



# SUMMARY OF 1988 PUBLIC ACTS

OF INTEREST TO TENNESSEE  
MUNICIPAL OFFICIALS

by Dennis W. Huffer



The University of Tennessee  
MUNICIPAL TECHNICAL ADVISORY SERVICE  
in cooperation with The Tennessee Municipal League

Laws and Regulations –  
Tennessee

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#### **ABSTRACT**

The *Summary of 1988 Public Acts of Interest To Tennessee Municipal Officials* contains 200 of the 1,038 public acts adopted by the 95th General Assembly. These 200 represent those public acts thought most likely by MTAS to be pertinent to Tennessee municipalities. They are summarized and should not be considered substitutes for the complete Acts.

#### **CITATION**

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891 Twentieth Street  
Knoxville, Tennessee 37996-4400  
(615) 974-5301

Dear Municipal Official:

During the 1987-1988 sessions of the 95th General Assembly, there were 2,536 bills introduced in the Senate and 2,510 in the House of Representatives. From these bills, the General Assembly adopted 1,038 public acts, 457 in 1987 and 581 in 1988. Dennis Huffer, J.D., MTAS Intergovernmental Relations Consultant, reviewed these new public acts adopted in 1988 and found 200 of them to be of varying degrees of interest to municipal officials. These 200 acts have been summarized in this report, and an alphabetical index, beginning on page 35, has been included to provide a ready reference to them. The public acts passed in 1987 were summarized in the MTAS publication, *Summary of 1987 Public Acts of Interest to Tennessee Municipal Officials*.

Readers of this publication are cautioned, however, that much judgement is involved in deciding which acts to summarize and how to summarize them. Therefore, these summaries should not be considered as substitutes for the acts themselves. Complete copies of individual acts may be obtained from the Municipal Technical Advisory Service, 226 Capitol Boulevard, Suite 710, Nashville, TN 37219. Later, all of the public acts of this session will be available in a bound volume entitled *Tennessee Public Acts, 95th General Assembly, 1988 Session*. Also, most of them will be codified in the 1988 cumulative supplement to the *Tennessee Code Annotated*.

City officials using this document are invited to provide suggestions and input to MTAS regarding changes and improvements in *Summary of Public Acts*. We hope this will be a useful and valuable information tool.

I would like to commend Mr. Huffer for the quality work exhibited in this document. Additionally, I would recognize Laura Huffines, MTAS Senior Secretary, for the excellent word processing work associated with this publication.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. L. Overman', written over a horizontal line.

C. L. Overman  
Executive Director

CLO:dk1



## **ACKNOWLEDGEMENTS**

The able assistance of Laura Huffines, the MTAS principal secretary who did the typing on this project, is acknowledged.

A final note of appreciation is extended to Debe Linn, MTAS Senior Editorial Assistant, who finalized *Summary of 1988 Public Acts Of Interest To Tennessee Municipal Officials* for publication.

Dennis W. Huffer



**SUMMARY OF 1988 PUBLIC ACTS OF INTEREST  
TO TENNESSEE MUNICIPAL OFFICIALS**

**CHAPTER NO. 464. Education — appropriation to defray costs of hiring principals.** Amends Item 8, Section 11 of Chapter 457 of the *Public Acts of 1987* to clarify the appropriation of \$1,500,000 to defray the costs of implementing *Tennessee Code Annotated (TCA) 49-5-412*. This section requires each school having nine or more teachers to have at least one full-time supervising principal.

**EFFECTIVE DATE:** February 22, 1988.

**CHAPTER NO. 465. Education — supervising principals.** Amends *TCA 49-5-412* to read exactly as it did before this amendment. This section, as it read before and as amended, requires each school with nine or more teachers to have at least one full-time supervising principal.

**EFFECTIVE DATE:** February 22, 1988.

**CHAPTER NO. 466. Wholesale beer tax on replacement beer.** Amends *TCA 57-6-102* and *109* to provide that beer wholesalers may provide retailers with replacement beer for beer that no longer meets quality control standards if the tax paid on the replacement beer equals the credit on the beer being returned by the retailer.

**EFFECTIVE DATE:** February 22, 1988.

**CHAPTER NO. 471. Marriage — mayors may perform.** Amends *TCA 36-3-301* to allow mayors to perform marriage ceremonies. The Act also provides that any gratuity received by mayors for performing marriage ceremonies will be retained by the mayor and not placed into the general fund of the municipality.

**EFFECTIVE DATE:** February 29, 1988.

**CHAPTER NO. 479. Education — sale of school property.** Deletes provision from *TCA 49-2-203(b)(10)(A)* requiring boards of education in selling school property to retain a right of repurchase of the property prior to disposition or use. The Act deletes the requirement that the local board of education must obtain three appraisals of the property and deletes the prohibition on sale of the property for less than the lowest appraisal.

**EFFECTIVE DATE:** February 29, 1988.

**CHAPTER NO. 480. Animals — care of in Metro Nashville.** Amends *TCA 39-3-107(b)* to include Metro Nashville under the provisions of that subsection allowing humane societies chartered by the state to care for certain animals found at large.

**EFFECTIVE DATE:** February 29, 1988.

**CHAPTER NO. 483. Motor vehicles — length and width of trucks on state and federal highways.** Amends *TCA 55-11-201* and *55-11-202* to increase the allowable length and width of trucks on state and federal highways.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 487. Beer advertising signs.** Amends *TCA Title 57, Chapter 5, Part 3* to prohibit more than one outdoor sign, advertisement, or display on the property of retail beer places. The sign may not use brand names, pictures, numbers, prices, or diagrams related to beer, but may make reference to the fact the establishment sells beer. The Act does not apply to temporary beer permittees nor to sports arenas, stadiums, or entertainment complexes.

Signs, advertisements, or displays prohibited by this Act that are painted onto the outside wall of the beer place, must be removed by January 1, 1991. All other nonconforming signs must be removed by January 1, 1989.

**EFFECTIVE DATE:** March 2, 1988.

**CHAPTER NO. 491. Center for Government Training — increased funding.** Amends TCA 67-3-905 to increase the Center For Government Training (CGT) funding from the cities' share of the special tax on petroleum products from \$5,000.00 per month to \$10,000.00 per month.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 494. Education — proficiency testing.** Amends TCA 49-6-6001 to make a passing score on a proficiency test or the meeting of standards prescribed by the state board of education instead of a proficiency test, a prerequisite to high school graduation.

**EFFECTIVE DATE:** March 2, 1988.

**CHAPTER NO. 496. Property tax relief for elderly low-income and disabled homeowners.** Amends TCA 67-5-702 and 703 to increase from \$12,000 to \$15,000, the amount of the full market value of the residence on which tax relief is provided to elderly low-income and disabled homeowners.

**EFFECTIVE DATE:** 1988 and subsequent tax years.

**CHAPTER NO. 498. Education — kindergartners in adjoining states.** Amends TCA 49-6-3108 to allow boards of education in counties adjacent to other states to contract with officials in the adjoining state for the education of kindergartners.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 499. Emergency assistance — responses outside jurisdictional boundaries.** Amends TCA 58-2-604(b) to authorize mayors to request or to authorize a response to a request for emergency assistance under the *Local Government Emergency Assistance Act of 1987*. The mayors or county executives of metropolitan governments and the chief executive officers of other local governments may act on behalf of their governments to make a request or authorize a response under the Act.

The governing body of a municipality and other local governments may prohibit a response to a request for assistance outside their boundaries. Existing ordinances or other rules and regulations prohibiting responses to emergency calls outside the corporate limits are sufficient for this purpose and are to continue in effect until changed by the governing body.

The mayor may designate other officers or personnel of the municipality who may request assistance or authorize a response under the *Local Government Emergency Assistance Act*. These officers or personnel must be confirmed by the governing body.

This Act eliminates the requirement that municipalities and other local governments must adopt policies and procedures if they want to request or respond to a request for assistance under the *Local Government Emergency Assistance Act*. It makes the adoption of policies and procedures permissive. The governing body may adopt policies and procedures or may authorize departments to adopt policies and procedures. The governing body may require policies and procedures adopted by departments to be approved by the governing body before going into effect.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 501. Airport authorities — traffic regulations.** Amends TCA 42-3-108 to allow the board of commissioners of an airport authority whose membership is appointed by the legislative bodies of five or more local governments, to adopt and enforce motor vehicle traffic regulations for airport authority property.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 505. Utility district commissioners.** Amends TCA 7-82-307 to provide that commissioners of utility districts in counties with a population of 16,575 to 16,675 must continue to be selected in the manner required before May 17, 1987.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 512. Work on state highways.** Authorizes cities, counties, and metropolitan governments to make improvements on or construct additions to the state highway system, with the approval of the commissioner of transportation. The commissioner may approve the plans and specifications for conformity to state standards. Following completion of the work in conformity to state standards, the department must assume responsibility for maintenance.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 513. Junkyards, automobile dismantlers, and recyclers.** Amends TCA 54-20-106 to authorize the commissioner of transportation to define the types of materials suitable for screening junkyards pursuant to the *Junkyard Control Act of 1967*. Amends TCA 54-20-123 to make all provisions of the *Junkyard Control Act of 1967* except Section 54-20-113, applicable to licensed automotive dismantlers and recyclers.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 516. Municipal elections — filing of nominating petitions.** Amends TCA 2-5-101(a)(3) to provide that candidates in municipal elections must file their nominating petitions no later than 12:00 noon prevailing time on the first Thursday in the second calendar month before an election. This is changed from the same time on the fortieth day before the election.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 517. Utility relocation.** Regulates the removal or relocation of utility facilities within highway rights-of-way when construction by the department of transportation makes this necessary.

Before beginning construction, the department must notify the owners of utility facilities in the right-of-way. Within sixty days after receiving the notice, the owner must inform the department whether or not it is the owner of the facilities, and, if so, the owner must inform the department what type of utility service is provided by the facilities and give a description and the general location of each facility. If the owner fails to comply with the notice, the department must send out a second notice, after receipt of which the owner will have ten days to respond. If the owner fails to respond, it creates a presumption that the owner is not an owner, and the department and its contractor may undertake construction without liability to the owner for damages to the utility facilities. In addition, the owner is liable to the department's contractor for damage resulting from failure to respond.

When the department is informed of the existence of utility facilities as provided in this Act, the department must provide the owner at least two complete sets of project plans. Within ninety days of receiving the plans, the owner must mark the vertical and horizontal location of utility facilities, give a description of each existing facility, show any proposed new location, and prepare a plan and schedule for relocating the facilities. Project plans and work schedules must be sent to the department. The department must approve the owner's plans if they are reasonable.

No owner may be notified to begin relocation until all health and environmental regulatory agencies have approved the plan.

After the owner has completed relocation and the department requires additional relocation, the department must reimburse the owner for the cost. The owner must be given a reasonable time in which to accomplish the additional relocation.

The department's contractor is liable for negligently inflicted damages to the owner's facilities during the scheduled working days and during any time agreed on for additional relocation, unless the owner fails to comply with and implement the provisions of this Act. In this case, the owner is liable to the department's contractor for damages resulting from the owner's failure.

If the department fails to notify the owner of its approval of the owner's plan for relocation within one year after submission, the owner may submit a revised cost estimate that must be included in the utility relocation contract.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 519. Bonds for beer taxes.** Amends TCA 57-5-106(a) and 57-6-107(a) to eliminate the requirement that the bonds of beer wholesalers, warehousemen, dealers and manufacturers to secure the payment of the wholesale beer tax and state privilege taxes on beer be subject to annual renewal.

**EFFECTIVE DATE:** March 11, 1988.

**CHAPTER NO. 522. Property tax relief for elderly low-income and disabled homeowners.** Amends TCA Title 67, Chapter 5, Part 7 to make generally housekeeping changes to property tax relief statutes. Amends TCA 67-5-701(h) to provide that if the property taxes were paid at the time application for tax relief was made and the taxpayer dies, either the surviving spouse or any duly appointed personal representative of the decedent may receive the tax relief payment.

Amends TCA 67-5-702(a)(2) and 67-5-703(a)(2) relative to tax relief for elderly low-income and disabled homeowners to provide that the income of all owners of the property must be included in the determination of income. Any part of social security income required to be paid to a nursing home for nursing home care by federal regulations is not to be considered income to an owner who relocates to a nursing home.

Amends TCA 67-5-704(b)(1) relative to tax relief for disabled veterans to change the definition of disabled veteran from one who has lost use of "both legs or arms" to one who has lost use of "two or more limbs." Amends TCA 67-5-704(b)(2) to change from six months to five months the period of time a veteran must have served as a prisoner of war resulting in 100% permanent total disability.

**EFFECTIVE DATE:** March 11, 1988

**CHAPTER NO. 526. State and local taxes.** Amends numerous titles and sections of the state code generally to consolidate penalty and interest provisions relative to various state and local taxes. Of particular interest to municipalities, Section 5 repeals TCA 67-1-801(b) and (c) which provided for penalty and interest on municipal property taxes collected by the county trustee. Section 6 replaces these provisions in a more logical place: Title 67, Chapter 5.

**EFFECTIVE DATE:** Generally January 1, 1989.

**CHAPTER NO. 527. Cafeteria plans — day care.** Amends TCA Title 8, Chapter 25, Part 3 to authorize political subdivisions of the state to make a cafeteria benefits plan available to their employees as permitted by Section 125 of the *Internal Revenue Code*. Day care services may be provided to employees under a cafeteria benefits plan established pursuant to this section.

Employees participating in a cafeteria plan must authorize the necessary payroll deductions and salary reductions for the funding of the benefits. The plan may be administered internally or by contract.

Amends TCA 8-34-112 to include nontaxable benefits under a cafeteria plan in a Tennessee Consolidated Retirement System (TCRS) member's covered compensation. Amends TCA 8-34-116(1) to include benefits received under a cafeteria plan in earnable compensation.

**EFFECTIVE DATE:** March 15, 1988.

**CHAPTER NO. 531. Property assessors — training requirements.** Amends TCA 67-1-509 to require training courses for property assessors to include information on the assessment of conservation and scenic easements and other instruments that limit the use of property to preserve historical, architectural, archeological, or cultural value.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 534. Selection of utility district commissioners in certain county.** Amends TCA 7-82-307(b)(1) relative to the selection of utility district commissioners in a county with a population of 14,940 to 15,000 persons.

**EFFECTIVE DATE:** March 15, 1988.

**CHAPTER NO. 537. Crimes — cross burning, etc.** Amends TCA Title 39, Chapter 6 to make it unlawful for any person maliciously to cause injury to another person; to damage, deface, or destroy the property of another person; or to threaten to do these things to intimidate or harass the person because of his or her race, color, ancestry, or national origin. Malicious harassment under the Act is a felony punishable by imprisonment for one to five years and a fine of up to \$5,000.00.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 539. Zoning — nonconforming business use protection not applicable in Gatlinburg.** Amends TCA 13-7-208 to provide that the provisions of that section allowing non-conforming business uses to continue in spite of new zoning enactments, do not apply in Gatlinburg.

**EFFECTIVE DATE:** March 15, 1988.

**CHAPTER NO. 542. Crimes — big game hunting.** Amends TCA 70-4-106 to make it unlawful to hunt big game without written permission if the land is posted with signs saying, "Hunting By Written Permission Only." Persons who hunt on posted lands must display their written permission upon demand of any law enforcement officer. The provisions of this section are enforceable by law enforcement officers.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 551. Alcoholic beverages — referenda on liquor-by-the-drink.** Amends TCA 57-4-103(a) to provide that any municipality partly or wholly located in a county that has authorized the sale of intoxicating liquor for off-premises consumption, may have a referendum to authorize the sale of liquor for on-premises consumption.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 554. Planning — submission of plats by owner, option holder, or attorney or authorized representative.** Amends TCA 13-3-402(a) and 13-4-302(a) to provide that plats must be submitted to the planning commission by the owner, the holder of a written option or contract to purchase, or the attorney or authorized representative of any of these.

**EFFECTIVE DATE:** March 17, 1988.



**CHAPTER NO. 555. Motor vehicle operation on streets and highways not publicly maintained.** Amends TCA 55-8-101(20) and (58) to delete the words "publicly maintained" from the definitions of "streets" and "highways." Thus, the rules of the road and provisions dealing with traffic accidents, arrests, crimes and penalties will apply in some instances to streets and highways that are not publicly maintained, but that are open in whole or part to public use.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 558. Crimes — bail jumping.** Amends TCA 39-5-720(b)(1) to include willfully going into hiding to avoid prosecution or court appearance to the list of things constituting bail jumping for misdemeanor offenses.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 559. Hazardous waste.** Amends TCA 68-46-108(e) to provide that a hazardous waste permit may be recalled for failure to comply with any term or condition of the permit. Amends TCA 68-46-113(b) to provide that after an appeal to the solid waste disposal control board from an order of the Commissioner of Health and Environment, the board shall issue a final order in accordance with the Administrative Procedures Act.

Amends TCA 68-46-114(b)(2)(E) and 68-46-215 to provide that once assessments become final, a notarized copy may be filed with the clerk of any circuit or chancery court of the state. This assessment then has the same effect as a court judgment.

Amends TCA 68-46-212(d) to require the commissioner to notify the register of deeds in each county in which property has been placed on the list of inactive hazardous substance sites. The register must record a notice that the property has been so listed. The commissioner must also send and the register must record a notice that no further clean-up is indicated at a particular site. If clean-up occurs on a site, the commissioner must notify the register and the register must record the notice.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 561. Sales tax exemption — shoppers' advertisers.** Amends TCA 67-6-329(a)(12) to exempt all shoppers' advertisers - even those not using newsprint - from state and local sales taxes.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 562. Taxation — revenue rulings and letter rulings by commissioner of revenue.** Amends TCA Title 67, Chapter 1, Part 1 to authorize the Tennessee Commissioner of Revenue to issue revenue rulings and letter rulings. Revenue rulings are statements regarding the substantive application of law and statements of procedure that affect rights and duties of tax-payers. Letter rulings interpret and apply tax law to a specific set of facts. Letter rulings are binding on the department and are applicable only to a particular taxpayer. The commissioner may prescribe a fee of up to \$200.00 for issuing revenue and letter rulings.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 564. Weeds and debris on vacant lots — clean up — liens on property.** Amends TCA Title 6, Chapter 54, Part 1 to authorize municipalities and metropolitan governments to require the clean up of vacant lots on which there is a growth of trees, vines, grass, brush or an accumulation of trash or debris, or both. The appropriate person or department in the municipality must send the owner a notice to clean up the lot. The Act prescribes the contents of the notice.

If the owner fails to clean up the lot within ten days (twenty days for certain carriers and utilities) after receiving the notice, the department or person shall cause the condition to be remedied and the cost assessed against the owner. The cost is a lien on the property. The costs must be placed on the tax rolls as a lien and shall be collected in the same manner as the municipality's taxes are collected.

The municipality's governing body or the appropriate department, or both, may make any rules and regulations necessary to implement this Act. The municipality must provide for a hearing upon request by a person aggrieved by a determination that a vacant lot has a growth of trees, etc., or an accumulation of debris, or both. The request for a hearing must be made within ten days after receiving the notice. Failure to make the request is a waiver of the right to a hearing.

The provisions of this Act do not apply to lots on which there is an owner-occupied residence. The Act is supplemental to similar authority in a municipality's charter.

The Act repeals TCA 7-3-306.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 565. Crimes — x-rated video tapes.** Amends TCA 39-6-1104 to make it a misdemeanor punishable by a fine of up to \$50.00 per day for a video cassette tape retailer to fail to have a separate room or area with accessibility notices for x-rated tapes.

Amends TCA Title 39, Chapter 6, Part 11 to make it a misdemeanor for any person to sell or otherwise distribute an x-rated tape to a person under eighteen. The crime is punishable by a fine up to \$50.00 for each tape.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 566. Organized camps — municipalities included in definition of "person."** Amends TCA 68-28-101 to include municipalities in the definition of "person" in a chapter dealing with organized camps. Amends TCA 68-28-102 to establish a fee schedule for organized camps.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 567. Conflict of interests — board members of energy production facilities corporations.** Amends TCA Title 7, Chapter 54, to provide that board members of not-for-profit corporations running energy production facilities for local governments may not be employed by the corporation.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 568. Housing authority board member from low-rent public housing in Knoxville.** Amends TCA 13-20-117 and 408(a) to provide for a member of the board of directors of Knoxville's housing authority to be a resident of low-rent public housing or a housing project. The housing representative will be appointed by the mayor for a term of 2 years.

**EFFECTIVE DATE:** March 17, 1988.

**CHAPTER NO. 572. Sales tax and business tax on flea markets.** Amends TCA 67-6-102(4)(m) to remove the sales tax on the renting of space by flea market operators. Also amends TCA Title 67, Chapter 6 to provide alternative methods for paying the sales tax by persons who sell at flea markets, including annual, quarterly and monthly registration.



Amends TCA 67-4-709(a)(5), part of the *Business Tax Act*, so that exhibitors registered annually pursuant to the sales tax provisions have the option of either paying the business tax or the \$1.00 fee per day per booth as provided in this section of the *Business Tax Act*. Exhibitors electing to obtain a business tax license must present evidence of the license to the operator before conducting business.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 573. *Tax on soft drink bottles — cider exempted.*** Amends TCA 67-4-402(a)(1) to exempt cider from the tax on bottled soft drinks.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 577. *Slum clearance — applicability only to dwellings in certain counties removed.*** Repeals TCA 13-21-110, which made the provisions of the slum clearance chapter applicable only to dwellings in counties with a population of 43,700 to 43,800 and 49,275 to 49,375.

**EFFECTIVE DATE:** March 18, 1988.

**CHAPTER NO. 578. *Hazardous waste.*** Amends TCA Title 68, Chapter 46 to provide for the transfer of unencumbered funds of the Responsible Waste Disposal Incentive Fund to the Hazardous Waste Remedial Action Fund by June 30, 1988, if no qualified local government has applied for the money. After June 30, 1988, local governments may apply for a grant in the amount of the transferred funds, subject to appropriations made by the General Assembly.

This Act amends TCA 68-46-205 to increase the number of activities for which funds in the Hazardous Waste Remedial Action Fund may be used. Included in the additional uses are grants for development and use of new technology and various educational and informational activities.

**EFFECTIVE DATE:** March 22, 1988.

**CHAPTER NO. 583. *Lead in pipes, solder, and flux prohibited.*** Amends TCA Title 68, Chapter 13, Part 7, the *Safe Drinking Water Act*, to require water pipes and solder and flux used in water systems and in plumbing, to be lead free (not more than .2% lead for solder and flux and not more than 8% lead for pipes).

Each water supplier must identify and provide notice to all persons whose drinking water may be contaminated with lead where the contamination results from lead in the construction materials of the water distribution system or where the corrosivity of the water supply is sufficient to cause the leaching of lead.

The notice must explain the potential sources of lead in the drinking water, the potential adverse health effects, reasonably available methods of mitigating lead content in drinking water, any steps the supplier is taking to mitigate lead content, and the necessity for seeking alternative water supplies, if any.

Local governments that have requirements that are as stringent, are exempt from the requirement that plumbing materials be lead free. The state reserves the right to enforce their local regulations, however, if the local government does not.

The Act provides for variances and exemptions.

**EFFECTIVE DATE:** March 18, 1988.

**CHAPTER NO. 590. *Education — use of unapproved textbooks.*** Amends TCA 49-6-2206 to authorize the Commissioner of Education to waive the requirement that only textbooks approved by the state textbook commission be used, if the unusual needs of the school system require it.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 596. Jury duty for employees.** Amends TCA 22-4-108(a) to limit the requirement that employees must be excused from employment for jury duty to days in which the employee's jury duty exceeds three hours. This Act further amends TCA 22-4-108 to provide that employees working a night shift or during hours preceding those when court is normally held, must be excused for the shift immediately preceding his first day of service on any lawsuit. After the first day, when the person's jury duty is more than three hours, he must be excused from his next scheduled work period. Questions concerning the application of this provision will be settled by the trial judge.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 597. Subdivisions — definition changed.** Amends TCA 13-3-401(4)(B) and 13-4-301(4)(B) to change the definition of "subdivision." Under the new definition, "subdivision" includes any division of land of less than five acres for the purpose of sale or building development. The old definition included any division for these purposes of five acres or less.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 601. Handicapped parking spaces — handicapped persons from other states.** Amends TCA 55-21-108 to authorize persons from other states who have handicapped license plates or distinguishing placards to park in handicapped spaces in this state when the Department of Revenue has made a reciprocal agreement with the other state to allow this.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 604. Education — directory of pre-school programs for handicapped children.** Amends TCA Title 49, Chapter 10 to require the Department of Education to print a directory of educational programs for pre-school children with handicaps.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 607. Pregnancy leave.** Amends TCA 50-1-501(a) and 502(c) to change the purpose of the maternity leave act passed last year from the promotion of bonding with the child, to the granting of leave for pregnancy, childbirth, and nursing the infant. Repeals TCA 50-1-504, which provided for enforcement by filing a complaint with the circuit or chancery court.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 608. Retirement — TCRS credit for local government service.** Amends TCA Title 8, Chapter 35, Part 2 to provide that any present employee of a political subdivision participating in the retirement system effective July 1, 1973, is eligible for retirement credit for service rendered the political subdivision if certain conditions are met. Among these conditions, is the requirement that the governing body authorize and pay for an actuarial study to determine liability for granting the service credit. The governing body must also pass a resolution authorizing the credit and accepting liability for it. Service credit must be established before January 1, 1989.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 611. Purchasing — contracts for energy equipment and services.** Requires contracts by cities, metropolitan governments, and other governmental entities for energy-related engineering services and equipment for reducing costs in public facilities to be awarded on the same basis as contracts for professional services.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 617. Federal water projects — agreements to hold federal government harmless.** Authorizes municipalities, metropolitan governments, and other governmental entities to hold the federal government harmless from damage due to the construction or operation and maintenance of federally authorized projects for water resource development and conservation or other purposes when the local government is the project sponsor, except for damages caused by the fault or negligence of the United States or its contractors.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 619. Assessment review before county and state boards of equalization — representation.** Amends TCA Title 67, Chapter 5, Part 15 to regulate who may appear as agents of tax-payers and assessors of property at assessment review hearings before county and state boards of equalization.

**EFFECTIVE DATE:** March 23, 1988.

**CHAPTER NO. 622. Permits for oversize boats on highways.** Amends TCA 55-11-205(g) to provide that permits for oversize boats to be transported on the state's highways may be issued by the Commissioner of Transportation on an annual basis.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 627. Relocation of persons displaced by projects financed with federal or state financial assistance.** Amends TCA 13-11-102 to provide that the *Uniform Relocation Assistance Act of 1972* applies to projects undertaken by local agencies with federal or state financial assistance. Amends TCA 13-11-105 to provide that displacing agencies, including local agencies undertaking projects with state or federal financial assistance, must pay the displaced person: (1) actual reasonable expenses of the move; (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation; (3) actual reasonable expenses in searching for a replacement business or farm; and (4) actual reasonable expenses necessary to re-establish a displaced farm, nonprofit organization, or small business at its new site, not to exceed \$10,000. Any person displaced from a dwelling or from a business or farm may elect to receive an expense and dislocation allowance in accordance with a schedule established by the Governor or his designee, rather than the payments outlined above. The payment for persons displaced from a business or farm cannot be less than \$1,000 and no more than \$20,000.

Amends TCA 13-11-106 to provide for an additional payment of up to \$22,500 to persons displaced from a dwelling the person has owned and occupied for not less than 180 days prior to the initiation of negotiations for acquisition of the property. The additional payment must include the following: (1) the amount that, when added to the acquisition cost of the dwelling, equals the reasonable cost of a comparable replacement dwelling; (2) an amount that will compensate the displaced person for any increased interest costs and other debt service costs; (3) reasonable expenses incurred for evidence of title, recording fees, and other closing costs. This additional payment will be made only to a person who purchases and occupies a replacement dwelling within 1 year after the date on which the person receives payment for his former dwelling.

Amends TCA 13-11-107 to provide for payments to persons not eligible under 13-11-106. Amends TCA 13-11-108 to require relocation advisory programs.

Amends TCA 13-11-112 to provide that relocation costs are eligible for state financial assistance just as other costs. Amends TCA 13-11-113 to provide that a displaced person who is entitled to benefits, must be paid promptly after proof of a move or, in hardship cases, in advance.

Adds a new section to TCA Title 13, Chapter 11 requiring the displacing agency to acquire the uneconomical remnant of property when a portion of property is taken leaving only the remnant.

**EFFECTIVE DATE:** March 31, 1988.

**CHAPTER NO. 628. Sales tax — exemption for railroad materials.** Amends TCA Title 67, Chapter 6, Parts 3 and 5 to exempt railroad track materials and locomotive radiators from state and local sales taxes.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 630. Workers' compensation — wrongful failure to pay claim.** Amends TCA 50-6-225(b) to require the petition stating a claim under the workers' compensation law to recite whether another petition under the workers' compensation law on the same claim has been filed in another court, and what the disposition was for that claim.

This Act further amends TCA 50-6-225 to provide that an employer who wrongfully denies an employee's claim for temporary total disability will be liable for an additional amount of up to 25% of the temporary total disability claim. To award the additional amount, the court must be made to believe the claim was refused in bad faith and that the refusal inflicted additional expenses on the employee. The additional liability must be measured by the additional expense.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 631. Traffic laws — enforcement on federal reservations.** Amends TCA 55-8-102 and adds a new section to Title 55, Chapter 8, Part 1 authorizing agreements between federal agencies controlling federal reservations and municipalities for the enforcement by the municipality of the rules of the road and provisions relative to traffic accidents, arrests, crimes, and penalties on the federal reservation. The streets within the federal reservation and subject to enforcement by the municipality, must be generally open to public travel. The agreement must describe the streets affected and must be filed with the court having original jurisdiction to decide violations of traffic safety laws.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 632. Collateralization of municipal deposits — language change.** Amends TCA 6-56-106(a)(4) relative to collateralization of municipal deposits in state banks or savings and loan associations, to delete the requirement that the collateral meet the requirements of TCA 9-5-209, which has been repealed, and to require that it meet the requirements of Part 1 of Chapter 4 of Title 9.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 633. Assessing officials — going upon land.** Amends TCA 67-1-202 and 67-5-303 to allow assessing officials to go upon land to obtain information for the assessment of property. If the landowner refuses entry, the assessor may obtain a court order allowing entry.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 637. Public swimming pools — variances and waivers.** Amends TCA 68-14-303(3) to allow the Commissioner of Health and Environment to grant variances and waivers for public swimming pools from the requirements of the Hotel, Food Service Establishment and Public Swimming Pool Inspection Act of 1985, if the variance or waiver does not constitute a health or safety hazard.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 638. Boards of education — regular meetings.** Amends TCA 49-2-202(c)(1) to change the requirement that local boards of education must meet "on the second Thursday in September, December, March, and June of each year," to a requirement that the board must meet "at least quarterly."

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 640. Purchases by boards of education — vendors lists.** Amends TCA 49-2-203(a)(4) to allow school districts with a purchasing division to use a comprehensive vendors list to solicit competitive bids. The vendors must be given notice to bid and the purchasing division must advertise periodically for vendors and update the list.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 642. Weight restrictions on logging trucks.** Amends TCA 55-11-203 to provide that weight restrictions for logging trucks shall be deemed to have a margin of error of 10% when the trucks are being operated over the state highway system other than the interstate system.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 646. Student suspensions — improving behavior.** Amends TCA 49-6-3401(c)(3) to require the principal to develop a plan for "improving the behavior" of a student suspended for more than five days rather than for "remediation."

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 648. Notice to victim of release of person charged with or convicted of kidnapping.** Amends TCA Title 40 to require the officer or judge who admits a person charged with or convicted of kidnapping to bail, to notify the victim that the alleged kidnapper is being released.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 653. Open air fires — violations of Governor's proclamation.** Amends TCA 8-1-108 to make it a misdemeanor for anyone to ignite an open air or unconfined fire in violation of the Governor's proclamation prohibiting them during drought.

**EFFECTIVE DATE:** March 30, 1988.

**CHAPTER NO. 659. Education — day care centers in schools.** Amends TCA 49-2-203(b) to authorize the establishment of day care centers in schools before and after the regular school day. The board of education may not use Tennessee foundation program school funds or local matching funds to operate the center, but may charge fees. The board may use teachers on extended program assignments. The board may request the department of education to do health and safety inspections.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 660. Superconducting Super Collider authority.** Creates a Superconducting Super Collider authority to assist in establishing and operating the Super Collider in Bedford, Rutherford, Marshall, and Williamson Counties.

**EFFECTIVE DATE:** April 4, 1988.



**CHAPTER NO. 668. Trailers — attachment to towing vehicle.** Amends TCA Title 55, Chapter 11, Part 1 to require trailers, semi-trailers, or pole trailers operated on the highways, to be attached to the towing vehicle by a chain, in addition to any other attachment. This requirement does not apply to farm implements used in tillage, harvesting, or seeding if they were not equipped at manufacture with safety chains and if they are being towed at less than twenty-five miles per hour. This exemption does not apply to farm trailers.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 669. Special assessment for sewer service by certain municipality.** Provides that a municipality chartered under TCA Title 6, Chapter 18, the Uniform City Manager-Commission Charter, and having a population of 1,000 to 1,100, may impose certain charges for sewer service as a special assessment.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 673. Insurance for municipal employees and officials—limitations lifted.** Amends TCA 8-50-301 to authorize municipalities and special school districts to provide group life, hospitalization, disability, and medical insurance for dependents of their employees and officials.

Amends TCA 8-50-304 to eliminate the 50% limitation on the amount the municipality or special school district may pay toward the insurance costs for employees and officials.

Amends TCA 8-50-306 to eliminate the requirement that an insurance program can be eliminated only by a two-third vote of the governing body.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 675. Cable television — overlapping franchises.** Prohibits any municipality from granting any overlapping cable TV franchise on terms or conditions more favorable or less burdensome than those in any existing franchise. This prohibition does not apply, however, when the area in which the overlapping franchise is being sought is not actually being served by the existing cable service provider.

Municipalities may impose additional terms and conditions on the granting of the overlapping franchise.

Before granting any cable franchise, a municipality must hold a public hearing for which notice was given at least ten days in advance. At the hearing, the municipality must consider:

1. The economic impact on private property in the franchise area.
2. The public need for the franchisement.
3. The capacity of rights-of-way to accommodate the cable system.
4. The present and future use of rights-of-way to be used by the cable system.
5. Potential disruption to existing users of rights-of-way and resultant inconvenience to the public.
6. The financial ability of the franchise applicant to perform.
7. Other societal interests.
8. Other additional matters the municipality deems relevant.

Cable franchises in existence on the effective date of this Act (July 1, 1988) will remain in full force and effect in accordance with their terms.

Nothing in this Act changes the process for renewal of franchises in existence on the effective date of the Act. The Act does not affect any franchise request filed prior to July 1, 1988.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 677. Education — handicapped children.** Amends TCA 49-10-102(1) to provide that any handicapped child who turns 22 years of age after the school year starts will continue to be a "handicapped child" for the remainder of the year.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 680. Food service establishment fees increased.** Amends TCA 68-14-313 to increase permit fees for food service establishments. School food service establishments must pay a fee of \$80.00. Day care centers pay the following fees: 0-50 seats - \$50.00; 51 or more seats - \$80.00.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 681. Membership of electric board in Nashville.** Increases Nashville's electric power board from 5 to 7 members.

**EFFECTIVE DATE:** April 4, 1988.

**CHAPTER NO. 684. Local sales tax — water and telephone service — taxable where delivered.** Amends TCA 67-6-702 to provide that persons buying water or telephone service shall be subject to the local sales tax in the county or municipality in which the service is provided, rather than in the county or municipality where the business is located.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 688. Water pollution control — variances.** Amends TCA 69-3-115 to provide for the filing of orders and assessments under the Water Quality Control Act of 1971 with the Chancery Court for Davidson County and for the effect of the filing. Amends TCA 69-3-108 to provide for variances from water quality control standards in certain circumstances.

**EFFECTIVE DATE:** April 5, 1988.

**CHAPTER NO. 689. Electric cooperatives — cable TV service.** Makes a comprehensive revision of laws applicable to electric cooperatives. Replaces TCA Title 65, Chapter 25 and repeals Title 65, Chapter 24. Allows electric coops to provide cable TV service.

**EFFECTIVE DATE:** April 7, 1988.

**CHAPTER NO. 691. Retirement — TCRS membership for special school district board members.** Amends TCA 8-35-226 to provide that appointed or elected school board members of special school districts may be members of the Tennessee Consolidated Retirement System under certain circumstances.

**EFFECTIVE DATE:** April 6, 1988.

**CHAPTER NO. 692. Exemptions from fee for inspecting x-ray machines for metro governments.** Amends TCA 68-23-503 to exempt x-ray machines owned by metropolitan government public safety agencies from the fee for registering and inspecting them.

**EFFECTIVE DATE:** April 6, 1988.

**CHAPTER NO. 695. Sexually transmitted diseases — confidentiality of records — reporting — quarantine.** Amends TCA Title 68, Chapter 10 to provide that all records held by local health departments relating to known or suspected cases of sexually transmitted diseases, are strictly confidential. The Act outlines the circumstances under which these records may be released.

The Act amends TCA 68-10-101 and 68-10-106 relative to the reporting of cases of sexually transmitted diseases by doctors and other health care providers and relative to the quarantine of persons infected with a sexually transmitted disease.

**EFFECTIVE DATE:** April 6, 1988.

**CHAPTER NO. 707. Workers' compensation — medical coverage for volunteer firefighters — coverage for rescue squads.** Amends TCA 50-6-401(a) to require entities offering workers' compensation insurance to offer medical benefits coverage for paid-on-call and volunteer firefighters. The Act also amends TCA 50-6-401(a) to require entities offering workers' compensation insurance to offer coverage for members of rescue squads on similar terms and conditions as coverage available to full-time paid firefighters or emergency medical services personnel.

**EFFECTIVE DATE:** April 8, 1988.

**CHAPTER NO. 708. Wastewater facility loans — authority of municipalities.** Amends TCA 68-13-1005 to authorize municipalities to obtain loans under this chapter for the construction of wastewater facilities. To provide security for the loans, municipalities may: (1) pledge their full faith and credit and unlimited taxing power; (2) levy ad valorem taxes adequate to pay principal and interest; (3) levy fees, rents, and other charges relative to the facility; (4) pledge any other security acceptable to the local development authority.

**EFFECTIVE DATE:** April 8, 1988.

**CHAPTER NO. 710. Motor vehicle tax in Nashville — placement of decal.** Amends TCA 55-4-103(b)(2) to require the decal evidencing the payment of Nashville's motor vehicle tax, to be placed on the lower right hand corner of the front windshield.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 712. Hauling of loose material — vehicle identification.** Adds TCA 55-11-113 requiring any vehicle hauling loose material except farm produce, to have placed on its rear a sign or placard with the name of the owner of the vehicle in letters at least six inches high, and clearly visible to a motorist following the vehicle. If the owner has more than one vehicle, each vehicle must have an additional identifying number.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 714. Age discrimination.** Amends TCA 4-21-101 and 4-21-407 to prohibit age discrimination against persons 70 or more years of age. Amends TCA 4-21-407(d) relative to compulsory retirement of high policy-making people over 65 years old to increase the annual retirement benefit before they can be involuntarily retired from \$27,000 per year to \$44,000.

Amends TCA 4-21-407 to provide that it is not unlawful to fail or refuse to hire or to discharge any individual because of the individual's age if the action is taken: (a) with respect to a firefighter or law enforcement officer who has attained the age of hiring or retirement in effect under applicable state or local law on March 3, 1983, and (b) pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade age discrimination laws.



The Act defines "firefighter" as an employee whose primary duties are the control and extinguishment of fires or the maintenance and use of firefighting apparatus, including such persons transferred to a supervisory or administrative position. "Law enforcement officer" is an employee whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against state criminal laws, including such employees transferred to supervisory or administrative positions. "Detention" includes the guarding of individuals in penal institutions. These provisions relative to firefighters and law enforcement officers do not apply to any cause of action arising under the *Age Discrimination in Employment Act of 1967* as in effect before January 1, 1987.

**EFFECTIVE DATE:** April 8, 1988.

**CHAPTER NO. 715. Education — entrance to approved teacher training programs.** Amends TCA 49-5-5602 to require all students who wish to enter approved teacher training programs to pass a standardized test or tests chosen by the state board of education.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 716. Handicapped parking — fine increased.** Amends TCA 55-21-108(a) to increase the maximum fine for parking in a handicapped space from \$50.00 to \$100.00. All new signs posted after the effective date of the Act must read "Unauthorized parking is punishable by a fine up to \$100.00."

**EFFECTIVE DATE:** For purposes of imposing the fine, July 1, 1988. For other purposes, January 1, 1989.

**CHAPTER NO. 723. Property taxation — back assessments.** Amends TCA 67-1-1001 to include in the definition of back assessment land or improvements not identified or included in the valuation of the property. This does not affect the protection afforded in TCA 67-1-1004 to bona fide purchasers of land.

**EFFECTIVE DATE:** April 11, 1988.

**CHAPTER NO. 724. Pawnbrokers — city regulation curtailed.** Repeals TCA Title 45, Chapter 6 and enacts extensive new regulation of pawnbrokers. Section 19 of the Act prohibits cities from regulating:

1. Interest, fees, and insurance charges;
2. Hours;
3. The nature of the business or type of pawn transactions; or
4. License requirements.

Section 18 intimates that city clerks may suspend or revoke a pawnbroker's license if the owner, major stockholder, or managing partner is convicted of a violation of this Act. Pawnbrokers must upon request furnish law enforcement agencies the names of their suppliers from whom they have bought merchandise for resale.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 726. Business tax — exemption for auctioneers.** Amends TCA 67-4-702(13) to exclude from the definition of "sales price," any advertising cost paid by a seller to an auctioneer when no portion of the payment is retained as profit by the auctioneer, and when it is placed in an escrow account.

**EFFECTIVE DATE:** April 11, 1988.

**CHAPTER NO. 727. Education — drug paraphernalia in schools.** Amends TCA 49-6-4201, et seq., the School Security Act of 1981, to include drug paraphernalia in the list of items that can be searched for in schools under certain circumstances.

**EFFECTIVE DATE:** April 11, 1988.

**CHAPTER NO. 738. Water and sewer service — projects for private purpose prohibited.** Amends TCA 7-35-401 to prohibit water or sewer projects for private purposes. This includes any commercial project, commercial subdivision, private residence, or residential subdivision owned by a non-public entity. It also includes the construction of individual water and sewer lines beyond a meter that measures service or consumption, or onto private property where the municipality does not have an easement, and other projects that are not part of the normal operation of a city in providing water or sewer service.

This Act does not apply in any county having a population of 287,700 to 287,800.

**EFFECTIVE DATE:** April 11, 1988.

**CHAPTER NO. 740. Education — duties and certification of teachers.** Amends TCA Title 49, Chapter 5, Parts 50 through 55, relative to the certification and duties of teachers.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 742. Retirement — credit for full-time fire-fighters for period served as a volunteer.** Amends TCA Title 8, Chapter 35, Part 2 to provide for retirement credit for full-time firefighters for service as a volunteer under certain circumstances.

**EFFECTIVE DATE:** April 14, 1988.

**CHAPTER NO. 743. Bond proceeds — use for relocation expenses.** Amends TCA 9-21-109(1) to include relocation expenses in connection with construction of a public works project in the list of items for which bond proceeds may be used.

**EFFECTIVE DATE:** April 14, 1988.

**CHAPTER NO. 746. Junkyards — operating without license — fine increased.** Amends TCA 54-20-123 to make it a violation of the Junkyard Control Act of 1967 for any person to operate a place of business that sells used cars or parts and engages in the business of automotive dismantling or recycling without a license. The Act amends TCA 54-20-124 to increase the fine for violation of the *Junkyard Control Act* from \$25.00 to at least \$50.00 and not more than \$500.00.

**EFFECTIVE DATE:** April 14, 1988.

**CHAPTER NO. 750. Bonds and notes — all provisions repealed except Local Government Public Obligations Act.** Repeals and amends numerous titles and chapters of TCA for the purpose of leaving only the *Local Government Public Obligations Act* as the authority whereby cities and counties may issue bonds and notes. The Act does not attempt to make any substantive change in the law, other than the consolidation of all bond statutes.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 751. Delinquent property tax suits — appeals.** Repeals TCA 67-5-2420, which gave any party to a delinquent tax suit the right to appeal to the Supreme Court. The Act applies to all appeals filed after April 14, 1988.

**EFFECTIVE DATE:** April 14, 1988.

**CHAPTER NO. 753. Crimes — aggravated assault — motor vehicles, etc.** Amends TCA 39-2-101(b) to make it aggravated assault to cause serious bodily injury to another person by the operation of an automobile, airplane, motorboat, or other motor vehicle as the proximate result of the driver's intoxication with alcohol, drugs, or both.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 754. Enterprise zones in Nashville.** Amends TCA Title 13, Chapter 28, Part 1 to provide that no economic development may occur in an enterprise zone in Nashville unless a plan has been developed that takes into consideration both the positive and negative aspects of economic development on the community so as to protect the community, citizens, and businesses.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 755. Crimes — criminal trespass by motor vehicles.** Amends TCA Title 39, Chapter 3, Part 12 to make it a misdemeanor for any person to drive, park, stand, or otherwise operate a motor vehicle in the parking area, driving area, or roadway located on private property provided for use by customers after the person has been requested or ordered to leave. The request or order may be given by a law enforcement officer or by the owner, lessee, or other person, including private security guards, having the right to use or control the property.

The property owner may post signs giving notice of this law and warning that violators will be prosecuted, but this is not a prerequisite to prosecution.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 759. Automobile liability insurance — accidents by employees; rates.** Amends TCA Title 56, Chapter 7, Part 11 to provide that whenever a person employed as a driver is involved in a traffic accident not his or her fault in the course of the employment in a car owned or leased to the employer, the accident shall not be considered by the person's personal automobile insurance carrier in fixing the person's insurance premiums. Likewise, an accident involving a person while using his or her personal automobile not involving negligence on the person's part, shall not be considered relative to the insurance or premiums of the employer.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 761. Education — Increase in teachers' salaries — local share.** Amends TCA 49-3-306 to provide that when appropriations are made to the Tennessee Foundation Program for the sole purpose of increasing minimum teacher salaries to \$18,500 per year, the funds appropriated are not subject to the 7-1/2% local funding requirement.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 764. Motor vehicles — obscene bumper stickers.** Amends TCA Title 55, Chapter 8, to prohibit obscene or patently offensive bumper stickers, window signs, or other markings on motor vehicles that are visible to other drivers.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 765. Education — licensing requirements for preschool teachers.** Amends TCA 49-5-403 to require the state board of education within two years to establish licensing requirements and procedures for preschool and early childhood special education teachers.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 766. Handicapped parking — decals or placards for deaf people.** Amends TCA Title 55, Chapter 21, to authorize the department of revenue to issue decals or placards to deaf people, apparently for the purpose of allowing them to park legally in handicapped parking spaces. The decal shall be placed in the upper left corner of the front windshield.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 767. Business tax — antique malls.** Amends TCA 67-4-709(a)(5)(C) to provide that for antique malls engaged in selling antiques at least five days a week with a common cash register for all sales, only the mall operator will be required to obtain a business tax license and pay on all receipts at that location. Individual booths shall not be deemed to be separate locations.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 770. Purchasing — fuel and fuel products.** Amends TCA 6-56-304(7), part of the *Municipal Purchasing Law of 1983*, to eliminate the ability of governing bodies to exempt fuel and fuel products from public advertisement and competitive bidding requirements when they are bought on the open market. Under this Act, fuel and fuel products may be purchased in the open market without public advertisement, but must whenever possible be based on at least three competitive bids. Fuel and fuel products may be purchased under state contract where available.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 774. Education — loans to encourage education students to teach in certain areas.** Amends TCA Title 49, Chapter 4, Part 4 to authorize a pilot loan program to encourage education students to teach in certain areas of the state.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 777. Comprehensive Education Reform Act of 1984 amended.** Amends TCA Title 49, Chapter 5, Parts 50-52, relative to evaluation of teachers under the career ladder program.

**EFFECTIVE DATE:** April 19, 1988.

**CHAPTER NO. 786. Terms of aldermen — general law mayor-aldermen cities.** Amends TCA 6-1-401(g)(2)(C), part of the mayor-aldermanic charter, to provide that terms of members of the board of mayor and aldermen, after changing the election date to the regular November election, may be either two years or four years as provided by ordinance.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 787. Annexation — limitation on increasing land area inapplicable to city.** Amends TCA 6-51-102(a)(3) to make the prohibition on increasing a city's land area by annexation by ordinance on a city's own initiative by more than 25% in any twelve-month period, inapplicable to Lebanon. The Act is inapplicable in certain counties.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 788. Motor vehicle accidents on certain private property.** Amends TCA 55-10-101(a), 102(a), 103, 104, 106, and 107 to make those provisions applicable to motor vehicle accidents that take place on the premises of shopping centers, trailer parks, and apartment complexes that generally are frequented by the public. These sections deal with stopping at the scene of an accident, giving information and rendering aid after an accident, the duty to stop and notify the owner on striking an unattended vehicle, notifying the police of accidents, and filing written reports of certain accidents.

The Act amends TCA 55-10-105 to require a person striking a fixture in a shopping center, trailer park, or apartment complex to notify the owner or person in control, provide information, and make a written report if necessary.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 789. Sales tax — mail order sales.** Amends TCA 67-6-102 to impose state and local sales taxes on persons who engage in the regular or systematic solicitation of consumers in this state by catalog, periodicals, fliers, print, radio or television, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

Amends TCA 67-6-702 to allow for a uniform local sales tax rate on mail order sales of 2.25%. Amends TCA 67-6-710 to provide for distribution of local sales tax proceeds from mail order sales as follows:

1. Proceeds will be distributed to counties based on the ratio of local sales tax collections in the county to total local sales tax collections in all counties.
2. Of the amount received by a county, 1/2 will be used for school purposes. The remainder will be distributed to municipalities in the county based on the ratio of total collections in the municipality to total collections in the county. The county and municipality may by contract, provide for alternative distribution of the amount not going to schools.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 792. Alcoholic beverages — definition of "hotel" amended.** Amends TCA 57-4-102(5) to include in the definition of "hotel" that may be licensed to sell alcoholic beverages for on-premises consumption, facilities owned and operated by an individual or event-management organization that plans and coordinates retreats for groups of persons having similar backgrounds.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 793. Board of Equalization in Nashville.** Amends TCA 67-1-401(a) to allow for an increase in membership on the Davidson County Board of Equalization.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 795. Property taxes — penalty and interest date changed.** Amends TCA 67-1-801(c)(2) to change from March 1 to February 1 the date on which penalty and interest is added to delinquent municipal taxes when current taxes are collected by the county trustee.

Amends TCA 67-5-1804 to provide that when the county trustee accepts property taxes before the first Monday in October and the municipality gives a discount for taxes paid in October, the discount will apply to taxes paid and accepted before the first Monday in October.

This Act is not applicable in most counties.

**EFFECTIVE DATE:** The section relative to discounts took effect on April 25, 1988. Other provisions take effect on September 1, 1990.

**CHAPTER NO. 797. Education — scholarships for dependents of firefighters and law enforcement officers killed in the line of duty.** Amends TCA 49-4-704(b)(7) to require scholarship recipients who qualify by being a dependent of a firefighter, law enforcement officer, or emergency medical service technician killed or totally and permanently disabled in the line of duty, to be residents of Tennessee at the time the officer or firefighter was killed or disabled.

**EFFECTIVE DATE:** April 25, 1988.



**CHAPTER NO. 798. *Invalid notes — repayment — approval of director of local finance.*** Amends TCA 9-21-406 to allow the repayment of notes that were illegally made if the requirements for issuing valid notes are met and the note is approved by the director of local finance. During the period in which the note is not valid, the holder of the note forfeits any interest on the note. For any note illegally made after the effective date of this Act when the right to interest has been forfeited, the holder of the note may be directed by a court or administrative law judge to repay any interest received to the state general fund. The comptroller, any state agency, or resident or taxpayer of the locality may request an administrative hearing or consideration by the circuit or chancery court.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 802. *Crimes — child murder.*** Amends TCA 39-2-202 to make it first degree murder to kill a child less than thirteen years of age if the death results from child abuse.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 807. *Conservation easements authorized.*** Amends TCA 66-9-305 to allow any public body to designate a conservation easement over property listed on the National Register of Historic Places or the Tennessee Register. The Act defines conservation easement and authorizes public bodies to appropriate or borrow funds and to apply for and accept grants and other assistance for the easement. The easement is not taxable. Property subject to the easement will have its value reduced by the amount the easement reduces its value.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 811. *Crimes — carrying loaded rifles or shotguns.*** Amends TCA Title 39, Chapter 6, Part 17 to make it a misdemeanor to carry a loaded rifle or shotgun in the passenger area of a motor vehicle while traveling on public roads. This prohibition applies only in big game hunting season in areas where big game season is in effect. There is an exemption for handicapped persons.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 817. *Trailers, semi-trailers, and pole trailers.*** Amends TCA 55-3-102 to authorize law enforcement officers to enforce that section prohibiting unregistered vehicles on highways against homemade or materially reconstructed trailers, semi-trailers, and pole trailers. The Act makes it unlawful to operate trailers, semi-trailers, and pole trailers on highways if they have been titled and registered and then materially reconstructed, unless the reconstructed trailer complies with legal requirements.

The Act requires the Public Service Commission to inspect and certify all homemade and materially reconstructed trailers, semi-trailers, and pole trailers.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 820. *Airport loans.*** Amends TCA Title 7, Chapter 31 to authorize the Tennessee local development authority to make loans to airport authorities and municipal airports.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 826. *Public building authority refunding bonds — notice eliminated if obligations are to be retired.*** Amends TCA 12-10-111(h) to eliminate newspaper notice to holders of public building authority obligations to be refunded if the obligations to be refunded are to be retired at the time of delivery of the refunding bonds.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 827. Health, educational and housing facility corporation refunding bonds — notice eliminated if obligations are to be retired.** Amends TCA 48-3-310 to eliminate newspaper notice to holders of health educational and housing facility obligations to be refunded, if the obligations to be refunded are to be retired at the time of delivery of the refunding bonds.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 830. Solid waste grant program.** Authorizes the commissioner of Health and Environment to develop a grant program for research and development in solid waste disposal technologies.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 831. Property taxation — valuation of forest and farm land.** Amends TCA 67-5-602 to require the state division of property assessments and the state board of equalization to consult with the U. S. Forest Service and the state forestry in establishing guidelines to be used in determining the value of forest land.

Amends TCA 67-5-602 to exclude trees from the value of farm land.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 832. Speeding trucks.** Amends TCA 55-8-152(g) to make the provisions of subsection (g) inapplicable to speeding trucks.

**EFFECTIVE DATE:** April 25, 1988.

**CHAPTER NO. 835. Horse racing referenda.** Amends TCA 4-36-401(c) to change from four to ten years, the waiting period before another horse racing referendum may be held when the votes cast against horse racing exceed 60%. This Act does not apply in several counties.

**EFFECTIVE DATE:** May 7, 1988.

**CHAPTER NO. 840. Driver's implied consent to drug and alcohol testing— refusal to submit.** Amends TCA 55-10-406(a)(3) to provide that the driver of a vehicle shall not be considered as having committed a criminal offense for refusing to submit to drug or alcohol testing, but that the court shall suspend the driver's license for six months.

**EFFECTIVE DATE:** April 26, 1988.

**CHAPTER NO. 842. Unemployment compensation — maximum benefit increased.** Amends TCA 50-7-301(b) to increase the maximum weekly unemployment benefit from \$145.00 to \$155.00.

**EFFECTIVE DATE:** For benefit years established on and after July 3, 1988.

**CHAPTER NO. 844. Railroad authorities — authority to make grants or loans.** Amends TCA 7-56-205 to authorize railroad authorities to make loans or grants to public or private rail common carriers to insure continued rail service. If the grant or loan is made from public funds, it must be approved by the funding entity. State funds may be used for these grants and loans under certain circumstances.

**EFFECTIVE DATE:** April 27, 1988.

**CHAPTER NO. 845. Board of zoning appeals in Nashville.** Amends TCA 13-7-205(a) to allow for an increase in membership on Nashville's board of zoning appeals.

**EFFECTIVE DATE:** April 27, 1988.

**CHAPTER NO. 847. Insurance for municipal employees.** Amends TCA 8-50-304 to change from 50% to 100% the maximum amount municipalities may contribute to the cost of employee insurance programs.

**EFFECTIVE DATE:** April 27, 1988.

**CHAPTER NO. 848. Local sales tax — county trustee's compensation in Shelby County.** Amends TCA 67-6-712 to provide that the county trustee of Shelby County is not entitled to compensation for receiving and distributing local sales taxes. The Act requires approval by the county legislative body.

**EFFECTIVE DATE:** April 27, 1988.

**CHAPTER NO. 851. Home improvement contractors — licensing — municipal authority curtailed.** Amends TCA Title 62 to enact extensive regulation of home improvement contractors. The Act prohibits any municipalities from requiring a license or authorization in addition to the one required in this Act. The Act does not prohibit enforcement of building and utility codes against home improvement contractors.

The Act does not apply in counties with a population of less than 150,000.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 856. Hazardous waste liens.** Amends TCA 68-46-209(d) to clarify that hazardous waste liens do not have priority over liens filed before the hazardous waste lien is filed.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 864. Firefighters — special registration plates.** Amends TCA Title 55, Chapter 4, Part 2 to provide for special vehicle registration plates for firefighters.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 881. Medical examiners — making corneal tissue available.** Amends TCA Title 68, Chapter 30 to allow medical examiners to make corneal tissues available to certain nonprofit eye banks in Tennessee, when there is no known objection from designated persons and an autopsy is performed. The Act absolves medical examiners from liability for good faith actions taken pursuant to the Act.

**EFFECTIVE DATE:** May 2, 1988.

**CHAPTER NO. 883. Property taxation — reappraisals.** Amends TCA 67-5-1601(a)(1) to extend from seven to ten years the amount of time during which property in all counties must be reappraised. The Act designates the local contributions under the *Education Finance Act* for counties whose reappraisal dates are extended by the Act.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 884. Emergency communication district board in Nashville.** Amends TCA 7-86-105(b) to provide that the mayor in Nashville appoints the emergency communication district board, subject to approval by the metro council.

**EFFECTIVE DATE:** May 2, 1988.

**CHAPTER NO. 885. Tourist commission in Nashville.** Amends TCA 7-4-109 to authorize an increase in membership on Nashville's tourist commission.

**EFFECTIVE DATE:** May 2, 1988.



**CHAPTER NO. 886. Greater Nashville Regional Council created.** Amends TCA Title 64, Chapter 1 to create the Greater Nashville Regional Council to serve Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson counties. This Council supercedes the Mid-Cumberland Development District and the Mid-Cumberland Council of Governments and will serve as an advisory body for regional planning.

**EFFECTIVE DATE:** May 2, 1988.

**CHAPTER NO. 887. Metropolitan airport authorities — mayor in metro to serve.** Amends TCA 42-4-105 to increase the number of persons on the board of commissioners of metropolitan airport authorities, from nine to ten. The new position in counties with a metropolitan form of government will be filled by the mayor.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 888. Open records — costs for failing to disclose.** Amends TCA 10-7-505 to provide that costs, including reasonable attorneys' fees, may be assessed against a governmental entity if the entity or its agent willfully refused to disclose a public record.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 889. Library records — confidentiality.** Amends TCA Title 10, Chapters 1, 3, 4, and 5, to make library records confidential that identify a person as having requested or obtained specific materials or information or having otherwise used the library. These records may be disclosed upon written consent of the library user, pursuant to court order, or when used to seek reimbursement for overdue library materials.

**EFFECTIVE DATE:** May 2, 1988.

**CHAPTER NO. 900. Housing for low and moderate income families.** Amends TCA Title 13, Chapter 23 to authorize the Tennessee Housing Development Agency to make grants to eligible political subdivisions (those receiving community development block grants from HUD) and to private nonprofit corporations that provide new and rehabilitated housing to low and moderate income families. The Act increases the state realty transfer tax and mortgage tax to help fund the program.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 908. Energy production facilities — nonprofit corporation — issuance of bonds — conflict of interest — open meetings law — appointment of certain members — uniform accounting system.** Amends TCA 7-54-103(b) to require bonds and refunding bonds issued by a nonprofit corporation acting on behalf of a city in running an energy production facility, to be sold at competitive bid or negotiated sale. Arrangements for the sale of bonds are subject to revision of the director of local finance and the state funding board. Any resolutions for the sale of bonds by the nonprofit corporation must receive the approval of the director of local finance and the governing bodies of the city and county in which the city is located for whom the corporation is acting.

Amends TCA Title 7, Chapter 54 and 12-4-102 to make members of the board of directors of the nonprofit corporation subject to conflict of interest laws.

Amends TCA Title 7, Chapter 54 and 8-44-102(b) to make meetings of the board of directors subject to the open meetings law.

Amends TCA Title 7, Chapter 54, Part 1 to require two members of the board of directors to be appointed by the chief executive officer of the city on whose behalf the corporation is acting. One of these appointees must be black.

Amends TCA 7-54-103(c) to provide that site selection for an energy production facility may be delegated to the nonprofit corporation but that the site is subject to the approval of a 2/3 vote of the governing body.

Amends TCA 7-54-103 to require the corporation to develop a uniform accounting system subject to approval of the comptroller of the treasury. The corporation's books are subject to audit by the comptroller but audits may be done by independent auditors with approval of the comptroller. Purchasing, contracting, and personnel procedures of the corporation are subject to approval by the comptroller.

**EFFECTIVE DATE:** May 6, 1988

**CHAPTER NO. 909. Knoxville airport authority — membership of board of commissioners increased.** Amends TCA 42-4-105(a)(1) to increase membership on the board of commissioners of the Knoxville airport authority from seven to nine members.

**EFFECTIVE DATE:** May 6, 1988.

**CHAPTER NO. 911. Metropolitan government — consolidation of county and a municipal corporation located in 2 counties.** Amends TCA 7-1-102 and 103 to authorize any municipality that lies in two or more counties, to consolidate with the county in which the majority of its territory lies.

Amends TCA Title 7, Chapter 1, Part 1 to provide that after consolidation, the urban services tax may be levied throughout the municipality, but the general services tax may not be levied in the part of the municipality outside the county.

The Act does not apply in several counties.

**EFFECTIVE DATE:** May 6, 1988.

**CHAPTER NO. 913. Judicial district task forces.** Amends TCA 8-7-103 to authorize district attorneys general to participate in multi-jurisdictional judicial district task forces, including drug task forces.

The Act provides that, unless otherwise provided by agreement of the governmental entities involved, any law enforcement officer assigned to a task force will have the same rights, powers, duties, and immunities in every jurisdiction in the judicial district that he has in his own. The assignment must be made in writing by the chief law enforcement official of the assigning jurisdiction and does not become effective until approved by the governing body or advisory body of the task force. Officers assigned to the task force remain employees of their own jurisdiction, and no other governmental agency is liable for any act or omission of the officer.

**EFFECTIVE DATE:** May 6, 1988.

**CHAPTER NO. 917. Law enforcement agencies — unclaimed property — serial numbers.** Amends TCA 39-3-941 to allow law enforcement agencies to assign serial numbers to unclaimed items if the item does not already have a valid serial number. A record of the serial numbers assigned may be maintained for up to five years. This Act does not affect the present method of assigning serial numbers to firearms.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 920. Sales tax — exemption.** Amends TCA 67-6-303 to exempt from state and local sales taxes, sales of motor vehicles to nonresident members of a uniformed service who are stationed at a naval air station located entirely within the state.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 921. Crimes — cocaine based drugs.** Amends TCA 39-6-417(1)(B) to increase the penalty for dealing in cocaine based drugs.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 932. Misdemeanor citations — use encouraged — reports required.** This Act encourages all law enforcement agencies to use misdemeanor citations as a way of saving money and jail space. The Act requires each law enforcement agency to report to the Joint House and Senate Oversight Committee on Corrections on or before December 31 of each year, on the use of citations by the agency and suggested methods for improvement of the program for relief of jail overcrowding.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 933. Municipal elections — filing of nominating petitions.** Section 5 of this Act amends TCA 2-5-101(a)(3) to make the same change made by Public Chapter No. 516.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 936. Education — continuing budget.** Amends TCA 49-3-316(d) to provide that a continuing budget of a local education agency shall not be valid beyond October 1 for purposes of eligibility to receive state school funds.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 939. Horse racing — issuance of bonds for track construction.** Amends TCA 4-36-302(2)(B)(ii)(1) to prohibit municipalities from issuing general obligation bonds or pledging their credit for the construction of a horse racing track.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 940. Education — drug testing of students.** Amends TCA Title 49, Chapter 6, Part 42 to provide authority, procedures, and standards for subjecting a student to be tested for drugs.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 941. Property taxation — leased personal property.** Amends TCA 67-4-702 and 67-5-901 to provide for the property taxation of tangible personal property leased to and in the possession of, a lessee if: (1) the lessor owns or controls more than 10% of the lessee or the lessee owns or controls more than 10% of the lessor or any single entity owns or controls more than 10% of both the lessor and lessee; (2) the lease results in actual use of the property by the lessee; and (3) the lessor generates 10% or more of its total gross dollar volume of leases in this state, with lessees who are under common contract. The taxing authority has the burden of proof regarding liability for taxes due.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 947. Horse drawn vehicles.** Amends TCA 55-8-178 to require horse drawn vehicles and equipment to be equipped with self-luminous red lamps on the front and rear of the vehicle visible for five hundred feet. The Act applies only to vehicles used as the owner's primary mode of transportation. The Public Service Commission has the duty of enforcing the Act.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 950. Horse racing — community support for track location—referendum.** Amends TCA 4-36-302 to require the racing commission to consider community support and the wishes of local governing bodies in deciding the location of horse racing tracks. Amends TCA 4-36-401 to require the referendum for approval or disapproval of horse racing, to be held at a regularly scheduled election.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 953. Crimes — sexual offenses.** Amends several provisions of TCA Titles 39, 33, and 37 to clarify certain sexual offenses such as rape, aggravated rape, and sexual battery.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 958. Sales tax — exemption.** Section 4 amends TCA 67-6-330 to exempt from sales taxes, the purchase of amusement activities when the activity is provided free to the public by a federal income tax exempt charitable organization or an organization listed in Major Group No. 86 of the *Standard Industrial Classification Manual of 1972*.

**EFFECTIVE DATE:** Retroactive to January 1, 1984.

**CHAPTER NO. 963. Qualifications to hold office in St. Joseph.** Provides that in St. Joseph, any person who owns real property within the city but resides elsewhere, may seek municipal office. This Act is subject to local referendum approval.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 965. Conservation easements — tort liability.** Amends TCA Title 11, Chapter 10 to provide that the owner of land subject to a conservation easement or public use easement owes no duty of care to keep the land safe for use by others or to give warning to persons entering the land of hazardous conditions. The owner does not warrant that the property is safe, does not confer the legal status of invitee, or assume liability for any injury caused by persons on the property.

This Act applies only in counties that approve it by a 2/3 vote of the county legislative body.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 966. Solid waste facilities — notice of proposed site—public hearing.** Amends TCA 68-31-106(a) to outline procedures for giving public notice of proposed solid waste disposal sites, the contents of the public notice, procedures for recovery, written comments, and the holding of a public hearing if one is requested.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 967. Solid waste disposal facilities — prevention of water pollution.** Amends TCA 68-31-105 to prohibit the approval of a solid waste disposal facility, unless it is capable of preventing pollution of the state's waters.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 968. Police officers — full time and auxiliary defined—qualifications established for auxiliary officers.** Amends TCA 38-8-101 to define "full time police officer," "part time/temporary/reserve/auxiliary police officer," and "special deputy."

A full time officer is one whose primary responsibility is the prevention and detection of crime and whose primary source of income is from employment as a police officer. An auxiliary officer works no more than twenty hours per week for a total of no more than one hundred hours per month. Any auxiliary officer who works more than this except for a period of one month or less, must meet the requirements applicable to full time officers.

The Act amends TCA 38-8-106 to provide that after January 1, 1989, part time, temporary, reserve, and auxiliary police officers must meet the same qualifications as to age, education, citizenship, criminal record, physical and mental fitness, and fingerprinting, as full time officers.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 969. *Driving under the influence of alcohol or drugs — notice of penalties for subsequent violations.*** Amends TCA 55-10-403(g) to require that persons convicted of DUI be advised in writing, of the penalties for additional offenses. The judge must also advise the person of penalties for additional offenses when pronouncing sentence.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 970. *Insurance — speech and hearing benefits.*** Amends TCA Title 56, Chapter 7 to require group insurance after January 1, 1989, to offer speech and hearing benefits.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 973. *Retirement — part time employees, etc.*** Amends TCA 8-34-126 to include in the definition of part time employee, interim teachers employed on a temporary basis to teach for regular teachers on unpaid leave.

Amends TCA 8-34-607 to allow teachers to establish credit for service they were previously denied because of advanced age.

This Act also makes several other amendments to retirement provisions in TCA Title 8.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 974. *Unfair trade practices — penalty for early utility payment.*** Amends TCA 47-18-104(b) to make it an unfair trade practice to assess a penalty for the pre-payment or early payment of a fee or charge for services by a utility or company that has been issued a franchise by a municipality. This Act does not prohibit discounts for early payments.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 976. *Sales tax — exemption.*** Amends TCA Title 67, Chapter 6, Part 3 to exempt the sale of boats that are removed from the state, from state and local sales taxes with certain conditions.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 982. *Hotel-motel tax for home rule cities.*** Amends TCA Title 67 to provide general law authority for home rule cities, to levy a hotel-motel tax of up to 5% of the consideration charged for the hotel or motel room.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 984. *Leaking underground storage tanks.*** Amends TCA Title 68 to enact a new chapter regulating underground storage tanks for petroleum. The Act requires each owner of an underground storage tank for petroleum, to notify the commissioner of health and environment of the tank's existence within one year. The commissioner exercises general supervision over the prevention and detection of leaks.



The Act levies a \$100.00 per tank fee for each underground storage tank for petroleum during the first year the Act is effective. Thereafter, the fee will be set by the petroleum underground storage tank board established by the Act. The Act establishes a petroleum underground storage tank fund into which fees, civil penalties, and damages collected pursuant to the Act will be placed. The fund will be used for the monitoring and cleanup of petroleum tank sites.

The Act provides that the initial financial liability of an owner for cleanup shall never be less than \$50,000 nor more than \$100,000 for any site per occurrence. The fund will be responsible for cleanup costs that exceed the owner's liability. The fund will provide coverage for third party claims involving bodily injury or property damage, or both, caused by underground storage tanks whose owners or operators have paid the required tank fee. The Act limits the owner's initial liability for such claims to not less than \$150,000 to \$300,000 for any site per occurrence. The fund will be responsible for court awards above the owner's liability to a maximum of \$1,000,000.

The Act provides for civil penalties of up to \$10,000 per day against violators of the Act and for fines and penalties and jail terms for people who willfully and wantonly violate the Act

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 988. Public school nurse program.** Amends TCA Title 68, Chapter 1, Part 1 to create a public school nurse program to assist local education agencies with student health.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 991. Crimes — arson — forfeiture of vehicles.** Amends TCA 39-3-213 to eliminate the requirement that vehicles used in arson crimes are subject to forfeiture, only if they are apprehended while transporting participants or materials to or from the scene of the crime.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 992. Property taxes — payment by installment in Shelby County.** Amends TCA Title 67, Chapter 5, Part 18 to allow retired persons over 65 years of age and living on a fixed income, to pay their property taxes on their residence by installment in Shelby County.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 995. Crimes — renting sexually explicit tapes to minors.** Makes it a misdemeanor knowingly to rent or sell to a minor a video cassette tape containing nudity or sexual conduct that is harmful to minors without the consent of the minor's parents.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 997. Notification to state of reduction in operations.** Amends TCA Title 50, Chapter 1 to require any employer employing at least fifty full time employees, to notify the state executive director of the economic council when there is a reduction in operations that will mean the loss of fifty or more jobs during any three month period.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 1000. Hotel-motel taxes.** Amends TCA Title 67 to prohibit cities from levying a hotel-motel tax by private act, if the county in which the city is located already levies the tax. Cities may levy the tax only on the occupancy of hotels within the corporate boundaries. The county may levy such taxes only on hotels located outside the city if the city has levied the tax. The Act is prospective only and does not apply in Hamilton and Shelby counties.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 1001. Civil service employees — judicial review.** Amends TCA 27-9-114 to require that judicial review of decisions by civil service boards be in conformity with standards under the *Uniform Administrative Procedures Act* (APA) set out in TCA 4-5-322. The Act also requires contested case hearings by civil service boards to conform to APA procedures. This requirement does not apply to municipal utility boards.

The Act authorizes the use of the sanctions of Rule 11 of the Federal Rules of Civil Procedure in case of frivolous appeals.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 1002. In lieu of tax payments — corporations providing low cost housing for the elderly.** Amends TCA 67-5-207 to require tax exempt corporations providing low cost housing to the elderly, to pay in lieu of tax payments to municipalities based on the cost of services provided.

**EFFECTIVE DATE:** January 1, 1989.

**CHAPTER NO. 1003. Firefighters pay supplements — permanent funding mechanism.** Amends TCA 56-4-205 to designate a portion of the premium tax on fire insurance as a permanent funding mechanism for a pay supplement for eligible firefighters in an amount not to exceed \$450.00. The commission on firefighting personnel standards and education will administer the pay supplement.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 1006. Technical assistance to preschool parenting learning centers.** Amends TCA Title 49, Chapter 1, Part 2 to require the Departments of Education and Human Services to develop a statewide program of technical assistance to local education agencies establishing preschool parenting learning centers.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 1008. Income tax — exemption.** Amends TCA 67-2-104 to exempt interest income from certain wrap-around deeds of trust from the Hall Income Tax.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 1011. Teen peer counseling groups.** Amends TCA 37-3-108(c) to require the state interdepartmental coordination council to implement a program of technical assistance to encourage local education agencies to establish teen peer counseling groups.

**EFFECTIVE DATE:** July 1, 1988.

**CHAPTER NO. 1016. Annexation — distribution of revenues based on situs of collection.** Amends TCA Title 6, Chapter 51, Part 1 to provide that the county continues to receive revenues that are distributed based on situs of collection until the next July 1 after an annexation by a municipality, unless the annexation takes effect on July 1. If the annexation takes effect on July 1, the municipality begins receiving these revenues on July 1.

**EFFECTIVE DATE:** May 12, 1988.

**CHAPTER NO. 1022. Impact fees for Nashville.** Authorizes the Metropolitan Government of Nashville and Davidson County to levy impact fees.

**EFFECTIVE DATE:** May 7, 1988.

**CHAPTER NO. 1025. Sales tax — increase in local distributions to Gatlinburg and Pigeon Forge.** Amends TCA 67-6-103 to increase state sales tax distributions to Gatlinburg and Pigeon Forge.

**EFFECTIVE DATE:** July 1, 1988; Repealed effective July 1, 1991.

**CHAPTER NO. 1026. Regional transportation authority established.** Establishes a regional transportation authority for Davidson, Sumner, Williamson, Wilson, Robertson, Cheatham, Maury, and Rutherford counties.  
**EFFECTIVE DATE:** May 17, 1988.

**CHAPTER NO. 1028. Coal and machinery trucks — weight restrictions.** Amends TCA 55-11-203(7) to include coal and machinery trucks in the list of trucks for which weight restrictions are deemed to have a margin of error of 10% of the true gross weight of the truck.

**EFFECTIVE DATE:** May 18, 1988.

**CHAPTER NO. 1030. Sales tax — exemption.** Amends TCA 67-6-218 to decrease the sales tax on coal, wood, and fuel oil to 1-1/2% when they are used as fuel in the production of nursery and greenhouse crops.

**EFFECTIVE DATE:** May 18, 1988.

**CHAPTER NO. 1037. Appropriations Act.** Makes appropriations to defray the costs of state government for the fiscal year beginning July 1, 1988. Of particular interest to municipalities, the Act appropriates the following:

1. Police pay supplements -- a sum sufficient for a maximum supplement of \$600.00.
2. Firefighter pay supplements -- a sum sufficient for a maximum supplement of \$500.00.
3. Small cities community development block grants -- \$46,000,000.
4. For grants or loans to local governments for economic development-- \$5,000,000 available immediately and an additional \$50,000,000 available on July 1, 1988.

These grants or loans may be made for industrial infrastructure (water service, wastewater service, etc.) and for industrial site preparation where these expenditures are required to secure the location, expansion, or retention of an eligible business. In determining the form of the assistance, the Department of Economic and Community Development must consider whether the improvement will be of general community benefit (in which case the assistance will be a grant) or benefit only a specific business (in which case the assistance will be a loan).

**EFFECTIVE DATE:** July 1, 1988, except for appropriations that take effect immediately.



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