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# Summary of Public Acts

of interest to Tennessee  
officials

*By Dennis W. Huffer, J.D.*  
*TML*  
*Risk Management Pool*

Laws and Regulations –  
Tennessee



The University of Tennessee  
**Municipal Technical Advisory Service**  
In cooperation with:  
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**1990 SUMMARY OF PUBLIC ACTS  
OF INTEREST TO TENNESSEE OFFICIALS**

by

Dennis W. Huffer, J.D.  
- courtesy of -  
**TML Risk Management Pool**

1990

**MUNICIPAL TECHNICAL ADVISORY SERVICE  
The University of Tennessee**

**in cooperation with the  
TENNESSEE MUNICIPAL LEAGUE**

## ABSTRACT

The 1990 *Summary Of Public Acts Of Interest To Tennessee Officials*, contains summaries of 189 of the 504 public acts by the second session of the 96th General Assembly. These 189 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.

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- Robert P. Schwartz  
Executive Director, MTAS

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- Dennis Huffer  
TML Risk Management Pool





**1990 SUMMARY OF PUBLIC ACTS  
OF INTEREST TO TENNESSEE OFFICIALS**

## 1990 SUMMARY OF PUBLIC ACTS OF INTEREST TO TENNESSEE OFFICIALS

**Chapter No. 593 (SB 1600/HB 1590).** Industrial parks -- financing. Amends T.C.A. Section 13-16-203(2) to provide that fees, rents, tolls, and other charges for use of or in connection with an industrial park may be pledged to secure bonds.

Amends T.C.A. Section 13-16-207 to provide that utility revenues and increased ad valorem and other tax revenues resulting from an industrial park may be used in determining whether an industrial park is self-sustaining. The Act further amends T.C.A. Section 13-16-207 to provide that bonds may be secured with proceeds from the sale of property in the municipality, utility revenues of the municipality, all tax revenues of the municipality, and other revenues from fees, rents, and charges of the municipality.

Amends T.C.A. Section 9-21-105 to provide that a certificate of public purpose and necessity must be obtained before general obligation debt may be issued to finance industrial park infrastructure.

This Act brings Tennessee law into compliance with federal law that allows tax exempt debt to be issued to finance infrastructure in industrial parks.

*Effective date: February 13, 1990.*

**Chapter No. 617 (SB 1625/HB 1631).** Beer -- transportation. Repeals T.C.A. Section 57-5-401(a) which prohibited the transportation of beer into the state by any means except common carrier for delivery only to a licensed brewery, wholesaler, or distributor within this state. This subsection provided an exception for vehicles owned or leased by a wholesale licensee. This Act also repeals T.C.A. Section 57-5-403 which required monthly reports by carriers, breweries, wholesalers, and distributors to the commissioner on the amounts of beer brought into the state.

*Effective date: March 1, 1990.*

**Chapter No. 618 (SB 1682/HB 1586).** Beer -- relations between suppliers and wholesalers. Provides rules for relations between beer manufacturers or importers and beer wholesalers within the state. Among many other things, the Act provides that a beer manufacturer or importer may cancel its contract with a wholesaler if the wholesaler has a government-issued permit revoked and cannot service the sales territory for more than 60 days.

*Effective date: March 1, 1990.*

**Chapter No. 620 (SB 1869/HB 1971).** Natural resource products -- hauling on private property. Amends T.C.A. Section 47-26-803(b) to provide that natural resource products (crushed stone, etc.) sold by a producer and supplier do not have to be weighed or measured by a certified public weigher if they are not to be transported on public ways and if the invoice indicates that.

*Effective date: July 1, 1990.*

**Chapter No. 621 (SB 1878/HB 2014).** Alcoholic beverages -- tax. Amends T.C.A. Section 57-3-303 to provide that the tax on intoxicating liquor with an alcohol content of 7% or less is \$1.10 and that no tax stamps need be affixed to the retail container.

*Effective date: March 1, 1990.*

**Chapter No. 622 (SB 1966/HB 1644).** City manager-commission charter -- appointment of substitute for city judge. Amends T.C.A. Section 6-21-501 to provide that a city judge who is unable to preside over city court must appoint a general sessions judge of the county to sit in his or her place. If there is no general sessions judge available, the judge must appoint an attorney who has the qualifications of a general sessions judge to sit temporarily.

*Effective date: July 1, 1990.*

**Chapter No. 625 (SB 1576/HB 1581).** Crimes -- cock fighting, etc. Amends T.C.A. Section 39-14-203(c) to provide that offenses involving cock fighting are Class A misdemeanors rather than Class E felonies. The Act further amends this Section to provide that it is not an offense to own, possess, or keep cocks or abet such acts for the sole purpose of selling them where the keeping of cocks is legal.

*Effective date: March 1, 1990.*

**Chapter No. 626 (SB 1616/HB 1564).** Beer -- repurchase by wholesalers. Amends T.C.A. Section 57-6-109 to provide that a wholesaler may repurchase full case lots of beer at the wholesale price upon determination by a county or municipality that a retailer has surrendered its beer permit, that it has been revoked, or that it has been suspended for more than 30 days.

*Effective date: March 8, 1990.*

**Chapter No. 632 (SB 1750/HB 1716).** City manager-commission charter -- date commissioners take office. Amends T.C.A. Section 6-20-109 to provide that commissioners under the Uniform City Manager-Commission charter take office at the beginning of the first

regularly scheduled meeting after their election rather than on the second Tuesday after their election.

*Effective date: March 8, 1990.*

**Chapter No. 634 (SB 1772/HB 1634).** Distribution of TVA in lieu of tax payments -- deduction for TACIR. Amends T.C.A. Section 67-9-102(a) to provide that before distributing TVA in lieu of tax money to counties and municipalities, \$4,462 be taken from the distribution for each group and transmitted to the Tennessee Advisory Commission on Intergovernmental Relations.

*Effective date: March 8, 1990.*

**Chapter No. 635 (SB 1775/HB 1637).** City manager-commission charter -- duty of city attorney to attend meeting. Amends T.C.A. Section 6-21-202 to require the city attorney to attend any commission meeting when required by the Board of Commissioners.

*Effective date: March 8, 1990.*

**Chapter No. 636 (SB 1809/HB 1565).** Goodlettsville hotel/motel tax authorized. Amends T.C.A. Section 7-4-101, 102 and 110 and Section 67-4-503 to authorize Goodlettsville to levy a hotel/motel occupancy privilege tax of up to 3% of the room charge.

*Effective date: July 1, 1990.*

**Chapter No. 637 (SB 1824/HB 1867).** Litigation tax when general sessions judge serves. Amends T.C.A. Section 67-15-5007 and 5008 to levy a \$1 litigation tax on civil cases and \$2 on criminal cases in a court in which a general sessions judge serves as judge.

*Effective date: March 8, 1990.*

**Chapter No. 638 (SB 1839/HB 2127).** TVA in lieu of tax payments -- distribution to municipalities and counties. Amends T.C.A. Section 67-9-102(a) to provide that the distribution of TVA in lieu of tax revenues to local governments will be based only on population, acreage, and land in the TVA service area. Existing population and land that is used to figure distribution of these revenues that is not served by TVA was grandfathered.

*Effective date: March 8, 1990.*

**Chapter No. 639 (SB 1876/HB 1767).** Alcohol abuse -- county option treatment authorized. Amends T.C.A. Title 33, Chapter 8 to enact the "Alcohol Abuse Prevention Act of 1990". The act applies only to counties that establish programs for alcohol abuse and provide first year funding. Counties may provide facilities and treatment under the Act for the treatment and housing of persons intoxicated or incapacitated by alcohol. Law enforcement officers who take persons into protective custody in compliance with the Act may not be held civilly or criminally liable.

The Act prohibits municipalities from enacting ordinances prohibiting public drunkenness, which was already the case.

*Effective date: January 1, 1991.*

**Chapter No. 640 (SB 1910/HB 2128).** TVA impact funds -- distribution to CTAS. Amends T.C.A. Section 67-9-101 and 102 to provide that any surplus TVA impact funds go to the University of Tennessee's County Technical Assistance Service rather than being distributed to municipalities and counties.

*Effective date: March 8, 1990.*

**Chapter No. 642 (SB 2177/HB 1851).** Electrical safety code -- new edition adopted. Amends T.C.A. Section 68-16-104(a) to adopt the August 1, 1989 edition of the National Standard Electrical Safety Code to govern the installation, operation and maintenance of conductors and equipment in electric supply stations and electric and communications lines.

*Effective date: March 8, 1990.*

**Chapter No. 646 (SB 2268/HB 1697).** Sales tax -- exemption for contractors. Amends T.C.A. Section 67-6-209 to provide that contractors pay sales tax on the purchase price of materials rather than the purchase price or fair market value, whichever is greater.

*Effective date: January 1, 1990.*

**Chapter No. 648 (SB 2342/HB 2224).** Education -- alternative programs for school-based decision making. Amends T.C.A. Section Title 49, Chapter 1, Part 2 to authorize up to eight school systems, or parts thereof, to apply to the commissioner of education to operate an alternative program using school-based decision making. The commissioner is authorized to waive certain requirements for these schools.

*Effective date: July 1, 1990.*

**Chapter No. 649.** Education -- tuition for persons residing outside county. Amends T.C.A. Section 49-6-3003 and 3104 to authorize counties to charge tuition to students who reside outside the county. Tuition may not exceed the amount derived by dividing the funds actually used for school purposes by the average daily attendance during the preceding school year.

*Effective date: June 1, 1990.*

**Chapter No. 654 (SB 2127/HB 1992).** Development districts -- guardianship programs for the elderly. Amends T.C.A. Section 13-14-103 and 106 to allow development districts to operate guardianship programs for the elderly.

*Effective date: July 1, 1990.*

**Chapter No. 656 (SB 768/HB 800).** Workers' compensation --resumption of temporary disability benefits; physician's deposition. Amends T.C.A. Title 50, Chapter 6, Part 2, to provide that when an employer stops or changes payment of temporary disability benefits for any reason other than a final settlement or failure of the employee to submit to medical examinations, the employee may petition the court to resume payments. The court may order resumption of or increase the payments. A hearing must be held within 20 days of the petition.

The Act also allows employees to petition the court to require a physician to give a deposition if the physician refuses to make a reasonable effort to do so within 90 days of receipt of notice. If the doctor does not respond to the petition, he or she may lose exemption from subpoena. The Act provides that it may be presumed that the doctor made a reasonable effort if he or she offered to be available at two or more reasonable places during normal business hours but because of scheduling difficulties of other persons the deposition could not take place at these places and times.

*Effective date: March 15, 1990.*

**Chapter No. 660 (SB 2168/HB 1922).** Building restrictions on scenic highways -- exemption. Amends T.C.A. Section 54-17-115(c) to provide that building restrictions on scenic highways (within 1,000 feet, building can be no more than 35 feet above level of highway or ground line) do not apply to any area designated by state law and managed by a development authority to promote and regulate technology-based development.

*Effective date: March 15, 1990.*

**Chapter No. 661 (SB 2178/HB 1936).** Local sales tax cap increased -- exemption for auto dealer add-ons. Amends T.C.A. Section 67-6-702 to provide that the local sales tax applies to the first \$1,600 of a purchase rather than the first \$1,100 for those counties and municipalities that had previously increased the base to which the tax applied. The Act also provides that parts or accessories installed by an auto dealer are considered part of the vehicle and therefore are not separately taxable.

*Effective date: April 1, 1990.*

**Chapter No. 662 (SB 959/HB 1197).** Education -- school opening day; length of term. Amends T.C.A. Section 49-6-3004 to provide that the school year begins on the Tuesday following Labor Day unless the school board or a private act sets a different date.

The Act also provides that the length of term and day does not affect the amount or timing of payments made to a local education agency under the Tennessee Foundation Program nor the compensation of any teacher.

*Effective date: July 1, 1991.*

**Chapter No. 664 (SB 1971/HB 1745).** Municipal electric systems -- board membership. Amends T.C.A. Section 7-52-107 to provide that the board of a municipal electric system may consist of two or four persons who are customers of the system and who live in the county there the municipality is located. Board members no longer have to be a resident of the municipality.

*Effective date: March 15, 1990.*

**Chapter No. 667 (SB 823/HB 424).** Recording of boundary surveys in non-existent county. Purports to amend T.C.A. Title 66, Chapter 24, Part 1 to require the recording of boundary surveys when certain property not subject to subdivision regulations is subdivided and sold. The Act applies in only one county designated by 1980 population classification (21,525 to 21,625). No such county exists.

*Effective date: July 1, 1990.*

**Chapter No. 673 (SB 1912/HB 1984).** Motor vehicles -- spotlights on back of vehicle. Amends T.C.A. Title 55, Chapter 9, Part 4 to make it a Class A misdemeanor to operate any vehicle equipped with auxiliary lamps or spotlights backwards on a street or road when the lamps or spotlights are in operation. The Act does not apply to emergency or public utility vehicles.

*Effective date: July 1, 1990.*



**Chapter No. 674 (SB 1920/HB 1988).** Utility relocation -- interim loans authorized. Amends T.C.A. Section 67-3-617(j)(4) to provide that utility relocation loans may be made for relocation costs incurred during the interim between July 1, 1989 and the date the first loan is actually authorized under the Utility Relocation Loan Program. In these cases, proceeds of the loan can be used to retire debt.

*Effective date: March 19, 1990.*

**Chapter No. 679 (SB 2339/HB 2221).** Motor vehicles -- reinstatement of driver license. Amends T.C.A. Section 55-50-303 to provide that persons who have been convicted of DUI or any other offense requiring mandatory revocation of the driver license must show a certification to the Department of Safety that all fines and costs have been paid before the license can be reinstated. The certification must be on a form supplied by the department. It must be completed and certified by the clerk of the court, but it is the sole responsibility of the person seeking reinstatement to get the certification and present it to the department.

*Effective date: July 1, 1990.*

**Chapter No. 683 (SB 2219/HB 1837).** Finance -- loans to utility districts and other entities. Amends T.C.A. Section 9-21-107 to allow municipalities and counties to contract debt to make loans, grants, donations, and reimbursements to utility districts and other local governmental entities for the construction of public works projects.

*Effective date: March 19, 1990.*

**Chapter. No. 686 (SB 1573/HB 1559).** Recreation -- grants from Natural Resources Trust Fund. Amends T.C.A. Title 11, Chapter 14, Part 3 to direct the Commissioner of Conservation and the Commissioner of Finance and Administration to develop procedures for project election and funding from the Natural Resources Trust Fund, including grants to local governments. Projects recommended for funding will be considered through the Department of Conservation annual budget request.

*Effective date: July 1, 1990*

**Chapter No. 695 (SB 1773/HB 1633).** TACIR -- biennial reports. Amends T.C.A. Section 4-10-108 to require the Tennessee Advisory Commission on Intergovernmental Relations to issue a report on its work biennially. Copies of the reports must be submitted to local government officials upon request.

*Effective date: March 21, 1990.*

**Chapter No. 698 (SB 2052/HB 2200).** Education -- purchase of workbooks, etc. Amends T.C.A. Section 49-3-310(6) to authorize the use of textbook funds to purchase consumable workbooks, films, records, tapes, etc., in grades K through 12 rather than just 1 through 8.

*Effective date: July 1, 1990.*

**Chapter No. 699 (SB 2056/HB 1842).** Fiscal agent services -- contracts. Amends T.C.A. Section 12-4-106 to require a written contract between municipalities and any person providing the municipality fiscal agent or financial advisory services. The contract must specify the services to be rendered, the costs, and the expenses covered under the contract.

The Act provides that any person providing fiscal agent or financial advisory services who wishes to bid, directly or indirectly, on any bonds, notes, or other obligations issued by a municipality that are to be sold by public, competitive sale must receive the permission of the municipality in writing to bid on the obligations.

Under this Act, fiscal agent or financial advisory services means rendering financial services to or on behalf of an issuer or municipal securities with respect to a new issue or issues, including advice with respect to the structure, timing, terms, and similar matters concerning the issue.

*Effective date: July 1, 1990.*

**Chapter No. 702 (SB 2153/HB 2106).** Finance -- definition of "required collateral" changed. Amends T.C.A. Section 9-4-105 to change the definition of "required collateral" that applies to investment of municipal idle funds to collateral that equals 105% of market value of the deposit. The previous definition was 110% of face value and 100% of market value.

*Effective date: March 21, 1990.*

**Chapter No. 705 (SB 2225/HB 2251).** Septic tanks -- requirements in certain conditions. Amends T.C.A. Section 68-13-403 to establish requirements under which conventional disposal systems may be installed when the undisturbed soil layer above rock is between 24 and 36 inches deep.

*Effective date: March 21, 1990.*

**Chapter No. 708 (SB 2364/HB 2159).** Education -- student identification numbers. Amends T.C.A. Title 49, Chapter 6 to require identification numbers for students in the public education system to help in the tracking of students from school to school. The social security number will be the identification number. Class rolls and other documents must contain the number. Names of students and their identification numbers must be sent by

the superintendent to the state department of education. Listings of student names and identification numbers are not public records.

*Effective date: 1990/91 school year.*

**Chapter No. 711 (SB 2417/HB 2326).** Education -- disposal of surplus property. Amends T.C.A. Section 49-2-203(b)(10)(A) to provide that local boards of education may dispose of surplus property to private persons as well as civic or community groups.

*Effective date: March 21, 1990.*

**Chapter No. 712 (SB 2523/HB 2243).** City courts -- contempt for environmental violations in Shelby County. Amends T.C.A. Section 29-9-108 to require city judges in Shelby County to punish for contempt people who fail to appear on or who fail to remedy violations of health, housing, fire, building, and zoning codes of the city.

The punishment is limited to a fine of \$10 and imprisonment not exceeding five days for each violation.

*Effective date: July 1, 1990.*

**Chapter No. 715 (SB 2302/HB 2032).** Gasoline tax refunds -- sales through customer-controlled pumps. Amends T.C.A. Section 67-3-402 to provide that a governmental entity is eligible for the refund of gasoline taxes paid when it makes purchases through a customer-controlled pump. Sales through a customer-controlled pump are not subject to the minimum purchase requirements.

*Effective date: July 1, 1990.*

**Chapter No. 716 (SB 2394/HB 2206).** Motor vehicles -- registration plates. Amends T.C.A. Section 55-4-103(b)(1) to require automobile registration plates to display the year in which they expire rather than the year for which they are issued.

*Effective date: July 1, 1990.*

**Chapter No. 717 (SB 2338/HB 2223).** Bridge grants authorized. Amends T.C.A. Title 54, Chapter 4 to enact the 1990 Bridge Grant Program Act.

This Act establishes a highway bridge replacement and rehabilitation program to benefit local governments. The Commissioner of Transportation is to develop a selection process for projects to be funded. Eligible bridges will be on public roads other than the federal aid system or state system of highways.

In order to be eligible for grants under the program, a local government must be in compliance with any Department of Transportation recommendations concerning the posting and enforcement of load limits and the closure of structures based on National Bridge Inspection Standards.

The state share for projects will be no more than 70% of the approved project cost. Of the 30% the local government is responsible for, one half must be paid through contribution of local government funds; the other half may be made through in-kind contribution to the project.

*Effective date: July 1, 1990.*

**Chapter No. 718 (SB 2431/HB 2400).** Alcoholic beverages -- consumption at historic mansion site. Amends T.C.A. Section 57-4-102(12) to allow the consumption of alcoholic beverages at historic mansion house sites in a metropolitan government when the mansion has been conveyed by the state to a board of trustees and reasonable fees are charged for admission.

*Effective date: March 21, 1990.*

**Chapter No. 719 (SB 1599/HB 1836).** Workers' compensation -- policy charges. Prohibits insurers from imposing any additional charge for a workers' compensation policy based on the experience of the insured past the inception date or renewal date of the policy, except for retrospective rated plans.

*Effective date: January 1, 1991.*

**Chapter No. 728 (SB 2287/HB 2155).** Reciprocal insurance contracts authorized. Amends T.C.A. Title 56, Chapter 16 to improve to the law on reciprocal insurance. Municipalities are among those listed who can make reciprocal insurance contracts.

*Effective date: March 23, 1990.*

**Chapter No. 730 (SB 2370/HB 2539).** Alcoholic beverages -- urban park centers. Amends T.C.A. Section 57-4-102(19)(c) and (22) relative to service of food and payment of employees in urban park centers that serve alcoholic beverages.

*Effective date: March 23, 1990.*

**Chapter No. 733 (SB 1974/HB 2192).** Railroad crossings of railroad authorities -- work by local governments. Amends T.C.A. Section 65-11-101 to authorize local governments to work on or participate financially in work on railroad crossings owned by railroad authorities. If the work is done by local government employees who are under the direct supervision and total control of the railroad authority, then for liability purposes they are treated as employees of the authority rather than the local government.

*Effective date: March 27, 1990.*

**Chapter No. 754 (SB 2348/HB 2217).** Hazardous waste -- reduction plans and reports required. Amends T.C.A. Title 68, Chapter 46 to enact the Tennessee Hazardous Waste Reduction Act of 1990. The Act requires generators of hazardous waste to complete a hazardous waste reduction plan. Large quantity generators (2.2 pounds of acute waste or 2,200 pounds of hazardous waste in one month) must complete the plan by January 1, 1992. Small generators (between 220 and 2,200 pounds per month) must complete the plan by January 1, 1994.

The Act establishes requirements for the plans. All generators must annually review their plan and complete a hazardous waste reduction progress report and summary. Any person who fails to file a report or comply with the Act or who gives false information is subject to a civil penalty of up to \$10,000.

Plans and reports filed with the Department of Health and Environment under the Act are not public records.

*Effective date: July 1, 1990.*

**Chapter No. 757 (SB 2179/HB 2247).** Hazardous waste -- penalties for improper disposal increased. Amends T.C.A. Section 68-46-114 to increase penalties for the improper disposal of hazardous waste.

*Effective date: March 27, 1990.*

**Chapter No. 766 (SB 1892/HB 1722).** Retirement -- retired police officer serving as county law enforcement officer. Amends T.C.A. Title 8, Chapter 36, Part 8 to allow a police officer who is retired and receiving benefits from T.C.R.S. to accept employment with the county sheriff of the county in which the municipality is located without losing retirement benefits from city employment under certain conditions.

*Effective date: March 28, 1990.*

**Chapter No. 767 (SB 2192/HB 1760).** Sewer loans -- applicability of debt limits, etc. Amends T.C.A. Title 68, Chapter 13, Parts 2 and 10 to provide that local governments may obtain loans for sewer facilities under those provisions without regard to any limit on indebtedness provided by law. This Act also amends these same provisions to provide that they are in addition and supplemental to any other law. The Act also provides no proceeding will be required of any local government to obtain a loan other than those provided in these laws and that no restraints or requirements relative to borrowing are applicable except those in these laws when a loan is applied for under these laws.

*Effective date: March 28, 1990.*

**Chapter No. 771 (SB 1840/HB 2516).** Employment law -- retaliatory discharge relative to illegal activities and smoking. Amends T.C.A. Title 50, Chapter 1, Part 3 to prohibit the discharge of an employee solely for refusing to participate in or refusing to remain silent about illegal activities. "Illegal activities" means violations of state or federal civil or criminal codes or any regulation intended to protect the public health, safety, or welfare. The Act provides that the employee has a cause of action for retaliatory discharge and any other damages to which the employee may be entitled.

The Act further prohibits the discharge of an employee solely for using "an agricultural product not regulated by the alcoholic beverage commission that is not otherwise proscribed by law" as long as the employee complies with employer regulations relative to the product while at work. No employee may be discharged solely for using such a product while not at work.

The Act specifically prohibits frivolous lawsuits claiming retaliatory discharge or discharge for smoking or using other agricultural products. The court, upon motion or upon its own initiative, may impose appropriate sanctions, including requiring the employee to pay the employer's reasonable expenses, including a reasonable attorney's fee.

*Effective date: March 29, 1990.*

**Chapter No. 773 (SB 951/HB 598).** Handicapped persons -- employment discrimination based on contagious diseases. Repeals T.C.A. Section 8-50-103(c) to include persons with infectious or contagious diseases within the definition of "handicap" under the state handicap employment discrimination law. Therefore, it is now a violation of state law to discriminate in hiring, firing, or other terms of employment against persons with AIDS, tuberculosis, and other contagious diseases.

*Effective date: April 5, 1990.*

**Chapter No. 774 (SB 1163/HB 628).** Crimes -- forfeiture of real property for drug offenses. Amends T.C.A. Title 53, Chapter 11 to provide procedures for the forfeiture of real property used to commit drug offenses under T.C.A. Section 39-17-417(i) or (j) or three or more drug violations on three or more separate days during a 60 day period. The Act also provides for the forfeiture of property acquired with the proceeds of drug felonies.

The District Attorney institutes all civil proceedings to forfeit property. There must be a prior conviction or convictions to obtain a forfeiture.

When property is forfeited, the court may require a municipal law enforcement officer to sell the property at public auction.

Any proceeds from a sale produced by a local government law enforcement agency will go into the treasury of the local government to be used for any public purpose. When more than one law enforcement agency is involved, the court may divide the proceeds among the agencies or departments involved.

*Effective date: July 1, 1990.*

**Chapter No. 775 (SB 2054/HB 1766).** Organ donor registry required. Requires the Department of Safety to compile and maintain an organ and tissue donor registry to identify each Tennessean who has notified the Department of his or her desire to be an organ or tissue donor.

*Effective date: July 1, 1990.*

**Chapter No. 780 (SB 2462/HB 2408).** Private investigators -- new regulations enacted. Repeals and replaces T.C.A. Title 62, Chapter 26 to enact new regulations for private investigators.

*Effective date: July 1, 1990 for rulemaking; otherwise January 1, 1991.*

**Chapter No. 781 (SB 2453/HB 2434).** Conservation easements -- immunity made statewide. Repeals T.C.A. Section 11-10-105(d) which required county approval of provisions providing that owners of land subject to a conservation easement owed no duty of care to persons going on the land. Therefore, these provisions of T.C.A. Section 11-10-105 now apply statewide regardless of county approval.

*Effective date: April 5, 1990.*

**Chapter No. 783 (SB 2591/HB 2557).** Education -- trespass on school grounds -- assault on education personnel. Amends T.C.A. Section 49-6-208 to make violation of that section, which prohibits trespass on school property, a Class A misdemeanor. The Act also applies the section to "any school" rather than just public schools.

The Act provides that for assault on school personnel, there will be a civil cause of action with treble damages and reasonable attorneys fees and costs for the victim.

*Effective date: April 5, 1990.*

**Chapter No. 787 (SB 499/HB 365).** Employment law -- minors in school. Amends T.C.A. Section 50-5-105 to prohibit the employment of a 16 or 17 year old who is enrolled in school when the minor is supposed to attend classes. The Act also prohibits such a minor from working between 10:00 p.m and 6:00 a.m, Sunday through Thursday during school. Parents may consent to the employment of such a minor from 10:00 p.m to 12:00 midnight preceding school days if the minor is not so employed more than three nights a week.

Violations by employers are punishable by a fine of \$25 to \$250.

*Effective date: July 1, 1990.*

**Chapter No. 791 (SB 1627/HB 1835).** Electrical inspections -- fees increased. Amends T.C.A. Section 68-17-143(b) to increase the fees for electrical inspections by deputy inspectors appointed by the state fire marshal. The Act establishes the amount kept by the Department of Commerce and Insurance and the amount to be returned to the inspector.

*Effective date: April 5, 1990.*

**Chapter No. 792 (SB 1666/HB 1914).** Environmental protection -- release of non-biodegradable balloons prohibited. Prohibits the release of more than 25 non-biodegradable balloons or balloons that require more than "several minutes" to degrade if the balloons are filled with helium or another substance that causes them to float. The prohibition does not apply to weather balloons. Violation is punishable by a civil penalty of \$250. Each balloon released in a single day constitutes a separate offense. The Act specifically applies to political subdivisions.

The Act does not apply in several counties exempted by population. There is, however, a severability clause.

*Effective date: January 1, 1991.*



**Chapter No. 795 (SB 1781/HB 1973).** Workers' compensation -- certificate by Commissioner conclusive of compliance. Amends T.C.A. Section 50-6-407 to provide that the issuance by the Commissioner of Labor of a certificate that an employer has complied with Sections 50-6-405 or 406, or both, is conclusive, absent proof otherwise, that the employer has complied with those sections. These sections require employers to insure or to show that they are able to pay claims under the Workers' Compensation Law. If they do not, they are subject to suit at common law at which the defenses of contributory negligence, assumption of risk, and injury by a fellow servant are not available.

*Effective date: April 5, 1990.*

**Chapter No. 800 (SB 1873/HB 1897).** Sales tax -- exemption. Amends T.C.A. Section 67-6-303 to exempt from the sales tax motor vehicles purchased and used outside the United States but titled and registered in Tennessee by a member of the armed forces stationed outside this country. The exemption is contingent on the vehicle remaining outside the country.

*Effective date: July 1, 1990.*

**Chapter No. 805 (SB 1989/HB 1719).** Probationer labor -- feds allowed to apply. Amends T.C.A. Section 41-9-102(c) to allow federal agencies to apply for probationer labor.

*Effective date: April 5, 1990.*

**Chapter No. 807 (SB 2019/HB 2080).** Property taxation -- panel for agents. Amends T.C.A. Section 67-5-1514(f) to create a panel within the state Board of Equalization to adopt standards of conduct for agents who represent taxpayers before the board. The panel also conducts disciplinary hearings against agents. The panel's decision may be appealed to the Board of Equalization.

*Effective date: April 5, 1990.*

**Chapter No. 808 (SB 2039/HB 1970).** Central business improvement districts -- alternative method provided. Amends T.C.A. Title 7, Chapter 84 to create an alternative method for the creation of central business improvement districts. The district may be established by ordinance after a petition of the majority of the property owners in the area having an assessed value of at least 2/3 of all the property in the area or on the governing body's own initiative after the adoption of a resolution setting forth the things required in a petition.

There must be a public hearing on the creation of the district. After the hearing, the ordinance creating the district may be passed. The Act provides requirements for the ordinance.

The municipality may borrow money to make the desired improvements in the district. The municipality may also levy special assessments within the district to pay all costs and expenses of making public improvements in the district and providing the services, projects, and activities of the district.

The Act provides for a "district management corporation" to administer the activities of the district. The speakers of the two Houses of the General Assembly appoint one member of each House to serve on the Board of Directors of the corporation.

The Act does not apply in Hamilton and Hamblen counties.

*Effective date: April 5, 1990.*

**Chapter No. 809 (SB 2040/HB 1971).** Emergency communications district -- Knox County. Amends T.C.A. Section 7-86-105(b)(3) to provide that the Knoxville fire chief serves on the Knox County emergency communications district board of directors. The Act also authorizes the appointment of two new directors-one woman and another who represents non-governmental emergency agencies serving the district. Eliminates language requiring the board to have only nine members.

*Effective date: April 5, 1990.*

**Chapter No. 812 (SB 2147/HB 1630).** Election -- disclaimers on political communications. Amends T.C.A. Section 2-19-120 to require political communications paid for or authorized by a candidate, agent, or political committee to identify the head of the political committee or its treasurer.

The Act requires that, whenever a separate segregated fund solicits contributions to the fund, the solicitation must clearly state the full name of the person who paid for the communication or advertisement.

*Effective date: April 5, 1990.*

**Chapter No. 814 (SB 2199/HB 1840).** Finance -- investment of bond proceeds. Amends T.C.A. Section 6-56-106 to provide that proceeds of bonds, notes, and other obligations issued by municipalities, reserves held in connection therewith and investment income therefrom may be invested in obligations rated in either of the two highest rated categories by a nationally recognized rating agency, that are direct general obligations of a state or the federal government or a political subdivision or instrumentality, and that have a final maturity of not more than 24 months or that may be tendered at not more than 24 month intervals.

*Effective date: April 5, 1990.*

**Chapter No. 817 (SB 2329/HB 2115).** Police officer -- ineligibility for supplement for lying. Amends T.C.A. Section 38-8-111 to provide that if the certification of a police officer is revoked because he or she gave or acquiesced in giving false information regarding eligibility for certification, the police officer is ineligible for the pay supplement. If the supplement has already been paid, the officer must return it. If the officer fails to return it within 60 days, the P.O.S.T. Commission may sue to obtain it.

*Effective date: April 5, 1990.*

**Chapter No. 819 (SB 2340/HB 2222).** Education -- denial of drivers license to school drop-outs. Amends T.C.A. Title 49, Chapter 6, Part 30 and Title 55, Chapter 50 to require the denial of a drivers license or instruction permit to anyone under 18 who has not been graduated from or is not enrolled in high school or its equivalent and who has not been excused from this requirement due to circumstances beyond his or her control.

When a student 15 or older withdraws from school, the attendance teacher or superintendent must notify the Department of Safety.

The Act provides for administrative review of the denial of a drivers license or instruction permit.

*Effective date: July 1, 1991; the Act is repealed as of July 1, 1995.*

**Chapter No. 821 (SB 2378/HB 2238).** Automobile accidents -- access to financial responsibility records. Amends T.C.A. Section 55-12-104 to allow parties in an accident access to financial responsibility documents filed by other parties. The request must be made on forms supplied by the Department of Safety and be accompanied by a fee of \$5. The information supplied by the Department cannot contain policy limits.

*Effective date: October 1, 1990.*

**Chapter No. 823 (SB 2405/HB 2323).** Horizontal property -- compliance with building codes when private elements involved. Amends T.C.A. Section 66-27-104 to provide that where private elements are created, the original construction of all apartments must substantially comply with local building codes for planned unit developments. If there are no local building codes, construction must comply with the Standard Building Code.

*Effective date: July 1, 1990.*

**Chapter No. 828 (SB 2089/HB 1802).** Signs indicating Decaturville. Amends T.C.A. Section 54-5-108 to require signs on Interstate 40 to indicate the location of Decaturville.

*Effective date: July 1, 1990.*

**Chapter No. 830 (SB 1770/HB 1975).** Photo licenses of persons 65 or older -- cancellation or replacement. Amends T.C.A. Section 55-50-323, 336 and 337 to provide that photo drivers licenses of persons 65 or older do not expire but may be replaced or canceled.

*Effective date: July 1, 1990.*

**Chapter No. 833 (SB 2485/HB 2509).** Building and fire codes -- application to cotton warehouses. Provides that, notwithstanding any building or fire code provision to the contrary, warehouses designed or used to store baled cotton may have a maximum capacity of not more than 15,000 bales and that a single compartment may not exceed 60,000 square feet.

The Act provides that compartments must be separated by 100 feet of clear space or a four hour fire wall.

Local governments may establish more stringent restrictions on the storage of baled cotton.

This Act does not restrict the automatic sprinkler system requirements of the code of the National Fire Prevention Association.

This Act applies to all cotton warehouses.

*Effective date: April 9, 1990.*

**Chapter No. 836 (SB 2351/HB 2227).** Insurance coverage for prescription drugs -- requirement that drugs be ordered from mail order pharmacy prohibited. Provides that no group medical benefit contract that covers prescription drugs may require that the drugs be ordered from a mail order pharmacy in order to get benefits. The Act also prohibits any additional fee or other penalty for obtaining drugs other than through the mail order pharmacy.

*Effective date: Covers contracts made after July 1, 1990.*

**Chapter No. 839 (SB 1634/HB 2481).** Workers' compensation -- confidentiality of work injury records. Amends T.C.A. Section 50-3-702 to make the employer's first report of work injury maintained by the Division of Workers' Compensation confidential. The employee or employee's attorney may obtain a copy of any report concerning the employee's work injury.

An employer may inquire in writing to determine whether a job applicant has responded truthfully concerning any prior work injury.

*Effective date: July 1, 1989.*

**Chapter No. 843 (SB 1999/HB 1712).** Workers' compensation -- lump sum awards. Amends T.C.A. Section 50-6-229 to require the trial court to consider the ability of the employee to manage wisely and control a lump sum award irrespective of whether there are special needs.

*Effective date: July 1, 1990.*

**Chapter No. 844 (SB 2053/HB 2134).** Crimes -- interfering with utility service. Makes it a Class E felony knowingly to tap, cut, burn, break down, injure, destroy or otherwise interfere with the current, lines, cables, poles, towers, and other fixtures and appliances used to furnish telephone, telegraph, or electric service. The Act also makes it a Class E felony to injure, remove, destroy, or interfere with any gas fixtures or appliances.

*Effective date: July 1, 1990*

**Chapter No. 845 (SB 2061/HB 2296).** Tanning facilities regulated. Amends T.C.A. Title 68 to enact the Tanning Facility Control Act of 1990. Among other things, the Act requires tanning facilities to have a trained attendant on duty when they are open for business and to provide protective eyewear for customers. A customer may not be allowed to use the tanning device without protective eyewear. The facility must also limit maximum exposure time as recommended by the manufacturer.

Violation of the Act is a misdemeanor punishable by a fine of \$500 for each day a violation occurs.

*Effective date: July 1, 1990.*

**Chapter No. 847 (SB 2110/HB 1809).** Criminal procedure -- fees for DUI, BUI. Amends T.C.A. Section 38-6-103(d) to provide that a fee of \$17.50 be adjudged as part of the costs in DUI and BUI cases except as provided in T.C.A. Section 55-10-403(h). The fee for drugs - \$20 - remains the same.

*Effective date: April 10, 1990.*

**Chapter No. 851 (SB 2494/HB 2530).** Utility service -- civil damages for theft, etc. Prohibits certain acts and provides that a utility may bring a civil action to recover treble damages, plus reasonable attorneys' fees and costs, from persons who commit the prohibited acts. Damages include incidental and punitive damages. Among the actions prohibited are:

1. knowingly interfering with or interrupting telephone, telegraph, or electrical service;

2. injuring or destroying appliances and instruments that convey telephone, telegraph, electrical, and gas service;
3. fraudulently obtaining telephone, telegraph, electrical, or gas service;
4. diverting telephone service, gas, electricity, or water so that it is not metered or otherwise recorded;
5. tampering with a utility meter or a device for recording telephone time;
6. breaking a meter or removing it;
7. transferring a meter from one location to another;
8. using a meter other than the one assigned and installed by the utility;
9. bypassing or jamming a meter;
10. picking or tampering with locks used to deter utility diversion.

A finding of guilt under the criminal law is conclusive evidence of liability for civil damages.

Any utility that can properly establish the amount of utility service fraudulently taken may declare a lien for the value of the electrical power against the property where the power was taken. The lien must be filed within one year of the utility's first knowledge of the fraudulent taking. The lien is perfected as provided in Title 66, Chapter 11 and has the same priority as a mechanic's or materialman's lien.

The statute of limitations is the same as that for an action to recover damages for the loss of property.

*Effective date: April 10, 1990.*

**Chapter No. 852 (SB 2350/HB 2129).** Human remains -- notification of law enforcement agency. Amends T.C.A. Section 11-6-107 to require any person who encounters or disinters human remains except during an authorized excavation to notify the coroner or the medical examiner and a local law enforcement agency.

The Act prohibits the import into or export out of Tennessee of human remains except for educational, burial preparation and burial, and judicial purposes.

*Effective date: April 10, 1990.*

**Chapter No. 855 (SB 1898/HB 2062).** Petroleum underground storage tanks -- law revised. Amends T.C.A. Section 68-53-102 to provide that the petroleum underground storage tank law does not apply retroactively to releases that occurred before July 1, 1988.

Amends T.C.A. Section 68-53-104(3) to make it unlawful not to pay the annual fee per tank.

Amends T.C.A. Section 68-53-106(b) to require that any change in the status of a tank must be reported within 30 days of the change. This includes changes in ownership, upgrading, and replacement of tanks and changes in services. In cases where a tank is sold, the seller must submit an amended notification form and inform the buyer of the notification requirement.

Amends T.C.A. Section 68-53-107(f) to allow the Commissioner of Health and Environment to adopt rules exempting certain classes of tanks from certain parts of the regulations if the exemptions do not make the regulations less stringent than federal law.

Amends T.C.A. Section 68-53-111 to provide that all claims against the petroleum underground storage tank fund are obligations only of the fund and not of the state.

*Effective date: April 11, 1990.*

**Chapter No. 856 (SB 2145/HB 1918).** Sales tax -- exemption. Amends T.C.A. Section 67-6-329 to exempt railroad car liners and their installation from the sales tax.

*Effective date: July 1, 1990.*

**Chapter No. 859 (SB 2543/HB 2266).** Health insurance -- application of mammography screening requirement. Amends T.C.A. Section 56-7-1012, which requires group health insurance that covers mastectomy to cover mammography screening also, to provide that the section does not apply to policies that provide only hospital indemnity benefits or that provide benefits for only specified accidents.

The Act provides that policies that provide benefits only for specified diseases and that cover mastectomies shall be subject to this section unless the owner of the policy has other insurance that provides mammography coverage. The burden of proof is on the insurer to show the insured has other insurance.

*Effective date: April 11, 1990.*

**Chapter No. 863 (SB 1062/HB 1291).** Codification of ordinances -- validation of included ordinances. Amends T.C.A. Title 6, Chapter 54, Part 5 to provide that when a municipality has its ordinances codified and adopts a code of ordinances, or when the municipality has its code of ordinances updated from time to time, the adoption of the code or the updating

of the code of ordinances cures any defects that occurred in the adoption of any of the individual ordinances in the code. Codified ordinances now in existence are validated.

*Effective date: April 16, 1990.*

**Chapter No. 868 (SB 2536/HB 2084).** Architects and engineers -- bid requirements for school boards in Shelby County. Amends T.C.A. Section 62-6-119(b) to require that architects and engineers submitting bids to a school board in Shelby County must include their license number, expiration date, and classification information in the bid or bid documents rather than on the envelope.

*Effective date: July 1, 1990.*

**Chapter No. 874 (SB 1658/HB 2154).** Automatic dialing solicitations regulated. Amends T.C.A. Title 39, Chapter 17, Part 3 to enact the Consumer Telemarketing Protection Act of 1990. The Act makes it unlawful to use automatic dialing equipment for advertising, polling, or soliciting information in certain circumstances. The Act makes it unlawful to use automatic dialing equipment for these purposes to make calls to hospitals, nursing homes, fire protection agencies, or law enforcement agencies.

The Act provides for consent to receive such calls and provides for regulation by the Public Service Commission.

Violation of the Act is a Class A misdemeanor. The district attorney or person receiving calls may seek injunctive relief. The district attorney may seek statutory civil penalties (\$1,000 for each call), which go into the state general fund.

*Effective date: July 1, 1990.*

**Chapter No. 876 (SB 1841/HB 1661).** Police training -- report on costs to be prepared. Amends T.C.A. Title 4, Chapter 29 to extend the existence of the Law Enforcement Training Academy until June 30, 1998. The Act further requires the executive officer of the academy to prepare a report relative to fees for police training. The report is to be submitted by February 1, 1991.

*Effective date: July 1, 1990.*

**Chapter No. 877 (SB 1854/HB 1684).** Unsolicited fax solicitation made unlawful. Makes it unlawful to initiate the unsolicited transmission of telefacsimile messages promoting goods or services. The Act does not apply if there has been a prior contractual relationship between sender and receiver unless the sender has been requested not to fax advertisements.



A person who receives a message in violation of the Act may bring an action to recover actual damages or \$100, whichever is greater. A civil penalty of \$100 may also be levied. The proceeds of the civil penalty go to the state general fund.

*Effective date: July 1, 1990.*

**Chapter No. 878 (SB 1866/HB 1941).** Police officers' Hall of Fame Board created. Amends T.C.A. Title 4 to create a police officers' hall of fame board. The board is to honor those who have made outstanding and lasting contributions to law enforcement in Tennessee. One member of the nine-member board is appointed by the Tennessee Municipal League.

*Effective date: April 12, 1990.*

**Chapter No. 884 (SB 2169/HB 1751).** Bed and breakfast establishments regulated. Amends T.C.A. Title 68, Chapter 14 to enact the Bed and Breakfast Establishment Inspection Act of 1990. The Act provides for the permitting and regulation of bed and breakfast establishments.

*Effective date: January 1, 1991.*

**Chapter No. 885 (SB 2197/HB 1759).** Local Development Authority -- loans for capital projects authorized. Amends T.C.A. Title 4, Chapter 31 to authorize the Local Development Authority to issue revenue bonds and make the proceeds available for loans to local governments for capital projects at a cost lower than would otherwise be obtainable. The Act changes T.C.A. Title 4, Chapter 31, Part 4 from the Correction Facilities Act to the Capital Projects Loan Act, although there are still special provisions for correctional facilities.

The Authority is to prepare and the Attorney General to approve loan agreement forms to be used by local governments.

If the funds pledged to repay the loan are insufficient, the local government must levy a property tax sufficient to make the payments.

Under this Act, the words "capital project" mean the same as "public works project" in the Local Government Public Obligation Act at T.C.A. Section 9-21-105.

*Effective date: July 1, 1990.*

**Chapter No. 887 (SB 2343/HB 2142).** Education -- teacher tenure. Amends T.C.A. Section 49-5-5606(a)(3) to provide that the probationary year may be included in consideration for the ward of tenure.

*Effective date: April 12, 1990.*

**Chapter No. 888 (SB 2349/HB 2442).** Municipal hospital records -- confidentiality. Amends T.C.A. Section 10-7-504 to make medical records of patients in county and municipal hospitals confidential. The Act also makes medical records of patients receiving medical treatment at the expense of a county or municipality confidential and not open for public inspection.

*Effective date: April 12, 1990.*

**Chapter No. 889 (SB 2357/HB 2207).** Beer -- reissuance for location before expiration of one year. Amends T.C.A. Section 57-5-109(k) to allow beer boards to reissue a beer license for a location prior to one year after a revocation if the individual applying is not the original holder of the permit or any family member who could inherit from the individual under the intestate succession statute.

*Effective date: April 12, 1990.*

**Chapter No. 898 (SB 2512/HB 2423).** Property taxation -- correction of assessments, etc. Amends T.C.A. Section 67-5-509 to provide that correction of assessments must be requested by the taxpayer or initiated by the assessor prior to September 1 of the year following the year for which the correction is to be made. Any additional taxes due shall not be delinquent until 60 days after the date the notice of the corrected assessment is sent to the taxpayer. Once suit has been filed to collect delinquent taxes, the assessment and levy are not subject to correction.

If the assessor fails or refuses to correct errors, the taxpayer may appeal to the state Board of Equalization. The appeal must be filed within 45 days. If the Board finds an error exists, it must issue an order certifying the correct assessment to the trustee or municipal collector.

Errors that may be corrected include only clerical mistakes.

Amends T.C.A. Section 67-1-1005 to provide that a back assessment or reassessment must be initiated prior to September 1 of the year following the tax year for which the original assessment was made, unless this resulted from taxpayer fraud, in which case the back assessment must be initiated prior to three years from September 1 of the tax year. Additional taxes due are not delinquent until 60 days after the date notice of the back assessment or reassessment is sent to the taxpayer unless this resulted from fraud.

Amends T.C.A. Section 67-5-903 to provide that a taxpayer may amend a personal property schedule until September 1 of the following year. The taxpayer may appeal the assessor's adjustment or refusal to accept the amended schedule. Any additional taxes due are not delinquent until 60 days after notice is sent.

Amends T.C.A. Section 67-4-713, part of the Business Tax Act, to provide that personal property taxes paid pursuant to audit may be taken as a credit either on the business tax

return for the year in which the additional personal property tax was paid or on the return covering the previous year. If the credit is taken in the previous year, an amended business tax return must be filed.

Personal property taxes paid subsequent to the due date for business taxes but before their delinquency may be taken as a credit against business taxes as if they had been paid during the period covered by the business tax return or in the year in which the payment is made.

Amends T.C.A. Section 67-5-903 to prohibit the amendment of personal property tax schedules once suit has been filed.

*Effective dates: Amendments to Title 67, Chapter 1, Part 10 and 67, Chapter 5, Part 9 - April 12, 1990. Amendments to Title 67, Chapter 5, Part 5 - January 1, 1991. Amendments to 67-4-713 - 40 days after April 12, 1990.*

**Chapter No. 899 (SB 2518/HB 2425).** Property taxation -- notification of tax assessments; appeal dates for State Board of Equalization. Amends T.C.A. Section 67-5-508 to establish criteria for the notice that must be published indicating that assessment records are available for public inspection. The notice must be set forth with distinct borders and be two columns wide and have a depth of four inches. The notice must state the day the county board of equalization will convene, the last day appeals will be accepted, and have a warning that failure to appeal may result in the assessment becoming final.

Amends T.C.A. Section 67-5-508(a)(3) to provide that the mail notice of a change in assessment must describe the previous year's assessment clearly enough to indicate how the current year's assessment has changed.

Amends T.C.A. Section 67-5-1412 to provide that appeals to the state Board of Equalization from action of a local board must be filed before August 1st or within 45 days of the date notice of the local board's action was sent, whichever was later.

Amends T.C.A. Section 67-5-1501 to provide that appeals to the state Board of Equalization from initial determination in exemption and tax relief cases must be filed within 45 days from the date notice of the determination was sent. Appeals from administrative judges and hearing examiners for the Board of Equalization must be filed within 15 days from the day the initial decision is sent.

*Effective date: January 1, 1991.*

**Chapter No. 900 (SB 2528/HB 2440).** Littering -- inference. Amends T.C.A. Section 39-14-502 to provide that if litter is found on public property or private property of anyone who has not given permission for the disposal of litter and the litter bears a natural person's name, there is an inference that the natural person did the littering.

The Act changes criminal littering from a Class C to a Class B misdemeanor.

*Effective date: April 12, 1990.*

**Chapter No. 901 (SB 2562/HB 2518).** Charitable solicitations -- professional solicitors. Amends T.C.A. Section 48-3-501(5) to include persons who solicit contributions through the sale of goods from vending machines in the definition of professional solicitor under the state law if the machine contains a statement that a portion of the receipts will go to a charitable organization.

*Effective date: April 12, 1990.*

**Chapter No. 903 (SB 558/HB 1330).** Education -- homebound instruction. Amends T.C.A. Section 49-2-203 and 49-6-3002 to provide that students receiving homebound or hospital instruction may not be penalized for grading purposes nor be denied course completion, grade level advancement, or graduation solely because of absence from regular class work.

*Effective date: April 17, 1990.*

**Chapter No. 904 (SB 619/HB 713).** Tort liability -- immunity for providers of horse riding trails, etc. Amends T.C.A. Section 29-34-202 and 203 to provide tort immunity for the providers of horse riding trails and non-profit corporations and others who provide training in the safe recreational use of whitewater streams, except for gross negligence or willful or wanton conduct.

*Effective date: June 1, 1990; the Act is repealed on June 1, 1992.*

**Chapter No. 905 (SB 650/HB 671).** Retirement -- buying service credit. Amends T.C.A. Title 8, Chapter 35, Part 2 to allow present employees of political subdivisions that began participating in TCRS on December 1, 1973 to obtain credit for service rendered before and after the date of the political subdivision's entrance into the system. The employee must have been employed by the political subdivision on December 1, 1973. The political subdivision must pay for an actuarial study and adopt a resolution accepting liability. The service credit must be established before January 1, 1991.

*Effective date: April 17, 1990.*

**Chapter No. 907 (SB 1084).** Driver licensing -- hardship licenses. Amends T.C.A. Section 55-10-102(19)(G) to provide that persons at least 15 years old issued hardship licenses must be extended the same privileges as persons issued a Class P-D license.

*Effective date: April 17, 1990.*

**Chapter No. 909 (SB 1797/HB 1640).** Emergency communications districts -- prohibition of automatic dialers. Amends T.C.A. Title 7, Chapter 86, Part 1 to allow the board of directors of emergency communications districts to prohibit service users from programming the emergency number 911 in automatic dialers used in conjunction with security alarm systems. The board may assess a fine of up to \$50 against any person violating the prohibition.

*Effective date: April 17, 1990.*

**Chapter No. 911 (SB 2255/HB 2093).** Zoning -- building on permanent easement. Amends T.C.A. Section 13-4-308(b) to provide that if a municipality's zoning ordinance establishes a date or procedure by which a lot of record on an easement is recognized as a lot for which a building permit can be issued, that date will prevail over the date established in state law (April 27, 1987).

*Effective date: April 17, 1990.*

**Chapter No. 916 (SB 2469/HB 2471).** Housing authorities -- expansion of board. Amends T.C.A. Section 13-20-415(c)(2) to provide that provisions requiring an increase in the number of members of a housing authority board when the housing authority has projects in another county or municipality apply only in Lake City and to all municipalities in Fentress, Morgan, Scott, Claiborne, and two non-existent counties listed by population.

The Act applies to projects entered before its effective date but does not affect rights or obligations created before the appointment of the new commissioners.

*Effective date: April 17, 1990.*

**Chapter No. 918 (SB 2542/HB 2503).** Environmental protection -- labeling plastic bottles. Prohibits anyone from distributing or selling any plastic bottle after July 1, 1991, unless it is labeled with a code identifying the resin used to make the structure of the bottle. Penalty for violation is a \$50 civil penalty and injunction.

*Effective date: April 17, 1990.*

**Chapter No. 919 (SB 2559/HB 2528).** Alcoholic beverages -- sales in museums in Shelby County. Amends T.C.A. Section 57-4-101(K) to prohibit the serving of alcoholic beverages when the museum is open except at a restaurant or during a special event where admission is by special invitation or charge.

*Effective date: April 17, 1990.*

**Chapter No. 921 (SB 2579/HB 2572).** Law enforcement -- mutual aid with other states. Amends T.C.A. Section 6-54-307 to authorize law enforcement mutual aid agreements under that section with municipalities, counties, and metropolitan airport authorities in other states.

*Effective date: July 1, 1990.*

**Chapter No. 926 (SB 1357/HB 1275).** Property taxation -- golf courses. Amends T.C.A. Section 67-5-203 to provide that real property owned by the state or any political subdivision and leased to any person or firm for operating a golf course is subject to in lieu of property tax payments by the person or firm. The payments will equal the ad valorem taxes payable based on the fair market value of the real property.

*Effective date: April 23, 1990.*

**Chapter No. 929 (SB 1651/HB 2146).** Juveniles -- court appointed advocates. Amends T.C.A. Section 37-1-149 to allow the court to appoint a non-lawyer special advocate for a child. The advocate must be trained in accordance with standards of the Tennessee Court Appointed Special Advocate Association. The Act provides immunity for the good faith acts of the advocate.

*Effective date: April 23, 1990.*

**Chapter No. 931 (SB 1768/HB 2078).** Nicotine abuse -- programs required. Amends T.C.A. Section 33-8-103 and 49-1-402 to require drug programs to address nicotine abuse.

*Effective date: July 1, 1990.*

**Chapter No. 932 (SB 1861/HB 2444).** Emergency medical personnel -- discipline; doctors' orders. Amends T.C.A. Section 68-39-511 to provide that EMT's and EMT-P's may be disciplined or denied authorization for refusing to follow a doctor's orders if the doctor takes responsibility for care of the patient and either travels with the patient or reaches an agreement with the base hospital doctor that the patient may be transported safely and signs trip records.

Amends T.C.A. Section 68-39-509 to provide that when an EMT or EMT-P and the doctor on the scene disagree on the proper course of treatment, the doctor should confer with the base hospital doctor before ordering treatment. If there is no base hospital doctor available, the doctor's orders control.

*Effective date: July 1, 1990.*

**Chapter No. 937 (SB 2034/HB 2121).** Housing discrimination -- familial status and handicap. Amends T.C.A. Section 4-21-601 and 602 to make it a discriminatory practice under state law to discriminate against families with children and against handicapped persons in real estate activities. Nothing in the Act limits the applicability of any reasonable local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

*Effective date: April 23, 1990.*

**Chapter No. 939 (SB 2107/HB 1860).** Retirement -- section 401(K) plans authorized. Amends T.C.A. Section 8-35-111(b) to allow public employers to contribute to an Internal Revenue Code Section 401(K) retirement plan for employees in addition to the regular state retirement plan. Employer contributions -- other than those made pursuant to a salary reduction agreement -- cannot exceed 3% of the employee's salary. The employer may not permit contributions to the 401(k) plan, when combined with projected benefits from the state retirement system, to exceed the limitations of the Internal Revenue Code.

The chief executive officer or plan administrator of each approved plan must file an annual financial report with the director of the state retirement system.

*Effective date: April 23, 1990.*

**Chapter No. 940 (SB 2115/HB 2253).** Motor vehicles and traffic -- left turn lanes. Amends T.C.A. Section 55-8-140 to regulate motor vehicle operation in left turn lanes provided for vehicles traveling in opposite directions. The Act requires left turns to be made from the left turn lane unless a vehicle cannot safely enter the lane. It prohibits passing using the left turn lane and prohibits using the left turn lane except when preparing for or making a left turn.

The Act prohibits entering the left turn lane more than a safe distance from the turn and prohibits other vehicles from entering the lane if they would prohibit any vehicle already in the lane from making its turn. The first vehicle in the lane has the right of way.

*Effective date: July 1, 1990.*

**Chapter No. 944 (SB 2331/HB 2158).** Sales tax -- exemption. Amends T.C.A. Section 67-6-303 to exempt from the sales tax a motor vehicle sold to a non-resident member of a uniformed service who is stationed at a naval air station located entirely within this state.

*Effective date: July 1, 1990.*

**Chapter No. 948 (SB 2423/HB 2574).** Education -- powers of state board of education, etc. Amends T.C.A. Title 49 relative to powers of the state board of education, licensing and certification of teachers and superintendents, and the fulfilling of certain requirements by principals and administrators.

*Effective date: April 23, 1990.*

**Chapter No. 949 (SB 2457/HB 2344).** Alcoholic beverages -- consumption in historic performing arts center in Sullivan County. Amends T.C.A. Section 57-4-102(13)(D) to allow the consumption of alcoholic beverages in historic performing arts centers in Sullivan County.

*Effective date: April 23, 1990.*

**Chapter No. 950 (SB 2502/HB 2465).** Toughman contests legalized. Amends T.C.A. Title 68, Chapter 50 to make toughman or adman contests legal and to authorize the Commissioner of Commerce and Insurance to regulate these contests.

*Effective date: July 1, 1990.*

**Chapter No. 957 (SB 1424/HB 1394).** Crimes -- victims bill of rights. Enacts the "Victims Bill of Rights". The Act provides that victims of crime "should" have the right to be treated with dignity and respect, the right to restitution from the perpetrator, the right to recover property in the custody of police as soon as possible, etc.

*Effective date: April 25, 1990.*

**Chapter No. 958 (SB 2253/HB 1874).** Juveniles -- trial and sentencing as adults. Amends T.C.A. Section 37-1-134 and 137 relative to when juveniles may be tried as adults and relative to commitment of juveniles convicted of certain crimes.

*Effective date: April 25, 1990.*



**Chapter No. 962 (SB 408/HB 120).** Business tax -- collection in metro counties. Amends T.C.A. Section 67-4-706 to provide that in metropolitan counties, the legislative body may by resolution designate the county clerk as the business tax collector for the entire taxing jurisdiction.

*Effective date: July 1, 1990.*

**Chapter No. 965 (SB 1686/HB 1570).** Sales tax -- exemptions. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt items sold to national organizations of state legislators and gross receipts from sales of soccer tickets to events held by the World Cup Organizing Committee on behalf of the Federation Internationale de Football Association during 1994 from the state and local sales taxes.

*Effective date: May 1, 1989; repealed November 1, 1990.*

**Chapter No. 968 (SB 2078/HB 1711).** Drug money -- purchases -- undercover drug activities. Amends T.C.A. Section 39-17-420 to provide that purchases made with proceeds of the sale of real property used for drug activity or acquired with drug money are subject to the purchasing laws applicable to the municipality.

The Act provides that the Comptroller of the Treasury and the Department of Finance and Administration, in consultation with the TBI, the Tennessee Sheriffs Association, and the Tennessee Association of Chiefs of Police, are to develop procedures and guidelines for handling cash transactions related to undercover operations of drug enforcement programs. The guidelines are applicable to proceeds acquired on or after January 1, 1991, or earlier if they are adopted earlier.

*Effective date: April 30, 1990.*

**Chapter No. 971 (SB 1613/HB 1746).** Crimes -- civil disorder. Amends T.C.A. Title 39, Chapter 17, Part 3 to make it a Class D felony for two or more persons to assemble or to train or instruct in the use of, or practice with, any technique or means capable of causing property damage, bodily injury, or death with the intent of employing the training, instruction, or practice in the commission of civil disorders. The Act contains exceptions for police and military activities, among others.

*Effective date: April 30, 1990.*

**Chapter No. 973 (SB 2204/HB 1753).** Crimes -- DUI -- treatment. Amends T.C.A. Section 55-10-403 to allow a judge to sentence a person convicted of the second offense of DUI to participate in a court approved inpatient alcohol or drug treatment program. The patient's participation cannot exceed 28 days. Upon completion of confinement, the remainder of the

sentence must be served in the county jail or workhouse. If the patient does not complete the treatment, he or she must serve the full period of confinement in the county jail without credit for time served in treatment.

The person is responsible for the costs of treatment. If the person is indigent, he or she may attend a program that provides treatment without cost.

*Effective date: July 1, 1990.*

**Chapter No. 975 (SB 2194/HB 1758).** Mental health facilities -- loans. Amends T.C.A. Title 4, Chapter 31 to allow the Local Development Authority to make loans for capital projects to non-profit mental health, mental retardation, and alcohol and drug facilities.

*Effective date: April 30, 1990.*

**Chapter No. 978 (SB 2259/HB 1862).** Motor vehicles -- bumpers -- height from ground -- certain alterations prohibited. Amends T.C.A. Section 55-9-215 to provide that if a vehicle is not in compliance with that section regulating bumpers and height from ground of vehicles the owner shall be fined at least \$250. For a second conviction involving substantially the same defect in the same vehicle, the vehicle registration must be suspended for one year.

The Act establishes maximum frame heights for different types of vehicles and prohibits the modification by the use of lift blocks of the front end suspension of a vehicle.

The Act prohibits the operation of a motor vehicle with a distance greater than four inches between the body floor and the top of the frame. The Act also prohibits the modification of the original steering mechanism and the front spindle where the break pads mount on a passenger vehicle or a truck or recreational vehicle with a weight up to 10,000 pounds.

*Effective date: September 1, 1990.*

**Chapter No. 980 (SB 2119/HB 1868).** Crimes -- revisions to criminal code -- checking drivers licenses -- deadly force. Makes extensive minor revisions to T.C.A. Titles 39 and 40 relative to several crimes, including conspiracy, aggravated assault, rape and spousal rape, drug offenses, official misconduct and official oppression, escape from a penal institution, and defrauding the state or its agencies.

Of particular interest to law enforcement officers, the Act amends T.C.A. Section 40-7-103 to prohibit any officer except highway patrol officers from stopping motor vehicles for the sole purpose of checking drivers licenses. For officers other than highway patrol officers to check licenses, they must have probable cause to believe an offense has been committed.

The Act also amends T.C.A. Section 40-7-108, which governs the use of deadly force by police officers. The most significant changes is that, where feasible, the officer must give notice of his or her identity as a police officer and give a warning that deadly force may be used unless resistance or flight ceases. Under the previous statute, identifying oneself as an officer, or giving an order to halt, or an oral warning that deadly force could be used was sufficient.

*Effective date: April 30, 1990.*

**Chapter No. 981 (SB 2248/HB 1870).** Crimes -- boating infractions. Amends T.C.A. Section 69-10-217 and 219 to revamp penalties for reckless boating and boating under the influence of alcohol or drugs. Removes a provision that prohibited general sessions courts from punishing anyone for BUI.

*Effective date: April 30, 1990.*

**Chapter No. 982 (SB 2251/HB 1873).** Crimes -- kidnapping, etc. Amends T.C.A. Titles 37, 39, and 40 to redefine the crimes of false imprisonment, kidnapping, and custodial interference.

*Effective date: April 30, 1990.*

**Chapter No. 983 (SB 2246/HB 1877).** Crimes -- using false identification, etc. Amends T.C.A. Section 39-16-301(b) to change criminal impersonation from a Class E felony to a Class B misdemeanor.

Adds Sections 39-16-303 and 39-14-136 creating the misdemeanors of using a false identification and falsifying educational and academic records.

*Effective date: April 30, 1990.*

**Chapter No. 984 (SB 2250/HB 1880).** Crimes -- civil rights intimidation. Amends T.C.A. Section 39-17-309 to rewrite that section prohibiting civil rights intimidation.

*Effective date: 40 days from April 30, 1990.*

**Chapter No. 986 (SB 2041/HB 1968).** Housing trust fund in Knox County. Amends T.C.A. Title 13, Chapter 23 to allow units of local government in Knox County to establish a housing trust fund to provide low income persons with safe and affordable housing.

Any revenue source except pension or retirement funds may be used to provide endowment and contributions to the fund.

*Effective date: July 1, 1990.*

**Chapter No. 989 (SB 1758/HB 1999).** Crimes -- foreign acquittal of drug violations. Repeals T.C.A. Section 53-11-404, which provided that if a state drug violation is also a violation of federal law or the law of another state, a conviction or acquittal under the other law is a bar to prosecution here.

*Effective date: July 1, 1990.*

**Chapter No. 990 (SB 2017/HB 2007).** Workers' compensation -- maximum benefits increased. Amends T.C.A. Section 50-6-102(a) to increase the maximum benefit payable to a worker per week by \$21 to \$273 per week for injuries occurring between July 1, 1990 and June 30, 1991, and by another \$21 per week to \$294 per week for injuries occurring after July 1, 1991.

The legislature must review maximum weekly benefits and make recommendations before July 1, 1991, as to the appropriate amount of maximum weekly benefits.

The Act increases the maximum total benefit payable to \$109,200 -- up from \$100,800 -- for injuries occurring between July 1, 1990 and June 30, 1991. The maximum total benefit is increased to \$117,600 for injuries occurring on or after July 1, 1991.

*Effective date: July 1, 1990.*

**Chapter No. 991 (SB 1958/HB 2038).** Crimes -- sale of controlled substances to certain minors. Amends T.C.A. Section 39-17-417 to increase the penalty for selling or delivering a controlled substance to a minor under 12 years old.

*Effective date: July 1, 1990.*

**Chapter No. 992 (SB 1959/HB 2039).** Crimes -- drug treatment. Amends T.C.A. Section 55-10-403 to require drug school as a condition of probation for DUI offenders on drugs. For a second violation, the offender must participate in a drug treatment program.

Amends T.C.A. Section 39-17-418 relative to possession of controlled substances to require a person convicted of a violation of the section to attend drug school. The person must pay the costs, unless he or she is indigent. If indigent, the person may attend without charge.

The amount of the fee shall be set by the local government authority operating the school but can be no greater than the fee for alcohol school. Fees must be used to operate the school.

*Effective date: July 1, 1990.*

**Chapter No. 996 (SB 2369/HB 2215).** Education -- dropout prevention. Amends T.C.A. Title 49, Chapter 1, Part 2 to enact the Dropout Prevention Act of 1990. The Act authorizes a model teen learning center program for teenage parents. The program would consist of a public school that provides day care services and instruction in parenting.

*Effective date: April 30, 1990*

**Chapter No. 999 (SB 2080/HB 2258).** Enterprise zones -- qualified businesses and tax incentives. Amends T.C.A. Section 13-28-103 to provide that qualified businesses must obtain at least 30% of their new employees from residents of the enterprise zone and economically disadvantaged individuals. The business must attain this goal by increased employment.

Amends T.C.A. Section 13-28-106 to allow local governments to reimburse local sales and use taxes on sales of building materials to renovate or construct businesses in the zone. To the extent funds are appropriated, state sales and use tax will also be reimbursed.

The Act further amends T.C.A. Section 13-28-106 and 67-4-808 to change the tax incentives from the excise tax from credits to reimbursement to the extent funds are specifically appropriated.

*Effective date: April 30, 1990.*

**Chapter No. 1000 (SB 1939/HB 2282).** Crimes -- live performances -- venue. Amends T.C.A. Section 39-14-139 relative to the taping, etc., of live performances without the consent of the owner for personal gain.

Amends T.C.A. Section 39-11-103 to provide that when one or more elements of an offense are committed in two different counties, prosecution may be in either county.

*Effective date: April 30, 1990.*

**Chapter No. 1006 (SB 2461/HB 2364).** Motor vehicles and traffic -- cotton wagons. Amends T.C.A. Section 55-9-401 to require cotton wagons to display a red tail lamp on the lower left corner of the rear of the wagon and a triangle-shaped slow-moving vehicle emblem.

The Act makes the user of the wagon responsible for the proper function of the symbol and light except for a malfunction caused by someone else.

*Effective date: April 30, 1990.*

**Chapter No. 1007 (SB 1638/HB 2368).** Crimes -- theft -- shoplifting -- civil liability. Amends T.C.A. Title 39 to provide for civil liability for shoplifting and theft by employees. The Act provides generally for treble damages. When the merchant recovers the merchandise in the same condition it was in before the conversion, the civil penalty is twice the price of the merchandise. The civil liability does not apply if the merchandise was valued above \$500.

*Effective date: July 1, 1990.*

**Chapter No. 1008 (SB 2043/HB 2370).** Development district boards -- voting by proxy. Amends T.C.A. Section 13-14-107 to allow full-time mayors in counties with over 200,000 population to designate someone to sit in his or her place on development district boards and vote in place of the mayor.

*Effective date: April 30, 1990.*

**Chapter No. 1009 (SB 1997/HB 2375).** Housing corporations -- in lieu of tax payments. Amends T.C.A. Section 67-5-207 to provide that a non-profit housing corporation providing low cost housing for elderly or handicapped people must agree to make in lieu of tax payments for any project that exceeds 12 units. The payments cover facilities or services rendered. The payment is not required from any project occupied before January 1, 1990. This does not negate any valid agreements already approved by all parties.

*Effective date: April 30, 1990.*

**Chapter No. 1010 (SB 2592/HB 2380).** Crimes -- tampering with residential mailboxes. Amends T.C.A. Title 39, Chapter 14, Part 4 to make it a Class B misdemeanor knowingly to damage, destroy, remove, or otherwise tamper with a residential mailbox.

The Act also makes it a Class B misdemeanor knowingly to damage or deface real or personal property of the state or a political subdivision by applying graffiti to it.

Violations must be punished by at least 25 hours of community service work.

*Effective date: July 1, 1990.*

**Chapter No. 1012 (SB 2534/HB 2387).** Petroleum underground storage tanks -- gas tax -- financial responsibility requirements. Amends T.C.A. Section 68-53-110 to enact a .4 cents per gallon tax on petroleum products imported into the state to go into the petroleum underground storage tank fund. Political subdivisions are exempt from the tax.

Amends T.C.A. Section 68-53-110(e) to provide that the maximum balance in the fund will be fifty million dollars rather than five million dollars.

Amends T.C.A. Section 68-53-111 to provide that initial owner financial responsibility for clean-up for an occurrence will be:

<u>Number of Tanks</u>	<u>Responsibility</u>
1-12	\$10,000
13-999	\$20,000
1,000 and over	\$50,000

Initial owner financial responsibility for third party claims for each occurrence will be:

<u>Number of Tanks</u>	<u>Responsibility</u>
1-12	\$10,000
13-999	not less than \$25,000 nor more than \$50,000
1,000 and over	not less than \$15,000 nor more than \$300,000

The Act amends T.C.A. Section 68-53-109(l) to increase the underground storage tank fee from \$100 to \$125.

*Effective date: April 30, 1990.*

**Chapter No. 1016 (SB 1908/HB 2560).** Beneficial use tax enacted. Amends T.C.A. Title 67, Chapter 4 to enact the Beneficial Use Tax Act of 1990. The tax is a privilege tax on the use of tax-exempt real property by government contractors. Property of \$5,000 acres or less is excluded from the tax. The first \$1,000,000 in value of property used is exempt.

The tax is .1% of the value of the beneficial use of the property in excess of \$1,000,000. The tax is due on June 30 of each year and delinquent thereafter.

If the property is located within a municipality, revenues are distributed 20% to the state, 46 2/3% to the county, and 33 1/3% to the municipality. Otherwise, 20% goes to the state and 80% to the county.

*Effective date: April 30, 1990.*

**Chapter No. 1023 (SB 1739/HB 1648).** Law enforcement training -- study required. Requires the Center for Government Training to conduct a study to determine the management training needs of local law enforcement agencies. The study is to formulate the plan for the design, development, and delivery of the management curriculum. A study committee will be made up of the director of the Tennessee Sheriffs Association, the president of the Tennessee Police Chiefs Association, the director of the Tennessee Law Enforcement Training Academy or their designated representatives, a representative of the Tennessee Sheriffs Association, and a representative of the Tennessee Police Chiefs Association. Representatives of CTAS, MTAS, and TML will serve as non-voting members.

The report must be presented to the speaker of each House of the General Assembly before February 1, 1991.

*Effective date: May 1, 1990.*

**Chapter No. 1029 (SB 2123/HB 1871).** Crimes -- carrying weapons. Amends T.C.A. Title 39, Chapter 17, Part 13 relative to carrying weapons and defenses to unlawful carrying of weapons.

*Effective date: May 1, 1990.*

**Chapter No. 1033 (SB 2163/HB 1920).** Motor vehicles -- tinted windows. Amends T.C.A. Section 55-9-107 to create an exception from the prohibition on tinted windows for persons with medical conditions requiring a reduction of light. The Commissioner of Safety must supply a certificate or decal for the applicant to display on his or her vehicle.

*Effective date: May 1, 1990.*

**Chapter No. 1034 (SB 2044/HB 1969).** Blighted property -- taking by eminent domain. Provides a procedure for taking blighted property by eminent domain in Knox, Hamilton, Bradley, and Roane counties.

*Effective date: May 1, 1990.*

**Chapter No. 1036 (SB 2079/HB 2037).** Crimes -- minimum drug fines -- distribution of proceeds. Amends T.C.A. Title 39, Chapter 17, Part 4 to enact a schedule of minimum mandatory fines for drug offenses. The minimum fines range from \$250 for the first conviction of a misdemeanor involving marijuana or hashish to \$3,000 for the third or subsequent conviction of a felony drug offense.



The first portion of the fine (ranging from \$100 for a first marijuana conviction to \$2,000 for the third or subsequent felony drug conviction) is distributed in accordance with T.C.A. Section 39-17-420. Under this section, fines are paid to the county trustee or city recorder in which the violation occurred and must be used exclusively in the local drug enforcement program. The remainder of the fine goes to the general fund of the municipality of the law enforcement agency responsible for the arrest leading to the drug conviction.

Unless the judge determines the defendant is indigent or that payment of the minimum fine would result in severe economic hardship, or that the fine otherwise would not be in the interest of justice, the minimum fine may not be reduced, suspended, waived, or otherwise released by the court.

The Act further amends Title 39, Chapter 17, Part 4 to require that municipal police departments must be accountable to the municipal legislative body for the proper disposition of the proceeds of goods seized and forfeited under Section 53-11-409 and the fines imposed under this Act. The Act requires an annual audited report to be filed by the police department with the governing body. The annual audit must satisfy this requirement.

*Effective date: July 1, 1990.*

**Chapter No. 1043 (SB 2471/HB 2308).** Finance – collateral pooling. Amends T.C.A. Title 9, Chapter 4, Part 5 to enact the Collateral Pool for Public Deposits Act of 1990. The Act provides for a multi-bank collateral pool for state and local government deposits.

The qualified public depository must notify its public depositors that all their deposits are secured through a collateral pool as provided in the Act.

Public depositors must insure that the name of the public depositor is on the account or certificate provided to the depositor by the depository in a manner sufficient to disclose the identity of the public depositor. If the public depositor fails to do this, the collateral pool is not liable for the loss incurred to that particular account. This is the only circumstance under the Act under which a public depositor would be liable for any loss resulting from the default or insolvency of a qualified public depository.

A public depositor who has assets on deposit in a qualified public depository that is in default or is insolvent must notify the treasurer of that fact within three business days after receiving actual notice as provided for in the Act.

No later than March 31 of each year, public depositors must notify the treasurer of their official name, address, and federal tax identification number. For new entities, this must be done before making a public deposit.

The Act creates a Security for Public Deposits Task Force made up of the state treasurer and comptroller and 11 volunteer members. Two of the members of the task force will be chosen by the treasurer from a list of five nominees of the Tennessee Municipal League. The Task Force is to review the Act periodically and make recommendations for changes in legislation, procedure, or regulations to the treasurer and General Assembly.

The Act also creates a Bank Collateral Pool Board and a Savings Institution Collateral Pool Board to oversee the collateral pools of the two types of financial institutions. One local government representative is to be appointed by the Security for Public Deposits Task Force to serve on each of these boards.

Any bank or savings institution that is designated as a qualified public depository guarantees public depositors against loss caused by the default or insolvency of other qualified public depositories in the same pool. Primary responsibility for administering the Act is with the treasurer and the boards created by the Act.

*Effective date: May 1, 1990, for administrative purposes; otherwise, January 1, 1991.*

**Chapter No. 1044 (SB 1004/HB 2310).** Crimes -- anabolic steroids. Amends T.C.A. Title 39, Chapter 6, Part 4 to enact the Young Athletes Anti-Drug Act. The Act makes it unlawful for a practitioner to prescribe anabolic steroids to enhance sports performance or increase muscle mass. The Act makes it unlawful for anyone knowingly to manufacture or deliver any anabolic steroid or to possess with the intent to manufacture or deliver an anabolic steroid.

*Effective date: January 1, 1990.*

**Chapter No. 1045 (SB 2235/HB 2329).** Property taxation -- assessment in Shelby County. Amends T.C.A. Section 67-5-1512(b) relative to the assessment of property in Shelby County.

*Effective date: January 1, 1991.*

**Chapter No. 1048 (SB 2466/HB 2452).** Elections -- finance disclosure. Amends T.C.A. Section 2-10-102 to include receipts and expenditures from state and county executive committees or primary boards with annual receipts and expenditures of \$10,000 or more to the list of contributions that must be reported.

*Effective date: May 1, 1990.*

**Chapter No. 1052 (SB 2460/HB 2545).** Property taxation -- back assessments in Shelby County. Amends T.C.A. Section 67-1-1005 relative to back assessments and reassessments in Shelby County.

*Effective date: May 1, 1990.*

**Chapter No. 1057 (SB 1245/HB 559).** Education -- model drop-out prevention program. Amends T.C.A. Title 49, Chapter 1, Part 2 to create the Tennessee Model Drop-out Prevention Program. The Commissioner of Education is to designate these programs on or before November 15 of each year. Provides for grants to each program of \$6,000 if appropriations permit.

*Effective date: July 1, 1989; repealed December 31, 1995.*

**Chapter No. 1060 (SB 1642/HB 2003).** Rescue squads -- transportation of patients. Amends T.C.A. Section 68-39-509 to allow volunteer rescue squads to transport patients without an EMT, a physician, or a nurse in accordance with rules of the emergency medical services board.

*Effective date: May 1, 1990.*

**Chapter No. 1062 (SB 1659/HB 1787).** Public works contracts -- residential preference. Amends T.C.A. Title 12, Chapter 4 to provide that when the lowest responsible and responsive bidder on a public construction project in the state is a resident of another contiguous state that allows a preference to a contractor residing in that state, a reciprocal preference is allowed in this state to the lowest responsible and responsive bidder who is a resident of Tennessee or another state that does not have a residential preference.

*Effective date: July 1, 1991.*

**Chapter No. 1065 (SB 1870/HB 1694).** Crimes -- DUI and work release in Shelby County. Amends T.C.A. Section 41-2-128 to provide for the sentencing of certain DUI offenders to work-release programs in Shelby County. The Act requires county approval.

*Effective date: May 1, 1990.*

**Chapter No. 1066 (SB 1882/HB 2339).** Education -- enrollment in colleges. Amends T.C.A. Section 49-6-3111 to allow 11th and 12th grade students to enroll in courses in colleges in accordance with rules of the state Board of Education.

*Effective date: July 1, 1990.*

**Chapter No. 1067 (SB 1907/HB 2248).** Medical records -- furnishing to patient or representative. Requires health care providers to furnish a patient or the patient's authorized representative a complete copy or a summary of medical records without unreasonable delay at the written request of the patient or representative. The party requesting the records is responsible for paying the reasonable costs of copying and mailing the records.

Amends T.C.A. Section 68-11-304 to require hospitals to provide records to a patient or representative unless they are restricted by state or federal law or regulation. Again, costs are the responsibility of the party requesting the records and may be required before the records are furnished.

*Effective date: May 1, 1990.*

**Chapter No. 1068 (SB 1909/HB 1964).** Mayor-aldermanic charter -- optional run-off provision. Amends T.C.A. Section 6-1-401(f), part of the Mayor-Aldermanic Charter, to provide that a municipality incorporated under that charter may require a run-off election when no candidate for mayor or alderman receives a majority of the votes cast. The run-off election must be held within 45 days of the regular election. The ordinance requiring the run-off must be adopted at least 45 days before the qualifying deadline for a regular election.

The Act does not apply in Shelby County, but there is a severability clause.

*Effective date: May 1, 1990.*

**Chapter No. 1069 (SB 1963/HB 1784).** Solid waste -- landfill location outside county prohibited. Amends T.C.A. Section 68-31-106 to prohibit a permit or registration for solid waste processing or disposal facilities by a municipality if the site is outside the county where the municipality is located. There is an exception to this prohibition if the county legislative body where the disposal site is to be located by resolution approves the site. The provisions of this Act do not apply to a municipality that has applied for a permit or regulation before the effective date of this Act.

*Effective date: May 1, 1990.*

*Repealed: January 1, 1991.*

**Chapter No. 1070 (SB 2031/HB 2035).** Homelessness -- state agency created. Creates a Division of Housing and Emergency Shelter in the Department of Human Services to engage in and coordinate housing programs for homeless and low income people.

*Effective date: October 15, 1990.*

**Chapter No. 1074 (SB 2109/HB 1808).** Education -- sanctions for not paying school debt. Amends T.C.A. Section 49-1-302(a) to allow the state Board of Education to prescribe rules to allow local schools to withhold grade cards, diplomas, certificates of progress, or transcripts of students who are indebted to the school or who have taken property belonging to the school until the student makes restitution to the school.

*Effective date: July 1, 1990.*

**Chapter No. 1075 (SB 2158/HB 2422).** Personal property taxation -- depreciation schedules; leased property; equalization. Amends T.C.A. Section 67-5-903 to enact into law depreciation schedules for personal property for taxation purposes that are more favorable to business than the schedules adopted by rule of the state Board of Equalization. A value different from the standard depreciated cost may be used where that value more closely approximates fair market value.

Amends T.C.A. Section 67-4-702(a)(7) and 67-5-901 to provide for the personal property taxation of business property leased to and in the possession of a lessee. Property held for lease by a business would still be considered inventories of merchandise held for sale or exchange and therefore not subject to personal property taxation if the business is subject to the Business Tax.

The Act repeals T.C.A. Section 67-4-702(c) which provided for the taxation of leased property if a sweetheart deal among subsidiary-parent companies was involved. This provision is no longer necessary.

Amends T.C.A. Section 67-5-502 and 67-5-901 to provide that leased personal property will be classified according to the lessee's use and assessed to the lessee. This provision does not apply if the property is subject to a lawful agreement between the lessee and a local government for in lieu of tax payments.

The Act amends T.C.A. Section 67-5-2003(a) to provide that leased personal property may not be distrained and sold pursuant to that section. The Act also amends T.C.A. Section 67-5-2102(a) to provide that there shall be no liens against leased personal property assessed to a lessee.

Amends T.C.A. Section 67-5-1509 to require the Board of Equalization to direct that commercial and industrial tangible personal property assessments be equalized using appraisal ratios for each jurisdiction. Equalization will be available only to taxpayers who have filed the reporting schedule required by law.

The Act requires the owner of leased personal property to provide information to the assessor relative to the location, value, and use of the property.

*Effective date: January 1, 1991.*

**Chapter No. 1077 (SB 2359/HB 2145).** Solid and hazardous waste landfills -- prohibited near pastoral scenic rivers. Amends T.C.A. Section 11-13-111 and Title 68, Chapters 31 and 46, to prohibit solid or hazardous waste landfills within two miles from the center of a Class II (pastoral) scenic river. The Act also prohibits these landfills within two miles of the center of the river within counties that are adjacent to the river even though it is not classified as a scenic river in that county, if the river flows into the county where the river is classified as scenic.

*Effective date: May 1, 1990.*

**Chapter No. 1078 (SB 2444/HB 2447).** Elections -- filing of financial reports. Amends T.C.A. Section 2-10-105(h) to allow the filing of the report listing contributions and loans to candidates by telegram, facsimile machine, hand delivery, or overnight mail. The registry of election finance is to make forms available to candidates and county election commissions.

*Effective date: July 1, 1990.*

**Chapter No. 1079 (SB 2465/HB 2427).** Purchasing -- group savings for public hospitals. Enacts the Public Cost Savings Act of 1990. Allows public hospitals to make purchases under or through the auspices of a group purchasing program that has not submitted a formal bid. The price quoted by the group purchasing program must be competitive and represent the lowest and best bid for the goods or services sought to be purchased. The group purchasing program must certify that it uses competitive procedures. The governing body of the public hospital must determine that participation in the group purchasing program is in the best interests of the public.

*Effective date: May 1, 1990.*

**Chapter No. 1080 (SB 2491/HB 2401).** Metropolitan airport authorities -- election of secretary -- membership in metro. Amends T.C.A. Section 42-4-105(e) to require metropolitan airport authority boards of commissioners to elect a secretary from among their members.

The Act also amends T.C.A. Section 42-4-105(d)(1)(B) relative to membership on the board of commissioners of airport authorities in metropolitan counties to provide that two additional positions created by prior amendments must be filled by persons who live within five miles of the end of the north-south and southeast-northwest runways.

*Effective date: May 1, 1990.*

**Chapter No. 1081 (SB 2538/HB 2362).** Motor vehicles -- impaired drivers trust fund. Amends T.C.A. Section 55-10-403 to assess a \$5 fee against persons convicted of DUI to create an impaired drivers trust fund. The fund is to provide financial assistance when it is unavailable from other sources for persons with head injuries. The fund will be used for a pilot project in one location in the state.

*Effective date: July 1, 1990.*

**Chapter No. 1085 (SB 2392/HB 2260).** Appropriation Act. Makes appropriations for the state government for the fiscal year beginning July 1, 1990.

*Effective date: July 1, 1990.*

**Chapter No. 1086 (SB 2724/HB 2695).** Health, Educational, and Housing Facility Corporations -- definition of multi-family facilities clarified in Shelby County. Amends T.C.A. Section 48-3-301 to provide that "multi-family housing facilities" or multi-family residential units includes single family units where several units are included as or are part of the project for which qualified 501(c)(3) bonds may be issued. The Act applies only in Shelby County.

*Effective date: May 4, 1990.*

**Chapter No. 1087 (SB 2515/HB 2424).** Banking -- taxation of in-state activity of banks and financial institutions located elsewhere. Amends T.C.A. Title 45, Chapter 2, and Title 67, Chapter 4, Part 8 to provide for taxation under the franchise and excise taxes of in-state financial activities of out-of-state financial institutions. The Act does not amend the provision in the excise tax that apportions a part of the excise tax proceeds to local governments based on the location of banks.

*Effective date: Applies to fiscal years ending on or after July 15, 1990.*

**Chapter No. 1088 (SB 2513/HB 2419).** Sales tax -- credit. Amends T.C.A. Section 67-6-507 to allow any hotel, motel, college, university, or hospital to take as a credit against the sales and use tax the amount of sales tax paid to a vendor of telecommunication services when the institution has received the service and collected the sales tax on the sale.

*Effective date: July 1, 1990.*

**Chapter No. 1089 (SB 2265/HB 1939).** Industrial development corporations -- acquiring certain properties in center cities. Amends T.C.A. Section 7-53-302(4) to provide that the prohibition against acquiring certain hotel, motel, or apartment buildings does not prohibit

any project that is located in the center city area or in a central business improvement district and that involves an apartment or residential building, hotel, or motel.

*Effective date: May 4, 1990.*

**Chapter No. 1091 (SB 1774/HB 2420).** Sales tax -- exemption. Amends T.C.A. Section 67-6-329(a) to exempt chemicals and supplies used in air and water pollution control equipment from sales taxes.

*Effective date: May 1, 1990.*

**Chapter No. 1092 (SB 2347/HB 2219).** Crimes -- obscenity and pornography. Amends T.C.A. Section 39-17-901(2) to provide that "community" for the purpose of applying community standards in obscenity cases is the judicial district rather than the State of Tennessee.

The Act amends T.C.A. 39-17-901 to add several definitions relative to minors, violence, nudity, and sexual excitement to the state obscenity law.

Amends T.C.A. Section 39-17-914 to prohibit the display of material harmful to minors anywhere minors are lawfully admitted.

The Act repeals present sections in the code dealing with minors and obscenity.

The Act enacts a new Part - Title 39, Chapter 17, Part 10 - dealing with minors and pornography. This Part is called the Tennessee Protection of Children Against Sexual Exploitation Act of 1990. This Part contains sections prohibiting the sexual exploitation of minors, and provides that the district attorney may obtain injunctions against such activities.

The Act also amends T.C.A. Title 39, Chapter 17, Part 9 to provide that the district attorney may ask for injunctions for violating that Part.

*Effective date: May 4, 1990.*

**Chapter No. 1093 (SB 1683/HB 1790).** Business tax -- credit for personal property taxes. Amends T.C.A. Section 67-4-713 to provide that the credit for personal property taxes paid allowed by subdivision (a)(3) of that section shall be allowed only for taxes paid either during the tax period covered by the return or prior to the delinquency date for filing the return. A copy of the receipt showing payment has been made must be attached to the application claiming the credit. The credit shall be available only for personal property tax payments made after January 1, 1988.

*Effective date: May 4, 1990.*



**Chapter No. 1095 (SB 257/HB 196).** Education -- discounts for public higher education for children of teachers. Amends T.C.A. Title 49, Chapter 7, Part 1 to provide that every child in the state under the age of 24 whose parent is a full-time certified public school teacher shall receive a 25% discount on tuition to any state college or university. The Act is limited to appropriations.

*Effective date: July 1, 1990.*

**Chapter No. 1096 (SB 169/HB 74).** Sales tax -- trustee's fee for collecting local sales tax in Knox County. Amends T.C.A. Section 67-6-712 to provide that the Knox County trustee is not entitled to receive compensation for receiving and distributing the local sales tax.

*Effective date: July 1, 1990.*



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