

**INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT**

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**2001 EDITION**

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

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## INTRODUCTION

The first regular session of the One Hundred and Second General Assembly began on Tuesday, January 9, 2001, and, due to unusual circumstances, was still in session at the time this index was submitted for publication. It was a historic development for the General Assembly to continue meeting into July after passing a stop-gap budget at the end of June. It passed a budget on July 12, 2001, which, at the time of publication, was awaiting the Governor's signature or veto. The General Assembly could return from recess for a veto override session or for continued discussions should the Governor veto the budget.

At the time of publication of this index, there are 437 new designated public chapters and 68 new private acts. There may be a few more public acts passed by the General Assembly and enacted into law by the time this session finally ends depending on the resolution of the budget crisis. The release of approved public chapters has slowed to a trickle over the last few weeks and, as far as we know, no significant legislation affecting county governments is pending other than state budgetary measures. Therefore, since most of the new laws passed this session went into effect upon passage or on July 1, an editorial decision has been made to publish this index now rather than waiting for an adjournment that may still be weeks coming. We would have preferred to publish prior to July 1, but some bills of significance to local governments were still pending legislative or gubernatorial approval at the end of June. We apologize for any inconvenience this delay may have caused, but it was out of our control. If additional acts of significance to county governments are passed after the publication of this index, our agency will make efforts to notify you.

All acts that relate to county government have been 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. 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 text of the law should be consulted prior to taking action on the changes in the laws summarized in this publication. You should consult your county attorney to assist you in interpretation of the new laws. If you desire copies of the acts or have need of other information, please feel free to contact the CTAS county government consultant for your county. You may make copies of this publication for sharing with other county officials and employees. We hope this information will serve to keep you advised of legislative developments and will be of benefit to officials in the planning and management of their offices.

Sincerely,

J. Rodney Carmical

Executive Director

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## **PART I - PUBLIC ACTS OF GENERAL APPLICATION**

### **ALCOHOLIC BEVERAGES**

Public Chapter 163

Senate Bill 1591 House Bill 452

Amends 57-3-207 to authorize any non-profit Tennessee winery association to hold not more than eight wine festivals each year to promote winemaking and grape growing in Tennessee. The festivals can be held in cities and counties which have approved the sale of alcoholic beverages or in which a licensed winery is located upon meeting all of the permit requirements of the city or county, or in any other city or county upon approval of the city or county legislative body.

Effective May 3, 2001.

### **ANIMAL CONTROL**

Public Chapter 70

Senate Bill 194 House Bill 792

Deletes all of Part 3 of Title 44, Chapter 17 and replaces it with the new "Non-livestock Animal Humane Death Act." This Act applies to public and private agencies, animal shelters and other facilities operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals. The definition of "non-livestock animal" found in 39-14-201(3) is incorporated by reference. Provides that administration of sodium pentobarbital is the only approved method of euthanasia for these non-livestock animals. Prescribes various methods that the sodium pentobarbital may be administered and limits who may conduct the procedure. Other methods of euthanasia are strictly prohibited, except that any gas chamber used as of July 1, 2001 may be used and phased out until July 1, 2002. There is also an exception for emergency situations such as an injured, dangerous or severely diseased non-livestock animal. Violation of this Act is a Class A misdemeanor, and the Attorney General is empowered to bring an action to enjoin such violations.

Effective July 1, 2001.

### **COUNTY CLERKS**

Public Chapter 4

Senate Bill 223 House Bill 189

Amends 55-4-111(b)(4) to authorize the display of license plates from the era of the manufacture of an antique motor vehicle instead of current plates, as long as the current plates are maintained in the vehicle and produced for inspection at the request of any law enforcement officer.

Effective March 15, 2001.

Public Chapter 30

House Bill 219 Senate Bill 356

Amends 55-4-237 to authorize the issuance of free registration and license plates for motor vehicles registered in the name of or leased by a disabled veteran and his or her spouse.

Effective March 22, 2001.

Public Chapter 98      Senate Bill 357 House Bill 228  
Amends 55-4-221 to change the expiration date for special dealer plates to May 31 each year (these plates currently expire March 31). Provides for 14-month plates to be issued in first year of transition, at 7/6 regular cost.

Effective July 1, 2001, to apply to any plate issued which would expire after March 31, 2002.

Public Chapter 228      House Bill 1089 Senate Bill 1407  
Amends 62-30-103 to raise the county clerk's fee for issuing a transitory vendor permit from \$25 to \$50. Also amends 62-30-105 to state that the chief of police has full authority to administer the transitory vendor laws in any county having a metropolitan government with a population over 100,000.

Effective July 1, 2001.

Public Chapter 292      House Bill 1576 Senate Bill 334  
Enacts 55-12-139 relative to financial responsibility of drivers of motor vehicles. Failure to show proof of financial responsibility to an officer at the time of a moving violation or accident is a misdemeanor punishable by a fine of \$100, and a citation will be issued. If the driver presents proof of financial responsibility on or before the court date the charge may be dismissed; if the court is satisfied that compliance was in effect at the time of the citation, the charge will be dismissed without costs or litigation tax. Records of convictions and of dismissals where financial responsibility was not in effect at the time of citation but was obtained prior to the court date are to be forwarded to the department of safety. Upon receipt of notice of conviction, the person's driver license will be suspended until the person pays the reinstatement fee, submits proof of financial responsibility and passes the driver license examination. After July 1, 2003, renewals of registrations will not be issued if the person has a conviction, or a dismissal where compliance did not exist at the time of the citation but was obtained prior to the court date, unless the person furnishes proof of financial responsibility.

Effective January 1, 2002.

## **COUNTY GOVERNMENT**

Public Chapter 63      Senate Bill 1332 House Bill 1532  
Amends 8-4-108 to allow the comptroller of the treasury to provide services to counties and other local governments as requested by the county or other government and determined by the comptroller to be appropriate. The comptroller will charge an administrative fee for such services.

Effective April 11, 2001.

Public Chapter 183      Senate Bill 403 House Bill 517  
Amends various provisions of the Adult-Oriented Establishment Registration Act of 1998. Some of which are: Amends 7-51-1103 to grant the adult oriented

establishment board in the county authority to promulgate procedural and substantive rules consistent with the Act so long as such rules are constitutionally valid and do not grant unbridled discretion to the board on license issuance or denial decisions. Amends 7-51-1104(e) to provide that existing adult oriented establishments have 120 days after adoption of this Act by the county to apply for a license or permit. Amends 7-51-1106(4) and 7-51-1117(b) to provide that licenses shall only be denied for reasons found in the Act. Amends 7-51-1107(c) and 7-51-1116(d) to limit operation of a business during the license application investigation following 30 days after application if additional investigation is needed as a result of actions by the applicant. Amends 7-51-1109(f) and 7-51-1110(e) to add that if a court finds a board decision on revocation, suspension or denial of renewal of a license was clearly erroneous, the court may overturn the decision as being arbitrary or capricious. Amends 7-51-1110(d) to provide that an applicant shall cooperate in expediting service of process by the board in a declaratory action which seeks judicial determination of whether an application has been properly denied under the law. Amends 7-51-1110 to add a new subsection declaring that the judicial review portions of the Act control over the general declaratory judgment actions in the event of a conflict. Amends 7-51-1111(a) and 7-51-1111(d) to clearly specify information required in the application for renewal including whether there are grounds for denial or renewal. Deletes 7-51-1113(i) in its entirety. Amends 7-51-1114(a) to prohibit the actions listed in the subsection from occurring not only on premises but also to prohibit such actions in relation to the person's role as an operator, entertainer or employee of an adult oriented establishment. Amends 7-51-1121(a) to prohibit use by the board of other restrictions, regulations, licensing or other provisions adopted by any other political subdivision applicable to adult oriented establishments as a basis for denying, revoking or suspending a license or permit.

Effective May 10, 2001.

#### Public Chapter 276

##### House Bill 898 Senate Bill 1483

Adds a new section to Title 29, Chapter 16, Part 1 to provide for the use of assessor appraisal information in condemnation proceedings as evidence of value, only if the property owner has no prior knowledge or notice that damages would occur and does not have a reasonable current appraisal preexisting the date of the property damages. This also only applies when a governmental entity accidentally or negligently causes substantial property damage. The appraised value recorded by the assessor for the year in which the damage occurred must be divided by the state approved appraisal ratio for the county, to be admissible as evidence of value.

Effective May 22, 2001.

#### Public Chapter 311

##### Senate Bill 1633 House Bill 1356

Amends 53-8-214(a), 62-38-202, 62-38-204, 68-14-302 through -304, 68-14-313, 68-14-511 and 68-110-103 adjusting the permit fee schedules for food service establishments, tattoo studios, auxiliary food service operations, hotels, temporary food service establishments, day camps, travel camps and primitive camps. Outlines penalties for delinquent permit fees. Provides a schedule for percentage of fees that a contract county health department may receive for local implementation of inspection programs and phases out local permit fees by June 30, 2004 by a contract county for organized camp operator permits.



Effective May 30, 2001.

Public Chapter 364

House Bill 648 Senate Bill 621

Amends 12-10-108 regarding public building authorities to provide that if a public building authority engages in contracts for the modification, construction, operation, maintenance or management of an arena facility for a National Basketball Association member professional basketball team, then the board of directors must include two additional directors. These two directors will be appointed by the chief executive officer of the county or municipality that created the public building authority after consultation with the Speaker of the Senate and the Speaker of the House of Representatives. One additional member must be a state senator and one must be a state representative. If more than one county or municipality approved the incorporation of the public building authority, the two additional directors will be jointly appointed by the chief executive officers of the county and municipality. Although this act is most likely to be used by Shelby County, it is a general law applicable in any county meeting the criteria of the act.

Effective June 7, 2001.

Public Chapter 367

House Bill 779 Senate Bill 261

Enacts the “False Claims Act” and codifies it in Title 4, Title 8 and Title 50. Provides a civil action against a person who makes false claims or commits fraudulent acts against the state or any of its political subdivisions. If the false claim involves state funds or property, the prosecuting authority is the Attorney General. If the false claim involves local government funds or property, the prosecuting authority is the county counsel, city attorney or other official charged with investigating and conducting civil legal proceedings. Treble damages and civil penalties are available. Additionally, private plaintiffs may bring suit, subject to very specific procedural requirements. The Act also contains a whistleblower protection provision. Finally, those persons subject to suit do not include the political subdivisions or state government.

Effective July 1, 2001.

Public Chapter 405

House Bill 888 Senate Bill 336

This act adds language to 8-24-102 to provide that the salary figures set by that statute are minimum compensation levels. Beginning July 1, 2001, subject to certain limitations discussed below, the county legislative body for each county can set the compensation paid to county officials at any amount equal to or above the statutory minimum. This discretion given to the county legislative body is limited in the following ways:

- All the general officers of the county must be paid the same salary with the exception of certain educational incentive payments made to officials under 5-1-310 and payments to assessors under 67-1-508;
- The sheriff and the chief administrative officer of the highway department must be paid at least 10% more than the general officers;
- The county executive must be paid at least 5% more than the amount paid to any other county constitutional officer.

The act includes language to provide that so long as the salary set by the county legislative body remains higher than the statutorily mandated minimum, the legislative body can raise or lower the salaries of county officials.

This act also amends 8-24-102 to make it clear that increases made to state employees' salaries for classification compensation purposes must also be included when the Commissioner of Finance and Administration computes and certifies the average annualized increase in state employees' compensation. Annual increases in the statutory minimum salary figures are capped at 5% per year.

The authorization given to counties to pay officials an educational incentive for becoming a Certified Public Administrator under 5-1-310 is amended by this act to cap the incentive payment at \$3,000 minus any state education incentive paid to Certified Public Administrators under 5-1-310(a). The county payment must come from funds appropriated for such purpose and shall be paid in one lump sum payment no later than October 31. This \$3,000 cap would also apply to educational incentives paid to county employees who are not officials. Since those employees do not receive an incentive payment from the state, the county could pay them a maximum of \$3,000.

This act also makes two adjustments to the population classes used to set officials' salaries. It deletes the smallest population class from the schedule, merging it with the next higher class, and divides the largest population class at the top of the schedule into three new classes.

A requirement in this act states that if the county commission wants to take an action to pay officials in excess of the statutory minimum compensation levels, this must be accomplished through a resolution which is scheduled to appear on the posted agenda for the county commission meeting.

Effective July 1, 2001.

#### Public Chapter 415

#### Senate Bill 85 House Bill 975

Deletes 13-13-104 and replaces it with a new 13-13-104 relative to neighborhood development corporations. Each local neighborhood development corporation shall be governed by a board of directors consisting of a minimum of five and a maximum of forty-five members. Fifty-one percent of the members of the board must reside in the neighborhood. Local government officials and state senators and representatives may also serve if such neighborhood is within his/her jurisdiction. The Act outlines procedures for filling vacancies, voting requirements and election requirements for chair, vice chair and secretary. Allows these local neighborhood development corporations to contract and otherwise do business with any organization in which a director is interested or involved provided such interest or involvement is disclosed in advance, recorded in the minutes and that interested member does not participate in the vote. Also deletes 13-13-103, 13-13-107, 4-29-221(a)(49).

Effective July 1, 2001.

#### COURTS

Public Chapter 76	<p>Senate Bill 1099 House Bill 816</p> <p>Amends 41-21-801, -807, and -808 relative to inmate litigation. Expands definition of inmate to cover persons in a private correctional facility. Allows for deduction of filing fees from inmate trust accounts. Prohibits an inmate from bringing a civil action or appeal under 41-21-807 if the inmate has had an action dismissed for being frivolous on three prior occasions unless the inmate is under imminent danger of serious physical injury. Provides that judgment for costs may be rendered at the conclusion of the proceedings.</p> <p>Effective April 11, 2001.</p>
Public Chapter 96	<p>Senate Bill 177 House Bill 394</p> <p>Amends 36-3-601 to provide that any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this statute shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten days and shall be heard de novo.</p> <p>Effective July 1, 2001.</p>
Public Chapter 161	<p>Senate Bill 1488 House Bill 1028</p> <p>Amends 57-4-203 to add making false statements or exhibiting false identification for the purpose of obtaining alcoholic beverages by a minor to the list of those convictions for which the court is instructed to send to the Department of Safety, within five working days, an order denying driving privileges for the offender.</p> <p>Effective July 1, 2001.</p>
Public Chapter 170	<p>House Bill 789 Senate Bill 1033</p> <p>Re-writes 25-5-105 to provide that once a judgment lien is created by registration, it will last for the time remaining in a ten-year period from the date of final judgment entry in the court clerk's office. Provides that this section applies to all judgment liens registered on or after May 17, 2000. Further provides that no judgment lien which expired on or before May 17, 2000, shall be considered revived by such registration.</p> <p>Effective May 3, 2001.</p>
Public Chapter 186	<p>House Bill 175 Senate Bill 1029</p> <p>Amends 55-10-301 relative to court-ordered driver education courses. Provides that a person violating certain traffic laws may be required, at the discretion of the court, to attend a driver education course approved by the Department of Safety in addition to or in lieu of any other penalty. If the course is approved by the department, it may be conducted by a county, municipality or other local government, a nonprofit organization or a private entity that meets the requirements for private entities providing misdemeanor probation services. Allows a fee between \$50 and \$175 to be charged for the course provided that no one is refused admittance for inability to pay. Any entity operating or conducting such a course must consent to the inspection of all records concerning the course by the Department of Safety. Requires each court clerk to provide a list of entities approved to conduct such courses to any person ordered to attend the driver education course.</p>

Effective July 1, 2001.

Public Chapter 198

House Bill 1134 Senate Bill 1081

Amends 71-6-208 relative to service of process and family violence shelters. Existing language provides that the sheriff, in serving process on a person staying at a shelter, shall serve the process by contacting the shelter by telephone and making arrangements for service. This act amends the law to include references to constables and other persons who are authorized to serve the process.

Effective May 10, 2001.

Public Chapter 225

House Bill 470 Senate Bill 1166

Amends 67-4-601 relative to litigation tax to expand use of the special additional litigation tax authorized in 2000. As originally enacted, the law required that revenue from this specific tax must be used for jail or workhouse construction, reconstruction or upgrading. This act amends 67-4-601 to allow such revenue also to be used for courthouse renovation.

Effective May 15, 2001.

Public Chapter 249

Senate Bill 1020 House Bill 1597

Deletes 69-10-221 and 69-10-223 regarding judicial jurisdiction and authority over violations of boating regulations. Adds a new section to Title 70, Chapter 1, Part 3 to provide that whenever a person is issued a citation for a misdemeanor violation of Title 70 (regarding wildlife resources) or Title 69, Chapter 10 (boating regulations) or for any offense for which an arrest is authorized pursuant to Title 70, the person cited may, in lieu of court appearance, submit the fine and costs to the clerk of court prior to the time set for appearance in court. The submission to fine must be approved by the court with jurisdiction over the offense. The submission to fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a citation. If the person cited with the offense fails to pay the citation and fails to appear in court, the court may issue a warrant for the person's arrest and may declare a judgment of forfeiture for the offense. The judgment of forfeiture shall in no case be more than the total amount of fine and costs prescribed by law for the offense and may be collected as provided in 40-24-105. These provisions do not apply to anyone arrested for a violation which is punishable by a fine of more than \$50 or imprisonment of more than thirty days.

Effective May 22, 2001.

Public Chapter 260

Senate Bill 1600 House Bill 1456

Amends 26-2-105 and 26-2-111 to clarify that Roth IRA funds are exempt from execution, attachment or garnishment.

Effective May 22, 2001.

Public Chapter 297

House Bill 804 Senate Bill 1316

Amends 37-1-103 and 37-1-112 regarding jurisdiction and custody of the juvenile court to clarify when juvenile court jurisdiction is transferred to another court,

retained by the juvenile court or terminated.

Effective July 1, 2001.

Public Chapter 309

Senate Bill 1087 House Bill 1142

Amends 40-11-150 regarding a magistrate's duty to consider whether a defendant is a risk to certain parties. Former language required special consideration of the risk in cases where the victim is a family or household member. That language is deleted and replaced with a reference to the definition of the victim in 36-3-601(9) (regarding domestic abuse). That statute defines "victim" more broadly to include current or former spouses, adults or minors who live or have lived together, adults or minors that are dating or have dated or have or had a sexual relationship, adults or minors related by blood or adoption, adults or minors who are or were related by marriage, or adult or minor children of a person in one of the prior relationships.

Effective May 30, 2001.

Public Chapter 319

House Bill 1133 Senate Bill 1080

Amends 36-3-604 regarding forms to be used for petitions for orders of protection. The act deletes the sample form for a petition for an order of protection, the sample ex parte order of protection, the sample officer's return and the other sample forms and notices codified in that statute. The law is amended to direct the administrative office of the courts, in consultation with the domestic violence coordinating council to develop the necessary forms by October 1, 2001. To the extent possible, the forms are to be uniform with those promulgated by surrounding states. The act further provides that these forms shall be used exclusively in all courts exercising jurisdiction over orders of protection.

Effective May 30, 2001 for the purposes of the Supreme Court consulting and promulgating the specified forms. The forms themselves take effect as provided in the Supreme Court rule that promulgates them.

Public Chapter 341

Senate Bill 732 House Bill 830

Amends 37-1-702 to make numerous changes to that statute regarding the teen court program in juvenile court. Changes include the addition of several other types of offenses that may be considered in a case referred to the teen court for disposition. Adds language to clarify that the teen court program is a condition of a deferred judgment and to provide that failure to complete a program prescribed by a teen court or if a new delinquent or unruly petition is filed against the teen during the deferral period, the petition under which the teen court disposition was ordered may be reinstated and the case may proceed as if the teen court disposition had never been entered. Adds a new section 37-1-706 to provide that nothing in that part shall be deemed to impair the authority of juvenile courts to adopt different or alternative procedures for the establishment or operation of an existing teen court program. Establishes certain minimal due process standards for a teen court program. Allows the juvenile court to delegate responsibility for operation of the teen court program to a licensed attorney.

Effective June 5, 2001.



- Public Chapter 355      Senate Bill 1378 House Bill 349  
Amends 40-28-122 and 40-28-106 to delete provisions that limited the amount of total compensation paid to attorneys appointed to represent indigent parolees in parole revocation hearings and initial preliminary hearings before the board. The act states that any increased costs resulting from this act in fiscal year 2001-2002 shall be paid from funds in the indigent defendants' counsel fund.
- Effective June 7, 2001.
- Public Chapter 359      House Bill 248 Senate Bill 479  
Amends 40-35-302 regarding the provision of probation supervisory services by a private entity. Requires quarterly reporting by a probation supervisory services entity of the service provided to the clerk of the criminal court and general sessions court in each judicial district in which the entity provides services. Requires the entity to apply to each criminal and general sessions court judge in each judicial district where the entity intends to provide services. Requires supervision of all misdemeanants ordered by the court to be supervised by the entity. Establishes record keeping and audit requirements for the entity. Requires a liability insurance policy in an amount equal to the limits of governmental liability in addition to a performance bond in the amount of \$25,000. A copy of the insurance policy and bond is required to be filed with the clerk of all courts in each county in which services are provided. Makes it an offense for a governmental employee, including a judge or the employee's immediate family, to have a direct or indirect personal interest in a private entity that provides probation supervisory services or to receive anything of value from such an entity. Also makes it an offense for a probation services entity to give or offer anything of value to such persons. Prohibits certain activities by probation services entities.
- Effective June 7, 2001, for the purpose of the Comptroller designing certain forms required by the act; otherwise, effective July 1, 2001.
- Public Chapter 362      House Bill 409 Senate Bill 1418  
Amends 16-15-5012 to provide that the administrative office of the courts, in consultation with a number of other associations, is directed to design and promulgate a uniform general sessions civil warrant by October 1, 2001. Once the uniform warrant is developed it shall be used exclusively in all courts exercising general sessions jurisdiction. However, in general sessions courts that use a civil warrant that contains substantially the same information as is required in the uniform warrant and the court clerk collects and maintains information electronically for the administrative office of the courts, a non-uniform warrant may be used.
- Effective July 1, 2001.
- Public Chapter 368      House Bill 895 Senate Bill 1437  
Amends 37-1-150 to delete provisions that limited the amount of total compensation paid to attorneys appointed to represent juveniles accused of being delinquent. The act states that any increased costs resulting from this act in fiscal year 2001-2002 shall be paid from funds in the guardian ad litem fund.
- Effective June 7, 2001.

Public Chapter 381

House Bill 986 Senate Bill 585

Amends 39-11-705 and 39-11-708 regarding forfeiture of criminal proceeds in a criminal prosecution. Adds language to clarify jurisdiction over forfeiture actions. Also provides that if the state desires to seek forfeiture of real or personal property in a criminal proceeding, it must provide notice in a separate count in the indictment or information and describe all property source to be forfeited or returned. The state must establish by a preponderance of the evidence that the property is subject to forfeiture and that one or more of the offenses given arise to forfeiture occurred after June 27, 1998. In cases where a jury returns a guilty verdict, the state or the defendant may request that the jury determine in a bifurcated hearing whether the state has established that the property is subject to forfeiture. Forfeiture actions must take place within five years after the termination of the activity that gives rise to the forfeiture. Third parties who are not defendants in the criminal action but who have an interest in the property may have their rights determined in a separate civil forfeiture action with the state.

Effective January 1, 2002.

Public Chapter 400

House Bill 143 Senate Bill 1428

Amends 30-2-317 to prioritize the payment of reasonable funeral expenses over the payment of taxes in the priority of debts of the estate of a decedent. Amends 30-2-603 to provide that the personal representative of an estate shall publish notice of an accounting of an estate in a newspaper of general circulation in the county of probate, in the event that the addresses of the heirs are unknown. Amends 31-4-101(a) relative to the determination of the number of years in a marriage for the purpose of determining a surviving spouse's elective share.

Effective July 1, 2001.

Public Chapter 408

House Bill 1527 Senate Bill 1505

Amends Title 16 relative to court information and reporting and to create a standard definition of a case. Requires clerks of the circuit and criminal courts to send a copy of each judgment document for a felony conviction to the Administrative Office of the Court no less than one time each month so that all judgments rendered in one month have been received by the fifteenth day of the following month. Provides for electronic transmittal once a system is operational. Enacts a new statute, 16-1-117, to set standards for reporting case statistics by defining a criminal case and a civil case. Provides that each civil and criminal case shall be assigned a unique docket number. Beginning July 1, 2003, or sooner if practicable, all general sessions courts and municipal courts with general sessions jurisdiction shall collect and provide court data to the Administrative Office of the Courts based on the new definitions for civil and criminal cases. Requires reporting on the same schedule as described above for circuit and criminal courts. Provides that the Administrative Office of the Courts will provide written notice to any party found not to be in compliance with reporting requirements. Failure to comply after notice will result in the AOC refusing to accept data and notifying all judges, district attorneys, public defenders and court clerks in the district of the non-compliance.



Amends 16-2-513 to provide that the comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of judicial positions.

Effective July 1, 2001.

Public Chapter 410

House Bill 525 Senate Bill 1419

Creates a study committee to examine all issues pertaining to the appointment of and functions of a guardian ad litem, including issues related to the appointment of guardians ad litem in domestic and juvenile court proceedings.

Effective June 20, 2001, and automatically repealed twelve months after that date.

Public Chapter 412

House Bill 1375 Senate Bill 1652

Amends 26-2-221 and 26-2-222 regarding garnishment. Authorizes garnishment of compensation due from the state to contractors and vendors providing goods or services to the state. Such garnishments may not be allowed if the state determines that payment of the garnishment would result in an interruption of essential state services. Amends 26-2-222 to provide that the garnishment is served on the commissioner of the state department rather than the budget officer of the department as under prior law. Provides that the date of service shall be the date upon which service on the commissioner is accomplished. If proper service is not accomplished, the state is not liable for any sums due. Allows the State Department of Finance and Administration to retain a five dollar administrative fee from the judgment debtor at the time of each payment made to the court as a result of the garnishment. The fee is tacked onto the payment made to the court unless the maximum garnishable amount has already been reached in which case the fees are owed to the state until paid. Provides that the garnishment lien attaches seven business days from the date of service. If no compensation is due the judgment debtor from the state, a conditional judgment against the state as a garnishee shall be void and unenforceable. Provides that any process required under this section may be served pursuant to the Rules of Civil Procedure by a private process server.

Effective June 20, 2001.

Public Chapter \_\_\_\_

Senate Bill 1475 House Bill 1283

Amends 67-4-602 regarding litigation tax. Provides that litigation tax in criminal cases be levied for each criminal charge, upon conviction or by order, rather than being levied once per each case. Adds language to 67-4-602 to provide that when city courts exercise concurrent jurisdiction with general sessions court, the taxes levied pursuant to 67-4-602(a) are in addition to the privilege tax levied in general sessions court. Amends 67-4-602(b) to provide that the litigation tax in criminal cases levied by that subsection may be levied on criminal charges in city court if the city court is exercising concurrent jurisdiction with the general sessions court.

Effective upon becoming a law.

**[NOTE: THIS BILL, PASSED ON THE 12<sup>TH</sup> OF JULY, WAS ONE OF THE LAST PASSED BY THE GENERAL ASSEMBLY. AT TIME OF PUBLICATION, IT WAS STILL UNDER CONSIDERATION BY THE GOVERNOR. IT WAS NOT KNOWN**

**WHETHER IT WOULD BE SIGNED, VETOED, OR GO INTO EFFECT WITHOUT HIS SIGNATURE.]**

**ECONOMIC DEVELOPMENT**

Public Chapter 125      Senate Bill 1581 House Bill 1291  
Amends 7-53-301 to provide that members of the board of directors of industrial development corporations may receive compensation for service if authorized by resolution of the county or ordinance of the municipality which authorized the creation of the industrial development corporation. Without such a local resolution or ordinance, members will continue to receive only reimbursement for actual expenses incurred in and about the performance of their duties.

Effective April 26, 2001.

Public Chapter 150      Senate Bill 150 House Bill 539  
Amends 64-5-203(a) to allow for an increase in the number of members who may serve on the board of directors of the Four Lake Regional Industrial Development Authority. Authorizes an additional member to be appointed by the board of directors of the Tennessee Valley Authority, and also provides that an additional member may be appointed by the board of directors of each electric cooperative which furnishes electricity to and assists in the development of any industrial park owned, operated or managed by the Four Lakes Regional Industrial Development Authority.

Effective May 3, 2001.

**EDUCATION**

Public Chapter 155      Senate Bill 1181 House Bill 832  
Amends 8-27-303(a)(3) to allow a school board member to participate in the basic group insurance plan if the member applies prior to July 1, 2001 and pays the monthly premiums.

Effective May 3, 2001.

Public Chapter 197      House Bill 1040 Senate Bill 1057  
Amends 49-5-511(c)(1) to provide for immediate suspension and dismissal of a teacher convicted of an offense listed in 39-17-417 (manufacture, delivery, sale or possession of a controlled substance).

Effective July 1, 2001.

Public Chapter 269      House Bill 389 Senate Bill 412  
Amends 49-2-203(a)(15) to require local school boards to adopt a written policy regarding the method of accepting and reviewing applications and interviewing candidates for the position of director of schools.

Effective May 22, 2001.

- Public Chapter 270      House Bill 581 Senate Bill 1458  
Amends 49-2-203(A)(15) to prohibit school boards from terminating a director of schools without cause, or entering into a contract with a director of schools, within the period beginning 45 days before a general school board election and continuing 30 days after the election. If the position becomes vacant during this time, it is to be filled temporarily, not extending beyond 60 days past the election. An option to renew a contract which exists on the effective date of this act may be exercised within the referenced time period.
- Effective May 22, 2001.
- Public Chapter 284      House Bill 1372 Senate Bill 1649  
Amends Title 49, Chapter 3, Part 3 to delete statutory provisions pertaining to the Tennessee Foundation Program (TFP) funding formula which was replaced by the Basic Education Program (BEP) funding formula in 1992.
- Effective May 22, 2001.
- Public Chapter 306      Senate Bill 346 House Bill 1679  
Amends 49-3-306(5)(A)(v) to authorize local school systems who meet class size requirements to use BEP funds generated in salary components to fund salary increases for non-licensed personnel, unless such funds are generated for new or additional positions.
- Effective May 30, 2001.
- Public Chapter 343      Senate Bill 1881 House Bill 1921  
Enacts the Education Reform Act of 2001, which has been known informally as the Governor's Reading Initiative. Generally, this act provides for reading teachers/coordinators, teacher training, reading centers, early childhood education, family resource centers, classroom supplies, mentors for new teachers, scholarship loans for teachers and training for teaching as a second career. The act is subject to state appropriations. As of the date of this publication, funding does not appear likely.
- Effective June 5, 2001 (subject to state appropriations).
- Public Chapter 374      Senate Bill 733 House Bill 1599  
Amends 49-1-104 to require the state board of education to establish class size requirements to take effect in the 2002-2003 school year for students with disabilities and who are eligible for special education services, subject to funding in the general appropriations act.
- Effective June 4, 2001.

## **ELECTIONS**

- Public Chapter 199      House Bill 1200 Senate Bill 818  
Amends 2-5-101 regarding qualifying deadlines for nominating petitions for county offices for which no primary is held. Moves the qualifying deadline for offices to

be filled at the regular August election for which no primary is held from the third Thursday in May to the first Thursday in April. Provides that candidates in municipal elections held in conjunction with the regular August election shall file their nominating petitions on the first Thursday in April. Candidates in all other municipal elections file on the third Thursday in the third month before the election. Also amends 2-5-101(e) to move the deadline for a party to nominate a candidate by a method other than primary election for an office to be filled in the regular August election for which a March or May primary has been called from the third Thursday in May to the first Thursday in April.

Effective July 1, 2002.

Public Chapter 384

House Bill 1843 Senate Bill 186

Amends 2-10-114 regarding unexpended balances in the campaign account of a candidate. In addition to those uses currently authorized in the law, this act authorizes additional uses in cases where the candidate dies in office and has unexpended funds. If the incumbent's surviving spouse or child is appointed to fill the unexpired term, the balance remaining in the campaign account may be transferred to the campaign account of the spouse or child. If such a scenario does not occur, then the money may be allocated to the other purposes established in the statute by the candidate's treasurer, unless the candidate served as his or her own treasurer in which case the candidate's spouse or next of kin makes such determination.

Effective June 12, 2001.

Public Chapter 413

Senate Bill 1487 House Bill 1844

Amends numerous statutes in Title 2 to make minor changes to election laws including, but not limited to, the following: deletes language in 2-7-133 directing that ballots marked for a deceased person shall be marked "uncounted;" includes a prohibition on poll watchers possessing electronic devices while observing the absentee counting board by which they could release results while votes are being tabulated; allows for increase of pay of pollworkers through county budgetary process rather than requiring a resolution of the county legislative body to do so; deletes requirement for a numbered receipt with each voter registration form to be returned to the registrant; allows pollworkers to come from anywhere in a state house district rather than requiring them to be a resident of the precinct; allows coordinator of elections to determine when nominating petitions may be released in any year where reapportionment must occur. Also amends 8-8-102 regarding qualifying procedures for candidates for the office of sheriff. Requires candidates for sheriff to file the statutorily required affidavits and evidence with the POST Commission at least fourteen days prior to the qualifying deadline. Requires the POST Commission to verify the candidate has complied to the election commission by the withdrawal deadline. Also amends 49-2-504 to allow for a special school district, by legislative act, to establish eligibility and procedures for nonresident property owners to vote.

Effective July 1, 2001.

## EMERGENCY SERVICES

- Public Chapter 3      Senate Bill 201 House Bill 284  
Makes domestic violence training a required part of the curriculum of the Tennessee Peace Officer Standards and Training Commission, the Commission on Firefighting Personnel Standards and Education and the Department of Health's training for emergency services personnel.  
  
Effective July 1, 2001.
- Public Chapter 29      Senate Bill 1793 House Bill 1158  
Exempts owners and employees of an emergency medical services provider licensed in another state from certain licensing and permit requirements in Title 68, Chapter 140, Part 5 when the provider is providing emergency medical services at the request of a local government at a "major public event," defined as a scheduled event for which the anticipated attendance is more than 100,000 or two-thirds of the population of the county where the event is held.  
  
Effective March 22, 2001 and expiring on December 31, 2001.
- Public Chapter 60      House Bill 1124 Senate Bill 1279  
Amends 55-8-108 to provide that the driver of an authorized emergency vehicle, when responding to an emergency call or fire alarm or in pursuit of a suspect, shall only be required to use visual signals while the vehicle is parked or standing. The act states that nothing in 55-8-108 should be construed to prohibit the driver from using both audible and visual signals while parked or standing in the discretion of the driver.  
  
Effective April 4, 2001.
- Public Chapter 149      Senate Bill 458 House Bill 1137  
Amends 7-86-105 to clarify the procedure for appointment of an emergency communications district board of directors in a district created by a county. Provides that the county executive appoints the members subject to confirmation by the legislative body. Provides further that if the legislative body does not vote to confirm or reject the appointments within 90 days or the conclusion of its next, regularly scheduled meeting after the appointments are made, whichever is later, the appointments take effect without confirmation. Amends 7-86-105(c) to provide that members of the district holdover until a successor is duly appointed and, if required by law, confirmed. Also amends 7-86-304 regarding considerations the statewide emergency communications board may make in setting a rate for a financially distressed district.  
  
Effective May 3, 2001.
- Public Chapter 263      Senate Bill 1841 House Bill 1891  
Re-enacts the Local Government Emergency Assistance Act of 1987 that expressly authorizes mutual aid agreements between local governments and outlines the responsibilities of the parties to such agreements. This act was inadvertently deleted from the code last session when the TEMA statutes were comprehensively revised.

As a result, the act also ratifies and validates any act of a local government in reliance on the prior provisions between the date of their repeal, July 1, 2000 and the effective date of their re-enactment, May 22, 2001.

Effective May 22, 2001.

Public Chapter 321      House Bill 1242 Senate Bill 329  
Amends 68-1-1101 and -1102, 68-3-502(c)(2) and 68-142-108(e) to adopt the “Sudden, Unexplained Child Death Act.” The act requires the collection of data and outlines the procedures for determining the cause of the sudden death of a child. The act defines “sudden infant death syndrome” as sudden death of a child under one year that remains unexplained after investigation, autopsy and review of clinical history. The act requires the Chief Medical Examiner to develop and implement a training program for child death pathologists and to adopt protocol and policies for investigation. All emergency technicians, professional firefighters and law enforcement officers shall be trained in handling these cases, including the importance of being sensitive to the grief of family members. There are other requirements outlined for autopsy and death scene investigation.

Effective July 1, 2001.

Public Chapter 419      Senate Bill 1013 House Bill 1555  
Amends 29-20-310 to provide that “health care practitioner” means licensed physicians and licensed nurses regarding the employee liability exception to the Governmental Tort Liability Act for medical malpractice. Excludes emergency medical technicians that were previously included by a recent Supreme Court decision.

Effective June 27, 2001. (The effective date was contingent upon enactment of House Bill 1184/Senate Bill 1347, which became effective on June 27, 2001 as Public Chapter 424.)

## **ENVIRONMENT**

Public Chapter 119      Senate Bill 179 House Bill 291  
Amends the definition of municipality so as to include counties under the storm water management provisions, which permits municipalities to regulate storm water discharges, to establish a system of drainage facilities and to require payment of fees for the privilege of discharging storm water. The Act also removes the population limitation to include more municipalities within the storm water management statutes. Phase II of the Environmental Protection Agency’s storm water regulations will affect a significant number of cities and counties that were not affected by Phase I, and this Act grants the newly affected cities and counties the authority previously enjoyed by larger municipalities. The authority granted to the counties by this Act is limited to its exercise only outside the jurisdiction of an incorporated city or town. It is expected that Phase II will affect the following county governments: Anderson, Blount, Carter, Davidson, Hamilton, Hawkins, Knox, Loudon, Madison, Maury, Montgomery, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Washington, Williamson and Wilson.

Effective April 26, 2001.

Public Chapter 258      Senate Bill 1461 House Bill 1534  
Adds a new section, 55-4-133, to require the department of safety to conduct a promotional campaign to increase public knowledge of the availability of used oil collection facilities and the benefits of recycling used oil. This campaign will include information provided with motor vehicle registration renewal notices. Any cost to implement this campaign will come from funds derived from taxes authorized by the Used Oil Act of 1993.

Effective July 1, 2001.

Public Chapter 317      House Bill 110 Senate Bill 6  
Creates 69-12-127 regarding dam safety. The Commissioner of Environment and Conservation shall provide an inventory of existing dams in each county to the County Executive. The County Executive is required to provide this information to the building permit authority in the county, if any. If the county receives an application for a building permit for construction of a new structure or alteration of an existing structure, the county shall notify the applicant of any dams presently upstream and that the applicant's proposed construction could be potentially affected by failure of such dam. There are also certain duties imposed on the applicant with respect to notification to the property owner, or if the structure is for sale, the duty is to the initial purchaser. The Department of Environment and Conservation determines if the proposed structure will result in a reclassification of the hazard category of the dam.

Effective July 1, 2001.

Public Chapter 402      House Bill 538 Senate Bill 1513  
Amends 68-221-607(16) relative to the authority of local Water and Wastewater Authorities to adopt regulations governing the operation and maintenance of nontraditional sewage disposal systems. The definition of "nontraditional sewage disposal systems" was amended to exclude only those wastewater collection and disposal systems owned or operated by a governmental entity. Also requires that a copy of any regulations adopted by the Authority be filed with the Department of Environment and Conservation.

Effective June 19, 2001.

## **FINANCE**

Public Chapter 28      Senate Bill 1333 House Bill 1528  
Amends 7-82-105, 49-9-103 and 67-5-205 to remove the requirement that bonds and notes issued for a public purpose by any county (or other governmental entity) have stated on the face of such bonds or notes that neither the principal nor interest of such bonds and notes shall be taxed by the state or any county or municipality in this state.

Effective July 1, 2001.





- Public Chapter 32      Senate Bill 462 House Bill 873  
Amends 12-10-115(a)(2) to exempt leases, loan agreements, sales contracts or operating contracts with public building authorities for school purposes as specified in 49-3-1004, from the referendum requirements found in 9-21-205 - 9-21-212.  
  
Effective March 30, 2001.
- Public Chapter 33      Senate Bill 1512 House Bill 1304  
Amends 9-4-506(a) to modify the membership on the collateral pool board so as to include one representative of local governments who has at least two years of experience in the field of finance. The local government representative will be appointed by the state treasurer for a two year term from a list of three nominees submitted by the Tennessee County Services Association (TCSA) , the Tennessee Municipal League (TML) or the Tennessee County Officials Association (COAT). The current representative nominated by the TCSA shall serve until the end of term which expires on June 30, 2001. Thereafter, nominations shall be alternated in the following order: TML, COAT, TCSA. Also, deletes 9-4-521, thereby eliminating the security for public deposits task force.  
  
Effective March 30, 2001.
- Public Chapter 253      Senate Bill 1328 House Bill 1531  
Amends 49-3-1002 to authorize the county legislative body when authorizing the issuance of school bonds to approve an interest rate swap or exchange agreement establishing interest rate floors or ceilings or both, and other interest rate hedging agreements under such terms and conditions as the county legislative body may determine. Also, the county legislative body may enter into an agreement to sell its school bonds (other than refunding bonds) at a time greater than 90 days after execution of the agreement in conformity with guidelines adopted by the state funding board and after approval by the comptroller of the treasury. Agreements to sell bonds for delivery 90 days or less after execution of the agreement do not require a report to the comptroller of the treasury. The agreements must be in conformity with guidelines delineated in the act and as further established by the state funding board. The comptroller's office must respond to a county's request to determine conformity of an agreement with the guidelines of the state funding board within fifteen days of receipt of the request, otherwise the county may act as it deems appropriate in conformity with such guidelines. If the comptroller finds the county's request not in compliance with the guidelines, the county is not authorized to enter into the agreement. This act also makes similar provisions for interest rate swap or exchange agreement for bonds issued by the state's local development authority, amending Title 4, Chapter 31. This act makes other minor changes to the Local Government Public Obligation Law at Title 9, Chapter 21, Part 9 and the Revenue Bond Law at Title 7, Chapter 34, Part 1.  
  
Effective July 1, 2001
- Public Chapter 290      House Bill 1529 Senate Bill 1330  
Adds a new chapter 22 to Title 9 to clarify the statutory framework governing the perfection, priority and enforcement of pledges and liens made or granted in connection with the issuance of public obligations and to preserve customary

practices. The grant of a pledge or creation of a lien on collateral by an issuer where authorized under Tennessee law is valid and binding from the time the pledge or lien is created or granted and need not be publicly filed or recorded to preserve, protect or perfect the validity of the pledge or lien. Public obligations evidenced by multiple bonds, notes, certificates or other instruments of the same issue will be equally and ratably secured, without priority by reason of number, date, date of sale, date of execution or date of delivery, by any pledge or lien created or granted on collateral to secure the payment thereof, unless otherwise provided by the official action authorizing the public obligation. Any pledge or lien created or granted by an issuer will be junior in priority to pledges, liens and other security interests created or granted prior to the date such pledge or lien is created or granted; however, an official action may provide for the issuance of additional public obligations on a parity with, or senior to, the public obligations authorized thereby. Section 49-9-109 relating to school bonds is amended to specifically include the provisions of this Chapter 22 of Title 9.

Effective July 1, 2001.

Public Chapter 348

Senate Bill 92 House Bill 154

Amends 9-1-108(c) regarding payment of county taxes, licenses, fines and fees by credit card or debit card. Authorizes the county legislative body to waive the processing fee that is otherwise added to the amount collected when payment is by credit card or debit card. Deletes the requirement that any processing fees collected be deposited in the general fund and also deletes the requirement that use of a credit card or debit card will result in the collecting officer receiving less than otherwise required or permitted by law. Also, the provisions of this law allowing payment by credit card or debit card is extended to utility districts and any commission, or authority created or authorized by general or local law.

Effective June 7, 2001.

**HIGHWAYS**

Public Chapter 73

Senate Bill 486 House Bill 751

Amends 55-8-147(a) to require school buses to stop at all railroad crossings whether or not the bus is carrying children.

Effective April 11, 2001.

Public Chapter 252

Senate Bill 1296 House Bill 1523

Amends 55-8-152 to add a new subsection to state that only the Department of Transportation has the authority to set speed limits on access-controlled roadways designated as being on the state systems of highways and on roadways designated as being on the state system of interstate highways.

Effective July 1, 2001.

Public Chapter 315

Senate Bill 1887 House Bill 1914

Amends 65-11-101 to require submission of plans for the construction of railroad crossings or conversion of a private crossing to public access, to the Department of

Transportation prior to such construction. Prior to making a decision on the plans for construction, the Department will submit the plans to the Federal Highway Administration, the involved railroad and the affected local government for comment. The Department shall also adopt standards for this construction or conversion including warning device standards. The party making application is responsible for construction costs. If such crossings are constructed in violation of this Act, the railroad may remove the crossing and recover costs of removal from the applicant. Any standards adopted by the Department shall not apply to crossings established prior to July 1, 2001, except for determining if closure of a crossing is warranted.

Effective May 30, 2001.

## **LAW ENFORCEMENT**

Public Chapter 3      Senate Bill 201 House Bill 284  
Makes domestic violence training a required part of the curriculum of the Tennessee Peace Officer Standards and Training Commission, the Commission on Firefighting Personnel Standards and Education and the Department of Health's training for emergency services personnel.

Effective July 1, 2001.

Public Chapter 25      Senate Bill 506 House Bill 593  
Amends 38-3-120 to give the owner of a Category I Nuclear Facility the same rights, authority and limitations as TVA possesses with regard to the appointment of peace officers by the Commissioner of Safety. Peace officers appointed or designated by the owner of such a nuclear facility shall have all the powers of a peace officer in the county where the facility is located, including the power to make arrests for public offenses committed against the employees or the property of the facility, pursue a fleeing offender and make arrests anywhere in the state, investigate such offenses and carry weapons.

Effective March 22, 2001.

Public Chapter 42      Senate Bill 133 House Bill 183  
Amends 38-8-106 regarding the qualifications of police officers to clarify that the requirement of having a high school diploma or general equivalency degree includes a GED or high school equivalency degree obtained from a correspondence school accredited by the accrediting commission of the Distance Education and Training Council in Washington, D.C. and which is recognized as an equivalency degree by any institution of higher education in Tennessee.

Effective April 4, 2001; provided, however that the language regarding a degree from a correspondence school shall cease to be effective one year from the effective date of the act after which time a standard high school diploma or GED shall be required to satisfy the educational requirement for persons desiring to qualify under the statute in the future.

- Public Chapter 50      Senate Bill 652 House Bill 411  
Amends 55-8-183 regarding funeral processions to delete the statement in the law that oncoming traffic is to proceed as normal when meeting a funeral procession.  
  
Effective July 1, 2001.
- Public Chapter 60      House Bill 1124 Senate Bill 1279  
Amends 55-8-108 to provide that the driver of an authorized emergency vehicle, when responding to an emergency call or fire alarm or in pursuit of a suspect, shall only be required to use visual signals while the vehicle is parked or standing. The act states that nothing in 55-8-108 should be construed to prohibit the driver from using both audible and visual signals while parked or standing in the discretion of the driver.  
  
Effective April 4, 2001.
- Public Chapter 108      Senate Bill 1646 House Bill 1369  
Enacts a new provision in Title 40, Chapter 25 to authorize the Department of Correction to collect money from an inmate trust fund account of any defendant in its custody to satisfy any unpaid costs imposed on the defendant.  
  
Effective July 1, 2001.
- Public Chapter 138      House Bill 1285 Senate Bill 1102  
Amends 55-9-414 to allow commissioned police officers of a private university located in Davidson County operating their vehicles within 5 miles of university property, or as directed by the chief law enforcement officer of the county, to use blue flashing emergency lights on their motor vehicles.  
  
Effective July 1, 2001.
- Public Chapter 321      House Bill 1242 Senate Bill 329  
Amends 68-1-1101 and -1102, 68-3-502(c)(2) and 68-142-108(e) to adopt the “Sudden, Unexplained Child Death Act.” The act requires the collection of data and outlines the procedures for determining the cause of the sudden death of a child. The act defines “sudden infant death syndrome” as sudden death of a child under one year that remains unexplained after investigation, autopsy and review of clinical history. The act requires the Chief Medical Examiner to develop and implement a training program for child death pathologists and to adopt protocol and policies for investigation. All emergency technicians, professional firefighters and law enforcement officers shall be trained in handling these cases, including the importance of being sensitive to the grief of family members. There are other requirements outlined for autopsy and death scene investigation.  
  
Effective July 1, 2001.

Public Chapter 360

House Bill 288 Senate Bill 1442

Amends 8-8-102 regarding the qualifications to be sheriff to clarify the language regarding minimum educational requirements. Specifies that high school equivalency must be evidenced by a high school diploma, a general educational development (GED) certificate, a high school equivalency degree or a diploma from an accredited college or university for which a high school education is a prerequisite to admission.

Effective June 7, 2001.

**MUNICIPALITIES**

Public Chapter 129

Senate Bill 1903 House Bill 1930

Amends 6-1-210 which validates the charter of certain municipalities to add a subsection to ratify and validate the charter, incorporation and election of officials for a territory that approved a mayor-aldermanic charter and elected officials on or before December 31, 1999; has functioned continuously as a municipality since that time and received and expended state funding during that time.

Effective April 26, 2001.

**PERSONNEL**

Public Chapter 160

Senate Bill 1403 House Bill 1084

Amends 50-9-109 to require an employer who participates in the state workers' compensation Drug Free Workplace Program to notify the parents or legal guardians of a minor of the results of the minor's drug or alcohol test conducted under the program. Amends 50-9-105 to require the employer to provide notice that the minor's parents or guardians will be notified of the test results.

Effective July 1, 2001.

Public Chapter 192

House Bill 619 Senate Bill 1188

Extends to July 1, 2007 provisions of the Workers' Compensation Reform Act of 1996 that were set to expire July 1, 2001. Extends the advisory loss cost system to July 1, 2007. Amends 56-5-314 to provide that if, by July 1, 2003, the commissioner of insurance determines that the assigned risk pool exceeds 15% of the eligible employer market, the commissioner must either activate the competitive state workers compensation insurance fund, or implement a plan of random direct assignment of all assigned risk policies to workers compensation insurers. Eliminates the penalty in 50-6-118 for late filing of notice of denial of claim. Amends 50-6-121 to require three attorneys on the advisory council on workers compensation instead of two. Amends 50-6-238 to change the penalty to \$10,000 for failure to comply with a workers' compensation specialist's order within 15 days of receipt of the order; if compliance is not shown after 21 days the penalty is \$1,000 per day; if compliance is not shown after 30 days, the insurer's license or self-insured employer's or self-insured pool's status as a self-insured employer or self-insured pool is subject to revocation.

Effective July 1, 2001.

- Public Chapter 219      Senate Bill 1404 House Bill 1644  
Amends 50-6-201 relative to notice of injury in workers' compensation cases. A worker whose injury is the result of gradual or cumulative events or trauma must provide notice of the injury within thirty (30) days after s/he knows or reasonably should know that s/he has suffered a work-related injury that has resulted in permanent physical impairment, or within thirty days after s/he is rendered unable to continue normal work activities as a result of the work-related injury and s/he knows or reasonably should know that the injury was caused by work-related activities.
- Effective July 1, 2001.
- Public Chapter 244      Senate Bill 273 House Bill 771  
Amends 50-6-237 by adding a new subsection which provides that when a benefit review conference is held, the employee, employer and employer's insurer are required to provide a person with the authority to settle the dispute to attend the conference. Failure to do so by an employer or insurer shall subject the employer or insurer to a penalty of not less than \$50 nor more than \$5,000.
- Effective July 1, 2001.
- Public Chapter 246      Senate Bill 635 House Bill 1214  
Amends 50-6-204(a)(4) to add that if an employee's injury requires the treatment of an orthopedic physician or a physician who practices neuroscience, then the employer may appoint of panel of these experts consisting of five physicians, with no more than any four affiliated in practice. If an employee is offered this treating panel, the employee is entitled to have a second opinion on the issue of surgery, impairment and a diagnosis from that same panel of physicians.
- Effective May 22, 2001.
- Public Chapter 411      House Bill 1603 Senate Bill 1366  
Amends 7-51-204 by deleting the section and replacing it with a new section which requires any county or municipality with a regular fire department with regular full-time employees to make monthly deductions of membership dues for an employee association upon request of the employee if the chief administrative officer of the employee association has certified that the association's current membership is not less than 40% of all the employees of the county or municipality who qualify for membership.
- Effective June 20, 2001.

## **PURCHASING**

- Public Chapter 407      House Bill 1126 Senate Bill 893  
Amends 12-10-124(c) to require public building authorities to competitively bid construction contracts over \$10,000. Contracts for projects estimated to be more than \$10,000 but less than \$1 million must be awarded through a public advertisement and competitive bid process. Contracts for projects estimated to be \$1 million or over may be made through (1) a public advertisement and competitive bid process, (2) a request for proposals process, or (3) a request for qualifications process. In each

process, the contract is to be awarded to the lowest bidder who meets the appropriate requirements. Authorizes an alternative request for proposals process to be used in contracting for “all services” which allows the contract to be awarded to the best proposer based on a number of criteria. Leases and lease-purchases for real estate with total payments \$10,000 or more must be entered into after competitive bids or requests for proposals unless the contract is with a governmental entity.

Effective June 19, 2001.

## **RECORDS**

### **Public Chapter 72**

#### **Senate Bill 376 House Bill 387**

Enacts the Uniform Electronic Transactions Act. The law applies to electronic records and electronic signatures relating to a “transaction” sent or received after the effective date of the act except the following:

- (1) transactions governed by the law regarding wills, codicils or testamentary trusts; and,
- (2) transactions covered by the Uniform Commercial Code, Title 47, Chapters 1-9, except for waivers and renunciations under 47-1-107, the statute of frauds for certain personal property transfers under 47-1-206 and Chapters 2 and 2A covering sales and leases.

The act does not require a record or signature to be created, sent, generated, etc., in electronic format and only applies to transactions where all parties have agreed to conduct the transaction electronically but it does provide broad authorization for the use of electronic records and signatures. The act provides that if the law requires a record or signature to be in writing, an electronic record or signature satisfies the requirement; however, the law also provides that if a law other than this act requires a record to be posted or displayed in a certain manner, to be sent, communicated or transmitted by a specified method, or to contain information that is formatted in a certain manner, then the record must be posted, displayed, sent, communicated or transmitted in accordance with that law. Similarly, if a law requires a record to be retained, the requirement is satisfied by keeping it electronically if the electronic record accurately reflects the information in the record and if the electronic record remains accessible for later reference. One provision of the act notably states that the act does not preclude a governmental agency of this state (which is defined to include county governments) from specifying additional requirements for the retention of a record subject to the agency’s jurisdiction. The act provides that evidence of a record may not be excluded solely because it is in electronic form. The act sets presumptions for determining time and place of sending and receipt of electronic record, especially for automated transactions.

Another section of the act governs specifically the creation and retention of electronic records and conversion of written records by governmental agencies. It provides for the Information Systems Council (ISC) to determine whether and the extent to which the state or any of its agencies create and retain electronic records and convert written records to electronic records. Likewise, officials of counties and municipalities and other political subdivisions shall determine for themselves whether and the extent to which they will create and retain electronic records and convert

written records to electronic records. Those officials can also determine whether and the extent to which the governmental agency will send and accept electronic records and signatures to and from other persons. To the extent that any governmental agency chooses to do this, the information systems council may establish certain rules and regulations governing the process. Local government officials that choose to send and receive electronic records that contain electronic signatures, must file certain documentation with the comptroller prior to offering such service as well as providing a post-implementation review. The provisions of this act are to serve as a substitute for the former provisions of Title 5, Chapter 24, The Electronic Commerce Act of 2000.

Effective April 11, 2001 for the purposes of the information systems council establishing standards and procedures. For all other purposes, the act takes effect July 1, 2001.

Public Chapter 259

Senate Bill 1473 House Bill 867

Amends 10-7-504 to make credit card numbers of persons doing business with the state or a political subdivision thereof, and related personal identification numbers or authorization codes confidential and not open for inspection by members of the public. Also makes information that would allow a person to obtain unauthorized access to confidential information or to government property confidential. This listing includes, but is not limited to, security codes, passwords, combinations and other information that could be used to disrupt, interfere with or gain unauthorized access to electronic information or government property.

Effective May 22, 2001.

**REGISTERS OF DEEDS**

Public Chapter 48

Senate Bill 515 House Bill 777

Amends 66-24-101(b) regarding the authority and circumstances under which the register may refuse to register certain documents that are not legible or capable of legible recording or reproduction. This new law replaces the old subsection which applied only to Anderson County. This law applies to most documents, including all documents listed in 66-24-101(a), but does not apply to Uniform Commercial Code documents, corporate charters or limited partnership agreements. Most of these listed documents relate to real property. The county register may refuse to register any writing listed in 66-24-101(a) if such writing, in the opinion of the register, is illegible or cannot be legibly reproduced, unless the person seeking to register the writing attaches to the document for recording an affidavit providing the following:

- (1) a statement that the writing is the best available original;
- (2) the type of document or instrument;
- (3) the grantor(s) and grantee(s);
- (4) the date of execution;
- (5) the name of the person or persons authenticating or acknowledging the signature of the grantor, and their title, if any;
- (6) a description of the real property, if any, being affected; and
- (7) all other information or recitals required by law for registration.



Effective April 4, 2001  
Public Chapter 134 Senate Bill 512 House Bill 776  
Amends 66-24-110(b) to make an exception to the general rule that the preparer complete a recital referencing the deed or other recorded instrument wherein the grantor of an instrument received the equitable interest in the real estate. Under this exception, if the deed or other instrument from which the grantor received the equitable interest is received by the register simultaneously with the instrument upon which the recital is required, then the preparer is required to leave blanks in the recital for the book and page number or other appropriate reference and the register is then obligated to enter the appropriate reference after the deed or other instrument has been recorded.

Effective April 26, 2001.

Public Chapter 353 Senate Bill 1276 House Bill 1328  
Enacts the Revised Uniform Partnership Act of 2001. Fees that the register charges for recording documents pursuant to this act will be the standard fees under the basic fee statute, 8-21-1001. The current specific recording fee for recording certificates of limited partnership will be superseded on January 1, 2002.

The effective date for the change in Register's fees charged is January 1, 2002.

## **RETIREMENT**

Public Chapter 58 House Bill 717 Senate Bill 892  
Equalizes years of service in Section 8-27-302(d)(3) in determination for payment of health insurance after retirement to same years of service calculation used for retirement allowance for local education employees. Amends Section 8-34-101(34) to allow election not to receive lump sum payments if monthly retirement allowance is between \$10 and \$50. Election must be made within thirty days after the retiree received the lump sum payment. Election is not available to persons who become members of the retirement system after July 1, 2001. Outlines in Section 8-36-117, when monthly benefits will cease following the death of the payee and payment criteria for payee beneficiaries. Provides in Section 8-37-220(a) authority for the board of trustees to establish rules for permitting members to establish retirement credit through equal monthly installments and specifies the number of installments based upon months of service. Provides in Section 8-36-123(b) for eligibility of members for a disability retirement allowance, when member does not qualify under other statutes, when member suffers from total and permanent disability and meets four other enumerated criteria. Limits in Section 8-36-502(a) the time in which a member may apply for accidental disability retirement to two years from the date of the claimed accident or one year from the member's last paid day of employment, whichever is later.

Effective April 4, 2001.

## **SOLID WASTE**

Public Chapter 387 Senate Bill 667 House Bill 147  
Amends Title 68, Chapter 211 to allow the department of environment and

conservation to issue permits authorizing the use of treated ash aggregate (TAA) as a building material in construction or site preparation applications in commercial and industrial settings. TAA means bottom or fly ash resulting from incineration of municipal solid waste that has been treated to assure that it is not a hazardous waste. Also, this act amend 68-211-103 to redefine “solid waste”, “solid waste disposal” and “solid waste processing”. Includes ash within the definition of solid waste. Solid waste processing is defined so that it does not include the grinding or shredding of landscaping or land clearing wastes or unpainted, unstained and untreated wood into mulch or other useful products.

Effective July 1, 2001.

## **TAXATION**

### **Public Chapter 225**

House Bill 470 Senate Bill 1166

Amends 67-4-601 relative to litigation tax to expand use of the special additional litigation tax authorized in 2000. As originally enacted, the law required that revenue from this specific tax must be used for jail or workhouse construction, re-construction or upgrading. This act amends 67-4-601 to allow such revenue also to be used for courthouse renovation.

Effective May 15, 2001.

### **Public Chapter 344**

Senate Bill 1973 House Bill 2006

Adds a new section, 67-4-1907, which authorizes a county to levy a rental car tax in addition to the state tax in the amount of two percent of the gross proceeds derived from the lease or rental of any passenger motor vehicle, truck or trailer for periods of 31 days or less, with exceptions, if the county deposits the proceeds in an “NBA Arena Fund” which shall be used to pay the costs incurred in modification or construction of an arena facility for a National Basketball Association member team. Provides for joint county-city participation for construction of an arena. Although this act is most likely to be used by Shelby County, it is a general law applicable in any county meeting the criteria of the act.

Effective in a particular county upon 2/3 majority vote of the county legislative body before January 1, 2002.

### **Public Chapter 386**

Senate Bill 633 House Bill 1281

Amends 67-4-702(13) to change the definition of “sales price” for business tax purposes so that it does not include any additional consideration received by a motor vehicle dealer from a lender for the sale or assignment of a chattel lease or conditional sales contract.

Effective June 19, 2001.

### **Public Chapter \_\_\_\_**

Senate Bill 1475 House Bill 1283

Amends 67-4-602 regarding litigation tax. Provides that litigation tax in criminal cases be levied for each criminal charge, upon conviction or by order, rather than being levied once per each case. Adds language to 67-4-602 to provide that when city courts exercise concurrent jurisdiction with general sessions court, the taxes levied

pursuant to 67-4-602(a) are in addition to the privilege tax levied in general

sessions court. Amends 67-4-602(b) to provide that the litigation tax in criminal cases levied by that subsection may be levied on criminal charges in city court if the city court is exercising concurrent jurisdiction with the general sessions court.

Effective upon becoming a law.

**[NOTE: THIS BILL, PASSED ON THE 12<sup>TH</sup> OF JULY, WAS ONE OF THE LAST PASSED BY THE GENERAL ASSEMBLY. AT TIME OF PUBLICATION, IT WAS STILL UNDER CONSIDERATION BY THE GOVERNOR. IT WAS NOT KNOWN WHETHER IT WOULD BE SIGNED, VETOED, OR GO INTO EFFECT WITHOUT HIS SIGNATURE.]**

## **TAXATION - PROPERTY**

Public Chapter 104      Senate Bill 1507 House Bill 1732  
Amends 67-5-2405 relative to suits for delinquent property taxes, so that the suit is brought in the name of the county in its own behalf and for the use and benefit of the state, municipality and any other special district that has certified a delinquent tax list.

Effective April 18, 2001.

Public Chapter 152      Senate Bill 1068 House Bill 1731  
Amends 67-5-1005, 67-5-1006 and 67-5-1007 to require application for agricultural land, forest land or open space be filed not later than March 1. The method of valuation of the greenbelt property was amended. The rate of increase in per acres use values shall not exceed a factor measured by the number of years since the last general reappraisal times seven percent if the reappraisal is conducted in 2001 or six percent if the reappraisal is conducted in 2002 or later. Land schedule value was amended and now termed "farm land value" which is now determined based solely on farm to farm sales *least* influenced (rather than *not* influenced) by commercial, industrial, recreational or urban development, the potential for such development, or any other speculative factors. Section 67-5-1008(d)(2) was amended regarding the amount of tax savings. The amount of tax savings for greenbelt property shall be the rollback taxes due as the result of disqualification or withdrawal of the land from classification. Rollback taxes are payable from the date written notice is provided by the assessor, and are not delinquent until March 1 the following year. Rollback taxes are a first lien on the property similar to other property taxes and a personal responsibility of the current owner or seller. Liability for rollback taxes may be appealed to the state board of equalization by March 1 of the year following notice.

Effective May 3, 2001 and for the 2001 tax year, except the change in greenbelt application deadline to March 1 is not effective until 2002.

Public Chapter 167      House Bill 290 Senate Bill 14  
Deletes 67-5-2011 wherever it appears, thus eliminating the extension of the due date for payment of property taxes for those persons in the armed forces stationed in or about Saudi Arabia during Desert Shield or Desert Storm Operations.

Effective July 1, 2001.

Public Chapter 176

House Bill 1826 Senate Bill 1506

Deletes the prohibition on back assessments or reassessments on property which has been assessed by the regularly constituted assessing authorities. Clarifies that municipalities lying within two counties that also maintain separate assessment offices, may make back assessments and reassessments on property in the municipality and subject to municipal taxation through the offices of the municipal assessor in the manner provided in Title 67, Chapter 1, Part 10. Removes specific deadline of thirty days to appeal a decision of the municipal board of equalization to the state board of equalization and provides that such appeal shall be taken in the same manner as appeals from the county board of equalization.

Effective May 3, 2001.

Public Chapter 385

Senate Bill 1624 House Bill 1590

A private act hospital authority created pursuant to Title 7, Chapter 57, Part 6, beginning with the 2001 tax year, and thereafter, is exempt from the payment of any taxes to any county or municipality, but must pay the fees required by 68-11-216 and county and municipal fees. An authority may agree to the payment of tax equivalents to the creating or participating governing authority or entity. Beginning January 1, 2002, any claim for exemption under this law will be determined by the state board of equalization following application and shall be limited to property of the authority which would be exempt if owned and operated by a charitable hospital.

Effective approximately June 12, 2001.

Public Chapter \_\_\_\_

Senate Bill 1475 House Bill 1283

Amends Title 7, Chapter 64, Part 1 regarding deferral of real property tax on residences of persons who are over 65 years of age, disabled or veterans in those counties which have adopted a tax deferral program. Amends 7-64-103 and 7-64-212 to authorize the county legislative body in counties with a program to provide an application date later than March 1 if it so chooses. Changes the deadline for complaints and appeals to the state board of equalization from August 1 to 45 days of the date written notice is sent of the action which is the subject of the appeal.

Effective upon becoming a law.

**[NOTE: THIS BILL, PASSED ON THE 12<sup>TH</sup> OF JULY, WAS ONE OF THE LAST PASSED BY THE GENERAL ASSEMBLY. AT TIME OF PUBLICATION, IT WAS STILL UNDER CONSIDERATION BY THE GOVERNOR. IT WAS NOT KNOWN WHETHER IT WOULD BE SIGNED, VETOED, OR GO INTO EFFECT WITHOUT HIS SIGNATURE.]**

**TORT LIABILITY**

Public Chapter 419

Senate Bill 1013 House Bill 1555

Amends 29-20-310 to provide that "health care practitioner" means licensed physicians and licensed nurses regarding the employee liability exception to the Governmental Tort Liability Act for medical malpractice. Excludes emergency medical technicians that were previously included by a recent Supreme Court decision.

Effective June 27, 2001. (The effective date was contingent upon enactment of House Bill 1184/Senate Bill 1347, which became effective on June 27, 2001 as Public Chapter 424.)

Public Chapter 424

House Bill 1184 Senate Bill 1347

Amends 29-20-403 relative to governmental tort liability limits. 29-20-403(b)(2)(A) is amended to apply those presently established limits to occurrences between July 1, 1987, and July 1, 2002. New subparts were created to enlarge limits for occurrences on or after July 1, 2002, but before July 1, 2007. The new limits are \$250,000 for bodily injury or death of one person in one occurrence and not less than \$600,000 for bodily injury or death of all persons in one occurrence and \$85,000 for property damage. For occurrences on or after July 1, 2007, the minimum limits are \$300,000 for bodily injury or death of one person in one occurrence, \$700,000 for bodily injury or death of all persons in one occurrence and \$100,000 for property damage. A commission is created to develop and propose legislation for a Catastrophic Injuries Fund. The membership and appointment procedures for this commission is outlined. The state share cost for any increased expenditure required by a county by the provisions of this act will be provided from the unallocated tax revenue of state-shared taxes enumerated in 9-6-301.

Effective June 27, 2001 for purposes of creation of the commission. For all other purposes, the act shall take effect July 1, 2001. (The effective date was also contingent upon passage of Senate Bill 1013/House Bill 1555, which became effective June 27, 2001 as Public Chapter 419.)

## UTILITIES

Public Chapter 2

Senate Bill 3 House Bill 126

Amends 55-9-105 to provide another exception to the general rule of this statute which prohibits the placing of television screens or similar devices in a motor vehicle where it may be visible to the driver. This new exception will allow utility vehicles, including utility vehicles used by counties, to have computer or other electronic displays or monitors in such utility vehicles visible to the driver. However, such displays or monitors may only be used while the vehicle is stopped, standing or parked.

Effective March 14, 2001.

Public Chapter 120

Senate Bill 330 House Bill 1316

Amends the Underground Utility Damage Prevention Act at 65-31-110 to provide that each utility, regardless of the use or material, will be installed with sufficient clearance to permit the maintenance of existing utilities, and to protect against damage to existing utilities.

Effective April 26, 2001.

Public Chapter 185

Senate Bill 1879 House Bill 1458

Amends 7-39-302 to require that any engineering services provided to an energy acquisition corporation (formed with the approval of county, municipality or metropolitan government) will be provided in compliance with Title 62, Chapter 2 which provides for licensing of architects, engineers, landscape architects and registered interior designers.

Effective July 1, 2001.

**ZONING**

Public Chapter 265

House Bill 252 Senate Bill 250

Amends 13-7-101(a)(2) and 13-7-201(a)(2). Empowers a county or municipality to adopt regulations for the transfer of development rights as a part of its zoning regulations. Currently only metropolitan governments have this authority, and this Act removes this restriction. The act also allows a municipality, county, metro government, the state or not-for-profit conservation or preservation organization to be the receiving entity of development rights without designating a receiving property and regardless of sending/receiving ratios established in local zoning regulations. Permits a property owner to donate by gift or testamentary disposition, development rights to these entities.

Effective May 22, 2001.

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## **PART II – PUBLIC ACTS OF LOCAL APPLICATION**

### **BEDFORD**

Public Chapter 193

House Bill 732 Senate Bill 1086

Amends 54-7-104 relative to the qualifications of chief administrative officers of county highway departments to delete a narrow population exemption that Bedford County grew into, that established that the only requirement was a high school education or GED.

Effective July 1, 2001.

### **BLEDSON**

Public Chapter 223

Senate Bill 1763 House Bill 1798

Creates a governmental authority known as the “Bledson Regional Water Authority” for water and wastewater purposes. The authority shall be governed by a Board of Directors whose members are the County Executive of Bledson County or designee, and one director each from Pikeville Utility District, North Bledson Utility District, Fall Creek Falls Utility District and the Summer City Utility District. If the City of Pikeville adopts a resolution by 2/3 vote, it may also appoint one person to serve on the Board of Directors. The act outlines the powers of the authority as well as provisions relating to the establishment of rates and issuance of notes and bonds. The authority has the power of eminent domain and is exempt from state and local taxation.

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

### **BLOUNT**

Public Chapter 112

Senate Bill 1775 House Bill 1784

Amends 57-4-102(14)(F) to authorize the sale of alcoholic beverages at a particular hotel establishment in Blount County as described in the act.

Effective April 18, 2001.

### **CARROLL**

Public Chapter 33

House Bill 1976 Senate Bill 1938

Authorizes a non-binding advisory referendum on the issue of locating a state prison in Carroll County. Provides that upon the adoption of a resolution by the county legislative body, a special election on the question shall be held not less than fifty nor more than seventy days after the election commission receives the resolution.

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

## **CHESTER**

### **Public Chapter 391**

#### **Senate Bill 1337 House Bill 835**

Provides for the installation of signs on the State Highway 100 Bypass in Chester County in honor of the late Noah F. Weaver designating the highway the “Noah F. Weaver Memorial Highway.” The Department of Transportation will only install the signs if Chester County either remits payment for same or manufactures the signs within one year of the effective date of the Act. Alternatively, Chester County is authorized to manufacture and install the signs. The Act only becomes operative if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the Act will not render Tennessee in violation of federal laws or regulations.

Effective July 1, 2001.

## **COFFEE**

### **Public Chapter 115**

#### **House Bill 463 Senate Bill 1065**

Amends the law regarding the formation of a metropolitan government at 7-2-108 to provide that in counties in which the county seat (Manchester) is not the principal city (Tullahoma), the urban services district may consist originally of the total area of the county seat city and such other area, including that of the principal city, as may be recommended by the charter commission if adopted as part of charter. This act applies to a county which has not adopted a metropolitan form of government on the effective date of this act, but is in the process of creating a charter commission to create a metropolitan government if such county adopts such form of government by September 1, 2001. If a metropolitan government is not adopted by September 1, 2001, the provisions of this act cease to be effective.

Effective July 1, 2001.

### **Public Chapter 168**

#### **House Bill 464 Senate Bill 1066**

Amends the law regarding the formation of a metropolitan government at 7-2-108 to provide that whenever an urban services district lies in two or more counties, a special services district may be created in any portion of such urban services district which lies outside of the territory of the county in which the majority of the urban services district lies. This special services district must be created solely for the purpose of public education. This provision is effective for any county which has not adopted a metropolitan form of government on the effective date of this act but is in the process of creating a charter commission to create a metropolitan government if such county adopts such form of government by September 1, 2001. If a metropolitan government is not adopted by September 1, 2001, the provisions of this act cease to be effective.

Effective May 3, 2001.

## **CUMBERLAND**

### **Public Chapter 46**

#### **Senate Bill 284 House Bill 450**

Amends 7-82-307 to provide that any water utility district in Cumberland County with less than 1,600 subscribers will be governed by a five member board and that vacancies on such board will be filled by vote of the customers of the district. Board members must be customers of the district. For each vacancy the incumbent board members will select three nominees. Other nominees may be placed on the ballot by a petition of at least 10 customers. Write-in votes for unlisted candidates will also be counted.

Effective April 4, 2001.

## **DAVIDSON**

### **Public Chapter 51**

#### **Senate Bill 1327 House Bill 1111**

Provides for the installation of directional signs on Interstate 65 at Exit 79 to Father Ryan High School. The Department of Transportation will only install the signs if Davidson County either remits payment for same or manufactures the signs within one year of the effective date of the Act. Alternatively, Davidson County is authorized to manufacture and install the signs.

Effective July 1, 2001.

### **Public Chapter 228**

#### **House Bill 1089 Senate Bill 1407**

Amends 62-30-103(a) to require the county clerk to charge a \$50 fee for issuing a mobile vendor's permit, which shall include the dates, place and time for which the permit is valid. Also amends 62-30-105 to provide that in counties with a metropolitan government and a population of more than 100,000 according to the 1990 federal census, the chief of police has the responsibility to administer the provisions of chapter 30.

Effective July 1, 2001.

### **Public Chapter 247**

#### **Senate Bill 776 House Bill 501**

Amends 55-5-122 to clarify that the limitations of that statute are not intended to impair or restrict the authority or ability of a metropolitan government to regulate the parking or towing of any motor vehicle located within the boundaries of the municipality.

Effective May 22, 2001.

### **Public Chapter 252**

#### **Senate Bill 1296 House Bill 1523**

Amends 55-8-152(d), regarding counties or municipalities setting special speed limits around schools, to include Davidson County in the provisions of the subsection by narrow population classification.

Effective July 1, 2001.

## **DEKALB**

Public Chapter 193      House Bill 732 Senate Bill 1086  
Amends 54-7-104 relative to the qualifications of chief administrative officers of county highway departments to delete a narrow population exemption for DeKalb County that established that the only requirement was a high school education or GED.  
  
Effective July 1, 2001.

## **DICKSON**

Public Chapter 324      House Bill 1685 Senate Bill 1814  
Removes Dickson County from the limitations on the levy of the hotel occupancy tax found in 67-4-1425.  
  
Effective May 27, 2001.

## **DYER**

Public Chapter 193      House Bill 732 Senate Bill 1086  
Amends 54-7-104 relative to the qualifications of chief administrative officers of county highway departments to delete a narrow population exemption that covers Dyer County and enact a new narrow population class exemption for Dyer County that reflects the population of the county under the 2000 census. The act has no practical effect on the qualifications for holding this office as both the old and new exemption only require chief administrative officers in Dyer County to have a high school education or GED.  
  
Effective July 1, 2001.

## **FAYETTE**

Public Chapter 399      Senate Bill 1906 House Bill 1931  
Designates the bridge that spans Short Creek on State Route 196 (Chulahoma Road) approximately two miles south of such route's intersection with Raleigh-LaGrange Road in Fayette County the "Charlie and Laura Edenton Memorial Bridge." The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if Fayette County remits the cost of installation of the signs to the Department within one year of the effective date of the act and if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations. Alternatively, Fayette County is authorized to manufacture and install the signs.  
  
Effective July 1, 2001.

## **HAMILTON**

### **Public Chapter 86**

#### **House Bill 549 Senate Bill 1050**

Amends 5-5-102 to provide that in counties designated Class 2 in 8-24-101 before January 1, 1999 (Knox and Hamilton) there will remain at least nine county commissioner districts and each office in multi-member districts will continue to be separately designated on the ballot and candidates will run and be elected to each separate seat on the county commission.

Effective April 11, 2001.

## **HARDEMAN**

### **Public Chapter 392**

#### **Senate Bill 1338 House Bill 1933**

Provides for the installation of directional signs on Interstate 40 at Exit 35 to the National Bird Dog Museum and Field Trial Hall of Fame. The Department of Transportation will only install the signs if Hardeman County either remits payment for same or manufactures the signs within one year of the effective date of the act. Alternatively, Hardeman County is authorized to manufacture and install the signs. The act only becomes operative if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations.

Effective July 1, 2001.

### **Public Chapter 394**

#### **Senate Bill 1341 House Bill 181**

Designates the bridge located just east of the town of Saulsbury on State Route 57 in Hardeman County and just west of such highway's junction with a road commonly know as either Saulsbury Road or Ray Sauls Road as the "Frank J. Glankler, Jr. Bridge." The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if Hardeman County remits the cost of installation of the signs to the Department within one year of the effective date of the act. Alternatively, Hardeman County is authorized to manufacture and install the signs.

Effective June 19, 2001.

## **HARDIN**

### **Public Chapter 382**

#### **House Bill 1585 Senate Bill 1336**

Amends 7-82-307(II) relative to the board of commissioners of a water utility district with a service area in state and in an adjoining state in a county with a population of not less than 22,600 or more than 22,700, according to the 1990 census (Hardin County). Revises the procedure for appointing an interim board member in the event of a vacancy prior to the next regularly scheduled election. Determination of who is a customer entitled to vote is amended. Election procedures were also amended.

Effective June 12, 2001.

## **HAWKINS**

Public Chapter 371      House Bill 1852 Senate Bill 1901  
Amends 57-4-101 and -102 to authorize wine service on the premises of a certain historic inn in Hawkins County that was built in 1824 and was once visited by Presidents Jackson, Johnson and Polk.

Effective June 7, 2001.

Public Chapter 383      House Bill 1735 Senate Bill 1831  
Amends 57-4-101 and -102 to authorize the sale of alcoholic beverages on the premises of a country club in Hawkins County that sits on the property that was formerly the home of the International Printing Pressmen Union, and to allow the sale of alcoholic beverages at a certain restaurant off Highway 421 in Unicoi County.

Effective June 12, 2001.

## **KNOX**

Public Chapter 55      Senate Bill 1727 House Bill 1335  
Amends 7-82-308 to provide that in any county with a charter form of government, the members of utility district board of commissioners will serve without compensation unless, by resolution adopted by such board, each commissioner may receive per diem payment for not more than twelve meetings per calendar year at rates not greater than \$350 per meeting for each district having more than 5,000 users and not more than \$100 per meeting for each district having 5,000 or fewer users. Also, this board may provide its members with group medical and life insurance coverage as such coverage is provided for employees.

Effective April 4, 2001.

Public Chapter 86      House Bill 549 Senate Bill 1050  
Amends 5-5-102 to provide that in counties designated Class 2 in 8-24-101 before January 1, 1999 (Knox and Hamilton) there will remain at least nine county commissioner districts and each office in multi-member districts will continue to be separately designated on the ballot and candidates will run and be elected to each separate seat on the county commission.

Effective April 11, 2001.

Public Chapter 429      Senate Bill 429 House Bill 1548  
Amends 45-6-209 to establish a pilot project in Knox and Shelby counties requiring pawnbrokers to take the thumbprint of pledgors in pawn transactions. Establishes limitations on the use of such thumbprints and sets procedures for the use of the thumbprints by law enforcement officers. If the item pawned is a firearm, the pledgor's name, address and identification numbers are not transmitted to law enforcement but are maintained by the pawnbroker. Requires pawnshop owners to post a notice warning customers that thumbprints will be taken and may be used by the police.

Effective July 1, 2001.

## **LINCOLN**

### **Public Chapter 277**

House Bill 912 Senate Bill 1251

Requires the Tennessee Historical Commission to place a historical marker at Ringo Cemetery in Lincoln County for the purpose of commemorating the historical significance of the cemetery which was established in 1871 as a burial ground for African Americans. The act specifies the message to be engraved on the marker. The act only becomes operative if Lincoln County remits the estimated costs of such marker within one year of the effective date of the act.

Effective May 22, 2001.

## **LOUDON**

### **Public Chapter 358**

Senate Bill 1875 House Bill 1909

Designates the bridge spanning Fork Creek on State Route 72 in Loudon County the “William Broady Harrison Memorial Bridge.” The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if Loudon County remits the cost of installation of the signs to the Department within one year of the effective date of the act.

Effective June 7, 2001.

## **MADISON**

### **Public Chapter 100**

Senate Bill 916 House Bill 616

Provides for the installation of directional signs on Interstate 40 at Exit 82-A to Suede’s Restaurant and the Carl Perkins Museum. The Department of Transportation will only install the signs if Madison County either remits payment for same or manufactures the signs within one year of the effective date of the act. Alternatively, Madison County is authorized to manufacture and install the signs. The act only becomes operative if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations.

Effective July 1, 2001.

## **MCNAIRY**

### **Public Chapter 395**

Senate Bill 1342 House Bill 1586

Designates the bridge at Owl Creek Cove on State Route 224 between Stantonville and Michie in McNairy County as the “Glidewell-Williams Memorial Bridge” in tribute to Tolbert Williams, Jess G. Glidewell and Glen Glidewell. The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if McNairy County remits the cost of installation of the signs to the Department within one year of the effective date of the act. Alternatively, McNairy County is authorized to manufacture and install the signs.

Effective June 19, 2001.

## **MOORE**

Public Chapter 247

Senate Bill 776 House Bill 501

Amends 55-5-122 to clarify that the limitations of that statute are not intended to impair or restrict the authority or ability of a metropolitan government to regulate the parking or towing of any motor vehicle located within the boundaries of the municipality.

Effective May 22, 2001.

## **PICKETT**

Public Chapter 216

Senate Bill 1069 House Bill 578

Provides for the installation of directional signs on Interstate 40 at Exit 288 to Dale Hollow Lake. The Department of Transportation will only install the signs if Pickett County either remits payment for same or manufactures the signs within one year of the effective date of the act. Alternatively, Pickett County is authorized to manufacture and install the signs. The act only becomes operative if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations.

Effective May 15, 2001.

## **RUTHERFORD**

Public Chapter 101

Senate Bill 1041 House Bill 246

Amends the Uniform Residential Landlord and Tenant Act at 66-28-102 to provide that any county excluded from the provisions of the act by the narrow population references in subdivision (a)(2) [Rutherford, Sullivan, Washington and Williamson] will remain excluded notwithstanding the results of the 2000 federal census or any subsequent federal census.

Effective April 18, 2001.

## **SHELBY**

Public Chapter 55

Senate Bill 1727 House Bill 1335

Amends 7-82-308 to provide that in any county with a charter form of government, the members of utility district board of commissioners will serve without compensation unless, by resolution adopted by such board, each commissioner may receive per diem payment for not more than twelve meetings per calendar year at rates not greater than \$350 per meeting for each district having more than 5,000 users and not more than \$100 per meeting for each district having 5,000 or fewer users. Also, this board may provide its members with group medical and life insurance coverage as such coverage is provided for employees.

Effective April 4, 2001.





Public Chapter 74	<p>Senate Bill 792 House Bill 1161</p> <p>Amends 57-4-101 to authorize the sale of beer, wine and other alcoholic beverages in a certain theater in counties with a population over 800,000.</p> <p>Effective April 11, 2001.</p>
Public Chapter 96	<p>Senate Bill 177 House Bill 394</p> <p>Provides that in Shelby County, for the purposes of determining jurisdiction to hear petitions for orders of protection, the term court is defined to also include judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge when a judge of certain other listed courts is not available.</p> <p>Effective July 1, 2001.</p>
Public Chapter 112	<p>Senate Bill 1775 House Bill 1784</p> <p>Amends 57-4-102(14)(F) to authorize the sale of alcoholic beverages at certain bed and breakfast establishments in Shelby County having at least two rooms for sleeping accommodations, and as otherwise described.</p> <p>Effective April 18, 2001.</p>
Public Chapter 316	<p>House Bill 70 Senate Bill 699</p> <p>Amends 40-1-111 regarding the appointment of judicial commissioners in Shelby County. Provides that judicial commissioners in Shelby County that were initially appointed by the county legislative body shall be appointed for subsequent terms by the general sessions judges of the county. In appointing, evaluating and making decisions relative to retention and reappointment of judicial commissioners, general session judges are directed to take into consideration the views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.</p> <p>Effective July 1, 2001.</p>
Public Chapter 326	<p>Senate Bill 1850 House Bill 1738</p> <p>Requires the county legislative body of Shelby County (designated by population class and county charter) to adopt a financial policy establishing guidelines and goals in regard to the amount and type of debt issued by or on behalf of the county. This policy must be adopted within one year from the effective date of this act.</p> <p>Effective approximately May 29, 2001.</p>
Public Chapter 350	<p>Senate Bill 871 House Bill 583</p> <p>Establishes a study committee to examine issues pertaining to development of alternative statewide child protective services systems and pertaining to whether a pilot mental health court should be established in Shelby County. Membership consists of members of the task force composed by 37-1-603(b)(1). The committee is required to report its findings, along with any legislative recommendations, to the Governor no later than February 15, 2002.</p>

Effective June 7, 2001. Automatically repealed one year from the effective date.

Public Chapter 387

Senate Bill 667 House Bill 147

Amends 68-120-503 dealing with restroom equity in facilities open to public congregations to provide that whenever the owner or operator of a facility with seats for not less than 10,000 spectators which is used primarily of auto racing and other activities, has reasonable evidence that such events will be attended by a substantially greater number of men than women on a regular basis, such owner or operator may, upon approval of the state architect, configure and construct the available toilet facilities so that the number of men's fixtures and the number of women's fixtures are changed to reflect the greater number of men attending events at the facility. This provision is included in an act dealing otherwise with the use of treated ash aggregate in residential settings and this exception adds Shelby County to this exception formerly applying only to Wilson County. Both Shelby and Wilson County are identified by narrow population class and without any provision for local approval.

Effective July 1, 2001.

Public Chapter 429

Senate Bill 429 House Bill 1548

Amends 45-6-209 to establish a pilot project in Knox and Shelby counties requiring pawnbrokers to take the thumbprint of pledgors in pawn transactions. Establishes limitations on the use of such thumbprints and sets procedures for the use of the thumbprints by law enforcement officers. If the item pawned is a firearm, the pledgor's name, address and identification numbers are not transmitted to law enforcement but are maintained by the pawnbroker. Requires pawnshop owners to post a notice warning customers that thumbprints will be taken and may be used by the police.

Effective July 1, 2001.

**STEWART**

Public Chapter 31

Senate Bill 418 House Bill 512

Provides for the installation of directional signs on Interstate 24 at Exit 4 to Fort Donelson National Battlefield and Cemetery. The Department of Transportation will only install the signs if Stewart County either remits payment for same or manufactures the signs within one year of the effective date of the act. Alternatively, Stewart County is authorized to manufacture and install the signs. Grand funding may be used to manufacture and install the signs if such should become available.

Effective July 1, 2001.

**SULLIVAN**

Public Chapter 7

House Bill 7 Senate Bill 1042

Amends 5-1-118 and grants to the county legislative body general police powers, including the power to prescribe limits within which business occupations and practices liable to be nuisances may be established, conducted or maintained. These powers may only be exercised in the unincorporated areas of the county and do not

extend to matters governed by general law pertaining to intoxicating liquors, beer, surface mining, oil and gas production, environmental protection including solid and hazardous waste management, water and sewerage and water management.

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

Public Chapter 83

Senate Bill 1790 House Bill 1709

Amends 7-82-308 to authorize the members of any utility district board of commissioners in Sullivan County (designated by narrow population class) will serve without compensation unless, by resolution adopted by such board, each commissioner may receive per diem payment for not more than twelve meetings per calendar year at rates not greater than \$250 per meeting. Any resolution for per diem compensation is subject to ratification by a majority of the customers of the district present and voting at a meeting of the customers to elect members to the board. Also, this board may provide its members with group medical and life insurance coverage as such coverage is provided for employees.

Effective July 1, 2001.

Public Chapter 101

Senate Bill 1041 House Bill 246

Amends the Uniform Residential Landlord and Tenant Act at 66-28-102 to provide that any county excluded from the provisions of the act by the narrow population references in subdivision (a)(2) [Rutherford, Sullivan, Washington and Williamson] will remain excluded notwithstanding the results of the 2000 federal census or any subsequent federal census.

Effective April 18, 2001.

**UNICOI**

Public Chapter 383

House Bill 1735 Senate Bill 1831

Amends 57-4-101 and -102 to authorize the sale of alcoholic beverages on the premises of a country club in Hawkins County that sits on the property that was formerly the home of the International Printing Pressmen Union, and to allow the sale of alcoholic beverages at a certain restaurant off Highway 421 in Unicoi County.

Effective June 12, 2001.

**WASHINGTON**

Public Chapter 101

Senate Bill 1041 House Bill 246

Amends the Uniform Residential Landlord and Tenant Act at 66-28-102 to provide that any county excluded from the provisions of the act by the narrow population references in subdivision (a)(2) [Rutherford, Sullivan, Washington and Williamson] will remain excluded notwithstanding the results of the 2000 federal census or any subsequent federal census.

Effective April 18, 2001.

## **WAYNE**

### **Public Chapter 393**

Senate Bill 1340 House Bill 1568

Designates the bridge that spans Hardin Creek on U.S. Highway 64 in Wayne County approximately one-quarter (1/4) mile west of such highway's junction with State Route 114 as the "Mae Tom and Judge Russ Davidson Memorial Bridge." The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if Wayne County remits the cost of installation of the signs to the Department within one year of the effective date of the act and if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations. Alternatively, Wayne County is authorized to manufacture and install the signs.

Effective July 1, 2001.

### **Public Chapter 420**

Senate Bill 1344 House Bill 1567

Designates the bridge that spans Hardin Creek on U.S. Highway 64 in Wayne County as the "Dick Boyd Memorial Bridge." The Department of Transportation is directed to erect suitable signs or markers with such designation. The act only becomes operative if Wayne County remits the cost of installation of the signs to the Department within one year of the effective date of the act and if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations. Alternatively, Wayne County is authorized to manufacture and install the signs.

Effective July 1, 2001.

## **WILLIAMSON**

### **Public Chapter 101**

Senate Bill 1041 House Bill 246

Amends the Uniform Residential Landlord and Tenant Act at 66-28-102 to provide that any county excluded from the provisions of the act by the narrow population references in subdivision (a)(2) [Rutherford, Sullivan, Washington and Williamson] will remain excluded notwithstanding the results of the 2000 federal census or any subsequent federal census.

Effective April 18, 2001.

### **Public Chapter 332**

Senate Bill 1358 House Bill 847

Provides for the installation of directional signs on Interstate 65, for both the northbound and southbound lanes, to the Williamson County Agriculture Center. The signs shall read: "Williamson County Agricultural Exposition Center, Home of the Franklin Rotary Club Rodeo." The Department of Transportation will only install the signs if Williamson County either remits payment for same or manufactures the signs within one year of the effective date of the act. Alternatively, Williamson County is authorized to manufacture and install the signs. The act only

becomes operative if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the act will not render Tennessee in violation of federal laws or regulations.

Effective July 1, 2001.

## **WILSON**

Public Chapter 64

Senate Bill 1477 House Bill 1207

Amends 57-4-101 to authorize the sale of alcoholic beverages at motor speedways in counties with a population between 67,600 and 67,900.

Effective April 11, 2001.

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### **PART III - PRIVATE ACTS**

#### **BEDFORD**

Private Chapter 14      House Bill 1954 Senate Bill 1928  
Amends Private Acts of 1945, Chapter 357, as amended, to provide that purchases exceeding \$5,000 are to be made by the purchasing agent after receiving at least three sealed competitive bids. Purchases between \$2,500 and \$5,000 are to be made by the purchasing agent after receiving three written quotes. Purchases below \$2,500 require only a purchase order.

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

#### **CARROLL**

Private Chapter 2      House Bill 144 Senate Bill 147  
Amends Private Acts of 1955, Chapter 278, as amended, to levy an additional \$1.00 tax on each \$100 of taxable real and personal property in the South Carroll County Special School District. The proceeds are to be used for the acquisition of property and construction of schools within the district.

Effective February 26, 2001.

Private Chapter 47      House Bill 2003 Senate Bill 1971  
Amends Private Acts of 1917, Chapter 533, as amended, to change the property tax rate levied for the McKenzie Special School District from \$2.10 per one hundred dollars of assessed value to \$1.38 per one hundred dollars of assessed value.

May 30, 2001

Private Chapter 53      House Bill 2004 Senate Bill 1972  
Amends Private Acts of 1927, Chapter 317, as amended, to change the property tax rate for operating purposes in the Bruceton-Hollow Rock Special School District from a tax not to exceed \$2.00 per one hundred dollars of assessed value to a tax rate of \$1.62 per one hundred dollars of assessed value.

Effective approximately May 29, 2001.

#### **CARTER**

Private Chapter 29      House Bill 1979 Senate Bill 1940

Creates a governmental authority known as the “Watauga River Regional Water Authority” for water and wastewater purposes. The authority shall be governed by a Board of Directors whose members are the County Executive of Carter County or designee, and one director each from North Elizabethton Utility District, First Utility District, Siam Utility District, Hampton Utility District, Roan Mountain Utility District and South Utility District. If the City of Elizabethton adopts a resolution by 2/3 vote, it may also appoint one person to serve on the Board of Directors. The act



outlines the powers of the authority as well as provisions relating to the establishment of rates and issuance of notes and bonds. The authority has the power of eminent domain and is exempt from state and local taxation.

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

## **DICKSON**

### **Private Chapter 51**

House Bill 2010 Senate Bill 1966

Amends Private Acts of 1990, Chapter 124, and repeals Private Acts of 1998, Chapter 178. Renames the Dickson County Water Authority as the “Water Authority of Dickson County.” Amends the governing body of the authority to consist of five persons who are residents of Dickson County and not employees of any water utility in Dickson County. The board of commissioners consists of: two representatives from the Turnbull-White Bluff Utility District appointed by the County Executive, the Mayor of the City of Dickson or designee, a member of the Dickson City Council appointed by the Mayor and an at-large member selected by the other commissioners of the Authority, who shall be a resident of the Harpeth Utility District or another participating entity. All other participating entities shall have an ad-hoc representative. The Act outlines the terms and appointment procedures for the commissioners. The Act also specifies the territory of the Authority.

Effective upon approval by 2/3 vote of the county legislative body, in accordance with the specific terms and findings found in the Act. Prior to the vote to adopt the Private Act, the county legislative body shall adopt a resolution calling for a public hearing on the question of amending the Private Act. The Act specifies the content of the public notice of the hearing.

## **GIBSON**

### **Private Chapter 52**

House Bill 1999 Senate Bill 1964

Amends Private Acts of 1947, Chapter 84, as amended, to establish a school and related facilities for preschool through third grade, to authorize the district’s board of directors to enter into agreements with the City of Kenton for the construction and financing of this school and facilities, and to levy a property tax of \$0.43 per one hundred dollars of assessed value effective as of January 1, 2001 for the 2001 tax year and each year thereafter as long as the district is obligated to make payments to the City of Kenton for the financing of this school and facilities or as may be according to general law to reflect changes relating to county-wide reappraisals in multi-county jurisdictions. Additionally, provision is made for adjustment in the rate in the event that total assessed value of property in either Gibson or Obion County subject to the tax levied by this act declines more than ten percent from one January 1 to the next, or fifteen percent or more over two consecutive years. The new property tax is collected by the trustees of Gibson and Obion Counties. The district is empowered to enter into agreements with the Gibson County School District or such other public entity that it deems appropriate to provide for the administration of the schools of the district, the operation and management of all school properties

as well as maintenance and repair of all school properties of the district. The district may receive funds from the City of Kenton for the construction and equipping of schools in the district.

Effective approximately May 29, 2001.

Private Chapter 54

House Bill 2012 Senate Bill 1976

Amends Private Acts of 1917, Chapter 153, as amended, to change the property tax rate of the Bradford Special School District. Effective July 1, 2001, and every year thereafter, the property tax rate for the district is \$1.80 per one hundred dollars of assessed value. Additionally, the board of trustees is authorized to issue notes, bonds and other debt obligations for the financing or refunding of existing debt obligations in conformity with the procedures of the Local Government Public Obligations Law.

Effective June 5, 2001.

Private Chapter 62

Senate Bill 1984 House Bill 2021

Amends Private Acts of 1945, Chapter 504, as amended, to authorize Milan Special School District to issue and sell school bonds not to exceed \$10.5 million. For the purpose of paying principal, interest and any redemption premium on these bonds, an additional property tax is levied on the property in the district at the rate of \$0.59 per one hundred dollars of assessed value of real and personal property for the tax year beginning January 1, 2001 and each tax year thereafter. These taxes are to be collected by the county trustee of Gibson County in the manner provided by general law for the collection of county taxes and constitute a lien on the property against which they are levied with like force and effect as county taxes. Additionally, provision is made for adjustment in the rate in the event that total assessed value of property subject to the tax levied by this act declines more than ten percent from one January 1 to the next, or fifteen percent or more over two consecutive years. The district's board of education is authorized to pledge Tennessee Basic Education funds available for capital outlay expenditures, its share of the local option sales tax and any other funds received from the state and available for capital outlay expenditures for the payment of all or a portion of these bonds.

Effective approximately June 27, 2001.

**GILES**

Private Chapter 60

Senate Bill 1990 House Bill 2026

Creates a governmental authority known as the "Southern Water Authority" for water and wastewater purposes. The authority shall be governed by a Board of Directors whose members are the County Executive of Giles County or designee, and one director each from South Giles Utility District, Minor Hill Utility District, Fairview Utility District and Tarpley Shop Utility District. If the City of Pulaski adopts a resolution by 2/3 vote, it may also appoint one person to serve on the Board of Directors. The act outlines the powers of the authority as well as provisions relating to the establishment of rates and issuance of notes and bonds. The authority has the power of eminent domain and is exempt from state and local taxation.

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

## **GREENE**

### **Private Chapter 6**

#### **House Bill 1263 Senate Bill 1756**

Amends Private Acts of 1986, Chapter 127, as amended, to provide that the proceeds of Greene County's hotel-motel tax will be retained in the general fund, with half of the proceeds to be used to support industrial development, and the remaining half to be used to support tourism. The county legislative body is authorized to appropriate all or a portion of the proceeds to not-for-profit organizations to carry out those purposes.

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

## **HAMBLLEN**

### **Private Chapter 21**

#### **House Bill 1970 Senate Bill 1934**

Amends Private Acts of 1947, Chapter 235, as amended, to create a part-time general sessions court in Hamblen County with the same jurisdiction as the full-time general sessions court. The county legislative body will appoint a judge to serve until September 1, 2002, then at the regular August 2002 election a judge will be elected to serve until September 1, 2006. The judge is to hold court at least two and one half days per week, and is to be paid half the compensation provided under general law for the full-time judge. The clerk of the full-time general sessions court will serve as the clerk of the new part-time court. This act is not to become effective unless Hamblen County appropriates a sufficient sum to pay for any additional assistant district attorney or assistant public defender positions that may be required as a result of creating the new court.

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

## **HAYWOOD**

### **Private Chapter 45**

#### **House Bill 1955 Senate Bill 1968**

The county legislative body is authorized to appoint, by resolution, an official or board to oversee removal of abandoned property, overgrown vegetation or other debris, if such is maintained to the extent that the health, safety or welfare of other citizens are endangered or if such condition encourages infestation of rodents or other animals. The official or board is to provide written notice to the property owner, who then has thirty days to remedy the situation. The property owner is entitled to a hearing, if he/she requests one. The official or board is authorized to adopt rules and regulations for the administration and enforcement of the Act.

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

## **HENRY**

Private Chapter 65      House Bill 2019 Senate Bill 1987  
Amends Private Acts of 1919, Chapter 150, as amended, to levy a property tax of \$0.23 per one hundred dollars of assessed value of real and personal property for the tax year beginning January 1, 2001 and each tax year thereafter in the Paris Special School District for the purpose of supporting and maintaining the schools of the district and supplementing the district's school fund.

Effective June 27, 2001.

## **MADISON**

Private Chapter 12      House Bill 614 Senate Bill 918  
Amends Private Acts of 1947, Chapter 102, as amended, to require that all purchases of \$5,000 or more be made by the purchasing agent after newspaper advertisement and sealed bids. Purchases less than \$5,000 do not require advertisement or sealed bids. Officials and department heads may make purchases between \$2,000 and \$5,000 with the prior approval of the purchasing agent and pursuant to written procedures adopted by the purchasing agent. Officials and department heads designated by the purchasing agent are authorized to make purchases for their offices which are \$2,000 or less.

Effective March 22, 2001.

Private Chapter 39      House Bill 1990 Senate Bill 1948  
Amends Private Acts of 1986, Chapter 163, Section 2 as amended by Private Acts of 1992, Chapter 146, and Private Acts of 1993, Chapter 50, to provide that the director of accounts will be responsible for the uniform chart of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting representing all county funds, offices, agencies and activities of the county government, including highway funds formerly excluded, but excepting school funds administered by the county board of education.

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

## **MARSHALL**

Private Chapter 22      House Bill 1969 Senate Bill 1932  
Authorizes the county legislative body to levy an adequate facilities tax on new residential and/or commercial development on a gross square feet basis. Public buildings, places of worship, barns or outbuildings used for agricultural purposes, replacement structures for structures destroyed by fire or other disaster and structures owned by a nonprofit corporation qualified as a 501(c)(3) under the Internal Revenue Code are exempted. The tax is to be collected at the time of application for a building permit, or a certificate of occupancy if a building permit is not required, by a county building official. The tax shall not exceed one dollar (\$1.00) per gross square foot. The tax shall be used for the purpose of providing public facilities, the need for which is reasonably related to new development. The tax is in addition to any existing tax or fee. Any person aggrieved by a decision of the

county building official may pay the tax under protest and appeal the decision to the county board of adjustments and appeals within ten days of protest and payment. The action of the county board of adjustments and appeals may be reviewed by the chancery court by certiorari and supersedeas, provided that application for review is made within sixty days of the written decision of the board.

Effective upon approval by 2/3 vote of the county legislative body before December 1, 2001.

## **MAURY**

### **Private Chapter 68**

House Bill 2035 Senate Bill 1997

Enacts the Curfew for Maury County Minors Act of 2001. Provides that no person under the age of eighteen shall loiter, idle, wander, play or be in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots or any unsupervised place within Maury County between 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight through 5:00 A.M. on Friday and Saturday. The act does not apply to any minor in the custody of a parent or guardian, any minor on an emergency errand or other legitimate business at the direction of his or her parent or guardian, any minor attending or returning from a school or social function for which the minor has written permission to attend, or any minor going to or returning from any legitimate employment. A violation of the act is considered an unruly act under Title 37 regarding juveniles. Parents and guardians are also prohibited by the act from knowingly permitting a minor to violate the act. A parent or guardian whose child has been the subject of a petition for violation of this act and is ordered to insure compliance with the curfew may be held in contempt of court and fined up to fifty dollars and incarcerated for up to ten days for further violations of the curfew by the minor child.

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

## **McNAIRY**

### **Private Chapter 41**

House Bill 1951 Senate Bill 1956

Repeals Private Acts of 2000, Chapter 150, which imposed a hotel/motel tax in McNairy County.

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

## **MEIGS**

### **Private Chapter 15**

House Bill 1957 Senate Bill 1924

Requires the county clerk to obtain evidence that a business location is in compliance with county zoning ordinances prior to issuing a business license. [This act may conflict with the general law governing the issuance of business licenses.]

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

Private Chapter 23

House Bill 1971 Senate Bill 1942

Authorizes the county legislative body of Meigs County to levy a hotel/motel privilege tax not exceeding five percent of the amount charged by the operator. The tax is to be collected by the county clerk, who is allowed a five percent commission. The proceeds are to be placed in the general fund, with seventy-five percent to be used for parks and recreation and twenty-five percent for the promotion of tourism.

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

**OBION**

Private Chapter 52

House Bill 1999 Senate Bill 1964

Amends Private Acts of 1947, Chapter 84, as amended, to establish a school and related facilities for preschool through third grade, to authorize the district's board of directors to enter into agreements with the City of Kenton for the construction and financing of this school and facilities, and to levy a property tax of \$0.43 per one hundred dollars of assessed value effective as of January 1, 2001, for the 2001 tax year and each year thereafter as long as the district is obligated to make payments to the City of Kenton for the financing of this school and facilities or as may be according to general law to reflect changes relating to county-wide reappraisals in multi-county jurisdictions. Additionally, provision is made for adjustment in the rate in the event that total assessed value of property in either Gibson or Obion County subject to the tax levied by this act declines more than ten percent from one January 1 to the next, or fifteen percent or more over two consecutive years. The new property tax is collected by the trustees of Gibson and Obion Counties. The district is empowered to enter into agreements with the Gibson County School District or such other public entity that it deems appropriate to provide for the administration of the schools of the district, the operation and management of all school properties as well as maintenance and repair of all school properties of the district. The district may receive funds from the City of Kenton for the construction and equipping of schools in the district.

Effective approximately May 29, 2001.

**POLK**

Private Chapter 32

House Bill 1958 Senate Bill 1946

Amends Private Acts of 1981, Chapter 2, as amended, to reenact and restate the private act authorizing an amusement tax on whitewater rafting on the Upper Ocoee River in Polk County. The rate of the tax is \$2.50 per person, but no tax is to be levied until January 1, 2004. The tax is to be collected by the county trustee.

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

**RUTHERFORD**

Private Chapter 66

House Bill 2031 Senate Bill 1994

Amends Private Acts of 1983, Chapter 55, as previously amended, deleting all references to the Board of Humane Rabies Animal Control and replacing it with Animal Services Department. Grants to the Department authority to confine or

isolate any dog or cat who has bitten a person or who is suspected of being infected with rabies for such time as the Department deems necessary to protect the safety of the people and/or property. The Department also must notify the health department of any such incidents. The Department is required to enforce the provisions of the private act and to adopt rules and regulations to carry out the purposes of the act. The Department is under the supervision and control of the County Executive. The County Executive may hire and fire a director of the Department, who is then in charge of the day to day administration of the Department, including personnel matters, subject to the supervision of the County Executive.

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

## **SHELBY**

### **Private Chapter 57**

House Bill 2014 Senate Bill 1979

Amends Private Acts of 1969, Chapter 131, as amended, to authorize the use of a portion of the proceeds of the hotel/motel tax in Shelby County for payment of bond indebtedness incurred by the city of Memphis and/or Shelby County for a sports facility.

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

## **WILLIAMSON**

### **Private Chapter 20**

House Bill 1966 Senate Bill 1931

Amends Private Acts of 1961, Chapter 221, as amended, to provide that when the surviving spouse or other designated dependent receiving a deceased general sessions judge's retirement benefits dies, the amount that such spouse or dependent would have been entitled to receive under the private act will be transferred to the Williamson County general fund.

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

### **Private Chapter 56**

House Bill 2005 Senate Bill 1967

Enacts the "Williamson County Budget Act of 2001." The act applies to each department, office or agency funded, in whole or in part, from county appropriations. If Williamson County has adopted the County Financial Management System of 1981, the County Budgeting Law of 1957 or any private act, and the county does not repeal such acts, where there is a conflict, the provisions of this act shall not supersede those provisions except with regard to Section 7 of this act, which shall supersede everything.

The county executive is required to submit budget forms to each department, office or agency by February 1. By March 15, the Assessor of Property must submit the best estimate of the actual assessed value of all taxable property for the ensuing year. The county executive must furnish an estimate of revenue from one cent of property tax to the superintendent of education by March 15 as well. By April 1, each department, office or agency must submit a proposed budget to the county executive, or if there is a director of accounts and budgets, to the director. The superintendent

of education must file a proposed tax rate along with the proposed budget. By June 1, the county executive or budget committee shall consolidate and review the proposed budgets, make any changes and submit a consolidated budget and proposed tax rate to the county legislative body. If the county executive or budget committee submits a budget of the school department that differs from the one submitted by the school department, an outline shall be provided to the county legislative body highlighting the changes and reasons for such changes.

The county legislative body must adopt a budget, tax rate and appropriation resolution on or before the earlier of the date provide in the County Financial Management System of 1981, the County Budgeting Law of 1957 or July 31, but if not adopted by June 30, the departments may make expenditures based on last year's budget. If the county legislative body fails to adopt a budget, tax rate and appropriation resolution, then those submitted by the county executive or budget committee applies by operation of law. The budget shall be balanced as to all funds. The Board of Education is entitled to address the county legislative body regarding its budget and tax rate. The budget shall establish such deputies and assistants of the elected officials without necessity of court order.

Procedures for amendments, both before and after adoption of a budget, are outlined in Section 10. Punishments for county officials who violate their appropriations are also outlined.

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



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