fees and costs to be awarded to the successful plaintiff. Amends 49-2-203 to require the school board to suspend, dismiss or alternatively place pupils when disruptive, threatening or violent students endanger the safety of other students or school personnel. Amends 49-2-303 to require school principals to administer the behavior code and to require guest passes and limit access during school hours to monitored entrances. Requires that students who commit battery on any school personnel or who unlawfully possess any drug be expelled or assigned to alternative school for at least one calendar year. Amends 49-6-3402(f) to require two-way communication systems in alternative schools.

Effective May 13, 1996.

Public Chapter 1045

Senate Bill 2563 House Bill 2374

Enacts 49-6-___ to require the State Department of Education to establish a pilot alternative school program in three school systems of less than 7,000 students, one in each grand division. The program is to be funded through competitive grants for a period not to exceed 3 years. Appropriates \$25,000 per year per program to assist in implementation.

Effective May 15, 1996.

Public Chapter 1076

Senate Bill 2188 House Bill 2266

Amends 49-5-5009 to change the appeal procedure for decisions of the State Certification Commission under the Career Ladder Program.

Effective May 16, 1996.

ELECTIONS

Public Chapter 574

Senate Bill 2039 House Bill 2040

Amends 2-5-208 to exempt ballots used with the microvote electronic voting system from the prohibition against printing numerals next to candidates names on the ballot.

Effective February 29, 1996.

Public Chapter 603

Senate Bill 1970 House Bill 1970

Amends 2-12-109 regarding municipal election expenses. If, in a legal proceeding involving a municipal election, a court finds that a new election is necessary due to a county election commission error, then the county must pay the cost of the new election. However, the county isn't liable for the costs if the court finds that the

election commission's error was caused by its reliance on information provided by the municipality.

Effective March 18, 1996.

Public Chapter 617

Senate Bill 2369 House Bill 2093

Amends 2-3-109 regarding voting procedures for elderly and handicapped voters. If the polling place of an elderly or handicapped voter's precinct is not accessible, he or she may vote at the election commission office on election day. In order to be eligible to do so, the voter shall complete an affidavit at the election commission office, not less than 10 days before the election, stating that the voting location does not comply with Public Law 98-435 of the 98th Congress. The election commission keeps a record of this affidavit for future elections. The elderly or handicapped voter is not required to file an affidavit for any future elections unless he or she changes voting precincts. The election commission is charged with informing the voter's precinct that the voter will be voting at the election commission office. The State Coordinator of Elections is charged with ensuring that this occurs. Regardless of these provisions, the voter still has the alternative of early voting. The principle change from prior law is that these voters were previously required to send written notice of the intent to vote at the election commission office before each election.

Effective March 18, 1996.

Public Chapter 678

House Bill 2767 Senate Bill 2855

Enacts a new part under Title 7, Chapter 51 to state clearly that employees of local government units have the same rights as other citizens to pursue public office and engage in political activity. Under the provisions of this part, the employer does not have to compensate the employee for work which is not performed for the governmental unit. Time taken off from work for political activities shall be limited to earned days off, vacation days, or other arrangements. This act, however, specifies that employees of a municipal government shall not be qualified to run for elected office in the local governing body of that government.

Effective March 28, 1996.

Public Chapter 735

Senate Bill 2728 House Bill 2771

Amends 2-2-106 to bring Tennessee law regarding the purging of voter registration into compliance with the National Voter Registration Act of 1993. This federal law prohibits states from purging voter registrations for failure to vote. The Tennessee General Assembly initially placed a moratorium on the purging process until May 1, 1996, in hopes that the federal law would be amended. It was not. This act repeals non-voting as a reason for purging voter registration and removes the moratorium language from the statute.

Effective April 12, 1996.

Public Chapter 765 Senate Bill 2524 House Bill 2208
Amends 2-2-107 to provide a voter registration option for persons whose residence is located on property that lies both inside the corporate limits of a municipality and in an unincorporated area in the county. Such people have a one time election to decide whether to be registered in a municipal precinct or in a county precinct. In a county with a metropolitan form of government, the term “unincorporated area” includes an area outside the boundaries of any of the smaller cities within the metropolitan government.

Effective April 17, 1996.

Public Chapter 898 House Bill 2975 Senate Bill 3143
Amends 40-29-105 relative to the restoration of citizenship; provides a new procedure for persons rendered infamous by virtue of being convicted of a felony on or after July 1, 1996. Such persons may petition the circuit court of the county of their residence or the county where the crime occurred to have their rights restored. Upon receiving a petition, the court shall notify the attorney general of those counties at least 30 days prior to a hearing to give the attorney general an opportunity to object to the restoration. If the conviction was in a federal court, notice shall also be given to the United States Attorney. There is a presumption that citizenship shall be restored. The presumption may be overcome by a preponderance of the evidence. Persons convicted of murder, rape, treason, or voter fraud remain ineligible to register and vote in Tennessee.

Effective July 1, 1996.

Public Chapter 1005 House Bill 3205 Senate Bill 3202
Amends the campaign finance statutes at 2-10-102(3), -105(e), and -110 to place constituent service accounts under the regulation of certain campaign finance laws. Funds given to defray any expenses of an officeholder incurred in connection with the performance of the duties and responsibilities of the office or constituent services are now included in the definition of “contribution” under that chapter. The name and address of the political treasurer of a state public office holder must be certified to the registry of election finance before accepting any such contributions. The penalty provisions of this chapter are amended to provide that candidates are ineligible to qualify for election to state or local public office until the statements or reports required by this part have been filed with the appropriate office.

Effective May 13, 1996.

Public Chapter 1028 Senate Bill 2235 House Bill 2827
Amends 2-6-103(b) relative to early voting in municipal elections. In counties with a population over 150,000 according to the 1970 census, the law requires certain extended hours for early voting. This act provides that those extended hours also apply to municipal elections conducted in those counties. The municipal governing

body and the county election commission are to jointly determine the appropriate dates for the additional hours of early voting.

Effective May 15, 1996.

Public Chapter 1063

Senate Bill 2978 House Bill 2877

Amends 3-6-114 of the lobbying bill passed last year by enacting a new exception to the prohibition against acceptance of gifts. Provides that food and beverages may be accepted if they are provided in connection with an official conference event listed in the program if the conference is sponsored by one or more of the following groups: (1) an association of elected government officials or their staff; (2) an umbrella organization for these officials and/or staff; or (3) a professional association of both public and private officials who provide government services at the state or local level or by contracting with governments to provide these services.

Effective May 15, 1996; repealed effective January 1, 1997.

EMERGENCY SERVICES

Public Chapter 620

Senate Bill 2548 House Bill 2382

Amends 55-8-101(2) to redefine “authorized emergency vehicle” for purposes of the rules of the road to include every ambulance and emergency medical vehicle operated by any emergency medical service licensed by the Department of Health under Title 68, Chapter 140, Part 5; provides that regulation of such ambulances will be exclusively performed by the Department of Health, and prohibits the Department of Safety from requiring any special authorization, approval or filing.

Effective March 18, 1996.

Public Chapter 769

Senate Bill 2741 House Bill 2700

Amends 68-140-506 regarding the licensure exemption of out-of-state ambulance services. While the former language of the code granted a licensure exemption to out-of-state ambulance services which were “regularly rendering” services in Tennessee, the law, as amended, now grants the exemption to out-of-state ambulance services which render emergency medical services “at the request of a county or municipality.”

Effective April 17, 1996.

FINANCE

Public Chapter 614

Senate Bill 2199 House Bill 2071

Amends 7-34-102 (Municipal Utility Revenue Bond Law) to explicitly provide that counties are included within the definition of municipalities for the purposes of that

section, thereby providing counties with the powers granted to municipalities under that Act.

Effective March 18, 1996.

Public Chapter 621 Senate Bill 2562 House Bill 2897
Modifies some of the provisions dealing with the collateral for state, county and municipal funds. Restricts the eligible collateral by removing as eligible collateral for the use of saving and loan institutions the securities described in 9-1-107(a)(2). Provides for a single collateral pool. Provides that a qualified public depository must guarantee public depositors against loss caused by the default or insolvency of other qualified public depositories.

Effective March 18, 1996.

Public Chapter 632 Senate Bill 2935 House Bill 2715
Amends Title 9 by transferring 9-21-917 to Title 9, Chapter 21, Part 6 and by deleting the last sentence of 9-21-910(c)(2) which formerly prohibited the sale of general obligation refunding bonds at private negotiated sales.

Effective March 19, 1996.

HEALTH AND ENVIRONMENT

Public Chapter 728 House Bill 1336 Senate Bill 207
Amends 69-3-104 to increase the number of members on the State Water Quality Control Board from 8 to 10. Adds a representative of counties and a representative of environmental interests. The county representative will be appointed by the governor from a list of 3 persons nominated by the Tennessee County Services Association (TCSA).

Effective April 10, 1996.

Public Chapter 733 Senate Bill 2601 House Bill 2818
Enacts 68-215-2___ relative to petroleum underground storage tanks to limit the liability of persons who hold an interest in property containing underground tanks to protect a security interest in an underground tank and those who foreclose on property on which such tanks are located. Under this law, a county will not be liable as an “owner” under the Petroleum Underground Storage Tank Act solely because the county holds a tax lien on the property. After foreclosure, the county will not be considered an “operator” unless there is no other “operator” responsible for daily operation of the property who can be held responsible under the act. If there is no other “operator” the county must empty the tank within 60 days of foreclosure if the county knew the tank existed, and otherwise within 60 days after

discovery of the tank, and the tank must be temporarily or permanently closed, all in accordance with the provisions of this act.

Effective April 12, 1996.

Public Chapter 744 House Bill 2698 Senate Bill 2684
Amends 68-4-102 to provide that the bodies of honorably discharged veterans delivered to a public official for burial shall be interred as directed by the Commissioner of Veterans Affairs or his representative, instead of by the chief medical examiner. Increases from 48 to 96 hours, the time a relative has to claim a dead body after notification of death of a person in a public facility.

Effective April 12, 1996.

Public Chapter 858 Senate Bill 2441 House Bill 2313
Amends 68-120-503 to require the State Building Commission to consider the number of urinals and water closets for men as opposed to the number of water closets for women in determining the required ratio in public buildings.

Effective July 1, 1996.

Public Chapter 864 Senate Bill 2720 House Bill 2687
Amends 68-215-127 to provide that all releases of petroleum products that require clean-up under state law shall be solely and exclusively governed by the soil and groundwater classification and clean-up criteria promulgated under the Tennessee Petroleum Underground Storage Tank Act.

Effective May 3, 1996.

Public Chapter 868 House Bill 1876 Senate Bill 1683
Amends several sections of Titles 55 and 66 regarding towing, storage, and disposition of unclaimed vehicles. Expands unclaimed or abandoned vehicles to include immobile and unattended motor vehicles and defines those terms. Provides that an immobile or unattended vehicle may not be towed until 12 hours have elapsed from the time it was first observed, unless it creates a hazard, blocks access to public or private property, or is parked illegally. Expands the garagekeeper's lien to include towing firms as well. Provides that there is no right to a lien on a vehicle that has been towed illegally or without authorization. Requires the authorization from a law enforcement agency to be written and to include the officer's name, the year, make, model, and color of the vehicle, the license plate number, and the vehicle identification number. A copy of this authorization must remain with the vehicle.

Effective July 1, 1996.

Public Chapter 890 House Bill 3060 Senate Bill 3161

Replaces the Obion-Forked Deer Basin Authority with the West Tennessee River Basin Authority which is established within the Tennessee Department of Environment and Conservation (TDEC). The Authority is mandated to preserve the natural flow and function of the Hatchie, Obion and Forked Deer River basins through environmentally sensitive stream maintenance. The Authority will be governed by a board of directors under the administrative control of TDEC. The board of directors will consist of the following members: (1) the county executive from each county electing to participate in the authority, or if the county executive recommends, the county legislative body may select a county commissioner or other citizen of the county to serve instead of the county executive; (2) the commissioner of agriculture or his designee; (3) one member who is a supervisor of a soil conservation district appointed by the Governor; (4) one member of the State House of Representatives appointed by the Speaker of the House; (5) one member of the Senate, appointed by the Speaker of the Senate; (6) the commissioner of TDEC or his designee; (7) the executive director of the Wildlife Resources Agency; (8) three resident members of participating counties appointed by the Governor, with one each from lists submitted by the Tennessee Forestry Association, Tennessee Conservation League and Tennessee Farm Bureau. The following counties, by resolution of the county legislative body, may elect to participate in the Authority: Lauderdale, Lake, Dyer, Obion, Madison, Weakley, Henry, Gibson, Carroll, Haywood, Crockett, Henderson, Chester, Tipton, Hardeman, Fayette and McNairy. If any of these counties has previously elected to participate in the programs of the Obion-Forked Deer Basin Authority and have not withdrawn, a further election is not necessary to participate in the new Authority.

Effective July 1, 1996.

HIGHWAYS

Public Chapter 685

House Bill 2331 Senate Bill 2544

Amends 54-8-102 to provide that the county executive shall provide written notice to landowners of affected property 30 days prior to adding or deleting a roadway, which had formerly been a part of the county road system and then was abandoned, onto the county road system. Notice shall be mailed to the address listed on the tax rolls for the properties affected. Title 54, Chapter 2 applies to county highway commissions, which are effective in few, if any, counties.

Effective March 29, 1996.

Public Chapter 793

House Bill 2746 Senate Bill 3164

Amends 55-8-152(g)(1) regarding the authority to lower speed limits. Counties (through the county legislative body) are authorized to set speed limits on the public roads and highways within their jurisdiction and not part of the interstate or state highway system. The speed limit for counties cannot exceed 55 m.p.h.

Effective for counties on July 1, 1996.

Public Chapter 882 House Bill 2422 Senate Bill 2733
Adds trucks carrying solid waste during the collection and disposal process to the list of trucks which are allowed a 10% margin of error in 55-7-203 for weight restriction purposes. Also adds clay and shale trucks, as defined, to the 10% margin of error provision in this statute. Adds trucks carrying clay or shale to the list of those permitted special weight classification registration in 55-4-124.

Effective May 3, 1996.

PERSONNEL

Public Chapter 790 House Bill 1969 Senate Bill 2011
Amends 50-6-204 and 50-6-205 relative to workers compensation, to require reimbursement of injured employees who are required to travel to an authorized medical provider or facility outside their community, with the reimbursement to be calculated on a per mile rate not less than the mileage reimbursement rate received by state employees.

Effective April 22, 1996.

Public Chapter 877 House Bill 2192 Senate Bill 2342
Amends 50-7-301(b)(1) relative to unemployment compensation benefits, to establish a new Benefit Table for benefit years established on or after July 7, 1996.

Effective May 3, 1996.

Public Chapter 919 House Bill 2943 Senate Bill 3014
Amends 50-6-114 relative to workers' compensation, to authorize employers to set off from temporary total, temporary partial, and permanent partial and permanent total disability benefits any payment to the employee under an employer funded disability plan for the same injury, as long as the disability plan permits the offset, and provided that the offset does not result in the employee receiving less than the employee would otherwise receive under the workers' compensation law.

Effective July 1, 1996.

Public Chapter 944 Senate Bill 2539 House Bill 2425
Enacts the Workers' Compensation Reform Act of 1996, making numerous amendments to Title 50, Part 6. Authorizes employers to use HMOs and PPOs and managed care methodologies. Prohibits health care providers from employing a collection agency or reporting to a credit bureau against an employer for costs not paid by workers' compensation until all administrative remedies have been

exhausted. Authorizes the Commissioner of Labor to include chiropractic and physical therapy services in the utilization review system if, after study, the commissioner determines that these services merit inclusion. Amends 50-6-203 to provide that for purposes of one-year limitation period on claims, the issuing date of the last voluntary payment by the employer, and not the date of receipt, constitutes the time the employer ceased making payments; the one-year limitation period is suspended from the date of initial request for a benefit review conference until 30 days after either a written agreement or written report is filed; the one-year period is also suspended from the date the Department of Labor receives a proposed settlement until it approves or rejects the settlement. Amends 50-6-206 to provide for approval of settlements by the Commissioner of Labor rather than a court under specified circumstances, and requires the commissioner to approve or reject within 3 business days of receipt of the settlement. Amends 50-6-226 to make employers' attorneys' fees subject to review for reasonableness, and to require court approval of those in excess of \$10,000; voluntary payments of medical costs will not be included in determining the award for purposes of calculating attorneys' fees; for cases submitted to the department for approval, attorneys' fees will be deemed reasonable if they do not exceed 20% of the award or \$10,000; requires that the final order in all cases set out the attorney portion in both dollar and percentage terms; in cases where the employee dies and the employer voluntarily offers to pay all benefits within 30 days after death, the plaintiff's attorney is limited to actual time and expenses incurred; physicians' fees and hospital charges are also subject to approval of the commissioner or the court, but these charges will be deemed reasonable unless contested. Provides for establishing a schedule of maximum allowable charges for physicians giving depositions. Prohibits benefit review conferences until the employee has reached maximum medical recovery, except under 50-6-238(a). Once temporary disability payments have commenced, when the employee has reached maximum medical improvement and a permanent impairment rating has been assigned, payments must continue until the earlier of three events: the employee accepts or rejects a job offered by the employer at a wage equal to or greater than the pre-injury wage, the parties agree to waive a benefit review conference, or a benefit review conference is held and a report is filed. Amends 50-6-239 to provide that a benefit review conference is mandatory if the department can schedule one within 30 days, but the parties may agree in writing to waive the conference. Medical records provided to the department are confidential. Requires initiation of disability and medical benefit payments within 21 days after an event entitling the employee to receive benefits. Establishes a special workers' compensation fraud investigation unit within the TBI, and enacts the Workers' Compensation Fraud Act, 56-__-101 *et seq.*, increasing criminal penalties to Class A misdemeanor if less than \$10,000 is involved, Class E felony for \$10,000 - \$60,000, and Class B felony if more than \$60,000 is involved, applying to violations occurring on or after July 1, 1996. Establishes an optional drug-free workplace program whereby employers may choose to test their employees in accordance with the detailed provisions of this law and regulations to be promulgated by the commissioner, and amends 50-6-110 to provide that if the employer complies with this optional drug-free workplace program and an injured employee tests positive for

drugs or alcohol, a rebuttable presumption is raised that the injury resulted from the drugs or alcohol; also provides for a premium credit for employers who participate in the program. Amends the Tennessee Occupational Safety and Health Act (TOSHA) to provide for collection of delinquent fines, penalties and interest imposed under that act; imposes additional 10% penalty on

delinquent TOSHA fines and penalties for each 30 days the fines and penalties remain unpaid, up to a maximum of 30%.

Effective on July 1, 1996, except Sections 14, 17, 22, 23, and 28-43 take effect on July 1, 1997, and Section 4 takes effect on May 13, 1996.

Public Chapter 957

House Bill 2174 Senate Bill 2119

Amends 29-20-301 to authorize governmental entities to indemnify or insure their volunteers for claims arising under state or federal law for which the governmental entity is immune under the Governmental Tort Liability Act, up to the limits established for governmental entities under 29-20-203. Does not affect the status of volunteer firefighters, police, or emergency assistants.

Effective May 13, 1996.

PLANNING AND ZONING

Public Chapter 666

House Bill 2033 Senate Bill 2710

Amends several sections in Title 6 to allow the incorporation of a particular area in the southern part of the state; reference is to a territory which contains at least 225 residents, is at least 1600 feet above sea level, and is bordered on the west, north, and east by the Tennessee River and on the south by another state. The statute requiring a petition for incorporation is satisfied by a letter from a resident requesting that the question of incorporation be placed on the ballot. Similar provisions also apply to another territory in the western part of the state.

Effective March 22, 1996.

Public Chapter 715

Senate Bill 2946 House Bill 2267

Amends 13-7-105 to provide that a county with a charter form of government may amend its zoning ordinance by means of resolution, and that all amendments so passed before July 1, 1995, are deemed valid even though they were accomplished by means of resolution rather than by ordinance.

Effective April 4, 1996.

PUBLIC RECORDS

Public Chapter 687

House bill 2436 Senate Bill 2460

Amends 55-4-103(b)(3) to provide that wheel tax records are to be maintained by the county clerk for the same period of time as motor vehicle registration records.

Effective March 29, 1996.

Public Chapter 724

Senate Bill 2141 House Bill 2060

Amends 10-7-504 to provide that records of historical research value which are given or sold to public libraries, public archival institutions or libraries of the University of Tennessee or Board of Regents systems will be treated as confidential and not be open to members of the public if the owner or donor wishes to place restrictions on access to these records.

Effective April 9, 1996.

REGISTERS OF DEEDS

Public Chapter 592 Senate Bill 2444 House Bill 2236
Amends 47-9-403 regarding the duration of a UCC filing to provide that if a security interest perfected by filing exists and if the filing of a continuation statement is enjoined or otherwise stayed in an insolvency proceeding, the security interest is deemed perfected until the termination of the injunction or stay and thereafter for 60 days (even if the filing has lapsed and the financing statement removed from the files) or until the expiration of the applicable effective filing period, whichever occurs later.

Effective March 13, 1996.

Public Chapter 619 House Bill 2450 Senate Bill 2519
Amends 47-9-402 to clarify that a carbon or photographic copy or other reproduction of the following Uniform Commercial Code (UCC) instruments may be filed instead of the original: amendment to a financing statement, continuation statement, statement of assignment, statement of release or termination statement, as well as copies of security agreements and financing statements. Also, beginning January 1, 1997, UCC instruments will not be eligible for filing unless the instruments are made in a writing on paper measuring 8 ½" x 11" and the bottom 3" of the paper are left blank by the preparer for the use of the Register or other filing officer.

Effective March 18, 1996.

Public Chapter 670 House Bill 2231 Senate Bill 2229
Authorizes the legal holder of a debt instrument secured by real property to release or modify a deed of trust, mortgage, deed, or other instrument securing a debt without joinder of a trustee under a deed of trust or other party holding legal title similar to a trustee under a deed of trust.

Effective March 22, 1996.

Public Chapter 784 Senate Bill 2120 House Bill 2177
Authorizes registers to provide remote electronic access for viewing of records of the office which are maintained on computer storage media during regular business hours. Registers are authorized to charge users of information through remote

access a reasonable amount sufficient to recover the costs of providing this service, and may not charge any more for this service. This charge may not include the cost of storage and maintenance of the records or of the electronic record storage system. Registers may not charge a fee for viewing records in the office, electronically or otherwise. The system used by the register must not allow the alteration or impairment of the records by a remote user. Registers who provide remote electronic access for viewing of records must file a statement with the Comptroller of the Treasury describing the computer equipment, software and procedures 30 days prior to offering this service, or if service is being offered, by May 22, 1996. This statement must describe how remote access will not allow a remote user to alter the records. Once a remote access information system is in place, all members of the public who desire access must be given access.

Effective April 22, 1996.

Public Chapter 1073

Senate Bill 3284 House Bill 3294

Amends 47-9-403 to provide that a UCC financing statement which does not state a maturity date or that the obligations are payable on demand, and where the debtor is not a transmitting utility, is effective for 5 years from the date of filing, but a continuation statement filed within 2 months following the end of the 5 year period will be retroactively effective and continue the security interest for another 5 years from the last date to which the previous filing was effective. Provides that a continuation statement may be filed by the secured party at any time during the last 6 months that the financing statement or previous continuation statement is effective, and will also be effective if filed during the 2 months immediately following the end of the 5 year effectiveness of the previous continuation statement or financing statement. The continuation statement extends the effectiveness of the original statement for 5 years after the last date to which the previous filing was effective.

Effective May 15, 1996.

RETIREMENT

Public Chapter 616

Senate Bill 2365 House Bill 2037

Amends 8-36-120(a) relative to lump sum payments to a surviving spouse or next of kin, to change the limit from \$1,000 to the amount a bank may pay under 45-2-708(a); amends 8-37-104(a)(8) to authorize the TCRS trustees to serve as standby note purchaser for the Tennessee State Funding Board.

Effective March 18, 1996.

Public Chapter 660

Senate Bill 2583 House Bill 2316

Amends Title 8, Chapter 37, Part 2, to authorize the purchase of certain retirement credit in the Tennessee Consolidated Retirement System in monthly installments by electronic transfer, with the board of trustees to promulgate rules.

Effective July 1, 1996.

Public Chapter 918

House Bill 2918 Senate Bill 2796

Amends 8-34-101(4)(B)(i) to continue until July 1, 1997 increases in annual earnable compensation for persons who were TCRS members on July 1, 1981, but only of the county legislative body accepts liability for the continued increase.

Effective May 8, 1996.

Public Chapter 1016

Senate Bill 1945 House Bill 2050

Amends 8-34-605 to authorize establishment of an additional 6 months of retirement credit for peacetime military service rendered from October 15, 1940 through May 7, 1975.

Effective May 15, 1996.

SHERIFFS

Public Chapter 637

Senate Bill 2063 House Bill 2024

Amends 39-16-607 regarding the punishment for permitting or facilitating an escape. Prior to this act, the punishment for the offense of permitting or facilitating an escape was a Class A misdemeanor unless one of three aggravating circumstances exists, in which case the offense is a Class D felony. This act increases the punishment to a Class E felony unless an aggravating circumstance exists, in which case the offense is a Class C felony. The three aggravating factors have not changed.

Effective March 20, 1996.

Public Chapter 644

Senate Bill 2033 House Bill 2798

Amends 40-7-118 relative to mandated reports to the Oversight Committee on Corrections. Removes provision which required law enforcement agencies to report to the joint house and senate committee on corrections regarding the use of citations in lieu of holding someone in custody.

Effective March 22, 1996.

Public Chapter 699

Senate Bill 2633 House Bill 2074

Enacts a new section under Title 39, Chapter 11, Part 1, to provide that it can be a part of the punishment for any offense committed in this state that the person committing the offense be sentenced to pay restitution to the victim or victims of the offense. The payment of restitution is added to the list of sentencing alternatives in 40-35-104. Provisions regarding certain exceptions to the procedures for paying restitution are added to 40-35-304. When there is no sentencing hearing because of a plea agreement, the agreement shall include the amount of restitution. Defendants sentenced to pay restitution shall be responsible for payment until the expiration of their sentence. Payment schedules set by the court shall not extend beyond the expiration of sentence. Where there is more than one victim, the court shall determine the loss and amount of restitution for each victim. If the victim or victims are dead, the court may order the payment of restitution to the next-of-kin. Nothing in the act should be construed to prohibit or delay a victim from receiving any compensation to which the victim is entitled under the Criminal Injuries Compensation Act, codified in Title 29, Chapter 13. The state has a subrogation interest in restitution payments for the full amount paid the victim under that act.

Effective July 1, 1996.

Public Chapter 703

Senate Bill 1966 House Bill 1957

Amends 41-4-109 relative to a jailer's duty to provide prisoners with basic subsistence. This statute formerly had provisions which outlined nutritional requirements and designated that the county covered the cost of bedding, water, and cooking facilities. The amended law now reads simply "[the jailer shall furnish adequate food and bedding.]"

Effective April 3, 1996.

Public Chapter 710

Senate Bill 2182 House Bill 1958

Amends 40-11-150 regarding persons charged with criminal offenses against family or household members. Whenever a defendant arrested or charged with the type of offenses covered by this act was released, subsection (f)(2) of this part previously required law enforcement agencies to furnish victims of alleged offenses with a free certified copy of the defendant's conditions of release (this was in addition to using all reasonable means to immediately notify the victim). The changes to this section now specify that the copy of the conditions of release are to be sent to the victim's last known address. Alternatively, if the victim is present when the conditions are imposed, he or she may be given a copy at that time. The language of the statute now provides that failure to give the victim a copy of the conditions of the release does not constitute negligence per se by the law enforcement agency.

Effective April 4, 1996.

Public Chapter 806

House Bill 2489 Senate Bill 3225

Enacts a new section under Title 41, Chapter 51, Part 1, requiring correctional

institutions to inform at-risk employees of inmates known to have infectious diseases. Where there has been a potential exposure to the disease, the institution is required to inform an employee, contract employee, or visitor. When an incident occurs that may have resulted in exposure to disease, the institution shall test the inmate, with or without his or her consent, to determine if the inmate is infected with a bloodborne pathogen such as hepatitis B or HIV. The institution is required to disclose the results of the test to each employee, law enforcement officer or visitor who reasonably believes he or she was potentially exposed to a life-threatening disease or pathogen. This act does not authorize the release of confidential information to the public.

Effective April 25, 1996.

Public Chapter 834

House Bill 549 Senate Bill 705

Amends Title 40, Chapter 39, Part 1, relative to sexual offender registration and monitoring. The act expands the definition of sexual offenders to add persons placed on or discharged from pretrial diversion or judicial diversion on or after January 1, 1995. Monitoring forms, sent by the TBI as part of this process, must now be delivered by certified mail return receipt requested. The amount of time to reply to the monitoring forms is expanded from ten days to fifteen days. If there is probable cause to believe the provisions of this chapter have been violated, the TBI notifies the district attorney general who, in turn, directs the law enforcement agency, parole officer, etc., responsible for the offender's supervision to apprehend the sexual offender.

Effective July 1, 1996.

Public Chapter 850

Senate Bill 2058 House Bill 2300

Amends 41-4-115 relative to reimbursement for certain services and care provided to inmates. New subsections are added to the code giving a local government the authority to adopt, by a resolution or ordinance passed by 2/3 of its governing body, a plan allowing the jail or workhouse administrator to set-up a co-payment program for medical care, treatment, or pharmacy services provided to inmates. The local government sets the amount to be paid by the inmate. This act does not allow a local government to deny medical care, treatment, or pharmacy services to an inmate who cannot pay. If the inmate is unable to pay, the administrator may deduct the co-payment from the inmate's commissary account or any other account or fund of the inmate. The plan may also authorize the jail or workhouse administrator to seek reimbursement for medical expenses from an insurance company, health care corporation, TennCare or other source that covers the inmate.

Effective May 3, 1996.

Public Chapter 868

Senate Bill 1683 House Bill 1876

Amends several sections of Titles 55 and 66 regarding towing, storage, and disposition of unclaimed vehicles. Expands unclaimed or abandoned vehicles to

include immobile and unattended motor vehicles and defines those terms. Provides that an immobile or unattended vehicle may not be towed until 12 hours have elapsed from the time it was first observed, unless it creates a hazard, blocks access to public or private property, or is parked illegally. Expands the garagekeeper's lien to include towing firms as well. Provides that there is no right to a lien on a vehicle that has been towed illegally or without authorization. Requires the authorization from a law enforcement agency to be written and to include the officer's name, the year, make, model, and color of the vehicle, the license plate number, and the vehicle identification number. A copy of this authorization must remain with the vehicle.

Effective July 1, 1996.

- Public Chapter 870 House Bill 1982 Senate Bill 2032
Enacts a new section under Title 40, Chapter 6, Part 2 to give criminal defendants (or their attorneys) the right to request and receive a copy of any warrant issued under that part which is served upon the defendant.

Effective May 3, 1996.
- Public Chapter 871 House Bill 2010 Senate Bill 2050
Amends sections of Title 40, Chapter 36, relating to the Community Corrections Act. Provides that after the Department of Corrections has approved an agency for continued funding under the act, that agency has exclusive authority to provide the contracted correctional services within the agreed jurisdiction. Raises the supervision fee from \$5 per month to \$15 per month. Also requires agencies receiving funding to investigate the financial condition of participants of the program, and, based upon ability to pay, require a \$30 per month payment to the criminal injuries compensation fund, not to exceed 10% of the offender's net income.

Effective May 3, 1996.
- Public Chapter 878 House Bill 2212 Senate Bill 2400
Enacts a new section under Title 38, Chapter 1 to gives law enforcement officers and employees the duty to make reasonable efforts after an accident to notify next of kin before issuing any statement, written or spoken, to the press which discloses the name of the decedent or person seriously injured in the accident. The investigating officer is given the discretion to determine whether an injury is "serious" or not and is not liable for such opinions.

Effective May 3, 1996.
- Public Chapter 902 House Bill 1946 Senate Bill 1944
Creates a new offense of aggravated vehicular homicide under Title 39, Chapter 13, Part 2. Vehicular homicide becomes aggravated when the defendant has two or more prior convictions for DUI or vehicular assault; or one or more prior convictions for vehicular homicide; or one prior conviction for DUI or vehicular assault and the defendant's blood alcohol level is .20% or more. Aggravated vehicular homicide is a Class A felony.

Effective July 1, 1996.
- Public Chapter 903 House Bill 1980 Senate Bill 2245
Enacts a new provision under the Wiretapping and Electronic Surveillance Act to specify that a circuit or criminal court judge may issue a pen register or trap and trace order pursuant to 18 USC 3123. Defines pen register as a device which records or decodes impulses to identify the numbers transmitted on the phone line

but does not include devices used by a provider or customer of a wire or phone service for billing purposes or for communication services (caller ID).

Effective July 1, 1996.

Public Chapter 905

House Bill 2381 Senate Bill 2320

Amends Title 39, Chapter 17, Part 13 relative to firearms and other weapons. Deletes 37-17-1315(b)-(f) regarding sheriffs issuing gun permits and replaces it with a new procedure. After October 1, 1996, applications for a gun permit shall be made to the Department of Safety. The department notifies the chief law enforcement officer (CLEO) of the applicant's county of residence. The CLEO then conducts a background investigation regarding the applicant's disclosures on the application. Reports are to be filed within 15 days of the CLEO receiving a copy of the application. Sheriffs and/or CLEO's are instructed to retain until January 1, 2001, all applications and files related to the approval or denial of applications submitted from October 1, 1994 to October 1, 1996. After January 1, 2001, those files are to be destroyed unless they are relative to pending litigation.

Effective May 8, 1996 for the purpose of promulgating rules and regulations; effective October 1, 1996, for all other purposes.

Public Chapter 910

House Bill 2670 Senate Bill 2952

Amends 55-10-403 relative to forfeiture of vehicles used in the offense of DUI; replaces subsection (k) which provides for seizure of vehicles after third offense with new subsection to allow seizure after second offense. Both offenses must occur after January 1, 1997, and within 5 years of each other. Language of the act states intent to prevent future offenses, not necessarily to punish offender. Amends 40-33-211 to specify that revenue derived from the sale of these vehicles is distributed as follows: 15% retained by the entity responsible for the seizure, 85% transmitted to the State Treasurer no later than 30 days after the sale for an "alcohol and drug addiction treatment fund" available for use after January 1, 1997 (note discrepancy in the date with Pub. Ch. 959, below). Also, the sheriff of each county is to develop a written policy which permits alcohol and drug treatment organizations to have reasonable access to persons confined in the county jail or workhouse who have been convicted of a DUI offense.

Effective January 1, 1997.

Public Chapter 911

House Bill 2673 Senate Bill 2954

Amends 55-10-406(a)(3) to increase from 6 months to 12 months the time a person's driver license is suspended for failure to submit to a drug and alcohol test.

Effective July 1, 1996.

Public Chapter 913

House Bill 2781 Senate Bill 2627

Enacts a new part under Title 41, Chapter 21 relative to the filing of lawsuits by prison inmates; attempts to reduce frivolous and malicious filings by requiring proof

of indigency and fining inmates for costs of frivolous or malicious lawsuits. This new law enables a court to dismiss a claim filed by an inmate, either before or after service of process on the defendant, if the court finds the inmate is not impoverished or the claim is frivolous or malicious. If the inmate is claiming inability to pay, the inmate must file a separate affidavit with a complete list of every lawsuit or claim previously filed by the inmate and information about those suits and a current certified copy of the inmate's trust account statement. Courts shall order an inmate filing a frivolous or malicious lawsuit to pay various fines, fees, and costs. These will be paid out of the inmate's trust account. Expenses to be compensated include any cost incurred by the court, the Department of Corrections, or the county jail in connection with the claim. The act provides for a hearing on the issue of whether the claim is frivolous or malicious. Filing a frivolous or malicious claim forfeit some or all of the inmate's good conduct sentence reduction credits. The Department of Corrections is to develop and maintain a system for the resolution of grievances by inmates in department facilities.

Effective May 8, 1996.

Public Chapter 915

House Bill 2871 Senate Bill 2955

Amends 55-10-401 and 55-10-408 to create alternative means of demonstrating the offense of DUI. Formerly the law outlawed driving under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; a blood alcohol level of .10% was *conclusive proof* of driving under the influence. Now, the law prohibits driving under the influence and driving with a blood alcohol level of .10%; a blood alcohol level of .10% creates a mere *presumption* that a person is under the influence.

Effective May 8, 1996.

Public Chapter 927

House Bill 3052 Senate Bill 3113

Amends 39-14-205 relative to liability for killing a police dog. Under this statute, the intentional killing of another's animal constitutes theft. In determining the value of the police dog for classifying the theft, the court should consider the cost of the dog and any specialized training for the dog. Although the statute exempts persons who kill an animal when acting under a reasonable belief that the animal was creating an imminent danger of death or serious injury, this exemption does not apply where the animal was a police dog acting in its official capacity and the person was engaged in criminal activity or attempting to escape.

Effective July 1, 1996.

Public Chapter 959

House Bill 2274 Senate Bill 2594

Amends numerous statutes relative to forfeiture of vehicles used by a person driving on a license suspended or revoked for a violation of DUI laws. Adds a new subsection under 55-50-504 to provide that such vehicles are subject to seizure and forfeiture pursuant to Title 40, Chapter 33, Part 2. Revenue derived from the sale

of these vehicles is distributed as follows: 15% retained by the entity responsible for the seizure, 85% transmitted to the State Treasurer no later than 30 days after the sale for an “alcohol and drug addiction treatment fund” available for use after July 1, 1997.

Effective January 1, 1997.

Public Chapter 962

House Bill 2328 Senate Bill 2154

Amends 39-15-401 regarding child abuse and neglect. Formerly, the law allowed the juvenile court to issue a summons or warrant to bring before the court anyone the court had probable cause to believe was guilty of child abuse or neglect. New language is added to this section to provide that no arrest warrant or summons is to be issued, nor criminal charges instituted against a parent, guardian, or custodian of a child based on allegations of unreasonable corporal punishment unless the affidavit contains verification in the form of a police report or independent medical verification of injury.

Effective July 1, 1996.

Public Chapter 985

House Bill 2776 Senate Bill 2721

Amends Title 38, Chapter 8, Part 1 to create a new section regarding community policing pilot programs. The Tennessee Peace Officer Standards and Training Commission is to establish 6 pilot programs for communities across the state (2 in each of the 3 grand divisions). Each program may receive a grant of up to \$10,000. To qualify for the funds, a community shall satisfy the criteria for participation established by the commission.

Effective May 13, 1996.

Public Chapter 1009

House Bill 3227 Senate Bill 3216

Amends several statutes relative to the regulation and licensing of private protective services. Amends 62-35-131 to provide that an armed security officer/guard who is not bonded and sworn as a law enforcement officer shall not carry a firearm unless such person first applies for and receives a written directive from the chief law enforcement officer (CLEO) of the county. The CLEO shall require the applicant to present proof of compliance with the regulations of the Department of Commerce and Insurance and notify the commissioner of any objection to the issuance of a directive within 10 days of receiving the request. If the guard complies with the commission’s regulations, the CLEO shall issue a written directive authorizing such individual to carry a firearm for the purpose of employment only. The statute specifies the size, style and information to be included in the directive. The CLEO may charge a reasonable fee (not over \$25) for the authorization. The CLEO reserves the right to refuse, revoke or suspend the authorization upon finding just cause to disqualify the guard from carrying a firearm. Upon denying an application, the CLEO shall send confidential notice to

the application within 10 days including copies of information used in the decision and information about challenging the denial.

Effective May 13, 1996.

Public Chapter 1012 Senate Bill 379 House Bill 47
Enacts Money Laundering Act of 1996. Creates a new section under Title 40, Chapter 12 to make unlawful the use of proceeds from certain criminal offenses; to permit confiscation and forfeiture of those proceeds; and to permit investigation by a grand jury of violations of this act.

Effective July 1, 1996.

Public Chapter 1023 Senate Bill 2054 House Bill 2180
Amends 39-14-503(a) to provide that any motor vehicle with a gross weight of less than 16,000 pounds which is transporting litter to an energy recovery facility is required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck. Motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling are not required to transport in an enclosed space or be fully covered by a tarpaulin.

Effective July 1, 1996.

Public Chapter 1066 Senate Bill 3029 House Bill 3107
Amends 38-6-102 regarding the authority of investigators of the TBI. This act gives TBI investigators the independent authority to investigate allegations of felonious conduct resulting in the injury of state inmates in county or private correctional facilities where the alleged perpetrator is an official of the county or the private vendor, where the district attorney was notified of the conduct by the Department of Corrections and refused to request an investigation.

Effective May 15, 1996.

Public Chapter 1070 Senate Bill 3118 House Bill 3078
Amends 39-17-902 relative to the production and distribution of obscene matter; adds material found legally obscene that violates the requirements of 18 U.S.C. 2257, which prohibits child sexual exploitation.

Effective May 15, 1996.

Public Chapter 1075 Senate Bill 2055 House Bill 1991
Amends 39-17-1316 relative to background investigations of persons attempting to buy a handgun. The certification formerly was filed with the sheriff of the *buyer's* county of residence and the chief of police if the *sale* was made in a municipality;

under the new law the filing is with the sheriff and chief of police of the purchaser's

residence if within a municipality. The amendment also entitles the chief of police to charge the same fee as sheriffs for background investigations.

Effective May 15, 1996.

SOLID WASTE

Public Chapter 613

Senate Bill 2196 House Bill 2168

Amends 5-1-115 relative to the removal of accumulating debris. This statute permits a local government to give notice to a property owner of a dangerous condition on his or her property, and then enter the property to clean up the accumulating debris. This amendment prohibits the local government from entering owner-occupied residential property, except in counties in 3 narrow population classes (Obion, Coffee, Madison).

Effective July 1, 1996.

Public Chapter 846

House Bill 2763 Senate Bill 2180

Amends the Solid Waste Management Act of 1991. Reduces the state surcharge on each ton of solid waste received at a Class 1 landfill from \$.85 per ton to \$.80 per ton on July 1, 1997 and to \$.75 per ton on July 1, 1998. This state surtax expires on June 30, 1999 (unless reimposed by the General Assembly). Provides that not later than July 1, 1997, each county which uses receptacles for the collection of municipal solid waste from the general public (green boxes) separate from a convenience center must submit information concerning these boxes to the Department of Environment and Conservation (TDEC) and abide by rules of the Solid Waste Disposal Control Board concerning the use of these receptacles. However, any county which did not have non-convenience center receptacles on January 1, 1996, or which discontinues such use is prohibited from installing or maintaining separate receptacles after this date.

Provides that the needs assessment for the development district is to be revised by April 1, 1999 and every 5 years thereafter. Abolishes the municipal solid waste planning advisory committee for each planning district. Clarifies that once established, a municipal solid waste region continues to exist until dissolved or a successor region or regions are established. Provides a procedure for dissolution and reconfiguration of regions involving approval of the county legislative bodies of the affected counties and approval by TDEC of the new arrangement and new or revised plans for the new or reconfigured regions.

Clarifies the regional board consists of from 5 to 15 members and that municipalities entitled to representation on the regional board may agree to joint or multiple representation by a board member or for a county member to represent one or more municipalities upon agreement of the local governments. Also, clarifies that members of county and municipal governing bodies, municipal mayors, county

executives, county and municipal officers and department heads may be appointed to the regional board.

Provides that the region's plan may be revised at any time to reflect subsequent developments in the region and must be revised every 5 years after the plan's initial approval. Each revised plan is subject to review and approval by TDEC in the same manner as the original plan; however, the region will now have 60 days instead of 30 days to correct any deficiencies in the plan. Also, clarifies that the county legislative body, or the board of directors of a Part 9 solid waste authority in counties where one has been formed, is to review and approve the region's plan or revised plan prior to the region's submittal to TDEC.

TDEC will establish a matching grant program for the purchase of equipment to establish or upgrade recycling at public or not-for-profit recycling collection sites. The local share of the match will be determined by TDEC using an economic index based upon factors which include, but are not limited to, per capita income and property values. Areas falling within the lower economic scale will be eligible for lower matching rates. The counties which receive a rebate in lieu of a recycling grant must match the rebate for recycling purposes.

Modifies the grant program for household hazardous waste so that if funds are available, an eligible municipality with a permanent collection site may be awarded annual grants to assist the municipality in maintaining or operating the site. A municipality that receives such a grant must allow all residents of the county to use this site. Mobile household collection service will not be provided by the state to a county in which a municipality has a permanent household hazardous waste collection site through the grant program.

From funds available from the solid waste management fund, TDEC may offer to counties grants to assist counties in locating, collecting and disposing of waste tires. Also, TDEC may directly, or by contract, provide for the investigation and clean-up of unpermitted waste tire disposal sites and other unpermitted solid waste disposal sites. TDEC will attempt to recover costs from the person responsible.

Expands the membership of the Tennessee Municipal Solid Waste Advisory Committee from 10 to 15. The additional members will be named by the commissioner of TDEC and will represent the tire industry, agriculture, environmental air and water quality, and one member will be a municipal official from one of the 4 most populous cities, and one member a county official from one of the 4 most populous counties. The county member will be nominated by the Tennessee County Services Association (TCSA).

TDEC may award matching grants for implementing the education program component of the region's approved plan from funds available in the solid waste management fund. The local share of the match will be determined by TDEC using an economic index based upon factors which include, but are not limited to, per

capita income and property values. Jurisdictions falling within the lower economic scale will be eligible for lower matching rates.

Clarifies that the 25% waste reduction goal applies only to solid waste disposed of in Class 1 landfills and incinerators. This allows diversion of solid waste from Class 1 landfills to other class landfills, such as construction and demolition waste landfills, to count as waste reduction.

The TDEC scale grant program is terminated.

Ends requirement that each person or entity operating a collection site for recyclable materials annually report the quantities of recyclable materials collected, by type of material, to the region. However, any person operating a recovered materials processing facility must report annually the quantities of recovered materials processed at that facility, by type of material, directly to TDEC or its designee.

Amends the Solid Waste Authority Act of 1991 to make definitions consistent with other solid waste management law, to delete requirement that no authority may be formed unless each county government in the region approves of the creation of an authority, and clarify the procedure for dissolution of an authority.

Deletes Part 2, 3 and 4 of Title 68, Chapter 211 (considered obsolete).

Clarifies that recovered materials are not considered solid waste, and makes other definition changes to 68-211-802 make the various statutes dealing with solid waste more consistent.

Sections 30 and 32 of this act dealing with cleanup of unpermitted waste tire sites and the membership of the solid waste advisory committee, respectively, are effective April 30, 1996, while all other provisions are effective July 1, 1996.

Public Chapter 882

Senate Bill 2733 House Bill 2422

Adds trucks carrying solid waste during the collection and disposal process to the list of trucks which are allowed a 10% margin of error in 55-7-203 for weight restriction purposes. Also adds clay and shale trucks, as defined, to the 10% margin of error provision in this statute. Adds trucks carrying clay or shale to the list of those permitted special weight classification registration in 55-4-124.

Effective May 3, 1996.

Public Chapter 974

House Bill 2636 Senate Bill 2254

Amends 67-5-103 to authorize municipalities funding waste disposal by special assessments to bill those costs on the real property tax notices. However, the special assessment does not constitute a lien or accrue penalties or interest for late payment. Provides that the municipality exercising this option must bear any costs of modifying the billing system to accommodate this procedure.

Effective May 13, 1996.

TAXATION

Public Chapter 596

Senate Bill 2915 House Bill 2669

Amends 67-6-212 to include within the amusement tax all charges whatsoever for admission to professional sporting events, including any charge for a seat license, skybox, luxury suite or any other accommodation for spectators. Also, amends 67-6-103 to provide that state sales tax (and amusement tax) revenue derived from a national football league franchise will go the state general fund instead of to the municipality under the former special provisions for municipalities with a sports authority, and this act also limits the time for distribution to any municipality under this subdivision (d)(1) to 30 years. Furthermore, a special provision for Memphis provides for use of sales and amusement tax revenue generated by a major league franchise to be used for capital improvements to the sports facility. This special provision for Memphis expires on April 1, 1999.

Effective generally on March 14, 1996, but allocation of tax revenue provision for Nashville is effective on January 1, 1996. However, all provisions are void unless the contract between the metropolitan government of Nashville and Davidson and the Houston Oilers is in full effect by January 1, 1997, except the 30 year limit on distribution of revenue under the special distribution provision to a municipality.

Public Chapter 1059

Senate Bill 2883 House Bill 2538

Amends 63-18-213 to provide that massages performed before October 1, 1995, by a person who becomes licensed in accordance with the Massage Licensure Act of 1995, shall not be subject to the collection of any form of state or local tax not also imposed on other medically therapeutic activities.

Effective May 15, 1996.

TAXATION - PROPERTY

Public Chapter 662

Senate Bill 2647 House Bill 2714

Amends 67-5-1301 regarding property tax assessments of public utility companies to include bus and truck companies holding a permit from any state or federal regulatory agency in the list of those assessed for taxation by the comptroller of the treasury. Also provides that remedies available for the correction of other types of assessment errors are also applicable to assessments of public utility companies.

Effective March 22, 1996, applicable to assessments for the 1996 tax year.

Public Chapter 707

Senate Bill 2416 House Bill 2552

Amends 67-5-1005 regarding the certification necessary to maintain an agricultural classification. Former law provided that disqualification of land for this classification which results from application of the certification requirements during a general reappraisal would not result in a rollback assessment. The new law states conditions

under which no rollback assessment applies: the land must be used for agricultural purposes and continue to qualify under the minimum size and acreage requirements. A rollback assessment will be made if, during the 3 years following the disqualification, the property ceases to meet the use and size requirements. In spite of the deadline for certifications, an owner may establish continued eligibility for the agricultural classification by appeal, although the certification is a prerequisite to a hearing on appeal.

Effective April 3, 1996; applicable to assessments under appeal as of that date.

Public Chapter 717

Senate Bill 2991 House Bill 2718

Amends 67-1-702 by adding Dyer County to those authorized to accept property taxes any time after July 10 (instead of the first Monday in October), after the other statutory prerequisites are met.

Effective April 4, 1996.

Public Chapter 787

Senate Bill 2677 House Bill 2451

Amends several sections of Title 67, Chapter 5, regarding property taxes. Deletes subsection in 67-5-2502 which required the owner of a non-possessory interest in real property to file a statement of that interest annually with the assessor, or waive any right to notice of a delinquent tax suit or sale. Deletes requirement that the trustee publish notice of this former provision. Now specifies that the delinquent tax attorney is to make a reasonable search for those owners and give them notice of the proceedings, receiving a reasonable fee set by the court for this service.

Amends 67-5-1801 to authorize trustees in the following additional counties to accept partial payments of property taxes: Grundy, Johnson, Benton, Lincoln, Lawrence, and Sevier. Also changes from mandatory to permissive the language which prohibited the trustee from accepting current real property taxes when there were delinquent taxes on that property; now the trustee may adopt such a policy but is not required to do so. States that the trustee, when collecting municipal taxes, has the same powers authorized for collection of county taxes, including ability to convey the municipality's interest in real property.

Amends 67-5-2506 regarding a tax sale by instructing the clerk not to bid on property which the county legislative body has determined poses an environmental risk. Amends 67-5-2410 regarding costs in a tax suit, adding "environmental assessments" to the list of costs to be set by the court and considered as court costs.

Amends 67-5-1512 to clarify that interest and penalties are not to be imposed during the time the taxpayer is pursuing an appeal, whether before the county or the state board of equalization, except as provided in the statute. Also clarifies that the taxpayer is to receive interest on taxes paid in excess of the amount determined to be due by either the county or the state board of equalization. Changes the method by which interest is calculated for amounts due either the taxpayer or the

governmental entity after an assessment appeal; now requires interest at the rate of

2 percentage points below the composite prime rate (formerly at the composite prime rate).

Effective April 22, 1996.

Public Chapter 809

House Bill 3006 Senate Bill 2478

Amends 67-5-1009 regarding tax status of open space easements to provide that open space easements in favor of a local government are to receive the same tax treatment as those in favor of the state. Before such an easement is created, the local planning commission must be consulted; before it is canceled, the statutory conditions must be met, including existence of the easement for 10 years, determinations by the local governing body and the local planning commission that cancellation is in the public interest, and payment by the owner of the tax savings received as a result of the easement during the last 10 years.

Effective June 1, 1996.

Public Chapter 833

Senate Bill 3067 House Bill 2967

Amends 67-5-903 regarding reporting requirements for personal property tax to clarify that billboards, tanks, and pipelines are to be reported as personal property only if they are not classified as real property under other law.

Effective April 29, 1996, applicable to assessments for the 1996 tax year.

Public Chapter 845

House Bill 2778 Senate Bill 2969

Adds subsection to 67-5-303 regarding powers of assessor in making assessments, authorizing the assessor to enter a building which is under construction and not yet occupied or secured without consent of the owner. After the building is occupied or secured, the assessor may enter with the owner's consent or, if consent is unreasonably denied, under a court order.

Effective July 1, 1996.

Public Chapter 967

House Bill 2433 Senate Bill 2127

Amends sections of Title 67, Chapter 5, Part 7, regarding tax relief to provide that a disabled veteran may receive reimbursement for property taxes paid on the first \$140,000 (formerly \$120,000) of residence market value. Also changes the formula for determination of the maximum income which an elderly or disabled homeowner may receive and still be eligible for tax relief. Formerly the General Assembly set the limit each year, although it could not be less than \$10,000. The new act provides that the amount is to be \$10,550 for 1996 and will be modified according the yearly cost of living adjustment for social security recipients, rounded to the nearest \$10. Provides that none of these funds are to be expended unless specifically appropriated in the appropriations act.

Effective May 13, 1996.

Public Chapter 974 Senate Bill 2254 House Bill 2636
Amends 67-5-103 to authorize municipalities funding waste disposal by special assessments to bill those costs on the real property tax notices. However, the special assessment does not constitute a lien or accrue penalties or interest for late payment. Provides that the municipality exercising this option must bear any costs of modifying the billing system to accommodate this procedure.

Effective May 13, 1996.

Public Chapter 1027 Senate Bill 2232 House Bill 2270
Authorizes a new property tax exemption for historic properties which may be adopted in a county or city upon a 2/3 vote of the governing body. To qualify, a property must be owned by a charitable institution and meet the following additional criteria: (1) on the National Register of Historical Places; (2) used for occasional rental periods not longer than 2 days; (3) rented out less than 180 days per year, with the proceeds used to defray maintenance and upkeep; and (4) owned and maintained by the charitable institution for at least 10 years before application for the exemption. Owner must submit a preservation and maintenance plan showing how tax savings will be used. Exemption valid for 10 year period, which may be extended for additional periods upon submission of an updated preservation and maintenance plan.

Effective May 15, 1996.

TAXATION - SALES AND USE

Public Chapter 563 House Bill 2056 Senate Bill 2073
Amends 67-1-1443(a) to provide that anyone, required to collect, account for, and pay over any tax collected from the customers of any taxpayer, who fails to do so or who otherwise attempts to evade or defeat such tax shall be liable for the total amount of the tax evaded, or not accounted for and paid over, along with penalties and interest. The new paragraph differs from the old one in only one manner. The former language of the provision limited its application to instances where there was a failure to account for or collect a tax from the customers of "*a corporation*" whereas the new law applies taxes of the customers "*of any taxpayer.*"

Effective February 22, 1996.

Public Chapter 664 Senate Bill 2979 House Bill 2800
Rewrites subdivision 67-6-204(c)(3) relative to payments made in lieu of local option use taxes on rental of personal property from tax exempt entities. This section imposes a sales and use tax on the gross proceeds of all leases and rentals of tangible personal property in the state where the lease or rental is a part of the regularly established business. Where the lessor is a tax exempt entity, the lessee (renter) may elect to pay the use tax in a lump sum. The former language of the

law placed a limitation on the application of the tax to the first \$1,100 on the use of any

single article of personal property. The change in the provision cross-references this limitation to 67-6-702, which currently sets the limit at \$1,600.

Effective March 22, 1996.

Public Chapter 721

House Bill 2548 Senate Bill 2708

Amends 67-6-102(8) and 67-6-207 to add self-propelled fertilizer or chemical application equipment to the definition of “farm equipment and machinery” relative to the sales and use tax exemption for such property. Also included in the definition is the lease or rental of the farm equipment or machinery.

Effective April 4, 1996.

Public Chapter 722

House Bill 2653 Senate Bill 2917

Creates a new sales and use tax exemption under 67-6-209 for personal property purchased or used by a contractor or subcontractor of the Federal Government to fulfill obligations regarding preparations for the Olympic events to be conducted on the Ocoee River. This act is retroactive to September 1, 1995 and is repealed effective December 31, 1996.

Effective April 4, 1996.

Public Chapter 729

House Bill 2318 Senate Bill 2491

Adds to the definition of “industrial machinery” under 67-6-102(12)(C) relative to exemptions from sale and use taxes in 67-6-206. Former provision included machinery used in the pre-press and press operations in the business of printing, including plates and cylinders. This new law also adds the component parts, fluids, and chemicals necessary for the operation of that machinery, plates, and cylinders.

Effective April 10, 1996.

Public Chapter 739

Senate Bill 3162 House Bill 3064

Amends 67-1-1802, 67-6-102, and 67-6-209 to clarify that the sales and use exemptions and reduced rates applicable to purchases made by manufacturers of tangible personal property for resale do not apply to contractors whose principal business is the performance of contracts to improve realty, other than road contractors. Amends the definition of fabricating or processing tangible property for resale in 67-6-102(7) to state clearly that this is property for resale and to add hot mix asphalt and crushed stone fabricated by a contractor for use by the contractor in highway or road construction projects funded by tax revenues to the definition. Amends the tax exemption in 67-6-209 to add that the transfer of tangible personal property by a contractor who contracts for the installation the personal property as an improvement to realty is not a sale and does not entitle the contractor to benefit from exemptions and reduced rates provided for manufacturers under 67-6-206 or 67-6-102(23)(E). Sales or use taxes paid prior to the effective date of this act based upon the industrial machinery exemption, the energy fuels, electricity and water

exemptions, or the industrial materials exemptions shall not be refunded unless a properly documented refund claim is filed within 90 days of the effective date of the act.

Effective April 12, 1996.

Public Chapter 743

House Bill 2788 Senate Bill 2375

Amends definition of “single article” relative to the application of the local option revenue tax on only the first \$1,600 of the sale or use of a single article or personal property. Alters sentence regarding boats to specify that freight and labor, in addition to boat motors and other parts or accessories, are all considered part of the boat.

Effective April 12, 1996.

Public Chapter 770

Senate Bill 2776 House Bill 2616

Adds “trailers used to transport livestock as defined in 44-18-101,” to definition of “farm equipment and machinery” under 67-6-102(8) relative to the exemption to sales and use taxes found in 67-6-207.

Effective April 17, 1996.

Public Chapter 807

House Bill 2536 Senate Bill 2208

Amends 67-6-313 to enact a new sales and use tax exemption. This exemption covers the sale of all repair parts, accessories, materials and supplies to a common carrier for use on the carrier’s freight motor vehicles which meet certain weight classifications or trailers, semi-trailers and pole trailers (as defined in 55-1-105 and 55-4-113) and which are shipped via the carrier under a bill of lading and transported to a destination outside of this state for use outside this state. Additionally, for the exemption to apply, the seller and purchaser must both be directly owned or controlled by a common parent or one of the parties must own or control the other corporation.

Effective April 25, 1996.

Public Chapter 922

House Bill 2986 Senate Bill 2373

Amends 67-5-102(23)(F)(v) to clarify that bathing and grooming services provided by a licensed veterinarian for a medical purpose are not included in those services that are considered “retail sales” for sales and use tax purposes; enacts a new section under Title 67, Chapter 6, Part 3 which provides that vets are considered the users and consumers of all legend drugs purchased by them for use or resale in the practice of veterinary medicine. Such drugs are subject to sales or use tax on the cost price to the vet, unless exempt as livestock medication or wormers.

Effective July 1, 1996.

- Public Chapter 958 House Bill 2210 Senate Bill 2516
 Amends 46-2-403 and 62-5-403 regarding the payment of taxes on burial merchandise and services; adds similar new subsections to each of these statutes to require sellers of these products and services to give purchasers the option to pay sales and use taxes on purchases at the time the contract for services is entered into.
 Effective May 13, 1996.
- Public Chapter 1001 House Bill 3135 Senate Bill 3193
 Amends 67-6-322(e) to provide that an exemption certificate issued by the commissioner of revenue is not required for sales to out of state persons if a copy of a current and valid exemption from federal taxation under 26 U.S.C. § 501(c)(3) is obtained instead. The dealer making the sale is to keep a copy of the exemption in his or her records to document that the purchaser was entitled to the exemption.
 Effective May 13, 1996.
- Public Chapter 1003 House Bill 3138 Senate Bill 3061
 Enacts a new section 67-6-35_ to exempt commemorative bicentennial bricks from the sales and use tax.
 Effective May 13, 1996, but retroactive to October 31, 1994.
- Public Chapter 1006 House Bill 3212 Senate Bill 3209
 Amends 67-6-209 to provide that the sales or use tax levied by that chapter shall not apply to carpet installed for a church where the church is exempt from sales or use taxes under 67-6-322.
 Effective May 13, 1996.
- Public Chapter 1057 Senate Bill 2772 House Bill 2471
 Amends Title 67, Chapter 6, Part 3 to create exemptions for certain medical supplies. Exempt from sales and use taxes are medical supplies such as bags, tubing, needles, and syringes dispensed by a pharmacist and used for the intravenous administration of medicine to a patient outside of a hospital, skilled nursing facility, or ambulatory surgical treatment center. This act also stipulates that pharmacies and home health care providers engaged in the business of rendering outpatient health care services are the consumers or users of property or services used in providing the health care service. The sellers of the services or property must collect the tax from that pharmacy or home health care provider unless such is exempt from the tax under 67-6-322.
 Effective May 15, 1996.

PART II -- PUBLIC ACTS OF LOCAL APPLICATION

BLOUNT

Public Chapter 705 Senate Bill 3052 House Bill 2952
Revises the boundary line between Blount and Sevier Counties so that four described tracts of land consisting of less than two acres in total area is switched from Blount to Sevier County.

Effective April 3, 1996.

CARROLL

Public Chapter 819 Senate Bill 1825 House Bill 1835
Amends Title 64, Chapter 1, Part 8, to expand the area of the Carroll County Watershed Authority from the watershed of Beaver Creek to all of Carroll County. In case of overlapping jurisdiction and conflict between the Carroll County Watershed Authority and the West Tennessee River Basin Authority over activities in the Obion or Forked Deer River Basins, the determination of the West Tennessee River Basin Authority will prevail.

Effective upon approval by the county legislative body of Carroll County before September 1, 1996.

Public Chapter 939 Senate Bill 1841 House Bill 1853
Establishes a portion of the boundary line between Carroll and Henry Counties. Provides for an independent survey, arranged by the 2 county executives within 90 days of the act's effective date. If the line established by the survey is within 50 feet of the line described in the act, that line is to become the boundary; if it varies by more than 50 feet, the boundary is the line established by the survey. The cost of the survey is to be paid by the comptroller's office. The boundary established by the act is not subject to change unless the county legislative bodies of both counties, by 2/3 vote, agree to submit another change to the General Assembly.

The new boundary portion becomes effective on October 1, 1996; remainder effective May 13, 1996.

CHEATHAM

Public Chapter 938 Senate Bill 1218 House Bill 771
Amends 7-56-203 regarding the board of directors of a railway authority to include the mayor of a metropolitan county as well as county executives on the board; provides that these executives may appoint designees to serve in their place. Provides that a railway authority in Cheatham is to include three additional members selected according to the provisions of the act.

Effective May 13,1996

CUMBERLAND

Public Chapter 883

House Bill 2423 Senate Bill 2658

Provides that a water utility district in Cumberland County with less than 1,500 subscribers will have vacancies on the utility district's board of commissioners occurring after January 1, 1997 filled by vote of the customers of the utility district at the first regular meeting of the district's board which occurs more than 40 days after the vacancy occurs. Such a meeting will take place at 7:00 P.M. Only persons who are customers may serve on the board. If the vacancy is due to the expiration of a term or due to an increase in the board's membership, then the incumbent utility board members will select 3 nominees and prepare a ballot for each vacancy. Other nominees may be placed on the ballot by petition signed by 10 customers who are residents of the district. The customers will then elect a person to fill each vacancy at a meeting of the customers of the district.

Effective May 3, 1996.

DAVIDSON

Public Chapter 582

Senate Bill 2060 House Bill 2018

Authorizes the state funding board to issue and sell up to \$55 million in general obligation bonds of the state to provide funds for a grant to the metropolitan government for the construction of a sports stadium. Also, the state funding board is authorized to issue and sell bond anticipation notes in furtherance of this project.

Effective March 11, 1996.

Public Chapter 689

House Bill 3100 Senate Bill 3087

Amends 6-55-101 to allow the trustee to collect real and personal property taxes, tax equivalents, and all merchants' ad valorem taxes that have been delinquent for more than 6 months, including interest and penalties, if the legislative body by ordinance so authorizes.

Effective March 29, 1996.

Public Chapter 741

House Bill 2974 Senate Bill 3093

Amends 7-67-108 to provide that the sports authority of the metropolitan government will not have more than 13 members, with 9 members based on residency and with at least one director of the 9 being appointed from each public school district. Of the remaining 4 members, one director must be a resident of each of the 4 state senatorial districts. This act will not affect current members of the authority board of directors, but appointments will be made for the new positions as the terms expire and vacancies occur.

Effective April 12, 1996.

Public Chapter 858 Senate Bill 2441 House Bill 2313
Enacts 68-120-5__ to require all football stadiums other than high school stadiums, which are under design, construction or newly constructed during or after 1996, to comply with 68-120-503 relative to the number of water closets for women.

Effective July 1, 1996.

Public Chapter 1078 House Bill 2765 Senate Bill 2860
Enacts 7-1-___ to authorize employees to be assisted or represented by a union representative before any board, agency, civil service commission, hearing officer, or other body empowered to impose discipline or deal with wages, hours, and working conditions, and such assistance or representation will not be considered law practice.

Effective May 15, 1996.

DYER

Public Chapter 1010 House Bill 3285 Senate Bill 32372
Authorizes the register of deeds to charge a fee of \$2 for data processing services for each instrument recorded in the register's office. These fees are earmarked for the purchase of computer equipment, supplies and maintenance used in the register's office.

Effective May 13, 1996.

FAYETTE

Public Chapter 1056 Senate Bill 2754 House Bill 2876
Provides for an interstate compact with the State of Mississippi to establish the Chickasaw Trail Economic Development Authority covering the area of Fayette County, Tennessee and Marshall County, Mississippi. The authority's board will consist of an appointee of the governor of each state, each state's chief economic development official or his/her representative, an appointee of the member counties county legislative body selected from nominees from the county's industrial development board, and an appointee from a property owner's group. Appointees serve terms of 4 years. Members serve without compensation and appoint a secretary to be the authority's administrator. Also, creates a new state agency, the Tennessee Industrial Development Authority which may issue bonds as an industrial development corporation. The two authorities created by this act are to work in cooperation.

Effective May 15, 1996. The compact with Mississippi becomes effective whenever it is ratified by the State of Mississippi and approved by the United States Congress.

GIBSON

Public Chapter 803 Senate Bill 3024 House Bill 2893
Creates a program to provide respite care to care givers who are responsible for caring for ill or disabled persons. The county office on aging will administer the program. The county office on aging will seek public and private funds and contract with public and private entities as necessary to provide program services.

Effective April 24, 1996.

Public Chapter 836 House Bill 1167 Senate Bill 1428
Amends 5-17-105 to provide that the county fire tax district comprise the entire county, including municipalities, in counties having 8 or more incorporated municipalities which levy a property tax and 4 or more special school districts.

Effective April 29, 1996.

HAMILTON

Public Chapter 749 Senate Bill 2399 House Bill 2448
Amends 57-4-101 to authorize the sale of liquor and beer on the premises of an aquarium exhibition facility at special functions not open to the general public.

Effective April 12, 1996.

HARDIN

Public Chapter 1007 House Bill 3219 Senate Bill 3214
Directs Department of Transportation to transfer ownership of the state's ferry at Clifton to Hardin County upon receipt of a resolution adopted by the county legislative body stating that the county will operate and maintain the ferry. Transfer occurs upon completion of construction of the new bridge.

Effective May 13, 1996.

HENRY

Public Chapter 939 Senate Bill 1841 House Bill 1853
Establishes a portion of the boundary line between Carroll and Henry Counties. Provides for an independent survey, arranged by the two county executives within 90 days of the act's effective date. If the line established by the survey is within 50 feet of the line described in the act, that line is to become the boundary; if it varies by more than 50 feet, the boundary is the line established by the survey. The cost of the survey is to be paid by the comptroller's office. The boundary established

by the act is not subject to change unless the county legislative bodies of both counties, by 2/3 vote, agree to submit another change to the General Assembly.

The new boundary portion becomes effective on October 1, 1996; remainder effective May 13, 1996.

HICKMAN

Public Chapter 626 House Bill 2119 Senate Bill 2015
Amends 64-1-601 and 602 to add Hickman County to the Tennessee Duck River Development Agency.

Effective July 1, 1996.

KNOX

Public Chapter 628 Senate Bill 2356 House Bill 2200
Increases the membership of the Knox County Tourist Commission from 7 to 9. The county executive and the mayor of Knoxville each appoints an additional member subject to the approval of the their respective legislative bodies.

Effective upon approval by a 2/3 vote of the county legislative body prior to November 1, 1996.

Public Chapter 912 House Bill 2755 Senate Bill 2998
Amends 67-11-113 to provide that the Department of Transportation shall construct automatic railroad warning devices at a specific intersection in Knox County.

Effective May 8, 1996.

LOUDON

Public Chapter 683 House Bill 1949 Senate Bill 2318
Provides that penalty and injunctive provisions of the Safe Dams Act of 1973 (69-12-120 through 69-12-123) will not apply to any dam constructed with private funds prior to March 29, 1996 and located on a creek.

March 29, 1996.

Public Chapter 753 House Bill 2255 Senate Bill 2313
Amends several statutes regarding constables in counties with a population of not less than 31,100 nor more than 31,400 according to the 1990 census (Loudon County). This is a public act subject to the adoption of a resolution by the county legislative body for any county where the act applies. It removes the authority of constables in that county to engage in law enforcement activities, serve criminal

warrants, enforce speed restrictions, collect beer taxes, and seize illicit liquor and

liquor paraphernalia. In addition, the office of constable is abolished in this county, effective September 1, 1998.

Effective April 16, 1996.

MONTGOMERY

Public Chapter 553 House Bill 1842 Senate Bill 1833
Amends 8-10-101, 8-10-108, 55-8-152, 57-5-202 and 57-9-101 to remove law enforcement powers from the office of constable.

Effective February 7, 1996.

MORGAN

Public Chapter 645 Senate Bill 2036 House Bill 2397
Amends 5-21-105 to provide that the budget committee under the County Financial Management System of 1981 be composed of 6 members instead of 5.

Effective March 22, 1996.

Public Chapter 797 House Bill 3170 Senate Bill 3187
Amends 8-10-101 to abolish the office of constable in Morgan County at the end of the term of any incumbent.

Effective April 22, 1996.

POLK

Public Chapter 1048 Senate Bill 2616 House Bill 2822
Amends 7-82-307 to provide that each water utility district having more than 2,000 customers in a service area entirely or primarily within Polk County will be governed by a 5 member board of commissioners. The initial appointments will be made for terms of one and 2 years to create staggered terms.

Effective May 15, 1996.

SEVIER

Public Chapter 705 Senate Bill 3052 House Bill 2952
Revises the boundary line between Blount and Sevier Counties so that 4 described tracts of land consisting of less than 2 acres in total area is switched from Blount to Sevier County.

Effective April 3, 1996.

SHELBY

- Public Chapter 688 House Bill 2525 Senate Bill 2780
Amends 57-4-102(14) to authorize the sale of liquor and beer in a residence hotel having a common smoking and lobby area and located in the central business district of any county with a population over 300,000.

Effective March 29, 1996.
- Public Chapter 696 Senate Bill 2339 House Bill 2245
Amends 7-86-105(b)(5) relative to the composition of emergency communication boards in Shelby County. In counties with a population in excess of 800,000, the statute formerly required that one member of the board be a firefighter, police officer, or emergency medical technician. New language provides that the member be an “actively engaged” firefighter, police officer or emergency medical technician.

Effective April 2, 1996.
- Public Chapter 716 Senate Bill 2985 House Bill 2820
Authorizes the county executive, or his designee, to establish policies to determine the suitable number of persons who may be employed and commissioned as county security officers. County security officers must meet the minimum certification standards of the Police Officer’s Standards and Training Commission. The county executive, or his designee, may establish additional qualifications. When properly commissioned and qualified, the county security officers will have police powers necessary to enforce state laws and county ordinances at all facilities or property owned, leased or operated by the county.

Effective April 4, 1996.
- Public Chapter 812 House Bill 2795 Senate Bill 2929
Enacts the “African-American Culture Awareness Act of 1996” directing the state Department of Education to establish an African-American cultural awareness program in Shelby County, and directing the formation of a “Save the African-American Child” program within the county.

Effective July 1, 1996.
- Public Chapter 849 Senate Bill 1975 House Bill 1956
Amends 41-2-134(c) relative to work release commissions. In most counties, this commission is comprised of three members. Prior to this act, metro counties with a population greater than 500,000 could have a commission with not more than 12 and not less than 3 members who shall meet as 3 member panels for the purpose of reviewing and approving applications for work release. This act makes that

alternative commission structure available to Shelby County and any metropolitan government over 100,000.

Effective May 3, 1996.

WILLIAMSON

Public Chapter 708

House Bill 2889 Senate Bill 3058

Amends 6-1-201 to provide that whenever the governing body of a city within Williamson County adopts a resolution indicating that it has no interest in annexing property in Williamson County to be incorporated into a new municipality, and when a certified copy of such resolution has been filed with the county election commission, then the new incorporation may proceed as though the new incorporation were not within the prohibited distance to the existing city.

Effective April 3, 1996.

PART III -- PRIVATE ACTS

BLOUNT

Private Chapter 206 House Bill 3326 Senate Bill 3314
Authorizes the county legislative body of Blount County to call for an advisory referendum at either the August or November election of 1996 to ask whether Blount County should formulate its own land use planning or zoning plan.

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

CARROLL

Private Chapter 128 House Bill 2322 Senate Bill 2104
Amends Chapter 23 of the Private Acts of 1975, as amended, to increase the amount of a purchase requiring advertisement and competitive bidding from \$2,500 to \$5,000.

Effective upon approval by 2/3 vote of the county legislative body and shall apply to purchases beginning July 1, 1996.

Private Chapter 179 House Bill 3289 Senate Bill 3276
Amends Chapter 533 of the Private Acts of 1917, as amended, to authorize the McKenzie High School District to issue and sell up to \$10.5 million in school bonds. Provides a property tax for the district of \$.95 per \$100 of assessed value effective January 1, 1996 for the 1996 tax year and each year thereafter. Provides for adjustment of the tax rate by formula if either of two contingencies occur: (1) reappraisal of property, or (2) decline in assessed valuation by more than 10% a year or 15% over 2 years. If adjustment is required, the district's board will certify a new tax rate to the trustee so that revenues will not decline.

Effective April 29, 1996.

Private Chapter 180 House Bill 3290 Senate Bill 327
Amends Chapter 317 of the Private Acts of 1927, as amended, to authorize the Hollow Rock-Bruceton Special School District to issue and sell up to \$5.75 million in school bonds. Provides a property tax for the district of \$.94 per \$100 of assessed value effective January 1, 1996 for the 1996 tax year and each year thereafter. Provides for adjustment of the tax rate by formula if either of two contingencies occur: (1) reappraisal of property, or (2) decline in assessed valuation by more than 10% a year or 15% over two years. If adjustment is required, the district's board will certify a new tax rate to the trustee so that revenues will not decline.

Effective April 29, 1996.

DEKALB

Private Chapter 142

House Bill 2719 Senate Bill 3238

Amends Chapter 118 of the Private Acts of 1995 which authorizes a hotel/motel occupancy tax, to insert language in the definition of person to include governmental unit other than the United States or any of its agencies. This

a m e n d
m e n t
w i l l
a l l o w
s t a t e
a n d
l o c a l
g o v e r n
m e n t
u n i t s t o
b e
t a x e d
w h e n
s u c h
u n i t s
o c c u p y
r o o m s
o r
a c c o m
m o d a t i o
n s.

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

Private Chapter 157

House Bill 3265 Senate Bill 3261

Amends Chapter 63 of the Private Acts of 1979, as amended, to increase the amount of a purchase requiring public advertisement and competitive bidding from \$1,500 to \$5,000.

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

DICKSON

Private Chapter 159

House Bill 3268 Senate Bill 3260

Amends Chapter 6 of the Private Acts of 1983 regarding the board of education. The current board of education is abolished on August 31, 1996 and a new board shall take office on September 1, 1996. Six school districts are established with the territory of 2 county commissioner districts in each school district. Three school board members will be elected in the August, 1996 general election for 4 year terms and 3 members will be elected to 2 year terms to establish a staggered system.

Thereafter, all members will be elected to 4 year terms.

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

GIBSON

Private Chapter 196

House Bill 3313 Senate Bill 3302

Amends Chapter 62 of the Private Acts of 1981, as amended, to provide that if a member of the board of trustees of the Gibson County School District resigns, dies, moves out of the district represented, or for any other reason vacates the position of school board trustee, the remaining trustees on the board will appoint a successor from the district vacated until the next county general election, at which time a successor will be elected to fill the unexpired term. Provides for the board to employ a director of schools under a written contract of up to 4 years duration instead of employing as superintendent for a term of 4 years. The director may be dismissed for cause.

Effective May 8, 1996.

Private Chapter 198

House Bill 3317 Senate Bill 3306

Provides that effective September 1, 1998, the annual base salary and annual adjustments for the general sessions judge shall be that of a judge of a county of the first class as provided in 16-15-5003, notwithstanding the population classifications of 16-15-5001. Also, provides that effective September 1, 1998, the general sessions judge may interchange with the judge of the circuit, chancery or criminal court if the general sessions judge possesses the same qualifications as the circuit, chancery or criminal court judge, but only if the judge of the circuit, chancery or criminal court is unavailable to serve.

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

Private Chapter 202

Amends Private Acts of 1975, Chapter 144, to recreate the Trenton Special School District encompassing the 7th civil district and parts of the 3rd, 11th, 12th, 16th, 18th, 20th, and 21st civil districts. A new 5 member board of trustees is to be popularly elected at large to staggered 4 year terms, with 2 members residing outside the city, 2 residing inside the city, and one either owning property or residing inside the city; current board members serve out their present terms. Powers and duties of the board include election of officers, hiring of superintendent, management of district, and issuance of bonds. Sets property tax rate at \$1.89.

Effective May 8, 1996.

GILES

Private Chapter 133

House Bill 2639 Senate Bill 2880

Authorizes the county legislative body to levy a privilege tax on the occupancy of a hotel/motel room or other accommodation in an amount up to 5% of the consideration charged by the operator. If a hotel/motel tax is levied, the operators of the hotel/motel will collect the tax and remit to the county clerk by the 20th day of the month following the month in which the tax is collected, less 2% compensation to the operator. The county clerk is responsible for collection of this tax. The tax form will be developed by the county clerk and approved by the county legislative body prior to use. The county legislative body may adopt resolutions to provide reasonable rules and regulations for the implementation of this act. Penalties (1% per month, plus \$50 for willful refusal to pay) and interest (12% per annum) for tax delinquencies are provided. The county clerk remits tax revenue monthly to the county trustee, less 5% commission for services in administering and enforcing the provisions of the act. The county trustee will deposit the hotel/motel tax revenue in the county general fund, but the amounts so deposited will be designated and used for courthouse maintenance and renovation. This tax shall be applicable in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425, relating to city/county priority.

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

GREENE

Private Chapter 126 House Bill 2178 Senate Bill 2280
Amends Chapter 130 of the Private Acts of 1927, as amended, to abolish the office of district road commissioner. The duties and responsibilities of the district road commissioners are vested in the county's road superintendent.

Effective September 1, 1996 upon approval by 2/3 vote of the county legislative body.

Private Chapter 155 Senate Bill 3233 House Bill 3243
Imposes a litigation tax of \$5 on all actions, civil and criminal, disposed of in the circuit, criminal, chancery and general sessions courts. This litigation tax will be collected by the clerks of the various courts and paid over to the county trustee by the tenth day of each month immediately following the month in which the collections were made. The county trustee must deposit these litigation taxes into the county general fund with the amount so deposited earmarked to be used exclusively to purchase equipment for the sheriff's department upon appropriation by the county legislative body. The litigation taxes imposed by this act are suspended when the court having jurisdiction over the cause suspends the costs of such action. Action is defined to include all *ex parte* hearings, advisory hearings and contested proceedings.

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

Private Chapter 175 House Bill 3295 Senate Bill 3288
Amends Chapter 251 of the Private Acts of 1976 to provide that the proceeds from the county motor vehicle privilege tax (wheel tax) be deposited in the county general debt service fund or other such fund as the county legislative body may determine by resolution, instead of being limited to the county general fund.

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

HAMBLEN

Private Chapter 161 House Bill 3301 Senate Bill 3287
Amends Chapter 313 of the Private Acts of 1949, as amended, to provide for the popular election of the county road superintendent in August 1996 for a term of 4 years, and to re-establish the road commission consisting of 7 members to serve terms of 4 years. The road superintendent shall assume office on September 1, 1996. The road superintendent shall be responsible for the building, repairing and maintenance of the roads in the county. Also, the road superintendent may be required by the county legislative body to oversee the county sanitation department. Expenditures from the road fund will be made by warrant signed by the road superintendent and countersigned by the chairman of the road commission. The

road commission is required to review and initial each invoice prior to a warrant being issued. Purchases for the county highway department which do not exceed \$500 are to be made by the road superintendent, but purchases over \$500 are to be made by the road commission.

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

HAMILTON

Private Chapter 158 Senate Bill 1920 House Bill 1926
Authorizes the service of civil process in courts of general sessions according to Rules 4 and 5 of the Tennessee Rules of Civil Procedure.

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

Private Chapter 190 House Bill 3271 Senate Bill 3262
Amends Chapter 6 of the Private Acts of 1941, as amended, to create 2 new divisions of the general sessions court to be designated Division IV and Division V. Judges to fill the two new divisions will be elected by the qualified voters at the regular August 1996 election in a nonpartisan contest. Candidates will qualify for either Division IV or Division V by June 13, 1996. The 2 judges elected in August 1996 will serve until September 1, 1998 or until their successors are elected and qualified. The judges elected in 1998 and thereafter will serve terms of 8 years. The judges of Divisions IV and V will have the same powers, jurisdiction and compensation as the judges of the first 3 divisions of the general sessions court in Hamilton County. Additionally, the county legislative body may appoint one or more judicial commissioners to assist the general sessions court. Judicial commissioners may issue arrest and search warrants upon a finding of probable cause, issue mittimus, appoint attorneys for indigent defendants, set and approve bonds and the release on recognizance of defendants. The term of a judicial commissioner is to be established by the county legislative body, but cannot exceed 4 years. Judicial commissioners will be compensated from the general fund in an amount to be determined by the county legislative body. Fees authorized by 8-21-401 must be paid to the county general fund.

Effective upon approval by a 2/3 vote of the county legislative body by June 1, 1996.

Private Chapter 191 House Bill 3272 Senate Bill 3252
Same as Private Chapter 190 above, except that the election for general sessions judge of the newly created Divisions IV and V may be partisan.

Effective upon approval by a 2/3 vote of the county legislative body by June 1, 1996.

Private Chapter 192 House Bill 3273 Senate Bill 3263
Same as Private Chapter 190 above, except that the initial judges of the newly

created Divisions IV and V of the general sessions court will be appointed by the county legislative body instead of popularly elected. The appointments will be made by September 1, 1996. Popular elections for the judges of these 2 divisions will occur in August, 1998.

Effective if approved by a majority of the voters of Hamilton County in an election on the question of whether or not the act should be approved in conjunction with the regular August, 1996 election. However, this act will not be subject to referendum ratification if the county legislative body has approved by 2/3 vote either Private Chapter 190 or Private Chapter 191 noted above.

HARDIN

Private Chapter 199

House Bill 3320 Senate Bill 3309

Amends Chapter 409 of the Private Acts of 1957, as amended, to provide that the board of commissioners of the Hardin County General Hospital will be composed of 5 members, 2 of whom will be county commissioners, 2 of whom will be citizens at large and one of whom will be a physician on the medical staff of the Hardin County General Hospital. This act also provides for the expiration of all current terms of hospital board members on July 1, 1996 with the successor commissioners to be elected by the county legislative body at its June, 1996 meeting and take office on July 1, 1996. The terms of hospital board members will be for 2 years, except that the one county commissioner board member and one citizen board member will serve an initial term of one year in order to create a stagger in the terms, and the physician member will always serve a term of 3 years. The physician member will be nominated and elected by the medical staff of the Hardin County General Hospital. No member may serve more than 2 consecutive terms. No member of the board (other than the physician member) may be a full time employee of the board or the county government, nor may a member be a physician with the Tennessee Department of Public Health, the Department of Human Services or the United States Public Health Service. Also, all board members must have a high school education or a general equivalency diploma.

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

HENRY

Private Chapter 193

House Bill 3308 Senate Bill 3299

Amends Chapter 150 of the Private Acts of 1919, as amended, to authorize the Paris Special School District to issue and sell capital outlay notes in an amount up to \$2.3 million.

Effective May 8, 1996.

JOHNSON

Private Chapter 197

House Bill 3314 Senate Bill 3303

Prohibits a building's roof from protruding more than 35 feet above the crest of a protected mountain ridge. Protected mountain ridges are defined as the uppermost line of a mountain or mountain chain from which the land falls away on at least two sides to a lower elevation and has an elevation of 3000 feet or more and has a differential of elevation of 500 feet or more from an adjacent valley floor. States that a map identifying the crests of protected mountain ridges will be filed with the county legislative body (by implication to be kept by the county clerk) and with the register of deeds. The county legislative body may enforce this act by civil penalty of \$500 for each violation of the act. Also, any person injured by a violation of this act may bring civil suit against the violator in general sessions court.

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

KNOX

Private Chapter 135

Senate Bill 2356 House Bill 2200

Amends Chapter 847 of the Public Acts of 1982 to increase the membership of the county tourist commission from 7 to 9 members. One additional member shall be appointed by the county executive and confirmed by the county legislative body. The second additional member shall be appointed by the mayor of Knoxville and confirmed by the city council.

Effective upon approval by 2/3 vote of the county legislative body prior to November 1, 1996.

LAUDERDALE

Private Chapter 166

House Bill 3274 Senate Bill 3265

Repeals Chapter 626 of the Private Acts of 1937, Chapter 190 of the Private Acts of 1961, Chapter 354 of the Private Acts of 1974, Chapter 169 of the Private Acts of 1979, and Chapter 58 of the Private Acts of 1989, regarding hospital districts and related funds, thereby abolishing the county hospital district. All moneys in the hospital maintenance fund and all proceeds from the sale of any property formerly in the custody of the hospital district must be transferred by the county trustee to the county general fund.

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

LEWIS

Private Chapter 153

House Bill 3262 Senate Bill 3250

Amends Chapter 395 of the Private Acts of 1937, as amended, to change the compensation of members of the County Highway Advisory Commission to \$40 per day of service rendered, except that the chairman of the commission will receive

\$300 per month.

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

MADISON

Private Chapter 170

House Bill 3280 Senate Bill 3269

Amends Chapter 163 of the Private Acts of 1986, as amended, to centralize accounting for all county departments and agencies except education under the director of accounts and budgets. The county legislative body may alter or revise the proposed budget except with regard to debt service requirements and other expenditures required by law. If a budget and property tax rate resolution is not adopted by June 30, the departments and agencies of the county may make expenditures by monthly allotment based on the budget of the preceding fiscal year. If the county legislative body fails to adopt a budget and property tax rate resolution by August 1 of any year, then the portion of the final revised budget for the department of education (as proposed by the education department or modified with the agreement of the board of education), and the operating budget for the other departments and agencies of county government proposed in the consolidated budget with proposed amendments as submitted by the budget committee, and the accompanying tax rate resolution for this budget become effective by operation of law. All budget proposals are to establish the number and salaries of all full-time personnel authorized by the budget. The board of education, through its designated representative, is given the right to address the county legislative body in regard to the board's budget and tax rate proposals.

Provides that the county mayor and director of accounts and budgets will countersign all warrants drawn on the general fund, while the director of accounts and budgets and the county highway superintendent will countersign all warrants drawn on the highway fund. The superintendent of the Jackson-Madison County School System and the chairman of the board of education will countersign all warrants drawn against the school fund. The county mayor shall countersign all other county warrants.

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

Private Chapter 195

House Bill 3310 Senate Bill 3298

Amends Chapter 357 of the Private Acts of 1943, as amended, to identify all retired teachers and administrative staff of the public school system of the City of Jackson as of July 1, 1990 and specify the benefits they were entitled to on that date. Also, identifies retired teachers and administrative staff or their unremarried surviving spouses covered under the act and specifies the benefits to which they are entitled on the effective date of this act. Special provision is made for 3 other persons. Also, provides benefits to the unmarried spouse of a deceased beneficiary under this act. Additionally, an annual cost of living increase in the same proportion as the increase in salaries of unretired teachers employed by the consolidated system is provided.

Effective upon approval by 2/3 vote of the legislative bodies of Madison County and

the City of Jackson.

MARSHALL

Private Chapter 144

House Bill 3245 Senate Bill 3236

Amends Chapter 344 of the Private Acts of 1974 to end the existence of the probate court as a separate court on April 1, 1997 and transfer the jurisdiction of the probate court to the chancery court. The county legislative body will cause the transfer of the clerking duties of the county clerk which relate to the probate court and the juvenile court. The clerking duties relating to the probate court will be transferred to the clerk and master when adequate space is available, but not later than April 1, 1997. The clerking duties relating to probate shall be conducted as part of chancery court jurisdiction. The clerking duties relating to juvenile court will be transferred to the circuit court clerk when adequate space is available. The circuit court clerk will acquire and maintain a seal to designate the clerk as the juvenile court clerk when acting as clerk for the juvenile court. The clerk of the juvenile court shall maintain records of this office separate from the other records maintained by the circuit court clerk. Any fees received by the juvenile court clerk shall be accounted for and disbursed as fees of the circuit court clerk.

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

Private Chapter 211

House Bill 3278 Senate Bill 3316

Enacts the Marshall County Adequate Facilities Tax as a privilege tax on new land development in the county in order to provide that the new development contribute its fair share of the cost of providing public facilities and services made necessary by the development. Such tax is payable upon issuance of a building permit or certificate of occupancy. The act exempts public buildings, places of worship, barns or outbuildings used for agricultural purposes, replacement structures for existing structures destroyed by fire or disaster, or a structure owned by a 501(c)3 non-profit corporation. The tax is not to exceed \$2 per gross square foot of new residential and/or commercial development. The county may develop a tax rate schedule by which residential and commercial users are classified by type. The revenue from the tax is to be collected by the county building commissioner and deposited with the County Trustee and used exclusively for capital projects. The act must be approved by a majority of the voters in a referendum held in conjunction with the regular November election.

Effective upon approval of the act by the voters participating in the referendum.

MAURY

Private Chapter 125

House Bill 2732 Senate Bill 2924

Amends Chapter 2 of the Private Acts of 1995 regarding the Maury Regional Hospital. The hospital will be controlled by a 9 member board of trustees, one of

whom must be the chief executive officer of the hospital. Names and re-establishes the present members of the board and the expiration of their terms. Provides for 3 year terms for all board members except the chief executive officer. Members of the board other than the chief executive officer are to be appointed by the county legislative body. County commissioners are not eligible for membership on the board of trustees. The board of trustees are granted broad powers to control and manage the hospital, including affiliation with other businesses, and including the authority to acquire, lease, sell and dispose of real property, but the board must have county legislative body approval to execute any instrument creating a full faith and credit obligation of the county or one which purports to involve tax-exempt financing. Also, the board must have county legislative body approval to remove the general administrative offices from the main hospital tract and must have 2/3 approval for the acquisition, lease, sale or disposition of any single tract of real property with a fair market value of \$1,000,000 or more. The county legislative body must elect a committee from its membership to advise the board of trustees and recommend measures affecting the hospital to the county legislative body. The county legislative body is authorized to appropriate funds for the operation of the hospital. The budget for the hospital is to be prepared by the board of trustees and submitted to the county legislative body by July 1 of each year for approval at the regular July meeting.

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

MONROE

Private Chapter 172

House Bill 3283 Senate Bill 3290

Amends Chapter 82 of the Private Acts of 1965, as amended, to increase from \$500 to \$5,000 the value of construction or alteration requiring a county building permit. Also, provides that the county clerk prescribe an application form for building permits, and requires that a copy of a building permit be filed in the office of the county E-911 as well as the office of the assessor of property. Prohibits utility services being furnished to a building or other structure being erected unless the required building permit is obtained and displayed at the building site. The county building permit is not required for any structure in a municipality requiring a similar permit if a copy of the municipal permit is filed with the county clerk and a fee of \$10 is paid to cover the cost of registering the permit in the office of county clerk, assessor of property and E-911 office. A violation of this act is punishable by a civil penalty of up to \$1,000.

Effective July 1, 1996 upon approval by 2/3 vote of the county legislative body on or before the next regular meeting of the body occurring more than 30 days after this act becomes law.

MONTGOMERY

Private Chapter 174

House Bill 3291 Senate Bill 3270

Amends Chapter 99 of the Private Acts of 1953, as amended, regarding the Clarksville-Montgomery County Memorial General Hospital District. Provides that the hospital district will be controlled by a board of trustees numbering between 5 and 16 members, as set by the board. Also, allows the board to determine the number of members of the executive committee. Redefines and expands the power of the board, including such powers as providing for the construction or reconstruction of any hospital facility and borrowing money, pledging real estate, selling of real estate and leasing facilities; however, the legislative bodies of the city and county, or a successor consolidated legislative body, will have sole discretion regarding whether or not to approve a lessee to operate the hospital and related facilities other than offices for physicians and excepting a lease to a subsidiary of the hospital district. Also, the sale of the hospital or health care facility requires a 2/3 vote of the board then holding office and a majority of the county and municipal (or consolidated) legislative bodies.

Effective upon approval by a 2/3 vote of the county legislative body and city council of Clarksville.

PERRY

Private Chapter 134

Senate Bill 1830 House Bill 1839

Transfers clerking duties relating to juvenile jurisdiction of the general sessions court from the county clerk to the circuit court clerk.

Effective 10 days after approval by 2/3 vote of the county legislative body.

PUTNAM

Private Chapter 200

House Bill 3324 Senate Bill 3313

Repeals Chapter 459 of the Private Acts of 1949, Chapter 389 of the Private Acts of 1961 and Chapter 349 of the Private Acts of 1974 regarding the office of county attorney. Provides for the employment of a county attorney by recommendation of the county executive subject to the approval of the county legislative body. Also, the county executive may terminate employment of the county attorney, subject to ratification by the county legislative body. The county legislative body will establish the compensation of the county attorney. Lists the duties of the county attorney, but these duties do not include representation of the county in delinquent tax suits unless the attorney is separately appointed pursuant to general law. In the event that the county attorney has a conflict of interest which prevents his or her representation of the county or any of its offices or agencies in a lawsuit, the county executive is authorized to employ, with the approval of the county legislative body, another attorney for the purpose of representation in such suit.

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

Senate Bill 3307 House Bill 3323

Creates a small claims court for Putnam County. The judges and clerks of the general sessions court serve as the judges and clerks of the small claims court divisions. The court is not a court of record and has concurrent jurisdiction with the general sessions court in all non-criminal actions, other than actions for libel or slander where the amount in controversy does not exceed \$750. The small claims court has authority to grant any appropriate relief, including money damages and equitable relief, except that injunctions and restraining order may only be issued by agreement of all parties. The private act spells out procedures for commencing an action in the court, transferring an action, or answering a complaint. No attorney may take any part in the prosecution or defense of litigation in the small claims court. Persons are limited to bringing 3 claims in small claims court in any one calendar year. The judge is given additional powers to conduct informal hearings and develop all of the facts in the particular case. The court is not bound by statutory provisions or rules governing practice, procedure, pleading or evidence, except provisions relating to privileged communications. The clerk of the court is directed to cooperate with the parties in answering any questions they may have concerning the small claims procedure; however, the clerk is not to give legal advice nor express any opinion concerning the merits or outcome of the action. Trials in this court shall be without a jury. Appeals from a judgment in this court may not be taken except in a case where a default judgment has been entered.

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

RHEA

House Bill 2951 Senate Bill 3091

Establishes a civil service system for the employees of the sheriff's department. The county legislative body will elect 5 members to a civil service board, with the members elected to staggered terms, and with 3 year terms after the end of the first term used to established the staggered terms. No one who is an employee or an elected or appointed official of the county may serve on the civil service board; any member may be removed for just cause by 2/3 vote of the county legislative body.

The civil service board must appoint the custodian of personnel records in the finance department to be the secretary of the board and keep its records. The sheriff, members of the civil service board and other county boards, any person retained on a consulting basis or hired in a professional capacity as determined by the civil service board, volunteers, department heads, deputy department heads, personal assistants to department heads as designated by an appointing authority, and part-time employees (except those who work in excess of 20 hours per week for 39 weeks per year) are unclassified employees. The other employees of the sheriff's department will be classified employees. The civil service board will hold tests to establish lists of persons eligible for the various positions in the classified service. Procedures for the filling of vacancies and new hires in the classified

service is provided along with procedures dealing with unsatisfactory performance and overall reductions in the work force. A person holding a position in the classified service may not take an active part in any political campaign while on duty or display political advertising on the employee's person or automobile.

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

ROBERTSON

Private Chapter 165 House Bill 3270 Senate Bill 3264
Abolishes the Domestic Relations and Workman's Compensation Court by repealing Chapter 220 of the Private Acts of 1965. Transfers jurisdiction of cases filed in this court to the chancery and circuit courts, respectively.

Effective upon approval by 2/3 vote of the county legislative body on or after July 1, 1996.

Private Chapter 213 House Bill 3316 Senate Bill 3305
Enacts the Robertson County Adequate Facilities Tax. Authorizes the county legislative body to impose a tax on new building development payable at the time of issuance of a building permit or certificate of occupancy. The county legislative body may impose the tax on a gross square foot basis for residential and commercial development. Barns, places of worship, public buildings, replacement structures for those destroyed by fire or other disaster, buildings of certain qualified nonprofit organizations, residential structures replacing mobile homes for owners/occupants of 3 years tenure, and moved buildings are exempt from the tax. The county executive will authorize an official to collect the tax. Before a city may issue a building permit, it will require evidence of a valid certificate issued by the county building inspector stating the full amount of the county tax has been paid. Provides appeal procedures for review of a payment made under protest. All tax proceeds will be used to provide public facilities the need for which is reasonably related to new development.

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

RUTHERFORD

Private Chapter 136 House Bill 2241 Senate Bill 2181
Amends Chapter 421 of the Private Acts of 1943, as amended, to provide that purchases or contracts for the purchase of supplies, equipment or material for the use of any official, department or agency of the county government with an estimated value exceeding \$5,000 shall be executed by the county executive as purchasing agent only after advertisement for sealed bids in one or more newspapers published in the county. When the estimated fair market value of any materials, supplies or equipment does not exceed \$5,000, the county executive as purchasing agent may make such purchases without newspaper advertisement or taking bids.

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

Private Chapter 212 House Bill 3312 Senate Bill 3300
Enacts the Rutherford County Adequate Facilities Tax. Imposes a tax on new

residential development of \$.40 per square foot. The proceeds of the \$.40 per square foot tax will be applied to capital projects with \$.25 to school projects, \$.10 to law enforcement projects, and \$.05 to road and bridge projects. The county executive will authorize an official to collect the tax. The tax will be collected at the time of application for a city or county building permit for residential development. Before a city may issue a building permit, it will require evidence of a valid certificate issued by the county building inspector stating the full amount of the county tax has been paid. Provides appeal procedures for review of a payment made under protest.

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

Private Chapter 215

House Bill 3328 Senate Bill 3310

Enacts the Rutherford County Development Tax. Imposes a tax of \$750 on new residential land development, with \$375 payable at the time the final plat of development containing the lot or unit is recorded in the register's office and \$375 payable at the time the building permit is issued. In the event that a plat is not required, \$750 will be paid at the time the building permit is issued. Before a city may issue a building permit, it will require evidence of a valid certificate issued by the county building inspector stating the full amount of the county tax has been paid.

Proceeds will be deposited in the general fund and used to provide additional or expanded county services and facilities and to reduce debt.. Administrative procedures will be determined by resolution of the county legislative body.

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

Private Chapter 216

Senate Bill 3234 House Bill 3246

Enacts the Rutherford County Adequate Facilities Tax. Imposes a tax on new residential and non-residential development of \$.40 per square foot. The proceeds of the \$.40 per square foot tax will be applied to capital projects with \$.25 to school projects, \$.10 to law enforcement projects, and \$.05 to road and bridge projects. The county executive will authorize an official to collect the tax. The tax will be collected at the time of application for a city or county building permit. Before a city may issue a building permit, it will require evidence of a valid certificate issued by the county building inspector stating the full amount of the county tax has been paid. Barns, places of worship, public buildings, replacement structures for those destroyed by fire or other disaster, and buildings of certain qualified nonprofit organizations are exempt from the tax. Provides appeal procedures for review of a payment made under protest.

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

SUMNER

Private Chapter 135

House Bill 3193 Senate Bill 3230

Amends Chapter 663 of the Private Acts of 1937, as amended, to end the election of at-large members to the county board of education. Present members of the board of education are not affected by this act. The member elected or appointed at-large for a term ending August 31, 1998, may seek election to or appointment to the seat of the education district in which he or she resides, and if elected or appointed, the at-large seat shall be vacated.

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

Private Chapter 138

House Bill 2878 Senate Bill 3037

Repeals the private act purchasing law for the county, Chapter 8 of the Private Acts of 1975, Chapter 83 of the Private Acts of 1977 and Chapter 55 of the Private Acts of 1979.

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

Private Chapter 150

House Bill 3254 Senate Bill 3248

Provides that the division and transfer of property to the county for the construction of a public road shall not require a plat if the easement for the private road was contained in a recorded deed prior to January 1, 1987.

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

TIPTON

Private Chapter 122

House Bill 1924 Senate Bill 1934

Amends Chapter 114 of the Private Acts of 1973, as amended, regarding the public works committee; ends the requirement of members of the public works committee to give bond; ends the power of the chairman of the public works committee to break tie votes; and, ends the requirement that 5 voting members constitute a quorum. Authorizes the county executive and the public works director to sign payroll checks if no public works committee chairman exists after a county election. Ends the requirement that the county public works committee maintain an office in the county seat and meet monthly at the office on a fixed or regular date. Reduces from 10 to 7 the number of days' notice that the superintendent of public works must give in writing to the petitioner and interested landowners of the time and place where an application to open, close, or change a public road will be considered. Increases the value of purchases which may be made without newspaper advertisement and sealed bids from \$2,000 to \$5,000. Removes prohibition on employment of persons age 65 or older. States that superintendent of public works, subject to the approval of the public works committee, may employ labor to build, maintain, and repair roads and bridges, and discharge persons whose services are not satisfactory or no longer needed. Provides that the committee may contract with the county attorney, but removes other authority to employ legal counsel. Ends the bridge fund as a separate fund. Makes the supervision of the county sanitation

activities by the superintendent of public works optional instead of mandatory.

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

UNICOI

Private Chapter 185

House Bill 3303 Senate Bill 3293

Creates a centralized purchasing system in Unicoi County, giving the purchasing agent exclusive authority to contract for and purchase all materials, supplies, equipment, and contractual services on behalf of all officials, departments, and agencies of the county, including highways and education. Professional services under 12-4-106 are contracted for by the purchasing agent under the direction of the official or department requiring the services, who makes the final decision. Directs the purchasing agent to develop regulations to implement the provisions of the act, which regulations may include authorization for officials and department heads to make purchases of \$2,000 or less without going through the purchasing agent.

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

Private Chapter 210

House Bill 3304 Senate Bill 3292

Amends Chapter 40 of the Private Acts of 1983, as amended, relative to privilege taxes involving whitewater amusements on the Nolichucky River in Unicoi County. Increases the tax per consumer from \$1 to \$2.

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

WILLIAMSON

Private Chapter 129

House Bill 2412 Senate Bill 2940

Amends Chapter 107 of the Private Acts of 1957, as amended, to grant additional powers to the Williamson County Hospital District. Powers granted enhance the hospital district's authority to affiliate with other private and non-profit hospitals. Also, the hospital district is authorized to indemnify board members and officers of the district against judgments and fines paid in settlement of civil and criminal actions and reasonable expenses resulting from such action or proceeding or appeal, except for malpractice actions, actions where the person is adjudged liable to the hospital district or action wherein the person is adjudged liable on the basis of improper personal benefit. The hospital district is also authorized to exercise its powers in any other county of Tennessee, if this activity will benefit the citizens of Williamson County.

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

Private Chapter 151

House Bill 3255 Senate Bill 3246

Amends Chapter 373 of the Private Acts of 1937, as amended, to authorize the county legislative body to determine the compensation of the members of the board of highway commissioners.

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

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits.

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

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

directed to Mr. Baskette.