

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

1999 EDITION

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

**Prepared By
CTAS Legal Staff**

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INTRODUCTION

The second regular session of the One Hundred and First General Assembly began on Tuesday, January 12, 1999, and continued until Friday, May 28, 1999. The second session of the One Hundred and First General Assembly will convene in organizational session on Tuesday, January 11, 2000.

At the time of publication of this index, there are 539 new designated public chapters and 60 new private acts. The acts that are related to county government are summarized in this publication. As the Table of Contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter number. Part 2 contains summaries of public acts of local application; Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

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

Sincerely,

J. Rodney Carmical
Executive Director

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PART I - PUBLIC ACTS

COUNTY BOUNDARIES

Public Chapter 331 Senate Bill 163 House Bill 272
Amends 5-2-104 to provide that all applications to the General Assembly for legislation to change county boundaries be accompanied by a resolution approved by 2/3 of the county commissioners of all counties affected as well as an accurate survey and plat showing the changes requested.

Effective July 1, 1999.

COUNTY CLERK

Public Chapter 98 Senate Bill 1615 House Bill 1131
Rewrites various provisions of Title 55, Chapter 4, relative to motor vehicle titling and registration, to clarify and simplify the classification of motor vehicles for registration purposes. Adds a provision requiring that any person who has applied for or received a title or registration, and who later has a change of name or address, must notify the Department of Safety within 10 days after the change.

Effective January 1, 2000.

Public Chapter 102 Senate Bill 287 House Bill 435
Amends 70-2-105, -106 and -107 to require county clerks who are authorized to issue licenses, tags, registrations and other privileges on behalf of TWRA to maintain all funds collected on behalf of TWRA in an account available for electronic transfer to TWRA within twenty-four (24) hours. County clerks who fail to make the funds available for electronic transfer as required must pay a penalty of 5% of all funds owing and not paid over within the required time. Allows TWRA discretion not to require a bond. Authorizes the county clerk to collect the \$1.00 fee stated in 70-2-106 on all licenses, tags, registrations and other privileges issued on behalf of TWRA.

Effective May 4, 1999.

Public Chapter 120 House Bill 26 Senate Bill 249
Amends 8-21-107 to authorize the county clerk to accept payment of fees, fines, court costs and other charges by credit card. If the county clerk imposes a processing fee or service charge for this service, the county clerk is required to state either the percentage or the dollar amount of such fee or charge on any notice to the taxpayer.

Effective May 12, 1999.

Public Chapter 281 Senate Bill 1659 House Bill 1752
Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a new specialty earmarked license plate for the Adult Baseball League Association, with the proceeds to be allocated to the Adult Baseball League Association.

Effective July 1, 1999.

Public Chapter 290

House Bill 567 Senate Bill 713

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a University of Tennessee Lady Volunteers' NCAA National Championships new specialty earmarked license plate, with the proceeds to be allocated to the University of Tennessee-Knoxville general scholarship fund.

Effective July 1, 1999.

Public Chapter 292

House Bill 584 Senate Bill 1524

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a Sportsman new specialty earmarked license plate, with the proceeds to be allocated to the Sportsmen's Wildlife Foundation.

Effective May 26, 1999.

Public Chapter 316

House Bill 1664 Senate Bill 1660

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a Harley Owner's Group ("HOG") cultural license plate.

Effective July 1, 1999.

Public Chapter 400

House Bill 1912 Senate Bill 1823

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a Nashville Predators cultural license plate.

Effective July 1, 1999.

Public Chapter 416

House Bill 3 Senate Bill 6

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a University of Tennessee National Championship new specialty earmarked license plate, with the proceeds to be allocated to the University of Tennessee-Knoxville general scholarship fund.

Effective July 1, 1999.

Public Chapter 449

Senate Bill 1122 House Bill 1704

Amends Title 55, Chapter 4, Part 2, to authorize the issuance of an American Cancer Society Relay for Life new specialty earmarked license plate, with the proceeds to be allocated to the Tennessee chapter of the American Cancer Society; and authorizes the issuance of a Le Bonheur Children's Medical Center new specialty earmarked license plate, with 50% of the proceeds to be allocated to Le Bonheur Children's Medical Center.

Effective July 1, 1999.

Public Chapter 459

Senate Bill 1812 House Bill 1592

Enacts 55-4-1__ to impose an additional fee of \$1.00 on motor vehicle registrations and renewals, with the revenues to be used for the development, acquisition and updating of a computerized titling and registration system.

Effective July 1, 1999, and expiring on June 30, 2004.

Public Chapter 494 House Bill 1406 Senate Bill 1349
Amends 55-4-201 to provide that any license plate authorized by statute after January 1, 1999 that fails to meet the minimum issuance requirements within one year after the effective date of the act shall not be issued, and the commissioner is to notify the code commission that the authorizing statute is invalid. Amends 55-4-216(b)(1) to provide that net revenues from personalization of plates issued under 55-4-210, -211, and -212 will be allocated to the Tennessee arts commission.

Effective June 17, 1999.

Public Chapter 526 House Bill 1987 Senate Bill 1983
Amends 36-3-301(a)(3) to validate marriages performed before June 1, 1999, by ministers who did not meet the 1998 statutory requirements for ordination or designation.

Effective June 17, 1999.

Public Chapter 529 House Bill 682 Senate Bill 1244
Amends Title 55, Chapter 4, Part 2, to authorize the issuance of a Tennessee Titans new specialty earmarked license plate, with 40% of the proceeds to be allocated to the Jason Foundation, Inc., and 10% of the proceeds to be allocated to the National Football League Charities.

Effective July 1, 1999.

COUNTY GOVERNMENT

Public Chapter 13 Senate Bill 39 House Bill 41
Amends 40-11-313 regarding professional bondsmen by providing that an elected member of the county legislative body may act as a professional bondsman, notwithstanding the provisions in the section prohibiting any elected or appointed county official, as well as peace officers and deputies, from acting in that capacity.

Effective March 17, 1999.

Public Chapter 37 Senate Bill 1023 House Bill 634
Amends 50-3-203 relative to protection against bloodborne pathogens, to require the Commissioner of Labor and the Commissioner of Health to review sharps injury prevention technology including needleless systems and needles with engineered sharps injury protection, determine where such technology should be employed, promulgate appropriate standards, and maintain a list of existing needleless systems and needles with engineered sharps injury protection.

Effective March 19, 1999.

- Public Chapter 38 House Bill 20 Senate Bill 17
Amends 5-9-109 regarding charitable contributions made by counties, clarifying that counties may appropriate funds to any 501(c)(6) chamber of commerce.
- Effective March 26, 1999.
- Public Chapter 93 Senate Bill 941 House Bill 1351
Amends 13-3-101 regarding appointments to regional planning commissions, clarifying that a member of the commission is authorized to continue to serve until the member's successor is nominated and approved.
- Effective April 12, 1999.
- Public Chapter 109 Senate Bill 979 House Bill 846
Amends 5-8-101, authorizing the county to receive charitable contributions. If funds are given subject to certain conditions as to their use, the county legislative body must approve acceptance of the gift and it must be used for such purposes. If funds are unrestricted, the money is placed in the county general fund and appropriated according to normal budgetary processes. If the gift is of personal or real property which is subsequently sold by the county, the revenue from such sale must be deposited in the general fund.
- Effective May 4, 1999.
- Public Chapter 190 Senate Bill 502 House Bill 1299
Authorizes two or more counties to enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties. If such an interlocal agreement is executed to provide a jail for joint use of the contracting counties, a county is no longer required to have a county jail within the county's boundaries, but the jointly operated jail must be located within one of the contracting counties. In counties entering into such agreements, the sheriff is not in charge of the jail unless so provided by the interlocal agreement.
- Effective May 19, 1999.
- Public Chapter 205 Senate Bill 419 House Bill 443
Amends statutes dealing with regional libraries to vest management of regional libraries with the State Library and Archives Management Board. Employees of the regional libraries will become state employees. The regional library boards' duties are detailed, with most duties being advisory rather than administrative. Counties participating in the regional library program will receive a detailed accounting of receipts and disbursements after the close of the fiscal year. In order to participate in a regional library, counties must qualify and make a minimum appropriation of funds as required by the management board.
- Effective July 1, 1999; but conditioned upon specific state appropriations.
- Public Chapter 308 House Bill 1406 Senate Bill 557
Amends 13-7-110 regarding appointment of a county building commissioner. Removes the provision authorizing the county legislative body to fill the position,

amending the language to state that the county executive appoints the building commissioner, subject to confirmation by the county legislative body. Contains a narrow population class exclusion for Cheatham County from the appointment provision.

Effective May 26, 1999.

Public Chapter 397

House Bill 1576 Senate Bill 1702

Amends 68-2-601 to authorize the school superintendent or director of schools to appoint a designee to sit in his or her place on the county board of health.

Effective June 14, 1999.

COURTS

Public Chapter 23

Senate Bill 25 House Bill 13

Adds probate court to the list of courts to which the supreme court can appoint a special judge for the purpose of relieving congestion or delay. Adds county trial courts of record to the types of courts where substitute judges may be appointed.

Effective March 19, 1999.

Public Chapter 39

House Bill 21 Senate Bill 252

Provides that all prospective jurors shall be given a form letter giving the jurors the option of donating their reimbursement for jury service to the criminal injuries compensation fund. Directs the "county treasurer" (trustee) to send all such donations to the state treasury.

Effective March 26, 1999.

Public Chapter 51

Senate Bill 22 House Bill 19

Amends the procedures for issuing arrest warrants to allow the magistrate or authorized court clerk to examine an informant through the use of two-way electronic audio-visual equipment rather than in a face-to-face meeting. Requires a facsimile transmission of an affidavit of complaint prior to the video examination.

Effective March 31, 1999.

Public Chapter 52

Senate Bill 21 House Bill 17

Authorizes the acceptance of electronic facsimile transmissions of written undertakings of conditions of release for bail agreements.

Effective March 31, 1999.

Public Chapter 66

Senate Bill 507 House Bill 549

Amends 35-5-104 regarding advertisement or notice of judicial or trust sales. States that "parties interested" who are to be named in the public advertisement or notice shall include the record holders of any mortgage, deed of trust or other lien which will be extinguished or adversely affected by the sale, so long as the mortgage, deed

of trust, or lien or notice or evidence of the lien was recorded in the Register's office more than 10 days prior to the first advertisement or notice.

Effective June 1, 1999.

Public Chapter 138

Senate Bill 260 House Bill 1136

Amends 40-11-150 relative to conditions of release in domestic cases. Provides that when a condition of release is imposed by the magistrate the written order must be issued on a standard form to be prepared by the Administrative Office of the Courts with a copy going to the law enforcement agency having custody of the defendant. The law enforcement agency is directed to file and maintain the copy of the order in the same manner as is done for orders of protection. Amends 40-7-103 to provide that an officer may, without a warrant, arrest a person who the officer has probable cause to believe has violated a condition of release once the officer verifies that the violator received notice of the conditions.

Effective September 1, 1999.

Public Chapter 191

Senate Bill 572 House Bill 1181

Amends 20-12-120 regarding the security that must be given by a plaintiff before leading process may issue from a court. Under prior law, in the event the plaintiff failed to successfully prosecute the action, the security could be used for the payment of all costs, taxes and damages awarded against the plaintiff. As amended by this act, the law will allow the security to be used only for court costs and taxes.

Effective May 19, 1999.

Public Chapter 207

House Bill 802 Senate Bill 1145

Amends 20-12-125, -135 and -136 regarding bonds for the prosecution of original suits. Provides that, after July 1, 1999, where an attorney undertakes to serve as surety, the surety is only obligated for amounts required by law or included in the clerk's bill of costs and is not responsible for discretionary costs. In such cases, the clerk may require an additional surety other than the attorney to secure payment for the discretionary costs.

Effective July 1, 1999.

Public Chapter 303

House Bill 1297 Senate Bill 1746

Amends 36-5-101(p) regarding continuing child support payments for handicapped or disabled children. Prior law allowed continuation of payments until age 21. This act provides further that the age limitation of 21 shall not apply if such child is severely disabled and living under the care and supervision of a parent and the court determines that it is in the child's best interest to remain under such care and supervision and the obligor is financially able to continue to pay child support.

Effective May 26, 1999.

Public Chapter 344

Senate Bill 868 House Bill 1618

Amends 10-7-504 to add a new subpart to make confidential certain identifying information compiled and maintained by a governmental entity or utility service provider concerning a person who has obtained a "valid protection document" such as an order of protection or other similar documents as defined by the act. For the information to be confidential, a copy of the protection document must be presented during business hours by the person to whom it was granted to the records custodian of the governmental entity or utility service provider and confidentiality must be requested. The act provides procedures for segregating the information, redacting confidential data and removing the confidential status of the information. Adds new language to the order of protection form in 36-3-604 to direct that the information discussed above is to be kept confidential by a records custodian of a utility service provider or governmental entity. Utilities must comply with requests for confidentiality. Governments may choose not to make the record confidential, but in such instance the governmental entity's records custodian must state the reason for denial of the request.

Effective July 1, 1999.

Public Chapter 366

House Bill 210 Senate Bill 381

Amends 37-1-153 and -154 to make it an offense, punished as criminal contempt of court, for a person to intentionally disclose or disseminate to the public the files and records of the juvenile court, including the child's name and address.

Effective July 1, 1999.

Public Chapter 389

Senate Bill 1411 House Bill 1133

Amends Title 36, 37 and 39 and enacts the Uniform Child-Custody Jurisdiction and Enforcement Act. This act is a comprehensive re-working of the child custody law. Generally, this act makes the litigation of child custody cases easier by giving the courts greater authority to use modern technology and the procedures of other states to secure testimony of persons in other states. Also, cooperation between states is encouraged and provided for and more robust enforcement procedures are provided.

This act does not govern adoption proceedings or proceedings pertaining to the authorization of emergency medical care. Also excluded are child custody proceedings that pertain to an Indian child to the extent that such a proceeding is governed by the federal Indian Child Welfare Act. Indian tribes and foreign countries will be treated as an American state for purposes of jurisdiction and recognizing child custody determinations made by a foreign jurisdiction so long as the facts of the case indicate that the foreign jurisdiction was in substantial conformity with the requirements of the act. A Tennessee court may refuse to apply this act when the child custody law of the other country violates basic principles relating to the protection of human rights and fundamental freedoms. If a question of jurisdiction is raised, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

Effective June 14, 1999.

Public Chapter 482

House Bill 1138 Senate Bill 1366

Amends 36-3-612 to provide that either the court that originally issued an order of protection or any court within the county having jurisdiction over orders of protection may conduct a contempt hearing for violation of an order of protection.

Effective June 17, 1999.

Public Chapter 486

House Bill 1175 Senate Bill 1502

Directs the Administrative Director of the Courts to establish criteria, develop procedures and implement a Tennessee Court Information System to provide an integrated case management and accounting software system for clerks and a state-wide reporting and data transfer capability for the Administrative Office of the Courts and other state agencies. Creates a steering committee, with its membership including 3 court clerks, to manage and control the scope of the project. Amends 18-1-105 regarding the duties of court clerks to add a duty to install and maintain the Tennessee Court Information System, or a functionally equivalent computer system, in their office. Any court clerk having a significant investment in an existing computer system shall not be required to acquire a new computer system so long as the existing system will report electronically all data required under Supreme Court Rule 11 § 2 or otherwise statutorily mandated.

Effective July 1, 1999.

Public Chapter 491

House Bill 1395 Senate Bill 526

Amends several sections dealing with probate, wills, guardians, conservators, trustees and inheritance, estate and gift taxes. Among other changes, amends 30-2-306 to waive the requirement of newspaper notice of the qualification of a personal representative of a decedent's estate when letters testamentary or of administration are issued more than one year from the date of the decedent's death. Also, modifies the probate law by stating that no statement acknowledging receipt shall be required of a distributee who is also the personal representative.

Effective June 17, 1999.

Public Chapter 496

House Bill 1445 Senate Bill 759

Amends 40-32-101 to allow the destruction of public records concerning orders of protection in cases where the order was successfully defended and denied by the court upon petition by the person who successfully defended the issuance of the order of protection. The records shall be removed and destroyed without cost to the person requesting such action.

Effective July 1, 1999.

Public Chapter 502

House Bill 1540 Senate Bill 747

Amends 67-4-602(f) to apply existing litigation taxes to proceedings for moving violations under Title 55, Chapter 8. Also creates an additional privilege tax on litigation of one dollar in all criminal cases in any state, county or municipal court for any violation of Title 55, Chapter 8 or for violation of any ordinance governing use of a metered parking space. Amends 67-4-604 by deleting the exemption to litigation tax in subdivision (b)(3) for proceedings relative to the use of a metered parking space.

Effective June 17, 1999.

Public Chapter 503

House Bill 1550 Senate Bill 1476

Amends 39-17-428(b) regarding mandatory minimum drug fines. Re-writes certain descriptions of offenses; increases the fine for a third or subsequent conviction for a misdemeanor offense involving marijuana; adds new minimum fines for possession of drug paraphernalia.

Effective July 1, 1999.

Public Chapter 507

House Bill 1604 Senate Bill 1098

Amends 32-1-112 to provide that the clerk of the probate court will receive for deposit the will of a testator then living, if the clerk has a secure vault or safe for the safe-keeping of the will. The will must be enclosed in a sealed wrapper, have endorsed on the wrapper the name of the testator, the testator's place of residence, social security number and driver's license, if any, and the day when delivered for deposit and the person making the delivery. The clerk receiving such a will for deposit must charge a fee of \$5.00. After the death of the testator and upon submission of a death certificate or other satisfactory evidence, the will shall be opened by the probate court in open session and be made public. Also, this act details procedures for transfer of the will prior to the death of the testator.

Effective June 17, 1999.

Public Chapter 530

House Bill 758 Senate Bill 297

Amends 8-21-401 to increase court fees. Increases itemized fees for numerous services including continuances, expunging records, adoption proceedings and uncontested divorces. Increases optional flat fees for certain types of proceedings. Increases probate fees for 94 counties up to the level currently charged in Shelby County. Clarifies that the optional flat fee for criminal cases in general sessions court applies to each conviction in a criminal case rather than once per case.

Effective October 1, 1999.

Public Chapter 533

House Bill 1055 Senate Bill 1447

Amends 16-20-106 to provide that a victim-offender mediation center in its first three years of operation is not limited by the requirement that funding from the State of Tennessee cannot exceed 50% of the approved estimated cost of the program. Further amends 16-20-106 to authorize certain cities and counties, established by narrow population classes, to levy by a 2/3 vote of their legislative body, an additional one dollar litigation tax per case in matters before the local general sessions courts and juvenile courts. The affected counties are: Davidson, Anderson, Cumberland, Putnam, Knox, Lewis, and Maury. Revenue generated by the additional one dollar tax must be used exclusively to support local victim-offender mediation centers and is distributed on a monthly basis by the county to the centers. All counties other than those listed above are authorized to levy an additional one dollar litigation tax in matters before the general sessions and juvenile courts. Any revenue so generated by the county shall be held in a separately designated account until a local victim-offender mediation center is established in the county at which time the revenue shall be distributed to the center.

Effective on or about June 22, 1999.

ECONOMIC DEVELOPMENT

Public Chapter 356 Senate Bill 1774 House Bill 1852
Amends 7-88-106 regarding the apportionment and distribution of state and local sales tax revenues where a county or city or public authority has financed a qualified public use facility within a tourism development zone, to provide that the distribution of these revenues cannot continue beyond 30 years from the date it is reasonably anticipated that the facility will commence operations as a public use facility.

Effective January 1, 1999.

EDUCATION

Public Chapter 43 House Bill 458 Senate Bill 447
Amends 49-5-511 to require immediate suspension and dismissal of any teacher convicted of first or second degree murder; especially aggravated or aggravated kidnapping; especially aggravated robbery; aggravated rape, rape or rape of a child; aggravated sexual battery; aggravated arson; or aggravated child abuse. If the dismissal is upheld by the board and courts, the superintendent must notify the Commissioner of Education for license revocation proceedings to begin.

Effective March 31, 1999.

Public Chapter 129 House Bill 675 Senate Bill 892
Amends 38-8-115 and 49-6-4302 to allow state grants to assist in hiring school resource officers that have been approved for a federal universal hiring program grant, and to authorize LEAs to act in partnership with local law enforcement agencies in hiring school resource officers under the state grant program.

Effective May 12, 1999.

Public Chapter 228 Senate Bill 1595 House Bill 1111
Amends 49-3-301, 49-6-2203, 49-6-2204 and 49-6-2207 to change the present process of school textbook adoption, purchase, and repair. Deletes: (1) the requirement that the Commissioner of Education annually distribute to each LEA at least \$7.50 per student in ADA during the preceding school year; (2) the requirement that the commissioner determine the amount of increase in the ADA for the past school year, and then add an additional amount for each LEA in which an increase occurred, by multiplying at least \$12.50 by the ADA increase; (3) the requirement that all state textbook funds distributed to an LEA be used exclusively for textbooks; and (4) the prohibition against any LEA using more than 20 percent of such funds for the purchase of consumable films, workbooks, records, videotapes, until the LEA has made available to all students the approved textbooks.

Effective July 1, 1999.

Public Chapter 256 Senate Bill 184 House Bill 220

Amends 49-6-303(d) and enacts 49-2-6__ to require each LEA to implement for grades 1 and 2 an intervention program using conflict resolution and decision making strategies to prevent disruptive acts by students, and to require guidance counselors to assist with implementation of the program.

Effective May 26, 1999.

Public Chapter 334

Senate Bill 240 House Bill 415

Enacts the “Tennessee School Employee Religious Liberty Act of 1999.” Gives public school employees the right to read a religious book during non-instructional time, quietly say grace before a meal, wear religious garb or jewelry that does not disrupt the school environment, and meet with other school employees for prayer or scriptural study before or after school or during the employee’s lunch. Employees whose rights are violated by a public school may, after exhausting administrative remedies (report to principal, if not resolved then report to director of schools for investigation), assert a cause of action in circuit or chancery court and obtain an injunction, as well as attorneys’ fees and costs.

Effective June 14, 1999.

Public Chapter 360

House Bill 498 Senate Bill 397

Amends 49-3-351(d) relative to increased BEP funding for LEAs that have growth over 2%, to provide for the allocation and disbursement of all funding appropriated for this purpose by the General Assembly, even if that means adjusting the percentage to less than 2%.

Effective June 14, 1999.

Public Chapter 372

House Bill 624 Senate Bill 1110

Amends 49-6-303 to change the requirements for guidance counselors so that each LEA is required to employ or contract with school counselors for pre-K through 12, pursuant to a program to be operated under guidelines of the State Board of Education. School counselors must be licensed by the State Board of Education. Counselors are to provide preventive and developmental counseling to prepare students for school responsibilities and social and physical development.

Effective June 14, 1999.

Public Chapter 462

Senate Bill 1888 House Bill 1919

Enacts 49-6-30__ to require the parents of a student who has been adjudicated delinquent for an offense involving first or second degree murder, rape or aggravated rape, aggravated or especially aggravated robbery, kidnapping or aggravated/especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, to notify the school principal in writing of the nature of the offense, upon initial enrollment in an LEA, or resumption of attendance after suspension, expulsion or adjudication of delinquency, or change of schools within the LEA. The information is only to be shared with employees of the school having responsibility for classroom instruction of the child. Otherwise, the information is confidential. The written notification cannot be placed in the child’s student record.

Effective July 1, 1999.

Public Chapter 480 House Bill 1017 Senate Bill 1343
Amends 49-5-413 to require boards of education to perform a criminal investigation on all applicants for teacher and other positions requiring proximity to school children. Requires applicants to pay the costs of the TBI investigation the first time the applicant applies with a school system. The applicant is to be furnished copies of the criminal history records check, and it appears that these copies may be used instead of running an additional criminal history check if the applicant applies with other school systems, but it is not clear how long these copies may be used. Authorizes the local board to reimburse the applicant if the applicant accepts a position. Authorizes the board to adopt a policy of paying for investigation of applicants for maintenance, food service, clean-up, and similar positions regardless of whether the applicant accepts a position.

Effective January 1, 2000.

ELECTIONS

Public Chapter 6 Senate Bill 2 House Bill 1
Amends election procedures regarding the death of a candidate. Provides that in cases where a candidate dies within forty days before an election, the decedent's name remains on the ballot. If the deceased candidate wins the election, then a vacancy is declared to exist and is filled in the same manner as other vacancies.

Effective March 11, 1999.

Public Chapter 87 Senate Bill 160 House Bill 649
Provides that full-time residents of nursing homes or similar institutions may vote according to procedures for nursing home voting or, if the voter is medically capable of traveling to such location, may vote at an early voting location, the county election commission office or the voter's polling place.

Effective July 1, 1999.

Public Chapter 88 Senate Bill 173 House Bill 269
Directs elections registrars to make reasonable efforts to redact a person's social security number from elections records in computer readable format before such record is made available to the public. Allows for internal use of the social security number for the purposes of the county election commission.

Effective April 12, 1999.

Public Chapter 197 Senate Bill 1416 House Bill 1036
Amends numerous statutes in Title 2 regarding election laws. Provides that municipalities that annex territory or change district or ward boundaries must provide election commissions with a map of the affected area and certain other information regarding the annexation. Provides that polling places in the eastern time zone close at 8:00 p.m. and polling places in the central time zone close at 7:00 p.m. Amends several statutes to allow county election commissions greater freedom in making appointments, filling vacancies and compensating election officials. Allows the election commission to omit any confusing or misleading portions of a candidate's

name if 4 members of the commission agree. Amends 2-6-601 to provide that nursing home voting may begin 22 days before an election. Increases minimum compensation paid to members of the county election commission based on population classes of the counties and allows county legislative bodies to establish a monthly salary in excess of the minimum as an alternative. Prohibits administrators of elections from hiring their spouse, parents, siblings or children as full or part-time clerical assistants, deputies or as members of the absentee counting board.

Effective July 1, 1999.

Public Chapter 208

House Bill 993 Senate Bill 1237

Amends 2-5-101 regarding qualifying deadlines to provide that independent and primary candidates qualifying for an election with an August primary, except for certain candidates in municipal elections, must file all the requisite nominating petitions by noon on the first Thursday in the fourth calendar month before the August election. Independent and primary candidates for all other elections shall continue to file by noon on the third Thursday in the third calendar month prior to the election except where otherwise provided.

Effective May 19, 1999.

Public Chapter 421

House Bill 987 Senate Bill 832

Amends 2-3-102 regarding drawing precinct lines to reflect changes in procedure necessary for the upcoming census.

Effective June 17, 1999.

Public Chapter 499

House Bill 1478 Senate Bill 1857

Amends 2-2-129 to create new provisions authorizing transferring voter registration. Allows a county election commission that utilizes change of address information from the postal service to change registration records to reflect the changes. If the voter moves to a location within the same county, the election commission is directed to send a forwardable audit notice of the change for the voter to verify the new information. If the voter moves to a location outside the county, the administrator of elections may mail a confirmation notice to the voter pursuant to 2-2-106. If the voter indicates that the address change information is incorrect, the registration shall be updated to reflect the correct address. If voter registrations are inaccurately changed through this process, this law also provides procedures for allowing the voter to make a written affirmation of address and vote in the same manner as all other voters.

Effective June 17, 1999.

EMERGENCY SERVICES

Public Chapter 125

House Bill 436 Senate Bill 508

Amends Title 5, Chapter 17, Part 1 regarding county fire departments. Creates a new method of funding fire protection services for county governments. Previously, the law provided for the creation of fire tax districts and for levying a fire tax upon

the residents of those districts to fund the services they receive. Changes made by this act allow the county to fund fire protection for the unincorporated portions of the county with general fund revenues so long as the revenues were generated by situs based taxes collected in the unincorporated areas, are monies that have already been shared with municipalities, or are contributions to the county. Also transfers the authority to appoint the county fire chief from the legislative body to the county executive, subject to the confirmation of the legislative body.

Effective May 12, 1999.

ENVIRONMENT

Public Chapter 94

Senate Bill 1025 House Bill 817

Authorizes the board of commissioners of waste and wastewater treatment authorities to adopt regulations, including requirements for the posting of performance bonds and maintenance bonds for non-traditional sewage disposal systems that serve more than one household. Any such regulations must be consistent with the state Water Quality Control Act and be approved by the Commissioner of Environment and Conservation. Amends 68-221-607.

Effective April 12, 1999.

FINANCE

Public Chapter 426

House Bill 1317 Senate Bill 1398

Amends Title 12, Chapter 10, dealing with public building authorities. Grants to the authority's board greater discretion in entering into agreements for the sale of its bonds and refunding bonds subject to receiving a favorable report from the Comptroller of the Treasury that such agreement is in compliance with the rules of the State Funding Board. This report is not required for agreements to sell bonds or refunding bonds for delivery in 90 days or less from the date of execution of the agreement. The board's new discretionary authority extends to interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements. Requires the State Funding Board to establish guidelines, rules or regulations regarding such agreements. However, until such guidelines, rules and regulations are established, the authority may enter into such agreements on the basis of current law.

Effective July 1, 1999.

Public Chapter 429

House Bill 1321 Senate Bill 1458

Amends Title 49, Chapter 3, Part 12 regarding the Tennessee School Bond Authority to allow the authority to enter into loan agreements with counties, metropolitan governments, cities, towns and special school districts whereby the loan proceeds are used to pay the cost of one or more qualified zone academy projects. Qualified zone academy projects means and includes buildings, structures, improvements and equipment for schools of any local government. The School Bond Authority has power to finance qualified zone academy projects for the sole purpose of enabling the local government to benefit from the issuance of qualified zone academy bonds under the provision of Section 1397E of the Internal Revenue

Code. Counties having a city or cities or special school districts operating schools independently of the county are not required to share proceeds of any loan agreement for a qualified zone academy project.

Effective June 17, 1999.

Public Chapter 432

House Bill 1530 Senate Bill 1543

Amends the Local Government Public Obligations Law, Title 9, Chapter 21, to authorize the State Funding Board to establish guidelines, rules or regulations regarding contracts and agreements providing for liquidity and credit enhancement and reimbursement agreements, interest rate swap agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements with respect to both general obligation and revenue backed debt issued by local governments. Provides that local governments may enter into the agreements noted above during the period that the State Funding Board is developing guidelines. Also, provides new law with respect to permissible agreements regarding the delivery time for revenue bonds and general obligation and revenue refunding bonds.

Effective July 1, 1999.

HIGHWAYS

Public Chapter 67

Senate Bill 614 House Bill 421

Amends 54-7-104 regarding the qualifications for chief administrative officer of the highway department to provide that the educational requirement of having a high school diploma or general equivalency diploma is only deemed satisfied if the candidate has obtained a high school diploma or its equivalent as recognized by the Tennessee State Board of Education.

Effective April 7, 1999.

Public Chapter 287

House Bill 35 Senate Bill 45

Amends 39-14-503 regarding a misdemeanor offense related to the improper hauling of litter. Provides that the section does not apply to motor vehicles transporting crushed stone, fill dirt, and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products which are loaded in compliance with the four inch requirement of 55-7-109. However, this exemption does not apply if a law enforcement officer witnesses the material blowing off the vehicle. The exemption also does not apply to motor vehicles transporting farm produce to market, from field to field, or from field to storage.

Effective May 27, 1999.

LAW ENFORCEMENT

Public Chapter 90

Senate Bill 693 House Bill 762

Amends 40-6-216 to provide that agencies, departments or employees who knowingly refuse to provide a criminal defendant or his or her attorney with a copy

of an arrest warrant may be held in contempt of court for refusal to do so. In addition, the agency or department shall be required to pay all attorney fees and court costs reasonably incurred by the defendant in obtaining the warrant.

Effective April 12, 1999.

Public Chapter 138

Senate Bill 260 House Bill 1136

Amends 40-11-150 relative to conditions of release in domestic cases. Provides that when a condition of release is imposed by the magistrate the written order must be issued on a standard form to be prepared by the Administrative Office of the Courts with a copy going to the law enforcement agency having custody of the defendant. The law enforcement agency is directed to file and maintain the copy of the order in the same manner as is done for orders of protection. Amends 40-7-103 to provide that an officer may, without a warrant, arrest a person who the officer has probable cause to believe has violated a condition of release once the officer verifies that the violator received notice of the conditions.

Effective September 1, 1999.

Public Chapter 146

Senate Bill 895 House Bill 857

Creates a new section 39-16-5__ in the criminal code to make it an offense to point a laser pointer or other similar device at a law enforcement officer while the officer is on duty with the intent to place such officer in fear of serious injury or death.

Effective July 1, 1999.

Public Chapter 261

Senate Bill 486 House Bill 981

Creates a new section in Title 41, Chapter 4, Part 1 to authorize counties, by a resolution adopted by a 2/3 vote of the legislative body, to establish and implement a plan authorizing the jail or workhouse administrator to charge an inmate committed to the jail or workhouse a fee, not to exceed actual costs, for items issued to inmates upon admission to jail. The plan may authorize the jail or workhouse administrator to deduct the amount from the inmate's jail trust account or other similar account. The act clearly states that it does not authorize a county to issue clothing or hygiene items based on the inmate's ability to pay.

Effective May 26, 1999.

Public Chapter 287

House Bill 35 Senate Bill 45

Amends 39-14-503 regarding a misdemeanor offense related to the improper hauling of litter. Provides that the section does not apply to motor vehicles transporting crushed stone, fill dirt, and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products which are loaded in compliance with the four inch requirement of 55-7-109. However, this exemption does not apply if a law enforcement officer witnesses the material blowing off the vehicle. The exemption also does not apply to motor vehicles transporting farm produce to market, from field to field, or from field to storage.

Effective May 27, 1999.

- Public Chapter 295 House Bill 761 Senate Bill 547
Amends 39-17-1308 to authorize out-of-state, full-time, commissioned law enforcement officers carrying a valid commission card and photo ID to carry firearms in this state if the state where the officer is commissioned has entered into a reciprocity agreement with Tennessee to allow Tennessee law enforcement officers to lawfully carry or possess weapons in that state.
- Effective May 26, 1999.
- Public Chapter 319 House Bill 1828 Senate Bill 1894
Amends 66-7-107 to provide that the identity of any person providing evidence of criminal activity that results in an eviction or other termination of residency is to be kept confidential by the law enforcement agency and the district attorney.
- Effective May 26, 1999.
- Public Chapter 338 Senate Bill 492 House Bill 926
Amends 38-3-122 regarding requirements to fingerprint arrestees to provide that fingerprints are not required to be taken from individuals whose fingerprints have been previously stored in the electronic fingerprint imaging files of the law enforcement agency booking the individual if the arresting or booking officer verifies that the individual's fingerprints are on file through the use of a single digit imaging reader.
- Effective June 14, 1999.
- Public Chapter 366 House Bill 210 Senate Bill 381
Amends 37-1-153 and -154 to make it an offense, punished as criminal contempt of court, for a person to intentionally disclose or disseminate to the public the files and records of the juvenile court, including the child's name and address.
- Effective July 1, 1999.
- Public Chapter 498 House Bill 1464 Senate Bill 1820
Amends 39-17-1315 to provide that law enforcement officers who retire in good standing may continue to carry a handgun pursuant to a written directive without being required to continue to complete annual firearm training programs of at least 8 hours.
- Effective June 17, 1999.

PERSONNEL

- Public Chapter 118 House Bill 698 Senate Bill 220
Amends 50-2-103(g) to require that employees be paid in full all wages earned no later than the next regular payday following the date of the employee's termination of employment (dismissal or voluntary leaving), or 21 days after the date of termination, whichever is later. Although this statute's application to public employers has been questioned, it is noted that the new subsection (g) states that "no employer shall, by any means, secure an exemption from this section."

Effective July 1, 1999.

Public Chapter 161

Senate Bill 1856 House Bill 1842

Enacts 50-1-3__ to require an employer to provide reasonable unpaid breaks each day to an employee who needs to express breast milk for her infant child, unless to do so would unduly disrupt the employer's operations. The employer is to provide the employee a private room or other location, other than a toilet stall, close to the work area for this purpose.

Effective May 14, 1999.

Public Chapter 202

Senate Bill 1597 House Bill 1113

Repeals 50-7-302(a)(9) and amends 50-7-303(a)(2) relative to disqualification for unemployment benefits, to provide that a discharge for a positive result on a drug or alcohol test administered in conformity with Title 50, Chapter 9 (drug free workplace program) is deemed a discharge for misconduct. For the alcohol test, a result of .10% for non-safety sensitive positions and a result of .04% for safety sensitive positions is considered positive. The act does not define "safety sensitive" positions. A discharge for refusal to take a test authorized under Title 50, Chapter 9, is deemed a discharge for misconduct as long as there is substantial and material evidence of the employee's refusal to take the test.

Effective for benefit years established on or after July 4, 1999.

Public Chapter 225

Senate Bill 708 House Bill 301

Amends 50-6-204(c) to increase the amount of burial expenses payable by the employer under workers' compensation from \$4,500 to \$7,500.

Effective May 20, 1999.

Public Chapter 294

House Bill 688 Senate Bill 1368

Amends 50-6-204 to authorize the provision of psychological services under the Workers Compensation Law when ordered by the attending physician.

Effective July 1, 1999.

Public Chapter 404

Senate Bill 709 House Bill 294

Amends 50-6-209 to increase the lump sum payment under workers compensation for death of an employee with no dependents from \$10,000 to \$20,000.

Effective July 1, 1999.

Public Chapter 520

House Bill 1875 Senate Bill 1796

Enacts the "Tennessee Workforce Development Act of 1999." Creates the Department of Labor and Workforce Development (combining the Department of Labor and the Department of Employment Security) to reduce duplication of efforts and fully utilize resources through consolidation or collaboration of job training, employment, employment-related educational programs, health and safety, and unemployment insurance programs throughout the state. Under the new

Department will be the Division of Employment Security, the Division of Workers Compensation, and the Division of Occupational Safety and Health.

Effective June 17, 1999, to be fully implemented by January 1, 2000.

PURCHASING

Public Chapter 116 House Bill 116 Senate Bill 1871
Amends 8-27-102, 8-27-207 and 8-27-301 to require the state insurance committee, the local government insurance committee, and the local education insurance committee to use the purchasing procedures set out in 12-4-109 (purchasing procedures for contracts for state services) and the state regulations promulgated thereunder when entering into contracts with insurance companies, claims administrators and other organizations for the services necessary to administer their insurance plans.

Effective May 4, 1999.

Public Chapter 382 House Bill 933 Senate Bill 752
Enacts the "State and Local Purchasing Act of 1999." Enacts 12-3-704 to authorize state and local governments to distribute solicitations and receive bids, proposals and other offers electronically, but prohibits requiring small or minority owned businesses to receive or respond electronically. Enacts 12-3-1009 to authorize municipalities, counties, utility districts and other local governments to participate in cooperative purchasing agreements for procurement of supplies, services or construction. Enacts 12-3-1101 to create a state and local government advisory committee to monitor initiatives related to the use of the Internet for public purchasing and advise the General Assembly on needed changes to the law.

Effective June 14, 1999.

RECORDS

Public Chapter 167 Senate Bill 1029 House Bill 1813
Amends Title 10, Chapter 7 to remove municipal records from the jurisdiction of the county public records commission.

Effective May 17, 1999.

Public Chapter 176 Senate Bill 647 House Bill 575
Amends 10-7-504 to make certain records regarding state, county, municipal or other public employees confidential. Makes unpublished telephone numbers, bank account information, social security numbers, driver's license information (except where driving is a part of the employee's job) and similar information of immediate family or household members of the employee confidential. Where this confidential information is part of a file or document that would otherwise be public information, such information shall be redacted if possible so that the public may still have access to the non-confidential portion of the file or document.

Effective May 19, 1999.

Public Chapter 199 Senate Bill 1572 House Bill 1531
Amends 10-7-504 to make investigative records of the TBI, all criminal investigative files of the Motor Vehicle Enforcement Division of the Department of Safety relating to stolen vehicles or parts, and all files of the handgun carry permit and driver license issuance divisions of the Department of Safety relating to bogus handgun carry permits and bogus driver licenses issued to undercover law enforcement agents confidential records.

Effective May 19, 1999.

Public Chapter 514 House Bill 1818 Senate Bill 1243
Amends 10-7-503 and -504 to authorize personnel information of any police officer working undercover to be segregated and kept in the office of the chief law enforcement officer and treated as confidential. Personnel information includes the address and home telephone number of the officer and members of the officer's immediate family or household members. Other information in the file which has the potential, as determined by the chief law enforcement officer, to threaten the safety of the officer or the officer's immediate family also may be redacted. If a person requesting information disagrees with the determination of the chief law enforcement officer, the decision may be reviewed in a show cause hearing in chancery court.

Effective June 17, 1999.

Public Chapter 522 House Bill 1891 Senate Bill 1879
Amends 37-1-612 regarding the confidentiality of child abuse records to expand the records classified as confidential to include files, reports, records, communications and working papers related to investigations or providing services, video tapes, reports made to the abuse registry and to local offices of the Department of Children's Services and all records generated as a result of such processes and reports.

Effective June 17, 1999.

REGISTER OF DEEDS

Public Chapter 105 Senate Bill 631 House Bill 601
Amends 66-24-115 to require that powers of attorney, including durable powers of attorney for health care, must have the name and address of the preparer of the instrument appear on the face of the first page of the instrument before the instrument may be registered. Also, clarifies that Uniform Commercial Code instruments, including fixture filings, are *not* required to have the name and address of the preparer to be eligible for registration.

Effective July 1, 1999.

Public Chapter 137 Senate Bill 174 House Bill 268

Amends the basic fee statute, 8-21-1001, to clarify the fee to be charged for the recording of releases of mortgages, deeds of trust and other liens and for the recording of instruments containing assignments (but not Uniform Commercial Code assignments). The fee for recording releases is \$4.00 for each and every release in the instrument, plus \$4.00 per page for each page in the instrument in excess of one page. The fee for recording assignments is \$4.00 for each and every assignment in the instrument, plus \$4.00 for each page in excess of two pages. The minimum fee of \$8.00 for recording an instrument containing an assignment was not changed by this act.

Effective May 12, 1999.

Public Chapter 345

Senate Bill 899 House Bill 740

Amends 7-39-307 to provide an exemption from the mortgage tax (67-4-409(b)) for the recording of instruments giving notice of the creation of a lien, security interest or pledge wherein an energy acquisition corporation (formed for the benefit of a local government) is either the secured party or the debtor.

Effective June 14, 1999.

Public Chapter 364

Senate Bill 618 House Bill 157

Amends 66-24-101 to include within the list of instruments which may be registered any instrument that provides for any party to agree to take any action regarding any interest in real property, or not to take such action regarding any interest in real property, including, but not limited to, any agreement to or negative agreement to mortgage, pledge, assign, hypothecate, alienate, subdivide, encumber, sell, transfer, or otherwise affect the real property or any part thereof. Also, this act validates the registration of such previously recorded instruments.

Effective June 14, 1999.

SOLID WASTE

Public Chapter 81

Senate Bill 340 House Bill 329

Amends 57-5-201 and 67-4-402 to extend the current temporary tax on bottles of soft drinks and barrels of beer allocated to programs for the prevention and collection of litter until June 30, 2005, or until June 30 of any year following the enactment of any state or federal law which imposes mandatory deposits by consumers on beverage containers sold in Tennessee. County litter grants are funded from this source.

Effective June 1, 1999.

Public Chapter 384

Senate Bill 1599 House Bill 1115

Extends the state surcharge of \$.75 per ton of solid waste received at a Class I disposal facilities until June 30, 2004. Extends the terms of members of the Solid Waste Advisory Committee to December 31, 2001. Moves the solid waste education promotion program (which chiefly aids teachers) from the Department of Education to the University of Tennessee Waste Management Research and

Education Institute. Removes the requirement that transporters of municipal solid waste register with the Department of Conservation and Environment and provide data. Sets December 31, 2003 as the new target date for a 25% solid waste reduction or diversion goal based on 1995 as the base year. Diversion to a Class III or IV landfill counts toward the reduction goal. Provides regions with the option of calculating the goal on an economic growth basis instead of a per capita basis. Regions that do not meet the 25% reduction goal will be analyzed by the department to determine if the region's program is qualitatively equivalent to other regions and that failure to meet the goal is due to factors beyond the control of the region. The qualitative assessment method will be developed by the department and approved by the Municipal Solid Waste Advisory Committee. A county or region will receive credit for recycling and waste reduction programs prior to 1995, but not earlier than 1985. Failure of a region to meet the 25% reduction goal directly or qualitatively may result in the county or city at fault being subject to monetary sanctions. Owners or operators of a Class I landfill, incinerator or transfer station required to remit a surcharge are responsible for keeping accurate records of amount (tons) of waste received and the origin of the waste. The commissioner is directed to develop, with advice from Municipal Solid Waste Advisory Committee, comprehensive goals for the system of solid waste management throughout the state and will affect grants given out after July 1, 2000, if there is sufficient information available.

Effective June 14, 1999.

TAXATION

Public Chapter 47

Senate Bill 1379 House Bill 1270

Amends 57-6-103 relative to wholesale beer taxes, requiring an annexing municipality or a newly incorporated municipality to provide written notice of the date of the annexation or incorporation, as well as a list of each retailer located in the territory, to each wholesale seller of beer within the territory. Taxes paid to a county by a wholesaler before the effective date of the act satisfy the liability for taxes on those sales.

Effective January 1, 2000.

Public Chapter 169

Senate Bill 1455 House Bill 1529

Amends 6-58-112 which required a newly-incorporated municipality to levy and collect a property tax equal to its state-shared taxes before receiving any revenues from state-shared taxes. The amended law provides that the new municipality must levy and provide for the administration and collection (previous law required collection as well) of a property tax before receiving any state-shared taxes. Also states that the amount of property tax required is the amount of state-shared revenue which the Department of Revenue estimates the new municipality will receive.

Effective May 17, 1999.

TAXATION - PROPERTY

- Public Chapter 92 Senate Bill 788 House Bill 625
Amends 67-5-802 regarding moveable structures. Provides that the lien in favor of the owner of a mobile home park to secure the payment of additional property taxes resulting from placement of the mobile home on the real property is the only lien granted to the owner of the land without prior notification to any other lienholders of record. Provides procedures by which the land owner may be granted a lien to secure payment of rent after the mobile home becomes vacant. Also requires the assessor of property to provide owners of land containing a mobile home park with the assessed value of each mobile home situated there. This report must be provided by July 1 of each year.
- Effective April 12, 1999.
- Public Chapter 96 Senate Bill 1383 House Bill 1309
Adds a new section to Title 67, Chapter 5, Part 4, regarding confidentiality of tax records. Except for the annual reporting schedule, records regarding assessment or audit of tangible personal property are not to be disclosed by state or local agencies. Violation is a Class C misdemeanor. Disclosure of these records is authorized upon the taxpayer's request, upon court order, to tax collection officials to the extent needed for enforcement, and to the Department of Human Services or its contractors in the child support program.
- Effective April 12, 1999, for developing rules; for other purposes effective July 1, 1999.
- Public Chapter 110 Senate Bill 1162 House Bill 1397
Amends 67-5-701 regarding property tax relief for the elderly, disabled, and disabled veterans, extending the time by which application for relief must be made to the trustee. Previous law required the application to be filed by the delinquency date; new provision extends the period to 35 days after the delinquency date.
- Effective May 4, 1999.
- Public Chapter 141 Senate Bill 913 House Bill 1412
Amends portions of the Greenbelt Law in Title 67, Chapter 5, Part 10, by providing that new owners of agricultural land who wish to continue the designation must reapply by April 1 of the year following the transfer, and may establish eligibility after that time only through the appeals process; reapplication is not necessary as long as the ownership remains unchanged. Retains the presumption that land which produces at least \$1,500 of agricultural income per year, averaged over a three-year period, satisfies the agricultural use definition, but deletes the provision allowing the assessor to require the land owner to certify to this minimum amount. New language requires the assessor to verify agricultural use during on-site review required for reappraisal, and also allows the assessor to require other proof of use or ownership at any time. Also provides similar reapplication requirements for forest and open space land. Adds the requirement that the land owner must notify the assessor of

any change in use or ownership which might affect eligibility for the greenbelt designation.

Effective May 12, 1999, for the 1999 tax year.

Public Chapter 147

Senate Bill 914 House Bill 986

Adds a provision to 67-5-505 regarding personal property audits, allowing the state to enforce assessment requirements of the state Division of Property Assessments. If the county or the assessor fails to carry out any requirements, including audit compliance plans, the division may take steps necessary to insure compliance and then bill the county for the costs. If the county refuses to pay, the costs may be deducted from the county's portion of state-shared taxes.

Effective May 14, 1999.

Public Chapter 153

Senate Bill 1456 House Bill 1537

Amends 67-5-508 regarding notice of property assessment. While previous law required the notice of a change in assessment or classification to describe the previous year's assessment and the change, the new provision also requires the notice to show the previous year's classification and the current classification as well as the assessments for the two years.

Effective May 14, 1999, for the 1999 tax year.

Public Chapter 162

Senate Bill 1914 House Bill 1496

Clarifies the existing statute of limitations for property tax, providing that collections are barred after 10 years from April 1 of the year following the year of delinquency. States that it is this limit that applies to property tax collections and not the 6 year limit for other taxes provided for in 67-1-1429 and 67-1-1501.

Effective May 14, 1999.

Public Chapter 163

Senate Bill 1915 House Bill 1497

Enacts a new section in Title 67, Chapter 5, which authorizes the trustee and municipal tax collector to request the delinquent tax attorney to seek a court waiver of all personal property taxes, penalties and interest for a defunct business operation. In order to qualify for the waiver, the business must have ceased operations, its personal property cannot be located after diligent search, and there is no fraud or intent to avoid taxes. A partial waiver is not authorized under this section. Another section provides that all or a portion of penalty, interest, and attorney fees due on delinquent taxes may be waived by a court with jurisdiction over the delinquent tax lawsuit if the property is environmentally hazardous, the county legislative body has determined that no bid should be made on behalf of the county at the tax sale, the waiver is made in conjunction with the cleanup of the property, and there is no fraud or intent to avoid taxes.

Effective May 14, 1999.

Public Chapter 422

House Bill 1044 Senate Bill 541

Amends Title 67, Chapter 5, Part 6, regarding assessment of personal tangible property. Adds a new section providing for an assessment proration if commercial and industrial tangible personal property is damaged by a disaster certified by FEMA. The assessor is to prorate the assessment for the portion of the year prior to the destruction if the property is not restored and no commercial and industrial tangible personal property is operated in its place before September 1 of that year. Similar to the existing provision in 67-5-603 for improvements to real property.

Effective June 17, 1999.

Public Chapter 513

House Bill 1782 Senate Bill 1688

Amends 67-5-802 regarding property taxation of mobile homes. Current law gives the owner of a mobile home park a lien against the mobile home to secure additional property taxes owed on the land as a result of the mobile home. New provision provides that if the owner of the land prevails in a suit for reimbursement of property taxes against the owner of a mobile home, the land owner may also recover costs of the suit including reasonable attorneys fees.

Effective June 17, 1999.

TAXATION - SALES

Public Chapter 413

House Bill 1869 Senate Bill 1790

Amends Title 67, Chapter 6 relative to the taxation of interstate telecommunication services. Eliminates the distinctions in sales tax laws for WATS services. Sets a tax rate of 3.5% for interstate telecommunications services sold to businesses. Allows an exemption for interstate telecommunications services for businesses operating call centers. Earmarks the revenues generated from a rate equal to 0.5% of tax for education purposes for K-12. Distributed the same amount to municipalities and the unincorporated areas of counties on the basis of population. Amends 67-6-702(g) to exempt interstate telecommunications services sold to businesses from the 1.5% local tax rate.

Effective January 1, 2000.

Public Chapter 414

House Bill 1870 Senate Bill 1791

Amends 67-4-506 to exclude merchandise sold from vending machines for a price in excess of \$5.00 from the optional gross receipts tax election provided by that section for persons operating vending machines.

Effective July 1, 2000.

Public Chapter 423

House Bill 1126 Senate Bill 1610

Amends Title 67, Chapters 6 and 7 relative to the taxation of television programming or services. Repeals the state and local sales tax charges for cable TV services exceeding the basic rate and enacts in their place an 8.25% state sales tax on both cable and wireless television services that applies to any charges or fees in excess of \$15. This tax applies on charges from \$15 to \$27.50 and the revenues from this

tax are for state purposes only. In excess of \$27.50, the state rate drops to 6% and the local option sales tax applies.

Effective July 1, 1999.

Public Chapter 484

House Bill 1152 Senate Bill 1493

Amends 67-6-102 to provide that the recharging of prepaid telephone calling cards is subject to sales tax if the customer's service address is located in Tennessee. Amends Chapter 385 of the Public Acts of 1997 to delete language that sunset the taxation of phone cards on June 30, 1999.

Effective June 17, 1999.

TELECOMMUNICATIONS

Public Chapter 481

House Bill 1032 Senate Bill 1109

Creates a new part under Title 7, Chapter 52 to authorize any municipality operating an electric plant to provide cable television service, two-way video transmission, video programming or internet services. Establishes procedures for creating a business plan, holding a public hearing and a public referendum to authorize providing the additional services, and setting up a separate division to deliver the additional services. Directs the Comptroller to adopt guidelines or procedures for accounting for the operations of the new service. Requires the municipal electric system to make tax equivalent payments in the same manner as under Title 7, Chapter 52, Part 3 and certain in lieu of tax payments to the same extent as if it were a private provider of such services paying franchise and excise taxes, sales taxes or business tax. Gives a private cable franchisee standing to bring a civil action for injunctive or declaratory relief for violations under this new part. Provides that a division established to provide these additional services is not considered a governmental entity for the purposes of the Tennessee Governmental Tort Liability Act. Requires the municipal electric system to get a franchise from the appropriate city or county governing body before providing the additional service. Gives customers of a municipal electric system a right of action to recover damages against such system pursuant to this act.

Effective June 17, 1999.

TORT LIABILITY

Public Chapter 196

Senate Bill 1357 House Bill 1167

Amends 56-7-1201(d) to provide that for an insurer providing uninsured motorist coverage to a governmental unit, political subdivision or agency thereof, the limits collectible under the policy shall be the same as the limitations of liability established under applicable law. Amends 56-7-1202 to include within the definition of "uninsured motor vehicle" those owned by a governmental unit, political subdivision or agency thereof. Amends 56-7-1202 to provide that the applicable limits of liability for a governmental unit, political subdivision or agency thereof for claims arising out of the operation of a motor vehicle shall be considered as liability coverage available under a valid and collectible insurance policy.

Effective May 19, 1999.

Public Chapter 458

Senate Bill 1783 House Bill 1862

Enacts 9-8-3__ to require that the state and its political subdivisions include in all contracts an indemnity/hold harmless provision for breach of contract caused by computer software or processor year 2000 errors, and provides that all contracts entered into after the effective date of the act will have the legal effect of including such a provision regardless of the terms actually included in the contract. Amends 29-20-205 of the Governmental Tort Liability Act to give governmental entities immunity from suit for losses arising from year 2000 computer errors occurring before January 1, 2005, if the failure or malfunction was unforeseeable, or if it was foreseeable but a reasonable plan or design for identifying and preventing the failure was adopted and reasonably implemented complying with generally accepted computer and information system design standards. Adds similar provisions to the board of claims statutes disallowing such claims against the state.

Effective June 17, 1999.

Public Chapter 485

House Bill 1173 Senate Bill 1033

Amends 20-1-119 relative to joinder of third-party defendants in comparative negligence actions, to make the provisions of that statute applicable to suits involving governmental entities. The statute gives a plaintiff 90 days from the filing of an answer alleging a third party's negligence, to file suit against that third party without being barred by the statute of limitations.

Effective June 17, 1999.

UTILITIES

Public Chapter 73

Senate Bill 1450 House Bill 1099

Amends Title 65, Chapter 31, governing underground utility damage prevention. Adds definitions of "calendar day" and "impending emergencies." Modifies notice of intent to excavate or demolish procedures and time requirements. Adds provision that any operator of a utility that suffers damage as a result of not participating in a one-call service for a defined geographic area waives the right to recover damages to their underground utilities from the excavator, provided the excavator followed the provisions of this law. Adds SAFETY PURPLE to color code to be used to mark reclaimed water. Adds requirement that if an excavator arrives at a site and observes clear evidence of an unmarked utility, the excavator is prohibited from beginning the excavation until an additional notice is made to the one-call. Adds additional marking requirements for utility operators regarding emergency or impending emergency situations. Excavators will not be liable for damages to an underground facility if the excavator notified the utility operator and the operator failed to locate their facilities. Changes penalties for violation from civil penalty of up to \$1000 to a Class A misdemeanor with fine up to \$2500 or imprisonment for up to 48 hours, or both. Also, provision is made for use of citations to appear in court.

Effective July 1, 1999.

Public Chapter 345

Senate Bill 899 House Bill 740

Amends Title 7, Chapter 39 and 7-51-910. The name of Title 7, Chapter 39 is changed from Municipal Gas Companies to Energy Acquisition Corporations. Amends 7-39-101 to enact the Energy Acquisition Act. Allows counties (through the county legislative body) as well cities to approve the organization of energy acquisition corporations for the benefit of such county upon proper application. Authorizes energy acquisition corporations to contract with any gas producer, pipeline company or other seller of natural gas or natural gas substitutes and may enter into commodity price exchange or swap agreements, agreements establishing price floors or ceilings, or both, or other price hedging contracts. Also, the energy acquisition corporation may acquire electrical power by contract with the Tennessee Valley Authority or any similar governmental agency or any other person or entity whether within or outside of the State of Tennessee. The energy acquisition corporation is authorized to sell natural gas or natural gas substitutes or electricity to corporation's associated local government, the state and other governmental entities and other energy acquisition corporations and utility systems, whether privately or publically owned, and to private persons and entities. The State Funding Board will establish guidelines for agreements, including agreements to sell bonds, that the energy acquisition corporation may enter into.

Effective June 14, 1999.

Public Chapter 355

Senate Bill 1417 House Bill 1986

Amends 68-221-608 regarding water and wastewater treatment authorities to authorize the authority's board of commissioners to enter into contracts with any public or private corporation, any utility district or municipal utilities board providing service within the jurisdiction of the authority, for the collection of sewer charges. Any such entity collecting sewer charges under contract with the authority is authorized to meter, bill and collect sewer charges as an added designated item on its water service bill or otherwise, discontinue water service to sewer users who fail to pay sewer service charges, not accept payment for water services without payment for sewer services at the same time, and not re-establish water service until past due sewer service charges have been paid by the customer.

Effective June 14, 1999.

Public Chapter 408

House Bill 1734 Senate Bill 487

Amends 65-28-103 to establish a pilot project through the end of the year 2001 whereby any intrastate natural pipeline corporation subject to regulation by the Tennessee Regulatory Authority as a public utility, may transport natural gas to end users in Tennessee only if such natural gas is produced from Tennessee wells located in any county within the 2nd, 4th, 5th, 6th, 7th, or 12th Senatorial Districts and or in Pickett County, and only if the end users of such natural gas are located in the above referenced counties. The intrastate natural gas pipeline corporation will not transport natural gas to end users that are served by a municipal utility or by a utility district or within a utility district's chartered service area unless the end user has been served by an interstate pipeline or at the option of the utility district or the municipal utility, the intrastate natural gas pipeline corporation assumes certain contractual obligations of the utility district or municipal utility. At the option of the

utility district or municipal utility, such intrastate corporation may serve end users not now being served.

Effective June 17, 1999.

Public Chapter 427

House Bill 1318 Senate Bill 1399

Amends Title 7, Chapter 34, regarding the issuance, sale and terms of bonds and related contracts of municipal utilities. Municipal utilities may include utilities of a county or metropolitan government. Grants to municipalities and counties greater discretion in entering into agreements for the sale of their bonds for their utilities subject to receiving a favorable report from the Comptroller of the Treasury that such agreement is in compliance with the rules of the State Funding Board. This report is not required for agreements to sell bonds or refunding bonds for delivery in 90 days or less from the date of execution of the agreement. This new discretionary authority extends to interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements. Requires the State Funding Board to establish guidelines, rules or regulations regarding such agreements. However, until such guidelines, rules and regulations are established, the municipalities and counties may enter into such agreements on the basis of current law.

Effective July 1, 1999.

Public Chapter 428

House Bill 1319 Senate Bill 1400

Amends Title 7, Chapter 82, Part 5 regarding the issuance, sale and terms of bonds and refunding bonds for utility districts. Grants to the utility district boards greater discretion in entering into agreements for the sale of their bonds subject to receiving a favorable report from the Comptroller of the Treasury that such agreement is in compliance with the rules of the State Funding Board. This report is not required for agreements to sell bonds or refunding bonds for delivery in 90 days or less from the date of execution of the agreement. The board's new discretionary authority extends to interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements. Requires the State Funding Board to establish guidelines, rules or regulations regarding such agreements. However, until such guidelines, rules and regulations are established, the utility district may enter into such agreements on the basis of current law.

Effective July 1, 1999.

Public Chapter 479

House Bill 778 Senate Bill 1144

Amends 68-221-209 regarding water and wastewater treatment authorities to provide that if such an authority created under Title 68, Chapter 221, Part 6, owns a sanitary sewer funded in whole or part by a grant, and if the authority installed the sewer, contracted with an entity to install the sewer, or received conveyance of the sewer after installation, then the authority is responsible for maintaining the sewer and building service, including couplings and fittings thereto, to which the building lateral sewer of the residential or commercial customer is connected. In no event shall a residential or commercial customer be responsible to maintain any portion of

the lateral or connection located beyond the customer's property line. The authority is made liable for damages to residential and commercial customers caused by negligence of the authority regarding the sewer or building service. Williamson and Wilson Counties exempted by narrow population class exception.

Effective June 17, 1999.

ZONING

Public Chapter 204

House Bill 243 Senate Bill 293

Amends 13-24-102 to provide that three additional persons may live as houseparents or guardians in a home for the handicapped or mentally retarded and still retain the designation as a single family residence under zoning laws. Former law allowed only two additional persons.

Effective May 19, 1999.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 142 Senate Bill 1140 House Bill 862
Amends 7-82-304(12)(B) by narrow population class exceptions to authorize natural gas utility districts that serve customers in Anderson, Campbell and Sevier counties to provide funding to chambers of commerce and economic and community organizations.

Effective May 12, 1999.

BEDFORD

Public Chapter 525 House Bill 1961 Senate Bill 1955
Amends 57-4-101 to authorize certain restaurants in Bedford County to serve wine in addition to beer.

Effective July 1, 1999.

CAMPBELL

Public Chapter 142 Senate Bill 1140 House Bill 862
Amends 7-82-304(12)(B) by narrow population class exceptions to authorize natural gas utility districts that serve customers in Anderson, Campbell and Sevier counties to provide funding to chambers of commerce and economic and community organizations.

Effective May 12, 1999.

CHEATHAM

Public Chapter 308 House Bill 1406 Senate 557
Amends 13-7-110 regarding appointment of a county building commissioner. Removes the provision authorizing the county legislative body to fill the position. For all counties except Cheatham, provides that the building commissioner is to be appointed by the county executive, subject to confirmation by the county legislative body. Contains a narrow population class exclusion for Chatham County from the appointment provision.

Effective May 26, 1999.

CLAIBORNE

Public Chapter 352 Senate Bill 1325 House Bill 804
Amends 16-15-5004 to give the general sessions court in Claiborne County concurrent jurisdiction with the circuit and chancery courts over worker's compensation cases, divorce and all other domestic relations cases, mental health commitment cases, probate cases and cases involving decedent's estates.

According to the amendatory language, the expanded jurisdiction is not effective until July 1, 1999, and only if the act is approved by a 2/3 majority vote of the county legislative body.

Effective June 14, 1999.

DAVIDSON

Public Chapter 134 Senate Bill 1845 House Bill 978
Authorizes the register of deeds to implement an automated system for recording deeds and other instruments from remote locations. The register may request technical assistance from the office of the comptroller to advise on matters of system security and reliability. Also, the register must file a statement with the comptroller at least 30 days prior to offering this service describing in detail the system to be used and the documents which may be electronically recorded. Also, the register must file with the comptroller a post implementation review of the system between 12 and 18 months after the earlier statement is filed.

Effective May 12, 1999.

Public Chapter 135 Senate Bill 1426 House Bill 1495
Authorizes the metropolitan council to authorize, regulate and control the commercial use of pedal carriages and rickshaws as modes of transportation-for-hire within entertainment, dining, scenic or historic areas of the center city.

Effective May 12, 1999.

Public Chapter 262 Senate Bill 493 House Bill 983
Authorizes every governmental entity in the county to regulate entry into the business of providing passenger transportation service, including but not limited to, limousine, sedan, shuttle and taxicab. Amends Title 7, Chapter 51, Part 10.

Effective May 26, 1999.

Public Chapter 314 House Bill 1594 Senate Bill 1840
Amends 57-4-102 to authorize the sale of wine and other alcoholic beverages in an outdoor fixed structure amphitheater containing seating for at least 5,100 persons; and in a facility containing at least 10,000 square feet consisting of at least 2 theater spaces, with permanent fixed seating for at least 349 persons, with one performance space constructed prior to 1930 containing a stage with a fly tower for stage rigging with a height of at least 30 feet, operated by a 501(c)(3) organization, with an exterior wall located not more than 100 feet from a major street. Applies in counties with at least 500,000 population and metropolitan government.

Effective May 26, 1999.

Public Chapter 320 Senate Bill 746 House Bill 629

Amends 7-4-102 and -110 regarding the tourist accommodation tax. Provides that in metropolitan counties larger than 100,000, the tax is increased by 1%, and the revenue generated by the increase is dedicated to the direct promotion of tourism.

Effective July 1, 1999, and repealed June 30, 2002.

Public Chapter 377

House Bill 749 Senate Bill 1277

Authorizes a municipal electric service to make payments to injured persons in compensation for bodily injury and death that occurred as a result of an incident on October 10, 1997, notwithstanding the limitations of the Governmental Tort Liability Act, or any other public or private act or municipal or metropolitan charter.

Effective June 14, 1999.

Public Chapter 447

Senate Bill 714 House Bill 1078

Provides for criminal background checks for persons who are applying for a license to operate a vehicle for hire or persons applying to be hired by municipalities to transport members of the public. Establishes procedures for submitting fingerprints and conducting a background check. Applies only to municipalities in Davidson and Shelby County.

Effective June 17, 1999.

DYER

Public Chapter 474

House Bill 481 Senate Bill 703

Amends 67-1-404 to authorize payment of taxes by credit or debit card in Dyer County, identified by narrow population class. Also authorizes the trustee to charge a processing fee in an amount not exceeding that charged by the card issuer, as well as a service charge in an amount not exceeding an insufficient check fee if the card is not honored by the issuer.

Effective July 1, 1999.

FRANKLIN

Public Chapter 398

Senate Bill 1682 House Bill 1600

Amends 7-82-307(ff) to provide that the provisions of this subsection apply only to water utility districts (as opposed to gas utility districts) with a service district lying primarily within Franklin County (identified by narrow population class). This subsection states that such a district will be governed by a five member board elected by the customers of the district.

Effective June 14, 1999.

HAMILTON

Public Chapter 155

Senate Bill 1550 House Bill 1090

Amends 52-4-105 to provide for the composition of the metropolitan airport authority board of commissioners. The board shall consist of 11 persons appointed by the executive officer of the creating municipality and approved by its governing body.

Effective July 1, 1999.

Public Chapter 174

House Bill 1268 Senate Bill 1142

Amends 5-5-107(b)(2) regarding compensation for county legislative body members in Hamilton County. Deletes the provisions authorizing the county commission to fix the compensation for the successor legislative body, prohibiting increases during the term of office, and fixing the compensation at \$500 per month if the legislative body does not act to set another amount. New language provides that the county legislative body, by a 2/3 vote, is to fix the salary for its members by June 30, 1999. The salary is to take effect upon July 1, 1999, and is to be increased each year by the same percentage increase which the county executive receives for that year.

Effective May 14, 1999.

Public Chapter 259

Senate Bill 301 House Bill 521

Amends 16-15-501 by deleting subsection (d)(2)(B) which formerly established different limitations on actions for general sessions courts in Hamilton County by narrow population class. With the deletion of this subsection, Hamilton County general sessions courts will be subject to the general law found in 16-15-501(d)(1).

Effective May 26, 1999.

HANCOCK

Public Chapter 404

Senate Bill 709 House Bill 294

Amends 50-6-113(f) to exempt the counties of Hancock and Hawkins from the requirement that persons engaged in the construction industry carry workers compensation insurance regardless of whether the person employs fewer than five employees.

Effective July 1, 1999.

HARDIN

Public Chapter 234

Senate Bill 1445 House Bill 1158

Amends 7-82-307 and provides that any water utility district having a service area which includes an adjoining state and Hardin County (identified by narrow population class) shall be governed by a board of commissioners consisting of five members selected for staggered terms. One member's term set to expire on July 31, 1999 is extended to August 30, 2000, a second scheduled to expire on June 30, 2000 is extended to August 30, 2000, and a third member's term set to expire on July 31, 2002 is extended to August 30, 2002, and two new positions are created to serve until August 30, 2002. Afterward, all terms are set at four years. An election for the two new members will be held before September 1, 1999, and only customers residing with the district will be entitled to vote. Candidates for board membership

must qualify by obtaining 25 signatures from customers on a nominating petition 30 days before the election. Members must specify whether they are running for position 1, 2, 3, 4 or 5.

Effective May 25, 1999.

HAWKINS

Public Chapter 404

Senate Bill 709 House Bill 294

Amends 50-6-113(f) to exempt the counties of Hancock and Hawkins from the requirement that persons engaged in the construction industry carry workers compensation insurance regardless of whether the person employs fewer than five employees.

Effective July 1, 1999.

KNOX

Public Chapter 100

Senate Bill 176 House Bill 412

Amends 5-1-211 to increase the maximum monetary penalties and forfeiture amounts for violation of a county ordinance in counties with a county charter from \$500 to \$1000.

Effective May 4, 1999.

MACON

Public Chapter 232

Senate Bill 877 House Bill 604

Amends 2-12-201(a)(1) to allow administrators of elections in Macon County to employ relatives to work on election day and during the early voting period if the legislative body of the county adopts a resolution by a 2/3 majority to authorize the application of this act and the county election commission unanimously approves their employment. Also provides that county election commission members may be employed to work during the early voting period in Macon County to supervise the activities of employees hired for the early voting period.

Effective July 1, 1999.

McMINN

Public Chapter 527

House Bill 1988 Senate Bill 1980

Effective September 1, 2000, the McMinn County Board of Education will consist of 10 members, with two members being elected from each of the five school districts which are coextensive with the county commissioner districts. Members will serve staggered four-year terms. Contains transition provisions relative to the August 2000 election. This act probably should have been designated as a private chapter.

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

ROANE

Public Chapter 286 House Bill 781 Senate Bill 1289
Amends 54-7-202(d) to authorize Roane County to bear the costs and execute a road project within the corporate boundaries of a municipality, incorporated under a mayor-aldermanic charter in 1998 in Roane County, if the county legislative body authorizes the project in advance and funds are available.

Effective June 1999, and repealed on January 1, 2000.

RUTHERFORD

Public Chapter 154 Senate Bill 1496 House Bill 1050
Amends 55-4-130(b) relative to motor vehicle emission plans in Sumner, Wilson, Rutherford and Williamson counties, to allow extension and modification of contracts for an additional term of not more than sixty (60) months.

Effective May 14, 1999.

Public Chapter 538 House Bill 1982 Senate Bill 1974
Amends 67-4-1425 to exempt Rutherford County (identified by narrow population class) and the municipalities therein from the limitations regarding the levy of a hotel/motel occupancy tax.

Effective on or about June 17, 1999.

SEVIER

Public Chapter 142 Senate Bill 1140 House Bill 862
Amends 7-82-304(12)(B) by narrow population class exceptions to authorize natural gas utility districts that serve customers in Anderson, Campbell and Sevier counties to provide funding to chambers of commerce and economic and community organizations.

Effective May 12, 1999.

SHELBY

Public Chapter 99 Senate Bill 1166 House Bill 1431
Amends 7-84-519 regarding the appointment of members to the board of directors of the district management corporation under the Central Business Improvement District Act of 1990. The speaker of the senate appoints two state senators as ex officio members of the corporation's board and similarly the speaker of the house of representative appoints two representatives.

Effective May 3, 1999.

Public Chapter 100 Senate Bill 176 House Bill 412
Amends 5-1-211 to increase the maximum monetary penalties and forfeiture amounts for violation of a county ordinance in counties with a county charter from \$500 to \$1000.

Effective May 4, 1999.

Public Chapter 140

Senate Bill 677 House Bill 860

Authorizes a person whose driver's license has been suspended for failure to appear in court for a traffic offense or for failure to pay fines and costs for a traffic offense to establish a payment plan to pay the local fines or costs, subject to the approval of the local court.

Effective July 1, 1999, but applies only to citations issued for such offenses pursuant to 55-50-502(a)(8) or (9) prior to July 1, 1999.

Public Chapter 211

House Bill 1426 Senate Bill 1186

Amends 57-4-102(14) to authorize the sale of alcoholic beverages in specified bed and breakfast establishments located in Shelby County.

Effective May 19, 1999.

Public Chapter 262

Senate Bill 493 House Bill 983

Authorizes every governmental entity in the county to regulate entry into the business of providing passenger transportation service, including but not limited to, limousine, sedan, shuttle and taxicab. Amends Title 7, Chapter 51, Part 10.

Effective May 26, 1999.

Public Chapter 365

House Bill 171 Senate Bill 378

Amends Chapter 772 of the Public Acts of 1982, as amended, to create an additional division of the general sessions court and to allow the general sessions judges to designate, by majority vote, one division of the court as a drug court for the primary purpose of monitoring treatment of drug and alcohol abusers. Provides for the election of a new general sessions judge to the new division. The additional division (and the designation of a court as a drug court) expires on September 1, 2006, unless affirmatively extended for a period of time by a 2/3 vote of the county legislative body. Provides procedures for the assignment and recommendation of cases to the drug court. Expands the office, powers, duties and responsibilities of the clerk of the general sessions court to include the work of the new division. Directs the district attorney to appoint three assistants to serve the additional division with such positions paid solely from local funds. Compensation of the assistants shall be determined by the mayor of the county with approval of the county board of commissioners. Compensation of the new assistants shall be paid from the general fund of the county in periodic installments as established by the county board of commissioners. The act provides that it has no effect unless approved by a 2/3 vote of the county legislative body. The act also provides that it shall be repealed if local funding is insufficient for implementation of the act.

Effective June 14, 1999, for the purpose of approving or rejecting the act. For all other purposes, the act becomes effective upon approval by a 2/3 vote of the county legislative body.

Public Chapter 418

House Bill 540 Senate Bill 435

Amends 68-1-1701 regarding the Strike Out Stroke pilot project in Memphis/ Shelby County. Although the delineation of the subsection is inaccurate, appears to delete the provision specifying that the total cost of the project could not exceed \$100,000, instead providing that the project cost may not exceed \$90,000 per year.

Effective June 17, 1999.

Public Chapter 420

House Bill 955 Senate Bill 678

Amends 67-5-2509 regarding disposition of property acquired for nonpayment of taxes. Provides authority for Shelby County to convey property purchased by the county at a tax sale for redevelopment under the uses authorized in the Community Redevelopment Act of 1998.

Effective June 17, 1999.

SULLIVAN

Public Chapter 296

Senate Bill 1529 House Bill 811

Amends 8-10-101 to provide that constables in Sullivan County (identified by narrow population class) shall be elected from districts established by the county legislative body.

Effective July 1, 1999.

SUMNER

Public Chapter 154

Senate Bill 1496 House Bill 1050

Amends 55-4-130(b) relative to motor vehicle emission plans in Sumner, Wilson, Rutherford and Williamson counties, to allow extension and modification of contracts for an additional term of not more than sixty (60) months.

Effective May 14, 1999.

Public Chapter 314

House Bill 1594 Senate Bill 1840

Amends 57-4-101 and -102 to authorize the sale of beer, wine and other alcoholic beverages to be consumed on the premises of a clubhouse that seats at least 100 persons, is operated by a for-profit corporation, open to the public but having at least 150 private members, and part of a planned community of not less than 250 acres with at least 190 residential units, and has an 18-hole golf course under separate ownership.

Effective May 26, 1999.

TIPTON

Public Chapter 450

Senate Bill 1272 House Bill 757

Amends 55-8-183 to authorize motorcycle escorts of funeral processions in Tipton County to operate a motorcycle between lanes of traffic; install a bell, siren or

whistle for use when escorting a funeral procession; and, install a clear strobe light for use when escorting a funeral procession.

Effective June 17, 1999.

WILLIAMSON

Public Chapter 154

Senate Bill 1496 House Bill 1050

Amends 55-4-130(b) relative to motor vehicle emission plans in Sumner, Wilson, Rutherford and Williamson counties, to allow extension and modification of contracts for an additional term of not more than sixty (60) months.

Effective May 14, 1999.

WILSON

Public Chapter 154

Senate Bill 1496 House Bill 1050

Amends 55-4-130(b) relative to motor vehicle emission plans in Sumner, Wilson, Rutherford and Williamson counties, to allow extension and modification of contracts for an additional term of not more than sixty (60) months.

Effective May 14, 1999.

PART III – PRIVATE ACTS

BENTON

Private Chapter 32

House Bill 1954 Senate Bill 1949

Amends Private Acts of 1939, Chapter 541, and repeals Private Acts of 1973, Chapter 9, regarding the county budget. Supercedes the previous budgetary system with another one. Establishes a budget committee of not more than five members who are appointed by the chairperson and confirmed by the full county legislative body. Beginning after the second Monday in March, it is the duty of the committee to prepare a budget, in the form specified by the act, for the fiscal year. The committee formulates a balanced budget proposal, calculated according to the method set out in the act. The committee may require other county officers and departments to submit budgetary estimates; the school board is required to file an itemized budget, which is also calculated according to the method set out in the act. Public notice is given of the budget proposal, and public hearings are held.

The county legislative body must adopt a budget at or prior to the July meeting. It may adopt the proposed budget or adopt another one, which must also be balanced and must appropriate amounts required for county indebtedness and other outstanding obligations. Within the guidelines stated in the act, the county legislative body may vary the amounts requested by the various departments, including schools.

The county executive is required to maintain a set of accounts which shows amounts appropriated, amounts expended for each department, and the unexpended balance. All county officials must issue a requisition to the county executive for any expenditure, and receive from the county executive a purchase order which contains a statement of the unexpended appropriations. Any official who expends excess funds is personally liable, as well as on the official's bond, for the over-expenditure. Over-expenditures and any other violations of the act are also to be punished as official misconduct under T.C.A. § 39-16-402, and officials are subject to removal under ouster statutes.

Expenses which were not provided for in the budget may be appropriated only from any surplus resulting from an unappropriated balance of the tax rate, and then only by 2/3 vote of the county legislative body. The act also contains a severance clause.

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

BLOUNT

Private Chapter 56

House Bill 1974 Senate Bill 1967

Imposes an additional \$35 litigation tax on each criminal case in the General Sessions and Circuit Court of Blount County for the funding of the Blount County Drug Court and the operations of the Blount County Justice Center. The first \$15 of the tax is deposited in a special revenue fund for the purpose of funding the drug court program. Any fund balance remaining in said fund shall be reviewed annually to determine the amount to be used for the drug court program with the exception of

the first year when the entire amount will be used solely for that program. The remaining \$20 of the litigation tax is to be deposited into the county general fund to offset the costs of operations of the new Blount County Justice Center. If the drug court ceases operations, the litigation tax revenues allocated to that program shall also be placed in the general fund to offset the costs of operations of the justice center. [Note: This act appears to conflict with the Tennessee Attorney General's Opinion 81-598 (November 9, 1981) which interprets the state laws to only allow local litigation taxes in an amount that does not exceed state litigation taxes].

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

CARROLL

Private Chapter 29

Senate Bill 1945 House Bill 1951

Authorizes the West Carroll Special School District to issue tax-exempt bonds not exceeding \$7,500,000 in the aggregate, for school buildings and facilities. Authorizes the issuance of bond anticipation notes. Levies an additional property tax of 48¢ per \$100 of real and personal property within the district, effective January 1, 1999 for the 1999 tax year.

Effective May 17, 1999.

Private Chapter 31

House Bill 1952 Senate Bill 1946

Amends Private Acts of 1917, Chapter 533, as amended, to delete references to "McKenzie High School District" and substitute "McKenzie Special School District," and to change the terms of the members of the board of education to four years beginning with the August 2000 elections.

Effective May 14, 1999.

CLAY

Private Chapter 50

House Bill 1985 Senate Bill 1986

Amends Private Acts of 1947, Chapter 330, as amended, to change the number of school board members from five to ten, with two members being elected from each of the five civil districts in Clay County. Includes transition provisions.

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

COCKE

Private Chapter 19

Senate Bill 1937 House Bill 1935

Amends Private Acts of 1980, Chapter 216, regarding the hotel/motel occupancy tax to redefine "operator" as "the person operating the hotel whether as owner, lessee, or otherwise, provided that the total number of hotel units exceeds four." This amendment means that occupants in hotels with four or fewer units would not be taxed.

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

CUMBERLAND

Private Chapter 45

Senate Bill 1984 House Bill 1993

Creates the Cumberland Plateau Regional Water Authority for Cumberland County, the Catoosa Utility District, the Crab Orchard Utility District, Grandview Utility District, the South Cumberland Utility District, and the West Cumberland Utility District. This authority is authorized to plan, acquire, construct, improve, extend, furnish, equip, finance, own and operate a water and wastewater system and to plan and develop water resources of the geographic region. The authority shall be governed by a six-member board of directors consisting of the county executive of Cumberland County or his or her designee, one director selected by each of the governing bodies of the five utility districts noted above, plus the board of directors shall have an additional member upon on 2/3 vote of the governing body of the City of Crossville adopting a resolution to this effect. If an agreement between any local government or utility district is reached with the authority, then the governing body of such local government or utility district will select an additional director. The powers and duties of the authority are delineated in this act. The county is authorized to transfer assets and loan funds to the authority and to issue joint obligations with it.

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

FRANKLIN

Private Chapter 8

Senate Bill 372 House Bill 432

Amends Private Acts of 1982, Chapter 302, to provide that the county clerk shall continue to serve as the clerk for all probate matters, and the circuit court clerk will serve as the clerk for all juvenile matters and all matters within the present jurisdiction of the general sessions court.

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

GIBSON

Private Chapter 13

House Bill 1224 Senate Bill 1619

Amends Private Acts of 1929, Chapter 111, to create a new section requiring the road commissioner in each of the five road districts to convene a caucus of all members of the county legislative body representing that road district at least once per year. Requires more than half of the county commissioners for that road district to be present to constitute a quorum. The purpose of the caucus is to review plans for road construction in the district, to prioritize road projects, and to otherwise allow the county commissioners to advise the road commission. A majority vote of the caucus is binding on the road commissioner for that district. Whenever possible, the caucus should be scheduled on the same day as meetings of the county legislative body.

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

Private Chapter 55

Senate Bill 1989 House Bill 1995

Authorizes the Gibson County Special School District to issue tax-exempt bonds not exceeding \$10,000,000 in the aggregate, for school buildings and facilities. Authorizes the issuance of bond anticipation notes. Levies an additional property tax of 25¢ per \$100 of real and personal property within the district, effective January 1, 1999.

Effective June 16, 1999 (governor did not sign, no date given, precise date unclear).

GREENE

Private Chapter 16 House Bill 311 Senate Bill 361
Amends Private Acts of 1996, Chapter 155, to increase the litigation tax in Greene County to \$15.00 and to provide that the tax shall be used for the purchase of vehicles and equipment for the Greene County Sheriff's Department upon appropriation by the legislative body.

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

HAMBLEN

Private Chapter 14 House Bill 1566 Senate Bill 1710
Amends Private Acts of 1996, Chapter 161, relative to the county road department. Provides that the superintendent of roads shall no longer be popularly elected but shall be appointed by the county commission beginning with the term of office starting September 1, 2000.

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

HARDIN

Private Chapter 47 House Bill 1970 Senate Bill 1954
Amends Private Acts of 1957, Chapter 4, to provide that effective July 1, 1999, the members of the Savannah Industrial Development Corporation will also become members of the Board of Commissioners of the Port Authority of Hardin County, Tennessee. However, the incumbent members of the Board of Commissioners of the Port Authority will remain as additional members until their terms expire or until their office is vacated.

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

HAWKINS

Private Chapter 59 House Bill 1996 Senate Bill 1992
Authorizes the county legislative body of Hawkins County to levy a hotel/motel occupancy tax in the amount of 4% of the consideration charged by the operator. Proceeds are to be deposited in the general fund of the county. If occupancy is maintained for 30 days, the occupant receives a credit or refund for tax previously collected. Operators remit the tax by the 20th day of the month following collection, less 2% as compensation. The county legislative body is authorized to adopt resolutions for the implementation of this act. The tax collection official will retain a commission of 5% for administering the tax before deposit into the general fund.

The act provides for interest and penalties to be charged in cases of delinquency by the operators in remitting the tax.

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

LAUDERDALE

Private Chapter 21

House Bill 1940 Senate Bill 1939

Amends Private Acts of 1929, Chapter 304, relative to the county highway commission. Alters composition of the highway commission to provide that it shall be reduced to two members serving four year staggered terms. Current members of the commission shall remain in office until the expiration of their terms. Provides detailed procedures for the manner and method of selection of the highway commissioners by the county legislative body including procedures for filling vacancies. Requires highway commissioners to make and subscribe to an oath before the county legislative body and enter into a bond in the amount of \$100,000. Provides that the highway commission shall elect a chairman and secretary each January of years in which a term does not expire.

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

MARION

Private Chapter 36

House Bill 1959 Senate Bill 1942

Amends Private Acts of 1920, Chapter 93, as amended, to change to powers of the district's board of trustees, essentially to broaden the board's authority to borrow money.

Effective May 14, 1999.

MARSHALL

Private Chapter 58

House Bill 1983 Senate Bill 1977

Amends Private Acts of 1979, Chapter 73, as amended, to raise the wheel tax in Marshall County from \$25 to \$50 beginning September 1, 1999. Also requires the decal to be displayed on the license plate instead of the windshield. Provides for proration on a quarterly basis, and changes the allocation of the proceeds of the tax from 70% school bond debt service and 30% highway fund, to \$40 to school bond debt service, \$7.50 highway fund, \$2.50 to general fund "to fund the excessive cost of operating the Marshall County Jail."

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

MEIGS

Private Chapter 44

House Bill 1989 Senate Bill 1979

Amends Private Acts of 1949, Chapter 403, as amended, to raise the dollar amount for purchases requiring competitive bids from \$300 to \$2,500.

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

Private Chapter 35

House Bill 1958 Senate Bill 1948

Provides that no utility service shall be connected to any building or improvement in the county unless proof is provided to the service provider that a building compliance permit has been obtained as required by the county's zoning regulations.

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

OBION

Private Chapter 28

House Bill 1964 Senate Bill 1956

Transfers the duties of the clerk of the juvenile court of Obion County from the office of the county clerk to the office of the circuit court clerk.

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

OVERTON

Private Chapter 3

House Bill 202 Senate Bill 209

Amends Private Acts of 1933, Chapter 136, as amended, to increase the number of members on the Overton County board of education from seven to ten, with transition provisions. Allows filling of vacant positions by the county legislative body until the August 2000 election.

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

RUTHERFORD

Private Chapter 22

Senate Bill 43 House Bill 40

Amends Private Acts of 1943, Chapter 421, as amended, to authorize the Rutherford County legislative body to establish a county purchasing committee to purchase all supplies, equipment and services on behalf of the county. The five-member committee is to be composed of the county executive and four members of the county legislative body, with the county executive serving ex officio as chairperson of the committee.

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

Private Chapter 23

Senate Bill 1938 House Bill 1941

Amends Private Acts of 1983, Chapter 55, regarding dog and cat regulation in the following ways: (1) deletes the license fee schedules for kennel operation and authorizes the county legislative body to determine the amount of kennel license fees; (2) changes the length of time an animal must be kept after impoundment before it may be claimed by a person other than the owner or destroyed by the county from two days to three days; (3) authorizes the Humane Rabies Animal Control Board to adopt regulations and procedures to enforce the act; these regulations must be presented to the public safety committee for a recommendation to the full county commission, which may then approve or disapprove the proposed rules; and (4) requires all humane organizations receiving funds from Rutherford County to submit documentation as required.

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

Private Chapter 40

House Bill 1969 Senate Bill 1958

Amends Private Acts of 1970, Chapter 329, to raise the clerk's fee for collecting wheel tax from 75¢ to \$2.50, to be collected from the owner or person purchasing the wheel tax decal or emblem.

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

SUMNER

Private Chapter 57

House Bill 1980 Senate Bill 1972

Authorizes an adequate facilities tax for Sumner County. Provides for a tax in the amount of \$.70 per gross square foot of floor area of new residential development and \$.40 per gross square foot of floor area of new industrial development. The tax is imposed upon a 2/3 vote of the county legislative body and is collected upon application for a building permit. The act contains exemptions for public buildings, places of worship, agricultural buildings, replacement structures for previously-existing buildings destroyed by disaster, buildings owned by non-profit 501(c) corporations, and additions to existing single-family dwellings. Also establishes a Board of Construction Appeals to hear disputes. Decisions of the board may be appealed to the Chancery Court.

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

UNION

Private Chapter 15

House Bill 270 Senate Bill 72

Provides for restrictions on the sale of fireworks, stating that it is unlawful to sell fireworks in the county unless they are sold from a permanent structure not less than 20 feet by 20 feet, the structure has permanent utility services, and the vendor intends to conduct business in the structure on a continuing basis throughout the year.

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

WEAKLEY

Private Chapter 6

House Bill 295 Senate Bill 357

Amends Private Acts of 1992, Chapter 205, to provide that the trustee, rather than the director of emergency services, has the responsibility for collecting a fee for the issuance of a building permit. Requires that a copy of the permit be furnished to the Weakley County Assessor of Property.

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

WHITE

Private Chapter 37

House Bill 1963 Senate Bill 1961

Provides for the regulation of mobile home parks in White County. Requires any land area containing at least three mobile homes (for living or sleeping purposes) to apply to the regional planning commission for a permit to operate a mobile home park. All mobile home parks must be a minimum of one acre and must be located outside incorporated municipalities. They must also comply with health and safety regulations listed in the act, unless a regulation is waived by the regional planning commission. The county may impose a \$50 civil penalty for violations. Authorizes the county legislative body to establish administrative provisions including hiring enforcement personnel and imposing fees or other permitting procedures.

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

WILLIAMSON

Private Chapter 10 House Bill 490 Senate Bill 479
Amends Private Acts of 1993, Chapter 82 (which amended Private Acts of 1949, Chapter 563, establishing the Franklin Special School District) to repeal a provision requiring a referendum upon petition of 10% of the voters in the school district prior to issuance of bonds by the district. A referendum will not be required unless the General Assembly provides for one.

Effective March 11, 1999.

Private Chapter 11 House Bill 491 Senate Bill 478
Authorizes the Franklin Special School District to issue tax-exempt bonds in an aggregate principal amount not exceeding \$32,500,000 bearing interest not exceeding 6.5%, for school buildings and facilities. Authorizes the issuance of bond anticipation notes. No referendum is necessary.

Effective March 11, 1999.

WILSON

Private Chapter 38 House Bill 1968 Senate Bill 1960
Authorizes the Tenth Special School District of Wilson County to issue tax-exempt bonds in an aggregate principal amount not exceeding \$6.5 million for school buildings, property, facilities, buses and transportation equipment. Authorizes the issuance of bond anticipation notes.

Effective May 26, 1999.

Private Chapter 46 Senate Bill 1982 House Bill 1990
Amends Acts of 1901, Chapter 330, as amended, to authorize the Tenth Special School District of Wilson County to operate, in addition to grades K - 8, schools for grades 9 - 12, contingent upon approval in a referendum to be held on the same day as the first City of Lebanon general election occurring after June 17, 1999. Contains a severability clause to preserve the act if the referendum provisions are held unconstitutional.

Effective June 17, 1999.