

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

1998 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 Hundredth General Assembly began on Tuesday, January 13, 1998, and continued until Friday, May 1, 1998. The first session of the One Hundred and First General Assembly will convene in organizational session on Tuesday, January 12, 1999.

At the time of publication of this index, there are 573 new designated public chapters and 77 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 OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

Public Chapter 780 House Bill 2395 Senate Bill 2751
Amends 57-5-301(a)(1) to prohibit beer permit holders and their employees from selling beer to minors (clarification of former language “person engaging in a business regulated hereunder”).

Effective July 1, 1998.

Public Chapter 966 Senate Bill 1716 House Bill 1539
Amends 57-4-102(4)(F)(i) to lower the required number of members from 325 to 225 for a for-profit golf club in Henderson, Hardin, Dyer and Williamson Counties, and expresses the legislative intent that the laws forbidding the purchase or consumption of alcoholic beverages by persons under the age of 21 be strictly enforced in such clubs.

Effective May 14, 1998.

ANNEXATION

Public Chapter 586 Senate Bill 922 House Bill 1133
Amends 6-51-111 regarding electrical service after annexation. Adds a new subsection which authorizes an annexing municipality to purchase all or any part of the electric distribution system for that area if electricity is being provided by a municipal electric system or other state instrumentality at the time of annexation. The purchase price is the fair market value of the property to be acquired; if the parties cannot agree upon the price, each is to select a qualified appraiser, both of whom determine the price in accordance with the Uniform Standards of Professional Appraisal Practice. If the appraisers cannot agree, they select a third appraiser whose determination of fair market value will control. Any issues other than price upon which the parties are not able to agree are to be determined by arbitration as provided in other subsections of the statute.

Effective March 11, 1998.

Public Chapter 1101 Senate Bill 3278 House Bill 3295
The following is a summary of the conference committee report which was adopted by both houses of the General Assembly on the last day of session. There are numerous exceptions and limitations in the bill which cannot all be covered in a brief summary; however, this summary should explain the general provisions of the bill regarding the topics most important to county governments.

PLANNING: The law calls for the development of a comprehensive growth plan in each county covering 20 years. The plan identifies 3 distinct types of areas:

- (1) “urban growth boundaries” (UGB) - these regions contain the corporate limits of a municipality and the adjoining territory where growth is expected;

(2) “planned growth areas” (PGA) - compact sections outside incorporated municipalities where growth is expected, if there are such areas in the county; new incorporations may only occur within these regions and must conform to the adopted growth plan.

(3) “rural areas” (RA) - territory not within one of the other two categories which is to be preserved for uses other than dense commercial or residential development such as agricultural uses, parks, and greenbelt preservation, if these areas exist in the county.

The initial draft of a growth plan is developed by a coordinating committee whose membership, as set forth in the new law, is composed of members representing the county, cities, utilities, schools, chambers of commerce, the soil conservation district, and others. After the plan is developed, the committee conducts public hearings on the plan and submits it to each city and the county for ratification. The committee may revise the plan upon objection from local governments. If no satisfactory compromise can be reached, the local governments may petition the Secretary of State to appoint a dispute resolution panel of administrative law judges to settle the conflicts. The deadline for completing and approving the plan is July 1, 2001.

HOLD HARMLESS FINANCIAL PROVISIONS: When a city annexes territory, revenue amounts generated in that area by local option sales taxes and wholesale beer taxes which had been received by county prior to the annexation continue to go to county for 15 years after the date of the annexation. Any increases in the situs based portion of the revenues generated in the annexed area would be distributed to the annexing municipality. Note that this does not affect the distribution of the first half of the local option sales tax which would continue to go to education funding. If commercial activity in the annexed area decreases due to business closures or relocations, a city may petition the Department of Revenue to adjust the payments it makes to the county.

PLAN OF SERVICES: A municipality must formulate a plan of services including certain named services for any area to be annexed. For any services that are provided to the area by another entity other than the county, the municipality does not have to provide those services under the plan and may leave them with the other entity. The plan must contain a timetable for implementation and must specify the level of each service provided. Amendments are allowed if the changes are not material, are necessary because of reasonably unforeseen circumstances, or are approved by majority of property owners. As a change from current law, aggrieved property owners will have standing to enforce the plan. Municipalities in default on a plan of services may not annex additional territory until they comply with the previous plan of services. These provisions are retroactive and apply to annexations which were finalized after November 25, 1997.

STANDING ON ANNEXATION ACTIONS: In the period before adoption of a growth plan, a county will have standing to contest an annexation if it adopts a resolution opposing the annexation and if it is petitioned by a majority of the property owners in the area to be annexed. If the county files such an action on behalf of the citizens, the trial is conducted before a judge, without a jury. Citizens keep the same rights to file a suit on their own during that period and retain the right to jury in those actions. After a growth plan is established, the burden of challenging an annexation

within the urban growth boundary shifts to the citizen and the right to a jury trial is removed. If petitioned by a majority of the property owners in the territory, counties also have standing to challenge the reasonableness of a plan of services for any annexations that are not final on the effective date of the bill and for those areas annexed before the comprehensive growth plan is adopted. Counties, cities and citizens have standing to challenge adoption of a growth plan, with the burden of proving that its adoption was arbitrary and capricious. After the plan is established, the county has no standing to challenge annexations within a UGB, but annexation may only occur outside the UGB by referendum. The city could amend or expand a UGB, but only by going through the procedures outlined above for the initial adoption of the plan. The city could not unilaterally change its UGB.

CORRIDOR ANNEXATION: During the interim period before a growth plan is adopted, no annexations of a corridor, highway, right-of-way, etc. are allowed unless the municipality also annexes all parcels on one side of the corridor or obtains consent of the county legislative body. An exception is allowed where the owner of three or more acres of property, which are located within 1.5 miles of the city limits, petitions the city for annexation and agrees to provide the necessary infrastructure improvements for the property. This exception may not, however, be used to extend any previous corridor annexation. After the growth plan is adopted, there are some protections against corridor annexation: UGBs must be compact and contiguous to the existing municipality and are determined in collaboration with the county. Furthermore, the hold harmless provisions in the law reduce incentives for corridor annexation.

ANNEXATION ACROSS COUNTY LINES: After the effective date of the act, no city may annex on its own initiative across the county line unless the city contained territory in the other county as of November 25, 1997, and that territory contains at least 7% of the total city population, unless the city provided sanitary sewer service to 100 or more residential customers in the other county, or unless the city obtains county approval.

OTHER PROVISIONS: No new school system may be established. Any municipality incorporated after date of passage must enact a property tax at least equal to the amount of revenues derived annually by the municipality from state shared taxes. Provides incentives for consolidation and allows charter commissions upon petition by citizens. A municipality may not use zoning powers to interfere with the agricultural use of land as long as the property continues to be used for agricultural purposes.

Effective May 19, 1998.

COUNTY CLERKS

Public Chapter 745

House Bill 2079 Senate Bill 2594

Amends 36-3-301 to authorize “all regular ministers, preachers, pastors, priests, rabbis and other spiritual leaders of every religious belief” to solemnize marriages, as long as such person has been “ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization” whose

customs provide for ordination or designation by “a considered, deliberate, and responsible act.” Marriages entered into before the effective date of the act which did not meet the preceding requirements will not be invalid on that basis.

Effective April 18, 1998.

Public Chapter 750 House Bill 2463 Senate Bill 2302
Amends 55-4-316(a) to change “KIDS FIRST!” license plates to read “CHILDREN FIRST”.

Effective April 15, 1998.

Public Chapter 807 House Bill 2993 Senate Bill 2785
Amends 55-4-249 to allow persons who purchase special “Helping Schools” plates to designate the proceeds to a particular named school. The county clerk is to remit the funds to the local school board operating the school.

Effective July 1, 1998.

Public Chapter 1016 House Bill 2684 Senate Bill 2753
Amends 55-3-126 relative to perfection of a security interest in a motor vehicle within the 20 days allowed under the bankruptcy code, so that when the certificate of origin or certificate of title is unavailable, a first lienholder may file a notarized copy of the instrument creating or evidencing the lien with the Secretary of State with a \$10 fee, which filing will be constructive notice relating back to the time of execution of the lien if filed within 20 days, otherwise from the date of filing.

Effective July 1, 1998.

Public Chapter 1023 House Bill 2787 Senate Bill 2992
Amends 70-2-106(b) to provide for the sale of hunting and fishing licenses, permits and stamps over the telephone or by other electronic means, using competitive bidding contract procedures, and requires county clerks to offer for sale conservation stamps at a cost of \$10 each with the revenues going into habitat improvement.

Effective May 18, 1998.

Public Chapter 1063 House Bill 1408 Senate Bill 1646
Amends Title 55, Chapter 4, to completely rewrite the laws pertaining to special and cultural license plates. Provides for minimum orders and for discontinuance of plates that fall below the minimum. This act controls the issuance, renewal, and revenue allocation provisions of all other acts enacted by the 100th General Assembly relative to special or cultural plates.

Effective July 1, 1998 (effective May 19, 1998 for promulgation of rules and regulations by the department of safety).

Public Chapters 1113 - 1124, 1130, 1132 and 1133

These acts provide for the issuance of special license plates for the following: Radnor Lake, Supporters of Shriners Orthopedic Hospitals and Burn Institutes, Historically Black Colleges, Tennessee Councils of Boy Scouts of America, Knoxville Zoo 50th Anniversary, Supporters of AIDS Response Knoxville (ARK), American Civil War historical preservation, Fish and wildlife species, National Rifle Association, Center for labor-management relations, Members of the clergy, Child and family preservation, Tennessee Scenic Rivers Association, Friends of the Big South Fork National River and Recreation Area, and United Daughters of the Confederacy.

Effective July 1, 1998.

Public Chapter 1128

House Bill 253 Senate Bill 201

Amends 55-4-224 and 55-21-103 to authorize the issuance of personalized license plates for disabled drivers for an additional fee of \$25.

Effective July 1, 1998.

COUNTY GOVERNMENT

Public Chapter 609

Senate Bill 2423 House Bill 2305

Amends 5-6-116 and repeals 5-6-117 and 5-6-118, authorizing the county executive to employ clerical assistants and to establish their compensation within the amount appropriated for that purpose by the county legislative body.

Effective March 12, 1998.

Public Chapter 677

Senate Bill 3015 House Bill 2996

Amends 8-19-102 and other statutes to modify the procedure with respect to the filing and recording of the official bonds of county officials. Provides that the official bond of the county executive, sheriff, county trustee, assessor of property, register of deeds, chief administrative officer of the county highway department, director of accounts and budgets or purchasing agent under the 1957 Fiscal Procedures Acts, the finance director under the 1981 County Financial Management System, and any other county official vested by law with the authority to administer state shared funds, will be approved by the county legislative body, recorded in the office of the register of deeds and transmitted to the Comptroller of the Treasury for safekeeping. Official bonds of clerks of court must be approved and certified by the court, entered into the minutes of the court, recorded in the office of register of deeds and transmitted to the comptroller of the treasury for safekeeping. The official bonds of other county officials and employees required to have bonds shall be transmitted to the county clerk for safekeeping after being approved and recorded in the office of the register of deeds.

Effective July 1, 1998.

Public Chapter 739

Senate Bill 2223 House Bill 2208

Amends 68-102-143 to authorize deputy inspectors appointed by city officials, in addition to deputy inspectors appointed by the State Fire Marshal, to conduct electrical inspections on behalf of county governments and others on a fee basis.

Effective April 15, 1998.

Public Chapter 744

Senate Bill 3171 House Bill 3066

Amends 42-4-110 to modify the requirements for civil service plans adopted by metropolitan airport authorities. Provides that a civil service plan adopted and administered by the authority's board may include a provision empowering the board to contract with the Secretary of State for the use of administrative law judges, or other designated persons, to hear appeals and decide whether disciplinary action taken should be affirmed or reversed.

Effective April 15, 1998.

Public Chapter 774

Senate Bill 2377 House Bill 2272

Amends the conflict of interest law at 12-4-101(c)(3) to provide that when a county commissioner abstains for cause (conflict of interest) by announcing such to the presiding officer, such member will be counted for purposes of determining a majority vote. Davidson County is excluded from this provision by population and metropolitan government exception.

Effective July 1, 1998.

Public Chapter 800

Senate Bill 2373 House Bill 2628

Provides that the State Fire Marshal's Office may be utilized to hear an appeal and issue a ruling regarding a building or fire code issue which involves a county building located within a city. The State Fire Marshal's Office must provide a decision within ten working days of receipt of a written appeal from the city or county. This new provision does not apply to buildings or facilities reviewed or licensed by the Board for Licensing Health Care Facilities.

Effective April 23, 1998

Public Chapter 899

Senate Bill 3045 House Bill 2827

Creates a special joint study committee to assess the impact of charging fees to the public for public information generated by Geographic Information Systems (GIS). The committee will consist of twelve members, including two members representing local government chosen jointly by the Speakers of the House and Senate. The committee will conclude its work and submit its findings and recommendations to the Information Systems Council by November 15, 1998.

Effective May 7, 1998.

Public Chapter 937

Senate Bill 2329 House Bill 2343

Amends 29-20-102 to include public building authorities within the definition of "governmental entity" for purposes of the governmental tort liability act.

Effective May 11, 1998.

Public Chapter 941

Senate Bill 2661 House Bill 2942

Provides that full time county officials, not including general sessions judges, that complete all levels of the county officials certificate training program administered by the University of Tennessee's Center for Government Training (CGT) and become a "Certified Public Administrator" will receive from state appropriated funds an annual incentive payment of \$375 which shall be increased by the same amount each subsequent year until the total annual payment is \$1500. In order to be eligible for this payment, the county officer must submit an application to the state treasurer in July for that year's payment. To continue to receive the payments each year after receiving the certificate, the officer must complete the continuing education requirements of this program and submit proof of same to the state treasurer each July. The state treasurer will offset the amount of incentive pay for being a Certified Public Administrator against any other incentive pay for professional development or training paid by the state so that no county officer will receive more than \$1500 per year in incentive pay. This incentive pay is subject to the annual state appropriation and paid from the state general fund. If insufficient funds are appropriated to pay the full amount, then the amounts available will be prorated among the qualifying officers and the unpaid portion carried forward and paid in subsequent years if adequate appropriations are made. The incentive pay will not be considered in calculations of the officer's average final compensation for retirement purposes.

Effective for fiscal year beginning July 1, 1998.

Public Chapter 1076

House Bill 3082 Senate Bill 3259

Amends Title 68 regarding authorization for methadone treatment facilities. Requires notice to the county executive of a county where a methadone clinic is proposed to be located. Allows county the opportunity to participate in a hearing before the Health Facilities Commission to determine whether or not a certificate of need should be granted to an applicant wanting to locate such a facility. The testimony of representatives of the local government are informational and not binding on the commission.

Effective May 19, 1998.

Public Chapter 1090

Senate Bill 1613 House Bill 1588

Enacts the Adult-Oriented Establishment Act of 1998. Replaces earlier registration act which was declared unconstitutional by federal district court. This is an optional general law that counties may adopt by a 2/3 majority vote of the county legislative body. The act does not apply in a municipality that has its own regulatory scheme by ordinance. Adopting counties are to establish a five member board appointed by the county executive for terms of four years. The board serves without compensation but actual expenses in attending meetings are allowed. Describes adult-oriented establishments and states that no adult-oriented establishment in adopting counties may operate without a license issued by this board. Similarly, entertainers must have a permit. Each establishment (location) must have a

separate license even if under common ownership. License requirements are in addition to any county zoning restrictions. Statute requires applicants for licenses to give extensive specified information under oath and provides that applicants meet certain specific standards for the issuance of licenses and permits, including standards relating to criminal convictions and nolo contendere pleas for specified criminal acts within specified time periods. Board or Sheriff's department will investigate applicant prior to license approval. Board is authorized to seek injunctive relief against persons and establishments not in compliance with this law in any court having proper jurisdiction. Also, contempt fines of \$50 per day are included. Criteria is provided for board to revoke, suspend or annul a license upon compliance with notice and hearing procedures detailed in the act.

License fees are \$500 and licenses must be renewed annually for \$100. Entertainers and escorts must have a permit and pay an initial fee of \$100 and a \$15 renewal fee annually. Permit applications are devised by the board but must contain information specified in that act. Information is given under oath. Establishments are open at all reasonable times to inspection by the sheriff's department or board's designees. Establishments must have a register of employees which are defined to include independent contractors. Other records are required of licensees and open to inspection by the sheriff. Establishments must have unblocked visibility. Various types of sexual conduct and nudity are defined and prohibited. Performers must be on a stage 18" off the floor and six feet from the customer. The act contains a severability clause.

Effective July 1, 1998.

Public Chapter 1129

House Bill 716 Senate Bill 1289

Amends 8-24-102, dealing with the compensation of most full time county officials other than general sessions judges, to define the term "average annualized general increase in state employee's compensation" which is used as the basis for calculating the annual adjustments in the salary schedules for most county officials. This term is defined to mean the average percentage increase in base salaries for state employees plus the equivalent percentage increase in the average state employees's compensation from retirement benefits, longevity benefits, deferred compensation benefits and other similar benefits, but not including health insurance benefits.

Effective May 26, 1998.

COURTS

Public Chapter 669

Senate Bill 3284 House Bill 3191

Enacts 16-15-201(c) to provide for the appointment of a temporary replacement judge by the county legislative body in the event of an interim suspension of a general sessions or juvenile court judge.

Effective March 25, 1998.

Public Chapter 686

House Bill 3025 Senate Bill 2948

Creates the Tennessee Judicial Information System Advisory Committee to oversee the development and modification of application software for the Tennessee Judicial Information System. Committee has 18 members including five court clerk members from each grand division, one representative of the Comptroller's County Audit Division, the President of the Court Clerks Association and the Administrative Director of the Courts. Provides that any court clerk's office which has a significant investment in an existing computer system shall not be required to modify or convert such system to accept Tennessee Court Information System

software. Provided, however, such court clerk shall report electronically all data required under Supreme Court rules.

Effective March 30, 1998.

Public Chapter 692

Senate Bill 2332 House Bill 2360

Provides that to aid in the collection of court costs, the security given and any order assessing costs shall include identifying information regarding the party who is taxed with costs. Identifying information may be a social security number, driver's license number or other unique identifying number. If the party is not an individual, the number may be the federal employer identification number or other corporate or organizational number. If surety is given on a cost bond by an attorney, the board of professional responsibility number is sufficient. Failure to include these numbers shall not affect the validity of the action or delay the issuance of process.

Effective April 1, 1998.

Public Chapter 715

Senate Bill 2163 House Bill 2824

Amends 36-3-604 & -605 to change the time period for having a hearing on an ex parte order of protection from within ten days after service of process to within fifteen days after service of process.

Effective April 8, 1998.

Public Chapter 806

House Bill 3222 Senate Bill 3265

Enacts new provisions stating that the presiding judge of a general sessions court may suspend court costs and litigation taxes for any indigent criminal defendant if, in the judge's opinion, equity requires it.

Effective April 23, 1998.

Public Chapter 876

Senate Bill 2418 House Bill 2340

Amends 40-14-202 to make the cover sheets that reflect the total fees and expenses paid to defense counsel and expert witnesses for use in representing an indigent criminal defendant or prosecuting a criminal defendant public records. Before and during the trial, detailed attorney fees and expense claims, motions and orders dealing with the authorization of expert services and detail time sheets of undisclosed experts are sealed and unavailable for public inspection.

Effective July 1, 1998, and applicable to all claims for compensation filed on or after that date.

Public Chapter 882

House Bill 2141 Senate Bill 2618

Amends 39-16-510 to add clerks to those people protected from the offense of retaliation.

Effective July 1, 1998.

Public Chapter 910

House Bill 2897 Senate Bill 3141

Enacts new provisions for judicial determinations of child custody and visitation rights where the custodial parent intends to move the child out of state or more than 100 miles from the non-custodial parent.

Effective May 7, 1998.

Public Chapter 946

Senate Bill 2944 House Bill 3166

Amends 67-4-606 regarding the distribution of litigation taxes. After the fiscal years ending June 30, 1998, this bill lowers the share of the revenue allocated to the criminal injuries compensation fund by 2.5% and increases the share allocated to the victims of crime assistance fund by 2.5%.

Effective July 1, 1998.

Public Chapter 959

House Bill 2630 Senate Bill 2371

Amends 22-4-102 to increase the allowance from \$18 per day to \$27 per day for the costs of boarding and lodging each jury.

Effective July 1, 1998.

Public Chapter 979

House Bill 1621 Senate Bill 1469

Amends 39-11-116 to enact a comprehensive civil forfeiture scheme for the seizure of property used in criminal activity or the proceeds of criminal activity. Authorizes the attorney general or any law enforcement officer acting pursuant to a lawful arrest or search, the execution of a search warrant, a petition to abate a nuisance, or a court order to seize any property subject to forfeiture under this statute. Establishes detailed procedures for seizure and forfeiture actions that include giving a receipt and the application for a forfeiture warrant. For property seized by local law enforcement, the proceeds of the forfeiture may be distributed to the local government when the governing body has ratified this act and authorized the receipt of the funds and designated how the funds are to be distributed. Such funds must be designated for law enforcement. The court will make an award and distribution of the money consistent with the ordinance or resolution of the local governing body. These funds may not be used to supplement the salaries of any public employee or law enforcement officer nor may they be used to supplant other local or state funds. Applies retroactively to all proceeds acquired or received prior to the effective date

of this act if the conduct giving rise to the forfeiture was a criminal offense at the time of seizure.

Effective July 1, 1997 [sic].

Public Chapter 984

House Bill 2112 Senate Bill 2752

Amends 40-1-111 regarding judicial commissioners. Amends language regarding issuance of warrants to state that issuance would be upon a finding of probable cause and pursuant to requests from on-duty law enforcement officers. Adds to the list of powers the issuance of injunctions and other domestic relations orders as designated by the general sessions judge. Authorizes judicial commissioners in counties over 700,000 in population (Shelby). Commissioners in Shelby County

must be licensed to practice law. The program there is subject to annual review for effectiveness.

Effective May 18, 1998.

Public Chapter 995

House Bill 2406 Senate Bill 2750

Amends Title 24 to provide that if any business, institution, member of a profession, or department or agency of government, in the regular course of business, reproduces records or reports onto photographic, electronic or other similar types of storage media, then the original may be destroyed unless required to be preserved by law. The reproduction is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement is likewise admissible. Introduction of a reproduced record does not preclude admission of the original.

Effective May 18, 1998.

Public Chapter 1036

House Bill 3004 Senate Bill 3186

Adds the records of a person who was arrested and released without being charged to the list of those records that can be expunging upon petition by that person.

Effective May 18, 1998.

Public Chapter 1046

House Bill 3242 Senate Bill 3270

Makes changes to the DUI laws and penalties. Creates offense of “adult driving while impaired”. Within 30 days after the conviction of a person for a violation of this section, the sentencing judge or clerk of court is required to prepare and forward an abstract of the record of the case to the Department of Safety. The judge or clerk shall certify the abstract as true and correct.

Effective July 1, 1998.

Public Chapter 1048

House Bill 3305 Senate Bill 3303

Amends Title 36 regarding the collection of child and spousal support payments. Provides that, unless federal requirements are repealed, the state shall establish

centralized collection and disbursement of support payments as required by 42 U.S.C. § 654b. Authorizes the Department of Human Services to seek waivers wherever possible to allow for alternative processes for collection or disbursement of support by the clerks of court of this state. Provides for alternative methods for clerks to report certain data regarding support collections if the clerk has opted out of the statewide child support enforcement system. Establishes the Department of Human Services as the central collection and disbursement unit for Tennessee effective October 1, 1999. Directs that fees paid by the obligor be sent to the Department of Human Services with respect to payments collected or disbursed by the central system. Requires each clerk to submit daily the information required to permit DHS to process all payments of support required by federal law to be centrally collected. Requires DHS to reimburse the clerk for the service of providing such information. Clerks maintain responsibility for receipt of all payments that are not subject to centralized collection requirements and are not reimbursed by DHS for the costs of those services. Enacts a new section 36-5-117 that outlines the procedures for the reimbursement described above. Requires the Comptroller to set the actual costs that are allowed to be reimbursed by the federal regulations. Cost reimbursement is to be implemented upon the implementation of the centralized collection system, but in no circumstance shall it be later than October 1, 1999. Requires DHS or its contractor to set up a toll-free line to handle citizen questions and complaints about support collections.

Effective May 18, 1998.

Public Chapter 1067

House Bill 2291 Senate Bill 2326

Creates a Private Probation Services Council to insure that uniform professional and contract standards are practiced by entities engaged in rendering misdemeanor probation supervision, counseling and collection services to the courts. Included on the council are a criminal judge, three general sessions judges, one publicly employed probation officer, one private probation officer and one county commissioner. The council is empowered to provide oversight, promulgate rules and regulations, establish continuing education requirements and publish an annual report.

Effective July 1, 1998.

Public Chapter 1098

Senate Bill 3095 House Bill 2881

Makes extensive amendments to adoption and child and spousal support laws. Creates uniform Waiver of Interest and Notice. Outlines powers and duties of DHS regarding collection and supervision of support. Authorizes a plan of payment for overdue support payments. Provides for enforcement of liens for arrearage of child support. Excuses the clerk of the court from transmitting a fee for the issuance or processing of a birth certificate unless such fee is paid by, or on behalf of, the parent, guardian or legal custodian of the child. Upon receipt of the fee, the clerk transmits it to the Registrar of Vital Records.

Effective May 19, 1998.

Public Chapter 1099

Senate Bill 3172 House Bill 3136

Amends Title 40 relative to the eligibility and operation of various diversion programs and the expungement of records following judicial diversion. Establishes a database of diversions and records that have been expunged. Requires the Administrative Office of the Courts to create a standard form for the recording and transmitting of this information.

Effective October 1, 1998.

Public Chapter 1131

House Bill 1016 Senate Bill 474

Amends 16-15-5003 to provide for an additional annual supplement of \$5,000 for a general sessions judge in a Class 4, 5 or 6 county who is required to exercise the emergency mental health commitment powers set out in 33-6-103, if the county legislative body adopts a resolution by 2/3 vote authorizing the payment of such supplement.

Effective May 26, 1998.

ECONOMIC DEVELOPMENT

Public Chapter 828

Senate Bill 2401 House Bill 2424

Widens the powers of the board of directors of industrial development corporations (IDC). Provides that payments in lieu of taxes and any lease payments payable to an IDC are a first lien upon the fee interest in the leased property to the extent such payments do not exceed ad valorem taxes otherwise due and payable. Also, provides that before October 1 of each year, each IDC will submit to the State Board of Equalization an annual report containing a list of all the real and personal property owned by the IDC, the value of this property as determined by the assessor of property, the date and term of the lease for each listed property, the amount of in lieu of tax payments for each listed property, the date the property is scheduled to return to the tax rolls, and a calculation of the taxes which would have been due if the properties were subject to taxation.

Effective April 28, 1998.

Public Chapter 934

Senate Bill 2117 House Bill 2148

Repeals the Enterprise Zone Act of 1984 and abolishes the Enterprise Zone Management Board. This was a state board that local governments could apply to for designating depressed areas as enterprise zones. This public chapter does not affect the Local Enterprise Zone Act, which remains intact.

Effective May 11, 1998.

Public Chapter 1055

House Bill 3236 Senate Bill 3173

Enacts the "Convention Center and Tourism Development Financing Act of 1998". Whenever a county or municipality or public authority constructs a "qualified public use facility" as defined in the act (at least 250,000 sq. ft., public investment of at least \$75 million and anticipated private investment of at least \$25 million, etc.) within a "tourist development zone", then state and local sales and use taxes will be

apportioned and distributed to the county or municipality in an amount equal to the incremental increase in such tax revenue derived from sales within the tourism development zone in excess of base revenues until the cumulative amount so distributed equals the cost of the project plus interest on any indebtedness related to the project or the facility ceases to be a qualified public use facility. Bonds issued to finance such projects shall not have a maturity longer than 30 years. In order to qualify for the special tax treatment, the county, municipality or public authority must provide proper documentation to the Department of Finance and Administration.

Effective July 1, 1998.

EDUCATION

Public Chapter 620 Senate Bill 2481 House Bill 2329
Amends 49-2-201(a)(1) to authorize the General Assembly by private act to set the membership of school boards at any number not less than 3 nor more than 10.

Effective March 17, 1998.

Public Chapter 717 Senate Bill 2396 House Bill 2313
Amends 49-2-202 to require a majority of all of the membership of a local school board, and not merely a majority of the quorum, to transact all business coming before the board in regular or special meetings.

Effective July 1, 1998.

Public Chapter 737 House Bill 3303 Senate Bill 3301
Amends sections of Titles 4, 9, 12 and 49 relative to the authority, powers and duties of the state when the Commissioner of Education takes responsibility for the operation of a local school system or school that has been placed on probation. Authorizes the state building commission to expend education capital outlay funds for the school or LEA, and to issue debt for school improvements to be repaid out of funds available to the LEA. Gives the Commissioner or appointed agents full authority to operate the school or LEA. Requires periodic reports by the Commissioner to the State Board of Education and the Education Oversight Committee of the General Assembly on the progress of the LEA or school placed on probation and authorizes the removal of local board members and superintendents if progress is not being made. Authorizes the state building commission to require the county legislative body to appropriate and expend funds necessary to fund school building improvements at such schools or LEAs.

Effective April 8, 1998.

Public Chapter 773 Senate Bill 2271 House Bill 2273
Amends 5-23-107(1) so that local boards of education may, instead of distributing copies of personnel policies to each of their employees, adopt other measures to ensure that their employees have knowledge of and access to the policies of the school system and any amendments to those policies. Confirms that Title 5, Chapter

23 (county personnel policies), does not enlarge, modify or repeal the rights of employees of the board of education under Title 49.

Effective April 22, 1998.

Public Chapter 805

Senate Bill 2313 House Bill 2764

Amends 49-2-301(f)(33) to limit the authority of the director of schools to dismiss employees. Prior to termination, nontenured, licensed employees must be given written notice of the charges, opportunity for a full and complete hearing before an impartial hearing officer selected by the board of education, opportunity to be represented by counsel, and opportunity to subpoena witnesses and to examine witnesses under oath. Written findings of fact and decisions must be issued and delivered to the employee within 10 days after the hearing. Decision may be appealed to the board within 10 days using procedure set out in the statute, which administrative remedy must be exhausted before appeal to court. Court review is de novo on the record.

Effective July 1, 1998.

Public Chapter 826

Senate Bill 2172 House Bill 2750

Amends 49-2-301(f)(31) to limit the authority of the director of schools to hire, transfer, suspend, non-renew and dismiss employees, so that these actions must be consistent with existing state laws (specifically including the Educational Professional Negotiations Act), board policies, and locally negotiated agreements. Amends 49-5-510 to provide that teacher transfers made by the director of schools must be in accordance with board policy and locally negotiated agreements.

Effective April 28, 1998.

Public Chapter 875

Senate Bill 2256 House Bill 2330

Amends 49-6-2008 to prohibit persons from entering onto school buses, or onto school grounds or into school buildings during school hours, except students assigned to that bus or school, school staff, parents of students, and other persons with lawful or valid business. Extends civil cause of action for assault upon educational personnel (with treble damages and attorneys fees) to persons in any vehicle owned, leased or under contract for transporting students or faculty.

Effective May 6, 1998.

Public Chapter 907

House Bill 2106 Senate Bill 2365

Amends 8-27-303(j) to require LEAs to pay employees participating in group health insurance coverage under 8-27-302 at least the percentage specified in the general appropriations act of the premium collected on behalf of that employee, or the LEA may distribute a like amount to these employees through a flexible spending arrangement authorized by § 125 of the Internal Revenue Code.

Effective May 7, 1998.

Public Chapter 912

House Bill 2904 Senate Bill 3131

Enacts the “Safe Schools Act of 1998” to provide for distribution of grants by the Tennessee school safety center for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation, and training for employees in identification of possible perpetrators of school violence. Grants will be distributed to each LEA in the same percentage that the LEA's share of BEP funding bears to statewide BEP funding, subject to a 25% local match adjusted for the LEA's fiscal capacity under the BEP formula, and subject to submission by the LEA of an approved plan of expenditures.

Effective July 1, 1998.

Public Chapter 913

House Bill 2988 Senate Bill 3110

Amends 49-3-1210 to designate the Tennessee state school bond authority as the State Education Agency for allocation of qualified zone academy bonds, school modernization bonds, or other non-grant federal financing programs of statewide application for primary and secondary education.

Effective May 7, 1998.

Public Chapter 936

Senate Bill 2227 House Bill 2212

Amends 49-3-351(d) to provide for increased BEP funding for any LEA whose current year ADM, FTEADM and I&S taken as a whole exceeds by more than 2% the prior year's ADM, FTEADM and I&S taken as a whole. The BEP funding for these LEAs will be calculated on the basis of the current year ADM, FTEADM and I&S, less the first 2% by which it exceeds the prior year ADM, FTEADM and I&S. This increased amount is subject to the appropriation of funds for that purpose, and if appropriations are insufficient the amount will be prorated. The commissioner of education, with approval of the state Board of Education and the Commissioner of Finance and Administration, is to establish definitions of ADM, FTEADM and I&S to approximate as closely as possible full year ADM, FTEADM and I&S.

Effective July 1, 1997 [sic].

Public Chapter 951

Senate Bill 3202 House Bill 3266

Amends 8-27-303(a)(3) to allow school board members to participate in the basic group health insurance plan for employees of the LEA if the member applies prior to July 1, 1998 and pays the total monthly premium for the selected coverage.

Effective May 11, 1998.

Public Chapter 1014

House Bill 2626 Senate Bill 2919

Amends 49-6-3003 to authorize a county to charge tuition and fees to students for voluntary programs outside the required 180 instructional days unless the state funds the cost of the instruction.

Effective July 1, 1998.

Public Chapter 1060

House Bill 613 Senate Bill 875

Amends 49-2-203 (b) to authorize the school board to contract for the management and operation of alternative schools with any other agency of local government.

Effective May 19, 1998.

Public Chapter 1109

House Bill 3326 Senate Bill 3292

Amends 8-27-102 to provide for premium payments for retired teachers participating in the group insurance plan on a sliding scale depending on the number of years of service. To the extent that retirees pay less than the total monthly premium and to the extent that benefit payments exceed the anticipated premium for eligible retirees not retired during the previous year, the expense will be reimbursed by the state.

Effective July 1, 1998.

ELECTIONS

Public Chapter 618

Senate Bill 2282 House Bill 2268

Amends several statutes regarding referenda. Attempts to provide for more uniformity in the timing of such elections by amending the statutes which authorize referenda for general obligation bonds, liquor by the drink, local option sales tax and the local option financial management system so that they refer to 2-3-204, which is the general statute on the timing of elections on questions. These other statutes had been varied in the manner and timing by which these questions were put on the ballot.

Effective March 17, 1998.

Public Chapter 650

House Bill 2729 Senate Bill 2923

Amends 2-10-105 and 2-10-113 to adjust the reporting deadlines for campaign financial disclosure reports and the dates which are covered by the reports.

Effective March 24, 1998.

Public Chapter 710

Senate Bill 2430 House Bill 2357

Amends provisions in 2-7-116 regarding assistance to disabled, illiterate, or blind voters to allow those voters to be assisted by any person of the voter's selection.

Effective April 8, 1998.

Public Chapter 720

Senate Bill 2431 House Bill 2356

Clarifies where candidates for municipal offices file their nominating petitions. Provides that municipal candidates file their petitions with the county election commission where the municipality is located; if the municipality is located in more than one county, the petition is filed with the county election commission responsible for holding the election.

Effective April 8, 1999.

Public Chapter 741

Senate Bill 2281 House Bill 2262

Provides leave time for a part-time voting machine technician of the county election commission. Amends 2-9-103 to add new a new subsection stating that such persons shall be excused without pay from their full time employment and not be required to use leave time to perform duties for the election commission.

Effective April 15, 1998.

EMERGENCY SERVICES

Public Chapter 660 Senate Bill 2305 House Bill 2278
Re-writes portion of 7-61-104 relative to interlocal cooperation on ambulance service. Allows any two or more counties and/or municipalities to enter into joint agreements with each other and with a provider of either emergency or non-emergency ambulance service on a county-wide basis. Does not apply to Shelby or Davidson counties.

Effective March 25, 1998.

Public Chapter 958 House Bill 2513 Senate Bill 2836
Authorizes local governments or any licensed ambulance service to utilize one or more of its employees licensed as an EMT-P as their designated officer or officers for exposure control to perform infection control procedures necessary for the prevention, exposure control and post-exposure evaluation on persons employed by that local government or licensed ambulance service as emergency response employees.

Effective May 11, 1998.

Public Chapter 1053 House Bill 3449 Senate Bill 3445
Authorizes counties and municipalities to spend public funds in clearing up debris and fallen trees on private residential property if a request is made by the owner of the property when a natural disaster which has caused widespread devastation to an area declared by the Governor as a disaster area and the property owner qualifies for property tax relief under the general property tax law. Requires county and municipal governing bodies to adopt a plan for providing assistance for natural disaster relief authorized by this act.

Effective May 18, 1998.

Public Chapter 1108 Senate Bill 3308 House Bill 3190
Creates a nine-member Emergency Communications Board in the Department of Commerce and Insurance to oversee the implementation of enhanced 911 service in Tennessee. Allows the board to recommend a flat emergency telephone service charge, not to exceed the maximum business classification rate, on wireless phone service subscribers to pay for the costs of creating the new system which is subject to approval by the General Assembly. After the purposes of the board are accomplished, excess revenues from these fees may be distributed to each 911 district across the state to further emergency communication services. The board

is additionally empowered to establish rules and regulations for the operation of emergency communications districts, examine the financial condition of individual districts, and take necessary actions to remedy problems, such as prescribing a rate structure, raising rates, or ordering the consolidation of districts. If counties have not created an emergency communication district by January 1, 2000, the board will order an election to be held at the next general election for the purpose of establishing a district. If the referendum is not approved by the voters, the board has the authority to implement a plan to provide wireless enhanced 911 service to the county. Provides for the removal of members of a local board of directors of an emergency communications district for failure to attend meetings, refusal to carry out orders of the state board, or neglect of duties. The state board or counties or cities may pursue such an action in the chancery court.

Effective May 20, 1998.

FINANCE

Public Chapter 728

Senate Bill 3091 House Bill 2877

Amends the Local Government Public Obligations Law at 9-21-105(20)(B) to add the new category of “business parks” under the definition of public works projects for which general obligation bonds and notes may be issued by counties, municipalities and metropolitan governments. “Business parks” are defined in this act. A local government cannot issue general obligation debt instruments for business parks in excess of 10% of the total assessed value of all of the property in the local government’s territory, and such issuances are subject to approval by the Building Finance Committee in the Industrial Development Division of the Department of Economic and Community Development.

Effective April 8, 1998.

Public Chapter 751

House Bill 2483 Senate Bill 2892

Amends the Local Government Public Obligations Law at 9-21-105(20)(A) and 9-21-109(1) to include public art within the definition of public works projects for which general obligation bonds and notes may be issued by counties, municipalities and metropolitan governments, and includes art design services among the incidental expenses that may be included within the cost of the public works project for which the general obligation debt may be incurred.

Effective April 15, 1998.

Public Chapter 879

Senate Bill 3178 House Bill 3087

Requires underwriters and bond placement agents to file with the county or other public entity an estimate of the cost of any debt issuance, including financial advisory fees, bond counsel fees, other legal fees, paying agent and registrar fees, trustee fees and other fees and costs related to the debt issuance before the underwriter or bond placement agent enters into a bond purchase agreement or bond placement agreement with the county or other public entity. If a person is not the underwriter or bond placement agent, but enters into a contract with a county or other public

entity to provide financial advisory services for a specified time, then the financial advisor shall not make the fee and cost filing noted above when the contract is executed, but must before the bond or other debt is issued during the term of the advisor's contract. If both a financial advisor and an underwriter or placement agent is used, then only the financial advisor will make the filing required by this act. The state funding board will adopt a form and guidelines to be used for submitting information under this act. Financial advisors, underwriters and placement agents will not be entitled to fees unless proper filings are made. The filing requirements of this act do not apply to debt issued by industrial development boards or health, education and housing facility boards of a county, city, or metropolitan government.

Effective May 6, 1998.

Public Chapter 903

Senate Bill 3244 House Bill 3093

Amends the Local Government Public Obligations Law to provide that the proceeds of bonds and notes issued by a county or metropolitan government for school capital outlay purposes must be shared with any municipal or special school district system within the county as school bonds are shared under 49-3-1003 (average daily attendance basis for year ending June 30) unless a property tax district is created outside of the municipality or school district from which to repay the debt, or the municipality or special school district's governing body adopts a resolution waiving rights to all or a part of these funds.

However, the disposition of all capital outlay notes issued prior to January 15, 1998, for school purposes by a county or metropolitan government which has a municipal or special school district system are validated, unless proceedings to challenge the disposition were instituted before January 15, 1998.

Proceeds from refunding bonds and notes to refund debt issued for school capital outlay purposes, the proceeds of bonds issued to retire capital outlay notes issued for school capital outlay purposes, the proceeds of bonds issued to retire bond anticipation notes issued for school capital outlay purposes and notes issued to renew other notes issued for school capital outlay purposes issued by counties will not be required to be shared, unless the debt instruments being refunded, refinanced, renewed or extended are payable from property taxes levied on only a portion of the territory of the county and the new debt instruments are payable from taxes levied on all taxable property in the county.

Effective May 7, 1998.

Public Chapter 904

Senate Bill 3247 House Bill 3276

Authorizes a county or municipality to enter into a written indemnity agreement with a public building authority and agree to indemnify the authority and its directors, officers and employees against losses, claims, etc, including those arising out of the authority's negligence, in connection with any project undertaken by the authority. Amends 12-10-114.

Effective May 7, 1998.

HIGHWAYS

- Public Chapter 670 House Bill 2398 Senate Bill 2442
Amends 54-14-109 regarding damages in condemnation actions for private roads. Former law allowed the value of incidental benefits resulting to the owner because of the new right-of-way to be deducted from the value of the property and other incidental damages. This provision allows deduction only from incidental damages and not from the value of the property.

Effective March 25, 1998.
- Public Chapter 671 House Bill 2609 Senate Bill 2871
Repeals 55-8-152(b), repealing the 50 mph speed limit for trucks (over 1 1/2 tons) on the highways of this state.

Effective July 1, 1998.
- Public Chapter 917 House Bill 3183 Senate Bill 3210
Outlaws the possession of municipal or county traffic control and street signs by anyone other than an employee of a highway department or someone contracted to provide sign services to the highway department. Possession of a sign is a class B misdemeanor punishable by a fine only of not more than \$500. In addition, anyone convicted of this offense shall be required to pay restitution to the highway department for the costs of replacing the sign. The highway department shall submit costs to the judge for review before the judge orders restitution, which shall be paid directly to the highway department. These provisions apply only to street or traffic control signs acquired or erected after the effective date of this act that contain markings indicating the municipality or county which erected the sign and the date it was erected.

Effective July 1, 1998.

LAW ENFORCEMENT

- Public Chapter 594 Senate Bill 2242 House Bill 2227
Amends 67-4-1021 to provide that municipalities and counties are to receive 50% of the revenues from contraband tobacco products that are seized by the law enforcement departments of those governments and turned over to the Department of Revenue.

Effective March 10, 1998.
- Public Chapter 680 House Bill 1740 Senate Bill 1908
Revises the criminal littering statute in 39-14-502 to change the punishment. Provides that conviction for a first offense shall be punished by a \$200 fine and between 14 hours and 6 months of public service removing litter. Second and subsequent offenses are punished by a \$500 fine and between 40 hours and 6

months of public service removing litter. The court may also require the litterer to remove the litter he or she was responsible for and repair the property or waters damaged by the litter or work in a recycling center for up to 6 months. Any person providing information leading to the arrest of a person for criminal littering shall receive a \$100 reward out of the fine assessed against the litterer. Fines from this offense are to be deposited in a dedicated county fund for the purpose of paying rewards. Excess funds may be expended for other litter control programs upon adoption of a resolution by the county commission.

Effective July 1, 1998.

Public Chapter 729

Senate Bill 3097 House Bill 2883

Amends 40-33-211 regarding the distribution of revenues from vehicles forfeited for certain DUI-related offenses. Under this bill, the seizing authority keeps the revenue from the seizure and uses those funds during each fiscal year to compensate the entity for the reasonable and direct expenses involved in the confiscation, towing, storage, and sale of the vehicle. All such expenses are subject to audit and review by the Comptroller's Office. Any remaining revenue is transmitted to the Department of Health at the end of the fiscal year to be placed in an Alcohol and Drug Addiction Treatment Fund.

Effective April 8, 1998.

Public Chapter 746

House Bill 2102 Senate Bill 2684

Amends 41-2-129(c) regarding the disbursement of wages or salaries of employed prisoners. Provides that whatever balance is left over and goes to the prisoner upon discharge would be deducted by 2% which would go to the county-operated victim's assistance program if such a program exists.

Effective April 15, 1998.

- Public Chapter 841 House Bill 2220 Senate Bill 2235
Extends the multi-jurisdiction power of law enforcement officers working with judicial tasks forces to include assistant district attorneys general or district attorneys general criminal investigators.

Effective April 29, 1998.
- Public Chapter 886 House Bill 3012 Senate Bill 2607
Amends 55-10-108 regarding accident reports. Gives officers 7 days (instead of 24 hours) to forward an accident report to the Department of Safety. Information in the reports is a public record except that information on liability insurance in such reports shall be excluded from public inspection. It is a class A misdemeanor for anyone to use information from an accident report for solicitation that is prohibited by standards of conduct for any profession licensed by the State. If the person uses information in this section in violation of a code of professional ethics, he or she is guilty of a class B misdemeanor.

Effective July 1, 1998.
- Public Chapter 994 House Bill 2403 Senate Bill 2758
Amends 8-4-115 relative to establishing standardized booking procedures that were developed by the Comptroller in consultation with the TBI, Tennessee Sheriff's Association and others. Directs the Tennessee Corrections Institute and the Law Enforcement Training academy to train personnel in the application of these standard procedures. Gives local law enforcement until July 1, 1999 before penalty provisions become effective. Allows appropriation by the TBI of a portion of the privilege tax on criminal cases for the purchase of electronic fingerprinting equipment. Allows officers to skip certain of the standard procedures when incarcerating a repeat offender of the public intoxication statute as long as the booking officer verifies that the individual's prints are on file. Creates a Law Enforcement Advisory Council to monitor and evaluate technological advances in this field.

Effective May 18, 1998.
- Public Chapter 1019 House Bill 2772 Senate Bill 2802
Requires bounty hunters, before taking any person into custody who has failed to appear in court, to present to the local law enforcement office a copy of the warrant, a copy of the bond, and proper credentials from a professional bondsman verifying that the bounty hunter is an agent of that bondsman. Prohibits a bondsman from employing a convicted felon to act as the agent of the bondsman.

Effective May 18, 1998.
- Public Chapter 1020 Senate Bill 3038 House Bill 2776
Amends 39-17-420 regarding the acquisition of electronic fingerprinting equipment by law enforcement offices. Allows funds earmarked for the purchase of this equipment also to be used for installation, maintenance, and line costs of operating the system. Requires that system be certified by the TBI before purchase.

Effective May 18, 1998.

Public Chapter 1028 House Bill 2884 Senate Bill 3098
Requires that every person convicted of a felony after July 1, 1998, must submit a biological specimen for DNA analysis. If not incarcerated, the felon is required to submit the sample to the County Health Department. If the felon is incarcerated, the chief administrative officer of the jail or prison must designate a qualified person to collect the sample and transmit it to the TBI.

Effective May 18, 1998.

Public Chapter 1030 House Bill 2906 Senate Bill 3128
Directs the Department of Finance and Administration to set up a program to award state law enforcement assistance grants to local government agencies for the purpose of assisting them in meeting the local funding requirement necessary to qualify for a grant under the federal "Violent Crime Control and Law Enforcement Act of 1994". Authorizes the department to promulgate rules and regulations, within certain guidelines, for the administration of the grant program.

Effective May 18, 1998.

Public Chapter 1070 House Bill 2409 Senate Bill 2971
Amends 40-33-204 relative to the requirements of a forfeiture warrant. Adds to the information that must be included in an affidavit in support of a forfeiture warrant. Requires the judge to ask the seizing officer certain questions when property is seized that was not in the possession of the owner at the time of seizure or if there are secured parties whose interest may be forfeited. Creates a new cause of action for persons whose property has been seized in bad faith.

Effective October 1, 1998.

Public Chapter 1071 House Bill 2410 Senate Bill 2296
Amends 39-17-1316 regarding weapons dealers. Transfers investigating responsibilities of local law enforcement to the TBI. Allows law enforcement agencies to inspect the records of a gun dealer in the course of a reasonable inquiry during a criminal investigation or pursuant to a search warrant.

Effective November 1, 1998.

Public Chapter 1079 House Bill 3155 Senate Bill 2933
Amends 39-17-417 regarding classification of controlled substances. In the body of this bill, language appears that requires law enforcement agencies responsible for drug convictions to submit a report to the Comptroller each August 1st stating the amount of funds collected and paid to the general fund pursuant to 39-17-417, including the amount of money spent on drug education and drug treatment.

Effective July 1, 1998.

PERSONNEL

- Public Chapter 596 Senate Bill 2286 House Bill 2266
Amends 5-23-103 to allow a county executive, after the required personnel policies governing county employees have been properly adopted by the county legislative body, to choose to adopt separate base personnel policies for the employees in the county executive's individual office (for example, the county executive's secretary). These policies must be adopted in accordance with the requirements of 5-23-103(a) for county officials adopting separate policies for their individual offices.
- Effective March 10, 1998.
- Public Chapter 852 Senate Bill 2606 House Bill 3019
Amends 50-7-303(a) to disqualify a claimant from unemployment benefits if the commissioner finds that the person was discharged from the last employment for placing his or her employer in violation of the Fair Labor Standards Act. The disqualification will continue until the claimant secures subsequent covered employment and has been paid wages thereby ten times the claimant's weekly benefit amount.
- Effective May 1, 1998.
- Public Chapter 883 House Bill 2423 Senate Bill 2404
Enacts 8-27-2__ to authorize the state insurance committee to establish a long-term care benefits program and to determine the benefits package, funding method, administrative procedures, eligibility requirements and rules relating to the program. If the program is established, payroll deductions will be available from salaries paid by the state or from retirement benefits paid by TCRS.
- Effective May 6, 1998.
- Public Chapter 1024 House Bill 2803 Senate Bill 2973
Amends the workers' compensation laws. Among other things, revises drug testing provisions to limit drug testing to drugs identified in U.S. Department of Transportation regulations; allows routine fitness-for-duty drug testing of public employees only for employees in one of the listed safety-sensitive positions, and essentially makes such testing optional; and makes post-accident testing mandatory for employees in drug-free workplaces. Other important points include allowing each party 90 days after a nonsuit to refile the lawsuit, limiting the reimbursement for travel expenses to travel that is more than 15 miles from the employee's residence or workplace, lowering the threshold for felony workers' compensation fraud to \$500, and allowing suit to be filed within one year after the date of the last voluntary treatment or the last voluntary payment. Also requires the Department of Labor to develop a statistical data form which must be filed with the clerk of the court at the conclusion of every workers' compensation case, requires the clerk to transmit the completed forms to the Department of Labor, and authorizes the clerk to charge a fee of \$1 for each form filed.
- Effective July 1, 1998.

PURCHASING

- Public Chapter 764 House Bill 2923 Senate Bill 3276
Amends 62-6-102(3)(A) to clarify that the definition of “contractor” includes mechanical, electrical and plumbing subcontractors, and to provide that construction managers of all kinds are included in the definition of “contractor” only if the cost of the project exceeds \$25,000.
- Effective April 16, 1998.
- Public Chapter 895 Senate Bill 2237 House Bill 2222
Enacts 12-3-___ to authorize the state Commissioner of General Services to enter into cooperative purchasing agreements with other states, local governments and higher education institutions, provided that each contract is established through the use of competitive sealed bids and each procurement has the approval of the Board of Standards.
- Effective May 7, 1998.
- Public Chapter 938 Senate Bill 2372 House Bill 2629
Creates a ten-member task force to study the issue of permitting a system of open bids in the purchasing procedures of state and local governments, including the use of the internet as a medium for advertising for and receiving open bids. U.T.'s Institute for Public Service is to provide technical assistance upon request. Task force to report findings by February 1, 1999.
- Effective May 11, 1998.
- Public Chapter 990 House Bill 2307 Senate Bill 2613
Amends 12-4-106(a) to establish procedures for the procurement of professional architectural and engineering services, including seeking qualifications and experience data from firms licensed in Tennessee, evaluating the data, conducting discussions, selecting the firm, then negotiating a contract with the selected firm at a fair and reasonable price. If negotiations fail, then negotiations with other firms will continue.
- Effective May 18, 1998.
- Public Chapter 1043 House Bill 3187 Senate Bill 3260
Amends 12-2-208 to forbid the purchase of confiscated motor vehicles and liquor by any state, city or county officials, employees or their agents, either during their tenure or within six months thereafter, except that persons not involved in the confiscation may buy such property at public auction; violation is a Class C misdemeanor. Enacts 5-1-1__ to forbid county officials and employees, during their tenure and for six months thereafter, from purchasing county surplus property unless such property is sold at public auction; violation is a Class A misdemeanor. Enacts similar provisions for municipalities.
- Effective July 1, 1998.

RECORDS

- Public Chapter 696 Senate Bill 2621 House Bill 2656
Amends 18-1-202 to provide that a judge, in civil cases, may order the clerk to destroy discovery materials, briefs, cost bonds, subpoenas and other temporary records 3 years after the final disposition of the case or 3 years after sealed records are unsealed. The clerk shall notify the parties of the disposition schedule and that the parties may remove records during the 3 year period.
- Effective April 1, 1998.
- Public Chapter 791 House Bill 2718 Senate Bill 2591
Amends 68-11-1503 to allow a health care provider to divulge certain directory information about a patient, including only the name, general health status, location and phone number of a patient, if the patient does not object.
- Effective April 23, 1998.
- Public Chapter 793 House Bill 2916 Senate Bill 2284
Adds a new subsection to § 10-7-404 to provide a procedure for the destruction of original public records which have been reproduced onto computer storage media, including CD ROM disks. Authorizes such reproductions of existing records according to rules to be promulgated by the secretary of state regarding approved technology, standards and procedures. Further, the original records which are properly reproduced onto computer records may be destroyed or transferred according to existing procedures which involve the approval of the county public records commission and the possible transfer to the State Library and Archives of records of historical value, or the transfer of these records to some other suitable institution. Additionally, prior to the destruction of such original records, notice of this action will be advertised in a newspaper of general circulation in the county. Provides that if the county public records commission does not act upon the request of a county officer or department head to destroy or transfer records after reproduction onto computer storage media within six months, then the county officer or department head may request and obtain approval from the State Library and Archives, and if the state library and archives does not respond within nine months of the request, then the original records may be destroyed by the county officer or department head. Similarly, if the county public records commission does not receive a response from the State Library and Archives within nine months of submitting notice, the county public records commission may proceed to destroy or transfer the original records to a suitable institution after proper reproduction. Finally, the act provides that in counties having a duly appointed county archivist, such person shall serve as an ex officio member of the county public records commission.
- Effective July 1, 1999.
- Public Chapter 906 House Bill 1935 Senate Bill 1920
Amends 39-16-504 to provide that a city attorney, county attorney, or attorney general, as appropriate, may take action to obtain a warrant for possession of any

public records when informed by a public official that records have been unlawfully removed. Requires that such records be returned to the office of origin as soon as safeguards are established to prevent recurrence of the removal.

Effective May 7, 1998.

Public Chapter 980 House Bill 1703 Senate Bill 1001
Amends 68-11-306 to allow hospitals to destroy original paper medical records once they have been reproduced onto storage media such as microfilm, photostat, or non-erasable electronic and optical imaging media.

Effective May 18, 1998.

Public Chapter 995 House Bill 2406 Senate Bill 2750
Amends Title 24 to provide that if any business, institution, member of a profession, or department or agency of government, in the regular course of business, reproduces records or reports onto photographic, electronic or other similar types of storage media, then the original may be destroyed unless required to be preserved by law. The reproduction is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement is likewise admissible. Introduction of a reproduced record does not preclude admission of the original.

Effective May 18, 1998.

Public Chapter 1075 House Bill 3026 Senate Bill 3176
Amends 10-7-504 to provide that the names and addresses that correspond to unlisted phone numbers in 911 records shall be made available to the county election commission upon written request for the purposes of compiling a voter mailing list even though the phone numbers themselves remain confidential records.

Effective May 19, 1998.

REGISTER OF DEEDS

Public Chapter 604 House Bill 2554 Senate Bill 2299
Amends the state “mortgage” tax law at 67-4-409(b)(1) to clarify the definition of “investment property” regarding certain filings of Uniform Commercial Code (UCC) financing statements which are exempt from the state “mortgage” tax. The definition of such investment property is the definition of investment property found in 47-9-115(1)(f), that is a security [financial asset], a security entitlement, a securities account, a commodity contract or commodity account. When such investment property constitutes the sole collateral listed on a UCC financing statement, the filing is exempt from the state “mortgage” tax.

Effective March 10, 1998.

Public Chapter 642 Senate Bill 2809 House Bill 2452

Amends 47-9-402(9) to end requirement that UCC instruments be on paper measuring 8 1/2" x 11" with 3" blank at the bottom of the page for the use of the register or filing officer in order to be eligible for filing or recording. The Secretary of State is authorized to prescribe forms for UCC documents, and may require the use of such forms.

Effective March 24, 1998.

Public Chapter 725

Senate Bill 2912 House Bill 2717

Amends the Uniform Commercial Code to provide that when the collateral listed in the financing statement or security agreement includes crops, the requirement for a description of the land is replaced by the US Department of Agriculture, Farm Services Agency (FSA) Farm Serial Number, if any exists at the time the security interest attaches.

Effective July 1, 1998.

Public Chapter 870

Senate Bill 2804 House Bill 2773

Amends the register's basic fee statute, 8-21-1001, to impose an additional registration fee of \$2 on all instruments, except UCC instruments, on a per instrument basis, and amends the UCC statutes to increase the standard fee for filing or recording UCC instruments from \$10 to \$12 plus 50 cents per page for each page over 10 pages. The additional \$2.00 fee collected under this act will be separated from other fees and earmarked for computer equipment and software, upgrades, supplies, maintenance and services related to computer equipment and software for use in the register's office. However, these additional fees will not be earmarked in those counties where under prior law an additional recording fee of \$1 or \$2 for each instrument filed or recorded was authorized and not earmarked for a particular purpose. All private act provisions authorizing registration or recording fees to be charged by the register in amounts additional to those authorized by general law are superseded. Also, this act removes special population exception for additional UCC fees in Anderson County. These changes will result in all registers' fees being uniform throughout the state.

Effective July 1, 1998.

RETIREMENT

Public Chapter 1009

House Bill 2577 Senate Bill 2799

Amends 8-36-208(a) to provide that the service retirement allowance for Group 1 members and Class C members of the superseded State retirement system shall not exceed 80% of the member's average final compensation.

Effective July 1, 1998.

Public Chapter 1011

House Bill 2598 Senate Bill 2926

Amends 8-36-205 relative to the mandatory retirement age for public safety officers; for police officers and firefighters in counties participating in TCRS, the county legislative body may adopt by 2/3 vote a mandatory retirement age of not less than 60 years of age, as long as it does not violate the federal Age Discrimination in Employment Act. Also provides for supplemental bridge benefits. Amends 8-36-201(b)(1) to authorize the retirement of Group 2 members after 30 years of creditable service, at the option of the county. Amends 8-36-301 relative to early service retirement for Group 1 and Group 2 members.

Effective July 1, 1998.

Public Chapter 1072

House Bill 2512 Senate Bill 2723

Amends 8-36-201(c) to allow Group 3 members to retire after 30 years of creditable service, regardless of their age.

Effective July 1, 1998.

SOLID WASTE

Public Chapter 587

Senate Bill 1729 House Bill 1885

Establishes a new program for the beneficial end use of waste tires. The Department of Environment and Conservation is directed to develop a program to manage waste tires for beneficial end uses such as cement manufacturing, burning of tire-derived fuel in industrial boilers to capture energy, production of tire-derived fuel (for uses approved by the department), the crumbling or pyrolysis of tire material (for uses approved by the department) and other uses deemed appropriate by the department. The department may contract from funds available in the solid waste management fund with an approved beneficial end user for recycling of waste tires. Companies awarded such contracts must demonstrate to the department's satisfaction the ability to provide collection, management and transportation to its facility of all eligible waste tires generated within the area or county specified. Any such contract will be subject to approval by the county legislative body of each county in whose territory the contract is operative.

Also, from the solid waste management fund, the department may provide grants to assist counties in locating, collecting and appropriately disposing of waste tires. Any county receiving a grant under this program after July 1, 2000 cannot assess a tipping fee on the waste tires received at a county waste tire collection site so long as the amount of the grant covers the cost of the county's waste tire management program.

As before, a landfill cannot accept whole, unshredded waste tires for disposal, and after July 1, 2002, a county may not dispose of shredded waste tires in a landfill. Until then, the department may use funds from the solid waste management fund to contract for the services of a mobile tire shredder to operate throughout the state as in the past. If the department contracts for a county to shred tires, then the

county may receive a rebate on the state surcharge for the budget allocation for the shredder. Amends 68-211-867.

Amends 68-211-111 to add a member to the Solid Waste Disposal Control Board that is a person engaged in the business of management of solid wastes or hazardous materials. This member will be appointed by the Governor.

Effective March 11, 1998.

Public Chapter 817

Senate Bill 3148 House Bill 3267

Provides that the state solid waste surcharge will be collected at transfer stations that are not operated in conjunction with convenience centers unless the solid waste is subsequently delivered to a landfill or incinerator for disposal and arrangements satisfactory to the Department of Environment and Conservation have been made whereby the state solid waste surcharge is collected at the landfill or incinerator.

The state surcharge will only be collected once with respect to such municipal solid waste. Amends 68-211-835(d).

Effective July 1, 1998

Public Chapter 908

House Bill 2289 Senate Bill 2425

Authorizes municipalities to exercise the power of eminent domain to establish a landfill for solid waste disposal outside the corporate boundaries only if the governing body of the area in which the landfill is to be located approves the action at two consecutive regularly scheduled meetings.

Effective May 7, 1998.

TAXATION

Public Chapter 651

House Bill 2739 Senate Bill 2825

Amends several sections in Title 6 regarding new municipal incorporations. Provides that after incorporation the county or counties in which the new municipality is located will continue to receive all situs-based tax revenues until July 1 following incorporation. If the incorporation becomes effective on July 1, then the new municipality will begin receiving situs-based taxes as of that date.

Effective March 24, 1998.

Public Chapter 901

Senate Bill 3049 House Bill 2777

Amends 67-4-602 to add \$1 to the state litigation tax on all criminal cases instituted in this state. This additional \$1 in state tax is earmarked for grants to local governments for the purchase, maintenance and line charges for electronic fingerprint imaging systems. These grants will be awarded and administered by the Office of Criminal Justice in the Department of Finance and Administration. Additionally, the General Assembly may appropriate a portion of the earmarked funds to the TBI for electronic fingerprint imaging systems. Prior to purchasing such an imaging system, the local government or law enforcement agency must

obtain certification from the TBI that such equipment is compatible with the TBI and FBI's integrated automated fingerprint identification system.

Effective May 7, 1998.

NOTE: This amendment to 67-4-602, increasing the state litigation tax by \$1 in all criminal cases instituted, automatically increases the amount of county litigation tax which may be levied (by county commission resolution or private act) in criminal cases by the same amount since counties are authorized to match (but not exceed) the state litigation tax levy according to an opinion of the Attorney General of Tennessee (Atty. Gen. Op. 81-598, November 9, 1981)

Public Chapter 1032

House Bill 2910 Senate Bill 3142

Amends the Hall Income Tax to raise the income limits (from all sources) for exemption from this tax for persons age 65 and older in steps over the next two years. Single return limits are raised from \$9,000 to \$14,000 on January 1, 1999 and to \$16,000 for tax years beginning January 1, 2000 and thereafter. Persons age 65 and older filing joint returns have their income limits raised from \$15,000 to \$23,000 on January 1, 1999 and to \$27,000 for tax years beginning January 1, 2000 and thereafter.

Effective January 1, 1999.

TAXATION - PROPERTY

Public Chapter 606

House Bill 3089 Senate Bill 3245

Amends 67-5-1329 regarding certification of utility company property assessments. Provides that if the State Board of Equalization fails to certify assessments to the Comptroller on or before the third Monday in October, the taxpayer must be given a minimum of 30 days from the date the Comptroller distributes the assessments to local collecting officials in which to pay taxes without penalty and interest.

Also amends 67-5-1505, expanding the types of disputes heard by hearing examiners to include utility assessments and any other matter over which the State Board of Equalization has responsibility. Previous law excepted utility assessments from the types of complaints which could be heard by the Board of Hearing Examiners.

Effective March 10, 1998.

Public Chapter 647

House Bill 2116 Senate Bill 2161

Adds a subdivision to 67-5-2509 regarding disposition of real property acquired by a county or municipality at a tax sale. Authorizes the governmental entity to convey residential property to a nonprofit organization which provides housing for the needy. The organization must be certified as tax exempt under § 501(c)(3), it must be chartered to construct or restore residential dwellings for the needy, the property must be used for that purpose, and the property must eventually be conveyed to a family or individual as an owner-occupied residence.

Effective March 24, 1998.

- Public Chapter 666 Senate Bill 3019 House Bill 2997
Amends 67-5-806 regarding the types of reproduction which are acceptable for property maps. Deletes language authorizing the assessor to file a microfilmed copy of the property map, and requires instead that the copy or reproduction must use a format approved by the Division of Property Assessments.
- Effective March 25, 1998.
- Public Chapter 683 House Bill 2613 Senate Bill 2801
Amends 67-5-1008 regarding liability for rollback taxes resulting from a sale of greenbelt property. Previous law stated that, unless the sale contract provided otherwise, the seller was responsible for rollback taxes if the sale resulted in a conversion of the property to a use other than one qualifying for greenbelt treatment. This act makes it clear that the seller is liable for these taxes if the sale results in disqualification, whether it results from a change in use or any other reason. Adds a new provision placing liability for rollback taxes on the buyer if, at the time of the sale, the buyer signs a statement declaring the intention to continue the greenbelt classification, but fails to file necessary forms within 90 days of the sale.
- Effective March 30, 1998.
- Public Chapter 726 Senate Bill 3061 House Bill 2903
Amends 67-5-702 and -703 regarding tax relief for the elderly and the disabled. Clarifies that in establishing eligibility for tax relief, the income of all owners is to be included, as well as the income of any owner of a remainder or reversion interest if the property constituted the person's legal residence at any time during the year for which tax relief is claimed.
- Effective April 8, 1998.
- Public Chapter 802 Senate Bill 2769 House Bill 2466
Amends Title 7, Chapter 64, Part 2 regarding authority to defer property tax for elderly homeowners in amounts exceeding taxes paid for the 1979 tax year. Liberalizes requirements for tax deferral upon a 2/3 vote of the legislative body by increasing the income limitation for eligibility from \$12,000 to \$25,000 per year. Also deletes any limitation on the value of the residence and reduces the interest on the deferred amount from 10% to 6%. Provides that when the deferral is terminated by death of the owner, taxes and interest become payable within 18 months of death or the settlement of the estate, whichever comes first. If the termination results from a sale of the property, taxes and interest become due within 60 days; a deed for the sale may not be recorded until taxes and interest have been paid.
- Effective April 23, 1998, upon approval by 2/3 vote of the county legislative body.
- Public Chapter 803 Senate Bill 2771 House Bill 2464
Amends Title 7, Chapter 64, Part 1 regarding property tax deferral for low-income elderly and disabled. Authorizes the county legislative body, by 2/3 vote, to defer property taxes for qualifying homeowners with an income limit of \$25,000, changed from the previous \$12,000. Provides for lowering the interest rate on the amount

deferred from 10% to 6%, and removes the limitation on the value of the residence. Also raises the application fee paid to the trustee from \$5 to \$6.

Effective April 23, 1998, upon approval by 2/3 vote of the county legislative body.

Public Chapter 804

Senate Bill 3086 House Bill 3255

Amends 48-101-312, authorizing health, education and housing facility corporations to negotiate and enter into agreements for payments in lieu of taxes. A county or city may delegate this authority to a corporation of this type only upon a finding that the payments further the corporations public purpose; the local government may also require these agreements to be approved by the legislative body. Payments in lieu of taxes are to be distributed between the county and municipality (if the project is within the city limits) in the same manner as property taxes are distributed on the date of the agreement. The in lieu agreement may include such terms as the deferment of payments, accrual of interest on deferred payments, and security requirements. The corporation must submit an annual report to the State Board of Equalization containing property values, lease terms, payment amounts, date of agreement expiration and a calculation of taxes which otherwise would have been due.

Effective April 32, 1998, and applicable to the 1998 tax year.

Public Chapter 827

Senate Bill 2249 House Bill 2130

Amends 67-5-2005 regarding collection of delinquent municipal property taxes. Provides that if a city uses the county for collection of its delinquent real property taxes, it must certify the delinquent taxes to the county trustee by April 1 of the second calendar year after the taxes become due, instead of by May 1 of the year after the due date as in previous law.

Effective April 28, 1998.

Public Chapter 855

Senate Bill 3156 House Bill 3312

Adds new section to Title 67, Chapter 5, Part 2, regarding property tax exemptions. Authorizes the county legislative body to approve a tax exemption for real and personal property of a nonprofit organization used for public museums, art galleries, and performing arts theaters or auditoriums. To qualify for the exemption, the organization must be established under written articles of governance as a nonprofit corporation or unincorporated entity. It must be governed by a board of directors of no fewer than 10 natural persons, of whom not more than 3 are employees. Except for employees, no member of the board is to receive compensation from the organization, or have other specified financial ties to the organization. The articles governing the organization must be filed with the assessor of property in the county where the exempt property is located, and the organization must file an annual report with the assessor, listing activities and uses of the property, financial statements, and other information the assessor may require. The assessor must keep an estimate of the market value of the property, as of the last reappraisal date, with the property records. The county legislative body may impose a requirement of periodic local review or renewal of the exemption.

Effective May 1, 1998, upon approval of the county legislative body. Applies to actions pending before the State Board of Equalization on that date; organizations with pending actions have 90 days to provide evidence of compliance.

Public Chapter 894

Senate Bill 2192 House Bill 2234

Amends two sections in Title 67, Chapter 5, regarding property taxes. Amends 67-5-2502, clarifying that the delinquent tax attorney, in searching for persons with an interest in property to be sold at a tax sale, is required to search records in the offices of the assessor of property, trustee, local office where wills are recorded and register of deeds. Also amends 67-5-502, clarifying that property leased to a religious, charitable, scientific or nonprofit educational institution and used for an exempt purpose is not to be classified as industrial or commercial property, unless it is the subject of an agreement between the lessee and local government for payments in lieu of taxes.

Effective May 7, 1998.

Public Chapter 898

Senate Bill 2877 House Bill 2726

Amends 67-5-903 regarding personal property tax schedules for commercial and industrial property. Instead of reporting the acquisition cost on the schedule, the taxpayer may certify that the value of the property is \$1,000 or less. The assessor will accept this certification, subject to audit, and figure the assessable value at \$1,000, which may be equalized by the State Board of Equalization. The certification must contain a statement that falsification is subject to perjury penalties, as well as statutory penalties and costs.

Effective May 7, 1998, for the 1999 tax year.

Public Chapter 940

Senate Bill 2552 House Bill 2682

Amends 67-5-1511 regarding appeals from actions of the State Board of Equalization. Former law allowed a petition for review to be filed in the chancery court of Davidson County or the county where the disputed assessment was made. Amendment states that the petition may be filed in the county where the assessment was made or in Davidson, Washington, Knox, Hamilton, Madison or Shelby County, whichever is closest to the situs of the property. However, if the property lies in Knox, Hamilton or Shelby County, then the petition may also be filed in Davidson County.

Effective May 11, 1998.

Public Chapter 949

Senate Bill 3111 House Bill 2995

Amends 67-5-507 to provide that when counties enter into contracts with individuals, firms or corporations to render advice and assistance to the assessor of property for the purpose of examining the personal property tax rolls (commonly known as audits), municipalities will share in the cost of this county contract if the municipality levies a property tax and therefore stands to benefit from the additions to the tax roll which will likely result from the contract. The municipality will share in the contract

cost based on the percentage that personal property values within the municipality bear to the total personal property values in the county, both inside and outside of the municipality, times the percentage that the municipal property tax rate bears to the combined municipal and county property tax rate. By applying this formula a municipality will contribute to the cost of the contract in direct proportion to the likely benefit the municipality will receive from the contract. Shelby County exempted by population class and charter county designation.

Effective May 11, 1998.

Public Chapter 1031 House Bill 2909 Senate Bill 3129
Amend 67-5-702 and -703 regarding calculation of state property tax relief for the elderly and disabled. Raises the limitation on the property value for which reimbursement is made from \$15,000 to \$18,000.

Effective May 18, 1998, for the 1998 tax year.

Public Chapter 1066 House Bill 1480 Senate Bill 646
Amends several sections of Title 67, Chapter 5, regarding assessment appeals and land qualifying for greenbelt treatment. Clarifies that the right of appeal is granted to the owner of land subject to taxes and to any lessee legally obligated to pay the taxes. A lessee responsible for only part of the taxes may appeal an assessment only if the owner consents in writing. Changes the requirement in 67-5-1514 stating that an agent has no power to appear before the State Board of Equalization unless he or she first presents written authorization from the owner of the property; new law mandates a written authorization of agents before filing the appeal, allowing either the county or state board to require the written authorization to be presented if the board receives duplicate appeals on the same property or has reason to believe the agent is not properly authorized. Clarifies that the definition of "agricultural land" for greenbelt purposes includes apiary use.

Effective May 19, 1998.

TAXATION - SALES

Public Chapter 635 House Bill 1520 Senate Bill 516
Amends 67-6-207 to create a sales tax exemption on farm equipment and machinery, replacement parts, and labor relative to the repair of such equipment and machinery.

Effective March 20, 1998.

Public Chapter 689 Senate Bill 2178 House Bill 2091
Amends 67-6-303 to create a sales tax exemption for vehicles purchased by a member of a uniformed service stationed at an air force base engineering development center located entirely within this state.

Effective April 1, 1998.

- Public Chapter 694 Senate Bill 2498 House Bill 2917
Amends Title 67, Chapter 3, Part 15 to provide for a refund of a portion of the petroleum taxes on gasoline used in the manufacture of certain pre-mixed fuels. Provides further that such fuels produced for use in two-cycle engines and not for use in an aircraft, vessel or other vehicle that is sold in containers of one gallon or less is not exempted from the sales tax.
- Effective April 1, 1998.
- Public Chapter 732 Senate Bill 3304 House Bill 3306
Amends 67-6-102 to expand a sales tax exemption that applies to the purchase of certain types of industrial machinery.
- Effective July 1, 1998, and shall apply to purchases or leases of previously occupied buildings occurring on or after that date.
- Public Chapter 766 House Bill 2991 Senate Bill 2653
Amends 67-6-314 to add computer software designed for use in the treatment of individuals with a learning disability to the list of medical equipment and devices that are exempt from the sales and use tax.
- Effective July 1, 1998.
- Public Chapter 767 House Bill 3139 Senate Bill 3200
Amends 67-6-206 to include natural gas used in the manufacture of certain aluminum products in the list of industrial machinery and raw materials exemptions to the sales and use tax.
- Effective April 16, 1998.
- Public Chapter 920 House Bill 3442 Senate Bill 3440
Amends 67-6-103(d) relative to the allocation of certain sales and use taxes derived from sales related to a baseball stadium for a new minor league franchise.
- Effective May 7, 1998.
- Public Chapter 976 House Bill 1086 Senate Bill 1194
Defines aircraft for the purposes of the sales and use tax statutes. Amends Title 67 regarding the application of the sales tax to aircraft sales. Exempts some aircraft from the tax. Enacts a new sales tax rate for other purchases.
- Effective May 18, 1998 for the purposes of the tax exemption. Effective from July 1, 1999 to July 1, 2002 for the purposes of the new tax rate.
- Public Chapter 1057 Senate Bill 2473 House Bill 2975
Amends 67-6-102 to expand certain definitions as they relate to processing photographic film into negatives or prints for resale.
- Effective May 18, 1998.

Public Chapter 1084 House Bill 3226 Senate Bill 3194
Allows a credit for any special contractor tax paid in another state against the sales and use tax in this state on materials sold or used by a fire protection sprinkler contractor; provided that such materials are used by the contractor to fabricate pipe and pipe fittings or use valves and pipe fittings for application or use in the performance of a contract outside the state.

Effective July 1, 1998.

UTILITIES

Public Chapter 701 House Bill 2134 Senate Bill 2181
Authorizes utility districts with authority to operate a natural gas distribution system to borrow money using revenue anticipation notes for the purpose of financing gas purchases, including storage costs and pipeline capacity costs. The principal amount of such notes may not exceed 60% of total gas purchases during any 12 month period. Issuance of these revenue anticipation notes is subject to the approval of the State Director of Local Finance.

Effective April 1, 1998.

Public Chapter 977 House Bill 1488 Senate Bill 1584
Amends the Utility District Law of 1937 to authorize any utility district which on April 15, 1998 provided propane gas service to provide such service within the county or counties in which it is providing service on that date without any further proceedings before or approvals by any county executive, the utility management review board or any other person or agency; but such authorization will not prevent any other person, firm or corporation from furnishing propane gas service within the utility district.

Effective May 18, 1998.

Public Chapter 981 House Bill 2077 Senate Bill 2949
Amends 68-221-1010(a)(2) to state that in any local government having a water or wastewater facility serving not more than 900 customers, in determining whether or not a facility has a retained earnings deficit or an operating deficit, depreciation will not include depreciation on assets acquired by state or federal grant funds. However, this provision is void if the Commissioner of Conservation and Environment makes a written determination that the implementation of this provision would jeopardize the receipt of federal funds under the Clean Water Act.

May 18, 1998.

PART II --- PUBLIC ACTS OF LOCAL APPLICATION

BRADLEY

Public Chapter 948

Senate Bill 3059 House Bill 2756

Amends Title 13, Chapter 21, which authorizes 9 counties in the state to acquire “blighted or deteriorated” vacant property by eminent domain. Amendment specifically defines property which can be acquired under this chapter, and expands the definition to include industrial property as well as commercial, residential and related uses.

Effective May 11, 1998.

CANNON

Public Chapter 653

House Bill 2801 Senate Bill 3368

Gives Cannon County an exemption to the qualifications for chief administrative officer of the highway department. Candidates for office in that county need only have four years experience in a supervisory capacity in highway construction or maintenance.

Effective only if approved by 2/3 vote of the county legislative body prior to September 1, 1998. If approved, remains in effect only until January 1, 1999.

CLAIBORNE

Public Chapter 998

House Bill 2442 Senate Bill 2567

Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Claiborne. The authority will be governed by a board of directors consisting of the county executive of each county in the region or the county executive’s designee. Other counties in the East Tennessee grand division may join the authority by notifying the board, adopting a resolution to join by a 2/3 majority of the county legislative body, contributing funds as determined by the board and being approval by the board. The authority may issue bonds and other debt obligations (after review of plans by the State Division of Bond Finance), acquire land, construct facilities and to operate as a public corporate body to further the economy and growth of the agriculture industry of the region. Upon the date the interlocal governmental cooperative agreement which established the East Tennessee Agribusiness Authority is terminated in accordance with its provisions, and upon approval by 2/3 of the counties agreeing to so terminate the agreement, the assets of the East Tennessee Agribusiness Authority will be transferred to the East Tennessee Regional Agribusiness Marketing Authority created by this act and will assume all debts of the previous Authority and its joint market project.

Effective May 18, 1998.

COCKE

Public Chapter 964 Senate Bill 3437 House Bill 3444
Provides that the chairperson of the minority political party shall break the tie when the two members of the minority party on the election commission in Cocke county cannot agree on the appointment of a voting machine technician.

Effective from May 11, 1998, until December 31, 1998.

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Cocke. See summary of act under Claiborne County.

COFFEE

Public Chapter 652 House Bill 2025 Senate Bill 2040
Provides for two changes in the boundary between Coffee County and Franklin County. Two separate parcels are described by metes and bounds in the act, with one parcel being transferred from Franklin County to Coffee County and the second parcel being transferred from Coffee County to Franklin County. Each of these two boundary changes are subject to approval by a 2/3 majority of the county legislative bodies of the counties of Coffee and Franklin.

Effective March 24, 1998.

DAVIDSON

Public Chapter 775 Senate Bill 2530 House Bill 2927
Provides that a municipality owned water and/or sewer utility, operating within the boundaries of a metropolitan government, may participate with a local housing authority to provide certain services such as leak repair and service line replacements for eligible low and moderate income persons.

Effective April 22, 1998.

Public Chapter 786 House Bill 3217 Senate Bill 2795
Amends 57-4-102(10)(A)(iii) relative to the definition of "convention center" for the sale of alcoholic beverages, to delete the restriction on hours for sale of alcoholic beverages in convention centers in Davidson County, to allow such sale in designated areas within or adjacent to theater areas or meeting spaces, and to allow such convention centers to adjust the designated areas adjacent to or within its theater areas upon adequate prior notice to the Alcoholic Beverage Commission.

Effective April 22, 1998.

Public Chapter 880 Senate Bill 3249 House Bill 3289
Allows circuit court judges in metropolitan governments with a population more than 500,000 to appoint a full-time master to serve as judicial officer in the absence of

any one of the judges. The master must be licensed to practice law in Tennessee. The compensation for the master is fixed by the presiding judge of the judicial district and may be paid from any fund appropriated for such purpose by the county governing body.

Effective May 6, 1998.

Public Chapter 924 Senate Bill 174 House Bill 232
Creates a pilot project in Davidson county to investigate and record animal abuse complaints in the county. Creates a position attached to the Domestic Violence Section of the Police Department for conducting these investigations. Requires quarterly reports. Pilot program ceases on July 1, 1999.

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

Public Chapter 939 Senate Bill 2531 House Bill 2948
Amends 57-4-101, 57-4-102 and 57-4-201 to authorize the sale of alcoholic beverages in a facility owned or operated by a sports authority and which has a long term agreement with a major league professional baseball, football, basketball, or hockey franchise, in a county or municipality with a population over 500,000.

Effective May 11, 1998.

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

FAYETTE

Public Chapter 1100 Senate Bill 3277 House Bill 3111
Authorizes the Governor, on behalf of Tennessee, to execute a compact with the State of Mississippi to promote the development of an underdeveloped rural area consisting of approximately 8,000 acres in Marshall County, Mississippi and Fayette County, Tennessee. This compact would be known as the "Chickasaw Trail Economic Development Compact" and would create a development authority administered by a board consisting of an appointee of the governor of each state, each state's chief economic development official or his/her representative, an appointee of each of the two counties' governing body selected from nominees proposed by the respective county's industrial development board and a rotating appointee of the Governor of each state with Tennessee's Governor making the first appointment. However, the Fayette County appointee shall be made by the City of Piperton if this city annexes a majority of the compact study area in Fayette County. The authority may act as a public corporation, contract, hold property, borrow money and issue revenue bonds. Counties and municipalities may aid the Authority.

Effective July 1, 1998 if ratified by the State of Mississippi (Tennessee having already ratified in this public chapter) and approved by the United States Congress.

FRANKLIN

Public Chapter 588 Senate Bill 2065 House Bill 2071
Amends the procedure for election of members to utility district boards whose service area is primarily in Franklin County as described by narrow population class. Provides that no member will serve for more than two consecutive four year terms beginning after June 13, 1994. Residents in another county that is served by the utility must have at least thirty customers in order to be entitled to a member on the board.

Effective March 10, 1998.

Public Chapter 652 House Bill 2025 Senate Bill 2040
Provides for two changes in the boundary between Coffee County and Franklin County. Two separate parcels are described by metes and bounds in the act, with one parcel being transferred from Franklin County to Coffee County and the second parcel being transferred from Coffee County to Franklin County. Each of these two boundary changes are subject to approval by a 2/3 majority of the county legislative bodies of the counties of Coffee and Franklin.

Effective March 24, 1998.

GIBSON

Public Chapter 1029 House Bill 2892 Senate Bill 3106
Continues respite care program to caregivers who are responsible for caring for ill or disabled persons. The county office on aging is responsible for administering the program and shall establish criteria for participation in the program and contract with public and private entities as necessary to provide program services.

Effective May 18, 1998.

Public Chapter 1078 House Bill 1078 Senate Bill 3190
Amends Public Acts of 1947, Chapter 84, as amended to authorize the Kenton Special School District to establish an elementary school within that portion of the district lying within Gibson County, and to enter into a contract with the Gibson County Special School District for the operation of the district's schools lying within Gibson County. Does not affect any portions of the district lying within Obion County.

Effective May 19, 1998.

GILES

Public Chapter 668 Senate Bill 3088 House Bill 2760
Changes the distribution of funds to Giles County from the former Tennessee Elk River Authority. The first \$75,000 of the allocation remains the same, that is, to Giles County Senior Citizens, Inc. Under the new formula, the next \$50,000 is allocated to Giles County Child Development Center. For the remaining funds, the formula remains the same, with 50% allotted to the nonprofit education foundation program in the county and 50% to the industrial development board.

Effective March 25, 1998.

GRAINGER

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Grainger. See summary of act under Claiborne County.

GREENE

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Greene. See summary of act under Claiborne County.

HAMBLEN

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Hamblen. See summary of act under Claiborne County.

HAMILTON

Public Chapter 721 Senate Bill 2432 House Bill 2448
Amends 13-7-205 regarding a municipal board of zoning appeals to authorize the governing body of the county town to create a board of zoning appeals of 9 members, to specify method of appointment, and to set staggered terms of office.

Effective April 8, 1998.

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

HANCOCK

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Hancock. See summary of act under Claiborne County.

HAWKINS

Public Chapter 590 Senate Bill 2203 House Bill 2191
Amends 5-6-105(a) by deleting subsection (4) which required the salary of the

county executive to be as provided in the general salary statute or equal to the salary of the general sessions judge, whichever was greater.

Effective September 1, 1998.

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Hawkins. See summary of act under Claiborne County.

HENRY

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

JEFFERSON

Public Chapter 872 Senate Bill 3079 House Bill 2862
Amends 8-21-1001, the basic fee statute for the register of deeds, to authorize the register in Jefferson County (identified by narrow population class) to charge an additional \$2.00 per instrument recorded upon approval of this fee by a two-thirds majority vote the county legislative body. If approved by the county legislative body, the proceeds from this additional fee will be earmarked for computer equipment, upgrades, imaging systems, supplies and maintenance used in the operation of the register's office.

Effective May 4, 1998.

NOTE: The general law regarding register's fees was amended by Chapter 870 of the Public Acts of 1998, a public act of general application (summarized in the previous part), to increase the register's fees to support computerization and to make the fees uniform.

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Jefferson. See summary of act under Claiborne County.

JOHNSON

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Johnson. See summary of act under Claiborne County.

KNOX

Public Chapter 747 House Bill 2143 Senate Bill 2182
Deletes a provision in 67-6-712 that prohibited the trustee in Knox county from collecting a commission on local option sales taxes.

Effective July 1, 1998.

Public Chapter 893 Senate Bill 586 House Bill 1580
Amends 8-21-408 to allow clerks of court in Knox county to charge a fee of up to \$5.00 for computer searches for any public record having a commercial value.

Effective July 1, 1997 [sic].

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

Public Chapter 1096 Senate Bill 2964 House Bill 2966
Amends title 67, Chapter 5, Part 27 regarding redemption of property sold at a tax sale. Provides that in counties with a charter form of government and a population under 400,000, a person entitled to redeem property may do so within ninety days after the tax sale is confirmed by the court if all owners of record have signed a waiver of interest in the property.

Effective July 1, 1998, for all properties sold at tax sale on or after that date.

LOUDON

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

Public Chapter 1052 House Bill 3395 Senate Bill 3390
Amends 22-2-201(b) to establish an exception to the general law by narrow population class to allow the Loudon County Commission, by a two-thirds vote, to authorize that members of the Board of Jury Commissioners for Loudon County shall be paid an amount in excess of that allowed by the state law. Provides that the county commission shall set a sum to be paid each member that is not less than \$100 for each day or fraction of a day spent in discharging the duties of the board. This money is to be paid from the county general fund.

Effective May 18, 1998.

MADISON

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

MAURY

Public Chapter 702 House Bill 2248 Senate Bill 2471
Amends Title 62, Chapter 6, Part 3 regarding Home Inspection Contractors to make that part apply to Maury County.

Effective July 1, 1998.

MOORE

Public Chapter 575 Senate Bill 2153 House Bill 2073
Changes the distribution of funds to Moore County from the former Tennessee Elk River Development Agency from 50% for K-12 education and 50% to Motlow State Community College to allocate all funds for Moore County to the Lynchburg-Moore County metropolitan general fund.

Effective February 25, 1998.

ROANE

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

SEVIER

Public Chapter 573 House Bill 2232 Senate Bill 2331
Repeals 16-15-101(b), removing Sevier County's exemption from the provisions of Title 16, Chapter 15, relative to courts of general sessions.

Effective February 11, 1998.

SHELBY

Public Chapter 711 House Bill 3248 Senate Bill 3192

Amends 10-3-103 to provide that in charter counties with population over 600,000, if the public library is a joint operation, then the library board shall be appointed by the county or city that provides the funding for operational costs, not including capital costs.

Effective July 1, 1998.

Public Chapter 887 House Bill 3090 Senate Bill 2765
Amends 36-3-601(3)(E) regarding issuance of orders of protection in Shelby County. The meaning of "court" for the purposes of these statutes in Shelby county is defined to include any court of record with jurisdiction over domestic relations matters or the general sessions criminal court.

Effective May 6, 1998.

Public Chapter 943 Senate Bill 2741 House Bill 2736
Amends 16-15-209 to authorize counties with populations over 800,000 to provide for special or substitute judges for the general sessions and juvenile courts with approval by 2/3 vote of the county legislative body. When a juvenile or general sessions judge is absent from court another judge may sit by interchange or an attorney may be appointed to serve as special judge, subject to the procedures and limitations outlined in the act.

Effective May 11, 1998.

Public Chapter 948 Senate Bill 3059 House Bill 2756
Amends Title 13 regarding blighted property. See summary under Bradley County.

Public Chapter 984 House Bill 2112 Senate Bill 2752
Amends 40-1-111 regarding judicial commissioners. Amends language regarding issuance of warrants to state that issuance would be upon a finding of probable cause and pursuant to requests from on-duty law enforcement officers. Adds to the list of powers the issuance of injunctions and other domestic relations orders as designated by the general sessions judge. Authorizes judicial commissioners in counties over 700,000 in population. Commissioners in Shelby County must be licensed to practice law. The program there is subject to annual review for effectiveness.

Effective May 18, 1998.

Public Chapter 987 House Bill 2293 Senate Bill 2327
Enacts the "Community Redevelopment Act of 1998". Authorizes the county and any municipality in the county to create a community redevelopment agency to carry out the purposes of this act, which is the redevelopment of slum or blighted areas. The agency may issue revenue bonds and approve the acquisition and disposal of property, or directly acquire, redevelop, sell, lease or otherwise transfer real property in accordance with the redevelopment plan. Authorizes a redevelopment trust fund. Provides for tax increment financing.

Effective July 1, 1998.

Public Chapter 1012 House Bill 2605 Senate Bill 2981
Amends 49-2-201 to authorize non-partisan primary elections for school board members upon 2/3 vote of the county legislative body in Shelby County.

Effective May 18, 1998.

SULLIVAN

Public Chapter 998 House Bill 2442 Senate Bill 2567

Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Sullivan. See summary of act under Claiborne County.

UNICOI

Public Chapter 759 House Bill 2437 Senate Bill 2573
Amends 7-82-304(s) to provide that any water utility district in Unicoi County (identified by narrow population class) shall have a 3 member board and removes option that county legislative body by 2/3 vote may require a 5 member board for the district.

Effective July 1, 1998.

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Unicoi. See summary of act under Claiborne County.

WASHINGTON

Public Chapter 998 House Bill 2442 Senate Bill 2567
Creates the East Tennessee Regional Agribusiness Marketing Authority for a region consisting of twelve east Tennessee counties, including Washington. See summary of act under Claiborne County.

WILSON

Public Chapter 769 Senate Bill 1102 House bill 1533
Increases the fee of court officers in Wilson County from \$65 per day to \$85 per day.

Effective July 1, 1998.

PART III --- PRIVATE ACTS

ANDERSON

Private Chapter 161

House Bill 3419 Senate Bill 3417

Provides authority to re-establish the office of county attorney for Anderson County. The county attorney will be popularly elected for a term of four years at the 1998 August general election and every four years thereafter. Specifies duties and sets compensation at \$12,000 per year and authorizes the county attorney to participate in county employee benefit plans. Allows the county attorney to participate in the private practice of law. States that no county official shall employ any attorney other than the county attorney to represent the county or official unless such action is authorized by the general law and is done in compliance with the budget laws. In the event of a conflict of interest between officials or boards, the county attorney will represent only the board of county commissioners or the county executive in salary suits brought by fee officers. Repeals the old private act dealing with the county attorney, Private Acts 1947, Chapter 608, as amended.

Effective upon approval by 2/3 vote of the county legislative body for purposes of holding the election, but for other purposes the act will be effective on September 1, 1998 if approved by 2/3 vote of the county legislative body.

CANNON

Private Chapter 167

House Bill 3424 Senate Bill 3424

Provides for the location and development of planned mobile home parks in Cannon County outside of the city limits of Auburntown and Woodbury. Makes it unlawful to place or maintain three or more mobile homes on any tract for living purposes unless they are contained within a planned mobile home park and are permitted according to this act. The Cannon County Regional Planning Commission grants approval of mobile home parks when the requirements of this act are met. Requirements include submitting a plan for development and adhering to defined minimum standards regarding such parks.

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

CARROLL

Private Chapter 136

House Bill 3388 Senate Bill 3385

Amends Private Acts of 1917, Chapter 533, to change the name of the McKenzie High School District to the McKenzie Special School District, and to provide for a seven member school board serving four year terms.

Effective March 30, 1998.

CHESTER

Private Chapter 163

House Bill 3409 Senate Bill 3400

Amends Private Acts of 1997, Chapter 70 which authorized a hotel/motel privilege tax in Chester County, to change the definition of “operator” so as to include any governmental entity, including the state of Tennessee, but excluding the federal government. This change means that the hotel/motel tax may be collected at state parks.

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

COFFEE

Private Chapter 102

House Bill 2049 Senate Bill 2070

Amends Private Acts of 1953, Chapter 376, as amended, to provide for two full-time judges for the general sessions court in Coffee County beginning September 1, 1998, each having general civil and criminal jurisdiction and juvenile and domestic relations jurisdiction, and each being elected in the August 1998 election.

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

Private Chapter 105

House Bill 3210 Senate Bill 3370

Amends Private Acts of 1971, Chapter 8, as amended by the Private Acts of 1982, Chapter 204, and any other acts amendatory thereto, relative to the membership of the Coffee County Highway Commission. Increases the membership of the Highway Commission from five to six with the county executive as an ex officio member. Provides for method of election and terms of office of the new board. Terms are increased from two to four years. Preserves the terms of current members of the existing highway commission.

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

GIBSON

Private Chapter 175

House Bill 3433 Senate Bill 3433

Repeals Private Acts of 1965, Chapter 211, regarding the Humboldt Law Library. Transfers any remaining funds in the Humboldt Law Library Fund to Gibson County. The funds remain with the Humboldt Clerk and Master to cover expenses involved with moving the books of the library and for their repair and maintenance. Upon termination of the Law Library Commission, the law library and all contents and supplies become the property of Gibson County for the use and benefit of the residents of districts of the county composing the territorial jurisdiction of the Humboldt Law Court.

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

GRAINGER

Private Chapter 108

House Bill 2197 Senate Bill 2202

Repeals Private Acts of 1939, Chapter 502. This repeal will abolish the county finance and budget commission and the budgetary procedures associated with this commission.

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

GREENE

Private Chapter 174 House Bill 3429 Senate Bill 3425
Authorizes an advisory referendum on whether a new highway should be built from Pigeon Forge to the Tri-Cities Airport.

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

GRUNDY

Private Chapter 172 House Bill 3427 Senate Bill 3421
Repeals Private Acts of 1969, Chapter 15, which levied a transfer tax of \$1.50 on all transfers of property in Grundy County and paid in the assessor of property's office.

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

HAMILTON

Private Chapter 109 House Bill 2288 Senate Bill 2434
Amends Private Acts of 1937, Chapter 698, as amended, relative to the Department of Education's Insurance and Pension Fund of Hamilton County, transferring the duties of the pension commission to the county trustee effective sixty days after the effective date of the act.

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

Private Chapter 162 Senate Bill 3063 House Bill 2755
Amends Private Acts of 1955, Chapter 201 relative to the Chancery Court. Amends procedure for case assignment.

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

HARDIN

Private Chapter 165 House Bill 3422 Senate Bill 3420
Amends Private Acts of 1923, Chapter 709, as amended, to increase the compensation of members of the Hardin County Board of School Commissioners to \$75 per month for attendance at regular monthly meetings, and \$37.50 for attendance at any additional board meetings, effective September 1, 1998.

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

Private Chapter 166 House Bill 3423 Senate Bill 3419

Creates the position of Accounting and Budget Director for Hardin County. Gives the finance committee of the Hardin County Commission, subject to approval of the entire commission, the authority to appoint and dismiss the accounting and budget director after thirty days notice to the commission. Provides that the finance committee sets the compensation for this position.

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

HENDERSON

Private Chapter 187

Senate Bill 3444 House Bill 2450

Amends Private Acts of 1983, Chapter 98, and acts amendatory thereto regarding the hotel/motel tax in Henderson County to provide that one-half of the proceeds of this tax is earmarked for the purchase of new equipment for the Henderson County Fire Department instead of being earmarked for the upgrading and maintenance of equipment for this fire department. Also, this act corrects a technical error in the description of the rate of the tax, which is 5% of the rate charged by the operator for the occupancy of the room.

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

HENRY

Private Chapter 118

House Bill 3173 Senate Bill 2600

Amends Private Acts of 1983, Chapter 137, to abolish the accounts and budget office. Removes authority for the county commission to establish a central purchasing agency upon 2/3 majority vote.

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

JOHNSON

Private Chapter 153

House Bill 3407 Senate Bill 3406

Amends Private Acts of 1949, Chapter 183, as amended, to establish a seven member school board and to establish three school districts. Directs that three members be elected from district 1 and two members each from districts 2 and 3, which appears to violate either the state law requirement for school districts of substantially equal population or the constitutional "one person, one vote" principle.

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

KNOX

Private Chapter 103

Senate Bill 2928 House Bill 2678

Amends Private Acts of 1991, Chapter 82, relative to the local option amusement tax. Creates an exemption to the tax for admission to events held in a place of amusement located within the boundaries of a central business improvement district.

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

Private Chapter 170 Senate Bill 2046 House Bill 2039
Amends Private Acts of 1939, Chapter 54, as amended, to create Division VI of the General Sessions Court of Knox County, with the same jurisdiction, powers and duties as the other divisions.

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

MACON

Private Chapter 138 House Bill 3389 Senate Bill 3392
Provides for the location and development of planned mobile home parks in Macon County outside of the city limits of Lafayette and Red Boiling Springs. Makes it unlawful to place or maintain three or more mobile homes on any tract for living purposes unless they are contained within a planned mobile home park and are permitted according to this act. The Macon County Regional Planning Commission grants approval of mobile home parks when the requirements of this act are met. Requirements include submitting a plan for development and adhering to defined minimum standards regarding such parks.

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

MADISON

Private Chapter 183 House Bill 3431 Senate Bill 3429
Transfers the duties, authority, and responsibilities for probate matters in General Sessions Court from the County Clerk to the Juvenile Court Clerk.

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

Private Chapter 184 House Bill 3436 Senate Bill 3435
Identical to Private Chapter 183 except for minor grammatical changes.

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

Private Chapter 188 House Bill 3437 Senate Bill 3434
Amends Private Acts of 1980, Chapter 324 (which authorizes the hotel/motel tax in Madison County and the City of Jackson), to include governmental units in the definition of persons who are subject to this tax. This will allow agencies of state and local governments that rent rooms to be taxed. [Federal government agencies that rent rooms will not be taxed under this act as a state cannot tax the federal government without the consent of the federal government.]

Effective upon approval by 2/3 vote of the county legislative body and approval by 2/3 vote of the City Commission of Jackson.

MARION

Private Chapter 106 House Bill 2045 Senate Bill 2201

Amends Private Acts of 1980, Chapter 177, as amended, to set the compensation of the general sessions judge in Marion County at the same level as general sessions court judges in Class 3 counties, and to require the judge to be a full-time judge, effective September 1, 1998.

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

RHEA

Private Chapter 157

House Bill 3415 Senate Bill 3416

Amends Private Acts of 1997, Chapter 92, to set the base salary of the General Sessions and Family Court Judge of Rhea County, beginning September 1, 1998, at \$53,305 per year, with a supplement of \$20,000 for juvenile jurisdiction and a supplement of \$10,000 for domestic relations jurisdiction. The judge's compensation is to be increased annually in accordance with the provisions of T.C.A. § 8-23-103.

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

ROANE

Private Chapter 135

House Bill 3385 Senate Bill 3383

Amends Private Acts of 1959, Chapter 77, as amended, to create Part II of the Roane County General Sessions Court.

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

Private Chapter 139

House Bill 3393 Senate Bill 3398

Provides an anti-nepotism policy for Roane County. Within each department, office or agency of county government, no county employee who is a relative of a supervisor as defined in this act will be placed in the line of supervision of such relative. When a violation of this policy occurs due to marriage of the employees, then the violation will be resolved by transfer whenever possible, but employees who are unable to agree on an available alternative must resign (be fired).

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

Private Chapter 145

House Bill 3404 Senate Bill 3409

States that no utility service will be connected to any new building or improvement unless proof of a building permit is furnished to the provider of the utility service.

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

RUTHERFORD

Private Chapter 114

House Bill 3038 Senate Bill 3115

Amends Private Acts of 1996, Chapter 215, by deleting section 8 and providing a new allocation of proceeds from the development tax. Under the new section, the tax proceeds will be deposited into the Local Purpose Tax Fund or such other fund as may be designated by the county legislative body. The proceeds must be used to fund capital projects or to retire debt related to capital projects undertaken by Rutherford County.

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

Private Chapter 155

House Bill 3410 Senate Bill 3386

Amends the private acts of Rutherford County regarding its highway department. Updates archaic language. Removes provisions that conflict with the County Uniform Highway Law. Ties salary of the highway superintendent to the provisions of general law. Ties highway commission compensation to county legislative body compensation. Amends travel reimbursement procedures and bonding requirements for these officers. Repeals out-of-date provisions of the private act that regulated office rental costs, administrative personnel and numerous other provisions that either conflicted with the general law or were redundant. Repeals Private Acts of 1967-68, Chapters 172, 173, and 188, and Private Acts of 1973, Chapter 4, which authorized the county to provide crushed rock and gravel for free to four cities.

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

SCOTT

Private Chapter 173

House Bill 3428 Senate Bill 3423

Amends Private Acts of 1976, Chapter 289, as amended, to provide that the compensation of the Scott County Attorney will be set at a special meeting of the county legislative body at an amount between \$40,100 and \$50,000, and once set, may not be changed during the term of the incumbent. The county attorney will also receive a travel allowance, and if the county attorney is chosen delinquent tax attorney under 67-5-2404, the office of county attorney will be combined with the position of delinquent tax attorney and the compensation of the delinquent tax attorney will be as provided by general law.

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

SEVIER

Private Chapter 104

House Bill 2231 Senate Bill 2330

Repeals Private Acts of 1973, Chapter 34, as amended, effective September 1, 1998, relative to the trial justice court, and establishes Part I and Part II of general sessions court for Sevier County with general civil and criminal jurisdiction and probate and juvenile jurisdiction, with judges being elected in the August 1998 election.

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

SMITH

Private Chapter 152

House Bill 3402 Senate Bill 3410

Provides for the location and development of planned mobile home parks in Smith County outside of the city limits of Carthage, South Carthage and Gordonsville. Makes it unlawful to place or maintain three or more mobile homes on any tract for living purposes unless they are contained within a planned mobile home park and are permitted according to this act. The Smith County Regional Planning Commission grants approval of mobile home parks when the requirements of this act are met. Requirements include submitting a plan for development and adhering to defined minimum standards regarding such parks.

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

SULLIVAN

Private Chapter 112

House Bill 2950 Senate Bill 3159

Amends Private Acts of 1947, Chapter 261, as amended, relative to the purchasing agent in Sullivan County, to raise the sealed bid limit to \$5,000 and to make other changes to the purchasing provisions of the county.

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

Private Chapter 140

House Bill 3396 Senate Bill 3391

Amends Private Acts of 1947, Chapter 349, as amended, relative to the general sessions court, to change all references to “civil district” to “voting precinct.”

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

UNICOI

Private Chapter 130

House Bill 2943 Senate Bill 3369

Amends Private Acts of 1953, Chapter 39, as amended, to reduce the number of members on the school board from seven to six. Purports to enact a transition plan in apparent contravention of 49-2-201.

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

WARREN

Private Chapter 107

House Bill 2047 Senate Bill 2059

Amends Private Acts of 1959, Chapter 61, as amended by Private Acts of 1969, Chapter 110, and Private Acts of 1971, Chapter 100, to remove the requirement in Section 1 that the office of the Superintendent of Roads be in the Court House.

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

WILLIAMSON

Private Chapter 144 House Bill 3401 Senate Bill 3393
Amends Chapter 107 of the Private Acts of 1957, as amended, regarding the Williamson County Hospital District to allow the board of trustees of the hospital district to borrow funds without county legislative body approval if the maturity date of the bonds or notes is not greater than three years.

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

Private Chapter 156 House Bill 3413 Senate Bill 3408
Identical to Private Chapter 144 described above except for a narrower caption.

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

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Inquiries and charges of violation concerning Title VI, Title IX, Section 504, the ADA, the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Affirmative Action Officer, 711E Andy Holt Tower,

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