1995


Dennis Huffer
Municipal Technical Advisory Service

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Tennessee Public Acts 1995

Summaries of Interest to Municipal Officials

By Dennis W. Huffer
Director of Legal Services
Tennessee Municipal League Risk Management Pool

Municipal Technical Advisory Service
A statewide agency of
The University of Tennessee's Institute for Public Service
in cooperation with the
Tennessee Municipal League
MTAS Mission Statement

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee’s Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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**WARNING**

Users of this publication are cautioned that much judgment is involved in determining which public acts to summarize and how to summarize them. Before taking action or giving advice based upon any public act summarized here, one should consult the act itself and not rely on the summary.
1995 Summary of Public Acts of Interest to Tennessee Municipal Officials
(Covers Public Chapters 1 through 415)

by Dennis W. Huffer, J.D.
Director of Legal Services
TML Risk Management Pool

Prepared for
Tennessee Municipal Attorneys Association Seminar
held in conjunction with the
Tennessee Municipal League Annual Conference

June 20, 1995
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This act does not apply to: (1) any airport that has scheduled air passenger service and a control tower in existence or under construction as of April 27, 1995; (2) renovations or expansions of airports in existence on Jan. 1, 1995, if the property to be used is owned by the airport or is contiguous to currently owned property.

Effective date: Applies to airports not actually under construction on or before Jan. 1, 1995.

Chapter No. 328 (SB 1230/HB 903). Airport authorities in Shelby County. Amends T.C.A. § 42-4-105 relative to the appointment and qualifications of boards of airport authorities in Shelby County.


Alcoholic Beverages

Chapter No. 89 (SB 5/HB 1451). Malt beverages in kegs. Amends T.C.A. § 57-6-104 (i) to allow beer wholesalers and retailers to sell imported malt beverages in kegs that hold no fewer than 13 nor more than 14 gallons.

Effective Date: April 7, 1995.

Chapter No. 93 (SB 791/HB 989). Hotels -- complimentary booze. Amends T.C.A. § 57-4-203(e) to allow hotels to provide four 750ml. complimentary bottles of wine or alcoholic beverages to guests if all taxes have been paid on the liquor.

Effective date: April 7, 1995.

Chapter No. 124 (SB 62/HB 1158). Penalty for failure to pay privilege tax or provide information. Amends T.C.A. § 57-5-104(b)(3) and (c)(2) to provide that, rather than simply making the beer permit void, failure to pay the privilege tax or to provide the information required by those subdivisions can be dealt with by a city or county by suspending or rescinding the permit or imposing a civil penalty.

Effective date: April 19, 1995.

Chapter No. 214 (SB 224/HB 951). Weapons signs to be posted by licensee. Amends T.C.A. §§ 57-3-204 and 57-4-203 to require liquor package stores and establishments that serve liquor on the premises to post this sign:

Misdemeanor. State law prescribes a maximum penalty of eleven (11) months twenty-nine (29) days imprisonment and a fine not to exceed two thousand five hundred dollars ($2,500) for carrying weapons where alcoholic beverages are sold or served.

Effective date: July 1, 1995.

Chapter No. 395 (SB 861/HB 644). Microbreweries. Amends T.C.A. § 57-5-101 to allow microbreweries in any county with a population greater than 75,000 and in premiere resort cities that have approved the sale of liquor for on-premises consumption.

Effective date: June 1, 1995.
Chapter No. 396 (SB 1353/HB 968). Alcohol server permits. Amends T.C.A. Title 57, Chapter 3 to allow the Alcoholic Beverage Commission to issue employer and server permits for persons working in alcoholic beverage establishments. Municipalities may not impose training or certification restrictions or requirements on employees of a permittee if the employee has a server permit.

Effective date: July 1, 1995.

Animal Control

Chapter No. 439 (SB 1452/HB 1298). Rabies vaccinations -- responsibility of vet. Amends T.C.A. Title 68, Chapter 8, to provide that a veterinarian providing rabies vaccinations sponsored by a municipality assumes no responsibility or liability for supervision of the site or location.

Effective date: June 12, 1995.

Annexation

Chapter No. 283 (SB 429/HB 571). Notice to include map. Amends T.C.A. § 6-51-101(3) to provide that the notice required is satisfied by inclusion of a map with a general delineation of the area or areas to be annexed by using official road names or numbers, names of lakes or waterways, or other landmarks.

Effective date: July 1, 1995. Applies only to annexation ordinances passed on first reading on or after July 1, 1995.

Boards, Commissions, & Authorities

Chapter No. 119 (SB 839/HB 853). Powers of hospital authority in Hamilton County increased. Increases authority of hospital authority created by private act in Hamilton County.

Effective date: April 19, 1995.

Chapter No. 224 (SB 43/HB 74). Compensation of housing authority commissioners. Amends T.C.A. § 13-20-408 (c) to allow compensation of housing authority commissioners when authorized by ordinance but prohibits compensation being paid from state or federal funds.

Effective date: May 12, 1995.

Chapter No. 432 (SB 1114/HB 1182). Port authorities authorized. Authorizes any municipality, or any two or more municipalities acting jointly, to create a port authority. Establishes governance, powers, and duties of the authority.

Effective date: June 12, 1995.

Chapter No. 442 (SB 1611/HB 1388). Housing authority property. Amends T.C.A. § 13-20-104
to provide that all housing project property owned by a corporate agent of a housing authority is subject to the control of and deemed to be the property of the housing authority.

*Effective date: June 12, 1995.*

### Building and Utility Codes

**Chapter No. 412 (SB 1511/HB 1367).** Exemption from certification requirements. Amends *T.C.A.* § 68-120-113 (a) (2) to exempt two persons from building code inspection certification requirements.

*Effective date: June 6, 1995.*

### Business Regulation

**Chapter No. 186 (SB 1605/HB 1643).** Pawnbrokers -- new regulations -- fees for receiving reports prohibited -- regulation restricted. Amends *T.C.A.* Title 45 to enact extensive new regulations on pawnbrokers. Of particular interest to municipalities, the act:

- Requires pawn transaction records to be sent to law enforcement agencies. These records must be made available by the agency for public inspection.
- Prohibits municipal law enforcement officials from charging a pawnbroker for receiving, reviewing, or processing daily reports.
- Requires title pledge lenders to make transaction records available to law enforcement officials during business hours.
- Allows municipalities to adopt provisions of the state law on title pledge lenders and to enact further rules.
- Prohibits municipalities from regulating the following relative to title pledge lenders:
  1. interest, fees, charges;
  2. hours of operation;
  3. nature of business or types of agreements;
  4. eligibility of pledgors; and
  5. license requirements.

*Effective date: May 8, 1995.*

**Chapter No. 249 (SB 1623/HB 1531).** Private security guard requirements -- exemption for certified police officers. Amends *T.C.A.* §§ 62-35-118 and 119 to exempt certified police officers from training and examination requirements for private security officers.

*Effective date: May 19, 1995.*

**Chapter No. 421 (SB 226/HB 890).** Adult-oriented establishments -- regulations. Amends *T.C.A.* Title 7, Chapter 51 to regulate adult-oriented establishments. The act sets hours of operation at 8 a.m. to midnight Monday through Saturday. The establishment cannot operate on Sunday or legal holidays. This restriction does not apply, however, to the portion of an establishment that offers live
stage adult entertainment in a theater, adult cabaret, or dinner show setting.

The act prohibits closed booths and partitions between rooms with apertures designed to facilitate sexual activity between persons on either side of the partitions.

The act provides that local ordinances may establish stricter opening and closing times and other reasonable regulations.

*Effective date: July 1, 1995.*

**City Court**

**Chapter No 208 (SB 1556/HB 1749).** Municipal judges -- jurisdiction of Court of the Judiciary. Amends T.C.A. § 17-5-102 to bring municipal judges within the jurisdiction of the Court of the Judiciary.

*Effective date: Sept. 1, 1995.*

**City Manager-Commission Charter**

**Chapter No. 13 (SB 251/HB 337).** General law charters amended. This housekeeping act amends all three of the general law charters.

It amends the following sections of the mayor-aldermanic charter to do the following:

- **-6-1-201** to increase the population requirement for incorporating under the charter from 750 to 1,500.

- **-6-1-203** to make the requirement for a plan of services consistent with the requirement in the city manager-commission charter and to make it clear that a property tax is not required in the plan.

- **-6-1-205** to clarify that the provisions of this charter apply only to municipalities that have adopted the charter by referendum.

- **-6-2-201 (28) (B) and 6-4-302** to eliminate obsolete provisions limiting fines to $50.

This act amends the following sections of the city manager-commission charter to do the following:

- **-6-18-103** to eliminate obsolete provisions providing for an abeyance period if a municipality attempt s to incorporate close to an existing city. During the abeyance period, the existing city could have annexed the proposed city, but present law prohibits incorporation in close proximity to existing cities.

- **-6-18-101** to allow municipal power to be exercised by means other than ordinances.
-6-19-101 (29) and 6-21-502 to eliminate an obsolete provision limiting fines to $50.

-6-20-215 to allow ordinances to be passed on two rather than three readings.

-6-21-108 (2) to clarify the city manager's authority relative to personnel actions and to insure that employees are at-will employees.

-6-22-124 to eliminate the requirement in this section that an amendment to the appropriations ordinance must be published.

This act also amends T.C.A. § 6-30-106, part of the modified council-manager charter, to clarify that this charter applies only to cities that have adopted it by referendum.

Effective date: March 17, 1995.

Civil Procedure

Chapter No. 205 (SB 1499/HB 1751). Service of process on municipalities for General Sessions Courts. Amends T.C.A. Title 16, Chapter 15 to provide that process on a municipality in a General Sessions Court lawsuit must be served on the chief executive officer or the city attorney.

Effective date: May 9, 1995.

Contracts

Chapter No. 342 (SB 1009/HB 914). Bid bonds or performance bonds by construction managers. Amends T.C.A. Title 62, Chapter 6, part 1 to provide that no contract for a construction manager may be awarded for any public work in this state unless there is posted a bid bond equal to 10 percent of the value of the work to be managed. Alternatively, the construction manager may at the time of contracting provide payment and performance bonds in amounts equal to the combined monetary value of the services of the construction manager and the value of the work to be managed.

Effective date: May 25, 1995.

Crimes and Criminal Procedure

(see also Law Enforcement and Motor Vehicles and Traffic)

Chapter No. 118 (SB 2/HB 782). Prostitution and patronizing prostitution close to schools and churches. Amends T.C.A. §§ 39-13-513 and 514 to make prostitution and patronizing prostitution Class A misdemeanors when done within one and a half miles of a school. Additional punishment must include at least seven days of incarceration and a fine of at least $1,000.

Effective date: July 1, 1995.

Chapter No. 302 (SB 1758/HB 1773). Sentencing enhancement factor for juveniles. Amends
T.C.A. § 40-35-114 to provide that it is an enhancement factor if the defendant committed a
delinquent act that would be a felony if committed by an adult.

**Effective date:** July 1, 1995.

Chapter No. 322 (SB 798/HB 626). Street gang activity as an enhancement factor. Amends T.C.A.
§ 40-35-114 to make street gang activity a sentencing enhancement factor.

**Effective date:** July 1, 1995.

Chapter No. 331 (SB 1325/HB 891). Carjacking. Amends T.C.A. Title 39, Chapter 13, Part 4 to
make the intentional taking of a motor vehicle from the possession of another using a deadly weapon
or force or intimidation a Class B felony.

**Effective date:** July 1, 1995.

Chapter No. 355 (SB 53/HB 339). Blood test for DUI and BUI. Amends T.C.A. §§ 55-10-406 and
410 and 69-10-217 to allow technologists and certified or nationally registered phlebotomists to
administer blood alcohol tests for DUI and BUI suspects.

**Effective date:** May 30, 1995.

Chapter No. 378 (SB 1755/HB 1770). Stalking. Amends T.C.A. § 39-17-315 to redefine the
offense of stalking.

**Effective date:** July 1, 1995.

Chapter No. 467 (SB 790/HB 808). Evading arrest -- penalty increased. Amends T.C.A. § 39-16-
603 to increase the penalty for unlawfully evading arrest by vehicle from a misdemeanor to a Class
E felony. If the evading person creates a risk of death or injury to innocent bystanders or other third
parties, the penalty is increased to a Class D felony.

This act also requires the court to suspend the license of the fleeing driver for no fewer than six
months nor more than two years.

**Effective date:** July 1, 1995.

Disabled Persons

Chapter No. 42 (SB 587/HB 193). Computer records of disabled placards and plates. Amends
T.C.A. Title 55, Chapter 21, Part 1 to require the Department of Safety to maintain computer records
of permanent and temporary placards and plates issued to disabled people. These records must be
readily accessible by law enforcement.

**Effective date:** July 1, 1995.

Chapter No. 417 (SB 25/HB 1040). Disabled volunteers to enforce disabled parking. Amends
T.C.A. Title 55, Chapter 21, Part 1 to allow law enforcement agencies to appoint disabled volunteers
who are at least 21 years old to issue citations for violation of state laws and local ordinances
relative to disabled parking. The agency must provide the volunteer training and can set other qualifications.

This act authorizes Metro Nashville to establish a special enforcement unit to enforce disabled parking regulations.

This act applies only in those counties that approve it by a two-thirds vote of the county legislative body.

Effective date: July 1, 1995.

Education and Schools

Chapter No. 40 (SB 333/HB 947). School boards -- transition plans. Amends T.C.A. § 49-2-201(a) to allow the General Assembly by private act or the local legislative body by resolution to adopt a plan for changing to an elected school board meeting the requirements of law. The local legislative body may renumber existing districts and the number of school board members may exceed the number otherwise allowed by law during the transition period. Nothing here may be construed as requiring simultaneous election of board members nor to prevent board members from serving their full terms. A transition plan may not be validly adopted after Sept. 1, 1996.

Transition plans adopted before this act becomes law and actions of the defunct school boards are ratified and confirmed.

This act also provides that boards of education can have the number of members authorized by law as of Jan. 1, 1992, rather than Jan. 1, 1993, and that the General Assembly may provide by private act for a board with three to nine members.

Effective date: March 27, 1995.

Chapter No. 55 (SB 146/HB 150). School boards -- home rule cities -- elections after elimination of city system. Amends T.C.A. Title 6, Chapter 53, Part 1 to provide that when a home rule city prospectively repeals its charter provision authorizing it to have a school system separate from the county, no further election for the city school board may be held within three years before the merger of the city and county schools. Members in office remain in office until the repeal takes effect unless the intervening period is more than three years.

Effective date: April 5, 1995.

Chapter No. 101 (SB 219/HB 950). Funds raised by PTOs that benefit less than all student body. Amends T.C.A. § 49-2-110 to provide that funds raised by parent-teacher or parent-student organizations may be used in a manner that benefits only part of the student body when the use benefits the overall school program and is subject to board policies.

Effective date: April 17, 1995.

Chapter No. 102 (SB 221/HB 949). Duty of school personnel to report weapons violations.
Amends *T.C.A.* § 49-6-4209 to make it the duty of school personnel to report any reasonable suspicion that a student is unlawfully carrying a weapon. Reports must be made to the principal, the principal's designee, or the appropriate authorities.

**Effective date:** April 17, 1995.

**Chapter No. 149 (SB 1343/ HB 1205).** Fines for parents of absent children in grades 7-12. Amends *T.C.A.* § 49-6-3007(f) to allow a fine of $50 or five hours of community service work for parents or guardians of children who are absent without excuse from school for more than five days during a school year.

**Effective date:** April 27, 1995.

**Chapter No. 204 (SB 1344/ HB 1216).** Benefits for injuries in course of employment. Amends *T.C.A.* § 49-5-714, which deals with injuries to teachers caused by criminal acts, to provide that nothing in that section supersedes any local education agency's policy of providing greater benefits for injured teachers.

**Effective date:** May 9, 1995.

**Chapter No. 215 (SB 984/ HB 953).** Reports to law enforcement officers of suspicion of carrying weapons. Amends *T.C.A.* § 49-6-4209 to require school principals to report to law enforcement officers the principal's reasonable suspicion that persons are unlawfully carrying weapons on school property.

**Effective date:** June 1, 1995.

**Chapter No. 268 (SB 1778/ HB 1790).** Expulsion for possession of firearms. Amends *T.C.A.* § 49-6-3401 to require expulsion for students in unauthorized possession of a firearm on school property. Expulsion is for one year unless modified by the superintendent.

**Effective date:** July 1, 1995.

**Chapter No. 333 (SB 1478/ HB 1423).** Penalty for unlawful absence from school. Amends *T.C.A.* § 49-6-3007 to extend penalties for absence from school to parents and guardians of children less than 7 years old.

**Effective date:** July 1, 1995.

**Chapter No. 360 (SB 933/ HB 1007).** First aid in schools. Amends *T.C.A.* Title 49, Chapter 5, Part 4 to authorize local education agencies to allocate up to six and a half hours of in-service days a year to CPR training.

**Effective date:** Jan. 1, 1996.

**Chapter No. 361 (SB 1467/ HB 1141).** Enrollment growth. Amends *T.C.A.* § 49-3-354 to modify the method of determining extraordinary enrollment growth.

**Effective date:** July 1, 1995.

**Chapter No. 365 (SB 1576/ HB 1215).** Suspension of students. Amends *T.C.A.* § 49-6-3401(a) to include off-campus criminal behavior as a ground for suspension of students.
Chapter No. 404 (SB 756/HB 557). Election of members of municipal boards of education. Amends T.C.A. § 49-2-201 to allow members of municipal boards of education to be elected from districts, at large, or a combination of both if the municipal governing body is elected in this manner. Municipal school districts that have already changed to district elections must maintain that method of election. This act does not apply in Davidson and Shelby counties.

Effective date: June 6, 1995.

Chapter No. 427 (SB 593/HB 580). Teacher effects testing. Amends T.C.A. § 49-1-606 (a) to delay for one year -- from July 1, 1995, to July 1, 1996 -- implementation of teacher effects testing.

Effective date: June 12, 1995.

Chapter No. 455 (SB 590/HB 554). Smoking prohibited where children's services provided. Enacts the "Children's Act for Clean Indoor Air." Generally prohibits smoking in the following places when children are present: day-care centers except private homes, community center rooms or areas, group care homes, health care facilities, museums, kindergartens, elementary and secondary schools, residential treatment facilities, youth development centers, zoos, and school grounds.

"No smoking" signs must be posted and maintained at the main building entrance to all buildings regulated by this act and throughout the building.

The following notice must be posted prominently, including at each ticket booth, at elementary and secondary school athletic events:

**SMOKING IS PROHIBITED BY LAW IN SEATING AREAS AND IN REST ROOMS.**

Violation is punishable by a fine of up to $500. Any law enforcement officer may issue a citation for violation of this act.

Effective date: July 1, 1995.

Chapter No. 534 (SB 1320/HB 1002). Home schools. Amends T.C.A. § 49-6-3050 to allow late notice of intent to have a home school after Aug. 1 upon payment of a $20 penalty. Requires superintendents to inform attendance teachers of parents' rights to conduct home schools.

Effective date: June 13, 1995.

Chapter No. 538 (SB 1519/HB 1196). Family resource centers. Amends T.C.A. § 49-2-115 to allow the commissioner of education to award grants of up to $50,000 to local education agencies to plan and implement family resource centers.

Effective date: July 1, 1995.

Chapter No. 515 (SB 244/HB 298). Drug-free school zones. Amends T.C.A. Title 39, Chapter 17, Part 4 to try to create drug-free school zones. Enhances punishment and provides for mandatory minimum sentences for persons in violation of drug laws within 1,000 feet of school property.
Effective date: July 1, 1995.

Chapter No. 520 (SB 594/HB 581). Teacher salary equity. Amends T.C.A. Title 49, Chapter 3, Part 3 to require additional state and local funds for teacher salaries in those systems where salaries and employer-paid insurance premiums average less than $28,094. Each local government must appropriate funds to fund the local share.

Effective date: June 12, 1995.

Elections

Chapter No. 531 (SB 79/HB 89). Limits on campaign contributions. Amends T.C.A. Title 2, Chapter 10, to place limits on campaign contributions to candidates for state and local offices. The act places limits on contributions from persons (including corporations, partnerships, and other organizations), multicandidate political campaign committees, from the candidate, and from political parties. For local offices, the limits on contributions are:

- from any person - $1,000;
- from a multicandidate political campaign committee (MPCC's) - $5,000;
- from the candidate - $20,000;
- from a political party - $20,000; and
- aggregate from MPCC's - $75,000.

To close loopholes, the act provides that:

- contributions to a candidate's campaign committee are considered contributions to the candidate;
- contributions made by a campaign committee authorized to make expenditures for a candidate will be considered contributions by the candidate;
- contributions through a conduit or intermediary will be considered contributions by the person making them;
- contributions by affiliated committees will be considered contributions from a single committee; and
- expenditures and financing on behalf of a candidate will be considered a contribution.

The restrictions in this act do not apply to loans but do apply to guaranty of loans.
The limits do not apply to the retention of funds by a candidate nor to the transfer of funds to another campaign fund of the same candidate. Excess funds of a candidate for local office may not be transferred to a campaign for election to the General Assembly or governor.

This act also prohibits fund-raisers for General Assembly and gubernatorial candidates when the General Assembly is in session.

The registry of election finance may require a civil penalty of up to $10,000 or 115 percent of excess contributions, whichever is greater, for a violation of this act. If the penalty is not paid within 30 days, the candidate becomes ineligible to qualify for election.

*Effective date:* Jan. 1, 1996.

**Emergency Communications Districts**

**Chapter No. 62 (SB 427/HB 574).** *Collateral for deposits.* Amends *T.C.A.* § 7-86-126 to require deposits of emergency communications districts to be collateralized the same as state deposits or as provided in the collateral pool.

*Effective date:* April 5, 1995.

**Chapter No. 68 (SB 708/HB 303).** *Use of revenues and hearing on budget.* Amends *T.C.A.* § 7-86-108 to require revenues from emergency telephone service charges to be used for operation of the district and for purchasing necessary equipment for the district.

Amends *T.C.A.* § 7-86-120 to require copies of the proposed budget of the district to be distributed to members of the legislative bodies of participating municipalities. This section is also amended to require the district's board of directors to hold a public hearing on the budget, for which adequate public notice has been given.

Amends *T.C.A.* § 7-86-127 (a) to clarify that municipal governing bodies may name streets in residential developments and that this process can be delegated to emergency communications districts.

Amends *T.C.A.* § 7-86-105(b) to require one member of the board of emergency communications districts in Shelby County to be a firefighter, police officer or emergency medical technician.

*Effective date:* April 5, 1995.

**Eminent Domain**

**Chapter No. 465 (SB 512/HB 631).** *Agricultural districts.* Amends *T.C.A.* Title 43 to allow soil conservation districts to establish "agricultural districts." An owner of property in an "agricultural district" may request the soil conservation district to hold a public hearing when the owner is notified of condemnation proceedings against the property.
The act specifically provides that it does not impede municipalities and counties in exercising their planning and zoning powers or municipalities in exercising their annexation power. Except for the public hearing, it does not impede the power of eminent domain.

*Effective date: June 12, 1995.*

**Environment**

*(see also *Solid Waste*)

**Chapter No. 44 (SB 1315/HB 868). Oil spills -- immunity for certain persons.* Provides that persons other than responsible parties are not liable for removal costs of oil spills or damages that result from acts or omissions in rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the federal or state official with responsibility for oil spill responses. This immunity does not apply to personal injuries or wrongful deaths nor to gross negligence or willful misconduct.

*Effective date: March 27, 1995.*

**Chapter No. 65 (SB 537/HB 340). Underground storage tanks -- owner financial responsibility.* Amends *T.C.A. § 68-215-111(e)(l)* to change owner/operator financial responsibility for cleanup from $10,000, $20,000, and $50,000 in the following three categories to:

<table>
<thead>
<tr>
<th>Number of tanks</th>
<th>Amount of responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 12</td>
<td>10% of cost, not to exceed $10,000</td>
</tr>
<tr>
<td>13 to 999</td>
<td>20% of cost, not to exceed $20,000</td>
</tr>
<tr>
<td>1,000 and above</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

*Effective date: April 5, 1995.*

**Chapter No. 133 (SB 1466/HB 1092). Stormwater management -- Clarksville included.* Amends *T.C.A. §§ 68-221-1101 and 1102(3)* to include Clarksville in the municipalities that come under the Stormwater Management Act and that can charge fees to persons who discharge stormwater.

*Effective date: April 21, 1995.*

**Chapter No. 375 (SB 1510/HB 1615). Hazardous waste -- protection for security interest holders.* Amends *T.C.A. Title 68, Chapter 212* to provide that persons who, without participating in the management of a hazardous waste site, hold a security interest in the site are not liable parties. The act also provides that an owner who had no reason to know the site was a hazardous waste site at the time it was acquired and exercised due care relative to the hazardous substances is not considered an owner or operator. No local government may adopt any rule that limits the protection of this act.

*Effective date: May 30, 1995.*

**Finance**
Chapter No. 31 (SB 510/HB 408). **Street aid funds -- use on state and federal highways.** Amends *T.C.A.* § 54-4-204(b) to allow state street aid funds to be used on state and federal highways within the corporate limits.

*Effective date: March 23, 1995.*

Chapter No. 36 (SB 1691/HB 1700). **Appropriation to Tennessee Industrial Infrastructure Program.** Makes a supplemental appropriation of $10.3 million to the Tennessee Industrial Infrastructure Program. The appropriation is subject to the approval of the commissioner of Finance and Administration.

*Effective Date: March 23, 1995.*

Chapter No. 63 (SB 428/HB 576). **Emergency financial aid to local governments.** Amends *T.C.A.* Title 9, Chapter 13, Part 2 to allow the state funding board to guarantee loans made to local governments when local government is unable to make the payments and a majority of the members of the legislative body request the guarantee. The funding board must also provide emergency technical and financial assistance to the local government. To get the state to guarantee the loan, the local government essentially must turn over financial operation of the municipality to the state.

*Effective date: April 5, 1995.*

Chapter No. 67 (SB 591/HB 1105). **Notice of bond sales.** Amends *T.C.A.* §§ 9-21-203 and 910 (b) to raise the amount of general obligation bonds or refunding bonds to be sold from $1,000,000 to $5,000,000 before notice must be published in a New York paper of national circulation.

*Effective date: April 5, 1995, and applies to tax year 1996.*

Chapter No. 70 (SB 804/HB 1104). **Receipts and receipt books.** Amends *T.C.A.* § 9-2-103 to require municipal officers who receive money in their official capacity to issue receipts. Amends *T.C.A.* § 9-2-105 to:

- make it the duty of the chief administrative officer to procure receipt books;
- eliminate the requirements that the printer of receipt books furnish the comptroller a list of receipt numbers;
- allow the disposition of receipt books after they have been audited as deemed advisable unless otherwise directed by the comptroller; and
- provide that the cost of receipt books will be paid as now provided for other office supplies.

*Effective date: April 5, 1995.*

Chapter No. 121 (SB 903/HB 1024). **Contributions to non-profit charitable and civic organizations by metro governments.** Amends *T.C.A.* Title 7, Chapter 3 to allow metro counties to make contributions to non-profit charitable organizations and chambers of commerce. Enacts guidelines.

*Effective date: June 1, 1995.*
Chapter No. 135 (SB 1660/HB 1651). Street aid and sales tax revenue distribution -- special censuses. Amends T.C.A. §§ 54-4-203(b) and 67-6-103(a)(3)(C) to allow municipalities to have three rather than two special censuses done in between decennial censuses. Distribution of funds will be based on results of the censuses.

Effective date: April 21, 1995.

Chapter No. 297 (SB 1232/HB 814). Contributions to chambers of commerce. Amends T.C.A. § 6-54-111 to allow contributions to be made by municipalities to chambers of commerce. Eliminates the requirement that these contributions must be approved at two regularly scheduled meetings. Ratifies past contributions.

Effective date: May 26, 1995.

Chapter No. 342 (SB 1009/HB 914). Bid bonds or performance bonds by construction managers. Amends T.C.A. Title 62, Chapter 6, part 1 to provide that no contract for a construction manager may be awarded for any public work in this state unless there is posted a bid bond equal to 10 percent of the value of the work to be managed. Alternatively, the construction manager may at the time of contracting provide payment and performance bonds in amounts equal to the combined monetary value of the services of the construction manager and the value of the work to be managed.

Effective date: May 25, 1995.

Chapter No. 540 (SB 1092/HB 1276). Recreation grants. Amends T.C.A. Title 11, Chapter 9 to set up a program of matching recreation grants to cities and counties.

Three grants will be awarded annually on the basis of need and population with one award to be made in each grand division. Multigovernment proposals have priority. Grants are for a three-year period and must be used to hire a recreation director, establish a recreation office, and hire two part-time summer leaders to develop recreation programs.

In the first two years, the community must match up to $25,000 from the state. The third year, the community is responsible for 100 percent funding on pain of having to pay the state back.

Grants are administered by the Recreation Services Division, Department of Environment and Conservation.

Effective date: July 1, 1995.

Chapter No. 549 (SB 1820/HB 1843). Appropriations Act. Makes appropriations to pay the costs of state government for fiscal years beginning July 1, 1994, and July 1, 1995. Of particular interest to municipalities, the act makes the following appropriations:

- Second Injury Fund - $2,695,900;
- Bridge Grant Program - $9,600,000;
- an amount sufficient for a fire supplement of up to $450;
• an amount sufficient for a police supplement of up to $600; and
• small cities community development block grants - $61,534,000.

Effective date: July 1, 1995.

Firefighting

Chapter No. 248 (SB 1153/HB 1518). Fire investigators -- police powers and side arms. Amends T.C.A. §§ 68-102-127 and 149 to give municipal fire investigators who conduct fire investigations the authority to make arrests for arson or suspected arson and to carry a side arm while on active duty. To carry the weapon, the investigator must comply with T.C.A. § 39-17-1315(a).

Effective date: May 19, 1995.

Health and Safety

Chapter No. 429 (SB 816/HB 909). Swimming pools of multifamily homeowner associations. Amends T.C.A. Title 68, Chapter 14, Part 3 to make swimming pools owned by multifamily homeowner associations subject to rules of the Department of Health.

This act prohibits local government from enacting stricter standards than the Department of Health. It also prohibits local governments from closing a pool that fails to meet Department of Health standards.

This act does not apply to pools constructed after June 12, 1995

Effective date: June 12, 1995.

Chapter No. 455 (SB 590/HB 554). Smoking prohibited where children's services provided. Enacts the "Children's Act for Clean Indoor Air." Generally prohibits smoking in the following places when children are present: day-care centers except private homes, community center rooms or areas, group care homes, health care facilities, museums, kindergartens, elementary and secondary schools, residential treatment facilities, youth development centers, zoos, and school grounds.

"No smoking" signs must be posted and maintained at the main building entrance to all buildings regulated by this act and throughout the building.

The following notice must be posted prominently, including at each ticket booth, at elementary and secondary school athletic events:

SMOKING IS PROHIBITED BY LAW IN SEATING AREAS AND IN REST ROOMS.

Violation is punishable by a fine of up to $500. Any law enforcement officer may issue a citation
for violation of this act.  

**Effective date:** July 1, 1995.

**Home Rule Cities**

**Chapter No. 55 (SB 146/HB 150). School boards -- home rule cities -- elections after elimination of city system.** Amends *T.C.A. Title 6, Chapter 53, Part 1* to provide that when a home rule city prospectively repeals its charter provision authorizing it to have a school system separate from the county, no further election for the city school board may be held within three years before the merger of the city and county schools. Members in office remain in office until the repeal takes effect unless the intervening period is more than three years.

**Effective date:** April 5, 1995.

**Human Resource Agencies**

**Chapter No. 22 (SB 281/HB 287). Human resource agencies -- public entities.** Amends *T.C.A. § 13-26-105* to declare human resource agencies public corporate bodies and for a public and governmental purpose.

**Effective date:** March 22, 1995.

**Industrial Development**

**Chapter No. 364 (SB 1616/HB 1180). Industrial development corporations -- electricity -- name.** Amends *T.C.A. § 7-53-101(1)(c)* to include facilities for the production of electricity in the projects industrial development corporations may undertake.

Amends *T.C.A. § 7-53-203* to eliminate name similarity as a criterion for disapproval by the secretary of state of an industrial development corporation's charter.

**Effective date:** May 30, 1995.

**Intergovernmental Relations**

**Chapter No. 529 (SB 80/HB 90). Lobbying reform.** Amends *T.C.A. Title 3, Chapter 6* to prohibit lobbyists and employers of lobbyists from giving gifts to legislators, candidates for the legislature, and officials in the executive branch and their families. Any gift -- even a cup of coffee -- is prohibited unless it falls into one of these exceptions:

- benefits of employment unless these are enhanced due to the status of the official;
- informational materials;
• gifts motivated by close personal friendship;
• samples and promotional items;
• unsolicited tokens or awards for public service;
• benefits made available to all members of a class;
• tickets to certain athletic events;
• tickets to political fund-raisers and other events when provided to all candidates in the jurisdiction;
• expenses for out-of-state travel paid for by government organizations;
• gifts that are paid for or returned within 10 days; and
• food at an event where the entire General Assembly, a committee, or a delegation from two or more districts is invited.

County and municipal groups are exempt from the restrictions of this act where access to the event is permitted to all members of the General Assembly, a committee, or all members whose districts are within the county of the group.

The act defines "employer of a lobbyist" to include any person or entity that employs a lobbyist but provides that if a corporation or membership organization retains a person to lobby, employees, officers, directors, or members of the entity will not be deemed to be an employer of the lobbyist.

Effective date: July 1, 1995.

Interlocal Cooperation

Charter No. 17 (SB 430/HB 224). Rescue squads -- interlocal agreements. Amends T.C.A. § 12-9-103 to allow interlocal agreements, including mutual aid agreements, between incorporated rescue squads that are not supported by public funds and other public entities.

Effective date: March 22, 1995.

Chapter No. 336 (SB 1608/HB 1490). Gas acquisition corporations. Amends T.C.A. Title 7, Chapter 39, Part 3 to allow gas acquisition corporations to make interlocal agreements. The act also allows two or more municipalities to form a gas acquisition corporation. The act provides that funds of the corporation must be invested as other municipal funds are invested, that contracts be approved by the governing body of each participating municipality, and that the corporation be audited as municipalities are audited.
Chapter No. 488 (SB 1720/HB 1690). Municipal utilities -- cooperation with cooperatives to meet workers' compensation obligations. Allows municipal utilities and electric cooperatives to make interlocal agreements to pool their resources to meet their obligations under the Workers' Compensation Law.

Effective date: June 12, 1995.

Jails

Chapter No. 440 (SB 1560/HB 1357). Jails -- non-consecutive service of sentence -- calculation. Amends T.C.A. Title 40, Chapter 55, Part 2 to require the chief administrator of any local jail or workhouse where persons serve criminal sentences on non-consecutive days or in any manner other than continuous confinement, by July 1, 1995, to reduce to writing the method by which the facility calculates the service of an hour, day, and month.

At the first meeting of the municipal legislative body after July 1, 1995, the administrator must submit this method for the legislative body's approval or disapproval. If it is approved, it must be prominently posted at the jail or workhouse.

Effective date: July 1, 1995.

Chapter No. 487 (SB 1718/HB 1593). Security standards for local jails. Amends T.C.A. § 41-4-140 to require the Tennessee Corrections Institute to establish guidelines for the security of local jails, lock-ups, and workhouses to protect the public from criminals and suspected criminals.

Effective date: July 1, 1995.

Juveniles

Chapter No. 85 (SB 1518/HB 1194). Detention of juveniles for unlawful possession of handgun. Amends T.C.A. § 37-1-114 (c) to allow a juvenile to be detained in a secure facility when there is probable cause to believe the juvenile has been in unlawful possession of a handgun.

Effective date: April 5, 1995.

Chapter No. 191 (SB 240/HB 393). Joining of parents or guardians in juvenile proceedings. Amends T.C.A. Title 37 to allow Juvenile Courts to join parents or guardians as a respondent to a juvenile proceeding, except for proceedings transferred to Criminal Court. The act provides for punishment for the parent not showing up.

Effective date: July 1, 1995.

Chapter No. 302 (SB 1758/HB 1773). Sentencing enhancement factor for juveniles. Amends T.C.A. § 40-35-114 to provide that it is an enhancement factor if the defendant committed a delinquent act that would be a felony if committed by an adult.
Chapter No. 314 (SB 231/HB 1406). Child curfew for Shelby County and its municipalities. Enacts a local option child curfew law for Shelby and municipalities in that county. The act may be adopted by ordinance adopted by a two-thirds vote of the legislative body.

Effective date: July 1, 1995.

Chapter No. 354 (SB 436/HB 330). Juvenile offenders in adult detention. Amends T.C.A. § 37-1-134 to provide that juvenile offenders transferred for trial as an adult while detained separately must otherwise be subject to the same regulations and opportunities as adults.


Law Enforcement
(see also Crimes and Criminal Procedure and Motor Vehicles and Traffic)

Chapter No. 42 (SB 587/HB 193). Computer records of disabled placards and plates. Amends T.C.A. Title 55, Chapter 21, Part 1 to require the Department of Safety to maintain computer records of permanent and temporary placards and plates issued to disabled people. These records must be readily accessible by law enforcement.

Effective date: July 1, 1995.

Chapter No. 140 (SB 1607/HB 1739). Police cyclists -- exemption from certain rules of the road. Amends T.C.A. Title 55, Chapter 8, Part 1 to define police cycles as authorized emergency vehicles and to exempt police cyclists from certain rules of the road. Police cyclists are exempted from §§ 55-8-160(a) (parking restrictions); 173(a) (requirement for riding on the seat of bicycles); 175(a) (requirement for driving as close as possible to the right hand curb); 175(b) (requirement that bicycle riders ride not more than two abreast); and 178(c) (requirement that person stopping non-motor vehicle on road leave at least half of roadway free).

Effective date: June 1, 1995.

Chapter No. 215 (SB 984/HB 953). Reports to law enforcement officers of suspicion of carrying weapons. Amends T.C.A. § 49-6-4209 to require school principals to report to law enforcement officers the principal's reasonable suspicion that persons are unlawfully carrying weapons on school property.

Effective date: June 1, 1995.


Effective date: May 19, 1995.

Chapter No. 314 (SB 231/HB 1406). Child curfew for Shelby County and its municipalities. Enacts a local option child curfew law for Shelby and municipalities in that county. The act may be
adopted by ordinance adopted by a two-thirds vote of the legislative body.


Chapter No. 374 (SB 1634/HB 1608). Enforcement of traffic laws on private streets. Amends T.C.A. Title 55, Chapter 10, Part 3 to allow law enforcement agencies to enforce traffic laws on private streets in residential developments having single-family and multifamily dwellings. A majority of residents of the development must request this in a petition to the governing body. The governing body must establish traffic laws in the development just as it does for public streets.


Chapter No. 376 (SB 1251/HB 1691). Domestic violence. Creates a Domestic Violence State Coordinating Council. This council is to design a policy for law enforcement response to domestic violence and a training course for law enforcement officers who are likely to encounter domestic violence.

Each law enforcement agency must, no later than Dec. 31, 1997, adopt a policy regarding domestic violence and provide initial and continuing education regarding the dynamics of domestic violence and the handling of, investigation of, and response to domestic violence calls.

The POST Commission must also establish a domestic violence policy and curriculum. The commission must require all law enforcement agencies to comply with this act.

Effective date: July 1, 1995.

Chapter No. 410 (SB 1337/HB 199). Domestic violence -- notice to defendants and victims. Amends T.C.A. Title 40, Chapter 11, Part 1 to allow judges to place conditions on release or bail for persons charged with domestic violence. The law enforcement agency having custody of the defendant must provide a copy of the conditions to the defendant upon his or her release.

When a defendant is released from custody, the law enforcement agency must: (1) use all reasonable means to notify the victim, and (2) furnish the victim at no cost a copy of the release conditions.

Effective date: July 1, 1995.

Chapter No. 452 (SB 1803/HB 1814). Aggravated assault of officer or firefighter -- enhancement factor. Amends T.C.A. § 39-13-102 to make it a sentencing enhancement factor that the victim of an aggravated assault was a law enforcement officer or a firefighter performing an official duty.

Effective date: June 12, 1995.

Chapter No. 507 (SB 774/HB 20). Domestic abuse -- requirements for law enforcement officers. Amends T.C.A. Title 36, Chapter 3, Part 6 to do the following:

- Make arrest the preferred response in domestic abuse cases when there is probable cause. Arrest is the preferred response only with respect to the primary aggressor.
- Make arrest not the preferred response when all parties are equally responsible. Officer must
use judgement

• List factors used to determine who is the primary aggressor:
  1. history of abuse between the parties;
  2. relative severity of injuries;
  3. evidence from the persons;
  4. likelihood of future injury;
  5. whether one person acted in self defense; and
  6. evidence from witnesses.

• Prohibit officers from:
  1. threatening or suggesting the arrest of all parties to discourage future requests;
  2. basing the decision to arrest on:
     a. the consent of the victim; or
     b. the officer's perception of the willingness of the witness to testify.

• Require the investigating officer to make a complete report with the supervisor in a manner that will allow data to be collected.

• Require law enforcement officer to include grounds for not arresting anyone or for arresting two or more parties.

• Require supervisors to forward compiled data to the administrative director of the courts.

• Require officers responding to domestic abuse calls to:
  1. offer to transport the victim to a place of safety;
  2. advise the victim of shelter or other community services;
  3. give the victim a prescribed notice of legal rights, including the right to file a criminal complaint and request protection orders. The notice must include the number for the area crisis line as well as a domestic abuse shelter program.

• Require officers to seize weapons used or threatened to be used by the abuser.

• Allow officers to seize weapons in plain view if their seizure is necessary to the safety of the officer.

• Require the officer to append an inventory of seized weapons to the domestic abuse report.

Effective date: July 1, 1995.

Chapter No. 514 (SB 259/HB 162). Use of seized vehicles. Amends T.C.A. §§ 53-11-201 and 40-33-211 to allow municipal and county agencies to use forfeited vehicles in the local drug enforcement program for up to five years.

Effective date: June 12, 1995.
Chapter No. 524 (SB 1389/HB 735). **DUI -- service of sentence.** Amends *T.C.A.* § 55-10-403 to eliminate ability of DUI convicts to serve sentences while off from work and when it will not interfere with the person's regular employment. Allows service of sentence in alternative facilities such as vacant schools or office buildings approved for such use by the local legislative body.

*Effective date: July 1, 1995.*

**Mayor-Aldermanic Charter**

Chapter No. 13 (SB 251/HB 337). **General law charters amended.** This housekeeping act amends all three of the general law charters.

It amends the following sections of the mayor-aldermanic charter to do the following:

-6-1-201 to increase the population requirement for incorporating under the charter from 750 to 1,500.

-6-1-203 to make the requirement for a plan of services consistent with the requirement in the city manager-commission charter and to make it clear that a property tax is not required in the plan.

-6-1-205 to clarify that the provisions of this charter apply only to municipalities that have adopted the charter by referendum.

-6-2-201 (28) (B) and 6-4-302 (c) to eliminate obsolete provisions limiting fines to $50.

This act amends the following sections of the city manager-commission charter to do the following:

-6-18-103 to eliminate obsolete provisions providing for an abeyance period if a municipality attempts to incorporate close to an existing city. During the abeyance period, the existing city could have annexed the proposed city, but present law prohibits incorporation in close proximity to existing cities.

-6-18-101 to allow municipal power to be exercised by means other than ordinances.

-6-19-101 (29) and 6-21-502 to eliminate an obsolete provision limiting fines to $50.

-6-20-215 to allow ordinances to be passed on two rather than three readings.

-6-21-108 (2) to clarify the city manager's authority relative to personnel actions and to insure that employees are at-will employees.

-6-22-124 to eliminate the requirement in this section that an amendment to the appropriations ordinance must be published.
This act also amends T.C.A. § 6-30-106, part of the modified council-manager charter, to clarify that this charter applies only to cities that have adopted it by referendum.

*Effective date: March 17, 1995.*

**Chapter No. 202 (SB 1250/HB 629). Incorporation in Scott County.** Amends T.C.A. § 6-1-201 to allow incorporation within generally prohibited distances from existing municipalities in Scott County. Allows existing municipality the option of annexing at least 20 percent of territory proposed for incorporation during the required 15 months abeyance period before incorporation can go forward. If the existing municipality does this, the petition for incorporation is null.

*Effective date: May 9, 1995.*

**Metropolitan Government**

**Chapter No. 121 (SB 903/HB 1024). Contributions to non-profit charitable and civic organizations by metro governments.** Amends T.C.A. Title 7, Chapter 3 to allow metro counties to make contributions to non-profit charitable organizations and chambers of commerce. Enacts guidelines.

*Effective date: June 1, 1995.*

**Chapter No. 160 (SB 1689/HB 1655). Competitive bidding under metro charter with bidding restrictions.** Amends T.C.A. Title 7, Chapter 3, Part 1 to define "competitive bidding" for metro governments with charters that require purchases in excess of $1,000 to be competitively bid.

*Effective date: June 1, 1995.*

**Chapter No. 409 (SB 897/HB 955). Assignment of responsibilities for stormwater facilities.** Amends T.C.A. § 68-221-1105 to allow metropolitan governments to assign by ordinance to any department the responsibility for stormwater facilities.

*Effective date: June 1, 1995.*

**Chapter No. 414 (SB 959/HB 186). Sports authorities.** Amends T.C.A. §§ 7-67-108, 109, and 116 relative to sports authorities in Shelby County and metro governments.

*Effective date: June 6, 1995.*

*NOTE: The body of this act is broader than its caption. Therefore, the act is of questionable constitutionality.*

**Modified Council-Manager Charter**

**Chapter No. 13 (SB 251/HB 337). General law charters amended.** This housekeeping act amends all three of the general law charters.

It amends the following sections of the mayor-aldermanic charter to do the following:
-6-1-201 to increase the population requirement for incorporating under the charter from 750 to 1,500.

-6-1-203 to make the requirement for a plan of services consistent with the requirement in the city-manager-commission charter and to make it clear that a property tax is not required in the plan.

-6-1-205 to clarify that the provisions of this charter apply only to municipalities that have adopted the charter by referendum.

-6-2-201 (28) (B) and 6-4-302 (c) to eliminate obsolete provisions limiting fines to $50.

This act amends the following sections of the city manager-commission charter to do the following:

-6-18-103 to eliminate obsolete provisions providing for an abeyance period if a municipality attempts to incorporate close to an existing city. During the abeyance period, the existing city could have annexed the proposed city, but present law prohibits incorporation in close proximity to existing cities.

-6-18-101 to allow municipal power to be exercised by means other than ordinances.

-6-19-101 (29) and 6-21-502 to eliminate an obsolete provision limiting fines to $50.

-6-20-215 to allow ordinances to be passed on two rather than three readings.

-6-21-108 (2) to clarify the city manager's authority relative to personnel actions and to insure that employees are at-will employees.

-6-22-124 to eliminate the requirement in this section that an amendment to the appropriations ordinance must be published.

This act also amends T.C.A. § 6-30-106, part of the modified council-manager charter, to clarify that this charter applies only to cities that have adopted it by referendum.

*Effective date: March 17, 1995.*

**Motor Vehicles and Traffic**

*(see also Law Enforcement and Streets and Public Ways)*

**Chapter No. 112 (SB 730/HB 643). Safety restraints for children 4 through 12.** Amends T.C.A. § 55-9-602 to require persons transporting children ages 4 through 12 to be responsible for the child being restrained by a child restraint device or a safety belt. This applies even when the child is in the back seat.

Violation is a Class C misdemeanor punishable by a fine of $10 for first violation and $20 for
subsequent violations. No court costs or litigation tax can be assessed. No fine may be imposed when all restraints in back seat are occupied.

**Effective date:** July 1, 1995.

**Chapter No. 178 (SB 964/HB 352). Driver improvement courses.** Amends T.C.A. § 55-10-301(b)(2) to allow local government entities to provide driver improvement courses. Fees are limited to $50 and no one can be denied admittance because of inability to pay.

**Effective date:** May 5, 1995.

**Chapter No. 217 (SB 687/HB 1125). Disabled drivers -- persons seeking healing through spiritual means.** Amends T.C.A. § 55-21-102 to include as disabled drivers those people having difficulty walking and seeking treatment through prayer in accordance with the tenets of the First Church of Christ, Scientist.

**Effective date:** May 12, 1995.

**Chapter No. 417 (SB 25/HB 1040). Disabled volunteers to enforce disabled parking.** Amends T.C.A. Title 55, Chapter 21, Part 1 to allow law enforcement agencies to appoint disabled volunteers who are at least 21 years old to issue citations for violation of state laws and local ordinances relative to disabled parking. The agency must provide the volunteer training and can set other qualifications.

This act authorizes Metro Nashville to establish a special enforcement unit to enforce disabled parking regulations.

This act applies only in those counties that approve it by a two-thirds vote of the county legislative body.

**Effective date:** July 1, 1995.

**Chapter No. 512 (SB 369/HB 125). Ignition interlock devices.** Amends T.C.A. § 55-10-412 to create an inference that ignition interlock devices should be used for persons convicted of second and subsequent violations of the DUI law.

**Effective date:** July 1, 1995.

**Chapter No. 517 (SB 1379/HB 385). Proof of DUI.** Amends T.C.A. § 55-10-408 to make .10 percent alcohol content conclusive proof of DUI. Content of .08 percent creates a presumption of DUI for persons convicted one or more times.

**Effective date:** July 1, 1995.

**Chapter No. 518 (SB 526/HB 483). Tourist-oriented directional signs.** Amends T.C.A. Title 54, Chapter 5, Part 13 to create a tourist-oriented directional sign program. Local governments may exclude themselves from this program if they act before Jan. 1, 1996.

**Effective date:** Jan. 1, 1996.
Ordinances

Chapter No. 308 (SB 82/HB 259). Sport shooting range -- noise pollution. Grants immunity to sport shooting ranges from civil liability for noise pollution when the range was in compliance with noise control ordinances that applied to the range when it was built and began operation. This act does not affect rights already matured or proceedings begun before its effective date.

Effective date: July 1, 1995.

Personnel
(see also Retirement)

Chapter No. 239 (SB 1780/HB 1792). Unemployment compensation -- benefit payments and premium rate for disqualified individuals. Amends T.C.A. § 50-7-403(d)(1) to provide that premium-paying employers may be charged for benefits paid to disqualified individuals if they fail to establish the fact of the former employee's disqualification within 15 days after notice by the commissioner.

This act also provides that benefits paid to an individual who, during the base period, was paid wages for part-time work shall not be used as a factor in determining future premium rates if the employer continues to employ the person to the same extent he/she is receiving benefits during the base period. The employer must establish this fact within 15 days of notice to do so or the employer's account will be charged.

Effective date: May 12, 1995.

Chapter No. 422 (SB 382/HB 1268). Communication by employer about employee -- qualified immunity. Amends T.C.A. Title 50, Chapter 1 to grant qualified immunity to employers who provide truthful, fair, and unbiased information about a current or former employee's job performance. This immunity does not apply when the information was: (1) knowingly false; (2) deliberately misleading; (3) disclosed for a malicious purpose; (4) disclosed in reckless disregard of its falsity; or (5) in violation of job discrimination laws.

Effective date: June 12, 1995.

Chapter No. 502 (SB 1779/HB 1791). Unemployment compensation -- disqualification for benefits. Amends T.C.A. § 50-7-302(a) to provide for disqualification for unemployment benefits when:

- A claimant does not participate in re-employment services when the claimant has been determined to be likely to exhaust regular benefits.
- The claimant left work after a positive drug or alcohol test or to avoid taking one.

Effective date: June 12, 1995.

Chapter No. 503 (SB 1781/HB 1793). Unemployment compensation -- incentive programs, back-
pay awards, etc. Amends T.C.A. Title 50, Chapter 7, Part 3 to do the following:

- Deny benefits to claimants who accept a monetary incentive to leave employment to the extent of the monetary incentive.
- Decrease from three years to 90 days after determination of overpayment the time within which a written request must be made to waive repayment.
- Require employees to report back-pay awards to the department. Back pay will constitute wages for the period for which it was awarded.
- Provide that the claimant will not be required to repay overpayment resulting from an employer's failure to appear.
- Provide for penalties for employers who are required to report on magnetic media and who fail to make the reports.
- Require employers of 250 or more employees to file a portion of wage and premium reports on magnetic media.
- Provide for the revocation of charters for employers who fail to make reports.

  Effective date: Monetary incentive disqualifications, for claims filed on or after July 2, 1995; other provisions, June 12, 1995.

Chapter No. 539 (SB 1523/HB 1213). Coverage for certain cancer treatment. Amends T.C.A. Title 56, Chapter 7, Part 25 to require that coverage for treatment of cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants in the TennCare program be offered at no greater deductible than other services.

  Effective date: June 13, 1995.

Planning and Zoning

Chapter No. 98 (SB 923/HB 1201). Regional planning commission -- appointment when region consists of single county. Amends T.C.A. § 13-3-101 to provide that planning commissioners in a single-county region will be appointed by the county executive rather than the commissioner of Economic and Community Development. Commissioners must be confirmed by the county legislative body.

  Effective date: April 11, 1995.

Chapter No. 423 (SB 459/HB 590). Placing signs, etc., on government-owned fences next to interstates. Amends T.C.A. Title 59, Chapter 17, Part 1 to make it a Class C misdemeanor to place any sign, sheet, board, poster, advertisement, or similar item on a fence or barrier bordering an interstate highway if the fence or barrier was built or is owned by a governmental entity.
Effective date: July 1, 1995.

Chapter No. 465 (SB 512/HB 631). Agricultural districts. Amends T.C.A. Title 43 to allow soil conservation districts to establish "agricultural districts." An owner of property in an "agricultural district" may request the soil conservation district to hold a public hearing when the owner is notified of condemnation proceedings against the property.

The act specifically provides that it does not impede municipalities and counties in exercising their planning and zoning powers. Except for the public hearing, it does not impede the powers of eminent domain.

Effective date: June 12, 1995.

Chapter No. 501 (SB 1773/HB 1784). State planning office abolished; appointment of members of regional planning commissions. Amends T.C.A. Title 13, Chapter 1 and other sections to abolish the state planning office.

Amends T.C.A. § 13-3-101 to provide that where a regional planning commission includes a municipality or municipalities, the commissioners continue to be appointed by the commissioner of Economic and Community Development after receiving nominations from the chief executive officers of the participating entities. This provision amends 13-3-101 as amended by Ch. 98, Acts of 1995.

Effective date: June 12, 1995.

Public Building Authorities

Chapter No. 74 (SB 1481/HB 1173). Operating contracts with municipalities. Amends T.C.A. Title 12, Chapter 10, Part 1 to allow municipalities to make contracts with public building authorities relative to construction of improvements on and operation and maintenance of property owned or leased by someone other than the authority to the municipality.

This act provides that authorities that operate or maintain more than one project may maintain a common account or accounts and buy supplies and services in common, provided that expenditures are allocated to each project on an appropriate basis.

The act sets $5,000 or the applicable limit for the municipality as the threshold for competitive bidding. The authority may contract for services by public invitation for proposals. Contracts are limited to three years. Construction contracts may be by request for proposals as well as competitive bid.

Effective date: April 5, 1995

Purchasing
Chapter No. 160 (SB 1689/HB 1655). Competitive bidding under metro charter with bidding restrictions. Amends T.C.A. Title 7, Chapter 3, Part 1 to define "competitive bidding" for metro governments with charters that require purchases in excess of $1,000 to be competitively bid.

*Effective date: June 1, 1995.*

Chapter No. 176 (SB 295/HB 302). Competitive bidding by municipalities with a population of 150,000 or more. Amends T.C.A. Title 12, Chapter 3, Part 10 to set the threshold for competitive bids or proposals for municipalities with a population of 150,000 or more at $10,000. The act includes special provisions for Metro Nashville. Under the act, each municipality retains the right to set a different competitive bidding threshold by charter amendment.

*Effective date: May 5, 1995.*

Chapter No. 179 (SB 1020/HB 1103). Increase allowed in competitive bidding limit. Amends T.C.A. § 6-56-306 to allow municipalities subject to the Municipal Purchasing Law of 1983 to increase by ordinance the dollar amount before public advertisement and competitive bidding are required to $5,000.

*Effective date: July 1, 1995.*

**Recreation**

Chapter No. 107 (SB 986/HB 1314). Free use of golf courses by older citizens. Amends T.C.A. § 11-3-112, which allows citizens 65 years old or older to play free on state golf courses on Mondays except for legal holidays, to make it inapplicable if the course is operated by a municipality that has a direct financial interest in the course.

*Effective date: April 17, 1995.*


*Effective date: June 6, 1995.*

*NOTE: The body of this act is broader than its caption. Therefore, the act is of questionable constitutionality.*

Chapter No. 540 (SB 1092/HB 1276). Recreation grants. Amends T.C.A. Title 11, Chapter 9 to set up a program of matching recreation grants to cities and counties.

Three grants will be awarded annually on the basis of need and population with one award to be made in each grand division. Multigovernment proposals have priority. Grants are for a three-year period and must be used to hire a recreation director, establish a recreation office, and hire two part-time summer leaders to develop recreation programs.

In the first two years, the community must match up to $25,000 from the state. The third year, the community is responsible for 100 percent funding on pain of having to pay the state back.

Grants are administered by the Recreation Services Division, Department of Environment and
Conservation.

Effective date: July 1, 1995.

Retirement
(see also Personnel)

Chapter No. 164 (SB 1048/HB 679). Pre-existing retirement plans -- administration by TCRS -- educational leaves of absence -- other provisions. Amends T.C.A. Title 8, Chapter 35, Part 2 to allow TCRS to administer pre-existing public employee retirement plans.

Amends T.C.A. § 8-34-606(a) to allow full-time employees on educational leave to establish retirement credit under certain conditions.

Amends T.C.A. § 8-35-107 to eliminate the ability of employers who have not established a temporary employment period to do so.

Amends T.C.A. § 8-35-107 to allow withdrawal from the retirement system by resolution. Two-thirds vote is no longer required. Makes withdrawal revocable. Once a local government re-enters the system, however, re-entry is irrevocable.

Effective Date: May 1, 1995.

Chapter No. 300 (SB 1522/HB 1348). Credit for retired members in TCRS. Amends T.C.A. §§ 8-34-621 and 8-35-236 to allow retired members in TCRS to obtain credit for part-time work and for former political subdivision service by state employees. These provisions are optional for political subdivisions.

Effective date: May 26, 1995.

Chapter No. 310 (SB 164/HB 334). Deduction for group insurance. Amends T.C.A. Title 8, Chapter 27, Part 3 to authorize TCRS to make deductions from the benefit checks of teachers and other local government retirees to pay insurance premiums for any local government group insurance provided the retirees.


Chapter No. 479 (SB 1039/HB 1401). TCRS -- Increase in annual earnable compensation. Amends T.C.A. § 8-34-101 (4) (B) (i) to allow the increase in annual earnable compensation to continue to June 30, 1996, rather than ending on June 30, 1995.

Effective date: June 12, 1995.

Solid Waste
(see also Environment)

Chapter No. 5 (SB 1549/HB 1619). Solid waste landfills in municipalities -- approval by county...
required. Amends T.C.A. § 68-211-701 to require the approval of a private solid waste landfill by both the municipal and county legislative bodies if the landfill is to be in a municipality. Repeals T.C.A. § 68-211-705, which prohibited pre-emption of local zoning ordinances and plans by the local approval law.

Repeals T.C.A. § 68-211-708, which provided for the expiration of the local approval law when the state solid waste plan was approved or June 30, 1995, whichever happened first.

Effective date: March 15, 1995; applies to pending applications.

Chapter No. 181 (SB 922/HB 1504). Solid waste permits -- grounds for refusal. Amends T.C.A. § 68-211-106(h) to set forth specific grounds on which the commissioner may refuse to issue or renew a solid waste permit. Among the grounds are:

- intentional misrepresentation or concealment of material facts that would have resulted in denial of the permit;
- obtaining a permit by such misrepresentation or concealment;
- conviction of or incarceration for an environmental felony within three years;
- adjudication in contempt of environmental court orders; and
- conviction of RICO statutes.

Applicants must submit compliance history disclosure forms to the commissioner with the application. The act establishes standards for use by the commissioner in determining whether to issue or deny the permit because of bad compliance history.

Effective date: May 8, 1995.

Streets and Public Ways
(see also Motor Vehicles and Traffic)

Chapter No. 31 (SB 510/HB 408). Street aid funds -- use on state and federal highways. Amends T.C.A. § 54-4-204(b) to allow state street aid funds to be used on state and federal highways within the corporate limits


Chapter No. 135 (SB 1660/HB 1651). Street aid and sales tax revenue distribution -- special censuses. Amends T.C.A. §§ 54-4-203(b) and 67-6-103(a)(3)(C) to allow municipalities to have three rather than two special censuses done in between decennial censuses. Distribution of funds will be based on results of the censuses.

Effective date: April 21, 1995.

Taxation - Bank Excise

Chapter No. 66 (SB 589/HB 1106). Excise tax allocated to municipalities -- responsibilities of
state officials changed. Amends T.C.A. § 67-4-813 to reallocate responsibilities assigned state
officials for gathering and distributing information on which bank excise tax distributions to local
government are made.

Effective date: April 5, 1995.

Taxation - Bottles

Chapter No. 2 (SB 55/HB 67). Tax increase on bottled soft drinks extended. Amends T.C.A. §
67-4-402 to extend the tax increase from 1.5 percent to 1.9 percent on bottled soft drinks until
June 30, 1999. Revenues from this increase are used to make litter grants to counties.

Effective date: June 1, 1995.

Taxation - Business

Chapter No. 401 (SB 279/HB 322). Collection of delinquent business taxes. Amends T.C.A. §
67-4-719 to allow city tax collectors to retain by written contract an attorney or agent to collect
or institute proceedings to collect delinquent business taxes and interest and penalties. Costs of
collection, including attorney fees, are the responsibility of the taxpayer.

The tax collector must notify the taxpayer by mail 15 days before turning the taxes over to an agent
or attorney. The notice must state that the tax is delinquent and if not paid within 10 days will be
subject to additional costs of collection, including court costs. The notice must include the rate of
penalty and interest.

This act can be implemented in a county by resolution adopted by a two-thirds vote of the county
legislative body.

Effective date: June 6, 1995.

Taxation - Franchise

Chapter No. 544 (SB 1883/HB 1895). Exemption for certain inventory. Amends T.C.A. § 67-4-
906 to exempt from sales taxes finished goods inventory up to a maximum of $50,000,000
beginning July 15, 1996, and decreasing to $30,000,000 on July 15, 1998, from the calculation of
the franchise tax.

Effective date: April 1, 1995.

Taxation - Hall Income

Chapter No. 71 (SB 263/HB 1323). Charitable remainder trusts. Amends T.C.A. § 67-2-110 to

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make the responsibility for making returns and paying income tax on income derived from a charitable remainder trust fall upon the beneficiaries rather than the trustee.

Chapter No. 535 (SB 612/HB 1048). Exemption for certain quadriplegics. Amends T.C.A. § 67-2-104 (c) to exempt from the Hall Income Tax income of quadriplegics that is derived from circumstances resulting in the person becoming a quadriplegic.

Effective date: April 5, 1995.

Chapter No. 550 (SB 640/HB 922). Additional litigation tax. Amends T.C.A. § 67-4-602 to enact an additional litigation tax of $10 on civil cases in Circuit Courts and $3 on civil cases in General Sessions Courts. Funds will be used for civil legal representation of indigents.

Effective date: June 13, 1995.

Taxation - Litigation

Chapter No. 245 (SB 414/HB 886). Diesel tax -- dyed fuel exempted. Amends T.C.A. Title 67, Chapter 3, Part 8 to exempt dyed diesel fuel from the motor vehicle fuel tax and to prohibit its use in motor vehicles on the state's highways.


Taxation - Motor Vehicle Fuel

Chapter No. 111 (SB 409/HB 1005). Partial payment of property taxes. Amends T.C.A. § 67-5-1801 to allow county trustees in certain counties to set up a program to accept partial payments of property taxes.

Effective date: April 19, 1995.

Chapter No. 126 (SB 669/HB 925). Discount for early payment. Amends T.C.A. § 67-5-1804 (a) to provide that the discount for early payment of property taxes authorized by that section applies only to portions paid during the discount period for taxpayers making partial payments of taxes.

Effective date: April 20, 1995.

Chapter No. 163 (SB 1016/HB 667). Exemption broadened for non-profit historical school. Amends T.C.A. § 67-5-213 (c)(2) to include more than residential buildings in the property tax exemption for non-profit schools whose campuses are historical and integral entities.

Effective date: May 1, 1995.

Chapter No. 166 (SB 1019/HB 1351). Tax relief -- late payment. Amends T.C.A. § 67-5-701 to allow tax relief for eligible taxpayers even though taxes may not be paid in full by the delinquency date. Allows director of the division of property assessments to waive deadlines on good excuse. No deadline may be extended beyond Dec. 31 of the following year.

Effective date: May 1, 1995, and applies to the 1995 tax year.

Chapter No. 209 (SB 100/HB 17). Exemption for Habitat for Humanity and similar organizations. Amends T.C.A. Title 67, Chapter 5, Part 2 to exempt property owned by organizations on which the organization constructs single-family dwellings for sale to low-income families. Maximum exemption period is 18 months plus six months for each lot in addition to the first.

Implementation in a county occurs upon adoption of a resolution by two-thirds vote of the county legislative body.

Effective date: Applies to 1995 tax year.

Chapter No. 210 (SB 127/HB 39). Payment in quarterly installments by certain retired persons in Hamilton County. Amends T.C.A. § 67-5-1807 to allow retired persons over 65 years old and living on a fixed income to pay property taxes on their primary residence by quarterly installments in Hamilton County.

Effective date: July 1, 1995.

Chapter No. 259 (SB 1620/HB 1731). Acceptance of current taxes when delinquent taxes are owing. Amends T.C.A. § 67-5-1801(b) to prohibit trustees from accepting current taxes when delinquent taxes are owing except in cases of bankruptcy or tax dispute.

Effective date: July 1, 1995.

Chapter No. 373 (SB 1545/HB 1510). Valuation of leasehold interests and options to purchase. Amends T.C.A. Title 67, Chapter 5, Part 6 to provide that leasehold interests should be valued by discounting to present value the excess, if any, of fair market rent over actual and imputed rent for the projected term of the lease and renewal options. Options to purchase shall be deemed to have no value.

Effective date: Jan. 1, 1996.

NOTE: The body of this act is in conflict with its caption. Therefore, it is of questionable constitutionality.

Chapter No. 459 (SB 1504/HB 1134). Greenbelt treatment of property reduced below minimum acreage by taking. Amends T.C.A. § 67-5-1008 (e) (2) to continue greenbelt treatment of property reduced below the required acreage by an involuntary taking as long as the property is owned by the owner from whom the taking occurred and for as long as the landowner's lineal descendants own at least 50 percent of the remaining portion.

Effective date: Applies to 1995 tax year.

Taxation - Sales
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Effective date: Applies to 1995 tax year.

Taxation - Sales
Chapter No. 37 (SB 263/HB 345). Credit for pollution control equipment extended. Provides that sales tax credits for pollution control equipment are permanent and do not expire on Dec. 31, 1995, as previous law had provided.


Chapter No. 80 (SB 245/HB 279). Exemption for sale and repair of helicopters. Amends T.C.A. § 67-6-313 to exempt from the sales tax the sale and repair of helicopters that have their situs outside Tennessee.

Effective date: April 5, 1995.

Chapter No. 135 (SB 1660/HB 1651). Street aid and sales tax revenue distribution -- special censuses. Amends T.C.A. §§ 54-4-203(b) and 67-6-103(a)(3)(C) to allow municipalities to have three rather than two special censuses done in between decennial censuses. Distribution of funds will be based on results of the censuses.

Effective date: April 21, 1995.

Chapter No. 144 (SB 857/HB 1673). Exemption for repairs to medical corrective appliances. Amends T.C.A. § 67-6-314 to make the repair of prostheses and other medical corrective devices exempt from the sales tax.

Effective date: April 24, 1995.

Chapter No. 168 (SB 890/HB 684). Exemption for storage and handling prior to shipping. Amends T.C.A. § 67-6-102 (27) and (30) to exempt tangible personal property that is stored in Tennessee prior to shipping or mailing out of state from the sales tax.

Effective date: May 2, 1995.

Chapter No. 184 (SB 1448/HB 967). Local sales tax on boats. Amends T.C.A. § 67-6-702 to provide that boat motors and other accessories for boats, except trailers, are included as part of the boat for local sales tax purposes.

Effective date: July 1, 1995.

Chapter No. 185 (SB 1600/HB 1509). Exemption for machinery and substances used to package auto aftermarket products. Amends T.C.A. §§ 67-6-102 and 206 to grant a sales tax exemption or reduced rates to machinery and substances used to package manufactured automotive aftermarket products for retail sale.

Effective date: May 8, 1995.

Chapter No. 229 (SB 396/HB 106). Exemption for agri-sawdust. Amends T.C.A. § 67-6-329 (a) to exempt agri-sawdust from sales taxes.

Effective date: July 1, 1995.

Chapter No. 230 (SB 402/HB 556). Exemption for residential lift devices. Amends T.C.A. § 67-6-314(i) to exempt lift devices in the residence of persons confined to wheelchairs from sales taxes.

Effective date: July 1, 1995.

Chapter No. 237 (SB 1557/HB 1160). Special allocation for sports authority securing Canadian Football League team. Amends T.C.A. §§ 67-6-103(d)(1) and 67-6-712 (d)(j) to provide that the special allocation of state and local sales tax proceeds authorized applies if the sports authority secures a team from the Canadian Football League.

Effective date: May 12, 1995.

Chapter No. 245 (SB 414/HB 886). Sales tax -- trade credits for dealers. Amends T.C.A. § 67-6-510 to give a sales tax trade-in credit to dealers who purchase vehicles from the dealership's own inventory.

Effective date: May 15, 1995.

Chapter No. 256 (SB 1598/HB 1412). Exemption for transient occupancies during Olympic events. Amends T.C.A. § 67-6-329 to exempt the sale of transient occupancies by non-profit entities during Olympic events when the entity has been approved by the Tennessee Ocoee Development Agency.

Effective date: May 19, 1995.

Repealed effective Dec. 31, 1996.

Chapter No. 343 (SB 611/HB 121). Exemption for flags sold by non-profits. Amends T.C.A. § 67-6-329 to exclude from the sales tax the portion of the sale price of flags by non-profit organizations equal to the consideration paid by the non-profit.

Effective date: May 26, 1995.

Chapter No. 384 (SB 1195/HB 1627). Exemption for poultry environment control. Amends T.C.A. § 67-6-102(8) to exempt poultry environment control equipment from the sales tax and to make the exemption for poultry equipment retroactive to July 1, 1989.

Effective date: July 1, 1989.

Chapter No. 544 (SB 1883/HB 1895). Exemption for material handling equipment. Amends T.C.A. § 67-6-102 to exempt material handling equipment and racking systems in qualified distribution facilities.

Effective date: April 1, 1995.

Chapter No. 551 (SB 1129/HB 919). Exemption for drug samples. Amends T.C.A. § 67-6-319 to exempt from sales tax prescription drugs distributed by the manufacturer free of charge.

Effective date: June 15, 1995.

Tort Liability

Chapter No. 439 (SB 1452/HB 238). Rabies vaccinations -- responsibility of vet. Amends T.C.A. Title 68, Chapter 8 to provide that a veterinarian providing rabies vaccinations sponsored by a municipality assumes no responsibility or liability for supervision of the site or location.

Effective date: June 12, 1995.
Chapter No. 37 (SB 263/HB 345). Credit for pollution control equipment extended. Provides that sales tax credits for pollution control equipment are permanent and do not expire on Dec. 31, 1995, as previous law had provided.


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Effective date: June 12, 1995.
Urban Development

Chapter No. 391 (SB 1154/HB 1427). Acquisition of vacant properties. Amends T.C.A. Title 13, Chapter 21, Parts 1 and 2 to allow municipalities in Shelby County and Loudon County to acquire vacant residential or commercial lots by eminent domain and to convert them to residential or commercial use.

Effective date: May 31, 1995.

Utilities

Chapter No. 92 (SB 595/HB 553). Natural gas dispensing equipment. Amends T.C.A. Title 68, Chapter 120, Part 1 to require natural gas installations that dispense compressed gas from a container or pipeline into a fuel container or portable container to comply with appropriate equipment qualifications established by the NFPA 52 Standard for Compressed Natural Gas Vehicular Fuel Systems, 1992 edition. This act does not apply to installations dispensing gas on April 7, 1995.

Effective date: April 7, 1995.

Chapter No. 336 (SB 1608/HB 1490). Gas acquisition corporations. Amends T.C.A. Title 7, Chapter 39, Part 3 to allow gas acquisition corporations to make interlocal agreements. The act also allows two or more municipalities to form a gas acquisition corporation. The act provides that funds of the corporation must be invested as other municipal funds are invested, that contracts be approved by the governing body of each participating municipality, and that the corporation be audited as municipalities are audited.

Effective date: May 25, 1995.

Chapter No. 488 (SB 1720/HB 1690). Municipal utilities — cooperation with cooperatives to meet workers’ compensation obligations. Allows municipal utilities and electric cooperatives to make interlocal agreements to pool their resources to meet their obligations under the workers’ compensation law.

Effective date: June 12, 1995.

Weapons

Chapter No. 434 (SB 1234/HB 596). Handgun permits — fingerprint check. Amends T.C.A. § 39-17-1315 to allow sheriffs to check state and federal fingerprint histories before issuing handgun permits.

Effective date: July 1, 1995.
Urban Development

Chapter No. 391 (SB 1154/HB 1427). Acquisition of vacant properties. Amends T.C.A. Title 13, Chapter 21, Parts 1 and 2 to allow municipalities in Shelby County and Loudon County to acquire vacant residential or commercial lots by eminent domain and to convert them to residential or commercial use.

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The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of education opportunities or employment opportunities and benefits.

The University does not discriminate on the basis of sex or handicap in its education programs and activities, pursuant to requirements of Title IX of the Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Gary W. Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville, Tennessee 37996-0212, (615) 974-2229. Charges of violation of the above policy should also be directed to Mr. Baskette.