

**INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT**

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**1995 EDITION**

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

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**Prepared By  
CTAS Legal Staff**

**Authorization No. \_\_\_\_\_**

## INTRODUCTION

The first regular session of the Ninety-Ninth General Assembly began on Tuesday, January 10, 1995, and continued until Friday, May 26, 1995, when it adjourned. The General Assembly will convene again on January 9, 1996.

There are 551 new public chapters and 120 new private acts and the ones that are related to county government have been summarized in this publication. In these summaries, *Tennessee Code Annotated* reference numbers are given in a three-tier manner without stating that it is a T.C.A. section. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter number. Part 2 contains public acts of local application and Part 3 contains summaries of private acts. The county names are arranged alphabetically in Parts 2 and 3. 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.

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

Sincerely,

J. Rodney Carmical  
Executive Director

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

### **ALCOHOLIC BEVERAGES**

Public Chapter 124      Senate Bill 62 House Bill 1158  
Amends 57-5-104 to authorize a county or city to suspend or revoke a beer permit for failure to pay the \$100 privilege tax or for failure to respond to the September 1993 request for information (rather than the permit being void).

Effective April 19, 1995.

Public Chapter 214      House Bill 951 Senate Bill 224  
Amends 57-3-204(f)(1) and 57-4-203 regarding the language required on signs on the premises of licensees permitted to sell alcoholic beverages at retail. The new signs must state:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS IMPRISONMENT AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS FOR CARRYING WEAPONS WHERE ALCOHOLIC BEVERAGES ARE SOLD OR SERVED.

Effective July 1, 1995.

Public Chapter 252      House Bill 390 Senate Bill 511  
Amends 57-5-105(I) to provide that in Class A counties, the “300-foot rule” forbidding the sale of beer within that distance of a residence will apply to zoned as well as unzoned property.

Effective May 19, 1995.

Public Chapter 396      House Bill 968 Senate Bill 1353  
Enacts the Alcohol Server Responsibility and Training Act of 1995 to impose additional requirements, including alcohol awareness training, for persons who obtain employee, sales person and server permits issued by the ABC; amends 57-5-105 and 57-5-106 to authorize counties and cities to impose training or certification restrictions or requirements on employees of beer permit holders (except those who hold an ABC server permit).

Effective July 1, 1995, except that persons holding a valid ABC server or salesman permit need not obtain a new permit until the expiration of the existing permit.

### **ANNEXATION**

Public Chapter 283      Senate Bill 429 House Bill 571

Clarifies the type of public notice required in 6-51-101 for annexation by ordinance or by referendum, stating that notice is sufficient if it includes a map showing a general delineation of the area to be annexed using official names and numbers of roads, lakes, or other identifiable landmarks.

Effective July 1, 1995, applicable to ordinances passed on first reading on or after that date.

## **COUNTY CLERKS**

### **Public Chapter 19**

Senate Bill 1699 House Bill 1274

Amends 55-17-125(a) to provide that dealers who fail to timely file the annual sales report are ineligible for dealer registration plates until the report has been filed; dealers who timely file and sell 24 or more vehicles per calendar year have a rebuttable presumption that they are eligible to receive dealer registration plates as provided by law; dealers who file timely but sell fewer than 24 vehicles or those in business for only a portion of the year who sold fewer than 2 vehicles on average per month are eligible for only 3 dealer registration plates unless the motor vehicle commission approves more. For 1995, the annual sales report is timely filed if received by the commission by March 31, 1995. The motor vehicle commission will furnish each county clerk with a list of eligible dealers.

Effective March 22, 1995.

### **Public Chapter 20**

House Bill 153 Senate Bill 142

Amends 55-4-124(a) to include vehicles hauling coal ash within the list of vehicles entitled to special registration.

Effective July 1, 1995.

### **Public Chapter 56**

Senate Bill 147 House Bill 296

Amends 55-4-202(d) to provide that applicants for special license plates who have more than one vehicle titled or leased in their names, or applicants who have more than one vehicle jointly titled or leased in their names, are entitled to an unlimited number of registration plates under the applicable provision of law, so long as the plates are issued only for private passenger automobiles, ½ or ¾ ton pickup trucks, or panel vans, and all other special fees, regular costs and requirements are met; no person may receive more than one free plate.

Effective April 5, 1995.

### **Public Chapter 82**

House Bill 606 Senate Bill 715

Amends 55-4-203 to authorize issuance of special plates bearing the logo of the University of Mississippi.

Effective April 5, 1995.

### **Public Chapter 83**

House Bill 1006 Senate Bill 536

Amends Title 55, Chapter 4, to allow motor vehicle registrants to make voluntary contributions of \$1 for the benefit of organ donation programs, in counties in which the county clerk has elected to accept these contributions. To participate in the program, the county clerk must notify the county legislative body in writing. Contributions received must be paid over at least quarterly to a tax-exempt, not-for-profit entity created by the County Clerks Association for the benefit of organ donation in Tennessee. No commissions may be deducted from these contributions.

Effective January 1, 1996.

Public Chapter 84

House Bill 1146 Senate Bill 1575

Amends 55-4-237 and 55-4-239 to allow disabled veterans who are entitled to free special registration plates and who are also holders of the purple heart to elect to receive instead free special registration plates for holders of the purple heart, for no more than 2 motor vehicles or RVs owned or leased by them.

Effective July 1, 1995.

Public Chapter 94

Senate Bill 1521 House Bill 1372

Amends 36-3-301(a) to authorize former speakers of the senate and former speakers of the house of representatives to solemnize marriages.

Effective April 7, 1995.

Public Chapter 122

House Bill 1097 Senate Bill 1044

Amends 55-4-202 and -203 to authorize the issuance of special license plates bearing the logo of the Tennessee State Employees Association.

Effective April 19, 1995.

Public Chapter 128

Senate Bill 515 House Bill 558

Amends 36-3-301(a) to authorize former county executives to solemnize marriages.

Effective April 21, 1995.

Public Chapter 132

Senate Bill 1265 House Bill 1660

Repeals 55-4-246 governing the issuance of special license plates to members of Tennessee District Exchange Clubs, and amends 55-4-248(a), governing the issuance of special license plates to members of civic organizations, to include Tennessee District Exchange Clubs.

Effective April 21, 1995.

Public Chapter 173

House Bill 38 Senate Bill 140

Amends 55-4-203(7) to delete the \$25 additional fee for registration plates for firefighters and amends 55-4-241 to require embossed plates.

Effective July 1, 1995.

Amends the Tennessee Pawnbrokers Act of 1988, Title 45, Chapter 6, Part 2, to exclude title pawn transactions and to delete the 2-year residency requirement for pawnbroker licenses; clarifies definitions; prohibits pawnbrokers from entering into pawn transactions with maturity dates of less than 30 days; authorizes pawnbrokers to make over-the-counter purchases of goods the seller does not intend to buy back and requires that these goods be held for 15 days prior to sale; requires that pawnbrokers record the height and weight of the pledgor and the numbers from the items of identification used, which must be one of the following: driver's license, state-issued ID card, passport, military ID, nonresident alien border crossing card, or U.S. immigration and naturalization service ID; requires that records be delivered to law enforcement agency within 48 hours of transaction; changes maximum interest rate to 2% per month and limits other monthly charges to 1/5 of loan amount; reduces to 30 days the time pledged goods must be held for redemption after the maturity date; deletes requirement that pawnbrokers provide any notice to pledgors after expiration of the 30-day redemption period; changes the information required to be printed on pawn tickets and requires pledgor's signature; prohibits local law enforcement agencies from charging pawnbrokers a fee for processing information.

Enacts the Tennessee Title Pledge Act, Title 45, Chapter 6, Part 15, to govern businesses involved in making title pledge loans; licensed title pledge lenders are authorized to make 30-day renewable loans on pledges of unencumbered personal property certificates of title, or on pledges of unencumbered titled personal property; title pledge lenders are required to note their lien on the certificate of title in those transactions where the lender does not take physical possession of the property; applicants for licensure must: (1) be operating as sole proprietorship, general partnership, corporation or limited liability company duly qualified to do business in Tennessee, (2) have capital of at least \$75,000 per title pledge office ("capital" is defined as assets minus liabilities according to GAAP or relevant pronouncements of FASB), and (3) represent that the business will be operated lawfully, fairly and ethically within the purpose of the law; petitions for title pledge lender licenses are made to the county clerk in the county where the title pledge office is located, and must contain: (1) names of all individuals having a beneficial ownership interest in the business and all corporate officers and directors, (2) place, street and number of title pledge office, (3) amount of capital to be used in the business, with unaudited financial statement from a certified public accountant, (4) affidavits from each individual named in (1) stating that the individual has not been convicted of a felony within the past 10 years, and (5) certified funds in the amount of \$50.00 payable to the county clerk to defray costs; licenses shall be granted to applicants who have satisfied the above requirements and have paid the business tax and any other taxes required by law; licenses must state the name of person to whom issued, place of business and street number, and amount of capital employed; licenses are not transferable from one person to another, but are transferable from one location to another or from one county to another upon payment "to the county clerk of any county involved in the transfer" a fee of \$50.00; licenses are renewed each year upon payment of the business tax; only one title pledge office can be operated under a license; licensed pawnbrokers who were in the business of contracting for title pledges or making title pledge agreements as of May 8, 1995 were given 60 days



from that date within which to pay the fee of \$50.00 and obtain a title pledge lender license without further qualification; establishes recordkeeping and other regulatory requirements similar to those for pawnbrokers; title pledge lenders must have insurance sufficient to cover the loan value of any personal property taken into their possession.

Effective May 8, 1995.

Public Chapter 195

Senate Bill 554 House Bill 1057

Amends 55-4-104(b) and 55-4-206 to provide for staggered renewal of free, special and cultural plates; the commissioner is to develop an alternative registration system, to be in place by January 1, 1996.

Effective May 9, 1995 for the purpose of administratively developing an alternative registration system, and January 1, 1996 for all other purposes.

Public Chapter 199

Senate Bill 871 House Bill 650

Enacts 55-4-2\_\_ to authorize the issuance of special license plates for members of the Tennessee Police Benevolent Association.

Effective May 9, 1995.

Public Chapter 217

House Bill 1125 Senate Bill 687

Amends 55-21-102 and 55-21-103 to include within the definitions of "disabled driver" and "disabled passenger" a person with walking difficulty seeking treatment solely by prayer as certified by affidavit of a Christian Science practitioner listed in *The Christian Science Journal*.

Effective May 12, 1995.

Public Chapter 241

Senate Bill 275 House Bill 550

Amends 36-3-104 to delete the requirement that both parties applying for a marriage license appear in the county clerk's office at the same time; amends the provision relative to inmates so that any person who is incarcerated may submit a notarized statement in lieu of appearing; clarifies that the three-day waiting period and registered notice requirements apply only where either applicant is under 18, and neither provision applies when any minor applicant is joined in the application by both parents, the guardian or next of kin; repeals 36-3-108 relative to waiver of the waiting period and notice provisions when the county clerk "knows of his own knowledge" that both parties are over 18.

Effective May 15, 1995.

Public Chapter 282

Senate Bill 280 House Bill 958

Amends 55-4-111(c) and 55-4-113(a)(6)(A) to set the registration tax at \$50 for trailers used in a business, and personal trailers which are not required to be registered but the owner wants to register.

Effective July 1, 1995.

Public Chapter 335      Senate Bill 1599 House Bill 1413  
Amends 55-4-202 and 55-4-203, and enacts 55-4-3\_\_ to authorize the issuance of motor vehicle registration plates for the Games of the XXVI Olympiad, to be issued on the same basis as cultural plates upon payment of an additional fee of \$25; the minimum order requirements do not apply, but the plates will be discontinued after January 1, 2000, if less than 500 plates have been issued for the prior year; county clerks are to receive the initial shipment of Olympic plates by October 1, 1995.

Effective May 30, 1995.

Public Chapter 399      Senate Bill 49 House Bill 174  
Amends 55-4-202 and 55-4-203, and enacts 55-4-\_\_\_ to authorize the issuance of special license plates depicting the Tennessee Walking Horse.

Effective June 6, 1995.

Public Chapter 401      Senate Bill 279 House Bill 322  
Amends 67-4-719 to authorize county clerks, upon approval by 2/3 vote of the county legislative body, to retain an attorney or collection agent to collect delinquent business taxes, with the costs to be paid by the delinquent taxpayer; the county clerk must mail notice of delinquency, stating the rate of interest and penalty and that additional costs of collection will be charged, to the taxpayer's last known address 15 days before turning the matter over for collection, giving the taxpayer 10 days to pay.

Effective June 6, 1995.

## **COUNTY GOVERNMENT**

Public Chapter 17      Senate Bill 430 House Bill 224  
Amends the Interlocal Cooperation Act at 12-9-103 to allow governments to make interlocal agreements which include any incorporated rescue squad that is not supported by public funds or that is only partially supported by public funds.

Effective March 22, 1995 .

Public Chapter 29      Senate Bill 247 House Bill 409  
Amends 8-20-101(c) to authorize county officials to use letters of agreement instead of salary petitions without regard to whether the official's office operates under the fee system.

Effective March 23, 1995.

Public Chapter 74      Senate Bill 1481 House bill 1173  
Amends Title 12, Chapter 10, relative to public building authorities, to authorize governmental entities (including counties) to contract with an authority for the construction, operation and/or maintenance of property owned or leased by a third party to the governmental entity, to authorize authorities to maintain common accounts and make certain purchases which are \$5,000 or under without competitive

bids, and to authorize authorities to contract for services by public invitation for proposals and for construction projects either by invitation for proposals or competitive bids.

Effective April 5, 1995.

Public Chapter 106

Senate Bill 955 House Bill 1192

Deletes 5-9-109(d)(2) to end the requirement that the county legislative body approve appropriations to nonprofit organizations other than charitable organizations at two regularly scheduled meetings. [The newspaper notice of intent to make an appropriation to such an organization continues to be required].

Effective April 17, 1995

Public Chapter 133

Senate Bill 1466 House Bill 1092

Amends 68-221-1101 and -1102 to expand the applicability of the storm water management law to counties and cities with populations over 75,000.

Effective April 21, 1995.

Public Chapter 148

Senate Bill 1202 House Bill 1280

Amends 42-5-103 regarding local airports, requiring approval of the county commission before land outside city limits can be acquired for a proposed airport by eminent domain. Does not apply to airports under construction before January 1, 1995, expansions of airports in existence before this date (if the property is currently owned or contiguous to currently owned land), or airports with scheduled passenger service and a control tower in existence or under construction on the effective date of the act.

Effective April 27, 1995.

Public Chapter 178

Senate Bill 964 House Bill 352

Amends 55-10-301(b)(2) to authorize local governmental entities to conduct driver improvement courses approved by the Department of Safety for required attendance by persons convicted of violations of traffic laws.

Effective July 1, 1995.

Public Chapter 179

Senate Bill 1020 House Bill 1103

Repeals 8-4-112 relative to audit and payment of costs by the state in criminal cases; repeals 5-8-504 which granted a reduced cost of 75% for audits in counties where all officials and agencies were in compliance; amends 8-15-101 to require counties to obtain the comptroller's approval before employing private auditors; amends 8-15-103 to correct an error and to require a copy of the audit to be furnished to the comptroller (see summary under PURCHASING).

Effective July 1, 1995.

Public Chapter 258

House Bill 1455 Senate Bill 202

Amends 38-7-105(a) to authorize the employment of a pathologist who is not board-certified, but is eligible for certification, to perform autopsies when a state medical examiner's facility is not available (except in Davidson County); amends 38-7-106(a) and 38-7-109(b) to authorize the county medical examiner to perform autopsies.

Effective May 19, 1995.

Public Chapter 264

House Bill 1190 Senate Bill 1205

Grants to counties many powers which have been granted to cities, such as to expend money for all lawful purposes, make special assessments for local improvements, establish monetary penalty of up to \$500 for each violation of a rule or regulation that the county may adopt under current law. This act allows counties to condemn property located outside of the county with the approval of the county legislative body of the county where the property is located. Also, this act expands the authority of counties to contract, operate public utilities, operate hospitals and nursing homes and regulate dogs and cats and establish animal shelters. In the event of a conflict between a county resolution under this act and a city ordinance, the city ordinance will prevail within the city. However, this act does not grant to counties general ordinance power.

Effective May 24, 1995.

Public Chapter 430

Senate Bill 918 House Bill 798

Amends Title 7, Chapter 8, Part 1, relative to the regional transportation authority in Davidson, Sumner, Williamson, Wilson, Robertson, Cheatham, Maury, Dickson and Rutherford counties; requires annual rather than quarterly meetings of the board; deletes the provision that a quorum is a majority of the entire membership of the board; authorizes the establishment of an executive committee; authorizes the board to contract for professional planning, engineering, management, operating and support services; authorizes the board to establish a plan for direct provision of transit services by the authority.

Effective June 12, 1995.

Public Chapter 432

Senate Bill 1114 House Bill 1182

Authorizes counties and cities to create port authorities pursuant to procedures which include a public hearing prior to final action. Provides for the creation of a board of commissioners for the port authority with appointment by the executive officer and approval by the governing body of the city or county. Port commissioners serve for terms of 8 years after the initial terms which may be shorter in order to create a staggered term system. Port authorities created by one or more counties or cities are authorized. The board of commissioners of the port authority appoints a president who is the chief executive and administrative officer of the authority. The president of the authority appoints, subject to confirmation of the board, a secretary, auditor, treasurer, engineer and legal counsel. The authority is granted various corporate powers, including the power to borrow money for any of its corporate purposes and to issue revenue bonds. The authority does not have direct condemnation powers, but a city or county may condemn or otherwise acquire real property and transfer such property to the authority by sale, lease or gift. Cities

and counties are authorized to pledge their full faith and credit and unlimited taxing power as guarantor of authority bonds after giving at least 5 days public notice of the matter being considered, including the amount of the bonds to be guaranteed. The city or county governing body(ies) which created the authority may dissolve the authority.

Effective June 12, 1995.

Public Chapter 455

Senate Bill 590 House Bill 554

Enacts the "Children's Act for Clean Indoor Air" to regulate smoking in facilities where children's services are provided; prohibits smoking in day care centers, rooms in community centers used for children's activities, group care homes, health care facilities other than nursing homes, museums, public and private kindergartens, elementary and secondary schools, residential treatment facilities for children and youth, youth development centers and facilities, zoos, and school grounds; contains provisions for adult smoking areas in specified circumstances; requires posting of "no smoking" signs on main building entrances; requires posting of notice at elementary and secondary school sporting events, including ticket booths, that smoking is prohibited in seating areas and restrooms; violation is a Class B misdemeanor punishable by a fine not to exceed \$500; any law enforcement officer may issue citations.

Effective July 1, 1995.

Public Chapter 511

House Bill 117 Senate Bill 260

Enacts "The Child Fatality Review and Prevention Act of 1995"; creates state and local child fatality review teams, with local teams consisting of a local law enforcement officer, mental health professional, pediatrician, emergency medical service provider or firefighter, and a representative from juvenile court; confers broad investigatory powers and confidentiality.

Effective January 1, 1996 (for appointments, rulemaking and organization, effective June 12, 1995).

Public Chapter 540

House Bill 1276 Senate Bill 1092

Enacts the Tennessee Recreation Initiative Program which, subject to appropriation, provides for matching grants to 1 county or city in each of the state's 3 grand divisions for recreational programs. Counties and cities may apply, although grant proposals based on a multi-government project will have priority. The grant covers a 3 year period, with up to \$25,000 awarded to each participating community in the first 2 years; the community is responsible for all costs of the program in the third year and must repay the state if it fails to provide this funding.

Effective July 1, 1995.

## **COURTS**

Public Chapter 59

Senate Bill 277 House Bill 327

Deletes 18-1-114 which required court clerks to keep all volumes of the Supreme Court reports in their offices.

Effective March 27, 1995.

Public Chapter 85

House Bill 1194 Senate Bill 1518

Amends 37-1-114 to authorize juvenile courts to detain juvenile offenders who unlawfully possess a handgun or carry a weapon.

Effective April 5, 1995.

Public Chapter 127

Senate Bill 307 House Bill 1469

Amends 36-3-610 to authorize courts to require support payments pursuant to an order of protection or a court approved consent agreement to be made under an income assignment.

Effective July 1, 1995.

Public Chapter 137

House Bill 132 Senate Bill 772

Provides an alternative procedure for sentencing of habitual motor vehicle offenders who have a conviction occurring on or after July 1, 1995. Amends 55-10-603 to redefine "habitual offender". Adds vehicular homicide to list of offenses which may constitute habitual criminality.

Effective July 1, 1995.

Public Chapter 191

Senate Bill 240 House Bill 393

Enacts new section in Title 37, Chapter 1 which allows court to require a juvenile's parent or guardian to attend juvenile court proceedings. The court may issue a summons; failure to appear without good cause, which is defined, can result in contempt charges. Recommends that parent or guardian attend all sessions with juvenile, but does not create such a right.

Effective July 1, 1995.

Public Chapter 225

Senate Bill 86 House Bill 513

Enacts new subpart in 16-2-505(d) which creates a court security committee for each county to study and report on courtroom security. The committee is composed of the county executive, sheriff, district attorney, presiding judge of the district, and a court clerk. The committee is to study security needs in light of standards adopted by the Tennessee Judicial Conference and distributed by the Administrative Office of the Courts and to report to the county legislative body by May 15 of each year. The county legislative body is to take this report into consideration in developing the budget and, by December 1, report action taken to the Administrative Office of the Courts, who reports to the General Assembly. Recommendations of the committee requiring expenditure of funds must be approved by the county legislative body.

Effective May 12, 1995.

- Public Chapter 242      Senate Bill 276 House Bill 490  
Revises sections in Title 20 regarding the pauper’s oath, requiring an affidavit of indigency in addition to the oath itself. Clarifies that although one taking the pauper’s oath is not required at the commencement of the case to give security for court costs and to pay litigation taxes, these obligations must still be paid after they are taxed by the court.
- Effective May 15, 1995.
- Public Chapter 270      Senate Bill 744 House Bill 1675  
Amends 40-11-146 regarding a guaranteed arrest or bail bond in lieu of a cash bond, raising the maximum amount of the bond from \$1,000 to \$5,000.
- Effective May 25, 1995.
- Public Chapter 321      Senate Bill 797 House Bill 1293  
Amends sections of Title 20, Chapter 4, Part 2 regarding change of venue to allow a court to obtain a panel of jurors from another county if it is necessary for a fair trial. If the court is other than a court of record, then the jury shall be selected from the nearest adjoining county free from the like exception.
- Effective May 30, 1995.
- Public Chapter 322      Senate Bill 798 House Bill 626  
Amends 39-11-106(a) to define “criminal street gang”. Amends 40-35-114 to provide that enhancement factors regarding sentencing for an offense may include that the offense arose out of activity related to a criminal street gang and the defendant committed the offense within 3 years of a prior conviction for a felony offense.
- Effective July 1, 1995 for offenses committed after this date.
- Public Chapter 349      House Bill 34 Senate Bill 16  
Amends 40-35-313 regarding conditions of probation, allowing the court to set a monthly payment for supervisory expenses between \$10 and \$35 (formerly \$10).
- Effective May 30, 1995.
- Public Chapter 353      House Bill 308 Senate Bill 462  
Enacts the “Tennessee Standardized Treatment Program for Sex Offenders.” Creates a board which is to develop procedures and guidelines for identification, treatment, and monitoring of sex offenders, as well as to coordinate expenditures and analyze the effectiveness of the program. Requires each sex offender convicted after January 1, 1996, who is to be considered for probation to submit to evaluation, treatment, and monitoring, the expenses of which are to be paid by the offender based on ability to pay. Requires each sex offender convicted after July 1, 1995 to pay a surcharge, from \$500 to \$3,000 based on the crime, to the clerk of the court in which the conviction occurred, of which 5% is retained by the clerk and

95% is placed in the sex offender surcharge fund. The court may waive any portion of the surcharge for inability to pay.

Effective May 22, 1995, for appointment and organizational purposes and July 1, 1995, for other purposes.

Public Chapter 354

House Bill 330 Senate Bill 436

Amends 37-1-134 regarding conditions under which a juvenile offender transferred to criminal court must be detained, specifying that although the juvenile is to be housed separately from adult inmates, the juvenile must abide by regulations and policies applicable to adults. However, these policies do not affect the duties of a local education agency to provide education services to child under the federal Disabilities Education Act.

Effective May 30, 1995.

Public Chapter 359

House Bill 927 Senate Bill 562

Amends 8-21-403 regarding clerk's fees for handling support payments. It allows the clerk to accept partial child support payments which are prorated as to support and the clerk's fee. Deletes the term "of record" in the statute, thereby including clerks of all courts handling support payments.

Effective May 30, 1995.

Public Chapter 373

House Bill 1510 Senate Bill 1545

Amends sections in Titles 36 and 37 regarding child support. Removes authority for the DHS or anyone else to file petition to establish paternity if the child is likely to become a public charge. Sets interest on child support arrearages at 12% and specifies that accumulated interest is considered child support. Authorizes the DHS to issue, levy, and execute an administrative order of income assignment for payment of child or spousal support; specifically authorizes and gives procedures for income assignment of unemployment benefits, and states that DHS is financially responsible for repayment of erroneously withheld benefits.

Amends 36-5-402 to specify that hearings in child support cases other than those under Title IV-D are to be held within a reasonable time not to exceed 45 days, while those under Title IV-D are to be held within the time frames established by federal child support regulations; the Administrative Office of the Courts is to notify courts of those time frames. Specifies that necessary juvenile court referees are to be appointed according to provisions of Title 37, Chapter 1.

Amends 36-5-501 by removing the requirement that clerks must issue advance notice of income assignment to the obligor when notified that the IV-D agency is handling a child support case. In a Title IV-D case without previous immediate income assignment, requires court clerk, DHS, or the IV-D contractor to issue advance notice of income assignment, without the necessity of an affidavit from the obligee parent, if the child support payment is more than 15 days late. In other cases the obligee parent may request this action by affidavit. Adds health insurance



premiums covering the child to the list of amounts which are deducted in computing income assignments for child support.

Adds new subsection to 37-1-151 specifying that parents are liable for child support for all children placed in the state's custody; such placement is deemed an automatic application for child support services under the DHS Title IV-D child support program. Specifies procedures and timing for child support hearings and notice in these cases, imposing some of these duties on the court clerk. Requires court to include provisions for payment of medical expenses or health insurance premiums in the child support order; payments are to be made to the court clerk if the clerk participates in the statewide child support enforcement computer system.

Effective July 1, 1995, except for provisions regarding issuance of income assignments, which are effective upon implementation of DHS's child support computer system or January 1, 1996, whichever is earlier.

Public Chapter 385

House Bill 12 Senate Bill 533

Amends 40-25-132 to provide that the state rather than the county is liable for prosecution costs for a misdemeanor or for a felony where the conviction is a misdemeanor if the conviction is reversed on appeal.

Effective July 1, 1995 for applicable convictions after that date.

Public Chapter 410

Senate Bill 1337 House Bill 199

Amends statutes regarding orders of protection to provide that one seeking such an order is neither required to pay costs and taxes nor to take a pauper's oath upon the filing of the petition; court costs and litigation taxes will be assessed by the court upon disposition of the case. Lists additional factors relevant to determination of bail and probation for domestic abuse offenders and for those violating orders of protection; magistrate is to make findings regarding these factors on the record, if possible, and may impose conditions of release for the protection of victims. Law enforcement agencies and victims are to be notified of release and any conditions.

Effective July 1, 1995.

Public Chapter 415

Senate Bill 20 House Bill 526

Amends 37-1-104 to provide that the juvenile court has concurrent jurisdiction with the circuit and chancery court of proceedings arising from the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Effective June 12, 1995.

Public Chapter 418

Senate Bill 156 House Bill 145

Amends 16-15-729 to include damages in the provision that on appeal from general sessions court the trial is to be de novo.

Effective June 12, 1995.

Public Chapter 497

House Bill 1774 Senate Bill 1759

Amends sections in Title 40 regarding supervisory fees paid by parolees, probationers, and employed releases, raising the monthly fee from \$5 to \$15 based on ability to pay. Provides for a minimum fee of \$5 except for those under certain stated hardships. Also authorizes funds from these fees to be used for mandatory random drug screening for those under the act.

Effective June 12, 1995.

Public Chapter 498

House Bill 1775 Senate Bill 1760

Amends 40-11-113 by adding additional criminal offenses to the list of those for which convictions will result in immediate revocation of bail.

Effective July 1, 1995, applicable to convictions occurring on or after that date.

Public Chapter 512

House Bill 125 Senate Bill 369

Provides for the court to order an interlock device on defendant's motor vehicle upon second or subsequent DUI convictions unless the court makes an affirmative finding on the record that there is sufficient cause not to enter such an order. Fees related to the ignition interlock that are paid by the offender are to be applied as a credit to any fines assessed against the offender as a result of the DUI conviction.

Effective July 1, 1995.

Public Chapter 517

House Bill 385 Senate Bill 1379

Amends 55-10-408 to provide that blood alcohol content of .10% by weight constitutes conclusive proof that a defendant was under the influence of the intoxicant in DUI situations. Amounts of .08% blood alcohol content by weight creates a presumption of being under the influence of an intoxicant for defendants who have previously been convicted of DUI.

Effective July 1, 1995.

Public Chapter 532

House Bill 406 Senate Bill 653

Replaces Title 36, Chapter 1, Part 1 and other sections regarding adoption procedures. The stated purpose of the new act is to recognize and protect the rights of all interested persons, but especially of the adoptee. Contains procedures regarding surrender of a child by the birth parents, termination of parental rights, and adoption proceedings, as well as a long definitional section.

Sets out new procedures for obtaining access to adoption records. Although these are confidential records, the disclosure of which can result in criminal penalties, adopted persons 21 years of age or older may in some instances obtain access to their records by following the statutory procedures. Statute also sets out detailed procedures for a contact veto registry through which certain categories of people, primarily those adopted and their relatives, may request contact with biological relatives or may veto such contact. Specifies penalties for violating contact prohibitions. Also authorizes release of certain nonidentifying information to an adopted person or adopted family concerning the adopted person's biological family and provides for updated medical information.

Effective July 1, 1995 for provisions regarding access to pre-1951 adoption records; effective July 1, 1996 for implementing contact veto provisions; effective January 1, 1996 for most other provisions.

Public Chapter 550

Senate Bill 640 House Bill 922

Increases the state litigation tax in civil cases by \$10 in circuit and chancery court and by \$3 in general sessions court. The new state litigation tax revenue goes to a civil legal representation of indigents fund. [County legislative bodies may increase the county litigation tax up to the amount of the new state taxes].

Effective July 1, 1995.

## **ECONOMIC DEVELOPMENT**

Public Chapter 364

House Bill 1180 Senate Bill 1616

Amends 7-53-101(11)(C) to include facilities for the production of electricity as a permissible project of an industrial development corporation.

Effective May 30, 1995.

Public Chapter 443

Senate Bill 1621 House Bill 1752

Creates the Tennessee Industrial Finance Corporation as an instrumentality of the state for the purpose of financing projects for manufacturing and other commercial endeavors. This corporation may issue revenue bonds to finance these projects. Moreover, the corporation may provide a guarantee on such bonds, but the applicant (company) must pay a premium to the corporation and provide collateral to have such a guarantee on these bonds. Corporation guarantees are not general obligations of the state. The corporation is given extensive powers to carry out the purposes of the act.

Effective June 12, 1995.

## **EDUCATION**

Public Chapter 40

Senate Bill 333 House Bill 947

Amends 49-2-201(a) to authorize the use of transition plans to implement the provisions of the Education Improvement Act of 1991 with regard to the selection of school board members, and validate transition plans adopted prior to the effective date of the act; clarifies the maximum number of board members as the number authorized by private act or general law on January 1, 1992, and authorizes the General Assembly to establish by private act any number of members not less than 3 nor more than 9; during transition the number of members may temporarily exceed the maximum allowed.

Effective March 27, 1995.

Public Chapter 101

Senate Bill 219 House Bill 950

Amends 49-2-110 to provide that when funds raised by organizations composed of parents and teachers or parents and students are used for the benefit of less than

the student body as a whole, then the provisions of 49-2-203 and the uniform accounting policy manual for local school systems will not prohibit the use of the funds as long as the use benefits the overall school program and the use is in accordance with the policies of the local board of education.

Effective April 17, 1995.

Public Chapter 149

Senate Bill 1343 House Bill 1205

Amends 49-6-3007(f) to authorize the assessment of penalties against the parents or legal guardians of truant children in grades K-12.

Effective April 27, 1995.

Public Chapter 361

House Bill 1141 Senate Bill 1467

Amends 49-3-354(f) to change the method of determining extraordinary enrollment growth so that if there is more than a 2% increase in ADM, FTEADM and I&S taken as a whole, the LEA's share of state funds will be calculated on the basis of current year's ADM, FTEADM and I&S less the first 2% by which it exceeds the prior year, with funds to be distributed to the extent specifically appropriated.

Effective July 1, 1995.

Public Chapter 404

Senate Bill 756 House Bill 557

Amends 49-2-201 to authorize cities to elect school board members in the same manner used to elect members of the municipality's governing body, whether from districts, at large, or a combination, except in school districts where board members are already elected from districts; does not apply in Shelby or Davidson counties.

Effective June 6, 1995.

Public Chapter 427

Senate Bill 593 House Bill 580

Amends 49-1-606(a) to change the deadline to July 1, 1996, for implementing annual estimates of teacher effect on the educational progress of students in grades 3 - 8, using TACP test data.

Effective June 12, 1995.

Public Chapter 435

Senate Bill 1245 House Bill 1172

Amends 49-2-201(a)(1) to authorize a local board of education to retain the number of members actually serving on the board as of January 1, 1993, and to authorize Fentress County to have the number of board members authorized by private act as of January 1, 1994.

Effective June 12, 1995.

Public Chapter 455      Senate Bill 590 House Bill 554

Enacts the “Children’s Act for Clean Indoor Air” to prohibit smoking in facilities where children’s services are provided, including schools (see summary under COUNTY GOVERNMENT).

Effective July 1, 1995.

Public Chapter 515

House Bill 298 Senate Bill 244

Enacts 39-17-4\_\_ to create drug-free school zones (including school facilities, grounds and the area within 1,000 feet of the real property of public or private elementary, middle or secondary schools), with enhanced and mandatory minimum sentences for drug offenses committed in these zones.

Effective July 1, 1995.

Public Chapter 520

House Bill 581 Senate Bill 594

Enacts 49-3-3\_\_ to provide for teachers’ salary equity, raising the average compensation package (salary plus insurance premiums) of instructional personnel to \$28,094 with the state to pay a portion of the cost based on a formula and the remainder to be funded locally, beginning with the 1995-96 fiscal year; only LEAs whose compensation is below \$28,094 will receive state funds.

Effective June 12, 1995.

Public Chapter 534

House Bill 1002 Senate Bill 1320

Amends 49-6-3050(b)(1) relative to home schools to impose a penalty of \$20 per week on parents who do not give the required notice by August 1, and to require that attendance teachers be informed of parents’ right to conduct home school.

Effective June 13, 1995.

Public Chapter 538

House Bill 1196 Senate Bill 1519

Amends 49-2-115(c) relative to grants for family resource centers to require evaluations every 3 years, and to increase by 50% the number of grants awarded; amends 49-2-115(a) to authorize LEAs to contract with local non-profit agencies to operate family resource centers; amends 37-3-703 to increase to 10 the number of counties involved in the healthy start pilot project.

Effective July 1, 1995.

Public Chapter 542

House Bill 1380 Senate Bill 1582

Amends 49-10-101(a)(1) relative to providing special education in accordance with January 1995 federal requirements without reduction in spending on other programs provided through Title 49, Chapter 10.

Effective June 13, 1995.

## **ELECTIONS**

### **Public Chapter 69**

Senate Bill 748 House Bill 787

Amends 2-6-301(b) to give the county election commission the alternative of maintaining, on a daily basis, absentee voting applications as part of a computer generated report, which is a public record.

Effective April 5, 1995.

### **Public Chapter 76**

Senate Bill 1508 House Bill 1374

Amends 2-12-114 to require the county election commission to report to the state election coordinator beginning June 1, 1995 and every 6 months: (1) by precinct, the number of active and inactive voters at the beginning and end of the reporting period, the number of new valid voter registrations, and the number of active and inactive voters purged, and (2) by county, the number of registration applications received and the source, the number of duplicate registrations received, and the number of confirmation notices mailed out and responses received. Amends 2-2-106 to authorize the county election commission to mail confirmation notices by “forwardable” mail rather than by “first class” mail. Amends 2-2-109 to provide that when elections are being held in 2 or more voting districts within a county, the time period for each election is calculated separately so that registration or alteration of registration records is not prohibited in one election because it is 29 days prior to another election in the same county.

Effective April 5, 1995.

### **Public Chapter 87**

Senate Bill 1506 House Bill 1373

Amends 2-5-101(a)(2) to change the qualifying deadline for March county primaries to the third Thursday in January; amends 2-5-101(e) to require a candidate who is nominated by a political party by a method other than primary election, for offices to be filled in a regular August election for which a primary has been called, to be certified to the county election commission or registrar by the qualifying deadline for the primary; if no primary is held, certification must be made by noon on the third Thursday in May; amends 2-13-203(d) to provide that candidates for March primaries and delegate-candidates must qualify by the third Thursday in January.

Effective July 1, 1995.

### **Public Chapter 88**

Senate Bill 1509 House Bill 1376

Early voting procedures “housekeeping” act; amends 2-6-105, -108, -109, -111 and -304 to delete the requirement that ballot envelopes be used for early voting ballots; deletes “under 2-3-101” from 2-6-101(b) to remove confusion about designation of early voting satellite locations; amends 2-6-304(e) to allow removal of early voting results from election machines in accordance with rules promulgated by the Coordinator of Elections so that counties can use machines for early voting and on election day, but votes must be removed so that no vote totals can be associated with any candidate at the time of removal, the county election commission must notify candidates and parties of the place and time when vote totals will be removed, and votes for any candidate cannot be totaled until after all polls in the county are

closed; amends 2-5-211 to require that a sample ballot, containing the names of all candidates for all offices, be printed in a newspaper at least 5 days before the beginning of early voting, in addition to being printed before the election.

Effective April 6, 1995.

Public Chapter 196

Senate Bill 600 House Bill 1012

Amends 2-2-138(b) to provide that the list of registered voters and other compiled voter registration information must be available for purchase at a price not to exceed the cost of production; the state election commission is required to establish a uniform cost for this information; any county election commission whose actual cost exceeds the rate established may petition the state for an increase.

Effective July 1, 1995.

Public Chapter 393

House Bill 1560 Senate Bill 1671

Amends 2-7-103 to allow a child under 17 to accompany his or her parent or guardian into the polling place and into the voting booth to observe the voting process.

Effective July 1, 1995.

Public Chapter 444

Senate Bill 1632 House Bill 1574

Amends 2-13-303 and 2-13-318 to allow statewide political parties to allocate delegates in accordance with either the national or state party charter, rules and bylaws.

Effective June 12, 1995.

Public Chapter 531

House Bill 89 Senate Bill 79

Enacts the Campaign Contribution Limits Act of 1995, 2-10-301 *et seq.*, to be administered by the registry of election finance; aggregate contributions per election to a candidate for any office elected by statewide election cannot exceed \$2,500 from any one person, \$7,500 from a multicandidate political campaign committee, or \$250,000 from the candidate's personal funds, and no more than 50% of the candidate's total contributions can come from multicandidate political campaign committees; aggregate contributions per election to a candidate for senate cannot exceed \$1,000 from any one person, \$7,500 from a multicandidate political campaign committee, or \$40,000 from the candidate's personal funds, and no more than 50% of the candidate's total contributions can come from multicandidate political campaign committees; aggregate contributions per election to a candidate for any other state or political office cannot exceed \$1,000 from any one person, \$5,000 from a multicandidate political campaign committee, or \$20,000 from the candidate's personal funds, and no more than \$75,000 can come from multicandidate political campaign committees; all contributions made by political campaign committees controlled by a political party on the national, state or local level, or by a caucus of the political party established by members of either house of the General Assembly, will be considered made by a single committee, and these contributions cannot exceed, per election, \$250,000 for a candidate in a statewide election, \$40,000 for



a candidate for senate, and \$20,000 for a candidate for any other state or local office; maximum penalty for violation is \$10,000 or 115% of all contributions made or accepted in excess of the limits imposed, and if not paid within 30 days after the assessment becomes final, the candidate will be ineligible to qualify for any state or local office; prohibits certain fundraising by or on behalf of members candidates for the General Assembly during legislative session; prohibits lobbyists, their employers, and multicandidate campaign committees controlled by either of them, from contributing to candidates for Governor, General Assembly or PSC during legislative session; excess funds for election to a local public office are not eligible for transfer to a campaign account for election to the General Assembly or Governor; requires independent candidates for offices which have a primary to file primary reports regardless of whether the candidate appears on the primary ballot; requires campaign financial disclosure statements to contain the dates of contributions and expenditures; prohibits contributions by multicandidate campaign committees (other than committees controlled by a party or party caucuses established by either house of the General Assembly) to candidates within 10 days of an election.

Effective June 13, 1995 for rulemaking only; applies to contributions and expenditures made after January 1, 1996.

## **EMERGENCY SERVICES**

Public Chapter 62            Senate Bill 427 House Bill 574  
Amends 7-86-126 to require emergency communications district funds to be secured by collateral in the same manner as state deposits or in a collateral pool created under Title 9, Chapter 4, Part 5.

Effective April 5, 1995.

## **FINANCE**

Public Chapter 63            Senate Bill 428 House Bill 576  
Reenacts the Emergency Financial Aid to Local Government Law in Title 9, Chapter 13, which expired in 1993. Allows the state funding board to guarantee loans made to local governments and allows local governments to issue notes extending beyond the current fiscal year under certain emergency financial conditions. Includes any local government, including enterprise funds, and specifies that the local government is required to pledge state-shared taxes to make payments on the loan.

Effective April 5, 1995.

Public Chapter 67            Senate Bill 591 House Bill 1105  
Amends 9-21-203 to increase the general obligation bond issue amount which requires publication of a notice of sale in a New York , New York newspaper of national circulation from \$1 million to \$5 million.

Effective April 5, 1995.

## HIGHWAYS

- Public Chapter 135      Senate Bill 1660 House Bill 1651  
Amends 54-4-203 and 67-6-103, allowing municipalities to take 3 special censuses (changed from 2) during the time between the regular decennial federal census, to determine population for the apportionment of money from the transportation equity trust fund and the municipal street aid fund.  
  
Effective April 21, 1995.
- Public Chapter 161      House Bill 383 Senate Bill 384  
Amends 67-3-820 and 67-3-818 regarding the sale of tax exempt dyed diesel fuel. Provides that dyed diesel fuel, which is legal for exempt use only, is a nontaxable product and therefore purchasers are not required to obtain a prepaid user authorization or limited user permit nor to execute an exemption affidavit. Sellers of this fuel outside the bulk transfer terminal are required to include the following statement on the invoice or on the pump: "DYED DIESEL FUEL - NONTAXABLE USE ONLY - PENALTY FOR TAXABLE USE."  
  
Effective May 1, 1995.
- Public Chapter 179      Senate Bill 1020 House Bill 1103  
Amends 54-7-112 to delete the requirement that the county highway inventory be filed with the comptroller and the commissioner of transportation, and provide that the inventory will be filed with the county executive (see summary under PURCHASING).  
  
Effective July 1, 1995.
- Public Chapter 245      House Bill 886 Senate Bill 414  
Amends sections in Title 67, Chapter 3, Part 8 pertaining to requirements for sale and use of tax exempt, dyed fuel, clarifying definitions and requirements for dyed and undyed fuel. Eliminates references to prepaid user permits to reflect change in law requiring them (Public Chapter 161, above). Requires notice on delivery document, invoice, and pump that dyed fuel is for nontaxable use only, and prescribes penalties for violations. Retains requirement that operators of retail filling stations must maintain invoices for sales of undyed fuel for 3 years from December 31 of the year in which the sale occurred; prohibits these retailers from delivering or purchasing for resale any dyed fuel. Establishes enforcement and penalty provisions. Enacts sales tax exemption applying to purchase of used automobile by a dealer from the dealer's own inventory.  
  
Effective January 1, 1996 for most purposes; deletion provisions effective January 1, 1988; sales tax provision effective May 15, 1995.
- Public Chapter 254      House Bill 934 Senate Bill 1006  
Amends 5-7-105 to allow the location of a county highway department garage outside of the boundaries of the county seat town.

Effective May 19, 1995.

Public Chapter 263

House Bill 948 Senate Bill 1007

In counties under the County Uniform Highway Law, this act creates a presumption of law that the chief administrative officer of the county highway department has the authority to sign agreements on behalf of the county with the state department of transportation. This presumption may be overcome only if the county legislative body gives notice to the state that the chief administrative officer does not have such authority.

Effective May 24, 1995.

Public Chapter 478

House Bill 1390 Senate Bill 1698

Authorizes the county legislative body, by 2/3 vote, to adopt an alternative procedure for closing public roads in the county. Under this procedure, an application to close a public road is made to the chief administrative officer of the county highway department. The chief administrative officer gives notice of this application to interested parties (adjacent property owners). The chief administrative officer makes a recommendation to the regional planning commission regarding whether or not the public road should be closed. The regional planning commission then provides written notice to affected property owners or newspaper notice of an impending recommendation 14 days prior to making the planning commission's recommendation to the county legislative body. After receiving the recommendation from the regional planning commission with the recommendation of the chief administrative officer attached, the county legislative body may, by resolution, or the closure of the public road.

Effective June 12, 1995.

## **PERSONNEL**

Public Chapter 182

House Bill 173 Senate Bill 254

Amends 30-2-103 to give employees the right to designate a beneficiary to receive payment of any wages or salary due the employee at the time of the employee's death, and to encourage employers to inform employees of this right at the time the employee is hired.

Effective July 1, 1995.

Public Chapter 422

Senate Bill 382 House Bill 1268

Enacts 50-1-\_\_\_ to grant qualified immunity to employers who, upon request of a prospective employer or a current or former employee, provide truthful, fair and unbiased information about a current or former employee's job performance; employers will be presumed to have been acting in good faith unless the disclosure is shown to have been knowingly false, deliberately misleading, malicious, disclosed in reckless disregard for its falsity or defamatory nature, or in violation of the person's civil rights under current employment discrimination laws.

Effective June 12, 1995.

Public Chapter 502

House Bill 1791 Senate Bill 1779

Amends 50-7-302(a) relative to eligibility for unemployment benefits to require participation in reemployment services if the claimant is likely to exhaust regular benefits and need such services; amends 50-7-303(a)(4) to delete the right of an employer whose premises are involved in a labor dispute to appeal to the commissioner of employment security the awarding of benefits to claimants who were not involved in the labor dispute; amends 50-7-302(a) to make ineligible for benefits claimants who left their most recent employment to avoid taking a drug or alcohol screening test, or after receiving a positive result.

Effective June 12, 1995.

Public Chapter 503

House Bill 1793 Senate Bill 1781

Amends 50-7-303(c)(1) to deny unemployment benefits to claimants who have accepted their employer's monetary incentives (other than separation allowances, severance pay and similar payments) to voluntarily terminate their employment, so long as the monetary incentive is greater than the maximum amount of benefits the claimant is eligible to receive; amends 50-7-303(d)(2) to shorten to 90 days (from the date of determination of an overpayment) the time within which a claimant may apply to the commissioner for a waiver of repayment of an overpayment; amends 50-7-303 to require an employer to report back pay awards or settlements to the department, and requires the employer to reduce the amount of the award or settlement by an amount based on the benefits received by the recipient during the period and to reimburse the department that amount; amends 50-7-304(b)(2) to provide that claimants will not be required to repay overpayments following a decision adverse to the claimant which results from the employer's failure to appear for a scheduled hearing; amends 50-7-404(c) to require, effective for quarters beginning January 1, 1997, employers with 250 or more employees to file the portion of the wage and premium report containing name, social security number, and gross wages on magnetic media; enacts 50-7-404(k) to empower the commissioner to cause an employer's corporate charter or authority to do business in Tennessee to be revoked for nonpayment or failure to file quarterly reports.

Effective June 12, 1995.

## **PLANNING AND ZONING**

Public Chapter 98

Senate Bill 923 House Bill 1201

Amends 13-3-101 regarding appointment of regional planning commissions to provide that regional planning commissions in single county planning regions are to be selected by the county executive, subject to confirmation by the county legislative body (formerly appointed by the Department of Economic and Community Development). Vacancies are to be appointed by the same method. Members of planning commissions who are serving on the effective date may continue to serve.

Effective April 11, 1995.

Public Chapter 465

House Bill 631 Senate Bill 512

Enacts the "Agricultural District and Farmland Preservation Act of 1995". Agricultural districts must contain at least 250 contiguous acres and may include any number of individual property ownerships; however, no single ownership can contain less than 15 acres. All ownerships in the district must be engaged in agricultural production. Districts are formed by landowners petitioning the local Soil Conservation District Board of Supervisors requesting designation as a district. Once an agricultural district is formed, any landowner who has received notice of a condemnation proceeding in the district may request the local Soil Conservation District to conduct a public hearing to review the project's impact on that property. However, condemnation will proceed after the hearing unless the condemning government decides not to proceed.

Effective June 12, 1995.

## **PUBLIC RECORDS**

Public Chapter 70                      Senate Bill 804 House Bill 1104  
Amends 9-2-105 to provide that receipt books shall be retained and disposed of according to law, unless otherwise directed by the comptroller of the treasury.

Effective April 5, 1995.

Public Chapter 257                     House Bill 1454 Senate Bill 203  
Amends 68-11-302(4) to include within the definition of "hospital," for purposes of the Medical Records Act of 1974, clinics operated by county health departments and district health departments.

Effective May 19, 1995.

Public Chapter 411                    Senate Bill 1419 House Bill 1115  
Amends 33-3-104(10) to prohibit disclosure of a minor child's mental health records to a person known to have been accused of abuse or neglect of the child except by court order, or pursuant to a determination of the child's mental health professional that the disclosure would not be harmful to the child and the accused person is the parent, guardian or custodian of the child.

Effective June 6, 1995.

## **PURCHASING**

Public Chapter 74                      Senate Bill 1481 House bill 1173  
Amends Title 12, Chapter 10, relative to public building authorities, to authorize governmental entities (including counties) to contract with an authority for the construction, operation and/or maintenance of property owned or leased by a third party to the governmental entity, to authorize authorities to maintain common accounts and make certain purchases which are \$5,000 or under without competitive bids, and to authorize authorities to contract for services by public invitation for proposals and for construction projects either by invitation for proposals or competitive bids.

Effective April 5, 1995.

Public Chapter 176

Senate Bill 295 House Bill 302

Enacts 12-3-10\_\_ to authorize local governments with populations over 150,000 to make purchases under \$10,000 without competitive bids or proposals, but allows these local governments to retain their present competitive bidding requirements or establish different limits by private act or charter amendment; contains special provisions for metropolitan governments.

Effective May 5, 1995.

Public Chapter 179

Senate Bill 1020 House Bill 1103

Amends 5-14-108, 5-14-202, 5-14-204, 5-14-205, 54-7-113, 49-2-203(a), and 6-56-306 to raise to \$5,000 the amount for which public advertisement and competitive bids are required for local government purchases (with purchases under \$5,000 to be based on at least 3 competitive bids whenever possible); repeals 8-4-112 relative to audit and payment of costs by the state in criminal cases; repeals 5-8-504 which granted a reduced cost of 75% for audits in counties where all officials and agencies were in compliance; amends 8-15-101 to require counties to obtain the comptroller's approval before employing private auditors; amends 8-15-103 to correct an error and to require a copy of the audit to be furnished to the comptroller; amends 54-7-112 to delete the requirement that the county highway inventory be filed with the comptroller and the commissioner of transportation, and provide that the inventory will be filed with the county executive.

Effective July 1, 1995.

Public Chapter 342

House Bill 914 Senate Bill 1009

Enacts 62-6-1\_\_ under the Contractors Licensing Act to provide that, in addition to the requirements of 12-4-201, governmental entities (including schools) contracting for the services of a construction manager must either: (1) at the time of submittal of bids, require that each bidder post a bid bond in the amount of 10% of the value of the services proposed and the work to be supervised, or (2) prior to awarding the contract, require that the successful bidder provide payment and performance bonds equal to the combined monetary value of the services of the construction manager and the value of the work to be managed.

Effective May 25, 1995.

## **REGISTER OF DEEDS**

Public Chapter 30

Senate Bill 250 House Bill 501

This act amends several provisions of the Tennessee Code affecting the Register. The following is a detailed summary of this new public chapter.

SECTION 1 -- Generally, Section 1 amends 8-13-108 to update the law regarding the duties of the county register in receiving instruments, making entries in the notebook and on the instruments being registered, to conform this statute with other

statutes affecting the duties of the register and with the use of modern methods of record keeping. The new section 8-13-108 has the following specific provisions:

The amendatory language of Section 1, subdivision (1) adds a new provision stating that it is a duty of the register to determine whether or not an instrument is entitled to registration.

Subdivision (2) provides that if the instrument is accepted for registration, the register must note on the instrument the time the instrument is actually received by the register (not when entered into the notebook). All mail received together would receive the same time. This subdivision incorporates the ruling case law on this subject, and is meant to clarify practice regarding entering on the instrument and in the notebook the time the instrument is received.

Subdivision (3) maintains the former law's requirement that a notebook (presently referred to as a "well bound book" in Section 8-13-108(a)(1)) be kept, but revises the information required to be placed in the notebook to conform to current practice and needs. The current law's requirement for columns for "county" and "no. of acres" is omitted as unnecessary. The act provides for noting the day, hour and minute of reception of the instrument while former law only requires the "date". Subdivision (3) amends the law to make clear that a separate notebook may be kept for uniform commercial code instruments. This subdivision also makes clear that the notebook is a permanent record, but that it may be maintained as a bound book or as computer media so long as statutory safeguards found in 10-7-121 are used.

Subdivision (4) reconciles the noting of the time of reception on the instrument with the order of entry in the notebook, since it is often impossible to make entries in the notebook in exactly the correct order of reception without undue delay in making the entry. Therefore, this subdivision requires the register to make entries in the notebook as soon as is practically possible, but recognizes that registration entry in exact order of reception (as required under former subdivision (3)) is impossible in offices with a great volume of instruments being received. However, the new subdivision (4) requires that no instrument received on a certain day be entered into the notebook after an instrument received on a later day.

Subdivision (5) requires the register to record or file the instrument in the appropriate book or record series.

Subdivision (6) requires the register to certify on the instrument the fact of registration on each instrument registered, the time received, where it is noted in the notebook, and where it is recorded or filed and the amount of fees and taxes received, if any. This modifies the law, as the place of recording or filing (book and page, etc.) and the amount of fees and taxes paid formerly was not required to be placed on the instrument, although they were commonly added in practice. Subdivision (6) also allows the register to add a page to an instrument when the instrument offered does not contain sufficient space to enter the required certification information, and removes the former requirement that this certification be entered at the foot the instrument.

Subdivision (7) restates the former subdivision (5) to emphasize that all recorded copies of deeds and deeds of trust are to be preserved as permanent records instead of the former language which stated that the register is to "carefully preserve, and arrange in alphabetical order, all deeds deposited with the register for registration". The reference to alphabetical order is obsolete as deeds are not preserved in alphabetical order, only indexed using an alphabetical reference system.

Subdivision (8) restates the former subdivision (6) regarding exhibition of deeds and the notebook to state that all instruments (not just deeds) in the register's office are to be exhibited and are available for inspection by all persons. The new language adds the clause that this inspection is limited to regular business hours.

This act also removes the presently superseded fee of 50¢ per page for certified copies in the former subdivision (7). Charges for certified copies of instruments are specifically authorized in 8-21-1001 and 47-9-407 (UCC instruments) at \$1.00 per page.

SECTION 2 -- Section 2 removes the exemption from paying register's filing fees on deeds of trust where the Tennessee Local Development Authority is the secured party and the deed of trust is used in financing a project for the construction of a mental health or mental retardation facility.

SECTION 3 -- Section 3 repeals 68-221-408 which prohibits a county register from recording a subdivision plat as defined in 68-221-402 (regarding subdivisions with subsurface sewerage disposal systems), without the approval of the commissioner of environment and conservation (or his or her designee).

SECTIONS 4, 5 and 6 -- Section 4 amends 66-11-142, to change the former procedure whereby the register approved personal sureties on bonds to indemnify against mechanics' and materialmen's liens to one where only corporate sureties may be used and approval by the register is not required. The register is to record the bond and return the bond to the person providing the bond, instead of the original bond being filed for safekeeping. Similarly, Section 5 requires the register to record instead of file a copy of a payment bond provided by a general contractor for the benefit of potential lien claimants and is used to discharge a lien.

Section 6 allows the register to record any of the bonds previously filed under this law and return the original to the person providing the bond. This would allow one set of recorded records (bonds) instead of one set filed and one set recorded.

Effective July 1, 1995.

Public Chapter 52

House Bill 491 Senate Bill 577

Provides that certificates of acknowledgment used in another state, territory or foreign country by a person whose authority is recognized under 66-22-103 or 66-23-104 shall be accepted in Tennessee if the certificate is in a form prescribed by the laws of this state or by the laws or regulations applicable in the other state, territory or country.



Effective March 29, 1995.

Public Chapter 100 Senate Bill 112 House Bill 282  
Amends 67-4-409 to provide that the transfer tax is not due until title to the property is transferred by deed. Therefore, the transfer tax will not be collected on contracts for the sale of land. This act does not amend the tax on indebtedness commonly called the "mortgage tax".

Effective April 17, 1995.

Public Chapter 162 House Bill 492 Senate Bill 576  
Amends 66-24-101(a)(15) allow the registration of summaries or abstracts of leases of more than three years duration.

Effective May 1, 1995.

Public Chapter 403 Senate Bill 575 House Bill 965  
Amends 48-247-103 regarding limited liability companies (LLCs) to require that in addition to filing company organizational documents with the secretary of state, the LLC is required to file a copy of all such documents with the office of the register of deeds in the county wherein the LLC has its principal office. The register may charge \$5.00 plus 50 cents per page in excess of 5 pages for such filing.

Effective June 6, 1995 except for certain provisions not relevant to registers.

## **RETIREMENT**

Public Chapter 164 House Bill 679 Senate Bill 1048  
Enacts 8-35-2\_\_ to authorize TCRS to administer, on behalf of a political subdivision, a pre-existing qualified public employee retirement plan maintained by the political subdivision, upon request of the governing body of the political subdivision, provided that the plan is suitable for efficient administration by TCRS; amends 8-34-606(a) to provide that retirement credit for educational leave may be obtained only if the member returns to work within one year following the leave period; amends 8-35-107 and 8-35-217(a) to prohibit establishment of temporary employment periods after July 1, 1995; amends 8-35-218 to authorize local governments to rescind resolutions to withdraw from TCRS by simple majority and to allow them to rejoin once; amends 8-35-236 to delete requirement that payments due to establish credit for prior service be paid within 6 months; amends 8-36-121(d) to authorize a surviving spouse named as co-beneficiary to receive periodic payments rather than lump sum; amends 8-36-805 to impose 60-day waiting period before reemployment after retirement; amends 68-2-1118 to make community health agencies eligible for participation in TCRS; amends 8-37-104(a) and enacts 8-37-1\_\_ relative to TCRS investments in foreign securities.

Effective May 1, 1995.

Public Chapter 235      Senate Bill 1003 House Bill 634

Enacts 8-35-2\_\_ to authorize the Tennessee Association of Assessing Officers to become a participating employer in TCRS; all costs will be the responsibility of the association.

Effective May 12, 1995.

Public Chapter 300 Senate Bill 1522 House Bill 1348  
Amends 8-34-621 and 8-35-236 to authorize retired TCRS members as well as current members to establish retirement credit for previous temporary or seasonal employment, and for previous employment with a political subdivision at the option of the participating political subdivision.

Effective May 26, 1995.

Public Chapter 310 Senate Bill 164 House Bill 334  
Enacts 8-27-3\_\_ to authorize TCRS to make deductions from the retirement benefits of retired teachers or other retired local government employees for payment of insurance premiums for any local government group insurance coverage provided to such retirees.

Effective May 30, 1995.

Public Chapter 479 House Bill 1401 Senate Bill 1039  
Amends 8-34-101(4)(B)(i) to extend the discontinuation date for increases in average earnable compensation to June 30, 1996.

Effective June 12, 1995.

## **SHERIFFS**

Public Chapter 11 Senate Bill 57 House Bill 55  
Amends 40-35-321 regarding collection and DNA analysis of biological specimens of adults convicted of a sex crime or juveniles adjudicated delinquent for a sex offense. Provides that the biological specimen is to be forwarded to the TBI by the approved agency or entity collecting the specimen instead of the court or the chief administrative officer of the jail.

Effective March 17, 1995.

Public Chapter 42 Senate Bill 587 House Bill 193  
Requires the department of safety to maintain records of placards and license plates for disabled persons on the department's computer system in a manner that will be readily accessible to law enforcement officers.

Effective July 1, 1995.

Public Chapter 51 House Bill 366 Senate Bill 807  
Amends 40-35-311 to provide that an arrest warrant for a person who has violated conditions of probation, or has violated state law while a sentence is suspended,

may be executed by a probation officer or any peace officer of the county in which the probationer is found, regardless of whether the defendant is on probation for a misdemeanor or felony, or whether the arrest warrant is issued by a general sessions court judge or a judge of a court of record.

Effective March 30, 1995.

Public Chapter 112

Senate Bill 730 House Bill 643

Amends 55-9-602 to require all children 4 to 12 years of age to use an approved passenger restraint system whether in the front or the back seat, unless the child is in the back and all seat belts are in use. Violation is a Class C misdemeanor, although allows submission of a \$10 fine for a first offense or a \$20 fine for subsequent offenses in lieu of court appearance. Also provides that no court costs or litigation tax are to be imposed for violation of this subsection, although other subsections requiring child restraints for children 0 to 4 years of age do not contain this provision.

Effective July 1, 1995.

Public Chapter 118

House Bill 782 Senate Bill 2

Amends 39-13-513 and 39-13-514 to provide that prostitution and patronizing prostitution is a Class B misdemeanor, but becomes a Class A misdemeanor if committed within 100 feet of a church or within one and one-half mile of a school. A person convicted of prostitution or patronizing prostitution must have punishment of at least 7 days of incarceration and a fine of at least \$1,000 in addition to any other authorized punishment.

Effective July 1, 1995.

Public Chapter 120

House Bill 1023 Senate Bill 785

Authorizes any department, agency or office to sponsor or participate in a "sober ride program" in conjunction with the county sheriff's department. The program may include, but is not limited to the provision of rides to person who request transportation to avoid driving while under the influence of any intoxicant or drug.

Effective June 1, 1995.

Public Chapter 131

Senate Bill 1144 House Bill 1266

Amends 38-6-113, 40-35-321 and 40-35-321 to add child rape or attempted child rape to the list of offenses wherein convicted adults or children adjudicated delinquent are required to give biological specimens for DNA analysis.

Effective July 1, 1995.

Public Chapter 139

House Bill 348 Senate Bill 1336

Amends 55-7-203(7) to allow farm trucks to have a 10% margin of error on the true gross or axle weight with respect to weight restrictions on the state highway system other than the interstate system.

Effective April 20, 1995.

Public Chapter 140

House Bill 1739 Senate Bill 1607

Exempts certified police cyclists from various provisions of the code dealing with the use and operation of bicycles.

Effective June 1, 1995.

Public Chapter 154

Senate Bill 1029 House Bill 764

Amends 8-36-108 to allow death benefits under the Tennessee Consolidated Retirement System which are received by surviving spouses of those dying in the line of duty to continue after the surviving spouse remarries.

Effective May 1, 1995.

Public Chapter 187

Senate Bill 9 House Bill 33

Amends 41-2-128(c) to authorize judges to directly sentence persons convicted of second offense DUI or driving without a valid license to a work release program if certain conditions are met. These conditions include an investigative report confirming the defendant's employment and the employer's willingness to participate in the program, a plan acceptable to the judge is developed to monitor the defendant's whereabouts while at work and the defendant agrees to defray the cost of incarceration and treatment to the best of his/her ability. Under this program the defendant must agree to be screened, at least daily, for consumption of alcohol or illegal drugs, and the defendant cannot drive a motor vehicle. The judge at the time of sentencing affixes the time and manner in which the defendant is to pay the costs. A county which uses this alternative must keep records sufficient to allow any annual determination of whether such participation diminishes the effectiveness of the punishment afforded by 55-10-403(a).

The county legislative body of any county which uses this alternative work release program must conduct a public hearing annually to examine and evaluate the program. Public notice of this public hearing must be given at least 30 days prior to the meeting. The county legislative body must certify the program if it finds it is operated in accordance with law, and if not, the county legislative body will transmit this failure to certify to all judges in the county having jurisdiction over DUI offences.

Effective May 9, 1995.

Public Chapter 205

Senate Bill 1499 House Bill 1751

Enacts new part in Title 16 regarding service of process authorizing sheriff, deputy sheriff, or constable to serve regular process in general sessions court with the same authority as in other inferior courts. Describes procedure for service of counties, individuals, corporations, partnerships, and associations; allows service by certified return receipt mail. Requires sheriff to designate a court officer to wait on the general sessions court.

Effective May 9, 1995.

Public Chapter 207	<p>House Bill 1 Senate Bill 377</p> <p>Enacts the “Post-Conviction Procedure Act”. Provides a new procedure for petitions for post-conviction relief in criminal cases based on constitutional issues. Imposes a time limit of one year from the date of final action in the state appellate courts, with some exceptions. A post-conviction proceeding is commenced by filing a written petition with the clerk of the court in which the conviction occurred. No filing fee. Petitions challenging misdemeanor convictions not in a court of record are to be filed in a court of record having criminal jurisdiction in the county. Petitions are filed whether or not complete. Petitioner must include all claims for relief and verify this under oath. Affidavits, records and other evidence supporting the petition may be attached to it. Specifies several duties of clerks. The sheriff may transport the prisoner to court if the court so orders or the warden is unable to do so. The sheriff is entitled to transportation costs as in criminal cases upon presentation to the account certified by the judge and the district attorney general. The Supreme Court will develop a form petition which shall be made available to the prisoner in the prison and other places of detention and in the office of the clerk of any court of record having criminal jurisdiction, without cost to the potential petitioner. Costs are taxed as in criminal cases.</p> <p>Effective May 10, 1995.</p>
Public Chapter 216	<p>House Bill 961 Senate Bill 703</p> <p>Amends 39-17-1002 regarding the definition of sexual activity under the Tennessee Protection of Children Against Sexual Exploitation Act by including “lascivious exhibition of the female breast”.</p> <p>Effective July 1, 1995.</p>
Public Chapter 296	<p>Senate Bill 1212 House Bill 1090</p> <p>Amends 39-13-512 to redefine prostitution to include offering to engage in sexual activity as a business as well as engaging in sexual activity as a business or loitering in a public place for the purpose of being hired to engage in sexual activity.</p> <p>Effective July 1, 1995.</p>
Public Chapter 308	<p>Senate Bill 82 House Bill 259</p> <p>Provides that anyone who operates or uses a sport shooting range is not subject to civil liability, criminal prosecution, court injunction, or action for nuisance on the basis of noise pollution if the range complies with any noise control provisions in effect at the time the range was constructed and began operation. Regulations adopted by any state agency regarding outdoor noise levels do not apply to sport shooting ranges exempted from liability under this act.</p> <p>Effective July 1, 1995, although affects no rights, liabilities, or proceedings before that time.</p>
Public Chapter 315	<p>Senate Bill 265 House Bill 222</p>

Amends 41-2-111 to change the membership of the disciplinary review board for each jail or workhouse from 3 members (1 staff and 2 volunteer citizens) to 6 impartial members, one or more of whom may be members of the jail or workhouse staff. Deletes subsection (c)(2) which provided that in a Class I county (Shelby and Davidson) the board members would be appointed by the mayor of the county or metropolitan government instead of the sheriff or workhouse superintendent as in all other counties, subject to the approval of the county legislative body.

Effective May 30, 1995.

Public Chapter 331

Senate Bill 1325 House Bill 891

Creates the offense of car jacking and defines it as the intentional or knowing taking of a motor vehicle from the possession of another by use of a deadly weapon or force or intimidation. Makes car jacking a Class B felony.

Effective July 1, 1995.

Public Chapter 335

House Bill 339 Senate Bill 53

Provides that any person who drives a motor vehicle or operates a boat shall be deemed to have given consent to a blood test for alcohol or drug content administered at the direction of a law enforcement officer having reasonable grounds to believe that such person was driving or boating under the influence of an intoxicant or drug. Immunizes hospitals and medical personnel from liability under state law for the act of withdrawing the blood, except damages for negligence in withdrawing the blood, when this is done at the written request of the law enforcement officer. Lists types of medical personnel who may withdraw blood for tests under this law.

Effective May 30, 1995.

Public Chapter 361

House Bill 1788 Senate Bill 1776

Amends 40-35-321(b) relative to collection of biological specimens for DNA analysis from persons convicted of actual or attempted rape, aggravated rape, sexual battery, aggravated sexual battery or incest, to provide that if the person is not incarcerated at the time of sentencing the county or district health department is required to collect the specimen, and if the person is incarcerated the chief administrative officer of the institution of incarceration is required to designate a qualified person to collect the specimen.

Effective May 30, 1995.

Public Chapter 374

House Bill 1608 Senate Bill 1634

Authorizes law enforcement officers to enforce traffic laws on privately owned streets that are dedicated as rights of way for traffic and are located within a residential development having a combination of single family dwellings and multi-family dwellings, upon petition from a majority of the residents of the development submitted to the local governing body requesting such enforcement.

Effective May 30, 1995.

- Public Chapter 378      House Bill 1770 Senate Bill 1755  
Amends 39-17-315 to redefine the offense of stalking. A person commits the offense of stalking who intentionally and repeatedly follows or harasses another person in such a manner as would cause that person to be in reasonable fear of being assaulted, suffering bodily injury or death. The words “follows”, “harasses”, and “repeatedly” are defined. A second or subsequent offense involving the same victim and occurring within 7 years of the prior conviction is a Class C felony.
- Effective July 1, 1995.
- Public Chapter 415      House Bill 307 Senate Bill 836  
Amends 39-13-213(b) to make vehicular homicide a Class C felony, unless it is the proximate result of driver intoxication, in which case it is a Class B felony.
- Effective June 2, 1995.
- Public Chapter 417      Senate Bill 25 House Bill 1040  
This is an optional law that becomes effective in the county upon adoption by a 2/3 majority vote of the county legislative body. Upon adoption, it authorizes law enforcement agencies to appoint volunteers as special deputies with powers limited to the enforcement of traffic laws relating to parking privileges for handicapped persons. Each such volunteer must be either a disabled veteran or a physically handicapped person who is over 21 years of age. The volunteer must receive training before being authorized to issue citations. Authorizes Davidson County to establish a special enforcement unit, whose members may be paid as an employee, but who shall not be considered law enforcement officers and who do not have arrest powers, to enforce parking laws and ordinances regarding parking by disabled persons.
- Effective July 1, 1995, but applicable only upon adoption by a 2/3 majority of the county legislative body.
- Public Chapter 421      Senate Bill 226 House Bill 890  
Prohibits adult-oriented establishments, except those offering only live stage adult entertainment in a theater, adult cabaret or dinner show setting, from opening before 8:00 A.M. Monday through Saturday and from staying open after midnight Monday through Saturday. Prohibits such establishments from opening on Sunday or a legal holiday designated by state law. Authorizes local ordinances, resolutions or private acts to establish opening hours which are later than 8:00 A.M. and closing hours which are earlier than midnight, but the local law cannot extend such hours. Prohibits partitions in adult-oriented establishments designed to facilitate sexual activity between persons on either side of the partition. Also closed off booths are prohibited, and such booths must be lighted. A first offense violation is a Class B misdemeanor punishable by only a fine of \$500; and a second or subsequent such offense is a Class A misdemeanor.
- Effective July 1, 1995.
- Public Chapter 434      Senate Bill 1234 House Bill 596



Amends 39-17-1315(b)(2) to provide that the background investigation of a person prior to issuance of a handgun permit by the sheriff may include both a state and federal fingerprint history check.

Effective July 1, 1995 and applies to any handgun permit application filed on or after such date.

Public Chapter 440

Senate Bill 1560 House Bill

Requires the chief administrative officer of any local jail or workhouse housing prisoners serving sentences on nonconsecutive days or in any manner other than continuous confinement or day for day, to formulate and reduce to writing the method by such facility calculates the service of an hour, day and month. The chief administrative officer of the jail or workhouse is required to submit such written formulation to the county legislative body (or city governing body for a municipal jail) at the first meeting of such body after July 1, 1995. The county or city legislative body shall approve or modify the sentence calculation. Upon approval by the legislative body, the chief administrative officer of the facility shall publish it and cause it to be prominently posted at the local jail, workhouse or facility. Requires that the first 48 hours of any DUI sentence that a defendant is permitted to serve on non-consecutive days, shall be served hour for hour.

Effective July 1, 1995.

Public Chapter 460

Senate Bill 1749 House Bill 1764

Redefines first degree murder and second degree murder. First degree murder is defined as (1) a premeditated and intentional killing of another; (2) a killing of another committed in the perpetration of, or attempt to perpetrate any first degree murder, arson, rape, robbery, burglary, theft, kidnaping, aggravated child abuse or aircraft piracy; or (3) a killing of another committed as the result of the unlawful throwing, placing or discharging of a destructive device or bomb. Defines premeditation and removes references in prior law to "deliberate act". Second degree murder is defined as the knowing killing of another or a killing of another which results from the unlawful distribution of any Schedule I or Schedule II drug when such drug is the proximate cause of the death of the user.

Effective July 1, 1995.

Public Chapter 467

House Bill 808 Senate Bill 790

Amends 39-16-603 dealing with the offense of evading arrest, and makes it an offense for a person while operating a motor vehicle to intentionally flee or attempt to elude any law enforcement officer, after having received any signal from such officer to bring the vehicle to a stop. A violation of this law is a Class E felony unless the flight or attempt to elude creates a risk of death or injury to innocent bystanders or other third parties, in which case the offense is a Class D felony. In addition to these penalties, the court must order the suspension of the person's driver's license for a period not less than 6 months nor more than 2 years. The court is to confiscate the license being suspended and forward it to the department of safety along with a report of the suspension which will include the name, address, birth date, eye color and sex of the defendant, along with the driver's license

number, if known, and indicate the first and last day of the suspension period. If the person is from another state, the court will not confiscate the license, but will make a report to the other state's licensing officials.

Effective July 1, 1995.

Public Chapter 472

House Bill 960 Senate Bill 282

Amends 41-2-134(c) regarding the composition of work release commissions. Provides that in Davidson County the work release commission be composed of from 3 to 12 members who shall meet as 3 member panels. In other counties the commission will have 3 members (same as former law). In all counties, the sheriff or workhouse superintendent appoints the members of the commission subject to approval of the county legislative body. Each member serves a term of 4 years. Any person appointed to fill a vacancy serves until the remainder of the unexpired term.

Effective June 1, 1995.

Public Chapter 484

House Bill 1538 Senate Bill 1708

Amends 39-13-503 to redefine rape to include sexual penetration without the consent of the victim when the defendant knows or has reason to know at the time of the act that the victim did not consent. Amends 39-13-505 to redefine sexual battery to include sexual contact without the consent of the victim when the defendant knows or has reason to know at the time of the act that the victim did not consent.

Effective July 1, 1995.

Public Chapter 486

House Bill 1558 Senate Bill 1674

Amends law regarding abuse of elderly persons. Provides that wilful physical abuse or gross neglect of an impaired adult with resulting serious mental or physical harm is punishable as an aggravated assault.

Effective June 12, 1995.

Public Chapter 487

House Bill 1593 Senate Bill 1718

Amends 41-4-140 to provide that the Tennessee corrections institute has the power and duty to establish guidelines for the security of local jails, lock-ups, workhouse and detention facilities for the purpose of protecting the public from criminals and suspected criminals by making such facilities more secure.

Effective July 1, 1995.

Public Chapter 492

House Bill 1762 Senate Bill 1747

Amends 40-35-501 to provide that person convicted of certain listed felony offenses must serve 100% of the sentence imposed, less sentence credits earned and retained. However, no sentence reduction credits can operate to reduce the sentence by more than 15% and this does not affect the provisions that require child rapists and multiple rapists to serve the entire sentence undiminished by any

sentence reduction credits. The offenses subject to this law include first and second degree murder, aggravated and especially aggravated kidnaping, especially aggravated robbery, rape and aggravated rape, aggravated sexual battery, rape of a child, aggravated arson and aggravated child abuse.

Effective July 1, 1995 and applicable to all persons committing enumerated offenses on or after such date.

Public Chapter 496

House Bill 1768 Senate Bill 1753

Amends 39-14-402(a) to redefine the offense of burglary so as to include entering a building other than a habitation without the effective consent of the owner with intent to commit an assault, or remains concealed with the intent to commit an assault in the building, or enters a building and commits or attempts to commit an assault, or enters any freight or passenger car, automobile, truck, trailer, boat, airplane or other motor vehicle to commit an assault.

Effective July 1, 1995.

Public Chapter 507

House Bill 20 Senate Bill 774

Amends the law relative to domestic abuse. Provides that if a law enforcement officer has probable cause to believe that person has committed a crime involving domestic abuse, whether the crime is a misdemeanor or felony, or was committed within or without the presence of the officer, the preferred response of the officer is arrest. If the officer has probable cause to arrest 2 or more persons for a crime involving domestic abuse, or if 2 or more persons make complaints to the officer, the officer must try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor. If there is equal responsibility in the view of the officer arrest is not the preferred response for any party and the officer must exercise judgment in determining whether or not to arrest any party. Lists factors for determining who is the primary aggressor. The officer is prohibited from threatening or suggesting possible arrest of all parties to discourage future requests for intervention by law enforcement personnel. The officer cannot base the decision on whether or not to arrest on the consent or request of the victim or the officer's perception of the willingness of a victim or witness to testify or participate in a judicial proceeding. The officer who investigates an allegation of domestic abuse must complete a report and file it with the officer's supervisor. The supervisor must forward compiled data monthly to the administrative director of the courts. Lists other duties of the officer who responds to a domestic abuse call including offers to transport the victim to a place of safety, advise the victim of a shelter or other service in the community, and give the victim notice of the legal rights available by giving the victim a written statement of these rights.

The officer is required to seize all weapons alleged to have been used by the abuser in the commission of the crime. Also, the officer may seize any weapon in plain view or discovered pursuant to a consensual search which is incident to an arrest involving domestic abuse. However, the officer is not required to remove a weapon the officer believes is needed by the victim for self-defense. All weapons seized must be reported.

Effective July 1, 1995.

Public Chapter 514 House Bill 162 Senate Bill 259  
Amends 53-11-201 regarding disposition of property subject to seizure under the narcotic and drug control law, to allow a county or city to use forfeited vehicles in the local drug enforcement program for a period not to exceed 5 years.

Effective June 12, 1995.

Public Chapter 522 House Bill 651 Senate Bill 842  
Enacts the "Inmate Reimbursement to the County Act" which authorizes counties to seek a per diem reimbursement of up to \$60 from inmates for incarceration expenses. The sheriff is to provide the county executive with a list of inmates, their financial status, and incarceration data. The county executive may then employ one of the enforcement procedures listed in the act, including investigation, civil action, restraining order, and receivership. Reimbursements go to the general fund. This act applies in Williamson, Hamilton, Knox, Davidson, and Shelby counties, as well as in any county adopting it by a majority vote of the county legislative body. For all other counties, the comptroller is to develop guidelines and award a 2 year contract to collect reimbursements. These funds, minus the fee for collection, are to be distributed at least annually to the counties which incurred the expenses, to be used for any lawful purpose.

Effective June 12, 1995.

Public Chapter 524 House Bill 735 Senate Bill 1389  
Amends 55-10-403 regarding DUI offenses, requiring that service of a DUI sentence begin within 30 days of the conviction, or as soon as space is available in the jail or workhouse. Requires sheriff to use alternative facilities for the incarceration if, in the sheriff's opinion, space will not be available within 90 days of conviction. These alternative facilities may be governmental buildings or may be obtained by contract. The appropriate legislative body must approve the alternative facilities. Also deletes requirement that a conviction for 48 hours be served at a time when it will not interfere with the offender's employment. Does not give offender a right to serve sentence in an alternative facility or within a specified period of time, and states that sheriff's failure to carry out these terms has no effect on sentence.

Effective July 1, 1995 for sentences on or after that date.

## **SOLID WASTE**

Public Chapter 5 Senate Bill 1549 House Bill 1619  
Amends the so-called Jackson Law regarding local approval of construction of new landfills to provide that if the new construction is located within an incorporated area, the county legislative body, as well as the municipal governing body, may vote on whether or not to approve the construction. Also, this act removes the previous prohibition on use of the Jackson Law where county zoning is in effect. Furthermore, the sunset provisions of the Jackson Law were removed, so the

Jackson Law may continue to be used or newly adopted by 2/3 majority of the county legislative body indefinitely (even after the local solid waste management plan is approved by the state).

Effective March 15, 1995 and applies to all permit applications pending on the effective date and all filed on or after the effective date.

## **TAXATION**

Public Chapter 2            Senate Bill 55    House Bill 67  
Extends the temporary tax increase, used to fund the county litter grant program, imposed on bottles of soft drinks and barrels of beer until June 30, 1999, or the year following the enactment of any state or federal mandatory consumer deposit law.

Effective June 1, 1995, for all tax returns filed after that date.

Public Chapter 37        House Bill 345   Senate Bill 263  
Removes the expiration date for tax credits for pollution control equipment.

Effective March 9, 1995.

Public Chapter 57        Senate Bill 170 House Bill 364  
Amends 67-7-201 to authorize a county legislative body which has adopted a mineral severance tax by resolution under this chapter to repeal the tax by a 2/3 vote. Specifies procedures and times by which the repeal will become effective.

Effective April 5, 1995.

Public Chapter 71        Senate Bill 1263 House Bill 1323  
Amends 67-2-110 regarding the duty of fiduciaries to pay state income tax, enacting an exception to this requirement for a trustee of a charitable remainder trust as defined in 26 U.S.C. § 664. Such a trustee is not required to file a return or to pay the tax, but must report to each resident beneficiary the amount of taxable income distributed; the resident beneficiary is liable for the tax.

Effective April 5, 1995.

Public Chapter 544       House Bill 1895 Senate Bill 1883  
Amends 67-4-906 regarding franchise tax minimum measure, providing that exempt inventory means finished goods inventory (which is defined) in excess of \$50 million for corporate fiscal years beginning in July, 1996, in excess of \$40 million for fiscal years after July, 1997, and in excess of \$30 million for fiscal years after July, 1998. Amends 67-4-910 regarding the standard apportionment formula.

Amends 67-6-102 by adding certain material handling equipment and racking systems to the definition of “industrial machinery” for sales tax exemption purposes.

## **TAXATION - PROPERTY**

- Public Chapter 111      Senate Bill 409 House Bill 1005  
Amends 67-5-1801 regarding partial payment of property taxes to authorize trustees in these additional counties to accept partial property tax payments: Stewart, Hardeman, Carroll, Dickson, Campbell, Tipton, and Roane. Any county which implements a partial payment program after the effective date of the act must, before accepting partial payments, submit a plan to the Comptroller of the Treasury, indicating that the county has the technology necessary for the program. The plan must also state that any increased costs as result of the program will be met within existing resources or that the program has been approved by the county legislative body.
- Effective April 19, 1995.
- Public Chapter 126      Senate Bill 669 House Bill 925  
Amends 67-5-1804 relating to discounts for early payment of property taxes by deleting the provision that prohibits discounts for elderly low-income, disabled, and disabled veteran homeowners receiving tax relief. Now provides that discounts do apply, but only to taxes paid by these homeowners during the discount period. Also specifies that discounts apply only to taxes actually paid during the discount period for taxpayers making partial payments.
- Effective April 20, 1995 for tax year 1995.
- Public Chapter 163      House Bill 667 Senate Bill 1016  
Amends 67-5-213 regarding tax exemptions for staff residential units owned by educational institutions. Provides that the limitation of the exemption to those owned in 1981 plus an additional five units does not apply to an institution chartered before 1930 whose original campus is an historical and integral entity, as long as the exempt residential units satisfy the other statutory requirements.
- Effective May 1, 1995.
- Public Chapter 166      House Bill 1351 Senate Bill 1019  
Amends 67-5-701 regarding the application deadline for property tax relief applications. Clarifies that this statute does not require the payment of the full amount of taxes by the delinquency date as a condition of eligibility for tax relief. Authorizes the director of the division of property assessments to waive the application deadline for good cause (as defined in 67-1-803), allowing up to December 31 of the year following the tax year.
- Effective May 1, 1995, applicable to the 1995 tax year.
- Public Chapter 209      House Bill 17 Senate Bill 100  
Enacts new tax exemption for property to be used to construct low-income housing, if this provision is adopted by a **b** majority of the county legislative body. Allows such property to be held by a charitable institution for a maximum of 18 months for a single lot, with an another 6 months for each additional lot in a planned development, without payment of property taxes. If the lot is not developed and sold

to a low-income family within the time period, then the full amount of taxes, plus penalty and interest, become due.

Effective May 12, 1995, applicable to the 1995 tax year.

Public Chapter 259      House Bill 1731 Senate Bill 1620  
Amends 67-5-1801 to prohibit a trustee from accepting currently due real property taxes if delinquent taxes are owed. There are exceptions if the obligor is in bankruptcy or there is a dispute as to responsibility for the taxes.

Effective July 1, 1995.

Public Chapter 362      House Bill 1175 Senate Bill 1494  
Amends 67-5-602, adding “inundated wetlands” to the factors listed in the assessment manuals to be considered in determining the value of real property.

Effective May 30, 1995.

Public Chapter 373      House Bill 1510 Senate Bill 1545  
Adds new section to Title 67, Chapter 5, Part 6 (although caption does not include this part) which provides a formula for assessing leasehold interests assessable under 67-5-502. Authorizes State Board of Equalization to promulgate rules for these assessments. Provides that an option to purchase the leased premises is deemed to have no value.

Effective January 1, 1996.

Public Chapter 459      Senate Bill 1504 House Bill 1134  
Amends 67-5-1008 to provide that property is not disqualified from greenbelt treatment if it becomes too small to qualify as a result of an involuntary proceeding. This provision applies only while the landowner at the time of the involuntary proceeding continues to own the property, or while the owner’s lineal descendants collectively own at least 50% of the remainder of the parcel. Changes the method by which the capitalization rate for greenbelt property is determined, and specifies that the rate may not be adjusted by more than 100 basis points to reflect differences in land classes within a jurisdiction.

Effective June 12, 1995, applicable beginning with the 1996 tax year, except for provision regarding involuntary conversion, which applies also in tax year 1995.

## **TAXATION - SALES AND USE**

Public Chapter 80      House Bill 80 Senate Bill 245  
Enacts a new sales tax exemption in 67-6-313 for sales of helicopter, airplanes, and related equipment if purchasers are not state residents, the aircraft will have a situs outside Tennessee, and are removed from the state within 15 days of purchase. Also exempts repair of helicopters and their parts if the situs of the helicopter is outside the state and if the aircraft is removed from the state within 15 days of the completion of the repair. Defines “helicopter.”

Effective April 5, 1995.

Public Chapter 144 House Bill 1673 Senate Bill 857  
Amends 67-6-314 to clarify that repair of certain devices for handicapped people is exempt from sales tax. Former language only included sales of these devices.

Effective April 24, 1995.

Public Chapter 168 House Bill 684 House Bill 890  
Clarifies 67-6-102 to provide that, while sending catalogues and other advertisements through interstate commerce to Tennessee residents results in a taxable transaction, temporary presence of these articles in the state for the purposes of handling or storage, pending shipping to nonresidents, does not result in a taxable use.

Effective May 2, 1995.

Public Chapter 184 House Bill 967 Senate Bill 1448  
Clarifies 67-6-702 regarding local option sales tax on boats to provide that boat motors, parts, and accessories, excluding trailers, are to be treated as a part of the boat in the same way that motor vehicle parts are treated as part of the motor vehicle.

Effective July 1, 1995.

Public Chapter 185 House Bill 1509 Senate Bill 1600  
Extends the sales and use tax exemption in 67-6-102 and 67-6-206 to include machinery and substances used to package manufactured automotive aftermarket products for retail sale. This exemption extends to manufacturers of the automotive aftermarket product and to corporations owning or owned by the manufacturer.

Effective May 8, 1995.

Public Chapter 229 Senate Bill 396 House Bill 106  
Exempts "agr.-sawdust" from state sales tax in 67-6-329.

Effective July 1, 1995 for assessments made after that date.

Public Chapter 230 Senate Bill 230 House Bill 402  
Amends 67-6-314 to exempt lift devices installed in the residence of a handicapped person from state sales tax.

Effective July 1, 1995.

Public Chapter 245 House Bill 886 Senate Bill 414  
Amends 67-6-510, extending the trade-in credit on used automobiles to automobiles purchased by a dealer from the dealership's inventory if the vehicle is for business use; sales tax is paid on the net difference in the trade-in values of the two vehicles. Other sections amend Title 67 Chapter 3 pertaining to the use of dyed fuel.

Sales tax provisions effective May 15, 1995.



- Public Chapter 256      House Bill 1412 Senate Bill 1598  
Enacts sales tax exemption for approved non-profit entities for lodging during Olympic and specified water sport activities. Entities must be approved for exemption by the Tennessee Ocoee Development Agency.
- Effective May 19, 1995; repealed December 31, 1996.
- Public Chapter 343      House Bill 121 Senate Bill 611  
Enacts sales tax exemption for sales of U.S. and Tennessee flags sold by a non-profit organization.
- Effective May 26, 1995.
- Public Chapter 384      Senate Bill 1195 House Bill 1627  
Clarifies 67-6-102 regarding the definition of farm equipment and machinery, clarifying that grain bins and crop dusting aircraft fall within this definition regardless of retail price. Includes poultry environment control systems costing over \$250 within the definition of farm equipment and machinery.
- Retroactive to July 1, 1989 for provision regarding grain bins and crop dusters; effective July 1, 1995 for provision regarding poultry equipment.
- Public Chapter 544      House Bill 1895 Senate Bill 1883  
Amends 67-4-906 regarding franchise tax minimum measure, providing that exempt inventory means finished goods inventory (which is defined) in excess of \$50 million for corporate fiscal years beginning in July, 1996, in excess of \$40 million for fiscal years after July, 1997, and in excess of \$30 million for fiscal years after July, 1998. Amends 67-4-910 regarding the standard apportionment formula.
- Amends 67-6-102 by adding certain material handling equipment and racking systems to the definition of “industrial machinery” for sales tax exemption purposes.
- Effective June 13, 1995 (amendment to industrial machinery exemption applies to investments in facilities and purchases of equipment made on or after April 1, 1995).

## **UTILITIES**

- Public Chapter 64      Senate Bill 531 House Bill 847  
Provides that applications for the creation of a utility district under the Utility District Law of 1937, as amended, must be submitted to the Utility Management Review Board for review and comment before final action on the petition by the county executive. The county executive must read the final comments of the Utility Management Review Board to persons at the public hearing examining the need for the proposed district.
- Effective July 1, 1995.
- Public Chapter 77      Senate Bill 1570 House Bill 1295

Amends 5-6-120(a) to allow the county executive instead of the water and wastewater treatment authority board (in those counties with such an authority) to grant a petition for the creation of a utility district in counties meeting the following criteria: (1) the county is served by a water and wastewater treatment authority which does not provide waste service, (2) the county has its water provided by more than 5 utility districts, and (3) the county has, under state law, had its county executive hear petitions of utility districts.

Effective April 5, 1995.

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

### **BLOUNT**

Public Chapter 307      Senate Bill 38 House Bill 285  
Amends 7-82-308(a) to provide that compensation of the utility district board of commissioners in Blount County may be established by resolution of the utility district board of commissioners within the guidelines set out in the statute.  
  
Effective May 30, 1995.

### **CLAIBORNE**

Public Chapter 138      House Bill 175 Senate Bill 310  
Amends 54-7-104 to provide that if only one candidate who meets the minimum qualifications for chief administrative officer of the highway department in Claiborne County files as a candidate by the qualifying deadline, or if the only qualified candidate withdraws, then the county election commission must extend the qualifying deadline 10 days, during which time candidates who have a high school diploma or GED may qualify for the election.  
  
Effective April 20, 1995.

### **COFFEE**

Public Chapter 301      Senate Bill 1724 House Bill 619  
Amends 8-21-901(a)(8)(B)(i) to raise the fee for a sheriff or constable attending grand jury or waiting in court from \$45 to \$60 per day.  
  
Effective July 1, 1995.

### **CROCKETT**

Public Chapter 33      Senate Bill 988 House Bill 136  
Amends 7-82-307(w), the Utility District Law of 1937, to include water utility districts in Crockett County having less than 500 customers, to provide for a 5-member board and the filling of vacancies.  
  
Effective March 23, 1995.

### **CUMBERLAND**

Public Chapter 18      Senate Bill 597 House Bill 975  
Amends 57-4-102(17) to include within the definition of "premiere type tourist resort," for purposes of the sale of alcoholic beverages, an entity operating a commercial golf related recreational facility in Cumberland County which meets the specified criteria.

Effective March 22, 1995.

Public Chapter 212      House Bill 359 Senate Bill 598  
Amends 7-82-307 to provide that in Cumberland County, vacancies on a water utility district board with under 1,500 subscribers will be filled in accordance with paragraph (a) of that statute.

Effective May 12, 1995.

## **DAVIDSON**

Public Chapter 50      House Bill 297 Senate Bill 443  
Amends 3-1-102(d) to remove the City of Berry Hill from state senate district 19 and place it in senate district 21.

Effective March 29, 1995.

Public Chapter 121      House Bill 1024 Senate Bill 903  
Amends Title 7, Chapter 3, to authorize counties with metropolitan governments to appropriate funds for the financial aid of nonprofit organizations, in accordance with the guidelines of the metropolitan government, to promote the general welfare of the residents of the municipality, and sets out requirements for such appropriations.

Effective June 1, 1995.

Public Chapter 130      Senate Bill 833 House Bill 831  
Repeals 5-8-201(l), bringing Davidson and Shelby counties within the statute authorizing county checking systems.

Effective April 21, 1995.

Public Chapter 160      Senate Bill 1689 House Bill 1655  
Enacts 7-3-307 to define “competitive bidding” in those counties in which the metropolitan government charter requires that purchases in excess of \$1,000 be made on the basis of competitive bidding.

Effective June 1, 1995.

Public Chapter 409      Senate Bill 897 House Bill 955  
Amends 68-221-1105 to authorize the legislative body of a metropolitan government to assign responsibility for storm water facilities to any department, board or commission.

Effective June 1, 1995.

Public Chapter 414      House Bill 186 Senate Bill 959  
Amends Title 7, Chapter 67, Part 1, to broaden the powers of sports authorities in Davidson and Shelby counties, and to provide that in Davidson county the directors

will be appointed by the mayor with confirmation of the metro council and one director must be a female and one must be a racial minority (caption refers only to metropolitan governments; contains severability clause).

Effective June 6, 1995.

## **FENTRESS**

Public Chapter 390      House Bill 1292 Senate Bill 1542  
Amends 7-82-307 to provide for selection of the board of commissioners for water utility districts with at least 2,000 subscribers in Fentress County.

Effective upon majority vote of the county legislative body in Fentress County.

## **HAMILTON**

Public Chapter 119      House Bill 853 Senate Bill 839  
Amends Title 7, Chapter 57, to grant certain powers heretofore granted to hospital authorities created under the Metropolitan Hospital Authorities Act to hospital authorities created by private act in counties with populations of 250,000 or more; grants additional powers to these hospital authorities, and provides for bidding purchases of goods and services by these authorities; (also could apply in Davidson, Shelby and Knox counties).

Effective April 19, 1995.

Public Chapter 210      House Bill 39 Senate Bill 137  
Amends 16-5-1807 to authorize the county trustee to permit retired persons who are over 65 and living on a fixed income to pay property tax on their primary residence in quarterly installments upon the terms and conditions prescribed by the trustee.

Effective July 1, 1995.

## **HAWKINS**

Public Chapter 138      House Bill 175 Senate Bill 310  
Amends 54-7-104(a) to make the sole educational and/or experience qualification for chief administrative officer of the Hawkins County highway department a high school diploma or GED.

Effective April 20, 1995.

## **KNOX**

Public Chapter 475      House Bill 1434 Senate Bill 1433  
Amends Title 7, Chapter 63, Part 1, to authorize the issuance of citations in lieu of arrest for traffic and ordinance violations in Knox County; amends Title 8, Chapter 7, Part 1, to authorize district attorneys general with responsibility for prosecution of offenses in Knox County to enter into an agreement with the county for prosecution

of county ordinance violations; also contains a provision which is not limited to Knox County which purports to amend 8-7-401 to require a hearing prior to allowing private legal counsel employed by crime victims or their families as special prosecutors to participate in criminal hearings, but this provision is not mentioned in the caption of this act.

Effective June 12, 1995.

## **MOORE**

Public Chapter 121      House Bill 1024 Senate Bill 903  
Amends Title 7, Chapter 3, to authorize counties with metropolitan governments to appropriate funds for the financial aid of nonprofit organizations, in accordance with the guidelines of the metropolitan government, to promote the general welfare of the residents of the municipality, and sets out requirements for such appropriations.

Effective June 1, 1995.

Public Chapter 160      Senate Bill 1689 House Bill 1655  
Enacts 7-3-307 to define “competitive bidding” in those counties in which the metropolitan government charter requires that purchases in excess of \$1,000 be made on the basis of competitive bidding.

Effective June 1, 1995.

Public Chapter 409      Senate Bill 897 House Bill 955  
Amends 68-221-1105 to authorize the legislative body of a metropolitan government to assign responsibility for storm water facilities to any department, board or commission.

Effective June 1, 1995.

## **ROBERTSON**

Public Chapter 462      Senate Bill 1913 House Bill 1921  
Amends 8-8-201(2) to provide that in Robertson County the general sessions judges will appoint their own court officers to maintain order, serve process, and perform other duties assigned by the judge.

Effective upon 2/3 vote of the county legislative body in Robertson County.

## **SCOTT**

Public Chapter 202      Senate Bill 1250 House Bill 629  
Enacts 6-1-201(c) to change the procedure for incorporation of municipalities within Scott County, so that if the territory proposed for incorporation is within 5 miles of an existing city with a population between 1,000 and 100,000, then the petition is held in abeyance for 15 months, during which time the existing city may annex at least 20% of the territory or population and the petition for incorporation will be null and

void; otherwise, the petition will proceed at the end of the 15 month period as if it had been filed at that time.

Effective May 9, 1995.

Public Chapter 453      Senate Bill 1832 House Bill 1837  
Amends 7-82-308 to authorize the board of commissioners of water and sewer utility districts in Scott County to set their own compensation by resolution at not more than \$250 per meeting, subject to approval by the utility's customers at a meeting called for that purpose.

Effective June 12, 1995.

## **SHELBY**

Public Chapter 130      Senate Bill 833 House Bill 831  
Repeals 5-8-201(l), bringing Shelby and Davidson counties within the statute authorizing county checking systems.

Effective April 21, 1995.

Public Chapter 314      Senate Bill 231 House Bill 1406  
Enacts the "Child Curfew Act of 1995" to establish curfews for minors in Shelby County or in any municipality in Shelby County upon adoption by 2/3 vote of the appropriate legislative body.

Effective May 30, 1995.

Public Chapter 328      Senate Bill 1230 House Bill 903  
Amends 42-4-105 relative to the composition of the governing body of the municipal airport authority in Shelby County, to require that 2 of the 7 board members be nominees of the county executive officer, and to provide that the board may but is not required to include persons in each of the fields of engineering, law, industry or commerce, and finance.

Effective May 30, 1995.

Public Chapter 346      House Bill 1472 Senate Bill 1591  
Creates a model youth leadership program in Memphis-Shelby County with the goal of producing trained, educated young women to provide effective leadership in the community.

Effective May 26, 1995.

Public Chapter 414      House Bill 186 Senate Bill 959  
Amends Title 7, Chapter 67, Part 1, relative to the powers of sports authorities in Davidson and Shelby counties (caption refers only to metropolitan governments).

Effective June 6, 1995.

Public Chapter 456      Senate Bill 882 House Bill 985  
Amends 8-21-401, 8-14-205, 36-3-604, 40-11-204, 40-14-202, 40-3-206, 40-24-101, to increase the fees and commissions of clerks of court in Shelby County; imposes new fees relative to forfeitures; raises from 5% to 10% the commissions and fees for each of the following: receiving and paying over taxes, fines, forfeitures, fees and amercements, collection of litigation taxes by general sessions court clerk and county clerk, property sold under court decree, workers' compensation installment payments, installment payments of fines, court-ordered sales relative to probate matters, collecting attorney fees from defendants represented by the public defender, collecting support payments under orders of protection, final forfeitures on forfeited recognizances, collecting payments from criminal defendants do defray costs of court-appointed counsel, collection of fees in connection with fraud and economic crimes, and accepting installment payments of criminal fines; enacts 8-21-4\_\_ to allow clerks of court in Shelby County to charge an additional fee of \$5 for computer searches of public records having commercial value.

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

Public Chapter 489      House Bill 1713 Senate Bill 1732  
Amends 2-9-116 to include Shelby County in the provision which allows county election commissions to establish a policy permitting the use of voting machines by groups of citizens.

Effective June 12, 1995.

Public Chapter 508      House Bill 35 Senate Bill 17  
Amends 40-15-105(a) to provide for payment of up to \$35 per month, as determined by the court, by defendants in pretrial diversion in Shelby County.

Effective June 12, 1995.

## **UNICOI**

Public Chapter 73      Senate Bill 1480 House Bill 1138  
Amends 7-82-304(12)(B), to authorize the natural gas utility district serving Unicoi County to provide funding to chambers of commerce and economic and community organizations.

Effective April 5, 1995.

## **VAN BUREN**

Public Chapter 545      House Bill 1914 Senate Bill 1886  
Provides for election of commissioners of water utility districts created by the Van Buren county legislative body and serving customers in Van Buren and Bledsoe counties and provides for filling vacancies.

Effective June 13, 1995.



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

#### **BRADLEY**

Private Chapter 70      Senate Bill 1882 House Bill 1896  
Creates the Bradley County Sheriff's Department Employment Protection Plan, a civil service plan for employees of the sheriff's department.

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

#### **CARROLL**

Private Chapter 108      House Bill 1934 Senate Bill 1925  
Authorizes the board of education to borrow money against the credit of the South Carroll County special school district as created by anticipated tax receipts and/or state receipts.

Effective June 12, 1995.

#### **CHEATHAM**

Private Chapter 16      House Bill 532 Senate Bill 647  
Authorizes the county legislative body to levy a privilege tax on each transient of a hotel or other place of temporary occupancy in an amount not to exceed 10% of the consideration charged. Tax proceeds are earmarked to the county general fund. The county clerk administers and enforces the tax program, receives and pays over the to the county trustee the taxes collected by the operators of hotels and other accommodations less 5% for the clerk's services.

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

#### **CLAY**

Private Chapter 73      Senate Bill 1894 House Bill 1919  
Authorizes Clay County, by resolution of the county legislative body, to establish under a department of the county a natural gas utility service for customers within the county, to be headed by a superintendent appointed by the county executive and confirmed by the county legislative body whose compensation will be set by the county legislative body after receiving the recommendation of the county executive; revenues are to be deposited in the general fund and expenditures are to be made from the general fund on warrants signed by the county executive, with any excess revenues to be used for any county purpose.

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

#### **COCKE**

Private Chapter 116      Senate Bill 1581 House Bill 1306

Authorizes the county legislative body to regulate commercial whitewater rafting and canoeing on the French Broad and Pigeon Rivers in Cocke County by issuing licenses to commercial outfitters and establishing minimum safety standards; authorizes license and user fees; licenses will be issued by the county clerk, and user fees will be collected by an official designated by the county legislative body; all fees will be deposited in the county general fund.

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

## **CROCKETT**

Private Chapter 45      House Bill 1866 Senate Bill 1854  
Repeals Chapter 806 of the Private Acts of 1937 which created a purchasing commission .

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

## **CUMBERLAND**

Private Chapter 112      House Bill 1927 Senate Bill 1911  
Amends the hotel/motel tax to specifically include state or local governmental entities.

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

## **DAVIDSON**

Private Chapter 62      Purports to repeal Private Acts of 1963, Chapter 124, as amended, which created the Davidson County Probate Court effective September 1, 1998, but contains no provision for local approval; also amends 16-2-506(20)(A) to provide for the election in 1998 of an additional circuit court judge with additional exclusive jurisdiction over probate matters [this amendment to general law should have been designated as a public act].

Effective May 25, 1998, except as to the repeal of the private act.

## **DEKALB**

Private Chapter 118      House Bill 1851 Senate Bill 1842  
Authorizes the county legislative body to levy a hotel/motel occupancy tax of 5% of the room rate. Tax proceeds are to be placed in the county general fund.

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

## **FAYETTE**

Private Chapter 61      House Bill 1881 Senate Bill 1866

Amends Chapter 234 of the Private Acts of 1974 to remove responsibility for garbage and rubbish collection and disposal services from the board of public works of Fayette County.

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

## **GIBSON**

Private Chapter 52      House Bill 1860 Senate Bill 1826  
Amends Chapter 62 of the Private Acts of 1981, as amended, to authorize the Gibson County School District to issue and sell school bonds in a principal amount not to exceed \$5,300,000. Levies an additional property tax of 34¢ per \$100 of assessed value on property in the district.

Effective May 11, 1995.

Private Chapter 53      House Bill 1879 Senate Bill 1872  
Amends Chapter 153 of the Private Acts of 1917, as amended, to levy a property tax of \$1.94 per \$100 of assessed value on the property within the Bradford Special School District to fund operations, current and future debt service and capital projects of the Bradford Special School District.

Effective May 11, 1995.

Private Chapter 54      House Bill 1880 Senate Bill 1871  
Amends Chapter 144 of the Private Acts of 1975, as amended, to increase the property tax rate for the Trenton Special School District from \$1.62 to \$2.07 per \$100 of assessed value. Authorizes the board of trustees of the Trenton Special School District to issue notes, bonds and other debt obligations.

Effective May 11, 1995.

Private Chapter 63      Senate Bill 1875 House Bill 1891  
Amends Private Acts of 1981, Chapter 62, to change the length of terms of board members of the Gibson County Special School District to 4 years.

Effective May 25, 1995.

Private Chapter 79      Senate Bill 1933 House Bill 1944  
Amends Private Acts of 1981, Chapter 62, as amended, to authorize the Gibson County Special School District to issue tax-exempt bonds to refund and refinance outstanding school bonds, series 1987, and to pledge a portion of existing property taxes for repayment of the bonds.

Effective June 12, 1995.

## **HAMILTON**

Private Chapter 48      Senate Bill 1814 House Bill 1294

Amends Chapter 6 of the Private Acts of 1941, as amended, to create divisions IV and V of the general sessions court of Hamilton County. Judges to fill these new divisions shall be initially appointed by the county legislative body and these judges shall serve until their successors are elected and qualified pursuant to the regular election in August 1996. The elections of all general sessions judges in 1996 and thereafter shall be nonpartisan. The terms of the judges of divisions IV and V elected in the August 1996 general election shall be for 2 years, with successors elected in the August 1998 election for a term of 8 years. Divisions IV and V shall exercise the same jurisdiction as the other 3 divisions.

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

Private Chapter 75

Senate Bill 1878 House Bill 1894

Amends Private Acts of 1939, Chapter 557, as amended, relative to investment of the assets of the Employees Insurance Fund under the Hamilton County Employees Retirement Act.

Effective upon 2/3 approval of the county legislative body by July 1, 1995.

## **HENDERSON**

Private Chapter 40

House Bill 1859 Senate Bill 1847

Amends Chapter 59 of the Private Acts of 1983 to increase the amount of a purchase requiring advertisement and sealed bids from \$1000 to the amount required under the County Purchasing Law of 1957 codified at 5-14-108. Provides that purchases or sales of less than the maximum amount authorized by 5-14-108 may be made by the county purchasing agent in the open market without newspaper notice, but whenever possible shall be based on at least 3 competitive bids.

Effective upon 2/3 approval of the county legislative body within 90 of the passage of the act.

Private Chapter 113

House Bill 1930 Senate Bill 1922

Amends the hotel/motel tax to include governmental entities.

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

## **HENRY**

Private Chapter 10

Senate Bill 581 House Bill 1010

Provides a systematic procedure for public opening of sealed bids on county purchases. Applies bid procedures to the general fund, highway fund, school fund and the Henry County Medical Center. Any public advertisement inviting sealed bids must include the date, time, and place where the bids will be opened and must also indicate that the general public may attend the bid opening. Allows an official supervising a bid opening to postpone the opening to another date, time and place by orally announcing same at the date, time and place ordinarily advertised and shall state the date, time and place in which the postponed bid opening will occur.

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

Private Chapter 56

House Bill 1877 Senate Bill 1864

Repeals Chapter 436 of the Private Acts of 1933, as amended by Chapter 122 of the Private Acts of 1965, regarding the board of education of Henry County. Establishes the board of education as a 6 member board with one member elected from each of 6 districts, and provides for a transition from terms of 6 years to terms of 4 years. Current board members are to remain to the expiration of their respective 6 year terms. Members are to be elected to staggered terms beginning with the August 1996 general election. The member elected in 1996 from district 4 shall serve a term of 2 years, while the member elected in 1996 from district 1 shall serve a term of 4 years. At the August 1998 general election members elected from districts 2,4, and 6 shall serve terms of 4 years, with members elected from districts 3 and 5 to terms of 2 years. All members elected thereafter are to serve terms of 4 years. The at-large position on the board is abolished upon the expiration of the current term of the at-large member.

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

Private Chapter 114

House Bill 1935 Senate Bill 1926

Amends the Accounting and Budgeting Procedures Law to require the county legislative body to levy a tax rate which assumes that not more than 94% (changed from 90%) of taxes will be collected during the fiscal year and will produce at least the amount appropriated in the budget.

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

## **JEFFERSON**

Private Chapter 17

House Bill 614 Senate Bill 308

Authorizes the county legislative body to levy a privilege tax on each transient of a hotel or other place of temporary occupancy in an amount not to exceed 4% of the consideration charged. Tax proceeds are earmarked to the county general fund. The county clerk administers and enforces the tax program, receives and pays over the to the county trustee the taxes collected by the operators of hotels and other accommodations less 5% for the clerk's services.

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

## **KNOX**

Private Chapter 22

House Bill 1604 Senate Bill 1487

Amends Chapter 54 of the Private Acts of 1939 to create a new Division V of the general sessions court of Knox County which will have the same jurisdiction as the other divisions of this court. The initial judge of the new division will be appointed according to law (by the county legislative body) to serve until September 1, 1996, then a successor elected at the August, 1996 general election shall serve until September 1, 1998, whereupon a successor elected at the August, 1998 election and every 8 years thereafter shall serve for a term of 8 years.

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

## **LAKE**

Private Chapter 60      House Bill 1872 Senate Bill 1860  
Amends Chapter 49 of the Private Acts of 1987 to delete language which provided that the general sessions judge of Lake County is full-time position.

Effective September 1, 1988, upon 2/3 approval of the county legislative body.

Private Chapter 105      House Bill 1925 Senate Bill 1889  
Creates a juvenile court as a court of record, with an attorney judge whose qualifications and compensation are specified in act. Provides for election of judge for 8 year term and for a transitional appointment. The county clerk is to serve as juvenile court clerk.

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

## **LEWIS**

Private Chapter 15      House Bill 286 Senate Bill 287  
Authorizes the county legislative body to levy a privilege tax on each transient of a hotel or other place of temporary occupancy in the amount of 5% of the consideration charged. Tax proceeds are earmarked to the county general fund. The county clerk administers and enforces the tax program, receives and pays over the to the county trustee the taxes collected by the operators of hotels and other accommodations less 5% for the clerk's services.

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

## **MADISON**

Private Chapter 39      House Bill 1858 Senate Bill 1849  
Establishes the office of highway engineer as the chief administrative officer of the county highway department with all of the duties assigned by general law. Provides that the office will be filled by election of the county legislative body every 4 years beginning in August , 1995. Provides that the incumbent highway engineer will continue to hold office for the remainder of his term.

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

Private Chapter 42      House Bill 1857 Senate Bill 1848  
Amends Chapter 54 of the Private Acts of 1983 regarding the civil service system of the sheriff's department. Provides for regular competitive examinations for classified positions. The civil service commission is required to certify to the sheriff the names of those persons qualified for each vacancy in the classified service. Provides for each classified position in the sheriff's department, except detention specialist and deputy, to be filled by a promotion by the sheriff from a holder of a classified position.

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

## **MAURY**

Private Chapter 2

House Bill 119 Senate Bill 132

Restructures the Maury County Regional Hospital and provides for a 9 member board of trustees to manage the hospital, one of whom shall be the chief executive officer of the hospital. Except for the chief executive officer of the hospital, board members are elected by the county commission for a term of 3 years. County commissioners cannot serve on the board. Current board members are continued in office for the remainder of their terms. A member is eligible for re-election to the board. The county commission must approve all leases, sales and purchases of real property by the board of trustees, and any instrument creating a full faith and credit obligation for Maury County. The hospital board of trustees are required to submit an annual budget for approval of the county commission. Repeals Chapter 448 of the Private Acts of 1949 and Chapter 373 of the Private Acts of 1953, as amended.

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

Private Chapter 64

Senate Bill 1877 House Bill 1893

Amends Private Acts of 1967-68, Chapter 475, to increase the membership on the civil service board for employees of the Maury County Sheriff's department.

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

Private Chapter 119

House Bill 1892 Senate Bill 1910

Enacts a wheel tax in the amount of \$25 for vehicles and \$10 for motorcycles, to be collected by the county clerk who retains a 5% fee. Payment is to be evidenced by a decal.

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

## **MONROE**

Private Chapter 26

House Bill 485 Senate Bill 1460

Amends Chapter 45 of the Private Acts of 1981 to increase the rate of the hotel/motel tax which may be levied by the county legislative body from 3% to 5%.

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

## **MONTGOMERY**

Private Chapter 66

Senate Bill 1881 House Bill 1887

Amends Private Acts of 1953, Chapter 232, as amended, to create a third division of the General Sessions and Juvenile Courts of Montgomery County, having the same jurisdiction and powers as the existing divisions, with a judge appointed by the county legislative body to serve until a judge is elected and qualified in the August 1996 elections; creates the position of presiding judge.

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

**RHEA**

Private Chapter 65

Senate Bill 1880 House Bill 1890

Enacts a civil service system for employees of the Rhea County Sheriff's department.

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

Private Chapter 69

Senate Bill 1885 House Bill 1897

Amends Private Acts of 1992, Chapter 148, to exempt from the Rhea County hotel/motel tax not-for-profit corporations, associations and organizations exempt from federal taxation under § 501(c)(3) of the Internal Revenue Code and operated purely for religious or charitable purposes.

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

**ROANE**

Private Chapter 46

House Bill 1870 Senate Bill 1861

Divides the general sessions court of Roane County into Parts I and II beginning July 1, 1995. The present judge will become the judge of Part I. A judge for Part II will be elected to an initial 2 year term in the August 1996 general election, to be followed by 8 year terms thereafter.. Both parts I and II shall exercise all of the jurisdiction presently exercised by the general sessions court and both judges shall have all of the qualifications of a circuit court judge. The judge of Part I will be the senior judge with the authority to assign cases for trial. Amends Chapter 77 of the Private Acts of 1959, as amended by Chapter 290 of the Private Acts of 1980 and Chapters 312, 323, 372 and 380 of the Private Acts of 1982.

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

**SEVIER**

Private Chapter 24

House Bill 1828 Senate Bill 1816

Repeals Chapter 76 of the Private Acts of 1989 which required review of proposed subdivision roads by the road superintendent and emergency communications district coordinator and approval by the transportation committee .

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

**SHELBY**

Private Chapter 74

Senate Bill 1852 House Bill 1869

Amends Private Acts of 1969, Chapter 131, as amended, relative to the privilege tax on hotel occupancy in Shelby County, to provide that the tax will remain in effect until the bonds issued for the construction of Cook Convention Center and any other bonds issued in accordance with Section 10 of the act have been paid, or June 30, 2015, whichever is later; allocates \$3.3 million of the tax proceeds after debt service



to the Convention and Visitors Bureau for 1995-96, to be increased 5% per year as long as the tax is in effect; excess revenues up to \$11.5 million, after payment of debt service and contribution to Convention and Visitors Center, will be applied to debt service on bonds issued for Pyramid Arena.

Effective upon 2/3 approval of the county legislative body before October 1, 1995.

## **SULLIVAN**

### Private Chapter 104

House Bill 1923 Senate Bill 1921

Creates a Consolidated Government Charter Commission, specifying election procedure for members, requiring submission of a charter by August 1, 1996, and calling for a referendum.

Effective upon 2/3 approval of the county legislative body within 90 days of passage of act (June 12, 1995).

## **SUMNER**

### Private Chapter 12

House Bill 1174 Senate Bill 1492

Amends Chapter 95 of the Private Acts of 1973, as amended by Chapter 225 of the Private Acts of 1984, to change the office of county attorney to the office of law director. The law director is to be elected by the board of county commissioners for an initial term of 6 years beginning in September, 1995, with terms of 4 years thereafter. The law director is to submit a budget for approval in order to operate the office and provide necessary legal services to the county.

Effective upon 2/3 approval of the county legislative body on or before December 1, 1995.

### Private Chapter 20

House Bill 1573 Senate Bill 1666

Amends Chapter 157 of the Private Acts of 1979 to provide that members of the resource authority appointed by the county legislative body shall be members of the county legislative body. A member of the county legislative body who is a director of the resource authority cannot serve as a director beyond the member's term on the county legislative body or if the member vacates the seat for any reason.

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

### Private Chapter 21

House Bill 1587 Senate Bill 1664

Amends Chapter 95 of the Private Acts of 1973, as amended by Chapter 225 of the Private Acts of 1984, to change the office of county attorney to the office of law director. The law director is to be elected by the board of county commissioners for an initial term of 6 years beginning in September, 1995, with terms of 4 years thereafter. The law director is to submit a budget for approval in order to operate the office and provide necessary legal services to the county. This act is very similar to Chapter 12 of the Private Acts of 1995 noted above.

Effective upon 2/3 approval of the county legislative body on or before December 1, 1995.

## **TIPTON**

Private Chapter 86      House Bill 1899 Senate Bill 1900  
Repeals Chapter 722 Private Acts of 1933 and amendments, which enacted a special tax for care and maintenance of the poor and insane.

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

Private Chapter 87      House Bill 1900 Senate Bill 1899  
Repeals Chapter 437 Private Acts of 1915 and amendments, which enacted a general purpose tax on property and privileges.

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

Private Chapter 88      House Bill 1901 Senate Bill 1898  
Repeals Chapter 279 Private Acts of 1976 and amendments, which provided for a penal farm superintendent.

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

Private Chapter 89      House Bill 1902 Senate Bill  
Repeals Chapter 278 Private Acts of 1976 and amendments, which authorized inmates of the county penal farm to work on public property.

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

Private Chapter 90      House Bill 1903 Senate Bill 1896  
Repeals Chapter 87 Private Acts of 1961 and amendments, which levied a tax for maintenance and operation of the county hospital.

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

Private Chapter 91      House Bill 1904 Senate Bill 1895  
Repeals Chapter 399 Private Acts of 1949 and amendments, which authorized the county to acquire a hospital and to issue bonds for that purpose.

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

Private Chapter 92      House Bill 1905 Senate Bill 1893  
Repeals Chapter 248 Private Acts of 1939 and amendments, which provided for pensions for county teachers.

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

Private Chapter 93      House Bill 1906 Senate Bill 1892

Repeals Chapter 51 Private Acts of 1959 and amendments, which authorized issuance of school bonds.

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

Private Chapter 94

House Bill 1907 Senate Bill 1891

Repeals Chapter 86 Private Acts of 1961 and amendments, which provided for a hospital board and for operation and funding of the hospital.

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

Private Chapter 95

House Bill 1908 Senate Bill 1908

Repeals Chapter 312 Private Acts of 1972 and amendments, which created an ambulance authority and provided for its board and funding.

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

Private Chapter 96

House Bill 1909 Senate Bill 1909

Repeals Chapter 289 Private Acts of 1905 and amendments, which established the office of County Judge.

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

Private Chapter 97

House Bill 1910 Senate Bill 1904

Repeals Chapter 554 Private Acts of 1919 and amendments, which authorized employment of an Industrial Agent for agricultural improvement.

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

Private Chapter 98

House Bill 1911 Senate Bill 1903

Repeals Chapter 534 Private Acts of 1949 and amendments, which authorized the acquisition and maintenance of a county office building.

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

Private Chapter 99

House Bill 1912 Senate Bill 1902

Repeals Chapter 980 Private Acts of 1921 and amendments, which provided for compensation of Justices of the Peace attending the Quarterly County Court.

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

Private Chapter 101

House Bill 1916 Senate Bill 1906

Repeals Chapter 42 Private Acts of 1977 and amendments, which provided for popular election of the county school superintendent and specified the term, compensation, and duties of the office.

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

Private Chapter 102

House Bill 1917 Senate Bill 1907

Amends Chapter 378 Private Acts of 1947 and amendments, providing that school board members elected under this act shall serve 2 year terms, except those elected in August 1995, who shall serve a 1 year term ending on August 31, 1996.

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

Private Chapter 103

House Bill 1918 Senate Bill 1905

Amends purchasing provisions, providing that the purchasing committee is to be the Finance and Administration Committee of the county legislative body; 4 members constitutes a quorum capable of carrying out the duties of the committee. Changes the amount over which bids are required from \$2,000 to \$5,000.

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

## **TROUSDALE**

Private Chapter 19

House Bill 1353 Senate Bill 1544

Provides for county clerk to require evidence of compliance with zoning ordinances regarding business location prior to issuance of a business license. County clerk may accept statement of compliance signed by a planning or zoning officer of the county or municipality. Requires county clerk to verify location of business upon application for a business license when the applicant gives a postal service box address.

Effective upon 2/3 approval of county legislative body.

Private Chapter 27

Senate Bill 1512 House Bill 1366

Authorizes the county legislative body, by resolution, to empower the chairman pro tempore of the county legislative body to carry out the necessary duties of the county executive if the county executive is chairman of the county legislative body and is absent or intends to be absent, or is temporarily unable to perform the regular duties of the office for any period of less than 21 days. If the county executive is not the chairman of the county legislative body, then such legislative body may empower the chairman of the county legislative body to carry out the duties of the county executive during the period noted above. The county executive is required to file a letter with the county clerk which designates the periods of less than 21 days that he or she intends to be absent or will be temporarily unable to perform the regular necessary duties of the office, if known in advance.

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

## **WEAKLEY**

Private Chapter 8

House Bill 635 Senate Bill 1005

Repeals Chapter 837 of the Private Acts of 1929 which provided for the popular election of the county superintendent of public instruction (education).

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

Private Chapter 11

House Bill 892 Senate Bill 1449

Repeals Chapter 124 of the Private Acts of 1893, as amended by Chapter 292 of the Private Acts of 1913, Chapter 688 of the Private Acts of 1919, Chapters 581 and 582 of the Private Acts of 1921 and Chapter 365 of the Private Acts of 1953. The act repealed was a superseded private act dealing with the office of county judge.

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

Private Chapter 13

House Bill 1240 Senate Bill 1603

Amends Chapter 559 of the Private Acts of 1951, as amended by Chapter 108 of the Private Acts of 1975, by removing the duty of the county attorney to collect delinquent taxes unless appointed delinquent tax attorney according to general law.

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

Private Chapter 33

Senate Bill 1823 House Bill 1831

Amends Chapter 640 of the Private Acts of 1949, as amended, the private acts dealing with the county highway commission and county highway supervisor. This act authorizes the county legislative body to determine the compensation of the chairman of the highway commission and of the other highway commissioners, but not less than \$200 per month. Increases the contract amounts requiring approval of the highway commission for the purchase or trade of highway equipment from \$500 to \$2,500 and for all other contracts from \$2,500 to \$5,000. Suspends certain provisions of the old private act dealing with financial management so long as the County Financial Management System is operating in Weakley County. Provides that the highway committee of the county legislative body certifies the qualifications of candidates for highway supervisor when the county legislative body fills a vacancy. Provides when a vacancy occurs in the office of highway supervisor, the chairman of the highway commission may exercise the powers of the highway supervisor until the county legislative body acts to fill the vacancy.

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

## **WILLIAMSON**

Private Chapter 9

House Bill 1135 Senate Bill 400

Divides the general sessions court of Williamson County into parts I and II. The present judge will become the judge of Part I, and the county legislative body shall appoint a judge for Part II in 1995 to serve until a judge for part II is elected to an 8 year term in the August 1996 general election. The judge of part I will be the senior judge with the authority to assign cases for trial until September 1, 1997, whereupon the position of senior judge shall rotate annually between parts I and II.

Amends Chapter 424 of the Private Acts of 1939, as amended by Chapter 186 of the Private Acts of 1957 and Chapter 261 of the Private Acts of 1976.

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

## **WILSON**

Private Chapter 43

Senate Bill 1613 House Bill 1545

Amends Chapter 330 of the Private Acts of 1901, as amended, to authorize the Tenth Special School District of Wilson County to issue and sell school bonds in a principal amount not to exceed \$5,500,000.

Effective April 21, 1995.

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