

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

2003 EDITION

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

**Prepared By
CTAS Legal Staff**

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June 30, 2003

INTRODUCTION

The first regular session of the One Hundred and Third General Assembly convened on Tuesday, January 14, 2003, and continued until Thursday, May 29, 2003, when it adjourned *sine die*. The second session of the 103rd General Assembly will convene on January 13, 2004. At the time of publication of this index, there are 418 new designated public chapters and 65 new private acts.

All acts that relate to county government have been summarized in this publication. Acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 1 contains summaries of public acts of general application; Part 2 contains summaries of public acts of local application; Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

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

Sincerely,

Michael Garland
Executive Director

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PART I – PUBLIC ACTS OF GENERAL APPLICATION

ALCOHOLIC BEVERAGES

- Public Chapter 132 Senate Bill 375 (Cohen) House Bill 1555 (Jones U)
Amends the definition of “premier type tourist resort” contained in 57-4-102(24) to include a commercial recreational facility adjacent to a navigable river having direct access to the river and containing at least 200 boat slips; providing boat fuel, rental and repair; located on or adjacent to a public park or preserve of at least 100 acres and containing a swimming pool, tennis courts and at least a 9-hole golf course; and located in a county with a population of at least 380,000.
- Effective May 19, 2003.
- Public Chapter 309 Senate Bill 751 (Crutchfield) House Bill 1179 (Turner B)
Amends the definition of “club” contained in 57-4-102(7) to include a for-profit recreational club in existence for at least 2 years in a county with a population between 307,800 and 307,900 (Hamilton) with at least 175 members and which does not discriminate on the basis of gender, race, religion, or national origin, has an 18-hole golf course, swimming pool and tennis facility, and has a clubhouse with not less than 3000 square feet with a kitchen and dining room that serves at least one meal per day. Amends the definition of “club” contained in 57-4-102(7) to include a for-profit recreational club in a county with a population between 130,000 and 131,000 (Sumner) adjacent to a residential development of at least 100 units and at least 200 acres, adjacent to a lake of at least 20 acres, operating an 18-hole golf course, with a clubhouse and kitchen of at least 2000 square feet, and which does not discriminate on the basis of gender, race, religion, or national origin.
- Effective June 11, 2003.
- Public Chapter 314 Senate Bill 924 (Cohen) House Bill 1825 (Jones U)
Amends the definition of “museum” contained in 57-4-102(21) to include a museum and music academy serving as a tribute to soul music located on the original site of a recording studio and located in a county with a population of over 800,000.
- Effective June 11, 2003.
- Public Chapter 375 Senate Bill 325 (Clabough) House Bill 466 (Overbey)
Amends 57-3-412(a)(3) to make it a Class A misdemeanor for a person under 21 years of age to possess, transport or consume beer in any county in Tennessee, except that during the course of their employment persons who are over 18 years of age may lawfully transport, possess, sell or dispense beer.
- Effective June 23, 2003.

ANNEXATION

Public Chapter 93

Senate Bill 195 (Atchley) House Bill 465 (Overby)

Amends 6-51-111 to revise the procedures for determining compensation when a utility is annexed by a municipality. Provides that the purchase price of the properties being acquired shall be a price agreed upon by the parties; or, in the alternative, if the parties cannot agree on a purchase price, then a final determination of the fair market value of the properties being acquired and all other outstanding issues shall be made using the arbitration provisions provided under present law regarding annexation and municipal property and services. Such arbitrator must be experienced and qualified to value public utility properties and must be agreed upon by the parties. This act applies these procedures to all municipal utility services or systems, including utility districts, rather than to only municipal electric services or systems as under prior law.

Effective May 7, 2003.

Public Chapter 225

Senate Bill 762 (Dixon) House Bill 1458 (Chumney)

Amends 6-51-102 to require annexation plans of services to address impact of annexation on schools. Requires a municipality that operates a school system to include in its plan of services for an annexation specific information addressing the impact of the annexation school attendance zones. If the municipality does not have a school system, it must provide notice of the annexation to all affected school systems not less than 30 days prior to the public hearing on the plan of services.

Effective July 1, 2003.

COUNTY CLERKS

Public Chapter 2

Senate Bill 87 (McNally) House Bill 414 (McKee)

Amends 55-4-108 to delete the requirement that the motor vehicle owner sign a certificate of registration.

Effective March 17, 2003.

Public Chapter 76

Senate Bill 1114 (Atchley) House Bill 1688 (Head)

Amends Title 55 relative to evidence of title for manufactured homes. When the real estate and the manufactured home are owned by the same owner, and the manufactured home is affixed to the real estate, the owner may record an Affidavit of Affixation (in substantially the form set out in the statute) in the register of deeds' office, which will be prima facie evidence that the manufactured home is affixed to real property as an improvement to the property. For manufactured homes that are affixed to the owner's land and for which an Affidavit of Affixation has been recorded, no certificate of title is necessary. Manufactured homes which are not affixed to land, and those which are affixed to land owned by someone other than the owner of the manufactured home, will continue to be issued certificates of title. Recording an Affidavit of Affixation is not mandatory; an owner may choose to obtain a certificate of title for a manufactured home even though it is affixed to land owned by him or her.

If a certificate of title previously has been issued for a manufactured home that is affixed to the owner's land, the owner may surrender the title to the Department of Safety for cancellation by providing the following to the county clerk: (1) certificate of title to the manufactured home duly endorsed to show release of any lienholders; (2) certified copy of deed to real property to which the manufactured home has been affixed as recorded in the register's office; and (3) certified copy of affidavit of affixation recorded in the register's office. Surrender of the certificate of title is not mandatory; the owner may choose to continue to hold a certificate of title for a manufactured home even though it is affixed to land owned by him or her.

If the owner of a manufactured home who has surrendered the certificate of title later wants to have the title reissued, the owner may apply for a new certificate of title with the county clerk by providing the following: (1) an abstract of title showing legal ownership of the manufactured home and real property and any mortgages recorded on the real property; (2) for every lienholder shown on the title abstract, either a release of the lien or a lienor's statement that the lien is to be recorded on the certificate of title; and (3) payment of the required fees for issuance of the certificate of title.

Effective May 5, 2003.

Public Chapter 80

Senate Bill 1887 (Clabough) House Bill 1943 (Hargrove)

Amends the 2002 amendments to the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act which become effective January 1, 2004, to include "park trailers" as a structure that must comply with the commissioner's standards; to remove the number limitation on the sale of permit decals and outstanding permits; to provide that any installer who fails to renew its installer license or who commences business before obtaining a license will be required to pay a penalty in an amount established by the commissioner of commerce and insurance; to specify that financial institutions engaged in the sale, leasing, or distribution of new and used manufactured homes are not "dealers" for purposes of regulating the manufactured home sales; and to correct erroneous cross-references.

Effective January 1, 2004.

Public Chapter 130

Senate Bill 1890 (Kurita) House Bill 1912 (Head)

Authorizes the issuance of new specialty earmarked license plates for nurses, with the funds allocated to the Tennessee Nurses Foundation.

Effective July 1, 2003.

Public Chapter 135

Senate Bill 1538 (Haynes) House Bill 1633 (West)

Authorizes the issuance of specialty earmarked license plates for "The Hermitage" with the funds allocated to the Ladies Hermitage Association.

Effective July 1, 2003.

Public Chapter 140

Senate Bill 1793 (Clabough) House Bill 1685 (Montgomery)

Authorizes the issuance of new specialty earmarked license plates honoring Tennessee's

volunteer firefighters, with the funds allocated to the Tennessee Volunteer Firefighters Association.

Effective July 1, 2003.

Public Chapter 147

Senate Bill 384 (Dixon) House Bill 519 (Head)

Authorizes the issuance of new specialty earmarked license plates for Prince Hall Masons, with the funds allocated to Orange Mound Lodge #357 in Memphis.

Effective July 1, 2003.

Public Chapter 151

Senate Bill 714 (Burchett) House Bill 661 (Brooks, Harry)

Authorizes the issuance of new specialty earmarked license plates for Alpha Delta Phi Sorority, with the funds allocated to Alpha Delta Phi and used exclusively to benefit Ronald McDonald House charities.

Effective July 1, 2003.

Public Chapter 165

Senate Bill 1910 (Kurita) House Bill 1980 (Head)

Authorizes the issuance of new specialty earmarked license plates to promote breast cancer awareness, with the funds allocated to The Minnie Pearl Foundation to fund breast cancer research.

Effective July 1, 2003.

Public Chapter 178

Senate Bill 1862 (Cooper) House Bill 1742 (Fitzhugh)

Amends 55-4-105 to authorize the county clerk to make inquiry for the purpose of establishing an owner's residence or address, before issuing a certificate of registration or a tab, sticker or other device as a prerequisite to payment of wheel or road taxes. Upon request, the department of safety will provide a current list of the names, driver license numbers and addresses of drivers from the requesting county. Raises penalty to a fine of up to \$500 for failure to renew a vehicle registration in the appropriate county when wheel tax is due.

Effective July 1, 2003.

Public Chapter 203

Senate Bill 301 (Fowler) House Bill 1408 (Patton)

Amends 36-6-413(b) to clarify that premarital preparation courses may be taught by instructors who meet qualifying guidelines established by the judicial district for the county in which a marriage license is issued.

Effective May 29, 2003.

Public Chapter 226

Senate Bill 791 (Person) House Bill 499 (Buck)

Amends 37-1-210 to require that the clerking duties for juvenile court be transferred to the general sessions court clerk or the clerk and master by July 1, 2006, unless otherwise provided by law, in those counties where the general sessions court is also the juvenile court. Repeals 37-1-211 which authorized the county legislative body to designate the clerk of special juvenile courts by resolution or the judge of the juvenile court to appoint a clerk

or administrator if a duly elected clerk was not provided for by law. This act does not affect special juvenile courts or elected juvenile clerks. Exempts Putnam, Union, Dyer, Cumberland, Grundy, Marion, Sequatchie, and Van Buren counties.

Effective July 1, 2003.

Public Chapter 265 Senate Bill 1189 (Ketron) House Bill 1486 (Rowland)
Authorizes the issuance of new specialty earmarked license plates for Girl Scouts, with the funds distributed in equal shares to the six Girl Scout Councils in Tennessee.

Effective July 1, 2003.

Public Chapter 280 Senate Bill 1819 (McLeary) House Bill 1775 (Maddox)
Authorizes the issuance of special license plates for honorably discharged members of the Tennessee National Guard.

Effective July 1, 2003.

Public Chapter 310 Senate Bill 792 (Person) House Bill 491 (Buck)
Removes clerking duties for probate court from the county clerk and turns them over to the clerk and master or the clerk of the court with probate jurisdiction by July 1, 2006. Also deletes three statutes giving the county clerk certain duties regarding guardians, probate of instruments and recording appointments and settlements. The act allows the clerk who is currently serving as clerk of the court with probate jurisdiction in Cannon County and Sevier County to continue to serve as clerk of the court. The act further exempts Putnam, Rutherford, Lauderdale, Loudon, and Dickson counties from the act by narrow population classification.

Effective July 1, 2006, for the purpose of repealing the three statutes described above; effective July 1, 2003, for other provisions.

Public Chapter 372 Senate Bill 618 (Bryson) House Bill 788 (Casada)
Authorizes the issuance of new specialty earmarked license plates for “Choose Life” with the funds allocated to New Life Resources.

Effective July 1, 2003.

Public Chapter 376 Senate Bill 287 (Clabough) House Bill 567 (Montgomery)
Amends 17-1-206 and 36-6-301 to authorize former members of quarterly county courts or county commissions who were members of such bodies on or before August 1, 1984, to solemnize the rite of matrimony.

Effective June 23, 2003.

Public Chapter 380 Senate Bill 1273 (McNally) House Bill 874 (Johnson)
Authorizes the issuance of judiciary specialty license plates to owners or lessees of motorcycles upon compliance with motorcycle registration renewal laws and payment of applicable registration fee for motorcycle registration and the specialty plate fee.

Effective June 23, 2003.

Public Chapter 417 Senate Bill 1913 (Williams) House Bill 1946 (Hargrove)
Authorizes the issuance of new specialty earmarked license plates for “NASCAR” with the funds allocated equally to the Tennessee State Museum Foundation and Speedway Children’s Charities in Tennessee; authorizes the issuance of new specialty earmarked license plates for “America’s Promise” with the funds allocated to the Tennessee Commission on National and Community Service to be used for America’s Promise programs in Tennessee. Extends the time to meet initial issuance requirements to June 30, 2004 for military cultural plates for Bronze Star and Silver Star recipients.

Effective July 1, 2003.

COUNTY GOVERNMENT

Public Chapter 5 Senate Bill 36 (McNally) House Bill 231 (Hackworth)
Amends 8-18-107 and 8-18-109(b) to authorize general sessions judges to administer oaths of office to all elected and appointed officials. Upon completion of the oath, the written document containing the oath is to be filed with the county clerk.

Effective March 28, 2003.

Public Chapter 51 Senate Bill 449 (Crowe) House Bill 529 (Davis)
Amends 5-9-101 to allow county legislative bodies to appropriate funds for cremation of paupers as well as for burials and funerals of paupers. Amends 5-9-311 to authorize the county executive to sign warrants for cremation expenses upon affidavit showing cost of the same and that claimant has no other means of obtaining payment.

Effective April 23, 2003.

Public Chapter 90 House Bill 744 (Fowlkes) Senate Bill 720 (Burchett)
Amends 5-6-101 to re-designate the chief executive officer of each county as the “county mayor.” Provides that the chief executive officer of each county shall exhaust his or her existing stock of office products with the former title before ordering new office products with the new title authorized by the act.

Effective July 1, 2003.

Public Chapter 138 Senate Bill 1787 (Trail) House Bill 1721 (Hood)
Amends 67-4-1709 to authorize any city or county government to pay the professional privilege tax on behalf of its employees. Requires majority vote of governing body for the section to be applicable to a city or county.

Effective May 19, 2003.

Public Chapter 379 Senate Bill 407 (Fowler) House Bill 843 (Wood)
Amends 5-8-507(a) to provide that the county legislative body will cause the proposed annual operating budget to be published no later than five days after the budget is

presented to the county legislative body in a newspaper of general circulation if the newspaper is published daily. If such newspaper is published less than daily, then it must be published in the first edition for which the deadline for publication falls after the budget is presented to the county legislative body. As in prior law, the county legislative body shall not approve final adoption of the annual operating budget until at least ten days after the budget has been published in such newspaper. A county may also publish the proposed annual operating budget on the county's Internet website, which shall be accessible to the public, on the day the budget is presented to the county legislative body.

Effective June 23, 2003.

COURTS

Public Chapter 35 Senate Bill 395 (Fowler) House Bill 571 (Fowlkes)
Removes the requirement to include social security numbers of the minor, the petitioner and the proposed guardian from the information that is to be included in a petition for guardianship.

Effective July 1, 2003.

Public Chapter 50 Senate Bill 295 (Jackson) House Bill 472 (Fowlkes)
Amends 40-32-101 to clarify that a copy of all expungement orders, including orders resulting from successful completion of a pretrial diversion program or a judicial diversion program, must be sent to the TBI, regardless of the class of offense.

Effective April 23, 2003.

Public Chapter 53 Senate Bill 352 (Haynes) House Bill 751 (Buck)
Cleans up an inaccuracy in the code caused by the 2002 re-write of Sheriff's fees. Deletes language in 26-2-106 regarding garnishments that limits amount of fees or commissions allowed on second or subsequent garnishments.

Effective April 23, 2003.

Public Chapter 64 Senate Bill 491 (Burks) House Bill 296 (Windle)
Amends 40-13-108 regarding the procedure for presenting a grand jury indictment. Provides that an indictment, when found by the grand jury, shall be presented by the foreman of the grand jury to the clerk of the court for filing as provided by law.

Effective May 2, 2003.

Public Chapter 79 Senate Bill 1783 (Haynes) House Bill 1731 (Garrett)
Amends 36-6-306 to specify those courts where grandparents may petition for visitation rights. Specifies that such petitions shall be filed in the circuit or chancery court of the county in which the petitioned child currently resides.

Effective July 1, 2003.

Public Chapter 113 Senate Bill 785 (Person) House Bill 572 (Fowlkes)

Enacts a moratorium on the creation of new municipal courts with general sessions jurisdiction. Such moratorium lasts until the Tennessee Judicial Council hears the report of its study committee on this topic and makes a recommendation to the General Assembly and the General Assembly has had until the end of the first session of the 103rd General Assembly to consider the issue. Requires the Judicial Council to report by February 1, 2004. During the second session of the 103rd General Assembly, any legislation on the subject of municipal courts with concurrent general sessions jurisdiction may be considered and enacted.

Effective May 12, 2003.

Public Chapter 124	<p>Senate Bill 3 (Fowler) House Bill 177 (Fowlkes)</p> <p>Amends 34-3-104 to remove the requirements that a petition for the appointment of a conservator contain the social security numbers of the respondent, the petitioner and the proposed conservator.</p> <p>July 1, 2003.</p>
Public Chapter 133	<p>Senate Bill 1345 (Person) House Bill 698 (Hargett)</p> <p>Amends 66-7-107 to clarify that a general sessions court designated as an environmental court is authorized to hear proceedings regarding the termination of an occupant's tenancy for violations regarding prostitution or controlled substances.</p> <p>Effective May 19, 2003.</p>
Public Chapter 175	<p>Senate Bill 879 (Ramsey) House Bill 539 (Overbey)</p> <p>Amends 40-32-101 to provide that a defendant is not entitled to expungement of the records or charges in a case when the defendant has been convicted of any offense or charge in the case, including a lesser included offense or charge.</p> <p>Effective May 22, 2003.</p>
Public Chapter 189	<p>Senate Bill 1725 (Crutchfield) House Bill 1391 (Turner, Brenda)</p> <p>Amends 36-5-104 to authorize the court to require a person who fails to comply with an order or decree of support and maintenance to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations, or work in a recycling center or other appropriate location instead of or in addition to other penalties provided by law. However, any person sentenced under this provision must be allowed to do so at a time other than such person's regular hours of employment.</p> <p>Effective July 1, 2003.</p>
Public Chapter 219	<p>Senate Bill 311 (Fowler) House Bill 1292 (Fowlkes)</p> <p>Clarifies that the spouse of an intestate decedent may elect to take the intestate share under 31-2-104(a) or may elect to take an elective-share amount to be determined in accordance with the percentages established by 31-4-101.</p> <p>Effective June 2, 2003.</p>
Public Chapter 226	<p>Senate Bill 791 (Person) House Bill 499 (Buck)</p> <p>Amends 37-1-210 to require that the clerking duties for juvenile court be transferred to the general sessions court clerk or the clerk and master by July 1, 2006, unless otherwise provided by law, in those counties where the general sessions court is also the juvenile court. Repeals 37-1-211 which authorized the county legislative body to designate the clerk of special juvenile courts by resolution or the judge of the juvenile court to appoint a clerk or administrator if a duly elected clerk was not provided for by law. This act does not affect special juvenile courts or elected juvenile clerks. Exempts Putnam, Union, Dyer, Cumberland, Grundy, Marion, Sequatchie, and Van Buren counties.</p>

Effective July 1, 2003.

Public Chapter 231

Senate Bill 1279 (McNally) House Bill 875 (Johnson)

Amends numerous statutes regarding adoption. Provides that, in order to constitute abandonment, the failure to support or make reasonable payments toward the support of a child must be willful. Provides that a court report based upon any home study conducted by a licensed child-placing agency, licensed clinical social worker or the department which has been completed or updated within six months (instead of one year as provided in present law) prior to the date of the surrender or order of reference must be accepted by the court for purposes of a pre-surrender request for home study. Specifies that neither consultation of the putative father registry nor any filing of affidavits is necessary if an attorney, social worker, or child-placing agency provided professional services where a minor child who was previously adopted under the laws of any jurisdiction is subsequently re-adopted in this state. Revises the time within which an interested person must stop paying for reasonable costs of the child from "a period not to exceed 30 days after the birth, surrender, or parental consent to the adoption of the child" to a period not to exceed 45 days of any such event. Provides that surrender or consent is not valid if given within 10 days subsequent to the date of the child's birth. Increases the time within which the putative father registry must be consulted for parental rights to be terminated from three working days to 10 working days. Specifies that where a person is not the legal parent or guardian and such person's parental rights are to be terminated, the determination of whether the person is not a legal parent or guardian would be measured at the time of the filing of a petition to terminate the person's parental rights or, if no such petition is filed, at the time of the filing of a petition to adopt a child. Permits the clerk of the court in which adoption proceedings have occurred to furnish certified copies of the final order of adoption or re-adoption or final orders dismissing such adoption proceedings to the adopted person, adoptive parents, or their attorneys, upon request regardless of requirements of confidentiality. Provides that proceedings where visitation with the child is sought are suspended pending the court's orders in the adoption proceeding. Provides for certain non-identifying information concerning the biological or legal family of an adopted child to be provided to prospective adoptive parents by the department of children's services for the purpose of providing full disclosure about a child to be adopted.

Effective June 2, 2003.

Public Chapter 235

Senate Bill 1389 (Burks) House Bill 1566 (McMillan)

Amends 40-24-107 to delete provisions that direct the state treasurer to credit appearance bond forfeiture funds to county criminal injury compensation reserves.

Effective June 2, 2003.

Public Chapter 245

Senate Bill 939 (Haynes) House Bill 1080 (Patton)

Amends 36-6-101 to add failure to adhere to an order of custody and visitation to the list of things which may be considered a material change of circumstances that justifies a modification of the court's prior decree pertaining to custody or a residential parenting arrangement.

Effective June 3, 2003.

- Public Chapter 256 Senate Bill 427 (Cooper) House Bill 1264 (Walker)
Amends 16-15-5001(d)(2) to provide that when a county moves to a higher population classification after September 1 of the year in which a general sessions court judge takes office, the judge is to be compensated according to the higher classification as long as the salary is not less than the judge received prior to the reclassification.
- Effective September 1, 2006.
- Public Chapter 276 Senate Bill 1687 (Haynes) House Bill 141 (McMillan)
Enacts a new section 27-1-124 to provide that in civil actions, the amount of the appeal bond necessary to stay execution during the course of all appeals shall be set in accordance with applicable laws and court rules, except that the total appeal bond shall not exceed \$75 million. Provides further that, if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets to avoid judgment, the court may enter orders that are necessary to protect the appellee and may require the appellant to post bond in an amount up to the total value of the judgment.
- Effective June 4, 2003.
- Public Chapter 282 Senate Bill 1954 (Crutchfield) House Bill 2050 (McMillan)
Authorizes the governor to execute an amendment to the interstate juvenile compact which provides procedures for returning a juvenile that is not the resident of a state where the juvenile has appeared before a court to the juvenile's home state.
- Effective June 4, 2003.
- Public Chapter 299 Senate Bill 61 (Haynes) House Bill 406 (Briley)
Amends 55-9-602 regarding child restraints. Requires any person transporting a child under one year of age or weighing 20 pounds or less to secure the child properly with a child passenger restraint system in a rear facing position in the rear seat if available. Requires any person transporting a child one through three years of age weighing more than 20 pounds to secure the child properly with a child passenger restraint system in a forward-facing position in the rear seat if available. Requires any person transporting a child four through eight years of age measuring less than five feet in height to secure the child properly with a belt positioning booster seat system in the rear seat if available. Allows for specially modified, professionally manufactured restraint systems as an alternative with a prescription from a physician if the child cannot be safely transported in a conventional child passenger restraint system. Requires any person transporting a child nine through twelve years of age or any child through twelve years of age measuring more than five feet or more in height, to secure the child properly using a seat belt system meeting federal safety standards. It is recommended that any such child be placed in the rear seat if available. Requires any person transporting a child thirteen through fifteen years of age to secure the child properly using a seat belt system meeting federal safety standards. A person charged with violation of this law in regards to children ages nine and above may, in lieu of appearance in court, submit a fine of fifty dollars to the clerk of the court. Of this fine, ten dollars shall be deposited in the state general fund for any use. The remaining forty dollars shall be deposited to the child safety fund. Deletes former provisions that excused failure to secure children aged four through fifteen if all original

vehicle seat belts or restraints were occupied. Provides that the driver is responsible for compliance with the law unless the driver is not the parent or guardian of the child and the parent or guardian is present in the vehicle. In that case, the parent or guardian is responsible for compliance. Provides that the failure to use a child restraint system shall not be admissible into evidence in a civil action, except that such failure may be introduced as evidence of the causal relationship between non-compliance and the injuries alleged if: (1) the plaintiff has filed a products liability claim; (2) the defendant alleging non-compliance raises this defense in its answer or a timely amendment thereto; and (3) each defendant seeking to offer evidence alleging non-compliance has the burden of proving non-compliance, that compliance would have reduced injuries and the extent of the reduction.

Effective July 1, 2004.

Public Chapter 304

Senate Bill 481 (Burks) House Bill 1340 (Hargrove)

Enacts a new section 40-24-108 to require courts to impose an additional fine of \$200 for each conviction of one of the sexual offenses listed in the statute on or after July 1, 2003. Directs that such fine shall be paid to the clerk of the court who shall transfer it to the state treasurer, who shall deposit it in the state general fund. All such funds are subject to appropriation by the General Assembly but must be used for the exclusive purpose of funding sexual assault program services. Creates a new program to be administered by the Department of Finance and Administration for the establishment and funding of sexual assault program services. Provides for the creation of an advisory committee to administer the program at the state level. To receive funds under the program, an organization must be a not-for-profit corporation providing sexual assault program services for at least six months prior to applying for funds.

Effective June 11, 2003, for the purposes of appointing the members of the advisory committee; effective July 1, 2003, for all other purposes.

Public Chapter 310

Senate Bill 792 (Person) House Bill 491 (Buck)

Removes clerking duties for probate court from the county clerk and turns them over to the clerk and master or the clerk of the court with probate jurisdiction by July 1, 2006. Also deletes three statutes giving the county clerk certain duties regarding guardians, probate of instruments and recording appointments and settlements. The act allows the clerk who is currently serving as clerk of the court with probate jurisdiction in Cannon County and Sevier County to continue to serve as clerk of the court. The act further exempts Putnam, Rutherford, Lauderdale, Loudon, and Dickson counties from the act by narrow population classification.

Effective July 1, 2006, for the purpose of repealing the three statutes described above; effective July 1, 2003, for other provisions.

Public Chapter 333

Senate Bill 1198 (Graves) House Bill 1058 (Davidson)

Amends 37-1-103 to remove paternity suits from the list of actions over which the juvenile court has exclusive original jurisdiction. Provides that the juvenile court has concurrent jurisdiction over paternity suits with the circuit and chancery courts.

Effective July 1, 2003.

Public Chapter 335

Senate Bill 12 (Trail) House Bill 1253 (McMillan)

Enacts the Drug Court Treatment Act of 2003. Creates a program to facilitate the implementation of new and the continuation of existing drug court treatment programs. Establishes general principles for all drug court treatment programs in Tennessee to follow. Directs the Department of Finance and Administration, office of criminal justice programs to administer the drug court treatment program by collecting data on the programs, establishing a mentor program, coordinating drug court treatment training and overseeing drug court treatment grants. Authorizes criminal courts to apply for grant funds to be used for a specified list of expenditures related to drug court treatment programs. Directs the Commissioner of Finance and Administration to establish an advisory committee to advise the commissioner on the allocation of funds under this part. Directs the clerks of all courts of general sessions, circuit, criminal and municipal courts with general sessions jurisdiction to collect \$75.00 from any person who enters a plea of guilty, enters a plea of nolo contendere, is adjudicated at trial or enters a plea pursuant to diversionary sentencing statute to any criminal offense under the Tennessee Drug Control Act. The assessment is subject to the clerk's commission and is in addition to all other taxes, costs and fines. The first \$5.00 is paid to the clerk who transfers it to the state treasurer for use to fund drug court treatment program administration and funding grant awards. The remainder is deposited into a dedicated fund of the county to be used exclusively for the creation and maintenance of state drug court treatment programs. If no program operates in the county, the remainder of the funds shall be remitted annually to the State of Tennessee for the state drug court resources fund administered by the Department of Finance and Administration. Any participants in a drug court treatment program shall be non-violent offenders, substance abusing and/or chemically dependant, and willing to participate in the program.

Effective July 1, 2003.

Public Chapter 361

Senate Bill 518 (Jackson) House Bill 1119 (Shepard)

Amends 36-2-311 to provide that when making retroactive child support awards, the court shall consider the following factors: (1) the extent to which the father did not know or could not have known of the existence of the child, the birth of the child, his possible parentage of the child or the location of the child; (2) the extent to which the mother intentionally, and without good cause, failed or refused to notify the father of the existence, birth, parentage or location of the child; and (3) the attempts, if any, by the child's mother or caretaker to notify the father of the pregnancy, the existence of the child, the father's possible parentage or the location of the child. If clear and convincing evidence rebuts the presumption of the application of the child support guidelines, the court shall deviate from the guidelines, in whole or in part, to reduce any retroactive support. Deviations shall not be granted in circumstances where, based upon clear and convincing evidence: (1) the father has demonstrated a history of violence or domestic violence toward the mother, the child's caretaker or the child; (2) the child is the product of rape or incest of the mother by the father; (3) the mother or caretaker of the child or the child has a reasonable apprehension of harm from the father; or (4) the father or those acting on his behalf, has abused or neglected the child. Amends 36-5-101 to provide that when making retroactive child support awards in cases where the parents are separated or divorced but where the court has not entered an order of child support, the court shall consider the following factors: (1) whether the remaining spouse knew or could have know of the location of the child or children who had been removed from the marital home by the abandoning spouse;

or (2) whether the abandoning spouse or other caretaker, intentionally, and without good cause, failed or refused to notify the remaining spouse of the location of the child following removal from the marital home; and (3) the attempts, if any, by the abandoning spouse or other caretaker to notify the remaining spouse of the location of the child. Deviations shall not be granted pursuant to this statute in the same circumstances delineated above under 36-2-311. Nothing in this act limits the right of the state of Tennessee to recover expenditures made by the state for the benefit of the child or the right of the Title IV-D agency to pursue retroactive support for the custodial parent or caretaker where appropriate.

Effective June 17, 2003.

Public Chapter 373 Senate Bill 497 (Ford) House Bill 1716 (DeBerry)
Amends 36-5-101 to provide that in making calculations of net income to determine appropriate levels of child support, the court shall take into consideration the support of any other children the obligor is legally responsible to provide. Children of the obligor who are not included in a decree of child support, but for whom the obligor is legally responsible to provide support and is supporting, shall be considered for the purposes of reducing the obligor's net income or in calculating the guideline amount. Such children may be considered by the court as a reason for deviation from the guidelines.

Effective July 1, 2003.

Public Chapter 399 Senate Bill 1480 (Harper) House Bill 1520 (Kernell)
Extends the term of the judicial council. Requires the appointing authorities of the council to give due consideration in the appointments to the need for geographic, racial, gender and ethnic diversity on the council. Provides that the judicial council may review and comment on any proposed legislation not required to be filed with the council if such proposed legislation is referred to the council by the chair of any standing committee of either house or by either prime sponsor. Provides that the council comments shall not include recommendations for or against passage of proposed legislation but shall describe the potential effects of the legislation on the judicial system.

Effective June 23, 2003.

Public Chapter 408 Senate Bill 1861 (Ford) House Bill 1985 (Brooks)
Increases the fee for probation supervision services paid to the supervising agency from \$35 to \$45.

Effective July 1, 2003.

ECONOMIC DEVELOPMENT

Public Chapter 354 Senate Bill 2021 (Crutchfield) House Bill 2107 (Wood)
Amends the Convention Center and Tourism Development Financing Act of 1998 to authorize counties and municipalities to enter into structured lease agreements in conformity with rules of the state funding board in order to treat a structured lease as if

it were a revenue bond of the county or municipality. A structured lease is defined as a lease by a county or municipality of a qualified public use facility within a tourism development zone financed by bonds issued or outstanding according and for which the issuer of the bonds or the lessor of the facility has entered into an interest rate swap or exchange agreement, and interest rate floor or ceiling agreement or other interest rate hedging agreement as provided in the Act.

Effective June 13, 2003.

EDUCATION

Public Chapter 4 Senate Bill 326 (Walker) House Bill 297 (Windle)
Amends 49-6-3004 to allow the commissioner of education to grant reductions in the school year of up to 5 days for LEAs in federal disaster areas for the 2002-03 school year only.

Effective March 24, 2003, and repealed August 31, 2003.

Public Chapter 14 Senate Bill 15 (McNally) House Bill 228 (Hackworth)
Exempts LEAs from licensure requirements under the Modular Building Act, 68-126-101 *et seq.*, when vocational/industrial students build residential modular building units as a part of their curriculum, as long as the LEA only constructs one unit per school year, the structural and electrical systems are inspected, the building meets applicable codes, and the LEA provides a written disclosure to the purchaser that the LEA did not comply with the Modular Building Act.

Effective April 11, 2003.

Public Chapter 36 Senate Bill 546 (Fowler) House Bill 1018 (Wood)
Revises procedures for production of educational records as evidence in civil or criminal cases. Increases the time to respond to a subpoena to 20 days. Prior to responding to a subpoena, the school must make a reasonable effort to notify the parents (or students who are 18 or over) of the subpoena so protection may be sought.

Effective April 22, 2003.

Public Chapter 71 Senate Bill 526 (Trail) House Bill 573 (Fowlkes)
Enacts the "Power of Attorney for Care of a Minor Child Act." Allows a parent or parents having legal custody of a minor child to delegate to any adult state resident temporary care-giving authority over the minor child when hardship prevents the parents from caring for the child, by executing a written power of attorney on a form provided by the Department of Children's Services. Hardship may include serious illness, incarceration, and uninhabitability or loss of the child's home. The caregiver can be authorized to enroll the child in school in the LEA where the caregiver resides and in extracurricular activities; obtain medical, dental and mental health treatment for the child; provide for the child's food, lodging, housing, recreation and travel; and other powers that the parents may wish to give. Caregivers and parents who enroll a child in school fraudulently may be liable to the school district for restitution. If the child ceases to reside

with the caregiver, the LEA must be notified. The appointment of the caregiver can be terminated by a written instrument signed by a parent with legal custody, or by court order establishing a legal guardian or custodian for the minor child, and written documentation of the termination must be given to health care providers and the LEA. No person who acts in good faith reliance on a caregiver's authorization to enroll a child in school or to provide medical, dental or mental health care, without actual knowledge of contrary facts, is subject to criminal or civil liability or professional disciplinary action for such reliance, even if the actions are in contravention of the wishes of the parent with legal custody, as long as the person, school official or health care provider has a copy of the power of attorney and has not been provided written documentation of its revocation. A person who relies on the power of attorney has no obligation to make any further inquiry or investigation.

Effective May 5, 2003.

Public Chapter 180 Senate Bill 208 (Dixon) House Bill 564 (Brooks, Henri)
Enacts 55-8-192 to prohibit the driver of a school bus from using a hand-held mobile telephone while the bus is in motion and transporting children, except to communicate with a central dispatch or school transportation department, and except in cases of bona fide emergency. Violation is a Class C misdemeanor punishable only by a fine of \$50.00.

Effective July 1, 2003.

Public Chapter 217 Senate Bill 116 (Atchley) House Bill 246 (Head)
Enacts 8-38-1__ to provide that each charter school is required to enter into agreements with the commissioner of social security to ensure that the benefits of the federal old-age and survivors insurance system are extended to eligible employees of the charter school. The local board of education is responsible for all reporting and submission of funds.

Effective June 2, 2003.

Public Chapter 221 Senate Bill 396 (Norris) House Bill 590 (Todd)
Amends 49-6-3003 to provide that a parent, guardian or legal custodian who enrolls an out-of-district student in a school district by fraudulently representing the student's domicile is liable for restitution to the school district in an amount equal to the per pupil expenditure identified by the Tennessee Department of Education for the school district. If the fraudulently enrolled student is out-of-state, the parent, guardian or legal custodian will be liable for both state and local per pupil expenditures. Such restitution is cumulative for each year the student is fraudulently enrolled. When litigation is necessary to collect restitution, the parent, guardian or legal custodian is also liable for costs and fees, including attorneys fees, incurred by the school district. An action for restitution may be brought in circuit or chancery court in the district where the school district is located, within one year of the when the fraudulent representation occurred or was discovered, but in no event more than six years after the fraudulent enrollment occurred.

Effective July 1, 2003.

Public Chapter 268 Senate Bill 1383 (Burks) House Bill 1201 (Winningham)

Amends 49-5-702 to authorize local boards of education to pay teachers the difference between their regular pay and their military pay while engaged in military service.

Effective June 4, 2003.

Public Chapter 285 Senate Bill 1974 (Crutchfield) House Bill 2016 (McMillan)
Repeals 49-6-301(c), which provided that kindergarten was not mandatory under that statute.

Effective July 1, 2003.

Public Chapter 298 Senate Bill 437 (Cohen) House Bill 787 (Newton)
Relative to educational programs and purposes funded from proceeds of the state lottery, this act establishes scholarship and grant programs for Tennessee high school students to attend college in Tennessee. If excess net proceeds are available after paying lottery expenses and funding the scholarships, these funds will be allocated to early childhood education and pre-kindergarten programs established by the state department of education to provide competitive grants and technical assistance in areas of greatest need based on family income and existing programs in the area, first to children who are four years of age before September 30 and from low-income homes, next to three- and four-year olds who have been in the TEIS or Even Start program, and finally to three-year olds from low-income families. Also enacts the "Tennessee Lottery Funds for Education Projects Loan Act of 2003" which authorizes the Tennessee local development authority to issue revenue bonds and loan the proceeds to local governmental units for capital projects for K-12 educational facilities.

Effective June 11, 2003 for lottery-funded college scholarship and grant programs, and July 1, 2004 for early childhood education programs and the Education Projects Loan Act.

Public Chapter 404 Senate Bill 1860 (Ford) House Bill 1665 (Brooks, Henri)
Enacts the "Inner City Educational Enhancement Pilot Project Act of 2003" to authorize the two school systems having the greatest number of schools placed on probation to establish a pilot project with the approval of the local legislative body consisting of after-school programs at all or a significant portion of the LEA's schools on notice or probation status. The programs and services are to be principally provided by qualified volunteers who are retired teachers, university professors, law enforcement officers, armed forces veterans, members of the Urban League, or public employees. The local legislative body may provide incentive grants.

Effective July 1, 2003.

ELECTIONS

Public Chapter 33 Senate Bill 120 (Graves) House Bill 287 (McDonald)
Amends 2-6-102, regarding absentee voting, to allow persons working out of the county or out of the state during the election to have an absentee ballot mailed to their residential address in the county or other mailing address if they have no specific out-of-county address where they can receive mail during that time.

Effective April 17, 2003.

- Public Chapter 183 Senate Bill 988 (Beavers) House Bill 1211 (Lynn)
Requires questions submitted to the people in a referendum to be worded on the ballot so that a “yes” vote indicates support for the measure and a “no” indicates opposition to the measure.
- Effective May 22, 2003.
- Public Chapter 244 Senate Bill 1092 (Fowler) House Bill 957 (Hargett)
Amends 8-50-502 regarding disclosure statements of conflicts of interests to delete language which allowed officials to omit information which identified a particular firm or organization in which the official or certain family members held investments.
- Effective July 1, 2003.
- Public Chapter 307 Senate Bill 683 (Cohen) House Bill 756 (Hargrove)
Permits county election commissions to establish a centrally located polling place for voters whose registration is inactive or whose registration has been transferred. The election official at such polling place would notify the voter that he or she has the choice to vote at either the centrally located place or the new polling place. If the central location is other than the county election commission office, then the site would be equipped with computers linked to the county election commission office to allow voters' records to be changed. Requires any person trying to receive a party nomination or be elected by write-in ballot to complete a notice to the county election commission of each county of the district requesting that his or her ballots be counted no later than 20 days before the primary election or the general election. The person would only have votes counted in counties where the notice was completed and timely filed. Write-in candidates for the offices of governor, United States Senate, and United States House of Representatives would be required to file their notice with the state coordinator of elections. Requires the Coordinator of Elections to provide notice forms to county election commissions. This act eliminates the variation of the voting place boundary distance by requiring all counties to have a voting place boundary of 100 feet from the entrances to the building in which the election is to be held. This act deletes the requirement that the election commission give notice when a person's permanent registration records are to be purged.
- Effective July 1, 2003.
- Public Chapter 352 Senate Bill 1782 (Haynes) House Bill 1806 (Rinks)
Authorizes provisional ballots in Tennessee. Provides that a person who claims to be properly registered but whose eligibility cannot be determined by the computer signature list or the permanent registration records on file with the election commission shall be entitled to vote a provisional ballot. Such voter shall complete an original voter registration application and present verification of the voter's residential address. Information that can be used to verify the voter's residential address for this purpose shall include, but not be limited to, a Tennessee driver license, a residential lease agreement, a utility bill or other document bearing the applicant's residential address. Such voter shall then complete an application for ballot. After the application is completed, the voter shall be given a provisional ballot and envelope. Both the completed voter registration application and the ballot shall be deposited in a provisional ballot box. All provisional ballots shall be counted at the county election commission office by a separate central provisional ballot counting

board. If there are fewer than 100 absentee and provisional ballots to be counted, the election commission may act as the central provisional ballot counting board. The act spells out detailed procedures for determining whether the person casting the provisional ballot should have been allowed to vote and for counting such ballots and for transporting ballot boxes with paper ballots and write-in votes to the election commission office.

Effective July 1, 2003.

Public Chapter 374 Senate Bill 328 (Kyle) House Bill 432 (Tindell)
Amends all relevant statutes related to the Presidential Preference Primary and calls for the primary election to be held on the second Tuesday in February of 2004 and every four years thereafter. Amends 2-4-103 to allow election officials working in a polling place that serves multiple house districts to serve all voters of that polling place. Amends 2-12-102 to permit assistant public defenders and assistant district attorneys to serve as county election commission members in their counties of residence, provided that they do not work in the district where they live. Exempts Shelby County from the provisions of 2-12-202(c) related to the duties of precinct registrars.

Effective June 23, 2003.

Public Chapter 414 Senate Bill 634 (Kurita) House Bill 1257 (McMillan)
Directs the registry of election finance to develop an internet-based electronic filing process for use by all candidates for state public office and all political campaign committees which are required to file statements and reports with the registry. Such system shall forward copies of electronically filed reports to the appropriate local county election commission and allow public access to lists of campaign contributions and expenditures posted on the internet.

Effective June 24, 2003.

Public Chapter 416 Senate Bill 65 (Haynes) House Bill 1803 (Rinks)
Amends 2-10-302 to remove the limits on how much a candidate may contribute to his or her own campaign.

Effective June 24, 2003.

EMERGENCY SERVICES

Public Chapter 156 Senate Bill 1517 (Ramsey) House Bill 1069 (Godsey)
Amends the Emergency Medical Services Act of 1983 (Title 68, Chapter 140, Part 5) to allow an EMT-P (emergency medical technician-paramedic) to choose to be licensed as an EMT (emergency medical technician) by submitting an application to the Tennessee emergency medical services board and by completing any training this board deems necessary. However, if a person is employed in a position for which a local government has established as a condition of employment, that a person holding such position must be an EMT-P, then these new provisions for conversion of licence from EMT-P to EMT shall not apply to such person.

Effective May 19, 2003.

Public Chapter 205 Senate Bill 1149 (Haynes) House Bill 1473 (Briley)
Section 1 of this act amends 7-86-108 to provide that commercial mobile radio service providers shall collect the emergency telephone service charge on behalf of the emergency communications board for customers who are billed prospectively as well as retrospectively. Section 2 authorizes the state's emergency communications board to withhold revenue from the charge on commercial mobile radio service to the local emergency communication district if the district is operating in violation of state law or fails to correct a specific violation of state law, including but not limited to, the failure to submit an annual budget or audit. Also, the state board may withhold funds if it deems the district is not taking sufficient actions or acting in good faith to establish, maintain or advance wireline or wireless E-911 service.

Section 1 effective October, 1, 2003; Section 2 effective May 29, 2003.

Public Chapter 254 Senate Bill 63 (Haynes) House Bill (Briley)
Amends 58-2-201 to provide that each 911 or public safety dispatcher that receives an initial 911 call from the public is subject to the training and course requirements established by the state emergency communications board.

Effective July 1, 2003.

Public Chapter 312 Senate Bill 887 (Clabough) House Bill 727 (Curtiss)
Provides that after July 1, 2003, no county, municipality or other organization will operate a fire department within Tennessee unless it has been duly recognized to do so by the state fire marshal's office. In order to obtain recognition from the state fire marshal's office, each county, municipality or other organization must file an application to begin service or a renewal application to continue service. Once recognized, each fire department will be classified as career, volunteer, or combination. The recognition certificate will be valid for a period of three years. After July 1, 2003, no new fire department may be established or recognized without the approval of the local elected governing body with jurisdiction over the territory to be served by the proposed new department.

Effective July 1, 2003.

FINANCE

Public Chapter 38 Senate Bill 812 (Kyle) House Bill 1483 (Fitzhugh)
Amends 9-4-518 to remove specific requirement that qualified public depositories include a detailed schedule of all securities pledged as collateral and a statement of selected financial information in written reports to the state Treasurer.

Effective April 22, 2003.

HIGHWAYS

- Public Chapter 86 Senate Bill 588 (Williams) House Bill 900 (Head)
Amends Title 54, Chapter 5 to authorize the Tennessee Department of Transportation (TDOT) to reimburse a utility (publicly or privately owned) for the cost of relocation of a utility facility located on a public highway right of way (including a county right of way) where the construction project is undertaken by TDOT. Such reimbursement is subject to specific appropriations by the General Assembly in the general appropriations act. [This act could occasionally aid counties that operate public utilities].
- Effective September 1, 2003.

LAW ENFORCEMENT

- Public Chapter 56 Senate Bill 406 (Fowler) House Bill 841 (Wood)
Amends 24-7-116 by adding new subsection (f). Permits subpoenaed telephone records to be transmitted to law enforcement officials by telephone or facsimile.
- Effective July 1, 2003.
- Public Chapter 72 Senate Bill 708 (Burchett) House Bill 660 (Brooks (Knox))
Amends 55-8-183(d)(1). Revises language in present law to delete "unlawful" term to clarify that violation of failing to yield right of way or interfering with properly identified funeral procession which is enabling statute for county or municipal action is clearly civil violation and not criminal.
- Effective May 5, 2003.
- Public Chapter 120 Senate Bill 1950 (Crutchfield) House Bill 2046 (McMillan)
Amends 43-8-3 by adding new section. Requires aerial applicators applying pesticides in the State of Tennessee to notify the sheriff's office in the county in which an application is to be made. The required notification is to be made prior to the pesticide application and no later than the day of the application. Requires the aerial applicator to report the name of the landowner and the location of each intended pesticide application as well as the names(s) of the pesticide(s) to be sprayed.
- Effective May 12, 2003.
- Public Chapter 144 Senate Bill 29 (Clabough) House Bill 63 (Overbey)
Amends 39-17-1315 and 39-17-1308. Authorizes county magistrates to carry weapons.
- Effective May 19, 2003.
- Public Chapter 180 Senate Bill 208 (Dixon) House Bill 564 (Brooks, Henri)
Enacts 55-8-192 to prohibit the driver of a school bus from using a hand-held mobile telephone while the bus is in motion and transporting children, except to communicate with a central dispatch or school transportation department, and except in cases of bona fide emergency. Violation is a Class C misdemeanor punishable only by a fine of \$50.00.

- Effective July 1, 2003.
- Public Chapter 198 Senate Bill 550 (Clabough) House Bill 847 (Armstrong)
Amends 39-15-413 by adding new subsections (a)(2), (b), and (c). Allows merchants to use minors aid in prevention of sale of alcoholic beverages, tobacco products, and lottery tickets to persons underage; establishes specific guidelines to be followed when using minors.
- Effective May 29, 2003.
- Public Chapter 210 Senate Bill 1805 (Ketron) House Bill 1726 (Fowlkes)
Amends 33-6-901(a). Allows for the transportation of a person with mental illness or serious emotional disturbance by one or more friends, neighbors, other mental health professionals familiar with the person, relatives of the person, or a member of the clergy. Allows such persons to transport the mentally ill person if a mandatory prescreening agent, physician, or licensed psychologist with health service provider designation determines that the mentally ill person does not require physical restraint or vehicle security. Transportation costs would be the responsibility of the transporter.
- Effective May 29, 2003.
- Public Chapter 222 Senate Bill 430 (Haynes) House Bill 610 (Garrett)
Amends 62-35-141 by adding new subsection (b)(2). Permits police officer working private security to wear uniform of officer's primary jurisdiction, if jurisdiction has authorized and assumed responsibility for wearing such uniform.
- Effective June 2, 2003.
- Public Chapter 275 Senate Bill 1658 (Norris) House Bill 1624 (West)
Amends Title 39, Chapter 17, Part 13 by adding new section 39-17-1361.
Requires sheriff or chief of police of city of residence of person purchasing firearm to execute within 15 business days of any request all documents required to be submitted by purchaser if purchaser is not prohibited from possessing firearms.
- Effective June 4, 2003.
- Public Chapter 287 Senate Bill 32 (Clabough) House Bill 66 (Overbey)
Amends 40-36-302 by adding new subsection (f). Requires facilities that house alternatively sentenced criminal offenders to notify the chief law enforcement officer in the county and municipality where facility exists of the identity, criminal record and location of the alternatively sentenced criminal offenders proposed to be located at such facility.
- Effective June 6, 2003.
- Public Chapter 289 Senate Bill 268 (Burchett) House Bill 214 (Turner)
Amends Title 4, Chapter 24 and Title 38, Chapter 8. Adds new language to end of subsection 4-24-202(c) and new subdivision (3) to 38-8-111(a). Gives cash salary supplement to firefighter or police officer who served or serves on active duty in the armed

forces during Operation Enduring Freedom or any other period of armed conflict prescribed by presidential proclamation or federal law which occurs following the period involving Operation Enduring Freedom, if such service prevented or prevents such personnel from attending the in-service training program required to qualify for the supplement.

Effective June 6, 2003.

Public Chapter 290

Senate Bill 803 (Person) House Bill 774 (Pleasant)

Amends 55-9-401. Requires agricultural vehicles with a width of more than 96 inches, which are being towed, to have two red or amber flashing tail lights, one on each side, or have a rear escort using its emergency flashers. This requirement would apply during the period of one-half hour before sunset until one-half hour after sunrise.

Effective June 6, 2003.

Public Chapter 299

Senate Bill 61 (Haynes) House Bill 406 (Briley)

Amends 55-9-602 regarding child restraints. Requires any person transporting a child under one year of age or weighing 20 pounds or less to secure the child properly with a child passenger restraint system in a rear facing position in the rear seat if available. Requires any person transporting a child one through three years of age weighing more than 20 pounds to secure the child properly with a child passenger restraint system in a forward-facing position in the rear seat if available. Requires any person transporting a child four through eight years of age measuring less than five feet in height to secure the child properly with a belt positioning booster seat system in the rear seat if available. Allows for specially modified, professionally manufactured restraint systems as an alternative with a prescription from a physician if the child cannot be safely transported in a conventional child passenger restraint system. Requires any person transporting a child nine through twelve years of age or any child through twelve years of age measuring more than five feet or more in height, to secure the child properly using a seat belt system meeting federal safety standards. It is recommended that any such child be placed in the rear seat if available. Requires any person transporting a child thirteen through fifteen years of age to secure the child properly using a seat belt system meeting federal safety standards. A person charged with violation of this law in regards to children ages nine and above may, in lieu of appearance in court, submit a fine of fifty dollars to the clerk of the court. Of this fine, ten dollars shall be deposited in the state general fund for any use. The remaining forty dollars shall be deposited to the child safety fund. Deletes former provisions that excused failure to secure children aged four through fifteen if all original vehicle seat belts or restraints were occupied. Provides that the driver is responsible for compliance with the law unless the driver is not the parent or guardian of the child and the parent or guardian is present in the vehicle. In that case, the parent or guardian is responsible for compliance. Provides that the failure to use a child restraint system shall not be admissible into evidence in a civil action, except that such failure may be introduced as evidence of the causal relationship between non-compliance and the injuries alleged if: (1) the plaintiff has filed a products liability claim; (2) the defendant alleging non-compliance raises this defense in its answer or a timely amendment thereto; and (3) each defendant seeking to offer evidence alleging non-compliance has the burden of proving non-compliance, that compliance would have reduced injuries and the extent of the

reduction.

Effective July 1, 2004.

- Public Chapter 303 Senate Bill 397 (Crutchfield) House Bill 721 (Buck)
Clarifies that a bail bondsman or surety may arrest a defendant at any place in or out of the state. Determines that when a professional bondsman acts as surety the bondsman's capacity is not less than ten times the amount of the collateral pledged. If the collateral is real estate, the capacity is not less than ten times the amount of the value of the equity pledged as collateral.
- Effective June 11, 2003.
- Public Chapter 328 Senate Bill 1923 (Walker) House Bill 1860 (Kernell)
Amends 68-104-107. Requires persons conducting any public fireworks display that is to be performed within the limits of a county but outside the limits of a municipality to obtain the signed approval of the chief supervisory law enforcement and fire department officials of the county. Requires persons conducting outdoor public fireworks displays to have at least one fire suppression vehicle with necessary personnel on site during the outdoor display. Adds the following additional requirements for indoor public fireworks displays: (1) At least one trained firefighter on site during the indoor display; (2) Oral notification to attendees by the owner of the building, or authorized representative, of the location of all exits from the building immediately before the start of the program that includes the use of indoor fireworks; (3) At least two working fire extinguishers in the area where the fireworks are to be employed; and (4) Signs designating the location of all emergency exits must be posted in each restroom that is available to the public.
- Effective June 11, 2003.
- Public Chapter 366 Senate Bill 1344 (Person) House Bill 1293 (Fowlkes)
Amends Title 40, Chapter 6, Part 2, relative to the issuance of warrants and summons. Amends 40-6-203 by deleting the section in its entirety and substituting a new section 40-6-203. Requires the magistrate to examine the affiant(s), on oath, reduce the examination to writing, and cause the examination to be signed by the person making it. Allows the examination of the affiant(s) by the magistrate to be conducted through the use of electronic audio-visual equipment but requires the affiant to prepare an affidavit of complaint prior to the examination and electronically transmit a facsimile copy of such affidavit to the examining official. Amends 40-6-204 by deleting the section in its entirety and substituting a new section 40-6-204. Requires the written examination to set forth the facts stated by the affiant(s) that establish that there is probable cause to believe an offense has been committed and that the defendant committed it. Amends 40-6-205 by deleting the section in its entirety and substituting a new section 40-6-205. Requires the magistrate to issue a warrant of arrest if the magistrate is satisfied from the written examination that there is probable cause to believe the offense complained of has been committed and that there is probable cause to believe the defendant has committed it. Requires the finding of probable cause to be based on evidence, which may be hearsay in whole or in part provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. Provides that a criminal summons will be issued instead of a warrant of arrest if the affiant is not a law enforcement officer, or none of the affiants in the case of multiple-affiants is a law enforcement officer, except, however, if after examination of the affiant and the affidavit of complaint, the magistrate has probable cause to believe that the

issuance of a warrant of arrest rather than a criminal summons is necessary to prevent an immediate threat of imminent harm to a victim as defined in § 36-3-601(8), and makes a written finding of fact that an arrest warrant rather than a criminal summons is necessary, the magistrate may issue a warrant of arrest. Amends 40-6-208 by adding subsection (d). Requires that the warrant shall include a copy of the affidavit of complaint. Amends 40-6-215 by deleting the section in its entirety and substituting a new section 40-6-215. Details criminal summons procedures. Amends 40-6-216(a) by adding the words “or summons” between the words “warrant” and “issued”. Amends 40-6-216(b) by adding the words “or summons” between the word “arrest” and the word “to” in the first sentence and by adding the words “or summons” to the end of the sentence.

Effective January 1, 2004.

NOTARY PUBLIC

Public Chapter 106 Senate Bill 353 (Haynes) House Bill 820 (Overbey)
Ends the use of impression seals at the end of the term of any current notary. Except for current notaries to the end of their term, a notary will only use a stamp seal. However, the use of an embossed (impression) seal will not render an acknowledgment defective.

Effective May 12, 2003.

PERSONNEL

Public Chapter 12 Senate Bill 115 (Atchley) House Bill 248 (Head)
Makes various changes to TCRS statutes. Authorizes board of trustees to require contributions and monthly reports to be submitted electronically.

Effective April 7, 2003.

Public Chapter 148 Senate Bill 554 (Clabough) House Bill 538 (Overbey)
Enacts a new statute under Title 50 which prohibits an employer from terminating an employee who is a volunteer firefighter solely because the employee is absent or late for work because the employee is responding to an emergency. The employer may charge the time that the employee loses against his or her regular pay. The employer may request a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency and the time and date. The employee must make a reasonable effort to notify the employer that the employee may be absent or late. An employee terminated in violation of this statute may, within one year of the violation, bring a civil action seeking reinstatement, back wages, restoration of fringe benefits and seniority rights, if any.

Effective July 1, 2003.

Public Chapter 268 Senate Bill 1383 (Burks) House Bill 1201 (Winningham)
Amends 49-5-702 to authorize local boards of education to pay teachers the difference between their regular pay and their military pay while engaged in military service.

Effective June 4, 2003.

- Public Chapter 289 Senate Bill 268 (Burchett) House Bill 214 (Turner)
Amends Title 4, Chapter 24 and Title 38, Chapter 8. Adds new language to end of subsection 4-24-202(c) and new subdivision (3) to 38-8-111(a). Gives cash salary supplement to firefighter or police officer who served or serves on active duty in the armed forces during Operation Enduring Freedom or any other period of armed conflict prescribed by presidential proclamation or federal law which occurs following the period involving Operation Enduring Freedom, if such service prevented or prevents such personnel from attending the in-service training program required to qualify for the supplement.
- Effective June 6, 2003.
- Public Chapter 308 Senate Bill 690 (Henry) House Bill 1609 (Fowlkes)
Amends 8-33-109 to authorize (but not require) public employers to provide partial compensation to employees engaged in military service after the 15 days per year of full compensation required under the law.
- Effective June 11, 2003.
- Public Chapter 359 Senate Bill 172 (Haynes) House Bill 1038 (Hargrove)
Amends Title 50 relative to workers' compensation. Changes the composition and responsibilities of the advisory council on workers' compensation. Changes the requirements for filing statistical data forms. In cases with a court-approved settlement or in those resolved by trial, the completed statistical data form must be filed with the clerk of the court at the same time as the order approving the settlement or the final trial order; the clerk shall not accept a settlement or trial order for filing without a fully completed statistical data form. The commissioner of labor and workforce development may assess monetary penalties not exceeding \$100 against insurers or self-insured employers who frequently fail to file statistical data forms. Requires self-insured employers to maintain a valid certificate of authority from the commissioner of commerce and insurance by paying a non-refundable fee of \$500 and furnishing proof of financial ability to pay all claims that may arise under the workers' compensation laws and guaranteeing payment of same. The certificate of authority to self-insure may be suspended or revoked for failure to furnish the required financial information. Employers must post a notice prescribed by the commissioner containing, at a minimum, a general description of the duties and obligations of the employer and employees under the workers' compensation law, the name, address and telephone number of the individual to notify in case of a work-related injury, the toll-free number of the department of labor and workforce development, the name address and telephone number of a representative of the employer who can confirm whether the employer is subject to the workers' compensation law. Building permits cannot be issued until a copy of either a certificate of insurance or a workers' compensation policy has been submitted unless the applicant is exempt. Requires a workers' compensation insurer to furnish, within 30 days after receipt of a written request from an insured or insured's designee, a copy of the insure's prior three year loss run history.
- Effective July 1, 2003 (most parts).

PLANNING, ZONING AND NUISANCES

- Public Chapter 39 Senate Bill 1690 (Trail) House Bill 882 (Hood)
Amends 68-120-101. Adds International Building and International Fire codes to lists of building construction and fire prevention codes which may be adopted by local governments as part of building construction safety standards.
- Effective April 22, 2003.
- Public Chapter 47 Senate Bill 1850 (Crowe) House Bill 1904 (Davis)
Amends 7-51-1102. Defines "notice" for purposes of notifying applicants under "Adult-Oriented Establishment Registration Act" to include mailing by first class in U.S. mail to the address contained in a person's application, unless the board has been notified of a change of address. Receipt of notification is presumed three days after mailing.
- Effective April 23, 2003.
- Public Chapter 57 Senate Bill 1603 (Cooper) House Bill 1013 (Curtiss)
Amends 5-1-118 to remove present restriction which prevents counties having county-wide zoning from exercising nuisance powers granted to municipalities. In 2002, the General Assembly authorized counties without zoning to adopt these powers by resolution by two-thirds vote. This bill also clarifies that regulations adopted pursuant to this authority must also be enacted by adoption of a resolution passed by two-thirds vote.
- Effective April 23, 2003.
- Public Chapter 63 Senate Bill 365 (Miller) House Bill 1010 (Newton)
Adds new section 6-54-130. Prohibits municipalities or counties from enforcing any ordinance or resolution that regulates amateur radio antennas if that ordinance or resolution does not comply with the F.C.C.'s Amateur Radio Preemption. In accordance with those F.C.C. regulations, this act requires local governments that regulate amateur radio antennas to reasonably accommodate such antennas and regulate them in a manner that represents the minimum practicable regulation necessary to accomplish the municipality's or county's purpose.
- Effective April 29, 2003.
- Public Chapter 326 Senate Bill 1728 (Ketrone) House Bill 1652 (DuBois)
Adds new section 68-120-___. Authorizes a building official, in the event that said official is denied permission to make an inspection and a warrant is required by federal or state constitution to perform such inspection, to obtain an administrative inspection warrant from a person authorized by law to issue warrants or from any court of record in the requesting agency's county of residence. The issuing officer would be authorized to issue such warrants authorizing a building official to inspect a named premises after determining from affidavits filed by the requesting building official that: (1) the agency has the statutory authority to conduct the inspection; (2) probable cause, as defined by the statute, exists to believe that a violation of law has occurred or is occurring; (3) the inspection is reasonable and not intended to arbitrarily harass the persons or business involved; (4) the areas and

items to be inspected are accurately described and are consistent with the statutory authority; and (5) the purpose of the inspection is not criminal in nature and the agency is not seeking sanctions against the person or business for refusing entry. In addition to a showing of specific evidence of an existing violation, probable cause could be found upon a showing of facts justifying further inquiry, by inspection, to determine whether a violation of any state law or local building, fire or life safety code is occurring. The issuing officer would immediately make a finding as to whether an administrative inspection warrant should be issued and if the issuing officer so determines, issue such warrant. No notice would be required prior to the issuance of the warrant. All warrants must include at least the following: (1) the name of the agency and building official requesting the warrant; (2) the statutory or regulatory authority for the inspection; (3) the name of the building official authorized to conduct the inspection; (4) a reasonable description of the property and items to be inspected; (5) a brief description of the purposes of the inspection; and (6) any other constitutional requirements. All warrants shall be executed within ten days of issuance. Any person who willfully refuses to permit inspection or obstructs inspection or aids in the obstruction of an inspection of property would commit a Class C misdemeanor. Any person aggrieved by an unlawful inspection of premises named in an inspection warrant would be allowed in a judicial or administrative proceeding to move to suppress any evidence or information received by the agency pursuant to such inspection. If the court or agency finds that the inspection was unlawful, such evidence and information would be suppressed and not considered in the proceeding. The provisions of this act only apply in jurisdictions that require enforcement of building codes and that make inspections of premises to implement and enforce such codes.

Effective June 11, 2003.

Public Chapter 329

Senate Bill 1981 (Cooper) House Bill 2009 (McMillan)

Amends multiple statutes in Title 13, Chapter 19, Part 1. Authorizes local jurisdictions to adopt the 2000 International Energy Conservation Code with 2002 amendments as an alternative to other model energy codes currently allowed by statute.

Effective July 1, 2003.

PURCHASING

Public Chapter 82

Senate Bill 1936 (Crutchfield) House Bill 2008 (McMillan)

Amends 12-4-201 to allow contractors seeing to contract for any public work in this state to submit, in lieu of surety bonds, certificates of deposit, evidence of other deposits and letters of credit from state or national banks or federal savings and loan associations having its principal office in Tennessee, or if the principal office is outside Tennessee, maintains one or more branches in this state which are authorized to accept federally insured deposits. The terms and conditions of any letter of credit shall be subject to the approval of the public official named in the contract.

Effective May 5, 2003.

- Public Chapter 184 Senate Bill 1921 (Graves) House Bill 1733 (McDonald)
Enacts 5-14-207 as part of the County Purchasing Law of 1983 to require that bid specifications for purchases of chemical products require the manufacturer to list and maintain a material safety data sheet (MSDS) for the chemical products in the national MSDS search repository so that such information can be accessed by means of the Internet. Also adds same provisions to city and state purchasing statutes, and requires the commissioner of general services to post on its website the URL for MSDS-SEARCH.
- Effective May 22, 2003.
- Public Chapter 228 Senate Bill 878 (Ramsey) House Bill 1407 (Godsey)
Amends 12-3-1004 to authorize any local education agency (LEA) to buy equipment under the same terms as a legal bid by any other LEA in Tennessee. An LEA may buy directly from the vendor the same equipment for the same price and terms as purchased by another LEA under a contract.
- Effective June 2, 2003.

RECORDS

- Public Chapter 55 Senate Bill 629 (Haynes) House Bill 789 (Fowlkes)
Amends 10-7-702 regarding municipal records to provide that the governing body of any municipality may authorize the disposal of permanent paper records of the municipality when the record has been converted to other listed media. Provides that other non-permanent records may be disposed of after they have been kept for the retention period prescribed in the municipalities retention schedules. Authorizes the municipality to adopt reasonable rules and policies regarding making, filing, storing, exhibiting, copying and disposal of municipal records.
- Effective April 23, 2003.
- Public Chapter 106 Senate Bill 353 (Haynes) House Bill 820 (Overby)
Amends 8-16-301 to restrict notary public to use of stamp seal only after end of current term of office. Impression seals are permitted until the expiration of current term. Former law allowed the use of either stamp seal or impression seal.
- Effective May 12, 2003.
- Public Chapter 107 Senate Bill 383 (Dixon) House Bill 575 (Fitzhugh)
This act clarifies that the Tennessee Uniform Electronic Transactions Act does not supersede the Federal E-Sign Act in regard to the following: (1) The consumer disclosure requirement (when a written record of contract terms is required by law an electronic record can be used instead, if the consumer consents to such); (2) The accuracy and accessibility requirement (when a law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record); and (3) Denial of electronic record requirement (if an electronic record is not in a form that can be retained and accurately reproduced for later reference by all parties, such electronic record's legal effect, validity, or enforceability may be denied). This bill also

clarifies that the Uniform Electronic Transactions Act does not authorize the electronic delivery of any of the following (consistent with the E-Sign Act): (1) Court orders or notices or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; (2) Any notice of: cancellation or termination of utility services; default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or recall of a product, or material failure of a product, that risks endangering health or safety; or (3) Any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

Effective May 12, 2003.

Public Chapter 295 Senate Bill 1960 (Crutchfield) House Bill 2030 (McMillan)
Amends 10-7-504 regarding access to certain confidential records of utilities and confidential contingency plans of governmental entities. Provides that other governmental agencies may have access to these records when performing official functions and that public access to these records may be allowed in the course of performing official functions.

Effective June 6, 2003.

REGISTER OF DEEDS

Public Chapter 34 Senate Bill 490 (Burks) House Bill 512 (Hargrove)
Amends 8-21-1001(d) to correct a codification error regarding a reference to what fees are earmarked for computerization of the office of the register of deeds. Clarifies that only the special \$2.00 per document fee is so earmarked.

Effective April 17, 2003.

Public Chapter 49 Senate Bill 124 (Graves) House Bill 230 (McDonald)
Amends 8-13-108(a)(6) to remove the requirement that the register include on the certification placed on recorded documents a reference to where the document is noted in the notebook.

Effective April 23, 2003.

Public Chapter 76 Senate Bill 1114 (Atchley) House Bill 1688 (Head)
Amends Title 55 relative to evidence of title for manufactured homes. When the real estate and the manufactured home are owned by the same owner, and the manufactured home is affixed to the real estate, the owner may record an Affidavit of Affixation (in substantially the form set out in the statute) in the register of deeds' office, which will be prima facie evidence that the manufactured home is affixed to real property as an improvement to the property. For manufactured homes that are affixed to the owner's land and for which an Affidavit of Affixation has been recorded, no certificate of title is necessary. Manufactured homes which are not affixed to land, and those which are

affixed to land owned by someone other than the owner of the manufactured home, will continue to be issued certificates of title. Recording an Affidavit of Affixation is not mandatory; an owner may choose to obtain a certificate of title for a manufactured home even though it is affixed to land owned by him or her.

If a certificate of title previously has been issued for a manufactured home that is affixed to the owner's land, the owner may surrender the title to the Department of Safety for cancellation by providing the following to the county clerk: (1) certificate of title to the manufactured home duly endorsed to show release of any lienholders; (2) certified copy of deed to real property to which the manufactured home has been affixed as recorded in the register's office; and (3) certified copy of affidavit of affixation recorded in the register's office. Surrender of the certificate of title is not mandatory; the owner may choose to continue to hold a certificate of title for a manufactured home even though it is affixed to land owned by him or her.

If the owner of a manufactured home who has surrendered the certificate of title later wants to have the title reissued, the owner may apply for a new certificate of title with the county clerk by providing the following: (1) an abstract of title showing legal ownership of the manufactured home and real property and any mortgages recorded on the real property; (2) for every lienholder shown on the title abstract, either a release of the lien or a lienor's statement that the lien is to be recorded on the certificate of title; and (3) payment of the required fees for issuance of the certificate of title.

Effective May 5, 2003.

RETIREMENT

Public Chapter 223

Senate Bill 434 (McLeary) House Bill 739 (Hagood)

Enacts 8-36-8__ to allow a teacher who has been retired for at least two years to accept employment as a full-time elected city official without the loss of retirement benefits, but such person will not be eligible to accrue additional retirement benefits. Ineffective unless funds are appropriated to fund the estimated first-year costs in 2003-04 general appropriations act.

Effective June 2, 2003.

SOLID WASTE

Public Chapter 332

Senate Bill 1022 (Bryson) House Bill 965 (Harry Brooks)

Amends 68-211-825(a) to provide that the department of environment and conservation will establish criteria under which applicants for matching grants for recycling equipment will be given preference if they employ adults with a developmental disability in such a manner that improves the recycling rate of the county or city and thereby contributes toward meeting or exceeding its solid waste reduction or diversion goal.

Effective June 13, 2003.

TAXATION

- Public Chapter 322 Senate Bill 1372 (Crutchfield) House Bill 1240 (Vincent)
Amends 67-4-1408 to provide that a knowing refusal of a hotel or motel operator to collect or remit a hotel-motel tax or knowing failure of a transient to pay the tax is a Class A misdemeanor, with each day constituting a separate offense. Provides that the statute does not prevent the collector from pursuing other remedies, including issuing distress warrants and seizing assets, to collect the taxes due.
- Effective June 11, 2003.
- Public Chapter 355 Senate Bill 1991 (Crutchfield) House Bill 2073 (McMillan)
Enacts the “Omnibus Bill” to effect changes necessary in existing law to implement the governor’s proposed budget. Deletes provision regarding posting notice of applications for federal grants on the internet. Suspends step raises for district attorneys, public defenders and highway patrol. Revises language on changes to amount of health insurance state pays for its employees. Allows waiver of notice prior to dismissal for state civil service employees. Makes numerous other minor changes to save money in various state departments. Recaptures nine percent of the following state shared taxes and returns such money to the state general fund: the alcoholic beverage tax, wholesale beer tax, mixed drink tax, telecommunications sales tax and bank excise tax. Recaptures thirty-three percent of the portion of the Hall Income Tax shared with local governments. Makes revenue from the realty transfer tax which is allocated to the wetland acquisition fund, the state land acquisition fund, the local parks acquisition fund and the agricultural resource conservation fund subject to annual appropriation until the end of fiscal year 2007. Makes changes to the excise taxes to close certain loopholes. Allows capture of balances and reserves from 62 different state funds or accounts. Allows secretary of state to reduce salary supplement paid to counties for the administrator of elections salary by 9% and to solicit donations for the blue book. Reduces the municipal share of the state sales tax by approximately 7.5%. Takes an additional 8.73% of the coal severance tax administered by the state for administrative expenses. Makes prisoner reimbursement to counties subject to annual appropriations. Repeals provision that prevents use of certain BEP funds for salary increases for teachers. Allows greater flexibility in use of education fund balances in years when state shared revenues are reduced below fiscal year 2002-2003. Allows public employers to pay the professional privilege tax on behalf of their employees that are liable for such tax. Amends the Tennessee Local Development Authority Act.
- Effective August 1, 2003, in regards to provisions related to the realty transfer tax and state-shared taxes; effective June 16, 2003 for all other purposes.
- Public Chapter 370 Senate Bill 1665 (Person) House Bill 979 (Stanley)
Amends 67-4-1425 which prohibits a city from levying a hotel-motel tax if the county has already levied such tax and prohibits a county from levying a hotel-motel tax inside a city that has already levied such tax, so that these prohibitions do not apply in any county (excluding metro counties) that (1) contains or borders a county with an airport designated as a regular commercial service airport in the international civil aviation organization regional air navigation plan and contains a government-owned convention center of at least 50,000 square feet and an adjacent hotel, or (2) contains an airport with regularly

scheduled commercial passenger service and the creating municipality of the metropolitan airport authority for the airport is not located within the county, and in such counties the tax levied by cities can only be used for tourism. The hotel-motel tax levied by cities in these counties cannot exceed 5%.

Effective June 17, 2003.

Public Chapter 418 Senate Bill 1874 (Kyle) House Bill 1991 (McMillan)
Makes numerous clean-up changes to laws related to revenue collection of various taxes. Deletes language in 67-4-1004 and 67-4-1005 that directs that the revenue from 2002 increases in cigarette taxes by the state goes into the state general fund and is not shared with local governments. Removes the exemption for state employees from the professional privilege taxes and authorizes employers, including any governmental entity, to pay the professional privilege tax on behalf of employees. Makes changes to the state excise tax.

Effective June 24, 2003.

TAXATION – PROPERTY

Public Chapter 7 Senate Bill 677 (McNally) House Bill 714 (Winningham)
Amends 67-5-1601(a) to authorize the state Board of Equalization to extend a county's reappraisal cycle beyond six years in order to synchronize the county's cycle with a contiguous county's reappraisal cycle, if a city lies in part in each county and the city contains property of the federal government for which payments in lieu of taxes are being made.

Effective March 28, 2003. Expires December 31, 2003.

Public Chapter 76 Senate Bill 1114 (Atchley) House Bill 1688 (Head)
Amends Title 55 to provide a new procedure to cancel the certificate of title to a manufactured (including mobile) home. If the holder of the certificate of title also owns the land to which a manufactured home is attached, the owner may apply to the Department of Safety for the cancellation of the certificate of title. Also, no certificate of title need be obtained or maintained where the manufactured home is affixed to real property in accordance with 55-3-138. In order to obtain cancellation of the certificate of title the owner must execute an affidavit of affixation using a form substantially similar to the one delineated in this act which is to be recorded in the office of the register of deeds in the county where the manufactured home is affixed as an improvement to the real property as well as send a certified copy of this affidavit and other information to the Department of Safety. The register is to record this affidavit with the real estate records. The owner is obligated to file a copy of this affidavit of affixation with the assessor of property to assist in locating and identifying the manufactured home for property tax purposes.

Effective May 5, 2003.

- Public Chapter 87 Senate Bill 1175 (Kurita) House Bill 1248 (McMillian)
Amends 67-2-112 and 67-5-2011 to extend the property tax and Hall income tax deferral currently available to military personnel stationed outside the United States during Operation Enduring Freedom to any military personnel stationed outside the United States who were engaged in hostilities where they are entitled to combat compensation as determined by the U.S. Department of Defense. Applies to taxes due and payable during 2003.
- Effective May 5, 2003.
- Public Chapter 251 Senate Bill 1857 (Henry) House Bill 1893 (Head)
Amends 67-5-212 to provide that the state board of equalization may by rule impose a fee not to exceed \$100 for processing applications for tax exemption.
- Effective June 3, 2003.
- Public Chapter 377 Senate Bill 675 (McNally) House Bill 809 (Hackworth)
Amends 67-5-601 to provide that the General Assembly finds that commercial, industrial and public utility property that generates electricity using wind as its energy source is generally capable of only generating one - third of the energy of conventional power plants due to the intermittent nature of the wind. The assessor of property in assessing commercial or industrial property or the comptroller of the treasury in assessing public utility property which generates electricity using wind as its energy source will take the findings of the General Assembly into account in determining the sound, intrinsic and economic value of such property.
- Effective June 23, 2003 and applicable to property assessed for tax year 2003 and the tax years thereafter.
- Public Chapter 385 Senate Bill 1450 (Clabough) House Bill 1030 (Rinks)
Provides that when a county is ordered to make a refund of property taxes and any interest owing to a taxpayer, no specific appropriation is required to authorize the county trustee to make the refund. The trustee may make the ordered refund and any interest owing the taxpayer as otherwise provided from any taxes collected for the year or years to which the refund relates prior to the allocation to the various state funds. If the trustee does not have funds collected from the year to which the refund relates, the trustee may make the refund and pay any interest owing the taxpayer from current collections prior to the allocation of revenue to the various county funds. Where a refund plus accrued interest exceeds one percent of all property taxes levied for the year in which the refund is due, the trustee may defer the refund for a period of up to three years in equal annual installments, and the deferred amounts will accrue interest in the manner provided by law. Additionally, 67-5-1512 is amended to provide that the interest rate on a deferred refund shall increase two points from the date of the deferral sixty days after the board of equalization decision is rendered until the refund is finally paid. This act does not apply to refunds due at time this act became effective.
- Effective June 23, 2003.

Public Chapter 406 Senate Bill 1858 (Henry) House Bill 1895 (Head)
Amends 67-5-1501 to require the board of equalization to assess the costs of hearing or processing an appeal against a non-prevailing party not determined to be indigent. Such assessment cannot exceed five dollars per parcel for processing an appeal and cannot exceed \$100 for costs of hearing, provided that any assessment for hearing costs shall be proportionate to the value of the property at issue. The board rules must provide for a total refund of hearing costs if the ordered reduction is one half or more of the appellant's claim. Otherwise, the refund of hearing costs shall be proportionate to the relief granted. No processing fees in excess of one dollar per parcel can be assessed for electronically filed appeals until such time as the actual appeal forms are filed. No hearing costs can be assessed for any appeal which has been withdrawn or for which the parties have agreed to settlement prior to hearing. Persons who are age 65 or older will not be charged fees and costs on the appeal of their primary residence if the appraised value is \$150,000 or less.

Effective June 23, 2003.

TAXATION - SALES

Public Chapter 9 Senate Bill 541 (Henry) House Bill 887 (Briley)
Amends 67-6-102 to define energy resource recovery facility to clarify that energy produced in such facilities will not be subject to local sales and use taxes in counties with a metropolitan form of government.

Effective April 2, 2003.

Public Chapter 176 Senate Bill 940 (Harper) House Bill 1305 (Pruitt)
Amends 67-6-103 regarding professional sport franchises. Expands provision authorizing use of sales taxes collected at new baseball stadium for retirement of bonds used to construct such stadium and for maintenance of stadium to include new stadium constructed for existing AA or AAA baseball team, rather than only for expansion clubs. Provides that amount includes tax on all sales of authorized franchise goods and products associated with franchise within county, less local taxes collected in the year preceding the new stadium occupancy. Specifies that the revenues generated from the one cent sales tax increase from 2002 and the half-cent sales tax dedicated to the BEP are to be retained by the state.

Effective May 22, 2003.

Public Chapter 284 Senate Bill 1959 (Crutchfield) House Bill 2032 (McMillan)
Amends 67-6-224. Provides certain corporations with a sales or use tax credit for establishing a "qualified headquarters facility" in this state. To qualify for the sales or use tax credit, a corporation must make a minimum investment of either: (1) \$50 million in a building or buildings either newly constructed, expanded or remodeled; or (2) \$20 million in a building or buildings either newly constructed, expanded or remodeled, along with the creation of not less than 200 new full-time employee jobs created during the investment period with average wages or salaries equal to or greater than 200 percent of the average wage in the county or metropolitan area in which the taxpayer is located, whichever is higher. A taxpayer qualifying for this credit would not be permitted to take any additional

state credit, which would otherwise be available as a result of the same purchases or minimum investment, except for any credit against the gross premium tax. A taxpayer seeking this credit must first submit an application to the commissioner of revenue together with a plan describing the investment to be made along with employment and wage information, if applicable. In the case of a leased facility, the lessor must also file an application and plan. After approval of the application and business plan, the commissioner would issue a letter to the taxpayer stating that such taxpayer has tentatively met the requirements for the credit. In order to receive the credit, a taxpayer must submit a claim along with supporting documentation and the taxpayer would not be allowed to take the credit until the commissioner grants approval of the claim. A taxpayer qualifying for the credit in this bill must be subject to state excise or franchise taxes or be a corporation, association, partnership, or individual engaged as a principal in the business of insurance.

Effective June 4, 2003, and shall apply to all applications and plans filed on or after January 1, 2003, but shall cease to be of effect on December 31, 2006.

Public Chapter 357

Senate Bill 899 (Clabough) House Bill 832 (Head)

Amends numerous statutes in Title 67. Makes a multitude of changes and adjustments to the sales tax laws in order to bring Tennessee into compliance with the provisions of the national Streamlined Sales and Use Tax Agreement. Authorizes the Commissioner of Revenue to enter into the Streamlined Sales and Use Tax Agreement on behalf of the state of Tennessee.

Effective on either the effective date specified in the final Streamlined Sales and Use Tax Agreement or, if no effective date is established, then on the first day of the second quarter following the date when at least ten states comprising at least 20% of the total population of the United States have been found to be in compliance with the agreement, provided that in no event shall any provision of this act take effect prior to July 1, 2004.

Public Chapter 358

Senate Bill 38 (Crutchfield) House bill 662 (Vincent)

Enacts a new section 67-4-506 to provide that a person operating a vending machine for the benefit of a charitable non-profit organization selling merchandise for twenty-five cents or less shall have the option of registering with the Department of Revenue and reporting gross receipts vended through such machines and paying tax on gross receipts in lieu of sales tax at the rate of 1.5% of the gross receipts for non-tobacco items and 2.5% of the gross receipts of all tobacco items. For the purposes of this section, the term “vending machine” applies only to fixed price machines that cannot return or make change. To comply with this section, the name and address of the owner and, if different, of the non-profit organization must appear on each vending machine and each machine must have a permanent registration with the department.

Effective July 1, 2003.

UTILITIES

- Public Chapter 20 Senate Bill 742 (Cohen) House Bill 1094 (DeBerry)
Amends 7-34-102 and 7-34-104 to authorize municipalities and counties to issue revenue bonds to finance the cost of acquisition of electrical power purchased from the Tennessee Valley Authority or similar government agency on a current or long-term pre-paid purchase basis. City or county may pledge an amount of revenues from public works, i.e. electric service, sufficient to pay the bonds and interest. The municipality or county may include in the cost of the acquisition of electrical power the estimated costs of the issuance of the bonds, engineering, inspection, fiscal and legal expenses.
- Effective April 11, 2003.
- Public Chapter 59 Senate Bill 1573 (Cohen) House Bill 1951 (McMillian)
Amends 7-52-601 relative to municipal electric systems providing cable television and Internet services, to direct the Comptroller of the Treasury to select one such system as a pilot project to extend cable services beyond the service area of the system but within the boundaries of the county. Before such pilot project may be implemented, the county legislative body must approve relative to service in the unincorporated areas and the legislative body of any other municipality must approve regarding service within such other municipality. The Comptroller is to report to the General Assembly not later than January 31, 2006 with recommendations regarding whether the pilot project should be continued or expanded to other systems.
- Effective April 23, 2003.
- Public Chapter 60 Senate Bill 1691 (Trail) House Bill 930 (Jones, U.)
Amends 7-52-103 to authorize municipalities operating municipal electric systems to accept and distribute voluntary contributions for bona fide economic and community assistance programs approved by the system's supervisory board. Counties are included within the definition of municipalities as used in this act.
- Effective April 23, 2003.
- Public Chapter 93 Senate Bill 195 (Atchley) House Bill 465 (Overby)
Amends 6-51-111 to revise the procedures for determining compensation when a utility is annexed by a municipality. Provides that the purchase price of the properties being acquired shall be a price agreed upon by the parties; or, in the alternative, if the parties cannot agree on a purchase price, then a final determination of the fair market value of the properties being acquired and all other outstanding issues shall be made using the arbitration provisions provided under present law regarding annexation and municipal property and services. Such arbitrator must be experienced and qualified to value public utility properties and must be agreed upon by the parties. This act applies these procedures to all municipal utility services or systems, including utility districts, rather than to only municipal electric services or systems as under prior law.
- Effective May 7, 2003.

PART II – PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 185 Senate Bill 361 (McNally) House Bill 716 (Hackworth)
Amends 58-2-110 to provide that the emergency planning committee (LEPC) in Anderson County (identified by narrow population class) is authorized to assess and collect an annual fee of \$100 from member facilities and industries within its emergency planning district required to submit tier II reports in accordance with federal law. The revenue derived from such fee must be used solely by the LEPC for conducting annual event exercises, educating the public, and printing the Hazardous Materials Emergency Response Plan.

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

BENTON

Public Chapter 199 Senate Bill 885 (McLeary) House Bill 1032 (Rinks)
Amends Title 64, Chapter 1, Part 11 to add Benton, Decatur and Hardin to the Tennessee River Basin Authority. The members of the board of the Tennessee River Basin Authority that are appointed by the Governor are to serve terms of six years and until a successor is appointed.

Effective May 29, 2003.

BLEDSON

Public Chapter 46 Senate Bill 1740 (Cooper) House Bill 1796 (Walker)
Amends 70-4-120(a)(F)(ii)(a) to allow the use of snare traps in Bledsoe and Sevier Counties.

Effective April 23, 2003.

BLOUNT

Public Chapter 157 Senate Bill 1457 (Clabough) House Bill 1152 (Overbey)
Amends 30-2-609 to provide that in Blount, Sevier, Jefferson and Loudon County, appeals of any decision, ruling, order or judgment of the probate court shall be made to the court of appeals unless otherwise prohibited by law or rule of court.

Effective May 19, 2003.

CHEATHAM

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

Public Chapter 330 Senate Bill 1995 (Kurita) House Bill 2075 (Johnson)
Amends 13-7-110 regarding building commissioners to delete a narrow population class exemption that removed Cheatham County from language in the statute that provided that the building commissioner is appointed by the chief executive officer of the county, subject to the confirmation of the county legislative body.

Effective June 11, 2003.

CUMBERLAND

Public Chapter 190 Senate Bill 1727 (Burks) House Bill 1481 (Walker)
Amends 7-82-307 to provide that the board of commissioners of any gas and water utility district whose principal office is located in, and whose present service area lies within, the boundaries of Cumberland County (identified by narrow population class) shall be appointed to terms of four years. As vacancies occur on this utility's board, the county executive shall appoint the commissioners to serve on this board. In order to be eligible for appointment, a person must be a customer of the utility district and a resident within the area served by the utility district.

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

Public Chapter 411 Senate Bill 1412 (Jackson) House Bill 158 (Walker)
Amends 9-8-301 to provide that Cumberland County will be deemed part of the middle Tennessee grand division for purposes of representation on the Tennessee Claims Commission.

Effective June 24, 2003.

DAVIDSON

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

DECATUR

Public Chapter 199 Senate Bill 885 (McLeary) House Bill 1032 (Rinks)
Amends Title 64, Chapter 1, Part 11 to add Benton, Decatur and Hardin to the Tennessee River Basin Authority. The members of the board of the Tennessee River Basin Authority that are appointed by the Governor are to serve terms of six years and until a successor is appointed.

Effective May 29, 2003.

DICKSON

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

GREENE

- Public Chapter 3 Senate Bill 292 (Southerland) House Bill 435 (Hawk)
Adds Greene County to the list of those counties authorized to remedy overgrown vegetation and accumulated debris on owner-occupied land.
- Effective March 24, 2003.

HAMILTON

- Public Chapter 309 Senate Bill 751 (Crutchfield) House Bill 1179 (Turner B)
Amends the definition of “club” contained in 57-4-102(7) to include a for-profit recreational club in existence for at least 2 years in a county with a population between 307,800 and 307,900 (Hamilton) with at least 175 members and which does not discriminate on the basis of gender, race, religion, or national origin, has an 18-hole golf course, swimming pool and tennis facility, and has a clubhouse with not less than 3000 square feet with a kitchen and dining room that serves at least one meal per day. Amends the definition of “club” contained in 57-4-102(7) to include a for-profit recreational club in a county with a population between 130,000 and 131,000 (Sumner) adjacent to a residential development of at least 100 units and at least 200 acres, adjacent to a lake of at least 20 acres, operating an 18-hole golf course, with a clubhouse and kitchen of at least 2000 square feet, and which does not discriminate on the basis of gender, race, religion, or national origin.
- Effective June 11, 2003.

HARDIN

- Public Chapter 114 Senate Bill 1754 (Wilder) House Bill 1039 (Rinks)
Deletes provision that the Hardin County Clerk has the authority and is responsible for clerking duties related to probate and administration of estate matters rather than clerk and master. Directs county clerk to transfer all probate related files to clerk and master by August 1, 2003.
- Effective July 1, 2003.
- Public Chapter 199 Senate Bill 885 (McLeary) House Bill 1032 (Rinks)
Amends Title 64, Chapter 1, Part 11 to add Benton, Decatur and Hardin to the Tennessee River Basin Authority. The members of the board of the Tennessee River Basin Authority that are appointed by the Governor are to serve terms of six years and until a successor is appointed.
- Effective May 29, 2003.

JEFFERSON

Public Chapter 157 Senate Bill 1457 (Clabough) House Bill 1152 (Overbey)
Amends 30-2-609 to provide that in Blount, Sevier, Jefferson and Loudon County, appeals of any decision, ruling, order or judgment of the probate court shall be made to the court of appeals unless otherwise prohibited by law or rule of court.

Effective May 19, 2003.

KNOX

Public Chapter 99 Senate Bill 859 (Atchley) House Bill 1428 (Buttry)
Authorizes the Knox County legislative body, by two-thirds (2/3) majority vote to vest supervisory authority over the public library system with the county executive.

Effective May 7, 2003 and expires April 30, 2006.

LOUDON

Public Chapter 157 Senate Bill 1457 (Clabough) House Bill 1152 (Overbey)
Amends 30-2-609 to provide that in Blount, Sevier, Jefferson and Loudon County, appeals of any decision, ruling, order or judgment of the probate court shall be made to the court of appeals unless otherwise prohibited by law or rule of court.

Effective May 19, 2003.

MAURY

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

PUTNAM

Public Chapter 23 Senate Bill 1736 (Burks) House Bill 1944 (Hargrove)
Increases the membership of the housing authority's board of commissioners to seven members in Putnam County (identified by narrow population class). Appointments shall be made so that the terms of no more than two members expire in any year. Four members of the housing authority board shall constitute a quorum.

Effective April 11, 2003.

ROANE

Public Chapter 405 Senate Bill 1834 (Kilby) House Bill 1793 (Ferguson)
Amends 7-53-305(g) which provides that an industrial development corporation may not negotiate any agreement for payment in lieu of taxes for less than the county ad valorem taxes otherwise due unless it is a joint county/municipal corporation or the corporation has entered into an agreement with the county in regards to the payments in lieu of ad valorem taxes or the corporation has received written approval from the chief executive officer and legislative body of the county. This provision is made applicable to Roane County (by narrow population class) where formerly it applied only to Shelby County.

Effective June 23, 2003.

ROBERTSON

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

RUTHERFORD

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

SEVIER

Public Chapter 46 Senate Bill 1740 (Cooper) House Bill 1796 (Walker)
Amends 70-4-120(a)(F)(ii)(a) to allow the use of snare traps in Bledsoe and Sevier Counties.

Effective April 23, 2003.

Public Chapter 157 Senate Bill 1457 (Clabough) House Bill 1152 (Overbey)
Amends 30-2-609 to provide that in Blount, Sevier, Jefferson and Loudon County, appeals of any decision, ruling, order or judgment of the probate court shall be made to the court of appeals unless otherwise prohibited by law or rule of court.

Effective May 19, 2003.

SHELBY

Public Chapter 182 Senate Bill 1333 (Person) House Bill 953 (Kent)
Increases the punishment for contempt in environmental court in Shelby County from a maximum of a fifty dollar fine and five days imprisonment to a maximum of a fifty dollar fine and ten days imprisonment.

Effective May 22, 2003.

Public Chapter 321 Senate Bill 1332 (Ford) House Bill 977 (Bowers)
Amends the Tennessee Governmental Tort Liability Act as it applies to Shelby County to define "governmental entity" as any political subdivision of the state, including but not limited to any city, county, utility district, school district, nonprofit volunteer fire department receiving funds from a city or county legislative body, human resources agency, public

building authority, development district, or any instrumentality of government created by any one or more of the named local government entities or by the general assembly, or nonprofit public benefit corporation operating a hospital whose voting board of directors is appointed by one or more of the named local government entities and which either receives funds from a city or county legislative body or receives or leases hospital property from a county and/or city.

Effective July 1, 2003, and repealed June 30, 2006; applies to claims filed on or after July 1, 2003 through June 30, 2006 and claims that arise on and after July 1, 2003 through June 30, 2006 even if the claims are filed after July 1, 2006.

Public Chapter 362 Senate Bill 951 (Ford) House Bill 1232 (Lois DeBerry)
Amends 67-5-1409 to provide that when the board of equalization is meeting in special session, the board may act only on an assessment for which an active and timely filed appeal is pending unless the county legislative body determines otherwise by a two-thirds vote.

Effective June 17, 2003.

Public Chapter 363 Senate Bill 952 (Ford) House Bill 1233 (Lois DeBerry)
Amends 67-1-401 to provide that the county legislative body will administer the county board of equalization and shall compensate the board members in accordance with a resolution adopted by the county legislative body. Each legislative body appointing members to the board will pay its prorated share of the funding of the board. Any municipality in the county having a population of less than 50,000 may elect to not appoint a member of the board to represent the municipality.

Effective June 17, 2003.

Public Chapter 405 Senate Bill 1834 (Kilby) House Bill 1793 (Ferguson)
Amends 7-53-305(g) which provides that an industrial development corporation may not negotiate any agreement for payment in lieu of taxes for less than the county ad valorem taxes otherwise due unless it is a joint county/municipal corporation or the corporation has entered into an agreement with the county in regards to the payments in lieu of ad valorem taxes or the corporation has received written approval from the chief executive officer and legislative body of the county. Under prior law, this provision applied only to Shelby County (by narrow population class). This act makes this provision applicable to Shelby County only if Shelby County has at least five industrial development corporations formed under Title 7, Chapter 53. Also, this act is make applicable to Roane County (without regard to the number of industrial development corporations in the county).

Effective June 23, 2003.

SUMNER

Public Chapter 306 Senate Bill 626 (Haynes) House Bill 736 (Hood)
Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any

municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

Public Chapter 309

Senate Bill 751 (Crutchfield) House Bill 1179 (Turner B)

Amends the definition of "club" contained in 57-4-102(7) to include a for-profit recreational club in existence for at least 2 years in a county with a population between 307,800 and 307,900 (Hamilton) with at least 175 members and which does not discriminate on the basis of gender, race, religion, or national origin, has an 18-hole golf course, swimming pool and tennis facility, and has a clubhouse with not less than 3000 square feet with a kitchen and dining room that serves at least one meal per day. Amends the definition of "club" contained in 57-4-102(7) to include a for-profit recreational club in a county with a population between 130,000 and 131,000 (Sumner) adjacent to a residential development of at least 100 units and at least 200 acres, adjacent to a lake of at least 20 acres, operating an 18-hole golf course, with a clubhouse and kitchen of at least 2000 square feet, and which does not discriminate on the basis of gender, race, religion, or national origin.

Effective June 11, 2003.

WILLIAMSON

Public Chapter 306

Senate Bill 626 (Haynes) House Bill 736 (Hood)

Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

WILSON

Public Chapter 306

Senate Bill 626 (Haynes) House Bill 736 (Hood)

Amends 64-8-101 through 64-8-104 regarding the regional transportation authority serving the counties of Cheatham, Davidson, Dickson, Maury, Robertson, Rutherford, Sumner, Williamson and Wilson to provide that in order for any of the counties listed above or any municipality located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. Adds to the board of directors of the authority the previously excluded mayors of each municipality with a population less than 4,000. Changes the majority for action by the authority's board of directors from a majority vote of the total membership to a majority vote of the quorum of the board with such quorum number to be established by the authority's bylaws. Additional powers are granted for the authority's board to implement its plans for mass transit and other transportation services, including the establishment of local assessments to be paid by its county and municipal members based upon a per capita and a flat rate. The per capita rate shall not be less than 10 cents nor more than 50 cents. The flat rate is set at \$500.

Effective October 1, 2003.

PART III – PRIVATE ACTS

BLOUNT

Private Chapter 17 Senate Bill 1989 (Clabough) House Bill 2067 (McCord)
Amends Private Acts of 1979, Chapter 102, to reduce the fee of the county [clerk] for collecting the hotel-motel tax from 5% to 2%, and to delete the provision for the expiration of the tax on March 31, 2003.

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

CLAIBORNE

Private Chapter 45 Senate Bill 2014 (Williams) House Bill 2091 (Roach)
Levies a wheel tax in Claiborne County to be collected by the county clerk; the proceeds of the tax will be used as directed by the county legislative body.

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

CLAY

Private Chapter 59 Senate Bill 2037 (Beavers) House Bill 2121 (Winningham)
Enacts a wheel tax in Clay County in the amount of \$25.00, with the proceeds to be used as directed by resolution of the county legislative body.

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

FAYETTE

Private Chapter 38 Senate Bill 1997 (Wilder) House Bill 2095 (Gresham)
Amends Chapter 69 of the Private Acts of 2001, being the Fayette County Adequate Facilities Tax, by deleting the chapter in its entirety and substituting the provisions of this act. Authorizes Fayette County to impose a tax on new development in the county payable at the time of issuance of a building permit. The rate of the tax is to be set by resolution of the county legislative body, but cannot exceed \$1.00 per gross square foot of new residential and non-residential development. The county may develop a tax rate schedule by which residential and non-residential uses are classified by type for purpose of imposition of the tax. The establishment of the rate requires a two-thirds majority vote of the county legislative body. The tax due constitutes a lien on the real property upon which the development occurs. The tax revenue must be used for the purpose of providing facilities needed because of new development. Provides for payment under protest and adjudication of disputed collection by a board of adjustment and appeals.

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

GRAINGER

Private Chapter 30

Senate Bill 2003 (Williams) House Bill 2080 (Roach)

Amends Chapter 502 of the Private Acts of 1939 and Chapter 232 of the Private Acts of 180 relative to the county budget and finance commission and fiscal procedure in Grainger County. Expands the membership on the budget and finance committee to five, and provides a transition with the county executive being one member and with the county executive appointing the other four members subject to confirmation of the county legislative body. Incumbent members serve the balance of their terms. Provides for department heads and officers of the county submitting proposed budgets to the county executive by April 1 of each year. The county executive will file a consolidated budget document with the budget and finance commission by May 1 of each year or such date as may be established by the county legislative body. The budget and finance commission shall submit an annual proposed budget to the county legislative body at least 45 days prior to the beginning of the fiscal year or by such date as may be set by the county legislative body. The budget and finance commission shall hold a public hearing after submitting a complete budget document. The county legislative body may alter or revise the final proposed budget except as to provision for debt service requirements, line item changes to the school board budget and other expenditures required by law. Pending final adoption of the budget in a new fiscal year, the county executive is authorized to make temporary allotments for expenditures for essential county services in amounts not exceeding the comparable allotment for an average quarter of the preceding fiscal year. The county executive is authorized to impound appropriations in a fund if necessary to prevent expenditure beyond available funds. The county executive shall make monthly financial reports to the budget and finance commission.

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

HAMBLÉN

Private Chapter 29

Senate Bill 1999 (Southerland) House Bill 2079 (Litz)

Amends Chapter 161 of the Private Acts of 1996 to provide that the system of fiscal procedure, control and centralized accounting established for Hamblen County under the administrative control and direction of the county executive shall apply to the Road Commission. Requires the Road Commission to review, approve and initial each invoice prior to a warrant being issued not less than monthly. All expenditures authorized by the Road Commission and Road Superintendent shall be made by warrant and signed by the county executive and countersigned by the Finance Director.

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

HAMILTON

Private Chapter 51 Senate Bill 2029 (Crutchfield) House Bill 2116 (Wood)
Amends Chapter 297, Private Acts of 1976, to authorize the Board of Trustees of the Chattanooga-Hamilton County Hospital Authority to enter into interest rate swap or exchange agreements and interest rate floors or ceilings or both or other interest rate hedging agreements which are in compliance with rules adopted by the state funding board. Also, the Board of Trustees may enter into any agreement to sell its bonds and notes (other than refunding bonds) providing for delivery on a date greater than 90 days and not greater than five years (or such greater time as may be approved by the Comptroller of the Treasury in conformity with rules established by the state funding board).

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

HARDEMAN

Private Chapter 19 Senate Bill 1985 (Wilder) House Bill 2065 (Shaw)
Amends Private Acts of 1919, Chapter 482, as amended, and other private acts relating to Hardeman County by substituting the title “county mayor” for “county executive” and “county judge” wherever such titles appear. Declares that the title of the county executive in Hardeman County shall be county mayor as authorized by Tennessee Code Annotated § 5-6-101.

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

Private Chapter 22 Senate Bill 1986 (Wilder) House Bill 2066 (Shaw)
Amends Private Acts of 1937, Chapter 68, to provide that a requisition and purchase order shall not be required for expenditures of less than \$300.

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

Private Chapter 63 Senate Bill 2044 (Wilder) House Bill 2127 (Shaw)
Amends Chapter 68, Private Acts of 1937, to require a property tax rate for the general fund necessary to produce, together with other revenues and any unexpended balances, an amount at least equal to the amounts appropriated in the general fund so adopted by the county legislative body, assuming that not more than 85% of the total aggregate which should be produced by this tax will be collected during the ensuing appropriation year. However, the school property tax rate will be based upon that assumption that not more than 92% of the total aggregate which should be produced by this tax will be collected during the ensuing appropriation year.

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

HICKMAN

- Private Chapter 21 Senate Bill 1983 (Jackson) House Bill 2062 (Shepard)
Authorizes the county legislative body to levy a tax on new residential, industrial and commercial development in Hickman County payable at the time of issuance of a building permit or certificate of occupancy. The rate of the tax may not exceed \$1 per gross square foot for residential development and 25¢ per gross square foot for industrial and/or commercial development, or a minimum tax of \$1500, whichever is greater. Various exemptions are provided. The tax cannot be levied until a capital improvements program has been adopted. The tax proceeds are earmarked to the Adequate Facilities/Development Tax Fund for providing public facilities, the need for which is reasonably related to new residential, industrial and commercial development. A procedure is provided for payment of the tax under protest and resolution of the dispute.
- Effective upon approval by 2/3 vote of the county legislative body before June 30, 2003.

JOHNSON

- Private Chapter 2 Senate Bill 277 (Ramsey) House Bill 459 (Mumpower)
Amends Private Acts of 1996, Chapter 197, as amended, to clarify that the Mountain Ridge Protection Act does not prohibit the construction and maintenance of windmills and associated apparatus to be used in the generation and transmission of electrical power.
- Effective upon approval by 2/3 vote of the county legislative body.
- Private Chapter 197 Senate Bill 277 (Ramsey) House Bill 459 (Mumpower)
Amends Private Acts of 1996, Chapter 197, as amended, clarifies that the Mountain Ridge Protection Act does not prohibit the construction and maintenance of windmills and associated apparatus to be used in the generation and transmission of electrical power.
- Effective upon approval by 2/3 vote of the county legislative body.

LAKE

- Private Chapter 18 Senate Bill 1880 (Herron) House Bill 1798 (Pinion)
Amends Private Acts of 1980, Chapter 262, as amended, to provide that the road superintendent shall be appointed by the county board of highway commissioners (instead of the county commission) for a term of four years from the first Monday in January of the calendar year in which the road superintendent shall be selected. The compensation of the road superintendent shall not be less than that of the county clerk in Lake County.
- Effective upon approval by 2/3 vote of the county legislative body.

LOUDON

Private Chapter 57

Senate Bill 2030 (McNally) House Bill 2113 (Ferguson)

Amends Private Acts of 1959, Chapter 57, as amended, to create a family court in Loudon County. Requires the judge of the family court to have all the qualifications and be paid the same compensation as prescribed by law for general sessions judges. Provides that the family court judge shall be elected by the voters of the county at the regular August election in 2006 and every eight years thereafter. Grants the family court original jurisdiction over all probate, domestic and juvenile matters. Provides methods for interchange and filling a vacancy in the family court. Establishes the judge of the existing general sessions court in Loudon County as the senior judge of the inferior courts of the county and provides a means of selecting such position in the future.

Effective June 23, 2003, for the purpose of approving or rejecting the act; effective January 1, 2006, upon approval by the 2/3 vote of the county legislative body for the purpose of qualifying for and seeking election to the office of judge of the family court; effective for all other purposes, upon approval by the 2/3 vote of the county legislative body, on August 1, 2006.

MACON

Private Chapter 62

Senate Bill 2043 (Beavers) House Bill 2126 (Buck)

Authorizes the regulation of junk vehicles in Macon County. Provides that no person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, junked or inoperative motor vehicle or any parts thereof on private property within the county for a period of time in excess of 72 hours. The presence of the vehicle for longer than 72 hours is declared a public nuisance. Whenever it comes to the attention of the county that such a nuisance exists, notice shall be served in writing upon the owner of the property where the vehicle is present directing such person to remove the vehicle. The property owner has seven days from such notice to comply or to request a hearing. The act spells out provisions for a hearing if a notified party requests one in writing during the seven day compliance period. If the vehicle is not removed within seven days, the sheriff or sheriff's designee has the right to take possession of the vehicle and remove it from the premises. Within 48 hours after removal, the sheriff shall give notice to the owner of the vehicle and the property owner that the vehicle has been impounded and notify such parties of the county's cost for the removal. Within ten days of removal, the sheriff shall have the vehicle appraised. If it is valued at \$75 or less the sheriff's department may summarily dispose of it. If vehicle is appraised at more than \$75, the sheriff shall give notice of a public sale. If the owner of the property from which the vehicle was removed does not pay the unrecovered expenses of the county for removal, a lien shall be place upon the property for such expenses. A violation of the act is also punishable by a civil penalty not to exceed \$50 for each day of violation.

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

Private Chapter 64

Senate Bill 2045 (Beavers) House Bill 2128 (Buck)

Provides for regulations for health and sanitation upon properties within Macon County. Requires all persons within Macon County to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except where properly stored. Requires strong, durable, rodent and insect-proof refuse containers. Makes it unlawful for any person to permit any premises occupied by that person to become filthy or to create noxious or offensive smells and odors or to allow the accumulation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises. Provides that all land owners and occupants must keep all premises free from abandoned or discarded materials. Whenever it comes to the attention of the county that such a nuisance exists, notice shall be served in writing upon the owner or occupant of the property where the nuisance is present directing such persons to correct the condition. From the time of notice, the property owner or occupant has seven days to comply or to request a hearing. The act spells out provisions for a hearing if a notified party requests one in writing during the seven day compliance period. If the nuisance is not corrected within seven days, the county shall undertake removal of the nuisance with the costs of the removal to be levied against the owner of the property. If the owner or occupant fails to pay any unrecovered expenses of the county for the removal, a lien shall be placed upon the property for such amount. Any person violating this act shall be guilty of a misdemeanor and fined in accordance with the general sessions court.

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

MARSHALL

Private Chapter 8

Senate Bill 306 (Ketron) House Bill 471 (Fowlkes)

Amends Private Acts of 1993, Chapter 30, to provide that the trustee will be responsible for collecting the hotel-motel tax in Marshall County.

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

MAURY

Private Chapter 16

Senate Bill 1186 (Ketron) House Bill (DuBois)

Amends Private Acts of 1963, Chapter 233, regarding the budget committee to provide that the committee shall consist of up to six members as determined by resolution of the county legislative body. The county executive shall serve on the committee as an ex officio member. The committee shall be elected by the county legislative body at its first meeting following the effective date of this act and annually thereafter at the regular January meeting.

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

Private Chapter 35

Senate Bill 2007 (Ketron) House Bill 2087 (DuBois)

Amends Private Acts of 1967-68, Chapter 475, as amended increases membership of civil service board for sheriff's employees from five to seven members.

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

Private Chapter 39 Senate Bill 2010 (Ketrone) House Bill 2099 (DuBois)
Provides rules for the use of parks, playgrounds and recreation centers owned, operated or leased by the county. Provides that the violation of the provisions of the act will subject to offender to a civil penalty not to exceed \$50.00.

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

POLK

Private Chapter 44 Senate Bill 2028 (Miller) House Bill 2112 (Newton)
Amends Private Acts of 2001, Chapter 32, to delay the implementation of a \$2.50 amusement tax on whitewater rafters on the Upper Ocoee River until January 1, 2009.

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

PUTNAM

Private Chapter 3 Senate Bill 325 (Burks) House Bill 759 (Hargrove)
Amends Private Acts of 1979, Chapter 118, to increase the hotel-motel tax in Putnam County from 5% to 6%.

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

RUTHERFORD

Private Chapter 28 Senate Bill 2000 (Trail) House Bill 2078 (Hood)
Creates a human resources department for human resources management of all departments of Rutherford County government except the board of education. The human resources department will operate under the direction of the steering committee of the county legislative body, or such other committee designated by the county legislative body. The oversight committee will establish policies, procedures and regulations for administering matters related to the human resources of the county. The oversight committee is authorized to appoint or dismiss on 30 days notice, subject to the approval of the county legislative body, a qualified human resources director, with the compensation recommended established by budget appropriation.

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

Private Chapter 61 Senate Bill 2042 (Trail) House Bill 2125 (Hood)
Enacts the "2003 Human Resources Law" for Rutherford County. Creates a human resources department to manage the human resources of all departments of the county except the board of education. The department will operate under the direction the county legislative body, which is to designate an oversight committee for the department which will establish and approve policies and procedures for administering human resources, and appoint, subject to approval of the county legislative body, a human resources director.

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

SEQUATCHIE

Private Chapter 20 Senate Bill 1796 (Cooper) House Bill 1672 (Harmon)
Repeals Private Acts of 1947, Chapter 750, relative to the purchasing laws in Sequatchie County.

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

SUMNER

Private Chapter 26 Senate Bill 2004 (Graves) House Bill 2083 (McDonald)
Amends Chapter 113 of the Private Acts of 2002 which established a financial management system for Sumner County to provide that if the finance department performs no functions for the highway department or the education department, then the superintendent of highways or the director of schools, respectively, shall not be a member of the financial management committee and the sheriff shall be named to that committee.

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

WILSON

Private Chapter 60 Senate Bill 2039 (Beavers) House Bill 2122 (Bone)
Enacts the Wilson County Adequate Facilities Tax. Authorizes Wilson County to impose a tax on new development in the county payable at the time of issuance of a building permit or certificate of occupancy. Exempts public buildings, places of worship, agricultural buildings, replacement structures for existing structures destroyed by fire or other disasters, non-profit structures, permanent owner-occupied structures replacing a mobile home and owner-occupied double-wide mobile homes replacing single-wide mobile homes. The rate of the tax is \$1,000 for a single family unit. \$2,000 for a duplex, \$3,000 for a triplex, and \$1,000 per unit for residential developments of four units or more. Also authorizes a tax on commercial and/or industrial development to be established and set by 2/3 resolution of the county legislative body. Allows for appeals of decisions of the county building official or other responsible official concerning any aspect of the act to the board of zoning appeals. Earmarks all revenue from the tax for the purpose of providing public facilities, the need for which is reasonably related to new development.

Effective upon approval by 2/3 vote of the county legislative body before September 30, 2003.

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