

**INDEX OF ACTS
RELATED TO COUNTY GOVERNMENT**

2000 EDITION

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

**Prepared By
CTAS Legal Staff**

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INTRODUCTION

The second regular session of the One Hundred and First General Assembly began on Tuesday, January 11, 2000, and continued until Wednesday, June 28, 2000, when it adjourned *sine die*. The first session of the One Hundred and Second General Assembly will convene in organizational session on Tuesday, January 9, 2001.

At the time of publication of this index, there are 460 new designated public chapters and 99 new private acts. The ones that are related to county government have been summarized in this publication. As the table of contents outlines, the public acts of general application are summarized in Part 1. Public acts are arranged alphabetically under broad groupings of subject content. Within a particular subject, the acts are arranged numerically by public chapter. Part 2 contains summaries of public acts of local application; Part 3 contains summaries of private acts. If your county does not appear in Part 2, no public acts of local application were passed during this session affecting your county. If your county does not appear in Part 3, then your county had no private acts passed during this session. The county names are arranged alphabetically in Parts 2 and 3, with the acts arranged numerically under the county listings.

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

We are publishing this index later in the year than usual. We apologize for any inconvenience this delay may cause. Our work was necessarily delayed due to the extremely long legislative session which almost extended into July.

Sincerely,

J. Rodney Carmical
Executive Director

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PART I - PUBLIC ACTS OF GENERAL APPLICATION

ANIMAL CONTROL

Public Chapter 789

Senate Bill 2725 House Bill 3156

Enacts The Tennessee Spay/Neuter Law. Prohibits anyone from adopting a dog or cat from a public agency or private organization operating a shelter from which animals are adopted or reclaimed unless the dog or cat has been spayed or neutered or the new owner signs a written agreement with the agency stating that the new owner will have the dog or cat spayed or neutered by a licensed veterinarian within thirty days of adoption if the animal is sexually mature, or within thirty days after the dog or cat reaches six months of age. If the dog or cat has not been spayed or neutered the agency must require a deposit of \$25 from the new owner which shall be refunded upon the agency receiving confirmation of the animal being spayed or neutered within 10 days after the time allowed for this operation. Otherwise, the deposit is forfeited and used by the agency to conduct programs to spay or neuter dogs and cats or to conduct education programs in support of spaying and neutering of dogs and cats. If a person adopting a dog or cat fails to comply with the provisions of this act, the agency may file a petition with a court of competent jurisdiction seeking compliance or return of the dog or cat.

Effective July 1, 2000.

ATTORNEYS

Public Chapter 611

Senate Bill 2303 House Bill 2229

Repeals Title 23, Chapter 3, Part 2 regarding attorney disciplinary proceedings. This action leaves the Rules of the Tennessee Supreme Court as the only law on this subject.

Effective March 30, 2000.

COUNTY CLERK

Public Chapter 606

House Bill 2007 Senate Bill 2072

Amends the definition of "motorcycle" in the title and registration laws in 55-8-101 to exclude four-wheeled vehicles, and specifically to include three-wheeled vehicles that are fully enclosed, weigh less than 1,500 pounds and have the capacity to maintain posted speed limits. Also makes changes to the helmet law, motor vehicle dealer licensing law, rules of the road, and motor vehicle operator licensing law relative to these three-wheeled vehicles.

Effective July 1, 2000.

Public Chapter 630 House Bill 2268 Senate Bill 2471
Amends 55-4-223(a) relative to governmental service license plates to delete the provisions requiring “special authority” from the Department of Safety and to provide instead that these license plates will be issued in accordance with regulations to be promulgated by the Department of Safety.

Effective April 6, 2000.

Public Chapter 674 Senate Bill 3216 House Bill 3105
Amends 55-4-201 to create a three-year waiting period before special license plates will be eligible for re-issuance once they have been deemed obsolete or invalid for not having met minimum issuance or renewal requirements.

Effective April 25, 2000.

COUNTY GOVERNMENT

Public Chapter 585 Senate Bill 2631 House Bill 2823
Repeals 5-6-113, which authorized additional compensation for a county executive’s services as financial agent. The repeal clears up confusion over whether this section had been superseded by the more recent salary schedules.

Effective March 10, 2000.

Public Chapter 608 Senate Bill 2729 House Bill 2615
Amends the requirements of the Tennessee Equitable Restroom Act, Title 68, Chapter 120, Part 5, to provide that publicly and privately owned facilities where the public congregates shall be allowed to have trough systems with continuously running water in restroom facilities for men.

Effective March 21, 2000.

Public Chapter 692 Senate Bill 2550 House Bill 2888
Amends 68-102-143(b)(2) to set a new schedule of fees which may be charged by electrical inspectors serving as deputy fire marshals, including those requested to make inspections by county legislative bodies.

Effective July 1, 2000.

Public Chapter 706 House Bill 3252 Senate Bill 2429
Amends 9-1-108 regarding collection of funds by state and local governments. Adds a new subsection which authorizes these governmental entities to accept credit card or debit card payments for all funds received. The collecting officer must collect a processing fee equal to that charged by the card company, not to exceed 5%. The collecting officer may also collect a service charge, in the amount allowed for a bad check, from the card holder if the card is not honored by the issuing company; this additional service fee may not be charged if the card is refused while the holder is

present and at the time the transaction is processed. Use of a card may not result in a reduction of the amount of the debt owed to the governmental entity.

Effective May 9, 2000.

Public Chapter 712

Senate Bill 2877 House Bill 2390

Amends 66-34-601 of the Prompt Pay Act of 1991 relative to interest due on delinquent payments on construction contracts, to provide that interest shall accrue at the rate specified in 47-14-121 (interest on judgments, currently 10% per annum) if no interest rate is specified in the contract.

Effective May 17, 2000.

Public Chapter 747

Senate Bill 2685 House Bill 2683

Amends 68-120-503, the Tennessee Equitable Restrooms Act, to authorize additional men's toilet facilities in stadiums or arenas built before July 1, 2000, if the state architect determines that there are sufficient women's toilet facilities but insufficient men's toilet facilities. The additional men's facilities may be constructed, but if there is insufficient space for new construction, existing women's facilities may be converted to men's facilities. Also makes provisions for extra men's toilet facilities in certain facilities for horse shows and auto racing if more men are expected to attend, with the approval of the state architect.

Effective May 18, 2000.

Public Chapter 841

House Bill 3250 Senate Bill 2430

Enacts the Tennessee Electronic Commerce Act as a new Chapter 24 under Title 5. Authorizes county officers and public officials to conduct business transactions by electronic means and determine whether, and the extent to which, their offices will send and receive electronic records and electronic signatures. Requires any official implementing an electronic business system that provides for sending and receiving electronic records with electronic signatures to file a statement with the Comptroller of the Treasury at least thirty days prior to offering such service. The statement must describe the hardware and software used for the system, the policies and procedures for operating it, the internal controls for protecting the security and integrity of the system, the personnel responsible for it, the types of records and transactions to be conducted electronically, the transaction and record authorization process, the electronic signatures used by the system, estimated costs of the system, and expected benefits and/or cost savings of conducting business by electronic means. Between twelve and eighteen months after implementation of the system, the official implementing the system shall provide a post-implementation review of the system to the Comptroller. It shall include an assessment of the system used by the official, responses from a survey of users of the system, and any recommendations for improvements. In addition to existing requirements for maintaining public documents, the act creates additional standards for an electronic records system. Electronic records must be available for public inspection unless they are confidential according to law. Due care must be taken to maintain an

electronic record for the retention period for the public information in the record. Electronic records must be copied to computer storage media no less frequently than daily. Backups must be stored at a location other than the building where the original data is maintained. The official must be able to provide a paper copy of the records when needed or requested by a member of the public. Nothing in the act requires any official to communicate or conduct business by electronic means.

Effective October 1, 2000.

Public Chapter 908

Senate Bill 2392 House Bill 2273

Amends 68-104-112 regarding sale of fireworks. Provides an exception to the prohibition against fireworks sales in counties with populations in excess of 200,000 by allowing fireworks to be sold on land either partially located within a county with a population greater than 200,000 or on property which the subject of disagreement over whether it is wholly contained within a county of such population; fireworks may continue to be sold if the property meets this description and fireworks have been sold annually at such location for at least forty-five years.

Effective June 19, 2000.

Public Chapter 983

House Bill 3364 Senate Bill 3351

Amends numerous statutes of the code regarding state and local funding. Provides for a 2% administrative fee to be placed on all money allocated to the state highway fund with such fee deposited in the state general fund. May impact revenues for certain highway funds shared with county governments. Also amends Title 9, Chapter 21 regarding nursing homes operated by local governments.

Effective July 1, 2000.

Public Chapter 964

House Bill 1180 Senate Bill 305

Enacts 29-29-1__ to require counties, other governmental entities and certain other entities receiving public funding, to file an annual report regarding its tort liability activities for the previous year with the office of the State Treasurer beginning on March 30, 2001, and every year thereafter for a period of three years. The form is to be prescribed by the State Treasurer.

Effective June 21, 2000.

Public Chapter 985

House Bill 3040 Senate Bill 3112

Amends 68-11-201 to exempt services provided to individuals through the Department of Education or a local education agency and home and community-based services provided to individuals by a county health department from the definition of "home health services" and thereby exempts these services from requirements of home health regulations.

Effective July 1, 2000.

Public Chapter 989 House Bill 2400 Senate Bill 2650
Authorizes the Department of Human Services to make a portion of federal Temporary Assistance to Needy Families funds available for competitive grants to local governments, local community development corporations, federally qualified community health centers, non-profit entities or community-based organizations. Such grants shall be used to fund programs or services designed to assist Families First participants in their efforts to transition from the Families First Program.

Effective June 2000.

COURTS

Public Chapter 638 Senate Bill 2178 House Bill 2648
Amends Title 36, Chapter 3, Part 6 relative to service of orders of protection to remove the requirement that the officer serving the order must read it to the respondent for cases where the respondent is not a resident of Tennessee. Provides that non-residents are served by mail. Amends 36-3-604 accordingly to amend the notice required for orders of protection to conform to the new notice procedures. Order of protection forms in existence on the effective date of this act may continue to be used if altered to reflect these changes. All forms printed after the effective date of this act are to incorporate the changes as well as be amended to reflect the new century.

Effective April 10, 2000.

Public Chapter 645 House Bill 1444 Senate Bill 1726
Amends a number of statutes relative to the expunged criminal offender and pretrial diversion database to provide that copies of information regarding expungement or dismissal of Class B and C misdemeanors will not be sent to the TBI or maintained in the bureau's database. Provides also that the \$50 expungement fee shall not apply to cases where there has been an acquittal, *nolle prosequi*, or dismissal for failure to prosecute or where the law does not require a copy of the expungement order be sent to the TBI.

Effective July 1, 1999 [sic].

Public Chapter 664 Senate Bill 2148 House Bill 2146
Amends 40-32-101 regarding fees charged for the destruction of certain public records. After the effective date of this act, a defendant petitioning the court for expungement of records because a charge was dismissed as a result of the completion of a diversion program pursuant to 40-15-102 through 40-15-106 shall be assessed a \$50 fee. Adds language expressing the intent of the legislature that a person should not have to pay a fee for expungement of records if the charge against the person was dismissed for a reason other than completion of a pretrial diversion program, if a no true bill determination was returned by a grand jury, a "not

guilty” verdict was returned by a jury, the conviction was reversed, or if the person was arrested and released without being charged. Allows persons who were convicted of an offense committed prior to their twenty-first birthday to petition for destruction of records pertaining to the offense if they petition within one year of the effective date of this act, have not been convicted of an additional offense, were not convicted of a sexual offense, and were granted a gubernatorial pardon for the offense during 1998. Fees for destruction of records according to this authorization shall be \$25.

Effective April 25, 2000.

Public Chapter 720

House Bill 3248 Senate Bill 2385

Amends 29-3-102 to give courts designated as environmental courts pursuant to the Public Acts of 1991, Chapter 426, the jurisdiction to abate public nuisances.

Effective May 17, 2000.

Public Chapter 725

House Bill 2883 Senate Bill 3024

Amends 25-5-104 relative to execution of judgments to provide that a judgment lien expires unless an execution is taken out within ten years commencing with the date of entry of the judgment rather than three years as the law previously provided.

Effective May 17, 2000.

Public Chapter 728

House Bill 2715 Senate Bill 2820

Provides that no process of attachment, execution, sequestration, replevin, distress, subpoena or any kind of seizure, whether civil or criminal, shall be served or levied upon any work of art, as defined in 47-25-1002, while the artwork is enroute to exhibition or while on exhibition at certain types of museums, galleries or similar centers.

Effective May 17, 2000.

Public Chapter 730

Senate Bill 2502 House Bill 2572

Amends 35-50-107(a)(2)(B) regarding non-resident fiduciaries to clarify that the issue of a decedent (such as a son or daughter) may serve as the personal representative of the estate of a decedent regardless of the residence of the personal representative.

Effective May 17, 2000.

Public Chapter 740

House Bill 2095 Senate Bill 2366

Amends 40-35-303 to provide that, in addition to current costs for misdemeanants placed on probation, the court may also require the defendant to pay any or all costs for the defendant’s supervision, counseling or treatment in a specified manner, based on the defendant’s ability to pay.

Effective May 17, 2000.

Public Chapter 752 House Bill 2760 Senate Bill 2351
Amends 55-10-412 relative to ignition interlock devices to delete provisions that required fees related to the interlock device to be applied as a credit to any fines against the offender for a violation of the DUI laws found in 55-10-401 through 55-10-404.

Effective May 18, 2000.

Public Chapter 764 Senate Bill 2250 House Bill 2253
Amends 16-15-501 to provide that attorney's fees, court costs and discretionary costs shall not be included in the calculation of whether a judgment entered by a general sessions court exceeds the monetary jurisdictional limits for the court.

Effective July 1, 2000.

Public Chapter 770 Senate Bill 617 House Bill 73
Amends 67-4-602 to prohibit collection of state and county litigation taxes in cases of violation of the high occupancy vehicle (HOV) lane law. Further, it is specified that the limit on court costs in HOV cases of \$10 is to include any statutory fees of officers.

This act applies to all violations of the HOV law which occur on or after May 22, 2000, or are pending on this date.

Public Chapter 781 House Bill 2685 Senate Bill 2935
Amends 36-3-609 relative to orders of protection. Provides that dismissals of orders of protection shall be issued to the petitioner, respondent and local law enforcement agencies in the same manner as orders of protection and modifications of orders of protection. Provides that the law enforcement agency receiving a copy of the order or dismissal shall immediately enter it into the Tennessee Crime Information System and take any necessary action to immediately transmit it to the National Crime Information Center.

Effective May 22, 2000.

Public Chapter 788 House Bill 3101 Senate Bill 2674
Adds a new section 36-3-624 to authorize counties to establish an interagency domestic abuse death review team to assist local agencies in identifying and reviewing domestic abuse deaths. Establishes a list of positions that may participate in the review team, including, but not limited to, coroners, district attorneys, legal aid attorneys, law enforcement personnel, county health department staff, and experts in forensic pathology. Makes certain records of the domestic abuse death review team confidential and not subject to disclosure or discovery by a third party. Gives

review teams access to all records of public or private entities that may pertain to the death.

Effective May 22, 2000.

Public Chapter 792

House Bill 2532 Senate Bill 2340

Enacts the Tennessee Teen Court Program of 2000 as a new part under Title 37, Chapter 1. Authorizes juvenile court judges to establish a teen court program pursuant to the provisions of that part. Spells out procedures for determining whether an offender may participate in the teen court program. The teen court is given the authority to conduct proceedings, receive evidence, hear testimony related to the dispositional stage and recommend disposition of the case. For any particular case, the teen court consists of five teen members chosen from a panel of twelve or more teenagers appointed by the juvenile court judge. Members of the teen court serve without reimbursement.

For the purposes of a juvenile court establishing a Teen Court Program as authorized by this act, the act takes effect May 22, 2000. For all other purposes the act takes effect July 1, 2000.

Public Chapter 794

House Bill 2256 Senate Bill 2445

Adds a new section under Title 16, Chapter 1, Part 1 to provide that when an original civil action, an appeal from a judgment of a court of general sessions, or a petition for review of a final decision in a contested case under the Uniform Administrative Procedures Act is filed in a state or county court of record or a general sessions court and such court determines that it lacks jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was originally filed.

Effective May 23, 2000.

Public Chapter 827

House Bill 3013 Senate Bill 3085

Prohibits the general sessions courts from placing a defendant who is convicted of a misdemeanor on probation under the supervision of the State Board of Probation and Parole. This act is not intended to restrict the use of any county probation service or private probation company unless such offender is currently being supervised by the State Board of Probation and Parole on a felony offense.

Effective May 24, 2000.

Public Chapter 833

House Bill 2160 Senate Bill 2234

Amends 40-35-304 to add a new subsection to establish that upon the expiration of the time to make a payment or upon expiration of a payment schedule for restitution, if any part of the restitution remains unpaid, then the victim or victim's beneficiary may convert the unpaid balance of restitution into a civil judgment against the defendant. Establishes procedures for converting restitution to a civil judgment.

Provides that the judgment shall remain in effect for a period of ten years and be enforceable by the victim or victim's beneficiary in the same manner and to the same extent as other civil judgments.

Effective July 1, 2000.

Public Chapter 845

Senate Bill 2171 House Bill 3071

Amends 67-4-602 to clarify that the only litigation or privilege tax collected for a violation of any ordinance governing use of public parking spaces shall be the \$1.00 litigation tax levied for the benefit of the Civil Legal Representation of Indigents Fund.

Effective May 30, 2000.

Public Chapter 881

House Bill 2169 Senate Bill 2114

Amends 39-17-428 relative to the distribution of proceeds from mandatory minimum fines imposed for drug offenses. Re-writes subdivision (c)(1) to provide that 50% of any fine collected under subsection (b) is allocated to a special revenue fund of the jurisdiction that initiated the arrest to be used for local drug enforcement, education or treatment programs or for nonrecurring general law enforcement expenditures. The remaining 50% is paid to the general fund of the governing body of the law enforcement agency that initiated the arrest. Provides also for allocation of funds when the arrest is initiated by a drug task force.

Effective July 1, 2000 and applicable to any drug offense occurring on or after such date for which a mandatory minimum fine is applicable.

Public Chapter 886

Senate Bill 2140 House Bill 2364

Amends 67-4-601 to authorize county governments to levy an additional privilege tax on litigation in all civil and criminal cases instituted in the county, not including those instituted in municipal court. To enact the tax, a resolution must be passed by a two-thirds vote of the county legislative body. The new tax cannot exceed \$10 per case and the proceeds from this new tax must be used exclusively for purposes of jail or workhouse construction, re-construction or upgrading, or to retire debt for these same purposes. The law contains a sunset provision that causes the tax levy to cease once the costs of the construction, re-construction or upgrading project have been paid or the debt for such project has been retired.

Effective June 14, 2000.

Public Chapter 889

House Bill 1512 Senate Bill 1885

Amends Title 36, Chapter 6, Part 4 to re-write that part regarding parenting plans. That part formerly established a pilot program in certain judicial districts to implement parenting plans in divorce, separation or annulment proceedings. This act converts the pilot program to a statewide program. Establishes detailed procedures for the court to establish and modify both temporary and permanent parenting plans. Requires parental education seminars for parties in actions where a permanent parenting plan is required. Establishes procedures and restrictions on the use of

dispute resolution processes under this part. Provides that costs of mediation and education may be assessed against the parties; however, for an indigent person, the cost of the mediation and education seminar shall be based on a sliding scale. Provides that the cost of mediation and education shall be paid from all available federal, state or local funds.

Effective January 1, 2001.

Public Chapter 909

Senate Bill 2398 House Bill 2688

Enacts a new section under Title 36, Chapter 5, Part 1 regarding payment of child support payments to the centralized collection and disbursement unit. Outlines required information that must be included with payments sent to the centralized collection unit by an obligor parent or a payer on behalf of the obligor parent. Establishes penalties for failure to comply. Requires the Department of Human Services to provide notices to current and former Families First recipients containing certain information relative to their child support payments. Requires the central collections unit to include certain information about the payment with all child support payments made to the custodial parent or other caretaker of the child by the central collections unit.

Effective July 1, 2000, and applicable to any pending child support order owed under a court or administrative order that is subject to centralized collection and disbursement.

Public Chapter 922

Senate Bill 3106 House Bill 3034

Amends numerous statutes regarding child support and establishing parentage. Some of the provisions include the following. Enacts 24-7-121 to designate the child support payment records of the Department of Human Services (DHS) as the official records for all payments sent to the central collections unit. Requires DHS to develop policies and procedures that allow the department to provide information about payments to any person requesting such information. Adds a new subsection to 36-5-101 to provide that if the court grants relief to DHS, the Title IV-D contractor or any applicant for child support services, then the court shall not tax any court costs against that party nor shall the court assess attorney's costs against that party unless there has been a Rule 11 violation or other sanctionable conduct. Amends 36-5-2602 regarding the procedure for registering an out of state support order to provide that the necessary documents be sent to the trial court of the county with appropriate jurisdiction, and, if two counties have jurisdiction, then to the one where the child resides. Amends numerous provisions regarding intercounty enforcement and modification of support orders. Provides that the transferee court shall not have the discretion to refuse the transfer. Amends 36-5-3110 to provide that in cases not subject to central collection and disbursement, the clerk of the court shall send the support amount, minus the statutory fee of the clerk, directly to the obligee. Allows the custodial parent to request an additional payment from DHS in cases where, due to department error, a properly identified payment is not sent to the custodial parent within two weeks of receipt by the department.

Effective July 1, 2001, for provisions of the act related to Department of Human

Services payments for late disbursements. All other provisions of the act become effective on June 19, 2000.

Public Chapter 968

House Bill 2123 Senate Bill 2885

Enacts a new section under Title 16, Chapter 15, Part 50 to direct the Administrative Office of the Courts, in consultation with the general sessions judges conference, court clerks' association, the sheriffs' association and the association of chiefs of police, to design and promulgate a uniform general sessions court warrant by October 1, 2000. Requires exclusive use of the warrant in general sessions courts once it is promulgated. Provided, however, in general sessions courts that use a warrant containing substantially the same information as that on the uniform warrant and where the information collected and maintained by the Administrative Office of the Courts is collected and maintained electronically, a non-uniform warrant may be used.

Effective June 21, 2000.

ECONOMIC DEVELOPMENT

Public Chapter 914

Senate Bill 2747 House Bill 3821

Amends 7-53-305 and 48-101-312 regarding the annual tax equivalent report which must be filed by an industrial development corporation. Previous law required the corporation to file a report, while the amendment states that the corporation's lessee now bears the responsibility to file. The report must list all property owned by the corporation and must be filed before October 1 of each year. Enacts a \$100 penalty for each day the report is late. The report must include the value of each listed property as estimated by the lessee. Previous law required the value as determined by the assessor.

Effective June 19, 2000, applicable to report due for tax year 2000.

Public Chapter 986

Senate Bill 2809 House Bill 2854

Amends 48-101-301 (14)(G) regarding the definitions of project for a health, educational and housing facility corporation to include in the case of a housing facility, single family residential units for purchase where such units are financed by a for-profit, not-for-profit or governmental entity or any combination thereof where payments to affected tax jurisdictions are made in lieu of property taxes in amounts equal to the property taxes which would be due if the property were fully taxable. Formerly, a similar provision was applicable only to Shelby County, but this new provision is state-wide in its application.

Effective June 26, 2000.

EDUCATION

Public Chapter 554

House Bill 674 Senate Bill 813

Enacts the "Coordinated School Health Improvement Act of 1999." The

Department of Education is to establish a state grant program to assist local education agencies (LEAs) in implementing a coordinated school health program, subject to available funding. Grants will be subject to a local match calculated in the same manner as the local match for grants for violence prevention programs under 49-6-4302(c).

Effective February 18, 2000.

Public Chapter 569 Senate Bill 2299 House Bill 2183
Repeals 49-5-409, which prohibited a teacher's contract being renewed after the teacher had reached the age of seventy.

Effective March 2, 2000.

Public Chapter 639 Senate Bill 2435 House Bill 2317
Amends 49-3-316 to require the Commissioner of Education to consult with the Comptroller of the Treasury to develop a standardized system of financial accounting and reporting for all LEAs, and to require the commissioner to make available to the comptroller all records and reports of LEAs.

Effective April 10, 2000.

Public Chapter 703 House Bill 2960 Senate Bill 3069
Amends 49-6-2006 and -2007 to authorize local boards of education to transfer surplus school property, real or personal, to any municipality within the county for public use, without the requirement of public bidding or sale.

Effective May 9, 2000.

Public Chapter 704 House Bill 3022 Senate Bill 3094
Amends 49-6-3007 to provide that students who have been suspended or remanded to an alternative school will continue to be counted as present for funding purposes, but schools will not be eligible for funding for students who have been expelled.

Effective May 9, 2000.

Public Chapter 710 Senate Bill 2939 House Bill 2670
Repeals 49-5-202(a), which prohibited LEAs from hiring persons who were not U.S. citizens.

Effective May 17, 2000.

Public Chapter 753 House Bill 2845 Senate Bill 3159
Amends 49-2-201(a) to authorize, for any LEA that failed to implement the provisions of the Education Improvement Act of 1992 for election of school board members, the adoption of a transition plan either by private act of the General

Assembly or by resolution of the county legislative body, by July 31, 2000.

Effective May 18, 2000.

Public Chapter 903

Senate Bill 2124 House Bill 2737

Enacts 8-36-8__ to authorize school systems to employ retired teachers to teach grades K-12 without the teacher losing retirement benefits under TCRS as long as the criteria set out in the act have been met. The retired teacher must have been retired for at least one year and must have a professional license or certificate; the superintendent or director of schools must certify to the Division of Retirement that the school system is in an area that lacks qualified teachers; the retired teacher is not entitled to tenure, additional retirement benefits, leave or medical insurance coverage; the retired teacher is not entitled to automatic credit for years of experience in determining compensation, but the salary must be at least that of teachers with no experience but shall not exceed 85% of the compensation for teachers with comparable training and years of experience; and the retired teacher's appointment cannot exceed one year, but the person may be reappointed to additional one-year terms. Repeals 49-5-401 which prohibited the employment of teachers who are 70 or older. Amends 49-5-413 to delete the requirement for a background check for retired teachers applying to teach in the LEA from which they retired. Amends 49-5-602(11) to remove retired teachers from the Education Professionals Negotiation Act.

Effective July 1, 2000 for the newly enacted 8-36-8__; effective June 19, 2000 for remaining provisions.

Public Chapter 985

House Bill 3040 Senate Bill 3112

Amends 68-11-201 to exempt services provided to individuals through the Department of Education or a local education agency and home and community-based services provided to individuals by a county health department from the definition of "home health services" and thereby exempts these services from requirements of home health regulations.

Effective July 1, 2000.

ELECTIONS

Public Chapter 593

Senate Bill 854 House Bill 200

Amends 2-6-103 regarding locations for early voting. Upon the request of a municipality, for elections that are held at a time other than the regular August or November election, the county election commission shall establish a satellite voting location for early voting within the corporate limits of the municipality. The municipality must pay the costs of the voting location.

Effective March 14, 2000.

Public Chapter 737

House Bill 2124 Senate Bill 2897

Repeals 2-17-116 which provided that either party in an election contest may appeal to the Supreme Court of Tennessee.

Effective May 17, 2000.

Public Chapter 742

House Bill 262 Senate Bill 875

Amends 8-8-102 regarding qualifications for the office of sheriff. Amends the procedures for POST verification of qualifications. In addition to an affidavit sworn to by the candidate stating that he or she meets the qualifications, the candidate must also file with the POST commission a confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing the required evaluation. The POST commission is directed to develop the standard form and make it available, upon request, to any candidate for the office of sheriff. Requires the POST commission to file the original notarized verification form from POST with the county election commission as soon as possible. Provides that in the event the POST commission has not certified a candidate to the county election commission no later than the last day on which ballots may be printed, then such person's name shall not appear on the ballot.

Effective July 1, 1999 [sic].

Public Chapter 756

House Bill 3055 Senate Bill 3040

Amends numerous statutes relative to elections. Provides that the administrator of elections is empowered to update an existing registration until no later than five days before an election to place it within the correct precinct when a voter changes address through the procedures of 2-7-140. Deletes the requirement that the election commission post a list monthly in the courthouse of registration by mail forms that were undeliverable and returned to the county. Provides that voter registration lists are available to any person who certifies that the list will be used for political purposes. Allows persons over the age of seventeen who meet all other requirements to serve as election officials. Requires submission of names of poll watchers by the second working day before an election. Adjusts notification schedules. Grants authority to election commissions to forward information about violations of disclosure laws by candidates to the district attorney without the necessity of a sworn complaint from a voter. Amends provisions regarding vacancies on the General Assembly.

Effective May 18, 2000.

Public Chapter 883

House Bill 2594 Senate Bill 2149

Amends 2-5-208 to enact the Fair Ballot Access Act of 2000. Provides that presidential candidates of parties which are not recognized as statewide parties in Tennessee may choose to have a party affiliation included along with the name of the candidate if a candidate of such a party received more than 5,000 votes in the previous presidential election.

Effective June 6, 2000.

EMERGENCY SERVICES

- Public Chapter 604 Senate Bill 3093 House Bill 3021
Amends Title 12, Chapter 3, Part 10 to provide that counties, municipalities and metropolitan governments may transfer the ownership of assets for fire protection purchased through or with the proceeds of federal, state or local grants to volunteer fire departments within such county, municipality or metropolitan area so long as such volunteer fire departments are registered as non-profit organizations with the Secretary of State. This new law is not effective in a county, municipality or metropolitan area unless it is approved by the appropriate legislative body.
- Effective March 21, 2000.
- Public Chapter 626 Senate Bill 1136 House Bill 874
Amends Title 68, Chapter 102, Part 1 by adding a section providing that any person who is certified by the state to conduct fire safety inspections and/or enforce building codes within a local government jurisdiction may perform those activities, within the limits of their certification, for any other local government that may request such services. Amends 68-102-108(b) to provide that in an incorporated city or other place that has no fire marshal, a fire marshal from another local government may serve as an assistant to the Commissioner of Commerce and Insurance in the role of fire marshal.
- Effective April 5, 2000.
- Public Chapter 686 Senate Bill 2023 House Bill 2059
Amends Title 58, Chapter 2, Part 1 to add a new section to provide that when there is a suspension of federal or state funds that are related to emergency management for an area of the state, TEMA must send notice, in the form of a suspension letter, to the chair of the local legislative body of the county and municipality and to any Senate and House members that represent the area. The letter shall contain the date of suspension, the amount of suspension, reasons for the suspension and the length of the suspension.
- Effective July 1, 2000.
- Public Chapter 946 Senate Bill 3172 House Bill 2365
Rewrites Title 58, Chapter 2, Parts 1, 5 and 6 regarding the Tennessee Emergency Management Agency and the emergency management system, including local emergency management agencies, to create a comprehensive system of emergency management in this state. Grants to the Governor extraordinary powers in a state of emergency, including direction (orders) to local law enforcement officers and agencies as may be reasonable and necessary. Also, the Governor is to delegate emergency responsibilities to the officers and agencies of the state and political subdivisions, including counties, prior to an emergency or threat of an emergency and will utilize the services and facilities of existing officers and agencies of the state and the political subdivisions as the primary emergency management forces of the

state; all such officers and agencies are required to cooperate and extend their services and facilities to the Tennessee Emergency Management Agency (TEMA) as may be required. Counties, through the county legislative body or county emergency management agency, may accept gifts or loans of services, equipment, supplies, materials or funds to aid in emergency management.

Each county emergency management agency will have jurisdiction over the entire county unless an inter-jurisdictional emergency management agreement exists which has been recognized by the Governor by executive order or rule. The county emergency management plan and program must be coordinated with TEMA. Each county emergency management agency shall have a director appointed by the chief executive officer of the county (county or metropolitan executive or mayor) and approved by the county legislative body. This act provides counties with extensive power to provide funds, make contracts, employ personnel, assign and make available county personnel and resources to perform emergency management functions, and to establish, as necessary, a primary and one or more secondary emergency operating centers. In the event of an emergency, the county may waive the procedures and formalities otherwise required by law in order to respond to the emergency. Two or more adjoining counties may join together to provide emergency management services if approved by the Governor. This may occur by request of the counties or upon a finding by the Governor that the conditions of the counties require such pooling of resources.

The act provides for county employees and equipment to act outside of the county to render aid when needed and for the allocation of costs for this service. Also provision is made for mutual aid agreements between counties and municipalities.

Beginning July 1, 2000, all public safety dispatchers must have completed a course of study approved by the state's Public Safety Committee or within six months of their employment if employed after July 1, 2000. Other requirements are listed for public safety dispatchers. However, the law in effect prior to May 1, 1994 relative to dispatchers will apply to any person who had more than five years of continuous service on May 1, 1994.

Effective July 1, 2000.

ENVIRONMENT

Public Chapter 919

Senate Bill 2958 House Bill 2998

Provides for a pilot project study of advanced sewage treatment systems. The Department of Environment and Conservation will determine participants from waste water treatment authorities established by counties that wish to participate in the study. The cost of the study will be borne by the participating authorities, the owners of the advanced treatment systems and the manufacturers of the new systems.

Effective July 1, 2000.

FINANCE

Public Chapter 996

Senate Bill 2123 House Bill 2330

Amends 5-8-301 and 6-56-106 regarding assets in which local governments are authorized to invest idle funds. Allows investment in certain specified nonconvertible debt securities if they are rated in the highest category by at least two nationally recognized rating services. Also allows counties with populations between 20,000 and 150,000 to invest in prime commercial paper if it is rated in the highest category by at least two commercial paper rating services and if the papers have a remaining maturity of ninety days or less.

Effective July 1, 2000.

HIGHWAYS

Public Chapter 669

Senate Bill 2722 House Bill 2890

Amends 55-7-202 and 55-7-205 to increase the maximum allowable width for houseboats transported on highways to eighteen feet and to amend the sizes, conditions and costs for certain permits for excessive width vehicles.

Effective April 20, 2000.

Public Chapter 806

House Bill 3048 Senate Bill 3121

Creates a new section under Title 54, Chapter 16 to provide procedures and rules for the removal of vehicles, spilled cargo or other personal property from the roadway of a controlled-access highway. Provides that the Departments of Safety or Transportation or a local law enforcement agency may immediately remove any wrecked, abandoned, unattended, burned or partially dismantled vehicle, spilled cargo or other personal property from the roadway of a controlled-access highway if it is creating an obstruction or hazard to traffic as determined by the officers or employees of the department or agency. Provides that such property may be removed to any place within the immediate vicinity without further action, except that in cases where an accident has resulted in serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for an accident report. If the property to be removed is a motor carrier, the agency causing it to be moved shall make a reasonable effort to allow the owner to arrange for its removal. The removal of vehicles is subject to the procedures set forth in 55-16-101 and following. If an agency removes spilled cargo or personal property from the immediate vicinity, such agency shall make reasonable efforts to notify the owner and give the owner at least forty-eight hours to claim it unless the property, cargo, or other debris is damaged beyond use or repair, in which case it may be disposed of immediately. Any liability of a local law enforcement agency for damage to vehicles or cargo as a result of removing it pursuant to this section shall be determined in accordance with the Governmental Tort Liability Act. The Department of Safety or Transportation or a local law

enforcement agency may require the owner and carrier of the vehicle or spilled cargo or other property to pay for any costs incurred in the removal and disposition of the property. This act also amends 55-10-117 to provide that when a traffic accident occurs with no apparent serious injury or death, the driver of each vehicle, any occupant of one of the vehicles who has a valid driver license, or any person with a valid license requested to do so by the driver should remove the vehicles from the roadway itself into a safe location on the shoulder, emergency lane, median or other suitable place when, in the judgement of the driver, moving of the vehicle may be done safely without causing further damage or creating hazards to the vehicle, to traffic, or to the roadway itself.

Effective May 23, 2000.

Public Chapter 967

House Bill 2025 Senate Bill 2226

Amends 55-8-152 to extend the time when speed limits are reduced in school zones from forty minutes before the opening of a school and forty minutes after the closing of a school to ninety minutes before opening and ninety minutes after closing.

Effective July 1, 2000.

Public Chapter 983

House Bill 3364 Senate Bill 3351

Amends numerous statutes of the code regarding state and local funding. Provides for a 2% administrative fee to be placed on all money allocated to the state highway fund with such fee deposited in the state general fund. May impact revenues for certain highway funds shared with county governments.

Effective July 1, 2000.

LAW ENFORCEMENT

Public Chapter 602

Senate Bill 3079 House Bill 3007

Amends 55-10-406(a)(3) regarding the impact of refusing to submit to a test for alcohol or drug content of a person's blood. Prior law provided that a person found to have refused such a test would have his or her license suspended for twelve months unless the driver was involved in an accident that caused serious bodily harm, in which case the suspension would be for two years. Under the changes provided in this act, a person refusing to submit to a blood or drug alcohol test would have their license revoked by the court for a period of one year if he or she does not have a prior conviction for DUI, vehicular homicide, aggravated vehicular homicide, vehicular assault, or adult driving while impaired. If the driver had a previous conviction of one of those offenses or if the driver was involved in an accident that resulted in serious bodily injury, the license is revoked for two years. If the driver was involved in an accident where one or more persons was killed, the license is revoked for five years.

Effective July 1, 2000, for any violation of 55-10-406(a)(3) occurring on or after this date.

- Public Chapter 655 House Bill 3251 Senate Bill 2449
Amends 41-2-129 regarding deductions from prisoners' wages and salaries to provide that after the other deductions itemized in the statute are made, if there is at least a \$2.00 balance in the account, then \$2.00 per month for each month the prisoner is employed should be applied to the county operated victim's assistance program if such a program exists in the county.
- Effective April 10, 2000.
- Public Chapter 691 Senate Bill 2338 House Bill 2103
Amends 55-8-183 to create local option offenses of failure to yield right-of-way to a properly identified funeral procession, passing or attempting to pass a funeral procession, and driving between the vehicles in a funeral procession. Each violation is punishable by a civil penalty not to exceed \$50 dollars. A county or municipality may adopt the provisions of the act for funeral processions within its jurisdiction by a two-thirds vote of the legislative body. Adoption must be certified to the Secretary of State.
- Effective July 1, 2000.
- Public Chapter 711 Senate Bill 2886 House Bill 2120
Amends 38-3-122 to provide that, regardless of whether fingerprints of an arrested defendant are found to be already on file in a law enforcement agency, the arresting or booking officer is still required to reproduce a copy of the fingerprints on file, update the arrest data and then forward two full sets of the fingerprints to the TBI.
- Effective May 17, 2000.
- Public Chapter 742 House Bill 262 Senate Bill 875
Amends 8-8-102 regarding qualifications for the office of sheriff. Amends the procedures for POST verification of qualifications. In addition to an affidavit sworn to by the candidate stating that he or she meets the qualifications, the candidate must also file with the POST commission a confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing the required evaluation. The POST commission is directed to develop the standard form and make it available, upon request, to any candidate for the office of sheriff. Requires the POST commission to file the original notarized verification form from POST with the county election commission as soon as possible. Provides that in the event the POST commission has not certified a candidate to the county election commission no later than the last day on which ballots may be printed, then such person's name shall not appear on the ballot.
- Effective July 1, 1999 [sic].
- Public Chapter 790 House Bill 3160 Senate Bill 3136
Adds a new section under Title 40, Chapter 38 to require notification of victim's rights under several different circumstances. When a victim appears before a

judicial commissioner, magistrate or general sessions court clerk to obtain an arrest warrant, such official shall notify the victim of his or her rights under Article I, Section 35 of the Tennessee Constitution. Likewise, when a law enforcement officer obtains an arrest warrant on behalf of a victim, the law enforcement agency shall notify the victim. Also, at a defendant's initial court appearance the judge shall notify the victim. And finally, following indictment by a grand jury the district attorney must provide notice to the victim and, in cases of violent crime as defined by the statute, inform the victim of the dates of all future trial proceedings. If the indictment was for a non-violent crime, the district attorney shall provide the victim with a phone number to call for information about future trial proceedings. The Tennessee Victims Coalition will provide, upon request, copies of a form or brochure explaining such rights.

Effective May 22, 2000.

Public Chapter 799

House Bill 2650 Senate Bill 2290

Amends 55-50-501 relative to the offense of driving on a cancelled, suspended or revoked driver license. Provides that this offense applies to driving in any area within the entire width between the boundary lines of every way publicly maintained which is open to the use of the public for vehicular travel or on the premises of any shopping center, manufactured housing complex or apartment house complex or any other premises frequented by the public at large. Prior law provided only that the offense applied to driving on public highways of this state.

Effective July 1, 2000.

Public Chapter 801

House Bill 2914 Senate Bill 2517

Adds a new section to Title 40, Chapter 38 to require law enforcement agencies to provide notice to any victim of crime of the following information: the victim's rights under Article 1, Section 35 of the Tennessee Constitution; the availability of crisis intervention services, emergency services, and medical services; the name and phone number of the law enforcement agency; in cases of domestic violence, the procedures and resources available for protection of the victim; the names and phone numbers of victim assistance programs, including the state criminal injuries compensation program, and programs that provide counseling, treatment and other support services; and the procedural steps involved in a criminal prosecution.

Effective July 1, 2000

Public Chapter 806

House Bill 3048 Senate Bill 3121

Creates a new section under Title 54, Chapter 16 to provide procedures and rules for the removal of vehicles, spilled cargo or other personal property from the roadway of a controlled-access highway. Provides that the Departments of Safety or Transportation or a local law enforcement agency may immediately remove any wrecked, abandoned, unattended, burned or partially dismantled vehicle, spilled cargo or other personal property from the roadway of a controlled-access highway

if it is creating an obstruction or hazard to traffic as determined by the officers or employees of the department or agency. Provides that such property may be removed to any place within the immediate vicinity without further action, except that in cases where an accident has resulted in serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for an accident report. If the property to be removed is a motor carrier, the agency causing it to be moved shall make a reasonable effort to allow the owner to arrange for its removal. The removal of vehicles is subject to the procedures set forth in 55-16-101 and following. If an agency removes spilled cargo or personal property from the immediate vicinity, such agency shall make reasonable efforts to notify the owner and give the owner at least forty-eight hours to claim it unless the property, cargo, or other debris is damaged beyond use or repair, in which case it may be disposed of immediately. Any liability of a local law enforcement agency for damage to vehicles or cargo as a result of removing it pursuant to this section shall be determined in accordance with the Governmental Tort Liability Act. The Department of Safety or Transportation or a local law enforcement agency may require the owner and carrier of the vehicle or spilled cargo or other property to pay for any costs incurred in the removal and disposition of the property. This act also amends 55-10-117 to provide that when a traffic accident occurs with no apparent serious injury or death, the driver of each vehicle, any occupant of one of the vehicles who has a valid driver license, or any person with a valid license requested to do so by the driver should remove the vehicles from the roadway itself into a safe location on the shoulder, emergency lane, median or other suitable place when, in the judgement of the driver, moving of the vehicle may be done safely without causing further damage or creating hazards to the vehicle, to traffic, or to the roadway itself.

Effective May 23, 2000.

Public Chapter 881

House Bill 2169 Senate Bill 2114

Amends 39-17-428 relative to the distribution of proceeds from mandatory minimum fines imposed for drug offenses. Re-writes subdivision (c)(1) to provide that 50% of any fine collected under subsection (b) is allocated a special revenue fund of the jurisdiction that initiated the arrest to be used for local drug enforcement, education or treatment programs or for nonrecurring general law enforcement expenditures. The remaining 50% is paid to the general fund of the governing body of the law enforcement agency that initiated the arrest. Provides also for allocation of funds when the arrest is initiated by a drug task force.

Effective July 1, 2000, and applicable to any drug offense occurring on or after such date for which a mandatory minimum fine is applicable.

Public Chapter 897

Senate Bill 1395 House Bill 1083

Amends the Adult-Oriented Establishment Registration Act of 1998 to express a clear legislative intent that conducting criminal background checks of operators and entertainers of adult establishments is a law enforcement purpose. Specifically requires all license applicants to submit a full set of fingerprints for identification

purposes. Requires political subdivisions that register and license such businesses to conduct a criminal records check of all applicants. Specifies procedures for conducting such checks. Provides that costs of the background check are paid by the political subdivision which requests the background check from the TBI or FBI. Provides further that the political subdivision may include the cost of the background check as part of any fee it charges for processing the applicant's license or permit.

Effective June 19, 2000.

Public Chapter 910

Senate Bill 2415 House Bill 2517

Creates a pilot program to study racial profiling. Applies to the Tennessee Highway Patrol and any municipal police department or sheriff's department whose commissioner, safety director, chief or sheriff notifies the Comptroller by September 1, 2000, of the department's willingness to participate in the project. Commencing January 1, 2001, each participating department shall use forms developed by the Comptroller to record certain information regarding persons stopped for traffic violations and transmit such information to the Comptroller monthly. The Comptroller shall evaluate such data and report to the Governor and legislature no later than April 1, 2002.

Effective from June 19, 2000, until July 1, 2002.

Public Chapter 929

Senate Bill 908 House Bill 717

Amends 39-17-1359 regarding prohibition of weapons. Specifies the type of notice required when the owner of property prohibits weapons on the premises. Requires that notice be posted in locations primarily used by persons entering the property. It must be plainly visible and contain language substantially similar to that specified in the statute. Any notice posted by a governmental entity on the effective date of the act which is in substantial compliance with the provisions of this section may continue to be used. Does not apply to wildlife laws and regulations.

Effective June 23, 2000.

Public Chapter 932

Senate Bill 2598 House Bill 2407

Adds a new section to Title 39, Chapter 13, Part 1 to provide for HIV testing of certain arrestees. Provides that in cases where a law enforcement officer, firefighter, correctional officer, youth services officer, probation and parole officer, employee of the Department of Corrections or Department of Children's Services, emergency medical or rescue worker, EMT, or paramedic is the victim of an aggravated assault and comes into actual contact with the blood or other body fluid of the arrestee, then, upon the request of the victim, the arrestee shall undergo HIV testing immediately. The test shall be performed by a licensed medical laboratory at the expense of the arrestee. The results of the test are not a public record and are available to only the victim and certain other persons listed in the statute. If the arrestee is infected with HIV, such person shall be liable for the victim's medical bills and other expenses related to the victim's exposure to HIV upon a finding that such exposure was from the arrestee.

Effective July 1, 2000.

Public Chapter 988

House Bill 2117 Senate Bill 2587

Enacts a new section under Title 39, Chapter 17, Part 13 regarding law enforcement officers carrying weapons. Provides that law enforcement officers may carry a firearm at all times and in all places within the State of Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments, except as prohibited by federal law, court orders, written directives of the officer's employing agency and certain limitations provided in the statute. Under the statutory limitations, the authorization to carry a firearm does not extend to: an officer carrying a firearm onto school grounds or inside a school building during regular school hours unless the officer immediately notifies the principal or an appropriate staff person in the principal's office; an officer who is consuming beer or an alcoholic beverage, or under the influence of alcohol or a controlled substance; an officer who is not engaged in actual duties while present in the confines of an establishment where beer or alcoholic beverages are sold for on-premises consumption; or an officer who is not engaged in the actual discharge of official duties while attending a judicial proceeding. In Bedford and Rutherford Counties, as defined by narrow population exception, the authority conferred by this act applies only to law enforcement officers working for those counties or municipalities located in those counties.

Effective June 26, 2000.

PERSONNEL

Public Chapter 678

House Bill 2116 Senate Bill 2055

Amends 50-6-225 to impose a 25% penalty on an employer or worker's compensation carrier who in bad faith fails to reimburse an employee for any medical expenses actually paid by the employee within sixty days after the employee receives a worker's compensation settlement, judgment or decree which includes medical expenses.

Effective July 1, 2000.

Public Chapter 688

Senate Bill 2199 House Bill 2582

Amends 50-1-304, the state "whistleblower" statute, to award attorneys fees and costs to the prevailing plaintiff in a cause of action against an employer for retaliatory discharge for the employee's refusal to participate in or remain silent about illegal activities.

Effective July 1, 2000.

Public Chapter 693

Senate Bill 2557 House Bill 2741

Enacts 5-1-1__ to authorize counties to require applicants for employment with the county to supply fingerprints and submit to a criminal background check by the Tennessee Bureau of Investigation, and agree to the release of all such person's criminal records. The county can determine to which job classifications these

requirements will apply, but this will not supercede existing mandatory fingerprint-based criminal background checks for persons seeking positions subject to licensure, approval or certification by the state. The costs of conducting the investigations are to be paid by the county, but the county can require an applicant to pay the costs if the applicant accepts a position with the county. Adds similar provisions to Title 6 relative to municipalities.

Effective May 9, 2000.

Public Chapter 729

House Bill 2114 Senate Bill 2118

Amends 50-6-225(g) to provide that the computation of interest on workers compensation judgments and decrees includes any discretionary costs awarded.

Effective July 1, 2000 and applicable to any judgment or decree entered on or after that date.

Public Chapter 734

House Bill 2238 Senate Bill 2483

Amends 50-6-128 to add to the reasons a \$500 civil penalty may be assessed against an employer under the workers compensation laws the employer's failure to provide reasonable and necessary medical treatment, including failure to reimburse when the employer knew that a claim arose out of a compensable work-related injury and should have been submitted under workers compensation insurance coverage. Also clarifies that the penalty is to be assessed and collected by the Commissioner of Labor and Workforce Development.

Effective July 1, 2000.

Public Chapter 738

House Bill 2121 Senate Bill 2054

Enacts 50-6-2__ to provide that, in a workers compensation action, if some but not all findings are appealed, any payments due the employee as a result of findings not appealed shall be due and payable when the time for appealing the judgment has expired.

Effective July 1, 2000 and applicable to any judgment or decree entered on or after that date.

Public Chapter 972

House Bill 2319 Senate Bill 2382

Enacts 50-6-2__ to create the uninsured employers fund, which will receive revenues from all penalties collected from employers who fail to provide workers compensation coverage or who fail to qualify as a self-insurer, and any other amounts that may be appropriated. This fund will be used to pay the costs incurred by the Department of Labor and Workforce Development to administer the assessment and collection of penalties. Completely rewrites 50-6-412 concerning penalties for noncompliance with workers compensation insurance requirements to give the commissioner subpoena power to investigate employers for non-compliance and to provide detailed procedures for notices and a hearing prior to imposition of

monetary penalties, which may be as much as two and one-half times the average yearly workers compensation premium. The commissioner is also authorized to seek an injunction prohibiting the employer from operating its business until it has obtained workers compensation coverage.

Effective July 1, 2000 for penalties going into the uninsured employers fund; all other provisions effective July 1, 2001.

PURCHASING

Public Chapter 918

Senate Bill 2932 House Bill 2578

Prohibits state or local governments from contracting for construction services with any private entity having five or more employees who has not furnished a written affidavit by its principal officer at the time of the bid or contract stating that the contractor is in compliance with the provisions of this act. This act appears to require the contractor to have a drug-free workplace program that includes drug testing to some extent that is unclear from the act; however, the county's

responsibility is expressly limited to obtaining the required affidavit from the contractor.

Effective January 1, 2001.

RECORDS

Public Chapter 714

Senate Bill 2644 House Bill 2450

Amends 10-7-503 to state that contingency plans of law enforcement agencies for responding to any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident confidential records which are not open for public inspection.

Effective May 17, 2000.

Public Chapter 766

Senate Bill 2410 House Bill 2672

Amends 38-7-110 to provide that all or a portion of a report of a county medical examiner, toxicological report or autopsy may be ordered by a court of record to be a confidential record upon written petition by the district attorney general supported by affidavit and/or testimony under oath from a law enforcement officer that release of such report may seriously impede or impair the investigation of a homicide or felony. Also, state and county medical examiners, their deputies and assistants and their pathologists may subpoena a medical, mental health or hospital record necessary to prepare a post-mortem examination report of a case wherein an autopsy is ordered.

Effective May 22, 2000.

Public Chapter 868

Senate Bill 2802 House Bill 2677

Amends 10-7-506 to provide that all state and local governments maintaining Geographic Information Systems (GIS) are authorized to charge enhanced fees for reproductions of public records that have commercial value and include a computer generated map or similar geographic data. Prior to the passage of this act, local governments could only charge for the actual costs of reproduction of such data (usually a minimal charge for the costs of the computer disk or other copying media) unless they were in one of five counties designated by narrow population classes that had specific authorization to charge higher fees under the law. Under the new law, local government entities that have the primary responsibility for maintaining a GIS system can also include annual maintenance costs and a portion of the overall development costs of the GIS system in the fees charged to users who want to purchase a copy of the information for commercial use. If the system is maintained by the county, the county legislative body establishes the fees. If GIS is maintained by a utility, the board of directors establishes the fees. Two groups are exempt from the higher fees: individuals that request a copy of the information for non-business purposes; and, members of the news media that request the information for news-gathering purposes. These exempt parties will be charged only the actual costs for reproducing the data. The development costs which may be recovered by the fees charged to commercial users are capped at 10% of the total development costs unless some additional steps are taken. For local governments, the local legislative body and the state Information Systems Council must approve a business plan that explains and justifies the need for additional cost recovery above 10%. Even with the approval of such a plan, development cost recovery cannot exceed 20%. However, these limits do not apply to annual maintenance costs which may be fully recovered in the fees charged to commercial users. The recovery of development costs of a system is subject to audit by the Comptroller of the Treasury. Once the allowable portion of the development costs of the system have been recovered by the additional fees charged to commercial users, then the fees must be reduced to cover only the costs of maintaining the data and ensuring that it is accurate, complete and current for the life of the system.

Effective June 6, 2000.

Public Chapter 931

Senate Bill 1322 House Bill 1242

Amends 49-2-301 to require the superintendent of education to keep the records of the school board, records of the superintendent's official acts, and records of all receipts and disbursement of public school funds in electronic disks as well as well bound books. Provides that records required to be kept under 49-2-301 shall be kept in a location that is secure from the effects of natural disasters.

Effective June 23, 2000.

REGISTERS OF DEEDS

Public Chapter 846

Senate Bill 2257 House Bill 2377

This is a large amendment to the Tennessee version of the Uniform Commercial

Code (UCC). The most important changes will take effect on July 1, 2001. However, one simple but important change will occur on July 1, 2000. This is a fee increase for filings of UCC documents. The fee for UCC filings will increase from \$12 plus 50 cents for each page over ten pages to \$15 plus 50 cents per page for each page over ten pages. The portion of the UCC filing fee earmarked for computerization of the register's office remains at \$2 per UCC document fee collected, so the \$3 increase is part of the unearmarked portion of the fee.

The following changes to the office of register of deeds will occur on July 1, 2001:

Most UCC documents will be filed with the Secretary of State . Fixture filings and financing statements with collateral of timber to be cut will continue to be filed with the Register, but all other filings of financing statements will shift to the Secretary of State.

The register's basic fee statute is simplified. This affects all non-UCC documents except corporate charters and certificates of limited partnership. Fees for filing plats are standardized at \$15. A new fee of \$5 is added for a certified copy of a plat, map or survey. No fee is charged for recording military discharges. The fee for recording each document is \$10 plus \$5 for each instrument in a document in excess of one, plus \$5 for each page in a document in excess of two pages. A document is defined as the entire writing offered for registration, which may contain one or more instruments. An instrument is defined as a legal writing that gives formal expression to or evidence of a complete legal act or agreement requiring a separate index entry. For example, a document that contains a deed and a release of a deed of trust contains two instruments, and a document that contains three assignments contains three instruments. The fee for a certified copy of a document other than a plat, map or survey remains at \$1 per page.

The portion of the register's 5% commission for collecting the state transfer and mortgage tax that goes to the state for county officials' retirement was increased slightly from 50% to 52% to reflect the decrease in mortgage tax revenue from UCC filings collected by registers beginning July 1, 2001.

UCC fee changes effective July 1, 2000; remainder of the act effective July1, 2001.

RETIREMENT

Public Chapter 590

House Bill 2491 Senate Bill 2874

Amends 8-35-111 relative to the prohibition against multiple membership in public retirement systems, and enacts 8-35-1__ to allow a TCRS member separated from service for any reason other than death or retirement to elect to forfeit all contributory and non-contributory service established under TCRS for the purpose of establishing such service in another state, federal, county or municipal retirement program, provided certain conditions are met. Enacts 8-35-2__ to provide that if any department, agency or instrumentality of a participating political subdivision should become a separate governmental entity from the political subdivision, the employees

of the new entity would not be entitled to continued membership in TCRS unless the governing body of the new entity elects to become a participating employer under 8-35-201.

Effective March 10, 2000.

Public Chapter 757

House Bill 3171 Senate Bill 2731

Enacts 8-27-7__ to authorize TCRS retirees and their dependents who are eligible for the supplemental medical insurance program to elect to participate in the supplemental medical insurance program or to remain in the applicable group insurance plan as a supplement to Medicare. These provisions do not apply to county officials or employees unless authorized by the local government insurance committee created under 8-27-207.

Effective June 27, 2000 (since no effective date was specified in this act, it becomes effective 40 days after its passage on May 18, 2000, pursuant to TENN. CONST., art. 2, § 20).

Public Chapter 871

Senate Bill 37 House Bill 25

Amends several sections of the law relative to retirement. Authorizes the board of trustees of TCRS to require recipients of monthly retirement benefits to accept payment by direct deposit or electronic transfer.

Effective June 5, 2000.

SOLID WASTE

Public Chapter 904

Senate Bill 2155 House Bill 2595

Provides that the Department of Environment and Conservation shall not issue a permit by rule for sewage sludge composting for a site that is greater than one acre in size. Amends the definition section of the Tennessee Solid Waste Disposal Act at 68-211-103(11) regarding the definition of "solid waste processing" to state that solid waste processing does not include the grinding or shredding of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch or other useful products, thereby placing these activities beyond the regulatory authority of the state under this act.

Effective June 19, 2000.

TAXATION

Public Chapter 770

Senate Bill 617 House Bill 73

Amends 67-4-602 to prohibit collection of state and county litigation taxes in cases of violation of the high occupancy vehicle (HOV) lane law. Further, it is specified that the limit on court costs in HOV cases of \$10 is to include any statutory fees of officers.

This act applies to all violations of the HOV law which occur on or after May 22, 2000, or are pending on this date.

Public Chapter 886

Senate Bill 2140 House Bill 2364

Amends 67-4-601 to authorize county governments to levy an additional privilege tax on litigation in all civil and criminal cases instituted in the county, not including those instituted in municipal court. To enact the tax, a resolution must be passed by a two-thirds vote of the county legislative body. The new tax cannot exceed \$10 per case and the proceeds from this new tax must be used exclusively for purposes of jail or workhouse construction, re-construction or upgrading, or to retire debt for these same purposes. The law contains a sunset provision that causes the tax levy to cease once the costs of the construction, re-construction or upgrading project have been paid or the debt for such project has been retired.

Effective June 14, 2000.

Public Chapter 898

Senate Bill 1811 House Bill 1920

Enacts new sections in Titles 9 and 67 regarding state-shared taxes and grants.

Applies to any municipal incorporation after July 1, 1998, which is later judicially determined to be void (specifically, the “tiny towns”), stating that neither the locality nor any person acting in its behalf is required to repay state-shared taxes or grants which have already been expended. Any portion of these funds which remains unexpended and unobligated becomes an asset of the county. Also provides for a rebuttable presumption that these funds were spent before any municipal property tax revenues.

Effective June 19, 2000.

Public Chapter 907

Senate Bill 2291 House Bill 2710

Amends 67-4-409(i)(1) regarding the use of the portion of the state transfer and mortgage tax proceeds earmarked for the Local Parks Land Acquisition Fund. This amendment limits the amount that the Commissioner of Environment and Conservation may allocate to administration from this fund to 3.5% of the revenues earmarked for this fund.

Effective June 19, 2000.

Public Chapter 920

Senate Bill 2999 House Bill 2832

Amends 67-4-702(a) of the Business Tax Act to add to the definition of “wholesale sale” the sale by a franchised motor vehicle dealer to a manufacturer or distributor of motor vehicles or an obligor under an extended service contract of parts and/or repair services necessary for repairs performed by the dealer under the manufacturer’s, distributor’s or obligor’s warranty, and also pre-delivery inspection charges paid to a franchised motor vehicle dealer by a manufacturer or distributor of the motor vehicle.

Effective July 1, 2000, and applicable to all taxes imposed but not collected on that date.

TAXATION - PROPERTY

Public Chapter 599

Senate Bill 2630 House Bill 2797

Amends 67-5-1006 and 67-5-1007 regarding application requirements for greenbelt property. Clarifies that new owners of previously-approved greenbelt property must reapply for the classification by April 1 of the year following transfer of ownership.

Effective March 21, 2000, for the tax year 2000.

Public Chapter 622

Senate Bill 2322 House Bill 2127

Amends 5-2-115 and 67-5-806 regarding assessment of property located within boundaries of adjoining counties. Provides an exception to the current rule that if property in adjoining counties has been assessed in one county for five years, the state Board of Equalization has no authority to rule that the property is located in a different county. Allows an exception if legislation prior to the effective date of this act and filed with the state board had changed county lines, and if legislative bodies

in both counties, by a 2/3 vote, resolved that the property be located in the non-assessing county. Directs the state Board of Equalization and the state Division of Property Assessment to properly record the change.

Effective April 5, 2000, for the tax year next following the adjustment of records as required by law.

Public Chapter 628

House Bill 2006 Senate Bill 2069

Amends 67-5-212 regarding the effective date for a property tax exemption. Provides that a religious, charitable, scientific or educational exemption may take effect up to eighteen months earlier than the application date (but not earlier than the exempt use began) if the application was submitted because an applicant relocated a use which was previously approved for exemption.

Effective April 5, 2000, for applications pending or under appeal on that date. Expires July 1, 2000.

Public Chapter 649

House Bill 2799 Senate Bill 2632

Adds a new section to Title 67, Chapter 5 regarding assessment of property used for telecommunications. Provides that properties owned by telecommunications tower companies, cellular and wireless telecommunication companies are assessable by the state Comptroller.

Effective April 10, 2000, and applicable for the 2000 tax year.

Public Chapter 793

House Bill 2140 Senate Bill 2172

Amends 67-5-212 regarding exemptions from property tax, enacting an exemption for property owned by WPLN public radio.

Effective May 23, 2000, including applications for exemption pending on this date.

Public Chapter 887

Senate Bill 3057 House Bill 3162

Amends 67-5-223 by rewording the property tax exemption for community and performing arts organizations, allowing the exemption if the property is used by another nonprofit performing arts organization as well as by the organization owning the property.

Effective for pending applications and retroactive to January 1, 2000, for new applications.

Public Chapter 934

Senate Bill 2745 House Bill 2820

Amends 67-1-1005 regarding back assessments for property taxes. Provides that the deadline for initiating a back assessment or reassessment is suspended if the property is subject to tangible personal property audit by the assessor. The running of the deadline is tolled from the issuance of the notice of audit until the issuance of the audit findings.

Effective June 23, 2000.

Public Chapter 938

Senate Bill 2766 House Bill 2492

Enacts a property tax exemption in Title 67, Chapter 5, Part 2 for property owned and used by a nonprofit economic and/or charitable development organization. To be eligible, the property must be used to provide small business counseling and/or shared office and information systems infrastructure for small business development. Applicable only to counties containing a national laboratory facility or those counties immediately adjacent. Also provides that an application for property tax exemption shall be treated as an appeal under 67-5-1512 (procedural rules and accrual of penalty and interest).

Effective June 21, 2000, and applicable to applications and appeals pending before the State Board of Equalization on this date. Pending applications or appeals may be amended to provide evidence of compliance with this act within 90 days of the effective date.

Public Chapter 957

House Bill 3143 Senate Bill 3205

Amends 67-1-401 to revise eligibility requirements for county boards of equalization. Except for counties with populations between 85,000 and 86,000, (currently Blount County) allows state employees to be appointed to the county board of equalization if their employment responsibilities do not include property assessments. By narrow population class, specifies that state employees may not be appointed to the board in Shelby County. Also, state employees who serve on county boards of equalization shall not be compensated by the state for this time, although employees may use accumulated leave, with supervisor's approval.

Effective June 23, 2000.

Public Chapter 993

House Bill 2324 Senate Bill 2569

Enacts a new property tax exemption in Title 67, Chapter 5, Part 2 for nonprofit family wellness centers, which is property used to provide physical exercise opportunities for children and adults. Specifies numerous requirements which must be met in order to qualify for the exemption. Also amends 67-5-212 to provide a property tax exemption for property owned by a religious institution which was previously used as a college campus. Specifies further requirements for the exemption and states that it is retroactive to the first use of the property to which it applies.

Effective June 28, 2000; applicable to all matters pending before the state Board of Equalization on this date.

TAXATION - SALES

Public Chapter 540

Senate Bill 2001 House Bill 2004

Adds a new section to Title 67, Chapter 6, Part 3 regarding exemptions from sales tax to add an exemption for the construction, operation and repair of the Spallation

Neutron Source Project at the Oak Ridge National Laboratory.

Effective January 27, 2000.

TELECOMMUNICATIONS

Public Chapter 665

Senate Bill 2251 House Bill 2887

Authorizes electric cooperatives to acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge or otherwise dispose of any system, plant or equipment for providing telecommunications services. Cooperatives choosing to engage in such activities shall be subject to regulation by the TRA in the same manner as other telecommunications providers. Cooperatives may not subsidize such service, but may dedicate a part of its facilities for providing telecommunications services and may lend funds for those purposes. Cooperatives may not provide such services within the area of an existing telephone cooperative with fewer than 100,000 total lines.

Effective April 25, 2000.

PART II - PUBLIC ACTS OF LOCAL APPLICATION

ANDERSON

Public Chapter 743 House Bill 2188 Senate Bill 2774
Amends 16-15-501 to extend the jurisdiction of courts of general sessions to \$25,000 in all civil cases. This new limit shall not apply to cases of forcible entry and detainer or actions to recover personal property wherein the court shall have unlimited original jurisdiction. Provides further that general sessions judges shall have jurisdiction to issue restraining orders and to enforce the penalty provisions for violation of such restraining orders.

Effective May 17, 2000.

Public Chapter 969 Senate Bill 2773 House Bill 2171
Amends 5-1-118 and grants to the county legislative body general police powers, including the power to prescribe limits within which business occupations and practices liable to be nuisances may be established, conducted or maintained. These powers may only be exercised in the unincorporated areas of the county and do not extend to matters governed by general law pertaining to intoxicating liquors, beer, surface mining, oil and gas production, environmental protection including solid and hazardous waste management, water and sewerage and water management.

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

BEDFORD

Public Chapter 601 Senate Bill 2947 House Bill 2629
Amends 7-82-307(t)(4) to provide that in utility districts with a service area entirely within Bedford County and more than 1,000 subscribers, after the effective date of this act, to be eligible for the election or re-election to the board of commissioners a person must reside in the district such person wishes to represent, must not hold any other elected office and must be a high school graduate, except that anyone serving on the board on the effective date is eligible for re-election notwithstanding the member's lack of a high school diploma. Also, for the utility district affected, there shall be one member of the board elected from each of the areas formerly served by the Southwest Bedford Public Utility District, the Northwest Bedford Public Utility District, the Bedford Public Utility District, and the Normandy Road Water Cooperative, plus one member elected from the county at large.

Effective March 21, 2000.

BLOUNT

Public Chapter 969

Senate Bill 2773 House Bill 2171

Amends 5-1-118 and grants to the county legislative body general police powers, including the power to prescribe limits within which business occupations and practices liable to be nuisances may be established, conducted or maintained. These powers may only be exercised in the unincorporated areas of the county and do not extend to matters governed by general law pertaining to intoxicating liquors, beer, surface mining, oil and gas production, environmental protection including solid and hazardous waste management, water and sewerage and water management.

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

CAMPBELL

Public Chapter 969

Senate Bill 2773 House Bill 2171

Amends 5-1-118 and grants to the county legislative body general police powers, including the power to prescribe limits within which business occupations and practices liable to be nuisances may be established, conducted or maintained. These powers may only be exercised in the unincorporated areas of the county and do not extend to matters governed by general law pertaining to intoxicating liquors, beer, surface mining, oil and gas production, environmental protection including solid and hazardous waste management, water and sewerage and water management.

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

CANNON

Public Chapter 679

Senate Bill 2450 House Bill 2293

Changes the boundary line between Cannon and Rutherford Counties by detaching from Cannon County 4.5 acres as described in the act and attaching the same to Rutherford County.

Effective April 25, 2000.

CARROLL

Public Chapter 958

Senate Bill 3317 House Bill 3334

Amends 64-1-804 regarding the Carroll County Watershed Authority. Expands jurisdiction of the authority from the watershed of Beaver Creek in Carroll County to all of Carroll County, except that the Carroll County Watershed Authority will not exercise its powers so as to conflict with the power of the West Tennessee Basin Authority over the Obion and Forked Deer River Basins in Carroll County.

Effective June 23, 2000.

DAVIDSON

Public Chapter 727 House Bill 2735 Senate Bill 2359
Amends 57-4-102(15) to add to the definition of “museum” for the purpose of the liquor laws, a museum operated by a charitable or non-profit organization and located in an old U. S. Post Office facility containing more than 100,000 square feet in a municipality or county with a population over 500,000.

Effective May 17, 2000.

Public Chapter 935 Senate Bill 2755 House Bill 2802
Enacts 7-3-105 to authorize a metropolitan government and its local board of education to adopt a guaranteed payment plan for superseded teacher retirement systems.

Effective June 23, 2000.

LOUDON

Public Chapter 733 House Bill 2352 Senate Bill 2408
Proposes to amend 22-2-201(b) to establish an exception to the general law by narrow population class to allow the Loudon County Commission, by a two-thirds vote, to authorize that members of the Board of Jury Commissioners for Loudon County shall be paid an amount in excess of that allowed by the state law. Provides that the county commission shall set a sum to be paid each members that is not less than \$100 for each day or fraction of a day spent in discharging the duties of the board. This money is to be paid from the county general fund. [NOTE: This act is identical to Public Chapter 1052 of the Acts of 1998. That act was found to be constitutionally suspect (See A.G. Opinion 98-140) due to the fact that the journal of the Chief Clerk of the House demonstrated that the bill before the House of Representatives did not pass on three different days as required by Article II, Section 18 of the Tennessee Constitution. The 1998 act was published and codified in spite of this problem. This public chapter provides for language that is identical to the version of 22-2-201 that is currently codified in the bound editions of the Tennessee Code Annotated.]

Effective May 17, 2000.

Public Chapter 969 Senate Bill 2773 House Bill 2171
Amends 5-1-118 and grants to the county legislative body general police powers, including the power to prescribe limits within which business occupations and practices liable to be nuisances may be established, conducted or maintained. These powers may only be exercised in the unincorporated areas of the county and do not extend to matters governed by general law pertaining to intoxicating liquors, beer, surface mining, oil and gas production, environmental protection including solid and hazardous waste management, water and sewerage and water management.

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

MEIGS

Public Chapter 625 Senate Bill 2987 House Bill 2257
Amends 62-6-102(3)(D)(i) to include counties having a population of 8,000 - 8,300 in the exemption that allows contractors to build houses for resale in their county of residence without having a general contractor's license.

Effective April 8, 2000.

MOORE

Public Chapter 935 Senate Bill 2755 House Bill 2802
Enacts 7-3-105 to authorize a metropolitan government and its local board of education to adopt a guaranteed payment plan for superseded teacher retirement systems.

Effective June 23, 2000.

MORGAN

Public Chapter 877 Senate Bill 3289 House Bill 3307
Amends 16-15-5004 to confer upon the general sessions court in Morgan County concurrent jurisdiction with circuit and chancery courts over divorce and domestic relations, mental health commitments, and probate and decedents' estates cases.

Effective July 1, 2000, upon approval by 2/3 vote of the county legislative body.

PUTNAM

Public Chapter 1839 House Bill 1839 Senate Bill 1822
Amends 57-4-101 and 57-4-102 to authorize the sale of wine in bed and breakfast establishments with eleven furnished guest rooms located in a county with a population of 51,350 - 51,450.

Effective July 1, 1999 [sic].

RUTHERFORD

Public Chapter 679 Senate Bill 2450 House Bill 2293
Changes the boundary line between Cannon and Rutherford Counties by detaching from Cannon County 4.5 acres as described in the act and attaching the same to Rutherford County.

Effective April 25, 2000.

SHELBY

Public Chapter 814 Senate Bill 2425 House Bill 3149
Amends 49-6-3007 to authorize a local education agency to contract with the local law enforcement agency to enforce the compulsory attendance law, and sets out the terms of the agreement and enforcement provisions.

Effective May 24, 2000.

Public Chapter 961 Senate Bill 3126 House Bill 2984
Amends 7-53-305 to require the boards of directors of industrial development corporations which have been delegated authority to create pilot leaseholds and agreements for payments in lieu of ad valorem taxes to prepare bi-annual reports detailing the industrial development corporation's lessees' compliance with the terms of the agreements.

Effective June 23, 2000.

WASHINGTON

Public Chapter 791 House Bill 3227 Senate Bill 3220
Amends 5-1-115 relating to debris and overgrown vegetation by adding Washington County (by narrow population class) to the list of those authorized to remedy these conditions on owner-occupied property. Counties not included may only apply these provisions to property which is not occupied by the owner.

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

PART III - PRIVATE ACTS

ANDERSON

Private Chapter 108 House Bill 3305 Senate Bill 3290
Repeals Private Acts of 1959, Chapter 357, which formerly required the assessor to issue building permits. The private act was unnecessary since the process is now handled through enforcement of building codes.

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

BRADLEY

Private Chapter 77 Senate Bill 2227 House Bill 2214

Repeals Private Acts of 1988, Chapter 144, regarding disposal of trash or garbage in Bradley County.

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

CAMPBELL

Private Chapter 94 House Bill 3278 Senate Bill 3264
Amends Private Acts of 1993, Chapter 15, to increase the number of school board members from five to ten in Campbell County. Contains transition provisions to establish staggered terms for new members.

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

CARROLL

Private Chapter 62 House Bill 2016 Senate Bill 2068
Creates a civil service commission for the Carroll County sheriff's department. The commission will consist of three members: one member to be appointed by the legislative body; one member to be selected by a vote of the employees of the sheriff's department; and a third member selected by the other two members. All full-time employees of the sheriff's department that hold a classified position, as defined by the act, are covered by the act. Establishes examination procedures for job candidates. Prohibits discharging or demoting a covered employee except for just cause. Provides procedural remedies for persons discharged or demoted.

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

Private Chapter 70 House Bill 2017 Senate Bill 2067
Amends Private Acts of 1980, Chapter 184, to increase the mineral severance tax from ten cents to fifteen cents.

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

Private Chapter 118

House Bill 2842 Senate Bill 3010

Transfers the duties and records of juvenile court clerk from the county clerk to the circuit and general sessions court clerk at the end of the 1999-2000 fiscal year.

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

CHEATHAM

Private Chapter 145

Senate Bill 3308 House Bill 3353

Amends Private Acts of 1997, Chapter 28, regarding the county development tax, by deleting the requirement that ½ of the tax for a development be paid when the plat is recorded and the other ½ paid when the building permit is issued. The new language authorizes the county legislative body to set the amount or percentage to be paid in each of the two installments.

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

CLAIBORNE

Private Chapter 156

Senate Bill 2082 House Bill 2043

Amends Private Acts of 1967, Chapter 74, regarding the system of building permits in Claiborne County. Deletes language that allowed the county legislative body to establish rates for the building fee. Replaces those provisions with new language setting fees for six different classifications of structures and rates. For mobile homes or remodeling of any structure, the fee is \$25.00. For other residences or double wide modular homes containing up to 1,500 square feet of living area, including carports or garages, the fee is \$50.00. For residences or double wide modular homes with more than 1,500 square feet, the fee is \$100.00. For commercial or industrial structures with up to 5,000 square feet, the fee is \$100.00. For commercial or industrial structures over 5,000 square feet, the fee is \$200. For detached out buildings containing up to 300 square feet, the fee is \$10.00.

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

COCKE

Private Chapter 95

Senate Bill 2368 House Bill 3281

Authorizes the county legislative body, by resolution, to establish and provide for the operation of a recreation department for the benefit of the residents of Cocke County. This act authorizes the county legislative body to establish a separate recreational activity fund.

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

COFFEE

Private Chapter 69

House Bill 2010 Senate Bill 2116

Amends Private Acts of 1971, Chapter 8, as amended, regarding the Coffee County Highway Commission. Grants the highway commission the authority to acquire, erect and maintain all road name signs on the county road system, including, but not limited to, all county roads and county road intersections.

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

DEKALB

Private Chapter 111

Senate Bill 3310 House Bill 3323

Authorizes the county legislative body to direct the county election commission to place certain questions on the ballot for the November 7, 2000, general election. The questions are advisory only and would ask whether or not the county should construct a multi-purpose recreational facility using public funds and whether or not the county property tax rate should be increased if this was necessary to fund the construction of this facility. The planning committee is directed to perform a study to determine the approximate cost of a multi-purpose recreational facility and to publish the findings in a newspaper of general circulation for four consecutive weeks prior to the November general election.

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

DICKSON

Private Chapter 158

Senate Bill 3335 House Bill 3332

Authorizes the county legislative body to levy an adequate facilities tax on new residential and non-residential building development on a gross square feet basis. Public buildings, places of worship, barns or outbuildings for agricultural purposes and replacement structures for structures destroyed by fire or other disaster are exempted. The tax is to be collected at the time of application for a building permit by a county official authorized by the county executive. If the building permit is issued by a city, the city shall require evidence of the payment of the tax (valid certificate issued by the county building official) before issuing the building permit. All proceeds from this tax shall be used for the purpose of providing public facilities, the need for which is reasonably related to new development. This tax is in addition to any existing tax or fee. Any person aggrieved by a decision of the county building official may pay the tax under protest and appeal the decision to the county board of zoning appeals within 10 days of protest and payment. The action of the county board of zoning appeal may be reviewed by the chancery court through petition of certiorari and supersedeas.

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

FAYETTE

Private Chapter 116 Senate Bill 3273 House Bill 3290
Imposes a wheel tax in the amount of \$25 to be collected by the county clerk, who is entitled to a \$1.00 fee. The proceeds of the tax are to be applied to the debt service fund for retirement of school construction debt. Provides for a fine of \$50 - \$100 for violation of the act.

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

FRANKLIN

Private Chapter 104 House Bill 3303 Senate Bill 3286
Amends Private Acts of 1933, Chapter 108, as amended, to provide for an eight-member county board of education, with one member being elected from each of the eight county commission districts to staggered four-year terms. Repeals the provisions of Private Acts of 1933, Chapter 108, as amended, relative to the superintendent of schools.

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

GIBSON

Private Chapter 142 Senate Bill 3342 House Bill 3356
Amends Private Acts of 1982, Chapter 307, to provide for a popularly elected clerk for the juvenile court in Gibson County to be elected to a four year term at the August 2002 election and every four years thereafter. The compensation of the clerk is set at \$32,000 each fiscal year. The Gibson County legislative body is directed to appoint a person to serve from July 1, 2000, until the newly elected clerk takes office on September 1, 2002.

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

HENDERSON

Private Chapter 122 House Bill 2220 Senate Bill 3334
Transfers clerking duties for the general sessions court when it is exercising juvenile jurisdiction from the county clerk to the circuit county clerk, effective July 1 following local approval of the act.

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

HENRY

Private Chapter 79 House Bill 2128 Senate Bill 2538
Repeals Private Acts of 1983, Chapter 134, which established a wheel tax in the amount of \$15 for Henry County.

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

HICKMAN

Private Chapter 97

House Bill 2962 Senate Bill 3026

Enacts the Hickman County Land Development Privilege Tax, which authorizes the county legislative body to impose a development tax for all development within incorporated and unincorporated areas, in an amount not to exceed \$1.00 per gross square foot for new residential development, and \$0.25 per gross square foot of industrial and/or commercial development. On September 1, 2002, the amount reverts to zero, and the county legislative body must decide upon the future amount of the tax. Requires the legislative body to adopt a capital improvements program. Provides for collection of the tax when application is made for the certificate of occupancy. Specifies exemptions and a grievance procedure. Contains a section which seems to state that once a resolution imposing the tax has been enacted, no provisions may be changed except by a 2/3 vote of the county legislative body.

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

HOUSTON

Private Chapter 78

House Bill 2349 Senate Bill 2190

Amends Private Acts of 1976, Chapter 211, as amended, regarding the motor vehicle (wheel) tax for Houston County. Increases the rate of taxation from \$15 per vehicle and \$5 per motorcycle to \$45 per vehicle and \$10 per motorcycle. Changes allocation of the revenues from the Special Revenue School Bond Sinking Fund to the Growth and Building Fund.

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

Private Chapter 144

Senate Bill 3302 House Bill 3324

Authorizes the county legislative body to levy a privilege tax on the occupancy of a hotel, motel or other place designed for occupancy by transients in the amount of 5% of the rate charged by the operator. The operator is allowed a 2% deduction for collecting the tax. The county legislative body is authorized to adopt reasonable rules and regulations for the implementation of the tax. The county clerk will collect the tax and audit each operator at least once per year and report on the audits to the county legislative body. The county clerk will retain 5% of the taxes collected as a commission of the office. Procedures for delinquencies are provided. Proceeds of the tax will be placed in the general fund of the county and used for general county purposes. Any tax levied under this act is subject to the restrictions of § 67-4-1425 regarding application of the tax within municipalities.

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

KNOX

Private Chapter 126

House Bill 3317 Senate Bill 3298

Amends Private Acts of 1907, Chapter 1, to designate that the clerk of the criminal court shall act as the clerk of the court of general sessions for the purpose of overseeing the court's criminal docket. The fees, commissions and emoluments from the criminal cases in general sessions are designated as part of the fees, commissions and emoluments of the office of the clerk of the criminal court. The clerk receives no additional compensation for performing these additional services but may appoint such deputies and assistants as necessary for performing the additional work. Likewise amends Private Acts of 1939, Chapter 54, to provide that the clerk of the circuit court shall act as the clerk of the court of general sessions for overseeing the court's civil docket. The fees, commissions and emoluments from the civil cases in general sessions are designated as part of the fees, commissions and emoluments of the office of the clerk of the circuit court. The clerk receives no additional compensation for performing these additional services but may appoint such deputies and assistants as necessary for performing the additional work. Makes additional amendments clarifying language that provides that the circuit court clerk serves as clerk of the juvenile court.

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

MARION

Private Chapter 148

House Bill 3352 Senate Bill 3340

Authorizes the Richard City and Deptford Independent School District to issue tax-exempt bonds in an aggregate principal amount not exceeding \$4,000,000 for school buildings and facilities in the district and school buses and transportation equipment.

Effective June 7, 2000.

MARSHALL

Private Chapter 157

Senate Bill 3311 House Bill 3348

Authorizes the county legislative body to levy an adequate facilities tax on new residential and commercial building development on a gross square feet basis, but not to exceed \$1.00 per gross foot. The county may develop a tax rate structure by which residential and commercial users may be classified by type for purposes of imposition of the tax. Public buildings, places of worship, barns or outbuildings for agricultural purposes, replacement structures for structures destroyed by fire or other disaster and a structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code are exempted. The tax is to be collected by the county or city official at the time of application for a building permit or, if a building permit is not required, at the time of application for a certificate of occupancy. All proceeds from this tax shall be used for capital projects, including but not limited to debt service related to capital projects. This tax is in addition to any existing tax or fee. Any person aggrieved by a decision of the county building official may pay the tax under protest and appeal the decision to the county board of adjustments and appeals within ten days of protest and payment.

A party may seek review of the decision of the county board of adjustments and appeal in the chancery court by petition of *certiorari* and *supersedeas*.

Effective upon approval by 2/3 vote of the county legislative body before 7/1/2000.

MAURY

Private Chapter 93

House Bill 3277 Senate Bill 3263

Enacts the Maury County Alarm Systems Act. Requires persons owning, operating, or leasing any alarm system to notify the sheriff's department of certain information regarding the system and to pay a permit fee of \$15 for residential premises and \$25 for commercial premises. Places conditions on permit holders and sets fines for non-compliance. Makes the county clerk the secretary of the board of appeals for permit complaints. Establishes the class of alarms to which the sheriff and/or emergency services will respond.

Effective upon approval by 2/3 vote of the county legislative body before December 31, 2000.

Private Chapter 123

House Bill 3331 Senate Bill 3322

Amends Private Acts of 1991, Chapter 118, regarding the county adequate facilities tax. Changes the requirements of the Board of Adjustments and Appeals to specify a three member board with four year terms, to be recommended by the administrative committee of the county commission and confirmed by the full county commission.

Effective upon approval by 2/3 vote of the county legislative body before December 1, 2000.

Private Chapter 131

Senate Bill 3321 House Bill 3338

Amends Private Acts of 1997, Chapter 131, regarding animal control. Provides that all matters related to the control of animals will be vested in a board of directors known as the Maury County Animal Control Board. The this board will consist of two directors appointed by the county legislative body, two directors appointed by the Columbia City Council, two directors appointed by the Columbia Animal Shelter Association, and two directors appointed by the city council of each other city in Maury County which elects to participate and financially contribute to the board's expenses. The board will also appoint two at large directors. Directors will have four year terms except that the initial term of one director from each appointing authority will be for two years in order to create staggered terms. The animal control board will appoint a manager and provide for other necessary employees. The board will prepare an annual budget requesting funding from the participating governments. Also, the board may receive and expend any private contributions related to its mission. Educational and animal population control programs may be instituted by the board. All fees provided under the original private act may be increased from time to time if deemed desirable by the board of directors, subject to the approval by the county legislative body and the legislative body of each participating city.

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

McMINN

Private Chapter 114

House Bill 3318 Senate Bill 3306

Establishes permissive authority for the regulation of mobile home parks and travel trailer parks for the unincorporated areas of the county. The county legislative body is authorized to develop and approve regulations.

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

MCNAIRY

Private Chapter 150

Senate Bill 3325 House Bill 3302

Authorizes the county legislative body to levy a privilege tax on the occupancy of a hotel, motel or other place designed for occupancy by transients in the amount of 5% of the rate charged by the operator. The operator is allowed a 2% deduction for collecting the tax. The county legislative body is authorized to adopt reasonable rules and regulations for the implementation of the tax. The county clerk will collect the tax and audit each operator at least once per year and report on the audits to the county legislative body. The county clerk will retain 5% of the taxes collected as a commission of the office. Procedures for delinquencies are provided. Proceeds of the tax will be placed in the general fund of the county and used for general county purposes. Any tax levied under this act is subject to the restrictions of § 67-4-1425 regarding application of the tax within municipalities.

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

MEIGS

Private Chapter 117

House Bill 2772 Senate Bill 2986

Amends the private acts of Meigs County to confer domestic relations jurisdiction on the general sessions court of Meigs County. Provides that while it exercises domestic relations jurisdiction it shall be known as the Domestic Relations Court of Meigs County. Provides that the domestic relations court shall be a court of record and shall have concurrent jurisdiction with the chancery and circuit courts to hear all cases of divorce, annulment, alimony and separate maintenance, support under interstate compacts, domestic relations, and all other related proceedings and relief. Provides that appeals from this court shall be to the Tennessee Court of Appeals or Supreme Court. Designates the clerk and master of Meigs County as the clerk of all matters filed in the domestic relations court.

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

MONROE

Private Chapter 130

House Bill 3337 Senate Bill 3320

Amends Private Acts of 1965, Chapter 82, regarding building permit fees by deleting the majority of the former act and replacing it with new requirements for permit

fees. Requires a permit fee, to be determined by the county legislative body, for all construction or alteration over \$5,000. No utility services may be furnished to any property unless the applicant provides a building permit issued by the county clerk. Does not apply inside any municipality requiring a similar permit, if the permit is filed with the county clerk and a \$10 registration fee is paid.

Effective upon approval by 2/3 vote of the county legislative body on or before its next regular meeting after May 31, 2000.

MONTGOMERY

Private Chapter 140

Senate Bill 3303 House Bill 3336

Amends Private Acts of 1979, Chapter 167, to increase the hotel motel tax rate that the county legislative body is authorized to levy from 3% to 5%. Amends the same private act regarding the tourist commission to provide that when a vacancy on the tourist commission occurs the area chamber of commerce will submit two names instead of three names for each vacancy to be filled by appointment of the mayor of the City of Clarksville and the county executive of Montgomery County. Also, beginning July 1, 2000, four additional members shall be added to the tourist commission, selected in the manner of other members, with three year terms except for the initial appointments for terms of one, two (two members) and three years to create staggered terms. Removes the requirement that the one-half of the proceeds from this tax going to the general funds be utilized for tourist related activities and tourism development.

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

OVERTON

Private Chapter 67

House Bill 2036 Senate Bill 2143

Repeals Private Acts of 1967, Chapter 20, and Private Acts of 1972, Chapter 295, as amended, which established a probate court for Overton County. Provides that the chancery court shall have jurisdiction relative to the probate of wills and the administration of estates and that the clerk and master shall serve as the clerk of all matters of probate and all records relative to jurisdiction and proceedings before said court. Provides that the general sessions court retains jurisdiction over all juvenile matters and that the clerk and master shall serve as clerk of the juvenile court. Provides that the general sessions court retains jurisdiction of domestic relations and workers compensation concurrent with the circuit and chancery courts and that the general sessions judge may sit by interchange with the circuit and criminal judges and with the chancellor and vice versa.

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

PICKETT

Private Chapter 107

House Bill 1960 Senate Bill 1959

Amends Private Acts of 1982, Chapter 237, and any other acts amendatory thereto, to transfer the duty of serving as the clerk of the juvenile court for Pickett County from the county clerk to the circuit court clerk. The county clerk shall continue to maintain the records, dockets, and perform such duties as may be necessary for the disposition of probate matters before the general sessions court.

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

RUTHERFORD

Private Chapter 72

House Bill 2201 Senate Bill 2056

Creates a juvenile court for Rutherford County and provides for the appointment and election of a judge and other necessary court personnel and establishes their compensation and payment. Establishes qualifications and method of selection for the juvenile judge. The judge is initially elected in August to a six year term to end August 31, 2006. Thereafter, the term of office shall be eight years. The judge's salary is commensurate with the register of deeds with cost of living adjustments provided in accordance with 8-23-103. The judge is given authority to promulgate rules and regulations and appoint personnel within limits of budgetary appropriations. The judge is to work full-time and is prohibited from the practice of law in other courts of the system. The circuit court clerk is designated as the clerk of the juvenile court.

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

Private Chapter 149

House Bill 3339 Senate Bill 3314

Amends Private Acts of 1996, Chapter 215, regarding the county development tax, by increasing the amount of the tax from \$750 to \$1,500.

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

Private Chapter 159

House Bill 3368 Senate Bill 3354

Amends Private Acts of 2000, Chapter 149 as summarized immediately above to provide that the increase in the development tax would not take effect until July 1, 2000. Further, if the increase in the tax was collected from anyone prior to July 1, 2000, the amount of tax collected shall be refunded to the taxpayer.

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

SCOTT

Private Chapter 91

House Bill 2751 Senate Bill 2952

Amends Private Acts of 1951, Chapter 599, regarding the county service officer. Increases the maximum compensation of that officer from \$15,000 to \$17,000 per year. Also provides that the salary may not be altered during the term of office.

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

Private Chapter 92

House Bill 2830 Senate Bill 3028

Amends Private Acts of 1976, Chapter 289, regarding the compensation of the county attorney. Provides that the compensation range is between \$40,100 - \$50,000, as determined by the county legislative body. Compensation may not be increased or decreased during the term of office. In addition to salary, the county attorney is provided with travel expenses and the Tennessee Code.

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

SULLIVAN

Private Chapter 65

House Bill 2023 Senate Bill 2041

Amends Private Acts of 1879, Chapter 127, Private Acts of 1919, Chapter 737, Private Acts of 1988, Chapter 135, and any other acts amendatory thereto, relative to the appointment and duties of the clerk and master of the chancery court of Sullivan County. Consolidates the three separate offices of clerk and master into one office as each incumbent clerk and master of the chancery districts of Blountville, Kingsport and Bristol vacates office by resignation, retirement or other cause.

Effective June 30, 2001, upon approval by 2/3 vote of the county legislative body.

SUMNER

Private Chapter 102

House Bill 3298 Senate Bill 3284

Creates a civil service commission for the Sumner County sheriff's department. The commission will consist of five members: two members to be appointed by the legislative body; two members to be selected by a vote of the employees of the sheriff's department; and, a fifth member selected by the sheriff. All full-time employees of the sheriff's department that hold a classified position, as defined by the act, are covered by the act. Establishes examination procedures for job candidates. Prohibits discharging or demoting a covered employee except for just cause. Provides procedural remedies for persons discharged or demoted. Declares sheriff's employees are entitled to county retirement benefits and other benefits provided to county employees. Establishes vacation and sick leave policies for sheriff's department employees.

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

TROUSDALE

Private Chapter 71

House Bill 2021 Senate Bill 2083

Enacts the Trousdale County Adequate Facilities Tax, which levies a privilege tax on new land development in the county. Authorizes the county legislative body to levy a tax by resolution, which is to be collected at the time the building permit is issued, whether in a municipality or unincorporated area. Contains a list of exemptions.

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

WARREN

Private Chapter 63

House Bill 2019 Senate Bill 2071

Enacts the Warren County Mobile Home Park Regulations Act of 2000, which provides standards for the location and development of mobile home parks.

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

WAYNE

Private Chapter 96

House Bill 3284 Senate Bill 3272

Repeals Private Acts of 1911, Chapter 601, which created the office of county attorney in Wayne County. Authorizes the county executive, with confirmation of the county legislative body, to appoint a county attorney for Wayne County under contract of up to four years duration, with the compensation to be established by the county legislative body.

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

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