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Summary of New Laws 1989 General Assembly

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By Dennis W. Huffer

Laws and Regulations -
Tennessee



The University of Tennessee
Municipal Technical Advisory Service

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The Tennessee Municipal League

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SUMMARY OF NEW LAWS
1989 GENERAL ASSEMBLY

by

Dennis W. Huffer

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MUNICIPAL TECHNICAL ADVISORY SERVICE
The University of Tennessee
Knoxville, Tennessee

in cooperation with the Tennessee Municipal League

ABSTRACT

The *Summary of New Laws, 1989 General Assembly* contains summaries of 187 of the 592 public acts by the first session of the 96th General Assembly. These 187 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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TABLE OF CONTENTS

Letter of Transmittal (Foreword)	xv
Acknowledgements	xvii
Chapter/Subject	
9	Emergency communications districts funding revised 3
36	Business tax fee, exemption increased; fee for recording contractor's certificate increased 3
23	Recreation--use of school grounds for municipal recreation purposes 3
25	Contractor licensing--injunctions allowed against local officials 3
27	Mandatory seat belts made permanent 3
30	City manager-commission charter--persons who own property in Collegedale allowed to vote 3
37	Education--before and after school day care centers 4
38	Home improvement contractors--exemption 4
48	Municipal jails--work by inmates 4
50	Intoxicating liquor--consumption in premier tourist resort 4
54	Employees--leaves of absence to participate in athletic events 4
56	Property taxation--deadline for applying under Greenbelt law 4
61	City manager-commission charter--popular election of mayor in Lakeland 4
63	Tort liability--members of judicial district drug task forces made volunteer state employees 4
76	Law enforcement--TVA employees as peace officers 5

Contents

Chapter/Subject

82	Housing authorities--board membership increased in certain municipalities under certain circumstances	5
83	Industrial development corporations--definition of "project" in central business improvement districts changed	5
84	Contractors bonds--amount of contract before bond required increased	6
90	Sports officials--limited immunity	6
92	Crimes--boating under the influence	6
94	Regional tourism promotion--state matching funds increased	6
98	Mayor-aldermanic charter--elections and terms of office	6
100	Removal of vegetation and debris--collection of costs	6
105	Education--permissible uses of special education funds	7
111	Law enforcement--exchange of confiscated firearms	7
114	Water quality standards--variances disallowed in certain circumstances	7
120	Retirement--city employee who was formerly an elected official	7
126	Sales tax on amusements--exemption limited	7
128	Elections--withdrawal date changed	7
130	Firefighter association dues--Loudon County added	8
138	Federal officers making arrests--same status as state and local officers	8
138	Part-time, reserve, auxiliary police officers--maximum hours per month clarified	8
141	Schools--possession of electronic pages	8

Contents

Chapter/Subject

145	Alcoholic beverages--dispensing in motel rooms in large counties	8
149	Public gas systems--inspection fees	9
149	Tort liability--landowner liability may be waived	9
159	Motor vehicles--suspension of license for failure to appear in court	9
159	Natural gas--records required	9
190	Health insurance--mammography	9
194	Workers' compensation--governmental pools may participate in the Second Injury Fund	9
168	State chartered banks may act as financial advisors	10
169	Mayor may appoint substitutes on boards to which he or she is elected	10
173	Law enforcement vehicles--use of blue and red flashing lights	10
174	City judges--retirement	10
175	City manager-commission charter amended	10
176	Merger of municipalities	12
177	Retirement--accumulated sick leave as creditable service for teachers	12
178	Retirement--elected officials	12
180	Industrial development corporations--hotels as a project	13
181	Cafeteria benefits plan--automatic payment of premiums; supplemental medical insurance for retired political subdivision retirees	13
182	Abandoned vehicles--notice and sale	13

Contents

Chapter/Subject

185	Abandoned vehicles--metropolitan governments	13
187	Health maintenance organizations--exemption from bidding for Nashville	13
188	Interlocal cooperation between county and cities	13
191	City court--general sessions jurisdiction for Crossville	13
193	Cable television--cities under Modified Manager-Council charter	14
196	Development district boards--submission of work program and budget	14
197	Education--reduction in number of teachers and other personnel	14
198	Education--purchase of films, tapes, etc.	14
203	Civil service examinations--notice required	14
209	Enterprise zones--incentives by local governments	14
215	AIDS education	15
219	Day care centers and homes--conflicting interpretation of safety standards	15
228	Trailer court regulation repealed	15
230	Municipal electric systems--competition from private companies	15
233	Local Development Authority Act amended	15
234	Crimes--failure to return from furlough or work release	16
237	Furloughs awarded by trial court	16
238	Workers' compensation--disbursements from Second Injury Fund	16

Contents

Chapter/Subject

239	Alternative incarceration for DUI offenders	16
241	Gasoline tax increased--proceeds to go to local governments	16
243	Emergency communications districts--membership on board in Knox County	17
247	Municipal elections--time for filing nominating petitions	17
250	Solid waste--state plan mandated	17
263	Motor vehicle accidents--reporting on property damage	17
273	Disputed taxes--report to local governments	18
275	Crimes--recorded sounds and live performances	18
276	Odometer fraud	18
278	Department of Youth Development created	18
280	Wastewater facilities revolving loan fund--environmental assessment; use of loan proceeds	18
283	Crimes--fraudulent participation in minority set-aside programs	18
286	Municipal electric plants--purchasing power of superintendent	18
298	Slum clearance--collection of costs	18
299	School speed limits in certain counties	19
305	Transfer of personal property to other governments	19
308	Crimes--unauthorized use of name, photograph, or likeness	19
310	Education--accumulation and use of excess instructional time	19
312	Telecommunications services--property and sales taxation	19

Contents

Chapter/Subject

319	Spent nuclear fuel--transportation in state	20
321	Environmental regulations--status of orders	20
322	Drug abuse education	21
323	Motor vehicles--failure to stop when death results	21
325	Alcoholic beverages--products with less than .5% not subject to regulation or taxation	21
326	Annexation--standing for utility districts removed in certain circumstances	21
327	Annexation--venue when territory is in another county	21
329	Juveniles--escape	22
330	Motor vehicles--size of certain vehicles	22
337	Public building authorities--transfer of air rights and easements	22
338	Home improvement contractors--work for which permit not required	22
339	Taxation--report on exemptions	22
340	Business tax--state share	22
342	Motor vehicles--revoked licenses	22
349	Motor vehicles--weight restrictions for sand trucks	23
356	Public school nurse advisory council	23
358	Retirement--issuance of debt to pay expenses of transfer	23
361	Alcoholic beverages--consumption in convention center	23
363	Education--use of professional leave to serve on boards	23

Contents

Chapter/Subject

365	Civil actions--fees and expenses to be paid by local governments	23
367	Crimes--untrue statements relative to the sale of water treatment devices	24
368	TACIR--representative of development districts	24
374	Civil rights--action for injunction, damages, etc.; suit supersedes administrative remedies	24
375	Education--purchasing from minority businesses	24
376	Drug offenders--drug tests required for probation	24
380	Crimes--telephone communications	24
382	West Fork Drakes Creek Dam and Reservoir Interstate Authority created	26
388	Unemployment compensation--benefits increased	26
394	Industrial development--obtaining appurtenant land for industrial park projects	26
398	Police bill of rights enacted	26
399	Plant closings--requirements changed	26
402	Bonds and notes--notification of director of local finance	26
403	Debt issuance--references changed relative to certain authorities	26
406	Notice required of auto repossession	27
407	Installment payments of property taxes in Scott County	27
408	Sales tax exemption--aircraft	27
409	Sales tax exemption--use of personal property by local education employees	27

Contents

Chapter/Subject

410	Director and instructors at Police Training Institute as law enforcement officers	27
411	Utility over charges or under charges--limitations on recovery	27
416	Demolition of old residential structures--approval required in Knox, Davidson, and Shelby Counties	27
419	Property taxation--contest of assessment in Shelby County	28
421	Handicapped education--3-year-olds included	28
422	Historic zoning--allowed for one structure	28
424	Health care shortage programs	28
426	Crimes--fraudulent educational documents	28
427	Alcoholic beverages--airline travel clubs	28
430	Sales tax--applied to vehicles, boats, and aircraft taken out of state	28
432	Hazardous waste--refusal of permit	29
433	Pawnbroker hours in Clarksville	29
434	Indigent health care--fund established	29
435	DUI--use of interlock device may be required	29
436	Truck traffic in Davidson County	29
442	Crimes--handicapped parking; duplication of placard	29
444	Education--false reports; whistleblower provision	30
447	AIDS--programs required by hospitals	30
452	Horse drawn vehicles--white light required	30
453	Crimes--larceny of rented property	30

Contents

Chapter/Subject

457	General sessions judge in metropolitan Lynchburg-Moore County	30
459	Alcoholic beverages--definition of "clubs" expanded for Cumberland County	31
463	Civil service boards--qualifications and appointments	31
465	Business tax--exemption for sale of horses	31
477	Jails--certification	31
478	Sales tax--exemption	31
479	Tort liability--immunity for certain board members	31
480	Collection of funds--checks in official's name lawful in metropolitan counties	31
485	Septic tanks--regulations changed	32
495	Property taxation--reappraisals and current value indexing	32
496	Sales tax--exemption	32
505	Retirement--credit for disability	32
509	Retirement--Group I	33
515	Solid waste disposal	33
520	Municipal judges--local option requirements in Hamilton County	34
521	Solid waste landfill core drilling--notice required in Lewis and Lawrence Counties	34
524	Taxation--exemption for investment funds	34
527	Sales tax--exemption in Franklin County	34
528	Motor vehicles--tinted windows	35

Contents

Chapter/Subject

531	Drug fines increased--diversion of drug fine proceeds to county general fund in many counties	35
541	Enterprise zones for home rule cities and metropolitan governments	35
542	Capital outlay notes--asbestos program	35
544	State health insurance program for local government employees	36
546	Additional litigation tax enacted	36
547	DUI--payment of fines	36
552	Hazardous waste--local government veto eliminated; new siting regulations enacted	36
554	Education--Parent Teacher Partnership Act enacted	37
557	Smoke detectors required in rental units	37
560	Enterprise zones--strengthening of incentives	37
563	Appropriations Act	37
564	Child restraint devices--fines increased--municipalities allowed to adopt by reference--requirements for hospitals	38
565	Education--family life instruction	38
567	Indigent health care--community health agencies authorized	38
570	Purchase of property condemned for neighborhood development in Davidson County	38
575	Human resource agencies--funding	38
576	Metropolitan charter commission in Knox County	39
579	City manager-commission charter--increase in salaries allowed in Davidson County	39

Contents

Chapter/Subject

581	Industrial development corporations--definition of "project" expanded	39
582	Utility relocation loan program established	39
583	Review of revocation or suspension of beer permits	39
585	Elections--campaign finance disclosure	40
588	Public defender system created	41
591	New criminal code adopted	41
	Subject Index	43

891 Twentieth Street
Knoxville, Tennessee 37996-4400
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Dear Municipal Official:

Over 1,500 bills were introduced in each House of the General Assembly in the 1989 session of the 96th General Assembly. From these bills, the General Assembly adopted 592 public acts. Dennis Huffer, J.D., Director of Legal Services for the TML Risk Management Pool, reviewed these new public acts adopted in 1989 and found 187 of them to be of varying degrees of interest to municipal officials. These 187 acts have been summarized in this report, and an alphabetical index, beginning on page 38, has been included to provide a ready reference to them. I commend Mr. Huffer for the quality work exhibited in this document.

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 Tennessee Municipal League, 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, 96th General Assembly, 1989 Session*. Also, most of them will be codified in the 1989 cumulative supplement to the *Tennessee Code Annotated*.

City officials using this document are invited to provide suggestions to MTAS regarding changes and improvements in future Summaries of General Laws. We hope this will be a useful and valuable information tool.

Sincerely,



Randy Williams
Acting Executive Director

TRW/dk1

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Dennis W. Huffer
Director of Legal Services
TML Risk Management Pool

SUMMARY OF NEW LAWS
1989 GENERAL ASSEMBLY

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1989 GENERAL ASSEMBLY

Chapter No. 9. Emergency communications districts -- funding revised. Amends *Tennessee Code Annotated (TCA)* 7-86-108(a) to change the amount the board of directors of an emergency communications district can levy to fund 911 emergency telephone service from a maximum of 5% of the tariff rate to a maximum of \$.65 per month for residential users and \$2.00 per month for business users.

Effective date: March 10, 1989.

Chapter No. 16. Business tax fee, exemption increased; fee for recording contractor's certificate increased. Amends *TCA* 67-4-717 to increase the fee for collecting business taxes from \$3.50 to \$5.00.

Amends *TCA* 67-4-712(d) to increase the exemption from the business tax from less than \$500.00 to less than \$3,000.00 in yearly sales.

Amends *TCA* 62-6-112(a)(2) to increase the fee for recording a contractor's certificate of license from \$1.00 to \$5.00.

Effective date: July 1, 1989.

Chapter No. 23. Recreation -- use of school grounds for municipal recreation purposes. Amends *TCA* 11-24-110 to allow county boards of education and special school districts to grant a municipal recreation system the use of school buildings, grounds, or equipment when this will not interfere with educational use. The Act requires the Departments of Conservation and Education to assist municipal recreation systems in making school facilities available for recreation purposes.

Effective date: March 22, 1989.

Chapter No. 25. Contractor licensing -- injunctions allowed against local officials. Amends *TCA* 62-6-122(a) to allow injunctions against officials of state or local government who accept bids in violation of § 62-6-120(b) or (c).

Effective date: March 22, 1989.

Chapter No. 27. Mandatory seat belts made permanent. Amends *TCA* 55-9-610 to eliminate the repeal of the mandatory seat belt law that was supposed to happen June 30, 1990.

Effective date: March 22, 1989.

Chapter No. 30. City manager-commission charter -- persons who own property in Collegedale allowed to vote. Amends *TCA* 6-20-106 to allow all registered voters who own real property in Collegedale to vote in city elections.

Effective date: March 22, 1989.

Chapter No. 37. Education -- before and after school day care centers. Amends TCA 49-2-203 to allow boards of education to operate before and after school day care centers. Provides for their regulation by the Department of Education.

Effective date: March 28, 1989.

Chapter No. 38. Home improvement contractors -- exemption. Amends TCA 62-37-107(a) to exempt contractors from the Home Improvement Licensing Act who are licensed under the Contractors Licensing Act (TCA 62-6).

Effective date: March 28, 1989.

Chapter No. 48. Municipal jails -- work by inmates. Amends TCA 41-2-148 and 41-3-106 to allow inmates housed in a county or municipal jail or workhouse to perform labor on behalf of a charitable organization or nonprofit corporation.

Effective date: April 3, 1989.

Chapter No. 50. Intoxicating liquor -- consumption in premier tourist resort. Amends TCA 57-4-102(7) to include a recreational facility in Crossville in the definition of premier tourist resort in which intoxicating liquor may be consumed on the premises.

Effective date: April 3, 1989.

Chapter No. 52. Employees -- leaves of absence to participate in athletic events. Allows public employers, including municipalities, to grant paid or unpaid leaves of absence to employees to participate in World, Pan-American, or Olympic competitions.

Effective date: April 3, 1989.

Chapter No. 56. Property taxation -- deadline for applying under Greenbelt law. Amends TCA 67-5-1005, 1006, and 1007 to require that applications for favored tax treatment under the Agricultural, Forest, and Open Space Land Act must be made by April 1 of each year. If the application is made in a year in which a general reappraisal is being carried out, the application must be made by April 1 or before the adjournment of the county board of equalization.

Effective date: January 1, 1990.

Chapter No. 61. City manager-commission charter -- popular election of mayor in Lakeland. Amends TCA 6-20-201(a) and 6-20-101 to allow the mayor of Lakeland to be elected by popular vote. Requires local approval.

Effective date: April 3, 1989.

Chapter No. 63. Tort liability -- members of judicial district drug task forces made volunteer state employees. Amends TCA 8-42-101(a)(3) to include persons designated by the district attorney general as members of judicial district drug task forces in the definition of "state employee."

The Act provides that if a claim or suit is brought against a drug task force member who at the time of the alleged incident was properly certified to the board of claims and if the alleged liability arose out of the individual's activities as a task force member, it shall be conclusively deemed that the individual was not an employee, agent, or servant of a local government but was a volunteer to the state.

In order to be considered a state employee under the Act, the individual must be registered by the DA with the board of claims. The DA may register only the names of "properly qualified" task force members. The Commissioner of Finance and Administration is to develop rules establishing criteria for task force members. These rules may also set limits on the number of drug task force members who may be registered from each district.

The Act provides that to the extent of any conflict concerning liability or jurisdiction of drug task forces between the Act and any mutual aid agreement, the provisions of this Act take precedence.

Amends TCA 8-7-110 to provide that drug task force members have the same rights, powers, duties, and immunities in every jurisdiction within the district as within their own. The assignment to the task force must be made in writing by the chief law enforcement official and does not become effective until approved by the governing body of the task force.

Effective date: April 4, 1989.

Chapter No. 76. Law enforcement -- TVA employees as peace officers. Allows TVA employees to be commissioned as peace officers. The keepers of all local jails must receive all persons arrested by TVA peace officers on the same basis as those arrested by other law enforcement officers.

Effective date: April 3, 1989.

Chapter No. 82. Housing authorities -- board membership increased in certain municipalities under certain circumstances. Amends TCA 13-20-408 and 415 to increase the membership on housing authority boards when the authority undertakes a project in an unincorporated area of the county or in another municipality. The county legislative body or the mayor appoints the new member. The Act applies only to municipalities in counties with a population of 11,707 to 34,900 and to Lake City.

Effective date: April 5, 1989.

Chapter No. 83. Industrial development corporations -- definition of "project" in central business improvement districts changed. Amends TCA 7-53-101(11)(B) not to exclude facilities for the sale or distribution of electricity, gas, water, or telephone service from the definition of "project" in municipalities in which there is a central business improvement district.

Effective date: April 5, 1989.

Chapter No. 84. Contractors bonds -- amount of contract before bond required increased. Amends TCA 12-4-201(a) to increase the amount of a public works contract from \$10,000 to \$25,000 before a contractors bond for labor and materials is required.

Effective date: April 5, 1989.

Chapter No. 90. Sports officials -- limited immunity. Grants sports officials immunity from damages for action arising out of the sports official's duties. The immunity does not extend to willful acts or gross negligence. The sports official must be registered as a member of an organization that provides training and educational opportunities for sports officials.

Effective date: July 1, 1989.

Chapter No. 92. Crimes -- boating under the influence. Amends TCA Title 69, Chapter 10, to clarify and establish penalties for boating under the influence of drugs. The Act requires law enforcement agencies investigating boating accidents in which fatalities or serious injuries occur to obtain blood alcohol content from all operators and submit it to the DA. The Act establishes procedures and penalties similar to the ones for D.U.I.

Effective date: April 5, 1989.

Chapter No. 94. Regional tourism promotion -- state matching funds increased. Amends TCA 4-3-2207(b) to increase the state match from \$1.00 to \$2.00 for each local dollar for regional tourism promotion.

Effective date: April 5, 1989.

Chapter No. 98. Mayor-aldermanic charter -- elections and terms of office. Amends TCA 6-1-401 to require the board of mayor and aldermen in municipalities incorporated under the Mayor-Aldermanic Charter to fix the dates of municipal elections within 90 days of the anniversary of the first election unless the municipality has changed to the November election date. This section also allows the board of mayor and aldermen to change the election date by ordinance. The ordinance must extend the terms of the members necessary to meet the election date, but no member's term may be extended for more than 2 years beyond its regular expiration date. The new election date does not become effective until after the next regular election.

The Act amends TCA 6-1-403(b) to allow terms of the members of the board of mayor and aldermen to be changed from staggered to non-staggered, and vice versa, and from 2 years to 4 years, and vice versa, by ordinance.

Effective date: April 10, 1989.

Chapter No. 100. Removal of vegetation and debris -- collection of costs. Amends TCA 6-54-113 to clarify the method for collecting costs of cleaning up vacant lots. The Act provides that after filing the notice to remedy noxious conditions on a vacant lot with the register of deeds, the costs of clean-up become a lien on the property second only to liens of the state, county, and

municipality for taxes; any lien of the municipality for special assessments; and any mortgage lien filed before the notice.

The costs must be placed on the tax rolls of the municipality and added to the tax bills. If the owner fails to pay them, they can be collected at the same time and in the same manner as property taxes are collected. These costs are also subject to the same penalty and interest as delinquent property taxes.

Effective date: April 10, 1989.

Chapter No. 105. Education -- permissible uses of special education funds. Amends *TCA* 49-3-306(4) to clarify uses to which special education funds may be put.

Effective date: April 10, 1989.

Chapter No. 111. Law enforcement -- exchange of confiscated firearms. Amends *TCA* 39-6-1708 to allow the head of a law enforcement agency to petition the court of criminal jurisdiction in the county to exchange confiscated firearms that have been titled to the agency for firearms suitable for use by the agency. The exchange is permitted only with a licensed and qualified law enforcement firearms dealer.

Effective date: April 10, 1989.

Chapter No. 114. Water quality standards -- variances disallowed in certain circumstances. Repeals *TCA* 69-3-108(1) which allowed variances from water quality standards under certain conditions when a schedule of compliance was not allowable under state or federal law.

Effective date: April 11, 1989.

Chapter No. 120. Retirement -- city employee who was formerly an elected official. Amends *TCA* 8-35-226 to allow a vested city employee who was formerly an elected official of the city to establish retirement credit under TCRS for the time he or she was an elected official. The city must approve by a 2/3 vote a resolution authorizing an actuarial study to determine its liability and must pay for the study and accept responsibility for the liability.

Effective date: April 18, 1989.

Chapter No. 126. Sales tax on amusements -- exemption limited. Amends *TCA* 67-6-330(a)(19) to provide that the exemption from the amusement tax for certain health clubs does not apply to establishments listed under Industry 7992 and Industry 7997 of the Standard Industrial Classification Index of 1987.

Effective date: July 1, 1989.

Chapter No. 128. Elections -- withdrawal date changed. Amends *TCA* 2-5-204(b)(1) to change the withdrawal date for candidates from the 40th day before the election to the 7th day after the qualifying deadline.

Amends *TCA* 2-5-101(g)(1)(E) to provide that additional candidates may qualify after the deadline if a candidate in a primary or nonpartisan general election dies or withdraws leaving no candidate for the office. Previous law allowed additional candidates to qualify if the death or withdrawal left only 1 candidate for the office.

Effective date: July 1, 1989.

Chapter No. 130. Firefighter association dues -- Loudon County added. Amends *TCA* 7-51-204, which requires firefighter association dues to be deducted from the firefighter's pay check in certain circumstances, to include Loudon County and its municipalities in the political subdivisions to which it is applicable.

Effective date: April 18, 1989.

Chapter No. 135. Federal officers making arrests -- same status as state and local officers. Amends *TCA* Title 38, Chapter 3 to provide that federal law enforcement officers making arrests for non-federal offenses shall have the same status and immunity as state or local law enforcement officers if: (a) the officer believes the person is committing or has committed a felony in his or her presence; (b) the officer believes the person is committing or has committed in his or her presence a misdemeanor that amounts to a breach of the peace; or (c) the officer is rendering law enforcement assistance to an officer of this state at the request of the state officer.

Effective date: July 1, 1989.

Chapter No. 138. Part-time, reserve, auxiliary police officers -- maximum hours per month clarified. Amends *TCA* 38-8-101(b) to clarify that part-time, temporary, reserve, and auxiliary police officers may work no more than a total of 100 hours per month.

Effective date: April 20, 1989.

Chapter No. 141. Schools -- possession of electronic pager. Amends *TCA* Title 9, Chapter 6, Part 42 to make possession of an electronic pager by a student without the principal's permission prima facie evidence of its intended use in violation of the School Security Act.

Effective date: April 20, 1989.

Chapter No. 145. Alcoholic beverages -- dispensing in motel rooms in large counties. Amends *TCA* 57-4-203 and 57-5-1 to authorize the dispensing of liquor and beer through locked, in-room units in hotel and motel rooms in counties of over 100,000 population. The municipality or county must have approved liquor-by-the-drink by referendum. No hotel or motel may supply a key to an in-room liquor dispensing unit to anyone under 21 years old.

Effective date: April 20, 1989.

Chapter No. 146. Public gas systems -- inspection fees. Amends *TCA* 65-28-110(c) to change the inspection fees paid by public gas systems to \$100 for the first 154 meters; \$.65 for each meter from 155 to 2,000; \$.50 for each meter from 2,001 to 10,000; and \$.35 for each meter over 10,000. Establishes a maximum fee of \$78,000.00. Provides the fee must be used to fund the Public Service Commission's gas safety inspection program.

Effective date: July 1, 1989.

Chapter No. 149. Tort liability -- landowner liability may be waived. Amends *TCA* Title 70, Chapter 7, to allow any person over 18 years old to waive a landowner's duty of care to the person when, for a consideration, the person goes on land to camp, fish, hunt, hike, train dogs, or cut or remove firewood. Landowner includes municipalities. The waiver may not limit liability for gross negligence, willful or wanton conduct, or for a failure to guard or warn against a dangerous condition, use, structure, or activity.

Effective date: July 1, 1989.

Chapter No. 156. Motor vehicles -- suspension of license for failure to appear in court. Amends *TCA* 55-50-502(a) to authorize the department of safety to suspend the driver's license of anyone who fails to appear in any court to answer any citation for violating any traffic statute, except for parking tickets and seat belts.

Amends *TCA* 55-50-604 and 55-7-206(c)(1) to change the date by which fines must be turned over to the department of safety from 10 days after they are received to 15 days after the last day of the month in which they are received.

Effective date: April 20, 1989.

Chapter No. 159. Natural gas -- records required. Amends *TCA* 60-1-104 to require any person producing, selling, gathering, transporting, or storing crude petroleum or natural gas from wells in Tennessee to keep records of the amount and the price paid or received therefor.

Effective date: April 21, 1989.

Chapter No. 160. Health insurance -- mammography. Amends *TCA* Title 56, Chapter 7 to require group health insurance plans that provide coverage for surgical service for mastectomy to also provide coverage for mammography screening. The Act applies to insurance issued or renewed after the effective date of the Act.

Effective date: July 1, 1989.

Chapter No. 164. Workers' compensation -- governmental pools may participate in the Second Injury Fund. Amends *TCA* 29-20-401 to allow governmental pools to participate in the Second Injury Fund upon paying an annual fee based on the same percentage of premiums as insurance companies, through their premium tax, pay to participate.

Effective date: July 1, 1989.

Chapter No. 168. State chartered banks may act as financial advisors. Allows state chartered banks to serve as investment or financial advisors to the state, counties, and municipalities.

Effective date: July 1, 1990.

Chapter No. 169. Mayor may appoint substitutes on boards to which he or she is elected. Amends TCA 6-54-112 to allow the mayor to appoint a substitute to serve on any board to which the mayor is elected.

Effective date: April 26, 1989.

Chapter No. 173. Law enforcement vehicles -- use of blue and red flashing lights. Amends TCA 55-8-108(c), 55-9-402(d), and 55-9-414(a) to allow law enforcement vehicles to display a flashing red light in combination with a flashing blue light.

Effective date: April 26, 1989.

Chapter No. 174. City judges -- retirement. Amends TCA Title 8, Chapter 35, Part 2 to allow city judges to participate in the Tennessee Consolidated Retirement System. The municipal governing body must pass a resolution accepting liability as a result of the city judge's participation. All costs associated with the city judge's retirement coverage are the responsibility of the municipality.

Effective date: April 26, 1989.

Chapter No. 175. City manager-commission charter amended. Amends Title 6, Chapters 18 through 22 to make comprehensive revisions to the city manager-commission charter.

Section 1. Amends TCA 6-18-104 to change the number of people who may petition for incorporation from 20% of the number of registered voters voting at the last general election to 33 1/3% of the registered voters.

Section 2. Provides that new petition requirement applies to petitions filed on or after the effective date of the Act (April 26, 1984).

Section 3. Amends 6-19-101(29) to remove references to imprisonment for ordinance violations.

Section 4. Amends 6-19-104 to make the city manager responsible for all purchasing. The making of purchases can be delegated. All purchases, whenever practicable, must be made after competitive bids and the purchase made from the lowest and best bidder. Formal sealed bids must be obtained for all transactions involving an amount to be set by ordinance. This amount must be \$2,500.00 to \$10,000.00. The city manager may reject all bids and allow work to be done by city personnel. The city may authorize noncompetitive contracts when the city manager recommends this in writing and the board unanimously approves.

Section 5. Amends TCA 6-20-101 to allow representation on the board of commissioners by single-member districts rather than at large. This option may be exercised by ordinance.

Section 6. Amends 6-20-110 to provide for the filling of vacancies by the appointment or election of a resident of the district when a city has chosen representation by districts.

Section 7. Amends 6-20-201 to provide for the popular election of the mayor when this is approved by referendum. The referendum may be called by the board of commissioners or a petition of 10% of the registered voters. The popularly elected mayor has the same powers and duties as one elected by the board of commissioners.

Section 8. Amends TCA 6-20-211(a) and (c) by deleting references to imprisonment for ordinance violations.

Section 9. Amends TCA 6-20-215(a) to allow the reading of only the caption of an ordinance on all three readings.

Section 10. Amends TCA 6-20-220(a) to remove employees from the list of those who can be removed by the board of commissioners for misconduct, etc.

Section 11. Amends 6-21-102 to give the city manager responsibility for appointing, promoting, suspending, transferring, and removing officers and employees responsible to him. The manager may delegate these responsibilities. Compensation shall be fixed by the city manager in accordance with a comprehensive pay plan adopted by the board of commissioners.

Section 12. Amends 6-21-108(8) to delete purchasing provisions superseded by Section 4 of this Act.

Section 13. Amends 6-21-302 to provide that the board of commissioners may create new departments or combine or abolish existing departments but must receive the written recommendation of the city manager.

Section 14. Amends 6-21-401 in its entirety to provide that the city manager must appoint a recorder who may also be the finance director and treasurer.

Section 15. Amends 6-21-502 to remove references to imprisonment for ordinance violations and to provide that imprisonment for failure to pay a fine is to be as established in TCA 40-24-104 (1 day for each \$5.00).

Section 16. Amends 6-20-218 to eliminate the requirement for publishing a complete summary of each penal ordinance. Now only the caption need be published.

Section 17. Repeals 6-21-605 which provided that the salary of the police chief and police force would be set by the board of commissioners.

Section 18. Adds a new section to Title 6, Chapter 21, Part 8 allowing the election by popular vote of a school board.

Section 19. Amends 6-22-101 to change reference from city recorder to finance director.

Section 20. Amends 6-22-105, 106, 107, 109, 114, 117, 118, 126, 127, and 128 to change references from "recorder" to "finance director."

Section 21. Amends TCA 6-22-120 to provide that the board shall require security for city deposits at least equal to that in Title 9, Chapter 4, Part 1 (110% of face value, 100% market value).

Section 22. Amends 6-22-122(b) to change the beginning of the fiscal year from January 1 to July 1.

Section 23. Amends 6-22-122 to change from November 15 to May 15 the date by which the city manager must make an estimate of the receipts and expenditures for the coming year.

Section 24. Amends TCA 6-22-104 to provide for amendments to the appropriations ordinance. The revising ordinance must be published by least 1 week before it is considered. Except for emergencies, increased appropriations may be made only after the city manager has certified in writing that there is sufficient unappropriated revenue.

Effective date: April 26, 1989.

Chapter No. 176. Merger of municipalities. Amends TCA Title 6, Chapter 51 to authorize the merger of contiguous municipalities in the same county. The merger will take place after a referendum approving it in each municipality seeking to merge. The referendum can be initiated by joint resolution of the governing bodies of the municipalities seeking to merge or by a petition of 10% of the registered voters in each municipality.

The resolution or petition must list the municipalities seeking to merge, state the name of the proposed new municipality, and under what charter it will operate. The resolution or petition may divide the proposed municipality into wards or districts. The resolution or petition may also contain terms for the continuation of ordinances.

If a majority of those in each municipality approve, the municipalities will merge 120 days after the referendum approval. During this 120-day period, an election must be held in the area of the new municipality to elect the officers who are popularly elected under the new charter.

The Act provides for the payment of the costs of the referendum, for the continuation of ordinances, for the assumption of debts and liabilities by the new municipality, and for the continuation of state shared taxes.

Effective date: April 26, 1989.

Chapter No. 177. Retirement -- accumulated sick leave as creditable service for teachers. Amends TCA 8-34-604(a) to allow any teacher to receive creditable service in TCRS for accumulated sick leave.

Effective date: July 1, 1989.

Chapter No. 178. Retirement -- elected officials. Amends TCA 8-35-203 to provide that any current member of TCRS who would have been eligible for service credit under 8-35-226 but was not in service with the local government when those provisions allowing certain appointed or elected officials to be eligible for membership were adopted may be eligible for prior service at the option of the political subdivision under certain conditions.

Effective date: April 26, 1989.

Chapter No. 180. Industrial development corporations -- hotels as a project. Amends *TCA* 7-53-302(a)(4) to allow industrial development corporations to acquire a hotel listed in the National Register of Historic Places before December 31, 1989.

Effective date: April 26, 1989.

Chapter No. 181. Cafeteria benefits plan -- automatic payment of premiums; supplemental medical insurance for retired political subdivision retirees. Amends *TCA* 8-25-305 to allow employers offering a cafeteria benefits plan to provide that the employee's health insurance premiums and dental insurance premiums be automatically paid through the plan.

Amends *TCA* Title 8, Chapter 27, Part 7 to allow retired employees of political subdivisions to participate in the supplemental medical insurance program. The state will not pay any of the premiums. The political subdivisions may contribute to the expense of the coverage.

Effective date: April 26, 1989.

Chapter No. 182. Abandoned vehicles -- notice and sale. Amends *TCA* 55-16-105(a) to change the time within which an owner or lienholder must reclaim an abandoned vehicle from 3 weeks to 10 days.

Amends *TCA* 55-16-105 to require publication of notice in a newspaper if there is no response to the notice by registered mail.

Amends *TCA* 55-16-106(e)(1) to provide that proceeds of the sale of an abandoned vehicle must be held only 45 instead of 90 days for the owner or lienholder before they are deposited in a special fund for dealing with abandoned automobiles.

Effective date: July 1, 1989.

Chapter No. 185. Abandoned vehicles -- metropolitan governments. Amends *TCA* 55-16-103(3) to allow departments other than the police departments in metropolitan counties to deal with abandoned automobiles.

Effective date: April 26, 1989.

Chapter No. 187. Health maintenance organizations -- exemption from bidding for Nashville. Amends *TCA* 56-32-223 to exempt Metro Nashville from the requirement that at least 2 HMOs be allowed to bid or provide services.

Effective date: April 20, 1989.

Chapter No. 188. Interlocal cooperation between county and cities. Amends *TCA* 5-1-113 to allow counties to cooperate with more than one municipality within their boundaries to provide services.

Effective date: April 26, 1989.

Chapter No. 191. City court -- general sessions jurisdiction for Crossville. Amends *TCA* 6-21-501(b)(1) to grant general sessions jurisdiction to the city court of Crossville.

NOTE: Crossville is not incorporated under this charter.

Effective date: April 26, 1989.

Chapter No. 193. Cable television -- cities under Modified Manager-Council charter. Amends TCA 6-33-101 to allow municipalities incorporated under the Modified Manager-Council charter to acquire, own, and operate cable TV and microwave multipoint distribution systems.

Effective date: April 26, 1989.

Chapter No. 196. Development district boards -- submission of work program and budget. Amends TCA 13-14-106(b)(4) to require development district boards to submit their annual work program and budget to the State Planning Office or other office directed by the governor rather than to the finance committees of the Senate and House.

Effective date: April 27, 1989.

Chapter No. 197. Education -- reduction in number of teachers and other personnel. Amends TCA 49-5-511 to provide that boards of education may dismiss teachers and other personnel when it becomes necessary because of a decrease in enrollment or for other good reasons. The board must give the teacher or other employee written notice of the reasons for the dismissal.

Effective date: April 27, 1989.

Chapter No. 198. Education -- purchase of films, tapes, etc. Amends TCA 49-3-310(b) to allow local education agencies to use up to 20% of their textbook allowance to buy films, records, tapes, and other materials related to the curriculum.

Effective date: April 27, 1989.

Chapter No. 203. Civil service examinations -- notice required. Requires municipalities to post notices of civil service examinations at least 30 days before the examination. The chief executive officer of the municipality may waive the posting requirement after notifying the department head in writing.

Effective date: April 27, 1989.

Chapter No. 209. Enterprise zones -- incentives by local governments. Amends TCA 13-28-106, part of the Enterprise Zone Act of 1984, to allow local governments to abate or agree not to impose local taxes, fees, and licenses on, and to provide other concessions to, residents and businesses locating in the zone. The incentives should be included in the application. Cities cannot make concessions relative to county revenues and vice versa.

Effective date: April 27, 1989.

Chapter No. 215. AIDS education. Amends Title 49, Chapter 1, Part 1 to require that any AIDS education material must place primary emphasis on sexual abstinence and avoidance of drug abuse. Adoption of AIDS education programs is permissive.

Effective date: July 1, 1989.

Chapter No. 219. Day care centers and homes -- conflicting interpretation of safety standards. Amends TCA 68-18-106 to provide that in the case of conflicts between the state fire marshal and another official about the application of construction standards or fire safety standards to day care centers and day care homes, the interpretations of the fire marshal will prevail.

Effective date: July 1, 1989.

Chapter No. 228. Trailer court regulation repealed. Repeals TCA Title 68, Chapter 24, which regulated trailer courts.

Effective date: May 2, 1989.

Chapter No. 230. Municipal electric systems -- competition from private companies. Amends TCA Title 65 to prohibit non-consumer owned electric systems from owning facilities for distribution or sale and from selling electricity outside its current geographic territory (February 16, 1989). Current geographic territories can be modified by agreements among adjacent electric systems.

Any non-consumer owned system owning equipment for distribution or sale outside this territory on state or local government right-of-way must remove the equipment within 6 months of May 2, 1989. If the private electric system fails to remove the equipment, the local government can remove it and sell it and apply the proceeds to the costs of removal. Local governments may use their power of eminent domain to acquire the equipment.

The Public Service Commissioner has jurisdiction to hear and resolve disputes concerning boundaries of non-consumer owned electric systems.

Municipalities may not through the grant of franchises of other operating authority expand the current geographic territory of non-consumer owned electric systems.

Effective date: May 2, 1989

Chapter No. 233. Local Development Authority Act amended. Amends TCA 4-31-603(4) to provide that the Local Development Authority may require the participating municipality to be a party to the loan agreement with municipal airport authorities.

Amends TCA 4-31-603(a)(3) to provide that the participating municipality has no claim for state shared taxes that have been withheld to repay an airport loan.

Amends TCA 4-31-607(c) to provide that a resolution of a municipality guaranteeing an airport loan takes effect immediately upon its adoption.

Amends TCA Title 68, Chapter 13, Part 2 to increase the power of the Local Development Authority relative to grants and loans for sewage treatment works.

Amends TCA 68-13-204 to provide that any action required to be taken by a municipality relative to loans or grants for sewage treatment works may be done by resolution, which will take effect immediately upon its adoption.

Amends TCA Title 68, Chapter 13, Part 5 to increase the power of the Local Development Authority relative to loans for waterworks construction.

Amends TCA Title 68, Chapter 31, Part 4 to increase the power of the Local Development Authority relative to loans for energy recovery facilities and solid waste resource recovery facilities.

Effective date: May 3, 1989.

Chapter No. 234. Crimes -- failure to return from furlough or work release. Amends TCA 39-5-706(a) to provide that it is a crime punishable by 1-5 years in prison for a felony convict confined in a county jail willfully to fail to return from furlough or work release. It is a misdemeanor for a person so confined for a criminal offense other than a felony.

Effective date: May 9, 1989.

Chapter No. 237. Furloughs awarded by trial court. Provides that when a defendant is in a jail or workhouse and the administrative authority of the institution has no program for furloughs, the trial court can grant furloughs for medical, penological, rehabilitative, or humane reasons. This authority does not extend to DUI.

Effective date: May 9, 1989.

Chapter No. 238. Workers' compensation -- disbursements from Second Injury Fund. Amends TCA 50-6-208 to require that disbursements from the Second Injury Fund be made only in accordance with court decree.

Effective date: May 9, 1989.

Chapter No. 239. Alternative incarceration for DUI offenders. Amends TCA Title 55, Chapter 10, Part 4 to direct the Commissioner of Corrections to devise an alternative network of facilities, to include armories and unused public buildings, to house DUI offenders. The plan must be presented to the General Assembly by January 15, 1990.

Effective date: May 9, 1989.

Chapter No. 241. Gasoline tax increased -- proceeds to go to local governments. Amends TCA 67-3-603 and 604 to increase the gasoline tax to \$.19 per gallon. Revenues from the \$.1 increase go exclusively to local governments: 1/3 to municipalities, 2/3 to counties.

As a condition of receiving these increased revenues, municipalities must agree to make good faith efforts to obtain participation by disadvantaged or women businesses in an amount of about 10% of the increased revenues.

Effective date: July 1, 1989.

Chapter No. 243. Emergency communications districts -- membership on board in Knox County. Amends 7-86-105(b) to provide that in the emergency communication district established by Knox County, the mayor and police chief, or their representatives, of Knoxville and the sheriff and county executive shall be members of the board of directors.

Effective date: May 9, 1989.

Chapter No. 247. Municipal elections -- time for filing nominating petitions. Amends 2-5-101(a)(3) to provide that candidates in municipal elections held in even years on the first Thursday in August, the first Tuesday after the first Monday in November, or on the first Tuesday in May must file their nominating petitions no later than 12 noon, prevailing time, on the first Thursday in the second calendar month before the election. Candidates in elections held on other dates must file their petitions no later than 12 noon on the 45th calendar day before the election. If this day falls on a Sunday, it must be filed on the preceding Saturday.

Effective date: May 9, 1989; the Act applies only to nominating petitions filed after its effective date.

Chapter No. 250. Solid waste -- state plan mandated. Enacts the "Tennessee Solid Waste Planning and Recovery Act." Requires the State Planning Office to establish a comprehensive solid waste management plan for the state by January 1, 1991. The plan must have reduction of volume as its priority.

The plan must include provisions for planning, funding, and implementation of the plan and for technical and financial assistance and educational programs.

The plan must encourage local governments to use recycled and recyclable materials.

The State Planning Office must formulate goals, standards, and criteria for planning, funding, implementation, and effective maintenance of the solid waste management program.

The state's 9 development districts must prepare and adopt regional solid waste management plans that are consistent with the state plan. Regional plans must be completed by January 1, 1992.

The state plan must establish goals for the reduction of solid wastes that are disposed of in landfills. The plan must provide municipalities with strategies for funding their solid waste management plans.

The Act provides that after July 1, 1990, it is illegal for any incinerator or landfill to accept automobile batteries.

Effective date: May 10, 1989.

Chapter No. 263. Motor vehicle accidents -- reporting on property damage. Amends 55-10-102(b), 55-10-107(a), 55-12-104(a), and 55-12-105(a) to change from \$200.00 to \$400.00 the amount of property damage required before a report has to be made of a vehicle accident to the Department of Safety. The Act also deals with penalties for failure to stop when property damage is greater than \$400.00.

Effective date: July 1, 1989.

Chapter No. 273. Disputed taxes -- report to local governments. Amends 67-1-102 to require the Commissioner of Revenue to notify a local government of a taxpayer challenge to a local tax paid to the Department of Revenue if the amount in dispute exceeds \$25,000.00 per municipality or county.

Effective date: May 12, 1989.

Chapter No. 275. Crimes -- recorded sounds and live performances. Amends Title 39, Chapter 3 to make the transfer of sounds and the recording of live performances without the consent of the owner unlawful under certain circumstances.

Effective date: July 1, 1989.

Chapter No. 276. Odometer fraud. Amends Title 4, Chapter 3, Part 20 to give the division of motor vehicles enforcement in the department of safety the authority to perform odometer fraud investigations.

Effective date: May 16, 1989.

Chapter No. 278. Department of Youth Development created. Amends Title 4, Chapter 3 and other provisions to create the Department of Youth Development.

Effective date: July 1, 1989.

Chapter No. 280. Wastewater facilities revolving loan fund -- environmental assessment; use of loan proceeds. Amends 68-13-1005(c) to provide that before making a recommendation on loans to local governments from the wastewater facility revolving loan fund, the Department of Health and Environment may ensure through an environmental review that loan-funded projects will be environmentally sound.

Amends 68-13-1006(c) to prohibit local governments from using loan proceeds as a local match for EPA Title II construction grants.

Effective date: May 16, 1989

Chapter No. 283. Crimes -- fraudulent participation in minority set-aside programs. Amends Title 39, Chapter 3, Part 9 to make it a misdemeanor punishable by up to 1 year imprisonment and a fine of up to \$50,000.00 for any person to practice fraud for the purpose of qualifying to participate in a set-aside program administered by state or local government.

Effective date: July 1, 1989.

Chapter No. 286. Municipal electric plants -- purchasing power of superintendent. Amends 7-52-117(d) to increase the amount the supervisory body may allow the superintendent to obligate the electric system for without approval of the supervisory body from \$20,000.00 to \$50,000.00.

Effective date: May 16, 1989.

Chapter No. 298. Slum clearance -- collection of costs. Amends 13-21-103 to clarify the method for collecting the costs of repair, improvement, or demolition of dilapidated buildings under the Slum Clearance Act.

The Act provides that on filing notice with the register of deeds, the costs become a lien on the property second only to liens of the state, county, and municipality for taxes; any lien of the municipality for special assessments; and any mortgage lien filed before the notice.

The costs must be placed on the tax rolls of the municipality and added to the tax bills. If the owner fails to pay them, they can be collected at the same time and in the same manner as property taxes are collected. These costs are also subject to the same penalty and interest as delinquent property taxes.

Effective date: May 16, 1989.

Chapter No. 299. School speed limits in certain counties. Amends 55-8-152(e) to allow Sullivan and Hawkins Counties and municipalities in them to establish special speed limits within 1/4 mile of school grounds.

Effective date: July 1, 1989.

Chapter No. 305. Transfer of personal property to other governments. Amends Title 12, Chapter 3 to provide supplemental authority for local governments to transfer used or surplus personal property among themselves without regard to laws on public advertisement and competitive bidding. Allows municipalities and other local governments to establish procedures for disposing of surplus personal property to other governments without regard to other provisions of law.

Effective date: May 16, 1989.

Chapter No. 308. Crimes -- unauthorized use of name, photograph, or likeness. Amends 47-25-1105 to make the unauthorized use of a person's name, likeness, or photograph for commercial purposes without the individual's consent a misdemeanor.

Effective date: May 16, 1989.

Chapter No. 310. Education -- accumulation and use of excess instructional time. Amends 49-6-3004 to provide that local boards of education that exceed the 6 1/2 hours per day instructional time by at least 1/2 hour daily shall be credited with this time to use for time lost because of weather. Any unused accumulated days for excess instructional time may not carry over to the next year.

Effective date: May 16, 1989.

Chapter No. 312. Telecommunications services -- property and sales taxation. Amends 67-5-501(8)(B) to provide that telephone companies are utilities for property tax purposes except for cellular telephone companies, companies providing radio common carrier service, and long distance companies. These companies would be considered commercial rather than utility companies and would be assessed for property tax purposes at 40% of value (real) or 30% (personal) rather than 55%.

Amends 67-5-1302(a)(1) to provide that operating property of a utility used predominantly to provide cellular telephone service, radio common carrier service, or long distance telephone service is to be assessed as commercial property.

Amends 67-6-102 to tax intrastate and interstate tele-communications services under the sales tax. Only charges for interstate services that originate or are received in this state and are paid for, billed for, or charged to service addresses in Tennessee are included.

Amends 67-6-313 and 507 to prevent multi-state taxation by allowing a credit for taxes paid in other states.

Repeals 67-4-407, which provided for a gross receipts tax on telephone companies.

The Act provides that the state sales tax on telecommunications charges will be 5.5% and the local tax will be 1.5%.

Effective date: Property tax provisions -- January 1, 1989.

Sales tax provisions -- June 1, 1989.

Provision repealing gross
receipts tax -- July 1, 1989.

Chapter No. 319. Spent nuclear fuel -- transportation in state. Amends TCA 65-15-126 to require any person or firm transporting spent nuclear fuel through the state to notify the Tennessee Emergency Management Agency, which must notify the Public Service Commission. Notification of shipments is confidential. Fees of \$1,000.00 per cask for truck shipments and \$2,000.00 per cask for rail shipments are imposed by the Act. The person or firm shipping the spent fuel must obtain a bond or surety with a bonding or insurance company to guarantee payment of the fees.

The person shipping the spent fuel in the state must provide an appropriate escort for the shipment.

Effective date: May 17, 1989.

Chapter No. 321. Environmental regulations -- status of orders. Amends TCA 68-25-116 relative to air pollution control to provide that final orders or assessments of the technical secretary or a city or county may be filed with the chancery court and be considered a judgment by consent of the parties. Any citizen may intervene if the remedies provided are not adequate. The judgment becomes final 45 days after entry.

Amends TCA 68-46-114 and 68-46-215 relative to hazardous wastes to make the same changes listed above for 68-25-116 except for provisions relative to orders or assessments by local governments.

Amends TCA 68-25-110 relative to air pollution and 68-46-113(c) relative to hazardous wastes to allow the Department of Health and Environment to appeal final determinations.

Amends TCA Title 68, Chapter 46, Part 2 to provide, relative to hazardous wastes, that no state or local permits are required for clean-up activities conducted entirely on site if these activities meet the standards that would apply if permits were required.

Amends TCA 68-46-110(g) relative to failure to pay fees relative to hazardous wastes to allow the commissioner to reduce penalties in certain circumstances.

Amends TCA 69-3-115 relative to water pollution control to provide that final orders may be filed with the chancery court of Davidson County to be considered a consent decree.

Effective date: May 18, 1989, but the Act does not affect matured rights or duties or penalties imposed or proceedings begun before then.

Chapter No. 322. Drug abuse education. Enacts the Tennessee Drug Abuse Resistance Education Act of 1989. Authorizes the State Board of Education in conjunction with the Department of Safety, to implement a statewide drug abuse resistance education (DARE) program to be taught by qualified and trained law enforcement officers in local schools. The Department of Safety is to adopt standards and qualifications for law enforcement officers who apply for training as instructors in the DARE program.

Local education agencies may use funds received under the Drug Free Tennessee program to implement the DARE program.

Effective date: July 1, 1989.

Chapter No. 323. Motor vehicles -- failure to stop when death results. Amends TCA 55-10-101 to make it a felony for a driver involved in an accident to fail to stop at the scene of the accident when the driver knew or should have known that death resulted from the accident.

Effective date: July 1, 1989.

Chapter No. 325. Alcoholic beverages -- products with less than .5% not subject to regulation or taxation. Amends TCA 57-3-101(1) to exclude beverages or products containing less than .5% alcohol from regulation or taxation under that chapter, which deals with liquor by the drink, and from regulations under Chapters 1 through 6 and Chapter 9 of Title 57, which include substantially all regulation and taxation of alcoholic beverages.

Effective date: May 24, 1989.

Chapter No. 326. Annexation -- standing for utility districts removed in certain circumstances. Amends TCA 6-51-103(a)(1)(A) to provide that a utility district that owns property in or bordering on an annexed area does not have standing to contest the annexation ordinance when the owner or owners of property in the annexed area requested the annexation.

Effective date: May 24, 1989.

Chapter No. 327. Annexation -- venue when territory is in another county. Amends TCA 6-51-103 to provide that a suit contesting an annexation of territory in a county other than the one in which the municipality's city hall is located shall be filed in the county where the city hall is located. The chancellor

must then change the venue to a county that is adjacent to either the county where the city hall is located or the county where the proposed annexed territory is located.

Effective date: May 24, 1989.

Chapter No. 329. Juveniles -- escape. Amends *TCA* 37-1-116 to provide for the offense of escape and its punishment for juvenile delinquents.

Effective date: May 24, 1989.

Chapter No. 330. Motor vehicles -- size of certain vehicles. Amends *TCA* Title 55, Chapter 7, to enact size regulations for motor vehicles transporting seed cotton modules and for house boats.

Amends *TCA* 55-9-401 to require cotton wagons to display a light or a slow moving vehicle triangle on the rear lower left corner.

Effective date: May 24, 1989.

Chapter No. 337. Public building authorities -- transfer of air rights and easements. Amends *TCA* 12-10-109(a) to allow public building authorities to transfer any air rights and easements, including easements for support and ingress and egress in, above, under, or adjacent to project property. Transfer may be by public bid or private sale as determined by the board of directors.

Effective date: May 24, 1989.

Chapter No. 338. Home improvement contractors -- work for which permit not required. Amends *TCA* 62-37-103(7)(B), part of the Home Improvement Licensing Act, to exclude work for which a permit is not required by a municipality from the definition of home improvement.

Effective date: May 24, 1989.

Chapter No. 339. Taxation -- report on exemptions. Amends *TCA* Title 9, Chapter 6, Part 2 to require the Department of Finance and Administration to report to the General Assembly each year on all tax exemptions and the money that could be raised by eliminating them.

Effective date: July 1, 1989.

Chapter No. 340. Business tax -- state share. Amends *TCA* 67-4-724(a) to provide that the proceeds from the Business Tax that result from a local government field audit and related collection effort do not have to be shared with the state.

Effective date: July 1, 1989.

Chapter No. 342. Motor vehicles -- revoked licenses. Amends *TCA* 55-12-127(a) to provide that local law enforcement officers may take possession of any suspended, revoked, or cancelled driver's license or vehicle registration when the driver has failed to return the license or registration to the Commissioner of Safety. The officer must forward them to the commissioner.

After the commissioner receives the fee for reinstatement of the license or registration, the commissioner must pay the local law enforcement agency that seized the license or registration \$25.00. These monies must be deposited in the operational fund account and used for state traffic law enforcement.

Effective date: May 24, 1989.

Chapter No. 349. Motor vehicles -- weight restrictions for sand trucks. Amends TCA 55-7-203(7) to add sand trucks to the list of vehicles that have a 10% margin of error for weight restrictions on state highways.

Effective date: May 24, 1989.

Chapter No. 356. Public school nurse advisory council. Amends TCA 68-1-1204 to allow the creation of a public school nurse advisory council by local education agencies with 1 or more full-time nurses.

Effective date: July 1, 1989.

Chapter No. 358. Retirement -- issuance of debt to pay expenses of transfer. Amends TCA 8-35-317(a)(1) to provide that counties and municipalities may issue debt under the Local Government Public Obligations Act to meet expenses of teachers transferring from a local retirement fund to the TCRS. The obligation must mature in 5 years or less.

Effective date: May 24, 1989.

Chapter No. 361. Alcoholic beverages -- consumption in convention center. Amends TCA 57-4-102(4) to allow the consumption of alcoholic beverages on the premises of the Gatlinburg convention center and at any other convention center in a premier tourist resort city.

Effective date: May 23, 1989.

Chapter No. 363. Education -- use of professional leave to serve on boards. Amends TCA Title 49, Chapter 5 to allow teachers to use up to 2 days of professional leave each year to serve on boards and commissions that meet during daytime hours and to which the teacher has been appointed by a mayor, city council, or county executive or commission. The board of education may require verification of the teacher's attendance at these meetings.

Effective date: May 25, 1989.

Chapter No. 365. Civil actions -- fees and expenses to be paid by local governments. Amends TCA Title 29, Chapter 37, Part 1, the Equal Access to Justice Act, to provide that a court having jurisdiction of a civil action brought by a local government against a small business may award reasonable fees and other expenses not exceeding \$10,000.00 to the small business if it prevails. The small business must demonstrate by a preponderance of the evidence that the actions of the local government were arbitrary and capricious or were brought in bad faith for the purpose of harassment. The court may decline to make an award if it finds that special circumstances exist that would make an award unjust.

If a small business makes a claim against a local government for fees and expenses that is not supported by substantial evidence or that is arbitrary or capricious or that is brought in bad faith for the purpose of harassment, the small business will be subject to the procedures and sanctions of Rule 11 of the Tennessee Rules of Civil Procedure.

Effective date: July 1, 1989.

Chapter No. 367. Crimes -- untrue statements relative to the sale of water treatment devices. Makes it unlawful to make certain untrue representations in connection with the sale, lease, rental, etc., of water treatment devices.

Effective date: January 1, 1990.

Chapter No. 368. TACIR -- representative of development districts. Amends TCA 4-10-103 to provide that the member of the Tennessee Advisory Commission on Intergovernmental Relations representing the development districts must be appointed from 2 nominees submitted by the Tennessee Development District Association.

Effective date: May 25, 1989.

Chapter No. 374. Civil rights -- action for injunction, damages, etc.; suit supersedes administrative remedies. Amends TCA 4-21-311 to provide that in addition to the remedies of injunction, damages, costs, and attorneys' fees in a suit for race, sexual, religious, or age discrimination under state law, remedies also include those listed in TCA 4-21-306 (including hiring, reinstatement, upgrading, admission to places of public accommodation, etc.). The Act provides that the filing of a civil cause of action in chancery court supersedes any administrative action filed with the Human Rights Commission. The administrative action is closed upon the filing of the suit.

Effective date: May 25, 1989.

Chapter No. 375. Education -- purchasing from minority businesses. Amends TCA 49-3-322 to allow local education agencies to set aside 10% of the funds to be used to buy personal property and services for contracts with small businesses and minority-owned businesses.

Effective date: July 1, 1989.

Chapter No. 376. Drug offenders -- drug tests required for probation. Amends TCA 40-35-303 to make drug tests a condition of probation for drug offenders.

Effective date: July 1, 1989.

Chapter No. 380. Crimes -- telephone communications. Amends TCA 39-6-1102 to make it unlawful to tell someone over the phone that a relative or other person has been injured or killed or is ill knowing this to be false.

Effective date: July 1, 1989.

Chapter No. 382. West Fork Drakes Creek Dam and Reservoir Interstate Authority created. Amends TCA Title 64, Chapter 1 to create the West Fork Drakes Creek Dam and Reservoir Interstate Authority.

Effective date: May 25, 1989.

Chapter No. 388. Unemployment compensation -- benefits increased. Amends TCA Title 50, Chapter 7 to increase weekly benefit amounts for certain persons, depending on the amount the person earned in the base period. Provides that a claimant will not be entitled to benefits if his or her base period earnings, not counting the highest quarter, are less than the lesser of 6 times the weekly benefit amount or \$900.00. Also amends premium tables depending on trust fund balance.

Effective date: different dates for different provisions.

Chapter No. 394. Industrial development -- obtaining appurtenant land for industrial park projects. Amends TCA 13-16-207 to allow the acquisition by a municipality of land that is appurtenant to but that may be reasonably necessary for the incidental use of an industrial park project.

Effective date: May 29, 1989.

Chapter No. 398. Police bill of rights enacted. Requires questioning of any police officer on matters that are likely to lead to the officer's dismissal, demotion, suspension, or transfer for punitive reasons to take place at a reasonable time and place designated by the investigating officer. The Act indicates that it is preferable that the questioning take place while the officer is on duty and at the office of the investigating officer or of the local precinct of the officer being investigated. Before questioning, the officer must be informed of the name and rank of the investigating officer and of any person who will be present during the questioning and of the nature of the investigation.

The officer cannot be required to disclose any information that is not necessary in investigating a possible conflict of interest or that is not related to the investigation. The officer may be required to disclose any place of off-duty employment and where he or she may be contacted.

Before a police officer may be dismissed, demoted, suspended without pay, or transferred for punitive reasons, the officer must be notified in writing of all charges and of their basis and the action that may be taken. The officer must be given an opportunity to respond orally and in writing within a reasonable time. The time limit shall be set by the municipality but shall be not less than 5 days unless the officer agrees. The officer in making his or her response may be assisted by counsel at his or her own expense.

When an officer is dismissed, demoted, suspended, or transferred for punitive reasons, he or she may within a reasonable time set by the municipality request a hearing. The hearing must be set no later than 14 calendar days after the date of the request unless a later time is acceptable to the officer. At the hearing both sides may present evidence and examine and cross examine witnesses. A record must be made of the hearing.

This Act does not prohibit the immediate suspension without pay of a police officer when this is necessary. Upon request by the police officer, however, he or she must be afforded the rights granted by this Act.

Nothing in this Act prohibits informal counseling of police officers for minor infractions of rules when there is no disciplinary action taken.

The rights accorded police officers in this Act are minimum rights and all municipalities to which they are applicable must promulgate grievance procedures consistent with them.

This Act applies only to municipalities that already provide a property interest in employment for police officers and that have no other established procedures for dealing with the dismissal, demotion, suspension, or transfer for punitive reasons of police officers.

Effective date: January 1, 1990.

Chapter No. 399. Plant closings -- requirements changed. Amends TCA 50-1-601 to require notification of plant closings to the commissioner of labor by only those companies with at least 50 but not more than 99 full-time employees.

Effective date: May 29, 1989.

Chapter No. 402. Bonds and notes -- notification of director of local finance. Requires municipalities to notify the director of local finance within 45 days after the issuing of debt with a maturity greater than 1 year. The following information must be submitted to the director of local finance:

1. Name and address of the municipality.
2. Dated date, issue date, maturity date or dates, interest rate, face amount.
3. Purpose or purposes for which issued.
4. Security for the debt.
5. Itemized costs of issue.
6. Disclosure document if any.

The state funding board is to adopt a form on which this information is to be submitted.

There are provisions for late filings with the director of local finance.

The Act repeals TCA 7-53-303(h) which required filing of similar information by industrial development corporations with the Department of Economic and Community Development.

Effective date: July 1, 1989.

Chapter No. 403. Debt issuance -- references changed relative to certain authorities. Amends various sections of Titles 13 and 64 relative to the issuance of bonds and notes by municipalities for various authorities, to change references from old bond authorization statutes to the Local Government Public Obligations Act of 1986 (TCA 9-21-101, et seq.).

Effective date: May 29, 1989.

Chapter No. 406. Notice required of auto repossession. Requires notice of the repossession of an automobile to be made to the sheriff or, in a metropolitan county, to the police department.

Effective date: July 1, 1989.

Chapter No. 407. Installment payments of property taxes in Scott County. Amends TCA Title 67, Chapter 5, Part 18 to allow quarterly installment payments of property taxes on any real property located in Scott County and used as the primary residence of a person. Requires local approval by the county legislative body.

Effective date: July 1, 1989.

Chapter No. 408. Sales tax exemption -- aircraft. Amends TCA 67-6-302 to exempt aircraft owned or leased by commercial interstate or international air carriers from state and local sales taxes.

Effective date: May 29, 1989.

Chapter No. 409. Sales tax exemption -- use of personal property by local education employees. Amends TCA 67-6-209 to exempt tangible personal property used by employees of local education agencies from the sales tax even when the employees' actions are under the control of a construction manager.

Effective date: May 29, 1989; the Act is repealed 30 days after taking effect.

Chapter No. 410. Director and instructors at Police Training Institute as law enforcement officers. Amends TCA 38-8-207 to allow the Commissioner of Safety to commission the Director and instructors at the Tennessee Police Training Institute as law enforcement officers.

Effective date: May 29, 1989.

Chapter No. 411. Utility over charges or under charges -- limitations on recovery. Provides that when a customer is over charged or under charged for electric, water, sewer, or gas services because of equipment malfunction and the customer was unaware of the discrepancy, a municipality may not recover the under charge or reimburse the over charge for the period before 36 months from the date the error was discovered.

Effective date: May 29, 1989, and applies only to claims filed after that date.

Chapter No. 416. Demolition of old residential structures -- approval required in Knox, Davidson, and Shelby Counties. Requires approval of the municipal governing body in Knox, Davidson, and Shelby Counties before a residential structure may be demolished by the owner if the house was constructed before 1865, can be repaired at a reasonable cost, and has historical significance other than age.

Effective date: May 29, 1989.

Chapter No. 419. Property taxation -- contest of assessment in Shelby County. Amends *TCA* 67-5-1407 to allow any taxpayer or property owner to contest the assessment of a parcel of property in Shelby County.

Effective date: May 29, 1989.

Chapter No. 421. Handicapped education -- 3-year-olds included. Amends *TCA* 49-10-102 to include 3-year-olds in the definition of handicapped child for purposes of the Handicapped Education Act.

Effective date: July 1, 1991.

Chapter No. 422. Historic zoning -- allowed for one structure. Amends *TCA* 13-7-404 and 406 to allow historic zoning for an individual structure.

Effective date: May 29, 1989.

Chapter No. 424. Health care shortage programs. Amends *TCA* Title 66, Chapter 29, Part 1 to create a special fund to be used for programs to encourage the location of health care practitioners in areas where there is a shortage of health care resources.

Effective date: July 1, 1989.

Chapter No. 426. Crimes -- fraudulent educational documents. Amends *TCA* Title 39, Chapter 3, Part 9 to make it a misdemeanor to buy, sell, create, duplicate, alter, give, or obtain or attempt to do these things to a diploma or other academic documents with the intent to use or allow the use of the document fraudulently.

Effective date: May 29, 1989.

Chapter No. 427. Alcoholic beverages -- airline travel clubs. Amends *TCA* 57-4-203 to allow commercial airline travel clubs to provide complimentary alcoholic beverages to patrons, customers, and guests in Davidson, Hamilton, Knox, and Shelby Counties.

Effective date: May 29, 1989.

Chapter No. 430. Sales tax -- applied to vehicles, boats, and aircraft taken out of state. Amends *TCA* Title 67, Chapter 6, Part 2 to apply the sales tax to motor vehicles, boats, and air-craft purchased in Tennessee but taken outside the state after sale. The tax may not exceed the tax that would have been imposed in the state where the item was taken. In order to avoid multi-state taxation, the buyer is given a credit of the amount of the tax paid in the other state.

Repeals *TCA* 67-6-315 and 341, which exempted vehicles, boats, and aircraft from the sales tax if they were bought within the state but removed within 3 days.

Effective date: May 29, 1989.

Chapter No. 432. Hazardous waste -- refusal of permit. Amends TCA 68-46-108 to allow the Commissioner of Health and Environment to refuse to issue a permit for a commercial facility for the storage, treatment, or disposal of hazardous waste if the applicant is subject to an order for corrective action.

Effective date: May 29, 1989.

Chapter No. 433. Pawnbroker hours in Clarksville. Amends TCA 45-6-212(10) to allow Clarksville to extend pawnbroker hours to coincide with pawnbroker hours in Kentucky.

Effective date: May 29, 1989.

Chapter No. 434. Indigent health care -- fund established. Establishes an Indigent Health Care Risk Fund to be funded by a hospital services license fee to be paid by each hospital. In allocating funds from the indigent health care fund, consideration must be given to bad debt and indigent care provided by the hospital, government subsidies received by the hospital, and other factors determined by the Commissioner of Finance and Administration.

Effective date: May 29, 1989.

Chapter No. 435. DUI -- use of interlock device may be required. Amends TCA 55-10-412 to allow a court to require a person convicted of driving under the influence of alcohol to drive only a vehicle equipped with an interlock device that will keep the vehicle from starting if a person has a prescribed amount of alcohol in his or her blood. The court must find that the person is able to afford the device.

This requirement may continue for up to 1 year. The Act makes it unlawful for a person ordered to drive a car with an interlock device to get someone else to start the car. It is also unlawful to tamper with the device or for a person to start a car for a person ordered to drive the car with the device. It is also unlawful for a person to provide another car for a person he or she knows is supposed to drive only a car equipped with the device.

Effective date: July 1, 1989.

Chapter No. 436. Truck traffic in Davidson County. Prohibits ingress to or egress from streets in residential communities in Davidson County to a terminal for freight motor vehicles with a maximum weight in excess of 74,000 pounds and having 16 or 18 wheels unless the streets have been specifically constructed to withstand the size and weight of these vehicles. If no other reasonable route is available, this prohibition does not apply.

Effective date: May 29, 1989.

Chapter No. 442. Crimes -- handicapped parking; duplication of placard. Amends TCA 55-21-108 to make it a misdemeanor for any person who is not handicapped to use a handicapped placard to obtain parking. A handicapped placard not meeting the legal requirements is subject to confiscation by state and local authorities.

Amends *TCA* 55-21-108 to make it a misdemeanor punishable by a fine of at least \$1,000.00 and imprisonment at the discretion of the court for a person to sell, copy, duplicate, or manufacture a handicapped placard, or to assist in these acts.

Effective date: July 1, 1990.

Chapter No. 444. Education -- false reports; whistleblower provision. Prohibits false reports of statistical or financial data or other information required or reported by a state agency, official, or employee from a local education agency.

A person making a false report forfeits all pay for 1 year, is subject to dismissal, and is ineligible for the same or similar job for 5 years.

Any person knowing of a false report may tell the Department of Education or appropriate officials. A person fired or suffering disciplinary action for telling of a false report is given a civil cause of action against the employer for retaliatory discharge.

Effective date: May 29, 1989.

Chapter No. 447. AIDS -- programs required by hospitals. Amends *TCA* Title 68 to require acute care hospitals and ambulatory surgical treatment centers to adopt policies regarding the testing of patients for AIDS. The policy must be in force by January 1, 1990.

Effective date: May 29, 1989.

Chapter No. 452. Horse drawn vehicles -- white light required. Amends *TCA* 55-8-178 to provide that horse drawn vehicles that are the owner's primary mode of personal or farm transportation must be equipped with a self-luminous white lamp visible at least 500 feet in front of the vehicle.

The Act repeals *TCA* 55-8-178(g)(3), which gave the Public Service Commission authority to enforce the section.

Effective date: May 29, 1989.

Chapter No. 453. Crimes -- larceny of rented property. Amends *TCA* 39-3-1118 to provide that evidence that a person renting property sold or otherwise permanently disposed of the property before its return date is sufficient to show that the person fraudulently intended not to return the property. Property wrongfully disposed of by the renter must be returned to the owner when it is no longer needed as evidence, if the owner can prove ownership.

Effective date: July , 1989.

Chapter No. 457. General sessions judge in metropolitan Lynchburg-Moore County. Amends *TCA* 7-3-311 to provide that the general sessions judge in metro Lynchburg-Moore County shall be considered a part-time position and that the judge will not be prohibited from practicing law except for conflicts of interest.

Effective date: May 29, 1989.

Chapter No. 459. Alcoholic beverages -- definition of "clubs" expanded for Cumberland County. Amends TCA 57-4-102(1) to expand the definition of "club" in Cumberland County where alcoholic beverages can be served on the premises.
Effective date: May 29, 1989.

Chapter No. 463. Civil service boards -- qualifications and appointments. Amends TCA Title 6, Chapter 54, to require each member of a municipal civil service board to be a domiciled resident of a municipality at least 1 year prior to appointment. Prohibits civil service board members from engaging in business with the city or with its employees.

In counties of over 300,000 population, the Act requires civil service board members to be appointed by the mayor with confirmation by the governing body. One member must be a woman and one a minority. The Act does not apply to mayor-aldermen cities.

Effective date: May 31, 1989.

Chapter No. 465. Business tax -- exemption for sale of horses. Amends TCA 67-4-712 to exempt the sale of horses from the business tax when the sale is made by the producer, breeder, or trainer.

Effective date: retroactive from January 1, 1982.

Chapter No. 477. Jails -- certification. Amends TCA 41-4-140 to provide that no local jail will be denied certification because of overcrowding with state prisoners whose commitments are delayed by state law or federal court order. Provides that no certified local jail shall be decertified if the local government has submitted a plan within 60 days of the initial annual inspection that is reasonably expected to eliminate fixed ratio deficiencies in the jail and cause it to remain certified.

Effective date: June 1, 1989.

Chapter No. 478. Sales tax -- exemption. Amends TCA 67-6-329 to exempt parking privileges sold by colleges, universities, technical institutes, and vocational schools to students from the sales tax.

Effective date: June 1, 1989.

Chapter No. 479. Tort liability -- immunity for certain board members. Amends TCA 48-58-601 to grant immunity from actions for breach of fiduciary duty to members of the governing bodies of nonprofit corporations, associations, and organizations that are exempt from federal income taxation under Section 115 of the Internal Revenue Code of 1986.

Effective date: June 1, 1989.

Chapter No. 480. Collection of funds -- checks in official's name lawful in metropolitan counties. Amends TCA 9-1-108 to make it lawful for any public official who collects funds on behalf of the state or any local government to

receive checks made to the individual public office or to the individual official's name. It is unlawful, however, for the official to instruct the public to make the check to the official's name in any notice. This Act applies only to metropolitan counties.

Effective date: July 1, 1989.

Chapter No. 485. Septic tanks -- regulations changed. Amends TCA 68-13-403 to change regulations relative to installation of septic tanks. Among other things, the Act deals with percolation rates, the issuance of permits for septic tank systems, and blasting to remove rock.

Effective date: July 1, 1989.

Chapter No. 495. Property taxation -- reappraisals and current value indexing. Amends TCA 67-5-1601 to require reappraisal programs to be completed every 6 years rather than every 5 years. Requires that in the 2nd and 4th years of the cycle, there shall be an updating of all real property values by application of an index established by the Board of Equalization.

Any city lying in more than 1 county will be reappraised under a separate plan of reappraisal on a cycle determined by the Board of Equalization. The reappraisal will be done under contract with the state unless the city has a separate assessment office.

The state will pay 1/2 the sharable local cost of reappraisal and the county and its cities imposing a property tax the other half. "Sharable local costs" means the cost determined by the Board of Equalization for professional staff necessary to accomplish revaluation and continuous on-site review of properties, necessary clerical personnel, supplies, data entry, computer processing, computer forms, and shipping. The cost is limited to the increased cost caused by current value indexing. Non-sharable costs include office space, equipment, furniture, telephone, and utilities.

In the absence of an agreement providing otherwise, sharable and non-sharable local costs of reappraisal of properties within a city shall be paid 1/2 by the county and 1/2 by the city.

The assessor of property must submit plans and reports on the reappraisal of property to the Board of Equalization and carry out the plans under the supervision of the Division of Property Assessments.

Amends TCA 67-5-1602 by deleting (a) and (b) which provided for loans for local governments for reappraisals.

Effective date: June 1, 1989.

Chapter No. 496. Sales tax -- exemption. Amends TCA Title 67, Chapter 6, Part 3 to exempt direct mail advertising materials distributed in Tennessee from outside the state from the sales tax.

Effective date: June 1, 1989, and it applies retroactively.

Chapter No. 505. Retirement -- credit for disability. Amends TCA Title 8, Chapter 34, Part 6 to allow members of the TCRS who receive temporary disability benefits from the division of claims administration or under a workers'

compensation program to be eligible to establish retirement credit for the period of disability by making a lump sum payment. The political subdivision must authorize and pay for an actuarial study to determine its liability and pass a resolution authorizing this for its employees and accepting the liability.

Amends TCA Title 8, Chapter 35, Part 3 to prohibit local boards of education from establishing a local teacher retirement fund.

Effective date: June 2, 1989.

Chapter No. 509. Retirement -- Group I. Amends TCA 8-36-201 to provide for service retirement for Group I (teachers and general employees) members after 25 years of creditable service if the member was a member of a superseded system that provided for retirement after 25 years of creditable service. The member must reestablish withdrawn service and agree within 90 days of July 1, 1989 to contribute 5% of earnable compensation in addition to other contributions.

Effective date: June 2, 1989.

Chapter No. 515. Solid waste disposal. Repeals Subsections (e), (f), and (g) of TCA 68-31-105, which in certain counties disallowed a municipal veto of new solid waste disposal facilities if the facility was within 1 mile of the corporate limits of a municipality.

Amends TCA Title 68, Chapter 31 to allow local regulation of solid waste landfill permitting upon approval of 2/3 of the governing body except for landfills owned by municipal or county governments and privately owned landfills that accept waste only from their owner. This Act stays effective until the implementation of the plans pursuant to the Tennessee Solid Waste Planning and Recovery Act or June 30, 1991, whichever comes sooner.

The Act requires approval by the county governing body if the landfill is in a county, the municipal governing body if it is within a municipality, and both the county and city if it is located within 1 mile of a municipality.

In order to inform people within the area of the proposed landfill, the city or county or both must publish notice by posting or newspaper of:

1. The name, address, telephone number of the reviewing agency.
2. Name and address of proposed owner.
3. Location and size.
4. Description of type of operation.
5. Time frame and procedures for making a final determination.
6. Address and phone number for more information.

Interested persons may submit written comments within 30 days of the notice. These comments must be retained and made available to the Department of Health and Environment.

Interested persons may request a public hearing. The request must state how the person is interested and why a hearing is warranted. The hearing must be held only if there is significant public interest in a hearing.

At least 15 days before the hearing, public notice shall be circulated by newspaper publication and sending notice to those who received a copy of the notice or fact sheet for the proposed landfill and any person who requests a copy of the notice. The Act lists requirements for the notice.

Within 30 days after the notice and opportunity for a hearing, the governing body must approve or disapprove the landfill. The Act contains criteria to be considered in approving or disapproving the proposal. Judicial review is de novo.

The Act provides that it shall not be construed to preempt any zoning ordinance adopted on or after October 1, 1988. The Act does not apply in any county that has implemented any zoning ordinance or plan before October 1, 1988.

Provisions of this Act relative to local regulation of land-fill siting require local approval to be effective and may later be rejected by 2/3 vote of the governing body.

Amends TCA 68-31-105 to prohibit state approval of a land-fill until local approval has been obtained in situations in which this Act is applicable.

Effective date: June 2, 1989, but applies only to applications for which tentative approval has not been given public notice by the commissioner.

Chapter No. 520. Municipal judges -- local option requirements in Hamilton County. Amends TCA 6-21-501 to allow municipalities incorporated under the Uniform City Manager Commission Charter in Hamilton County by a 2/3 vote to require the popular election of the city judge for an 8-year term at the election in August, 1990. The Act gives the city judge general sessions criminal jurisdiction.

Effective date: June 2, 1989.

Chapter No. 521. Solid waste landfill core drilling -- notice required in Lewis and Lawrence Counties. Amends TCA 68-31-106 to require notice to the commissioner and public notice of core drilling for solid waste landfill sites in Lewis and Lawrence Counties.

Effective date: June 2, 1989.

Chapter No. 524. Taxation -- exemption for investment funds. Amends TCA Titles 67 and 48 to exempt earnings of investment funds from the state income, franchise, and excise taxes if 75% or more of the funds are invested in state or local government obligations.

Effective date: Fiscal years after July 15, 1989.

Chapter No. 527. Sales tax -- exemption in Franklin County. Amends TCA 67-6-330 to exempt charges made by landowners to hunt native wildlife in Franklin County from the sales tax on amusements.

Effective date: June 2, 1989.

Chapter No. 528. Motor vehicles -- tinted windows. Amends TCA 55-9-107 to prohibit car windows from being treated with tinting material with light transmittance of less than 35% or that reduces light transmittance below 70% if the window had a light transmittance not less than that specified in Federal Motor Vehicle Safety Standard No. 205.

It is unlawful for an installer to install material in a vehicle that violates this Act. The installer's business name must appear in the lower right corner of the window along with the legend "Complies with TCA 55-9-107." The installer must supply a receipt which must be kept with registration documents. The owner has the burden of proof that the vehicle complies with this Act.

It is probable cause for a police officer to detain a vehicle being operated on public roads when he or she has a reasonable belief the vehicle violates this Act for the purpose of conducting a field comparison test. It is a misdemeanor for a person to refuse to submit to the test.

By January 1, 1990, the Commissioner of Safety must establish a standard test to determine whether vehicles comply with this Act.

Effective date: July 1, 1989.

Chapter No. 531. Drug fines increased -- diversion of drug fine proceeds to county general fund in many counties. Amends TCA Title 39, Chapter 6, Part 4 to enact increased minimum fines for drug offenses. The Act provides that in many counties listed by population classification that drug fine proceeds go to the county general fund rather than to drug enforcement efforts.

In the Governor's message allowing the bill to become law without his signature, however, he said, "I intend to do what I can to assure that drug task forces in the affected counties do not suffer from a lack of funding."

It appears the provisions of this Act will be superseded by Public Chapter 591, which enacts a comprehensive new criminal code. Section 39-17-420 of Section 1 of that Act provides that drug fines will go to the municipal or county jurisdiction in which the violation occurred and will be used for drug enforcement. The new criminal code takes effect November 1, 1989. Public Chapter 531 takes effect July 1, 1989, so there should be a period of only 4 months during which drug fines will go to the county general funds in the counties affected.

Chapter No. 541. Enterprise zones for home rule cities and metropolitan governments. Enacts the Local Enterprise Zone Act which authorizes the creation of enterprise zones in home rule cities and metropolitan governments.

Effective date: June 8, 1989.

Chapter No. 542. Capital outlay notes -- asbestos program. Amends TCA Title 9, Chapter 21, Part 6 to allow capital outlay notes issued solely to the Environmental Protection Agency under the Asbestos in School Hazard Abatement Program to be issued for a period not to exceed 20 years. The notes must mature serially and may be subject to redemption before maturity. The director of local finance may waive the requirement of periodic retirement.

The Act ratifies notes issued under the asbestos program before the effective date of the Act.

Effective date: June 8, 1989.

Chapter No. 544. State health insurance program for local government employees. Amends TCA 8-27-201 to state the legislative intent to establish a health insurance plan for local government employees. The plan is to be established on or after January 1, 1991, contingent on sufficient participation. Participation by local governments will be voluntary. The costs will be borne by the participating entities. Specific plan provisions will be developed by the state insurance committee under the oversight of the Council on Pensions and Retirement and reported to the General Assembly in its 1990 session.

Effective date: June 8, 1989.

Chapter No. 546. Additional litigation tax enacted. Amends TCA 67-4-602(a) to levy an additional litigation tax of \$6.00 on all criminal cases instituted in any city court.

Effective date: July 1, 1989.

Chapter No. 547. DUI -- payment of fines. Amends TCA 55-10-403(b)(2) to require DUI fines to be paid on the day sentence is imposed unless the court finds the defendant unable to pay. The court must then order a date certain by which payment must be made. If the defendant fails to pay as ordered by the court, the clerk shall notify the court for further proceedings.

Effective date: June 8, 1989.

Chapter No. 552. Hazardous waste -- local government veto eliminated; new siting regulations enacted. Deletes TCA 68-46-108(f), which contained authority for local governments to veto hazardous waste disposal, treatment, or storage sites within the government's jurisdiction (or within 1 mile for a municipality) and replaces it with new regulations relative to hazardous waste sites.

Under the new provisions, local governments may only be represented at the community meeting that is required and submit reports to the Department of Health and Environment. The local government must accept, reject, or modify the application for the hazardous waste site. The local government's report must be based on these criteria:

1. Whether the facility minimizes incompatibility with the surrounding area and its effects on the value of the area.
2. Whether the facility minimizes damage.
3. Whether the facility minimizes the impact on traffic flow.
4. Whether an emergency response plan has been made.
5. Whether the facility meets zoning requirements for hazardous or solid waste facilities.
6. Distances from occupied dwellings, schools, etc., and scenic, cultural, and recreational areas.
7. Whether the public health, safety, and welfare will be protected.

8. Previous operating experiences of the applicant.

9. Other criteria provided by law.

Failure of the local government to submit a report within a 90 day period is a waiver of the right to submit a report. The commissioner may affirm the decision of the local government or reverse or modify it. He or she may reverse or modify the decision if it is in violation of statute, in excess of statutory authority, was made using unlawful procedure, is arbitrary or capricious, is not supported by substantial and material evidence, or is contrary to other conditions of law.

The commissioner must issue or deny the permit within 90 days of the close of the public comment period.

The Act authorizes the commissioner to adopt new regulations by January 1, 1990 that establish criteria for siting commercial hazardous waste storage, treatment, and disposal facilities.

Amends TCA 68-46-113(a) to allow any person aggrieved concerning the permitting of a hazardous waste site to petition the board for review. This includes municipalities and counties who have the authority to submit reports.

Amends TCA 68-46-203 to double remedial action fees for the generation and management of hazardous waste.

Effective date: New siting regulations - June 8, 1989.

New fees - July 1, 1989.

Chapter No. 554. Education -- Parent Teacher Partnership Act enacted. Amends TCA Title 49, Chapter 6 to require each school district to develop a program allowing parents or guardians to meet at least 2 times per school year to discuss areas of concern. These meetings may not detract from the time required to be spent in the classroom.

Effective date: July 1, 1989.

Chapter No. 557. Smoke detectors required in rental units. Makes it unlawful to operate a one- or two-family rental unit without a smoke detector in each unit. Makes it unlawful to tamper with or remove any detector required by this Act.

Effective date: July 1, 1990.

Chapter No. 560. Enterprise zones -- strengthening of incentives. Amends TCA Title 13, Chapter 28, Part 1 to strengthen incentives for enterprise zones. Requires yearly reports by local governments with enterprise zones. Makes zones effective for 10 years with extensions of 5 years. All zones must expire after 20 years.

Grants enterprise zone businesses certain exemptions from the excise tax, income tax, and the business tax.

Effective date: July 1, 1989.

Chapter No. 563. Appropriations Act. Makes appropriations for the state government for the fiscal year beginning July 1, 1989. Of particular interest to cities in general, it appropriates sums sufficient to provide for police

pay supplements of up to \$600.00 and fire pay supplements of up to \$450.00. It appropriates \$46.8 million to the Small Cities Community Development block grant programs.

Effective date: July 1, 1989.

Chapter No. 564. Child restraint devices -- fines increased -- municipalities allowed to adopt by reference -- requirements for hospitals. Amends TCA 55-9-602 to increase fines for failure to use child restraint devices from \$2 - \$10 to \$25 - \$50. Instead of or in addition to a fine, a person may be required to attend a class on the hazards of not properly transporting children in motor vehicles.

Repeals TCA 55-9-602(c) which defines passenger motor vehicles as one weighing 8,500 pounds or less that is not used for public conveyance.

Allows municipalities to adopt the provisions of the child restraint law by reference.

Amends TCA 55-9-602 to establish a fund using fines for child restraint violations to be used by hospitals in lending or giving child restraint devices to new parents. Requires hospitals to inform parents that child restraint devices are required by law.

Effective date: June 8, 1989.

Chapter No. 565. Education -- family life instruction. Amends TCA Title 49, Chapter 1, Part 1 to require and establish criteria for the development of family life curricula by local education agencies beginning with the 1991-92 school year if statistics for a county indicate that the pregnancy rate exceeds 19.5 per 1,000 females aged 15 through 17.

Effective date: July 1, 1989.

Chapter No. 567. Indigent health care -- community health agencies authorized. Authorizes the creation of 12 community health agencies to encourage coordination of health care for indigents. Four agencies will be in the 4 largest counties and 8 in rural areas.

Effective date: June 8, 1989.

Chapter No. 570. Purchase of property condemned for neighborhood development in Davidson County. Amends TCA 13-20-204 dealing with housing authorities to allow owner occupants of residential property acquired by eminent domain for a re-development project to relocate within the project area if residential units are constructed and offered for sale. The developer must notify the former owners. The Act applies only in Davidson County.

Effective date: June 8, 1989.

Chapter No. 575. Human resource agencies -- funding. Amends TCA 13-26-107 to authorize local with state matching contributions to human resource agencies.

Effective date: July 1, 1989.

Chapter No. 576. Metropolitan charter commission in Knox County. Amends TCA 7-2-101, 103, and 104 to change the method of forming, procedures, and finances of a metropolitan charter commission in Knox County.

Effective date: June 8, 1989.

Chapter No. 579. City manager-commission charter -- increase in salaries allowed in Davidson County. Amends TCA 6-20-204 to allow an increase in salaries for the mayor and commissioners of cities under the city manager-commission charter in Davidson County.

Effective date: June 8, 1989.

Chapter No. 581. Industrial development corporations -- definition of "project" expanded. Amends TCA 7-53-101(11)(A) to include undertakings involving the operation or management of the Job Training Partnership Act Program in the endeavors industrial development corporations can engage in. The Act does not apply in Davidson, Wilson, Sumner, Crockett, Gibson, and Madison Counties.

Effective date: June 8, 1989.

Chapter No. 582. Utility relocation loan program established. Amends TCA 67-3-617 to establish a loan fund of \$1.5 million per year for the next 4 years for utility relocations caused by construction on state highways.

A loan may be authorized if: (1) the applicant furnishes the utility management review board enough information for the board to determine the applicant is obligated to move utility lines, the estimated cost, and that the applicant is otherwise unable to obtain a loan, (2) the utility management review board recommends the loan and advises the funding board of the amount, and (3) the funding board agrees with the utility management review board.

No loan may be for longer than 10 years. No loan with a duration of 5 years or less shall bear interest. Loans of greater than 5 years will not bear interest for the first 5 years but will then bear interest at a rate equivalent to the rate of return received by the treasurer on the state cash pool.

Loans will be repayable in monthly installments. The utility management review board must require, if necessary, that user rates be established that are sufficient to repay the loan.

Effective date: July 1, 1989.

Chapter No. 583. Review of revocation or suspension of beer permits. Amends TCA 57-5-109(g) to provide that no circuit or chancery judge may grant an order staying a revocation or suspension of a beer permit except the judge of a court of record to which the petition for certiorari is addressed.

Amends 57-5-109(h) to provide when a final judgment is entered by a trial court superseding the revocation or suspension order, and the case is appealed by the revoking or suspending agency, the final judgment of the trial court will remain in effect until final appellate disposition of the case.

Amends 57-5-109(i) to provide that an order revoking or suspending wholesale beer permits as a matter of law will be automatically stayed until final judicial review.

Effective date: July 1, 1989.

Chapter No. 585. Elections -- campaign finance disclosure. Creates a registry of election finance to keep track of campaign finances on the state level.

Amends TCA 2-10-105(c) to require local candidates filing a statement of contributions and expenditures more than 1 year before the election to file reports with the county election commission on February 1 immediately succeeding the filing and annually thereafter through the year of the election. No annual report is necessary if the reporting date is within 60 days of an otherwise required report.

Amends TCA 2-10-105 to provide that beginning at midnight on the 10th day before an election or referendum and extending through midnight of the election day, each local candidate or campaign committee shall file with the county election commission a report that lists the full name and address of each person from whom the candidate or committee has received and accepted a donation, loan, or transfer of funds during the period in excess of \$2,500.00.

The report must include the amount and date of each contribution or loan reported and a brief description of each in-kind contribution. For loans, the report must contain the name and address of the recipient and of any person making a security agreement for the loan.

Reports must be filed within 72 hours after the contribution or loan. Reports must not be cumulative.

Amends TCA 2-10-106 to provide that if a final statement of a local candidate shows an unexpended balance of contributions, continuing debts, or an expenditure deficit, the treasurer must file with the county election commission a supplemental annual statement of contributions and expenditures. Reports must be filed until the account shows no unexpended balance, continuing debts, expenditures, or deficit.

Amends TCA 2-10-107(b) to allow the closure of a campaign account at any time as long as there is no unexpended balance, continuing debts, or deficit.

Amends TCA 2-10-110 to allow the registry of election finance and the county election registrar to impose civil penalties for filing late reports. For local candidates who file a late report, a class one offense, the county election registrar may levy a civil penalty of \$25.00 a day to a maximum of \$750.00. For a class 2 offense, which is failing to file a report within 30 days of notice to do so or for other violations of the election code, the registry of election finance may levy a civil penalty of up to \$10,000.00 or 15% of the amount in controversy if that is more than \$10,000.00

To request a waiver, reduction, or in any way to contest a civil penalty levied by the county election registrar or the registry of election finance, the candidate must file a petition with the registry of election finance.

Amends TCA 8-50-505 relative to statements of conflict of interest to allow the registry of election finance to administer this law.

Effective date: October 1, 1989.

Chapter No. 588. Public defender system created. Creates a public defender system for most of the state. Section 5 provides that when a person appears without counsel before a municipal (or other) court empowered to deprive the person of liberty upon a criminal prosecution, the court must inquire whether the person can afford to employ counsel. If the person claims to be unable to afford counsel, the court must examine the person further, along with any witnesses to determine whether the person is indigent. The court's determination of indigency must be reduced to writing. The court must issue an order appointing the district public defender or other counsel provided by law to represent the person who is indigent.

Effective date: September 1, 1989.

Chapter No. 591. New criminal code adopted. Amends TCA Title 39 in its entirety and Titles 37, 40, 55, 63, 68, and other titles to enact a comprehensive new criminal code for the state.

Effective date: November 1, 1989.

SUBJECT INDEX

SUBJECT	CHAPTER	PAGE
Airports		
Local Development Authority Act amended	233	15
Alcoholic Beverages		
Intoxicating liquor--consumption in premier tourist resort	50	4
Dispensing in motel rooms in large counties	145	8
Alternative incarceration for DUI offenders	239	16
Products with less than .5% not subject to regulation or taxation	325	21
Consumption in convention center	361	23
Airline travel clubs	427	28
Definition of "club" expanded for Cumberland County	459	31
Review of revocation or suspension of beer permits	583	39
Annexation		
Municipal electric systems--competition from private companies	230	15
Standing for utility districts removed in certain circumstances	326	21
Venue when territory is in another county	327	21
Appropriations Act		
Appropriations Act	563	37
Boards And Commissions		
Housing authorities--board membership increased in certain municipalities under certain circumstances	82	5
Mayor may appoint substitutes on boards to which he or she is elected	169	10

SUBJECT	CHAPTER	PAGE
Emergency communications districts--membership on board in Knox County	243	17
Department of Youth Development created	278	18
TACIR--representative of development districts	368	24
West Fork Drakes Creek Dam and Reservoir Interstate Authority created	382	25
Civil service boards--qualifications and appointments	463	31
 Building And Utility Codes		
Home improvement contractors--work for which permit not required	338	22
 Business Regulations		
Trailer court regulation repealed	228	15
Civil actions--fees and expenses to be paid by local governments	365	23
Pawnbroker hours in Clarksville	433	29
 Cable TV		
Cable television--cities under Modified Manager-Council charter	193	14
 City Courts		
City judges--retirement	174	10
City manager-commission charter amended	175	10
General sessions jurisdiction for Crossville	191	13
General sessions judge in metropolitan Lynchburg-Moore County	457	30
Municipal judges--local option requirements in Hamilton County	520	34
Additional litigation tax enacted	546	36
Public defender system created	588	41

SUBJECT	CHAPTER	PAGE
City Manager-Commission Charter		
Persons who own property in Collegedale allowed to vote	30	3
Popular election of mayor in Lakeland	61	4
City manager-commission charter amended	175	10
City court--general sessions jurisdiction for Crossville	191	13
Municipal judges--local option requirements in Hamilton County	520	34
Increase in salaries allowed in Davidson County	579	39
Civil Procedure		
Civil actions--fees and expenses to be paid by local governments	365	23
Civil rights--action for injunction, damages, etc.; suit supersedes administrative remedies	374	24
Police bill of rights enacted	398	25
Utility over charges or under charges--limitations on recovery	411	27
Review of revocation or suspension of beer permits	583	39
Contractors		
Fee for recording contractor's certificate increased	16	3
Contractor licensing--injunctions	25	3
Home improvement contractors--exemption	38	4
Contractors bonds--amount of contract before bond required increased	84	6
Corrections And Correctional Institutions		
Municipal jails--work by inmates	48	4
Crimes--failure to return from furlough or work release	234	16
Furloughs awarded by trial court	237	16
Alternative incarceration for DUI offenders	239	16

SUBJECT	CHAPTER	PAGE
Corrections And Correctional Institutions (continued)		
Jails--certification	477	30
Crimes And Criminal Procedure (See also "Law Enforcement" and "Motor Vehicles and Traffic")		
Boating under the influence	92	6
Failure to return from furlough or work release	234	16
Furloughs awarded by trial court	237	16
Alternative incarceration for DUI offenders	239	16
Recorded sounds and live performances	275	18
Fraudulent participation in minority set-aside programs	283	18
Unauthorized use of name, photograph, or likeness	308	19
Juveniles--escape	329	22
Untrue statements relative to the sale of water treatment devices	367	24
Drug offenders--drug tests required for probation	376	24
Crimes--telephone communications	380	24
Fraudulent educational documents	426	28
DUI--use of interlock device may be required	435	29
Handicapped parking; duplication of placard	442	29
Larceny of rented property	453	30
Drug fines increased--diversion of drug fine proceeds to county general fund in many counties	531	35
DUI--payment of fines	547	36
New criminal code adopted	591	41
Day Care		
Day care centers and homes--conflicting interpretation of safety standards	219	15

SUBJECT	CHAPTER	PAGE
Development Districts		
Development district boards--submission of work program and budget	196	14
TACIR--representative of development districts	368	24
Education And Schools		
Recreation--use of school grounds for municipal recreation purposes	23	3
Before and after school day care centers	37	4
Permissible uses of special education funds	105	7
Schools--possession of electronic pager	141	8
Reduction in number of teachers and other personnel	197	14
Purchase of films, tapes, etc.	198	14
AIDS education	215	15
School speed limits in certain counties	299	19
Accumulation and use of excess instructional time	310	19
Drug abuse education	322	21
Public school nurse advisory council	356	23
Retirement--issuance of debt to pay expenses of transfer	358	23
Use of professional leave to serve on boards	363	23
Purchasing from minority businesses	375	24
Handicapped education--3-year-olds included	421	28
Crimes--fraudulent educational documents	426	28
False reports; whistleblower provision	444	30
Parent Teacher Partnership Act enacted	554	37
Family life instruction	565	38

SUBJECT	CHAPTER	PAGE
Elections		
City manager-commission charter--persons who own property in Collegedale allowed to vote	30	3
City manager-commission charter--popular election of mayor in Lakeland	61	4
Mayor-aldermanic charter--elections and terms of office	98	6
Withdrawal date changed	128	7
City manager-commission charter amended	175	10
Merger of municipalities	176	12
Municipal elections--time for filing nominating petitions	247	17
Campaign finance disclosure	585	40
Emergency Communications Districts		
Emergency communications districts--funding revised	9	3
Membership on board in Knox County	243	17
Enterprise Zones		
Incentives by local governments	209	14
Enterprise zones for home rule cities and metropolitan governments	541	35
Strengthening of incentives	560	37
Finance (See also the "Taxation" topics)		
Emergency communications districts--funding revised	9	3
Regional tourism promotion--state matching funds increased	94	6
State chartered banks may act as financial advisors	168	10
Local Development Authority Act amended	233	15
Wastewater facilities revolving loan fund--environmental assessment; use of loan proceeds	280	18
Civil actions--fees and expenses to be paid by local governments	365	23

SUBJECT	CHAPTER	PAGE
Finance (See also the "Taxation" topics) (continued)		
Bonds and notes--notification of director of local finance	402	26
Debt issuance--references changed relative to certain authorities	403	26
Collection of funds--checks in official's name lawful	480	31
Drug fines increased--diversion of drug fine proceeds to county general fund in many counties	531	35
Capital outlay notes--asbestos program	542	35
Utility relocation loan program established	582	39
Hazardous Waste		
Refusal of permit	432	29
Local government veto eliminated; new siting regulations enacted	552	36
Health And Sanitation		
Removal of vegetation and debris--collection of costs	100	6
Water quality standards--variances disallowed in certain circumstances	114	7
Health insurance--mammography	160	9
Health maintenance organizations--exemption from bidding for Nashville	187	13
Day care centers and homes--conflicting interpretation of safety standards	219	15
Spent nuclear fuel--transportation in state	319	20
Environmental regulations--status of orders	321	20
Health care shortage programs	424	28
Indigent health care--fund established	434	29
AIDS--programs required by hospitals	447	30
Septic tanks--regulations changed	485	32
Capital outlay notes--asbestos program	542	35

SUBJECT	CHAPTER	PAGE
State health insurance program for local government employees	544	36
Smoke detectors required in rental units	557	37
Indigent health care--community health agencies authorized	567	38
Housing		
Smoke detectors required in rental units	557	37
Housing Authorities		
Board membership increased in certain municipalities under certain circumstances	82	5
Human Development		
Human resource agencies--funding	575	38
Industrial Development		
Industrial development corporations--definition of "project" in central business improvement districts changed	83	5
Industrial development corporations--hotels as a project	180	13
Obtaining appurtenant land for industrial park projects	394	25
Plant closings--requirements changed	399	26
Industrial development corporations--definition of "project" expanded	581	39
Interlocal Cooperation		
Tort liability--members of judicial district drug task forces made volunteer state employees	63	4
Interlocal cooperation between county and cities	188	13
Juveniles		
Juveniles--escape	329	22

SUBJECT	CHAPTER	PAGE
Law Enforcement (See also "Crimes and Criminal Procedure")		
Tort liability--members of judicial district drug task forces made volunteer state employees	63	4
TVA employees as peace officers	76	5
Exchange of confiscated firearms	111	7
Federal officers making arrests--same status as state and local officers	135	8
Part-time, reserve, auxiliary police officers--maximum hours per month clarified	138	8
Law enforcement vehicles--use of blue and red flashing lights	173	10
Slum clearance--collection of costs	298	18
Police bill of rights enacted	398	25
Director and instructors at Police Training Institute as law enforcement officers	410	27
 Mayor-Aldermanic Charter		
Elections and terms of office	98	6
Merger of municipalities	176	12
 Metropolitan Government		
Purchase of property condemned for neighborhood development in Davidson County	570	38
Metropolitan charter commission in Knox County	576	39
 Modified Manager-Council Charter		
Cable television--cities under Modified Manager-Council charter	193	14
 Motor Vehicles And Traffic		
Mandatory seat belts made permanent	27	3
Suspension of license for failure to appear in court	156	9

SUBJECT	CHAPTER	PAGE
Motor Vehicles And Traffic (continued)		
Law enforcement vehicles--use of blue and red flashing lights	173	10
Abandoned vehicles--notice and sale	182	13
Abandoned vehicles--metropolitan governments	185	13
Motor vehicle accidents--reporting on property damage	263	17
Odometer fraud	276	18
School speed limits in certain counties	299	19
Failure to stop when death results	323	21
Size of certain vehicles	330	22
Revoked licenses	342	22
Weight restrictions for sand trucks	349	23
Notice required of auto repossession	406	27
Truck traffic in Davidson County	436	29
Handicapped parking--duplication of placard	442	29
Horse drawn vehicles--white light required	452	30
Motor vehicles--tinted windows	528	35
Child restraint devices--fines increased--municipalities allowed to adopted y reference--requirements for hospitals	564	38
Officers And Employees (See also "Retirement")		
Contractor licensing--injunctions allowed against local officials	25	3
Leaves of absence to participate in athletic events	52	4
Tort liability--members of judicial district drug task forces made volunteer state employees	63	4
Mayor-aldermanic charter--elections and terms of office	98	6
Firefighter association dues--Loudon County added	130	8
Part-time, reserve, auxiliary police officers--maximum hours per month clarified	138	8

SUBJECT	CHAPTER	PAGE
Officer And Employees (See also "Retirement") (continued)		
Health insurance--mammography	160	9
Mayor may appoint substitutes on boards to which he or she is elected	169	10
City manager-commission charter amended	175	10
Cafeteria benefits plan--automatic payment of premiums; supplemental medical insurance for retired political subdivision retirees	181	13
Civil service examinations--notice required	203	14
Civil rights--action for injunction, damages, etc.; suit supersedes administrative remedies	374	24
Unemployment compensation--benefits increased	388	25
Police bill of rights enacted	398	25
Civil service boards--qualifications and appointments	463	31
State health insurance program for local government employees	544	36
City manager-commission charter--increase in salaries allowed in Davidson County	579	39
 Ordinances		
City manager-commission charter amended	175	12
Child restraint devices--fine increased--municipalities allowed to adopt by reference--requirements for hospitals	564	38
 Planning And Zoning		
Solid waste--state plan mandated	250	17
Historic zoning--allowed for one structure	422	28
Solid waste disposal	515	33
 Public Building Authorities		
Transfer of air rights and easements	337	22

SUBJECT	CHAPTER	PAGE
Public Works		
Contractors bonds--amount of contract before bond required increased	84	6
Purchasing		
Contractor licensing--injunctions allowed against local officials	25	3
City manager-commission charter amended	175	10
Municipal electric plants--purchasing power of superintendent	286	18
Transfer of personal property to other governments	305	19
Recreation		
Use of school grounds for municipal recreation purposes	23	3
Employees--leaves of absence to participate in athletic events	52	4
Sports officials--limited immunity	90	6
Retirement		
City employee who was formerly an elected official	120	7
City judges--retirement	174	10
Accumulated sick leave as creditable service for teachers	177	12
Retirement--elected officials	178	12
Issuance of debt to pay expenses of transfer	358	23
Retirement--credit for disability	505	32
Retirement--Group I	509	33
Solid Waste		
Local Development Authority Act amended	233	15
State plan mandated	250	17
Solid waste disposal	515	33

SUBJECT	CHAPTER	PAGE
Solid Waste (continued)		
Solid waste landfill core drilling--notice required in Lewis and Lawrence Counties	521	34
Streets		
Gasoline tax increased--proceeds to go to local governments	241	16
Utility relocation loan program established	582	39
Taxation (Alcohol)		
Alcoholic beverages--products with less than .5% not subject to regulation or taxation	325	21
Taxation (Business)		
Business tax fee, exemption increased; fee for recording contractor's certificate increased	16	3
Business tax--state share	340	22
Business tax--exemption for sale of horses	465	31
Enterprise zones--strengthening of incentives	560	37
Taxation (Gasoline)		
Gasoline tax increased--proceeds to go to local governments	241	16
Taxation (Generally)		
Disputed taxes--report to local governments	273	18
Taxation--report on exemptions	339	22
Taxation--exemption for investment funds	524	34
Taxation (Income)		
Enterprise zones--strengthening of incentives	560	37
Taxation (Litigation)		
Additional litigation tax enacted	546	36

SUBJECT	CHAPTER	PAGE
Taxation (Property)		
Deadline for applying under Greenbelt law	56	4
Removal of vegetation and debris--collection of costs	100	6
Telecommunications services--property and sales taxation	312	19
Installment payments of property taxes in Scott County	407	27
Property taxation--contest of assessment in Shelby County	419	28
Property taxation--reappraisals and current value indexing	495	32
Taxation (Sales)		
Sales tax on amusements--exemption limited	126	7
Sales tax exemption--aircraft	408	27
Sales tax exemption--use of personal property by local education employees	409	27
Applied to vehicles, boats, aircraft taken out of state	430	28
Sales tax--exemption	478	31
Sales tax--exemption	496	32
Sales tax--exemption in Franklin County	527	34
Tort Liability		
Members of judicial district drug task forces made volunteer state employees	63	4
Sports officials--limited immunity	90	6
Landowner liability may be waived	149	9
Immunity for certain board members	479	31
Tourism		
Regional tourism promotion--state matching funds increased	94	6
Trailer Courts		
Trailer court regulation repealed	228	15

SUBJECT	CHAPTER	PAGE
Transportation		
Spent nuclear fuel--transportation in state	319	20
Unemployment Compensation		
Unemployment compensation--benefits increased	388	25
Urban Development		
Slum clearance--collection of costs	298	18
Demolition of old residential structures--approval required in Knox, Davidson, Shelby Counties	416	27
Purchase of property condemned for neighborhood development in Davidson County	570	38
Utilities		
Public gas systems--inspection fees	146	9
Natural gas--records required	159	9
Municipal electric systems--competition from private companies	230	15
Local Development Authority Act amended	233	15
Wastewater facilities revolving loan fund--environmental assessment; use of loan proceeds	280	18
Municipal electric plants--purchasing power of superintendent	286	18
Telecommunications services--property and sales taxation	312	19
Utility over charges or under charges--limitations on recovery	411	27
Utility relocation loan program established	582	39
Water And Watercourses		
Crimes--boating under the influence	92	6
Water quality standards--variances disallowed in certain circumstances	114	7

SUBJECT	CHAPTER	PAGE
Weapons And Firearms		
Law enforcement--exchange of confiscated firearms	111	7
Workers' Compensation		
Governmental pools may participate in the Second Injury Fund	164	9
Disbursements from Second Injury Fund	238	16