



2000

## Tennessee Public Acts 2000: Summaries of Interest to Municipal Officials

Dennis Huffer

*Municipal Technical Advisory Service*

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# Tennessee Public Acts 2000



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## Summaries of Interest to Municipal Officials

*By Dennis W. Huffer*

*Director of Legal Services*

*Tennessee Municipal League Risk Management Pool*

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**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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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.

**HIGHLIGHTED ACTS:**

Throughout this publication there are several Public Acts that are highlighted in blue. Those acts are of particular interest to municipal officials and will be developed into future Hot Topics written and distributed by MTAS.

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## Alcoholic Beverages

**Chapter No. 819 (SB3197/HB3144).** Hours of sale of liquor by the drink. Amends T.C.A. § 57-4-203(d) to allow the Alcoholic Beverage Commission to extend the hours for sale of liquor by the drink in jurisdictions that have approved liquor by the drink sales. Municipalities may opt in or out of the extension of hours by resolution.

*Effective date: May 24, 2000*

## Animals

**Chapter No. 762 (SB2157/HB2583).** Non-economic damages for death of pet dog or cat. Amends T.C.A. Title 44, Chapter 17, Part 4 to allow non-economic damages of up to \$4,000 for the negligent or intentional killing of a pet dog or cat in municipalities in counties with a population greater than 75,000. If the killing is negligent, the death or fatal injury must occur on the pet owner's property or vehicle in the pet owner's control. This act does not apply to governmental animal control programs.

*Effective date: May 22, 2000*

**Chapter No. 789 (SB2725/HB3156).** Spay, neuter law enacted. Amends T.C.A. Title 44, Chapter 17 Part 5. The act prohibits any person from adopting a dog or cat from a shelter unless the dog or cat has been spayed or neutered or the owner agrees to spay or neuter the animal within 30 days or within 30 days of when the animal reaches six months of age. Requires the shelter to require a deposit of at least \$25 to ensure that the new owner neuters the animal.

Requires that the deposit be refunded when the owner presents proof of neutering. Allows the shelter to keep the deposit to be used in neutering programs if the owner fails to have the animal neutered or fails to request return of the deposit within 10 days after the neutering was required to be done. Allows the animal shelter to go to the court to seek compliance. Prohibits neutering animal if the owner is going to claim it within seven days of it being taken into custody.

*Effective date: May 22, 2000*

## Authorities, Boards, Commissions

**Chapter No. 811 (SB1139/HB872).** Public building authorities. Amends T.C.A. § 12-10-122(b) to correct a typographical error.

*Effective date: May 24, 2000*

**Chapter No. 822 (SB442/HB1022).** Housing authority commissioners – resident of public housing. Amends T.C.A. § 13-20-408 to require at least one housing authority commissioner to be a resident of public housing. This is optional for housing authorities with 300 or fewer housing units. The resident should be appointed to the first vacancy that occurs after May 24, 2000.

*Effective date: May 24, 2000*

## Building and Safety Codes

**Chapter No. 626 (SB1136/HB874).** Building and fire safety inspectors – work for other local governments. Amends T.C.A. Title 68, Chapter 102, Part 1 to allow certified building and fire safety inspectors to do inspections for other local governments on request. Amends § 68-102-108(b) to designate a fire marshal from another local government as an assistant to the Commissioner of Commerce and Insurance in jurisdictions that have no fire marshal.

*Effective date:* April 5, 2000

**Chapter No. 642 (SB2550/HB2888).** Electrical inspection fees increased. Amends T.C.A. § 68-102-143(b)(2) to increase maximum electrical inspection fees.

*Effective date:* July 1, 2000

## Business Regulation

**Chapter No. 619 (SB3092/HB3020).** Blasting requirements. Amends T.C.A. Title 68, Chapter 105, Part 1 to enact extensive new regulations on blasters. Amends T.C.A. § 68-105-103(f) to provide that when blasting is to be conducted within 100 feet of any petroleum or gas pipeline, the blaster must notify the utility having control of pipeline at least three full working days before blasting, except Sundays and holidays. Requires blasters to use special precautions in congested areas or in close proximity to structures that might be damaged. Requires special drilling patterns, procedures, and explosives for blasts close to gas or petroleum pipeline. For other utility lines, the blaster must give at least 72 hours notice to the utility of the intended blasting.

*Effective date:* April 5, 2000

**Chapter No. 632 (SB2692/HB2339).** Commercial contractors. Amends T.C.A. § 62-6-112 to allow commercial building contractors to bid on and construct, alter or demolish any building for use by the general public, including residential construction with more than four units or more than three stories. A small commercial building contractor may bid on and construct, alter or demolish any building for use by the general public if the cost does not exceed \$750,000.

*Effective date:* April 5, 2000

**Chapter No. 897 (SB1395/HB1083).** Adult oriented establishments – criminal records check. Amends T.C.A. Title 7, Chapter 51, Part 11, the Adult Oriented Establishment Regulation act of 1998, to require local governments to conduct a criminal conviction records check of applicants for permits to operate or perform at adult oriented establishments if the local government disqualifies these individuals because of a criminal conviction. The local government must require the applicant to submit a full set of fingerprints. The local government must forward the prints to the TBI for identification and to conduct the criminal records check. The TBI, if no conviction is found, forwards prints to the FBI.



### **Business Regulations (continued)**

Fingerprints must be submitted on authorized fingerprint cards or by electronic or other media approved by the TBI and FBI.

Costs must be paid by the local government but may be added to application fee.

*Effective date:* June 19, 2000

**Chapter No. 969 (SB 2773/HB 2171).** Exercise of certain municipal powers by certain counties. Amends T.C.A. § 5-1-118 to allow Anderson, Blount, Campbell, and Loudon Counties to regulate businesses and abate nuisances. The exercise of these powers by these counties may not interfere with any municipality in the exercise of its powers. This act has a reverse severability clause.

*Effective date:* June 21, 2000

### **City Courts**

**Chapter No. 968 (SB2885/HB2123).** Uniform warrant for courts with general sessions jurisdiction. Amends T.C.A. Title 16, Chapter 15, Part 50 to require the administrative office of the courts to design a uniform warrant for use by general sessions courts and courts with general sessions jurisdiction.

*Effective date:* June 21, 2000

### **Civil Procedure**

**Chapter No. 794 (SB2445/HB2256).** Transfer of civil cases. Amends T.C.A. Title 16, Chapter 1, Part 1 to allow civil cases filed in general sessions courts without jurisdiction to be transferred to the court with jurisdiction. The case will proceed as if it had originally been filed in the court with jurisdiction.

*Effective date:* May 23, 2000

**Chapter No. 807 (SB2871/HB2970).** TennCare subrogation. Amends T.C.A. § 71-5-117 to require plaintiffs' attorneys to contact the state to determine if the state has a subrogation interest before entry of judgments in personal injury cases. The state's subrogation interest is reduced by the percentage of fault assessed to persons and proportionately for governmental entities with liability limits.

*Effective date:* May 24, 2000

### **Contracts**

**Chapter No. 918 (SB2932/HB2578).** Construction contracts – drug-free workplace. Requires private construction companies with five or more employees that contract with local governments for construction services to submit an affidavit at the bid submission that the contractor has a drug-

**Contracts (continued)**

free workplace to the extent required of government entities. Local governments cannot contract with a contractor who does not comply with this act.

The written affidavit by the principal officer of the company provided to the local government absolves the local government of any further responsibility or of any liability.

A contractor violating this act the first time is prohibited from making another contract with a local government until the contractor complies. For a second violation, the prohibition lasts three months; for third and subsequent violations, the prohibition lasts at least one year.

*Effective date:* January 1, 2001

**Chapter No.960 (SB3349/HB3360).** Audits of local government contractors. Amends T.C.A. Title 8, Chapter 4, Part 1 to allow the Comptroller to audit contractors contracting with local governments if the contractor receives 50 percent or more of its gross revenue from state or local entities. Provide procedures.

*Effective date:* January 1, 1992

**Crimes & Criminal Procedures**

**Chapter No. 667 (SB2369/HB2511).** Spying. Amends T.C.A. Title 39, Chapter 13, Part 6 to make it a Class A misdemeanor to spy upon or view an individual in a place where there is a reasonable expectation of privacy when this would embarrass an ordinary person and is for sexual arousal or gratification.

*Effective date:* July 1, 2000

**Chapter No. 682 (SB1468/HB1542).** Habitual offenders. Amends T.C.A. § 55-10-603 (2)(A) to add aggravated vehicular homicide and adult driving while impaired to the list of offenses that can lead to one being sentenced as a habitual offender. This act makes driving on a cancelled, suspended or revoked license subject to habitual offender treatment only when the underlying offense causing the cancellation, suspension or revocation is subject to habitual offender treatment.

*Effective date:* April 26, 2000

**Chapter No. 752 (SB2351/HB2760).** Interlock fees - credit disallowed. Amends T.C.A. § 55-10-412 (e)(b) to disallow fees related to ignition interlock devices as a credit against DUI fines.

*Effective date:* May 18, 2000

**Chapter No. 755 (SB3037/HB2987).** Ketanium hydrochloride. Amends T.C.A. §§ 39-17-410 and 412 to change ketanive hydrochloride from a Schedule IV controlled substance to a Schedule III.

*Effective date:* July 1, 2000

**Crimes & Criminal Procedure (continued)**

**Chapter No. 763 (SB2213/HB2187).** Furnishing violent or obscene video and computer games to minors. Amends T.C.A. §§ 39-17-911 and 914 to make it a misdemeanor to sell, lend, exhibit, or make available to a minor a video or computer game containing excessive violence or sexual conduct that is harmful to minors.

*Effective date:* May 22, 2000

**Chapter No. 824 (SB2936/HB2684).** Domestic assault. Amends T.C.A. § 39-13-111 to create the offense of domestic assault against a family or household member.

*Effective date:* July 1, 2000

**Chapter 848 (SB2349/HB2757).** Habitual offenders. Amends T.C.A. § 55-10-603(2)(A) to include in the list of offenses for which one can be punished as a habitual offender evading arrest in a motor vehicle, and driving on a revoked or suspended license if the underlying offense results in the revocation or suspension is an offense for which one can be considered a habitual offender.

Amends T.C.A. § 55-10-615 to require courts to restore driving privileges if a person was deemed a habitual offender for driving on a revoked or suspended license and the underlying offense was not one for which one may be punished as a habitual offender.

*Effective date:* July 1, 2000

**Chapter No. 855 (SB2057/HB2478).** Suspension of drivers license for theft of gasoline. Amends T.C.A. Title 39, Chapter 14, Part 1 to allow the court to suspend the driver license of a person convicted of theft of gasoline.

*Effective date:* July 1, 2000

**Chapter No. 859 (SB2509/HB2916).** Notice of victims' rights. Amends T.C.A. Title 40, Chapter 38 to require the "appropriate agency" to inform crime victims of cancelled or rescheduled hearings, bail hearings, dismissals, pardons, defendant's recapture, defendant's release from a mental institution, and defendant's transfer to a different correctional facility.

*Effective date:* July 1, 2000

**Chapter No. 862 (SB2662/HB2783).** Tolling of sexual offender monitoring. Amends T.C.A. §§ 40-39-104 to toll sexual offender monitoring when offender is incarcerated or deported.

*Effective date:* May 31, 2000

**Chapter No. 884 (SB2938/HB2749).** Dronabinal as Schedule III controlled substance. Amends T.C.A. §§ 39-17-408 and 410 to change dronabinal from a Schedule II to a Schedule III controlled substance.

*Effective date:* June 6, 2000

**Crimes & Criminal Procedure (continued)**

**Chapter No. 953 (SB2671/HB3081).** Retaliation for past actions. Amends T.C.A. § 39-16-510 to make the offense of retaliation for past actions apply to harm or threats of harm to law enforcement officers.

*Effective date:* July 1, 2000

**Education**

**Chapter No. 542 (SB1578/HB1811).** Reports of crimes by higher education institutions. Amends T.C.A. Title 49, Chapter 7, Part 22 to require higher education institutions to report Class A misdemeanors and felonies committed by students on the institution's grounds to an appropriate law enforcement officer.

*Effective date:* February 16, 2000

**Chapter No. 569 (SB2299/HB2183).** Mandatory retirement age eliminated. Amends T.C.A. § 49-5-409 to eliminate the requirement that teachers retire at age 70.

*Effective date:* March 2, 2000

**Chapter No. 554 (SB813/HB674).** Grant program for school health. Amends T.C.A. Title 49, Chapter 1 to require the Department of Education to establish a state grant program to assist local education agencies in implementing consolidated school health programs. The grant program is subject to funds being appropriated.

*Effective date:* February 18, 2000

**Chapter No. 583 (SB2182/HB2725).** Qualifications for teacher license. Amends T.C.A. § 49-5-5003(11) to provide that any teacher employed as a probationary teacher for one year and as an apprentice teacher for two years is deemed to meet the three year apprenticeship requirement for obtaining a professional license.

*Effective date:* March 10, 2000

**Education & Schools**

**Chapter No. 634 (SB2576/HB2679).** Zero tolerance: student expulsion. Amends T.C.A. §§ 49-6-4216, 49-6-4018, and 49-6-3401(g) to revise provisions on zero tolerance of drugs and expulsion of students.

*Effective date:* July 1, 2000

**Chapter No. 639 (SB2435/HB2317).** Accounting by local education agencies. Amends T.C.A. § 49-3-316 to require the Comptroller to consult with the education commissioner in prescribing financial accounting and reporting systems for local education agencies.

*Effective date:* April 10, 2000

**Education & Schools (continued)**

**Chapter No. 698 (SB2993/HB3132).** Railroad safety. Amends T.C.A. § 49-1-302 to allow the state Board of Education to develop guidelines and criteria for a railroad safety curricular in appropriate grades.

*Effective date:* May 9, 2000

**Chapter No. 703 (SB3069/HB2960).** Disposal of surplus property to municipality. Amends T.C.A. § 49-6-2006 to allow local boards of education to transfer surplus real or personal school property to any municipality within the county for public use without competitive bidding or sale.

*Effective date:* May 9, 2000

**Chapter No. 704 (SB3094/HB3022).** “Suspension,” “expulsion,” and “remand” defined. Amends T.C.A. § 49-6-3007 to define “suspension,” “expulsion,” and “remand” for purposes of recording and coding student absences for disciplinary actions.

*Effective date:* May 9, 2000

**Chapter No. 710 (SB2939/HB2670).** Non-citizens as teachers. Amends T.C.A. § 49-5-202 to eliminate the prohibition in hiring non-citizens as teachers.

*Effective date:* May 17, 2000

**Chapter No. 753 (SB3159/HB2845).** Election of school board. Amends T.C.A. § 49-2-201(a) to allow any local education agency that has failed to comply with that section requiring our elected school board to have a private act passes by the General Assembly or a resolution by the board legislative body implementing four-year staggered terms for the school board by July 31, 2000.

*Effective date:* May 18, 2000

**Chapter No. 773 (SB2196/HB2180).** High school diplomas for WWII veterans. Amends T.C.A. § 49-2-119 to allow local education agencies to issue high school diplomas to WWII veterans whose education was interrupted by the war.

*Effective date:* May 22, 2000

**Chapter No. 814 (SB2425/HB3149).** Truancy in Shelby County. Amends T.C.A. § 49-6-3007 to allow local education agencies in Shelby County to make agreements with local law enforcement agencies to enforce compulsory school attendance.

*Effective date:* May 24, 2000

**Chapter No. 899 (SB1882/HB1840).** Student names. Amends T.C.A. § 49-6-5106 to require all enrolled students to be known by name appearing on birth or adoption certificate.

*Effective date:* 2000-2001 school year.

**Education & Schools (continued)**

**Chapter No. 903 (SB2124/HB2737).** Re-employment of retired teachers. Amends T.C.A. Title 8, Chapter 36, Part 8 to allow persons retired for at least one year under TCRS to be re-employed as teachers without loss of retirement benefits under certain conditions. The retired person's appointment cannot exceed one year but the person can be re-appointed.

*Effective date:* July 1, 2000;  
repealed June 31, 2005

**Chapter No. 911 (SB2485/HB2738).** Literacy program. Amends T.C.A. Title 49, Chapter 1, Part 9 to require the Department of Education to identify schools with consistently low reading scores and require improvements.

*Effective date:* June 19, 2000

**Chapter No. 935 (SB2755/HB2802).** Guaranteed pension plan for teachers. Amends T.C.A. Title 7, Chapter 3, Part 1 to allow metropolitan governments, by a 2/3 vote of the metro council and the school board, to adopt a guaranteed payment plan for pension liabilities to educators.

*Effective date:* June 23, 2000

**Chapter No. 959 (SB3347/HB3359).** School board in Union City. Amends T.C.A. § 6-36-101, 103, and 106 to increase the number of members on the school board in Union City from five to seven.

*Effective date:* June 23, 2000

**Chapter No. 967 (SB2226/HB2025).** School zone speed limit extended. Amends T.C.A. § 55-8-152 (d) to extend the time during which a 15 mph speed limit is in effect in school zones when the local legislative body has not established a special speed limit from 40 minutes to 90 minutes before and after school opening and closing.

*Effective date:* July 1, 2000

**Chapter No. 981 (SB 3107/HB3035).** Regulation of child care facilities. Amends T.C.A. Titles 4, 33, 36, 37, 38, 39, 40, 41, 49, 68 and 71 to revise regulation of child care facilities. Section 7 of the act exempts publicly managed child care agencies from licensing requirements but requires that they meet minimum standards for programs and care. The state will do periodic inspections of public child care agencies. The state may seek injunctions against public agencies that do not correct deficiencies in a reasonable time.

*Effective date:* July 1, 2000

**Chapter No. 985 (SB 3112/HB 3040).** Education agencies not "home health services." Amends T.C.A. § 68-11-201 (15) to exempt home and community services provided by local education agencies from the definition of, and therefore from regulation as, "home health services."

*Effective date:* July 1, 2000

## Elections

**Chapter No. 593 (SB854/HB200).** Early voting. Amends T.C.A. § 2-6-103 to provide that satellite voting locations must be established at the request of the municipality by the county election commission for municipal elections that are held at times other than the regular August and November elections. The municipality is responsible for the costs of the location.

*Effective date:* March 14, 2000

**Chapter No. 737 (SB2847/HB2124).** Election contest – appeal. Amends T.C.A. § 2-17-116 to eliminate direct appeal to Supreme Court of election contests.

*Effective date:* May 17, 2000

**Chapter No. 756(SB3040/HB3055).** Qualifying deadline in municipal elections. Section 8 of this act amends T.C.A. § 2-5-101(a)(3) to provide that the uniform time for filing nominating petitions in municipal elections is no later than 12 noon on the third Thursday in the third calendar month before the election.

Section 19 of this act gives the county election commission authority to forward information regarding violation of disclosure laws by candidates for local public office to the DA without a sworn complaint by a registered voter.

*Effective date:* May 18, 2000

**Chapter No. 782 (SB2878/HB2720).** Financial disclosure in Knoxville elections. Amends T.C.A. § 2-10-101 to allow Knoxville to require more stringent financial disclosures by candidates in municipal elections than required by state law. Knoxville must compensate the county for any additional expenses caused by the more stringent requirements.

*Effective date:* May 22, 2000

## Emergency Services

**Chapter No. 686 (SB2023/HB2059).** Emergency management – notice by TEMA of suspension of federal or state funds. Amends T.C.A. Title 58, Chapter 2, Part 1 to require the Tennessee Emergency Management Agency to notify the principal officer of the local legislative body of an affected municipality of any suspensions of federal or state funds related to the emergency management program. The notice must contain the date of, amount of, reasons for, and length of the suspension.

*Effective date:* July 1, 2000

**Chapter No. 933 (SB2612/HB3148).** Licenses for out-of-state emergency medical service personnel. Amends T.C.A. § 68-140-508(c) to allow non-resident applicants licensed and in good standing in another state to be issued an EMS license if the applicant's state grants similar reciprocity privileges to Tennessee residents.

*Effective date:* June 23, 2000

**Emergency Services (continued)**

**Chapter No. 946 (SB3172/HB2365).** Emergency management provisions amended. Repeals T.C.A. Title 58, Chapter 2, Parts 1,5, and 6. This is a comprehensive revision of certain provisions dealing with emergency management. Repeals the Local Government Emergency Assistance Act of 1987. Replaces it with provisions requiring the requesting jurisdiction to be liable for damage to and maintenance of equipment sent by a responding jurisdiction. The sending jurisdiction must send the requesting jurisdiction an itemized bill within 60 days of the damage or expense.

The requesting jurisdiction must also reimburse the sending jurisdiction for employee expenses and injuries.

This act requires mutual aid agreements to be sent to TEMA.

This act also eliminates certain exemptions to requirements for public safety dispatchers.

*Effective date: July 1, 2000*

**Eminent Domain**

**Chapter No. 726 (3012/HB2787).** Eminent domain on property held for public use. Amends T.C.A. §§ 7-35-101 and 29-17-201 to allow municipalities to acquire land by eminent domain that is held by other entities for public use and having the power of eminent domain when the prior use will not be interfered with.

*Effective date: May 17, 2000*

**Finance**

**Chapter No. 554 (SB813/HB674).** Grant program for school health. Amends T.C.A. Title 49, Chapter 1 to require the Department of Education to establish a state grant program to assist local education agencies in implementing consolidated school health programs. The grant program is subject to funds being appropriated.

*Effective date: February 18, 2000*

**Chapter No. 604 (SB3093/HB3021).** Transfer of firefighting assets to volunteer department. Amends T.C.A., Title 12, Chapter 3, Part 10 to allow municipalities, counties, and metropolitan governments to transfer ownership of firefighting assets purchased with federal, state, or local grants to volunteer fire departments within the jurisdiction. The volunteer department must be registered as a nonprofit organization with the Secretary of State. This act must be approved locally to be effective in the jurisdiction.

*Effective date: March 21, 2000*

**Chapter No. 654 (SB3051/HB2988).** Utility relocation loan. Amends T.C.A. § 67-3-2001(j)(1) to clarify that counties, towns, cities, metropolitan governments, utility districts, authorities, and



**Finance (continued)**

nonprofit business organizations that provide utility services may participate in the utility relocation loan program.

*Effective date: April 10, 2000*

**Chapter No. 686 (SB2023/HB2059).** Emergency management – notice by TEMA of suspension of federal or state funds. Amends T.C.A Title 58, Chapter 2, Part 1 to require the Tennessee Emergency Management Agency to notify the principal officer of the local legislative body of an affected municipality of any suspensions of federal or state funds related to the emergency management program. The notice must contain the date of, amount of, reasons for, and length of the suspension.

*Effective date: July 1, 2000*

**Chapter No. 706 (SB2429/HB3252).** Collection of taxes, fines, fees, etc., by credit or debit card. Amends T.C.A. § 9-1-108 to allow any municipal officer to receive payment by credit or debit card for taxes, licenses, fines, fees, or other charges.

The officer must set and collect a processing fee equal to the charges paid by the municipality for the processing of the charge. The maximum fee, however, is five percent of the amount collected.

If the card charge is not honored, the municipal officer may collect a service charge equal to the charge for a check that is not honored. This charge may not apply, however, if the officer learns that the card will not be honored at the time the transaction is processed.

Processing fees and service charges accrue to the general fund. The municipal officer must state on any notice to the person owing taxes, fines, fees, or other money the percentage or amount of the processing fee. Receipt of payment by credit or debit card cannot result in the municipal official collecting less than is otherwise required.

*Effective date: May 9, 2000*

**Chapter No. 841 (SB2430/HB3250).** Electronic business. Amends T.C.A. Title 5, Chapter 24, Part 1, to allow counties and municipalities to conduct business transactions by electronic means and to determine the extent to which they will send, accept, and rely on electronic records and electronic signatures.

Any official that determines to use electronic means to do business must file a statement with the comptroller at least 30 days before offering the service. The statement must contain:

- a description of the hardware and software to be used,
- a description of the policies and procedures related to implementation of the system,
- documentation of internal controls,
- a description of personnel who will implement the system,
- a description of the types of records and transactions that will be allowed and any electronic signatures to be used,
- the estimated cost of the system, and
- the expected benefits.

**Finance (continued)**

Twelve to 18 months after this statement is filed, the official must provide the Comptroller a post implementation review. This review must include:

- responses from a survey of users, and
- recommendations for improvements.

Electronic records must be copied at least daily to computer storage media. Backups must be stored at a location other than the building where the original data are maintained. The official must be able to provide a paper copy of electronic records when requested by a member of the public. These records are subject to open records and retention requirements just as other records are.

*Effective date:* October 1, 2000

**Chapter No. 868 (SB2802/HB2677).** Charges for Geographic Information System data. Amends T.C.A. § 10-7-506 to allow local governments to recover as fees for use of GIS data 10 percent of the total development costs of the GIS system. An additional 10 percent may be recovered if approved by the governing body and approved by the state Information Systems Council. After this amount is recovered, fees must be reduced to recover only maintenance costs of the system.

Charges for development costs of the GIS system may not be made for non-business use by an individual nor for news gathering by news media. For these uses, charges for cost of reproduction only may be made.

*Effective date:* June 6, 2000

**Chapter No. 881 (SB2114/HB2169).** Disposition of drug fines. Amends T.C.A. § 39-17-428 to provide that 50 percent of mandatory minimum drug fines accrue to the drug fund and 50 percent accrue to the general fund of the local government employing the officers who make the arrest. Also provides that drug funds may be used for children afflicted with HIV or AIDS.

*Effective date:* July 1, 2000

**Chapter No. 918 (SB2932/HB2578).** Construction contracts – drug-free workplace. Requires private construction companies with five or more employees that contract with local governments for construction services to submit an affidavit at the bid submission that the contractor has a drug-free workplace to the extent required of government entities. Local governments cannot contract with a contractor who does not comply with this act.

The written affidavit by the principal officer of the company provided to the local government absolves the local government of any further responsibility or of any liability.

A contractor violating this act the first time is prohibited from making another contract with a local government until the contractor complies. For a second violation, the prohibition lasts three months; for third and subsequent violations, the prohibition lasts at least one year.

*Effective date:* January 1, 2001

**Finance (continued)**

**Chapter No.960 (SB3349/HB3360).** Audits of local government contractors. Amends T.C.A. Title 8, Chapter 4, Part 1 to allow the Comptroller to audit contractors contracting with local governments if the contractor receives 50 percent or more of its gross revenue from state or local entities.

*Effective date:* January 1, 1992

**Chapter No. 983 (SB 3351/HB3364).** Revenues and funding modifications. Section 1 of this act amends T.C.A. § 13-23-402 to transfer revenues from the real estate transfer tax and the mortgage tax that used to accrue to the housing program fund of the Tennessee Housing Development Agency to the state general fund.

Section 8 of this act amends T.C.A. Title 9, Chapter 21 to allow local governments that operate nursing homes to issue health care revenue anticipation notes for an intergovernmental transfer of funds between the state and local government. This section provides procedures for using notes and allows interfund loans. This section is repealed on June 30, 2003.

Section 13 of this act amends T.C.A. § 67-6-103 (A) (3) (B) to cap the special allocation from sales tax revenues accruing to premium tourist resort cities at the amount paid for the 1999-2000 fiscal year.

*Effective date:* July 1, 2000

**Chapter No.994 (SB 2977/HB 2790).** Appropriation Act. Makes appropriations to defray the cost of state government.

Of particular interest to municipalities, the act makes the following appropriations:

- Local Parks Acquisition Fund \$ 3,000,000
- TIIPS – 95 County Jobs Program \$14,000,000
- Municipal Technical Advisory Service \$ 1,326,000
- Local Interstate Connectors \$ 1,500,000 (exclusive of departmental revenues and federal funds)
- Mass Transit \$23,291,000 (exclusive of departmental revenues and federal funds)
- A sum sufficient for a maximum firefighter pay supplement of \$450.
- A sum sufficient for a maximum police pay supplement of \$600.
- For publication of amendment to Article VI, § 14 of the state constitution - \$20,000 (earmarked from cities's share of state sales tax)
- Small Cities Community Development Block Grants - \$30,157,000

*Effective date:* July 1, 2000

## **Finance (continued)**

**Chapter No. 996 (SB 2123/HB 2330).** Investment of idle funds. Amends T.C.A. § 6-56-106 (a) (2) to require nonconvertible debt securities in which idle municipal funds may be invested to be rated in the highest category by at least two nationally recognized rating services.

This act also amends § 6-56-106 (a) (8) to allow municipalities with populations of 20,000 to 150,000 to invest in prime commercial paper if the paper is rated in the highest category by at least two rating services and has a remaining maturity of 90 or fewer days.

*Effective date: June 30, 2000*

## **Firefighting**

**Chapter No. 604 (SB3093/HB3021).** Transfer of firefighting assets to volunteer department. Amends T.C.A., Title 12, Chapter 3, Part 10 to allow municipalities, counties, and metropolitan governments to transfer ownership of firefighting assets purchased with federal, state, or local grants to volunteer fire departments within the jurisdiction. The volunteer department must be registered as a non-profit organization with the Secretary of State. This act must be approved locally to be effective in the jurisdiction.

*Effective date: March 21, 2000*

## **Health & Sanitation**

**Chapter No. 786 (SB3102/HB3030).** Tuberculosis – notification to other jurisdictions. Amends T.C.A. § 68-9-504 to require municipal and other health officers involved in tuberculosis control to notify appropriate health authorities in other jurisdictions when an infected individual relocates from Tennessee. Other than notifying individuals in other jurisdictions, this information is confidential. The act provides immunity for making necessary disclosures.

*Effective date: May 22, 2000*

## **Incorporations**

**Chapter No. 898 (SB1811/HB1920).** Incorporated municipalities whose existence has ended – tax revenues and grants. Amends T.C.A. Title 9, Chapter 4, Part 53 and Title 67, Chapter 5, Part 1 to provide that for municipalities that attempted to incorporate under laws that were declared unconstitutional and that had received revenues because of the short-lived incorporation.

- These defunct municipalities will not have to repay state grants, state-shared taxes, or expended property tax revenues.
- Unobligated grants or state-shared revenues become the county's.
- Unobligated property tax revenues will be returned to the taxpayers pro rata.
- This act creates a presumption that the defunct municipality expended grant and state-shared revenues before property tax revenues.

*Effective date: June 19, 2000*

## **Industrial Development**

**Chapter No.961 (SB3126/HB2984).** Reports on in lieu of tax payments by industrial boards in Shelby County. Amends T.C.A. § 7-53-305 to require industrial development boards in Shelby County to make bi-annual reports detailing lessees' compliance with in lieu of tax payment agreements.

*Effective date:* June 23,2000

## **Interlocal Cooperation**

**Chapter No. 626 (SB1136/HB874).** Building and fire safety inspectors – work for other local governments. Amends T.C.A. Title 68, Chapter 102, Part 1 to allow certified building and fire safety inspectors to do inspections for other local governments on request. Amends § 68-102-108(b) to designate a fire marshal from another local government as an assistant to the Commissioner of Commerce and Insurance in jurisdictions that have no fire marshal.

*Effective date:* April 5, 2000

## **Juveniles**

**Chapter No. 792(SB2340/HB2532).** Teen courts. Amends T.C.A. Title 37, Chapter 1 to allow any juvenile court to establish a teen court program.

*Effective date:* July 1, 2000

## **Law Enforcement**

**Chapter No. 542 (SB1578/HB1811).** Reports of crimes by higher education institutions. Amends T.C.A. Title 49, Chapter 7, Part 22 to require higher education institutions to report Class A misdemeanors and felonies committed by students on the institution's grounds to an appropriate law enforcement officer.

*Effective date:* February 16, 2000

**Chapter No. 595 (SB2637/HB2545).** Watercraft towing safety. Amends T.C.A. § 69-10-507 to allow towing by watercraft without a rear vision mirror if the watercraft has a person on board at least 12 years old who can constantly observe the person being towed.

*Effective date:* 10 days excluding  
Sunday after received by Governor

**Chapter No. 633 (SB2179/HB2645).** Notice of release from conditions of release. Amends T.C.A. § 40-11-150 to require the discharging or releasing court to notify all law enforcement agencies within its jurisdiction that a defendant is no longer subject to the conditions originally imposed.

*Effective date:* October 1, 2000

**Law Enforcement (continued)**

**Chapter No. 638(SB2178/HB2645).** Serving of orders of protection. Amends T.C.A. § 36-3-609 to provide for service of orders of protection by mail on nonresidents of Tennessee rather than by reading the order to the respondent. Amends T.C.A. § 36-3-604(b)(3) to change required wording on order to reflect service by mail on nonresidents. Allows forms in existence to continue to be used.

*Effective date: April 10, 2000*

**Chapter No. 711 (SB2886/HB2120).** Fingerprints must be sent to TBI. Amends T.C.A. § 38-3-122(a) to require two sets of fingerprints of persons booked to be forwarded to T.B.I. even if fingerprints are on file in the law enforcement agency. The agency must copy the fingerprints, update arrest date, and forward fingerprint set to TBI.

*Effective date: May 17, 2000*

**Chapter No. 714 (SB2644/HB2450).** Confidentiality of terrorist plans. Amends T.C.A. § 10-7-503 to make contingency plans of law enforcement agencies confidential that are prepared to respond to bomb threats or acts of violence at schools, businesses, ongoing acts of violence at places of public gathering, threats involving weapons of mass destruction, or terrorist incidents.

*Effective date: May 17, 2000*

**Chapter No. 781(SB2935/HB2685).** Orders of protection -- dismissal. Amends T.C.A. § 36-3-609 to require orders of dismissal of protection orders to be issued to local law enforcement agencies that process orders of protection on a daily basis. Requires dismissals to be entered by law enforcement agency into Tennessee Crime Information System. The agency must also take any necessary action to transcend the order or dismissal to the National Crime Information Center.

*Effective date: May 22, 2000*

**Chapter No. 788 (SB2674/HB3101).** Domestic abuse death review teams – counties. Amends T.C.A. § 36-3-624 to allow counties to establish domestic abuse death review teams. These teams may include law enforcement personnel.

*Effective date: May 22, 2000*

**Chapter No. 790 (SB3136/HB3160).** Notice of victims' rights. Amends T.C.A. Title 40, Chapter 38 to require notice to be given by judges issuing arrest warrant or presiding at an initial court appearance to victims of their constitutional rights. When a law enforcement officer obtains an arrest warrant on behalf of a victim, the law enforcement agency must notify the victim of his/her rights under Article I, § 35 of the state constitution and the first court date at which the victim will be required to appear. Forms may be obtained from the Tennessee Victims Coalition.

*Effective date: May 22, 2000*

**Chapter No. 801(SB2517/HB2914).** Notice by law enforcement agencies to crime victims of their rights. Amends T.C.A. Title 40, Chapter 38 to require law enforcement agencies to give notice to victims:

### **Law Enforcement (continued)**

- of their constitutional rights under Article I, § 35 of the state constitution to be free of intimidation, harassment, and abuse throughout the criminal justice system,
- of the availability of crisis intervention and emergency and medical services,
- of the name of the law enforcement agency and the phone number,
- of the resources available for protection of the victim in domestic violence cases,
- of the names and numbers of public and private victim assistance programs, including the state criminal injuries compensation program and programs that provide counseling, treatment, and other support services, and
- of the procedural steps in a criminal prosecution.

*Effective date: July 1, 2000*

**Chapter No. 803 (SB2514/HB2919).** Crime victim advocate at defense interviews. Amends T.C.A. Title 40, Chapter 38 to allow victims to have a crime victim advocate present at defense interviews when this does not cause unnecessary delays in investigation or prosecution of the case.

*Effective date: May 23, 2000*

**Chapter No. 821 (SB739/HB643).** Truth detection machines. Amends T.C.A. § 62-27-103 to allow law enforcement officers who are certified to operate a truth detection machine other than a polygraph to use it in the course of their full-time employment. Amends 62-27-106 to make it unlawful for any person other than a law enforcement officer to operate such a machine.

*Effective date: May 24, 2000*

**Chapter No. 830 (SB415/HB1370).** Boats as emergency vessels. Amends T.C.A. § 69-10-207(b) to provide that vessels operated by law enforcement officers must be designated as emergency vessels and are exempt from normal operating requirements when the vessel is used for law enforcement purposes.

*Effective date: May 24, 2000*

**Chapter No. 881 (SB2114/HB2169).** Disposition of drug fines. Amends T.C.A. § 39-17-428 to provide that 50 percent of mandatory minimum drug fines accrue to the drug fund and 50 percent accrue to the general fund of the local government employing the officers who make the arrest. Also provides that drug funds may be used for children afflicted with HIV or AIDS.

*Effective date: July 1, 2000*

**Chapter No. 897 (SB1395/HB1083).** Adult oriented establishments – criminal records check. Amends T.C.A. Title 7, Chapter 51, Part 11, the Adult Oriented Establishment Regulation Act of 1998, to require local governments to conduct a criminal conviction records check of applicants for permits to operate or perform at adult oriented establishments if the local government disqualifies these individuals because of a criminal conviction. The local government must require the applicant to submit a full set of fingerprints. The local government must forward the prints to the TBI for identification and to conduct the criminal records check. The TBI, if no conviction is found, forwards prints to FBI. Fingerprints must be submitted on authorized fingerprint cards or by electronic or other

**Law Enforcement (continued)**

media approved by the TBI and FBI. Costs must be paid by the local government but may be added to application fee.

*Effective date:* June 19, 2000

**Chapter No. 932 (SB2598/HB2407).** HIV testing of assault arrestees. Amends T.C.A. Title 39, Chapter 13, Part 1 to require HIV testing of assault arrestees when the blood or other bodily fluid of the arrestee comes into contact with the assault victim or a police officer, firefighter, emergency medical or rescue worker, or a paramedic performing their official duty.

The result of the HIV test is not a public record and is available only to the victim, the person tested, the DA, the attending physician, the parent or guardian of a minor or incapacitated victim, the Department of Health, and the Department of Correction. If the arrestee has HIV, the arrestee must pay the victim's medical bills and related expenses upon a finding that the exposure was from the arrestee.

*Effective date:* June 23, 2000

**Chapter No. 952 (SB2665/HB3066).** Consequences of refusal to take blood alcohol or drug test. Amends T.C.A.  $\beta$  55-10-406 to make refusal to take a blood alcohol or drug test subject to license revocation, a fine, and mandatory jail sentence if the person refusing to take the test is driving on a revoked or suspended license for a conviction for vehicular assault, vehicular homicide, aggravated vehicular homicide, or driving under the influence of an intoxicant.

The revocation of the license for refusing to submit to the test must be for one year if the person does not have a prior conviction for the above offenses; two years for one prior offense; two years if the person was involved in an accident involving severe bodily injury; and five years for an accident involving death.

Refusing to submit to a blood test after driving on a revoked license for one of the above offenses is a Class A misdemeanor subject to a fine of \$1,000 and a minimum jail sentence of five days.

*Effective date:* July 1, 2000

**Chapter No. 988 (SB 2587/HB 2117).** Carrying firearms by law enforcement officers. Amends T.C.A. Title 39, Chapter 17, Part 13 to allow full-time certified police officers to carry firearms at all times and all places, while on or off duty, unless restricted by federal law, written directive of the police chief, or this act.

This act does not allow an officer to carry a firearm in these situations:

- onto school grounds or in a school building unless the officer immediately notifies the principal or the principal's office,
- if the officer is consuming alcoholic beverages or a controlled substance,
- while the officer is not in the discharge of duty while in a beer or intoxicating liquor place where these beverages are sold for consumption on the premises, or
- in judicial proceedings where the officer is not engaged in official duties.

*Effective date:* June 26, 2000;



**Law Enforcement (continued)**

**Chapter No. 997 (SB 2661/HB 2784).** Sexual offender monitoring. Amends T.C.A. § 40-39-102 to add a definition of “sexually violent offense” that encompasses aggravated rape, rape, aggravated sexual battery, rape of a child, or an attempt to commit any of these.

Amends § 40-39-107 to require any person convicted of a sexual offense or a sexually violent offense to comply with registration and monitoring requirements for life when the prior conviction is before the offense for which the offender is currently required to register.

Amends § 40-39-102 to add sexual battery by an authority figure to the list of offenses for which monitoring may be required.

*Effective date: June 30, 2000*

**Mayor – Aldermanic Charter**

**Chapter No. 613 (SB2962/HB2839).** Term of office of mayor and aldermen in Spring Hill. Amends T.C.A. § 6-3-102, Part of the Mayor-Aldermanic Charter, to allow the term of office of the mayor and alderman of Spring Hill to be extended to four years by ordinance. Requires local approval.

*Effective date: March 30, 2000*

**Chapter No. 702 (SB2961/HB2840).** Municipal name change – Mayor-Aldermanic Charter. Amends T.C.A. Title 6, Chapter 1, part of the general law Mayor-Aldermanic Charter, to provide a method for changing the name of any municipality incorporated under that charter.

To change the municipality’s name, the board must pass a resolution by a 2/3 vote. The resolution must be published in a newspaper of general distribution within 14 days of final approval. The resolution becomes operative 60 days after adoption unless a petition is filed with the Board containing the names of 10 percent of the qualified voters requesting that the name change be submitted to a referendum. If a petition is filed within the 60 day period, a certified copy of the resolution must be sent to the county election commission. The election commission must place the question on the next municipal or general election ballot at which members of the General Assembly are chosen, whichever is sooner. If the majority supports the resolution, it is deemed operative when the election commission makes its official canvass of the election returns.

If the board passes a name change resolution and no petition is filed requesting a referendum, the resolution becomes operative at the end of the 60 day period. The Mayor must file a copy of the resolution identifying the new corporate name with the Secretary of State.

*Effective date: May 9, 2000*

## Metropolitan Government

**Chapter No. 935 (SB2755/HB2802).** Guaranteed pension plan for teachers. Amends T.C.A. Title 7, Chapter 3, Part 1 to allow metropolitan governments, by a 2/3 vote of the metro council and the school board, to adopt a guaranteed payment plan for pension liabilities to educators.

*Effective date:* June 23, 2000

## Modified Manager – Council Charter

**Chapter No. 959 (SB3347/HB3359).** School board in Union City. Amends T.C.A. §§ 6-36-101, 103, and 106 to increase the number of members on the school board in Union City from five to seven.

*Effective date:* June 23, 2000

## Motor Vehicles & Traffic

**Chapter No. 602 (SB3079/HB3007).** Revocation of drivers license for refusing alcohol or drug test. Amends T.C.A. § 55-10-406(a)(3) to require the court to revoke, rather than suspend, the driver license of a person who refuses to take a test to determine the alcohol or drug content of the person's blood. The license must be revoked for one year if the person does not have a prior conviction for DUI, vehicular homicide, vehicular assault, or DWI. If the person does have a prior conviction for one of these offenses, the license must be revoked for two years.

*Effective date:* July 1, 2000

**Chapter No. 663 (SB2135/HB2212).** Punishment for failing to stop for school bus. Amends T.C.A. § 55-8-151(a)(5)(B) to change the punishment for failing to stop for a school bus from a Class B misdemeanor to a Class A misdemeanor punishable by a fine only of not less than \$250 nor more than \$1,000.

*Effective date:* July 1, 2000

**Chapter No. 669 (SB2722/HB2890).** Transportation of house boats. Amends T.C.A. § 55-7-202 (a)(2) to allow the transportation of houseboats up to 18 feet in width, rather than the previous 16, on the state's highways. Movements of houseboats 17 to 18 feet wide can be made only on Tuesday, Wednesday, or Thursday.

*Effective date:* April 25, 2000

**Chapter No. 691 (SB2338/HB2103).** Interference with funeral procession. Amends T.C.A. § 55-8-183 to make it unlawful to fail to yield the right of way to a properly identified funeral procession, or to pass, attempt to pass, or drive between the vehicles of the procession. Punishment is limited to a civil penalty of up to \$50. "Properly identified" means having a flashing amber light and an auditory signaling device mounted on the lead vehicle, and a flag or other appropriate marking device on each

**Motor Vehicles & Traffic (continued)**

vehicle. Any municipality may adopt the provisions of this act by a 2/3 vote of its legislative body. The presiding officer must certify its adoption to the Secretary of State.

*Effective date:* July 1, 2000

**Chapter No. 750 (SB2728/HB2181).** Mass transit – nonprofit corporation. Amends T.C.A. § 13-10-101(3) to include nonprofit corporations authorized to provide mass transportation services in entities that may provide and that are eligible for state and federal subsidies for mass transit.

*Effective date:* May 18, 2000

**Chapter No. 765 (SB2402/HB2248).** Red light on loads projecting from rear of truck. Amends T.C.A. § 55-9-405(d) to require a red lamp to be displayed on any load that projects four or more feet from the rear of a truck from 1/2 hour before sunset to 1/2 hour after sunrise, in addition to all other times when lights must be displayed.

*Effective date:* July 1, 2000

**Chapter No. 700 (SB3210/HB3168).** Graduated driver licenses. Amends T.C.A. § 55-50-311 to allow 15-year-olds to obtain a learner's permit; 16-year-olds to obtain an intermediate license; and persons who have had an intermediate license for one year to obtain an unrestricted license. Establishes standards for intermediate licenses.

*Effective date:* July 1, 2001

**Chapter No. 770 (SB617/HB73).** Litigation Tax – HOV lane violations. Amends T.C.A. §§ 67-4-602 and 55-8-188 to prohibits litigation taxes from applying to HOV lane violations.

*Effective date:* May 22, 2000;  
applies to pending cases

**Chapter No. 776 (SB2783/HB2408).** Trucks containing medical waste. Amends T.C.A. § 55-8-162 to make it a Class A misdemeanor punishable by only a fine of \$2,500 to leave a truck with a capacity of more than one ton containing medical waste in any residential area or within 1,000 feet of any church, school, or park.

*Effective date:* May 22, 2000

**Chapter No. 799 (SB2290/HB2650).** Driving with cancelled, suspended, or revoked license. Amends T.C.A. § 55-50-504(a) (1) and (2) to make it illegal to drive with a cancelled, suspended, or revoked license within the entire right of public ways, or on the premises of any shopping center, manufactured housing complex, apartment complex, or any other premises frequented by the public at large, rather than just on "any public highway of this state."

*Effective date:* July 1, 2000

**Motor Vehicles & Traffic (continued)**

**Chapter No. 806 (SB3121/HB3048).** Spilled cargo, vehicles, personal property on controlled access highways. Amends T.C.A. Title 54, Chapter 16 to allow local law enforcement agencies and state Departments of Transportation and Safety to remove wrecked or dismantled vehicles, spilled cargo and other personal property causing obstruction or hazard to traffic on controlled access highways. The items may be moved to any place within the immediate vicinity without further obligation. When the object is a motor carrier, the agency must make a reasonable effort to allow the owner to remove it. Abandoned vehicle procedures apply. The law enforcement agency may require the owner of the items or spilled cargo to pay costs incurred in its removal.

Amends T.C.A. §55-10-117(c) to allow drivers involved in accidents with “no apparent serious” personal injury to move the vehicle out of the roadway.

*Effective date: May 23, 2000*

**Chapter No. 910 (SB2415/HB2517).** Racial profiling – pilot program. Authorizes a pilot project to determine whether racial profiling is used in traffic stops. Municipalities must notify the Comptroller by September 1, 2000 if they wish to participate. The project will continue through calendar year 2001. Participating agencies must submit data monthly on the number of persons stopped, race of the person, nature of the offense, whether an arrest was made or search conducted, and the type of search. By April 1, 2002, the Comptroller must report and make recommendations to the General Assembly and Governor.

*Effective date: June 19, 2000;  
Repealed July 1, 2000*

**Chapter No. 916 (SB2794/HB3194).** Bicycle safety rules extended. Amends T.C.A. § 55-52-105 to extend bicycle safety rules to streets as well as state highways. These rules require persons 16 or under riding on bicycles to wear a helmet. They also require children less than 40 pounds or 40 inches in height on a bicycle to be in a restraining seat. It is also unlawful for any parent or guardian of children 12 or under knowingly to allow a violation.

Amends § 55-52-101 to require law enforcement officers to issue only a warning for the 1st violation and a citation for second or subsequent offenses. Prohibits arrest or taking into custody solely for a violation of this law.

*Effective Date: July 1, 2000*

**Chapter No. 941 (SB1614/HB1130).** Chop shops outlawed. Amends T.C.A. Title 55, Chapter 5, Part 1 to enact the Motor Vehicle Chop Shop Act of 1999.

This act:

- makes it a Class D felony knowingly to operate a chop shop,
- makes it a Class D felony to transport a vehicle or parts to a chop shop,
- makes it a Class D felony to buy or receive a motor vehicle or parts from a chop shop,
- makes it Class D felony to sell or transfer a vehicle or parts to a chop shop,
- requires a mandatory minimum fine of \$3,500 for violations of the preceding items,
- provides for restitution to the lawful owner or owners,
- provides for the seizure, forfeiture, and disposal of motor vehicles and tools used in altering them,

**Motor Vehicles & Traffic (continued)**

- for tools used in operating a chop shop, provides that court may order them destroyed, retained for use to further vehicle theft identification, or sold with the proceeds to be used by the seizing agency for vehicle theft identification, and
- provides for treble civil damages.

*Effective date: July 1, 2000*

**Chapter No. 945 (SB3081/HB3009).** Child passenger restraints. Amends T.C.A. § 55-9-603 to make any person transporting a child aged 4 through 15, rather than the previous 12, responsible for the child being restrained by safety belts or other restraints. Requires operators or passengers 16 through 18 years of age to be restrained while vehicle is in forward motion. Allows payment of \$20 fine instead of court appearance. Prohibits clerk fees, court costs, or litigation taxes for convictions.

*Effective date: July 1, 2000*

**Chapter No.967 (SB2226/HB2025).** School zone speed limit extended. Amends T.C.A. § 55-8-152(d) to extend the time during which a 15 mph speed limit is in effect in school zones when the local legislative body has not established a special speed limit from 40 minutes to 90 minutes before and after school opening and closing.

*Effective date: July 1,2000*

**Personnel**

**Chapter No. 688 (SB2199/HB2582).** Retaliatory discharge– attorney fees. Amends T.C.A. § 50-1-304(d) to allow an employee fired for refusing to participate in or to remain silent about illegal activities to recover reasonable attorney fees and costs.

*Effective Date: July 1, 2000*

**Chapter No. 693 (SB2557/HB2741).** Criminal background checks on potential employees. Amends T.C.A. Title 6, Chapter 54, Part 1 to allow municipalities to require potential employees before employment to agree to release criminal background information to the municipality and to supply a fingerprint sample and submit to a criminal records check by the TBI and the FBI.

Costs of the background check must be paid by the municipality but may be passed on to the successful applicant.

The municipality may designate job titles or classifications to which this act applies. These classifications would not supercede any state requirements for a particular job.

*Effective date: May 9, 2000*

**Personnel (continued)**

**Chapter No. 888 (B2749/HB2667).** Unemployment compensation for waiting period. Amends T.C.A. § 50-7-302(a)(5) to allow unemployment benefits to be paid for the one week waiting period if the applicant is eligible for benefits then and in each of the three consecutive following weeks.

*Effective date: July 2, 2000*

**Planning & Zoning**

**Chapter No. 672 (SB3052/HB3099).** Annual inventory of infrastructure needs. Amends T.C.A. §§ 67-9-102(b)(3) and 4-10-109 to allow the Tennessee Advisory Commission on Intergovernmental Relations to contract with local government or higher education agencies rather than development districts to do the annual infrastructure needs inventory when a development district has not fulfilled its contract obligations. Requires TACIR to monitor implementation of growth plans using the five year inventory of public infrastructure needs.

*Effective date: April 25, 2000*

**Chapter No. 866 (SB2106/HB2418).** Land regulation by Chicksaw Trail Economic Development Authority. Amends T.C.A. § 13-2-304 to require any land use regulation by the Chicksaw Trail Economic Development Authority within 1/3 mile of a governmental entity to be consistent with the local government's land use plan and subject to approval by the local government's governing body.

This act also allows this authority to provide industrial water and sewer systems.

*Effective date: July 1, 2000*

**Public Buildings**

**Chapter No. 608 (SB2729/HB2615).** Restroom requirements. Amends T.C.A. Title 68, Chapter 120, Part 5 to allow publicly and privately owned restrooms in facilities where the public congregates to have trough systems with continuously running water for men.

*Effective date: March 21, 2000*

**Purchasing**

**Chapter No. 632 (SB2692/HB2339).** Commercial contractors. Amends T.C.A. § 62-6-112 to allow commercial building contractors to bid on and construct, alter, or demolish any building for use by the general public, including residential construction with more than four units or more than three stories. A small commercial building contractor may bid on and construct, alter, or demolish any building for use by the general public if the cost does not exceed \$750,000.

*Effective date: April 5, 2000*

## Records

**Chapter No. 714 (SB2644/HB2450).** Confidentiality of terrorist plans. Amends T.C.A. § 10-7-503 to make contingency plans of law enforcement agencies confidential that are prepared to respond to bomb threats or acts of violence at schools, businesses, ongoing acts of violence at places of public gathering, threats involving weapons of mass destruction, or terrorist incidents.

*Effective date: May 17, 2000*

**Chapter No. 841 (SB2430/HB3250).** Electronic business. Amends T.C.A. Title 5, Chapter 24, Part 1, to allow counties and municipalities to conduct business transactions by electronic means and to determine the extent to which they will send, accept, and rely on electronic records and electronic signatures.

Any official that determines to use electronic means to do business must file a statement with the comptroller at least 30 days before offering the service. The statement must contain:

- a description of the hardware and software to be used,
- a description of the policies and procedures related to implementation of the system,
- documentation of internal controls,
- a description of personnel who will implement the system,
- a description of the types of records and transactions that will be allowed and any electronic signatures to be used,
- the estimated cost of the system, and
- the expected benefits.

Twelve to 18 months after this statement is filed, the official must provide the Comptroller a post implementation review. This review must include:

- an assessment of the system by the official,
- responses from a survey of users, and
- recommendations for improvements.

Electronic records must be copied at least daily to computer storage media. Backups must be stored at a location other than the building where the original data are maintained. The official must be able to provide a paper copy of electronic records when requested by a member of the public. These records are subject to open records and retention requirements just as other records are.

*Effective date: October 1, 2000*

**Chapter No. 868 (SB2802/HB2677).** Charges for GIS data. Amends T.C.A. § 10-7-506 to allow local governments to recover as fees for use of GIS data 10 percent of the total development costs of the GIS system. An additional 10 percent may be recovered if approved by the governing body and approved by the state Information Systems Council. After this amount is recovered, fees must be reduced to recover only maintenance costs of the system. Charges for development costs of the GIS system may not be made for non-business use by an individual nor for news gathering by news media. For these uses, charges for cost of reproduction only may be made.

*Effective date: June 6, 2000*

## Recreation

**Chapter No. 595 (SB2637/HB2545).** Watercraft towing safety. Amends T.C.A. § 69-10-507 to allow towing by watercraft without a rear vision mirror if the watercraft has a person on board at least 12 years old who can constantly observe the person being towed.

*Effective date:* 10 days excluding  
Sunday after received by Governor

**Chapter No. 907 (SB2291/HB2710).** Grant funds for parks and recreation – administration fee. Amends T.C.A. § 67-4-409(i)(1) to allow the Commissioner of Environment and Conservation to use up to 3.5 percent of the funds in the Local Parks Land Acquisition Fund for administration of the fund.

*Effective date:* June 19, 2000

## Retirement

**Chapter No. 590 (SB2874/HB2491).** Retirement provision amended. Amends T.C.A. § 8-34-620(6) to change method of calculating lump sum payment to TCRS to obtain credit for out-of-state service.

Amends T.C.A. § 8-35-111 to prohibit multiple memberships by public officials or employees in retirement programs based upon the same period of service. Previous law prohibited multiple memberships based upon the same compensation as well as period of service.

This act requires all 401(k), 403(b), and 457 plans established by public employers participating in TCRS to be approved by the Director of the State Retirement System.

Amends T.C.A. Title 8, Chapter 35, Part 1 to allow TCRS members separated from service other than for retirement or death to forfeit all TCRS service to establish service in another state, federal, county, or municipal retirement program.

This act also provides that if a department of a participating municipality or county becomes a separate political subdivision, the employees are not entitled to TCRS membership unless the governing body of the entity chooses to become a member.

*Effective date:* March 10, 2000

**Chapter No. 757 (SB2731/HB3171).** Supplemental insurance for retirees. Amends T.C.A. Title 8, Chapter 27, Part 7 to allow state retirees eligible to participate in supplemental medical insurance to remain in the applicable group insurance plan as a supplement to Medicare. Allows local retirees to do this only if authorized by the local government insurance committee. This act is subject to funding.

*Effective date:* May 18, 2000



## **Retirement (continued)**

**Chapter No. 871 (SB37/HB25).** Direct deposit of retirement benefits. Amends T.C.A. § 8-36-117 to allow TCRS to require payment of benefits by direct deposit or electronic transfer.

*Effective date: June 5, 2000*

**Chapter No. 900 (SB2065/HB2015).** Maximum benefit for Group 2 (firefighters and police officers) members. Amends T.C.A. § 8-36-208 to cap TCRS maximum retirement allowance for police officers and firefighters at 75 percent of average final compensation unless the local governing body passes a resolution increasing the limit to 80 percent.

*Effective date: July 1, 2000*

## **Solid Waste**

**Chapter No. 904 (SB2155/HB2595).** Waste treatment of untreated wood. Amends T.C.A. § 68-211-103 (11) to remove the grinding or shredding of land clearing waste of untreated wood into mulch or other products from the definition of solid waste processing.

This act also prohibits the Department of Environment and Conservation from issuing a permit for sewage sludge composting for a site greater than one acre.

*Effective date: June 19, 2000*

## **Taxes – Business**

**Chapter No. 920 (SB2999/HB2832).** Tax decrease for certain sales by car dealers. Amends T.C.A. § 67-4-702 to decrease the business tax rate applicable to sales by car dealers to a car manufacturer or distributor of parts and repair services necessary for warranty repairs.

*Effective date: July 1, 2000*

## **Taxes – General**

**Chapter No. 706 (SB2429/HB3252).** Collection of taxes, fines, fees, etc., by credit or debit card. Amends T.C.A. § 9-1-108 to allow any municipal officer to receive payment by credit or debit card for taxes, licenses, fines, fees, or other charges. The officer must set and collect a processing fee equal to the charges paid by the municipality for the processing of the charge. The maximum fee, however, is five percent of the amount collected.

If the card charge is not honored, the municipal officer may collect a service charge equal to the charge for a check that is not honored. This charge may not apply, however, if the officer learns that the card will not be honored at the time the transaction is processed.

### **Taxes – General (continued)**

Processing fees and service charges accrue to the general fund. The municipal officer must state on any notice to the person owing taxes, fines, fees, or other money the percentage or amount of the processing fee. Receipt of payment by credit or debit card cannot result in the municipal official collecting less than is otherwise required.

*Effective date:* May 9, 2000

### **Taxes – in Lieu of**

**Chapter No. 961 (SB3126/HB2984).** Reports on in lieu of tax payments by industrial boards in Shelby County. Amends T.C.A. § 7-53-305 to require industrial development boards in Shelby County to make bi-annual reports detailing lessees' compliance with in lieu of tax payment agreements.

*Effective date:* June 23, 2000

**Chapter No. 914 (SB2747/HB2821).** In lieu of tax payments – reports by lessees of Industrial Development Corporations and Health, Education, and Housing Facility Corporations. Amends T.C.A. §§ 7-53-305(e) and 48-101-312(d) to require the lessees rather than the Industrial Development Corporation or the Health, Education, and Housing Facility Corporations to file annual reports with the state board of equalization on property leased and in lieu of tax payments made.

*Effective date:* June 19, 2000

**Chapter No. 986 (SB 2809/HB 2854).** Single family houses as “projects” of housing facility corporations. Amends T.C.A. § 48-101-301-(14) to include single family residential units for purchase within the definition of “projects” that housing facility corporation in all counties can undertake if in lieu of tax payments are made to taxing jurisdictions equal to property taxes that would have been paid.

*Effective date:* June 26, 2000

### **Taxes – Litigation**

**Chapter No. 770 (SB617/HB73).** Litigation Tax – HOV lane violations. Amends T.C.A. §§ 67-4-602 and 55-8-188 to prohibit litigation taxes from applying to HOV lane violations.

*Effective date:* May 22, 2000;  
applies to pending cases.

**Chapter No. 845 (SB2171/HB3071).** Litigation tax for parking space violation. Amends T.C.A. § 67-4-602(f) to make \$1 litigation tax apply to violation of any ordinance regulating public parking spaces. This is the only litigation tax that can be collected for these violations.

*Effective date:* May 30, 2000

**Taxes – Litigation (continued)**

**Chapter No. 886 (SB2140/HB2364).** County litigation tax for jails. Amends T.C.A. § 67-4-601 to allow counties by a 2/3 vote of the county legislative body to levy a litigation tax of up to \$10 per case in the county, except for cases in municipal courts. Proceeds must be used for jails or workhouses.

*Effective date:* June 12, 2000

**Taxes – Property**

**Chapter No. 599 (SB2630/HB2797).** Greenbelt law – continuing classification after transfer of ownership. Amends T.C.A. §§ 67-5-1006 and 1007 to require new owners of greenbelt land who wish to continue greenbelt classification to apply with the assessor by April 1 of the year following transfer of ownership.

*Effective date:* January 1, 2000

**Chapter No. 628 (SB2069/HB2006).** Retroactive date for tax exemption. Amends T.C.A. § 67-5-212(b)(3) to allow a tax exemption to take effect up to 18 months earlier than the application date when the application is submitted due to the relocation by the applicant of a previously approved exempt use. The exemption may not date back earlier than the property began to be used for exempt purposes.

*Effective date:* April 5, 2000;  
expires July 1, 2000

**Chapter No. 649 (SB2632/HB2799).** Assessment of telecommunication tower properties. Amends T.C.A. Title 67, Chapter 5, Part 5 to provide that telecommunication towers are to be assessed by the Comptroller.

*Effective date:*  
Applies to 2000 tax year

**Chapter No. 793 (SB2172/HB2140).** Exemptions for public radio in Davidson County. Exempts from property taxation property of public radio stations in Davidson County.

*Effective date:* May 23, 2000;  
applies to pending applications.

**Chapter No. 887 (SB3057/HB3162).** Exemption for arts organizations. Amends T.C.A. § 67-5-212 to allow a property tax exemption for property owned by non-profit community and performing arts organizations that is used by other such organizations.

*Effective date:* January 1, 2000

**Chapter No. 934 (SB2745/HB2820).** Back assessment deadline. Amends T.C.A. § 67-1-1005 to provide that the issuance of a notice of a tangible personal property audit tolls the running of the deadline for initiating a back assessment or reassessment of tangible personal property.

*Effective date:* June 23, 2000

**Taxes – Property (continued)**

**Chapter No. 938 (SB 2766/HB 2492).** Exemption for property owned by nonprofit economic or charitable development corporations in certain counties. Amends T.C.A. Title 67, Chapter 5, Part 2 to allow a property tax exemption for the property of a nonprofit economic or charitable development organization that is used for small business counseling or shared office and information systems. This exemption applies only in counties with a national laboratory and adjacent counties.

*Effective date:* June 21, 2000;  
applies to pending cases and appeals.

**Chapter No. 982 (SB 3082/HB 3010).** Exemption for family wellness centers. Section 58 of this act exempts nonprofit family wellness centers that meet certain criteria from property taxes. A later act (P.C. No. 993) does the same thing. See the summary of that act for a more detailed analysis of this exemption.

*Effective date:* June 28, 2000

**Chapter No. 993 (SB 2569/HB 2324).** Exemption for certain family wellness centers; exemption for leased property of religious institution headquarters. Amends T.C.A. Title 67, Chapter 5, Part two to exempt property of nonprofit family wellness centers from taxation. To qualify, the center must be owned by a nonprofit charitable corporation that has as its sole purpose the holistic development of health, it must provide services so that ability to pay is not a consideration, and it must provide at least five of these eight programs: day care, team sports, leadership development, services for at-risk youth, summer programs for youth, outreach and exercise programs for seniors, aquatic programs, services for the disabled. Further, the corporation must be exempt from federal taxation under § 501 ( c ) ( 3 ), directors must serve for only reasonable compensation, no part of the income or assets of the corporation can accrue to an individual, and upon dissolution all assets must be conveyed under 501 ( c ) ( 3 ) requirements.

This act also amends T.C.A. § 67-5-212 to exempt property of the headquarters of a religious institution that is leased to a nonprofit tax exempt entity that is using the property for a K-12 school.

*Effective date:* June 28, 2000;

**Taxes – Sales**

**Chapter No. 540 (SB2001/HB2004).** Exemption for spallation neutron source project. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt component parts of, services or materials provided to, or any property or services used in the construction or operation of a spallation neutron source facility from state and local sales taxes.

*Effective date:* January 27, 2000

**Chapter No. 631 (SB2565/HB2316).** Taxation of e-commerce. Authorizes the Commissioner of Revenue to discuss with other states the development of a multi-state system for collecting use taxes on items sold through e-commerce. The Commissioner must report to the General Assembly by March 1, 2001.

*Effective date:* April 5, 2000; expires  
July 1, 2000; applies to pending matters

### **Taxes – Sales (continued)**

**Chapter No. 983 (SB 3351/HB3364).** Revenues and funding modifications. Section 1 of this act amends T.C.A. § 13-23-402 to transfer revenues from the real estate transfer tax and the mortgage tax that used to accrue to the housing program fund of the Tennessee Housing Development Agency to the state general fund.

Section 8 of this act amends T.C.A. Title 9, Chapter 21 to allow local governments that operate nursing homes to issue health care revenue anticipation notes for an intergovernmental transfer of funds between the state and local government. This section provides procedures for using notes and allows interfund loans. This section is repealed on June 30, 2003.

Section 13 of this act amends T.C.A. § 67-6-103 (A) (3) (B) to cap the special allocation from sales tax revenues accruing to premium tourist resort cities at the amount paid for the 1999-2000 fiscal year.

*Effective date: July 1, 2000*

### **Telecommunications**

**Chapter No. 665 (SB2251/HB2887).** Telecommunication services by electric cooperatives. Amends T.C.A. Title 65, Chapter 25 to allow electric cooperatives to provide telephone, telegraph, and telecommunication services.

*Effective date: April 25, 2000*

### **Tort Liability**

**Chapter No. 762 (SB2157/HB2583).** Non-economic damages for death of pet dog or cat. Amends T.C.A. Title 44, Chapter 17, Part 4 to allow non-economic damages of up to \$4,000 for the negligent or intentional killing of a pet dog or cat in municipalities in counties with a population greater than 75,000. If the killing is negligent, the death or fatal injury must occur on the pet owner's property or vehicle in the pet owner's control.

This act does not apply to governmental animal control programs.

*Effective date: May 22, 2000*

**Chapter No. 780 (SB2581/HB2612).** Presumption relative to medical bills. Amends T.C.A. § 24-5-113(a)(3) to increase the total amount of medical bills presumed necessary and reasonable when itemized and attached as an exhibit to a complaint for bodily injury from \$2500 to \$4,000.

*Effective date: May 22, 2000*

**Chapter No. 964 (SB305/HB1180).** Reports to treasurer on tort liability activities. Amends T.C.A. Title 29, Chapter 20, Part 1 to require municipalities, counties, utility districts with more than 5000 customers, human resource agencies, public building authorities, development districts, and non-

### **Tort Liability (continued)**

profit volunteer fire departments receiving county or municipal funds to make an annual report to the state treasurer on their tort liability activities. The report is due March 30, 2001 and on March 30 each year after that for three years. The Treasurer will provide a form for the report.

*Effective date: June 21,2000*

## **Urban Development**

**Chapter No. 979 (SB 2859/HB 2855).** Single family structure as a multi- family facility in Shelby County. Amends T.C.A. § 48-101-301(12), part of the Health, Educational and Housing Facilities Act, to allow single family houses on contiguous or noncontiguous sites to be considered a “project” in Shelby County.

*Effective date: June 23, 2000*

**Chapter No. 986 (SB 2809/HB 2854).** Single family houses as “projects” of housing facility corporations. Amends T.C.A. § 48-101-301-(14) to include single family residential units for purchase within the definition of “projects” that housing facility corporation in all counties can undertake if in lieu of tax payments are made to taxing jurisdictions equal to property taxes that would have been paid.

*Effective date: June 26,2000*

## **Utilities**

**Chapter No. 619 (SB3092/HB3020).** Blasting requirements. Amends T.C.A. Title 68, Chapter 105, Part 1 to enact extensive new regulations on blasters. Amends T.C.A. § 68-105-103(f) to provide that when blasting is to be conducted within 100 feet of any petroleum or gas pipeline, the blaster must notify the utility having control of pipeline at least three full working days before blasting, except Sundays and holidays. Requires blasters to use special precautions in congested areas or in close proximity to structures that might be damaged. Requires special drilling patterns, procedures, and explosives for blasts close to gas or petroleum pipeline. For other utility lines, the blaster must give at least 72 hours notice to the utility of the intended blasting.

*Effective date: April 5, 2000*

**Chapter No. 648 (SB2212/HB2353).** Advisory committee for acquired utility district. Amends T.C.A. § 7-82-202(f) to require the advisory committee required to be created when a municipality acquires a utility district to be composed of either former utility district commissioners or residents and customers of the former district. Terms of the members of the advisory committee must be specified by ordinance.

*Effective date: April 10, 2000*

**Chapter No. 654 (SB3051/HB2988).** Utility relocation loans. Amends T.C.A. § 67-3-2001(j)(1) to clarify that counties, towns, cities, metropolitan governments, utility districts, authorities, and

**Utilities (continued)**

nonprofit business organizations that provide utility services may participate in the utility relocation loan program.

*Effective date:* April 10, 2000

**Chapter No. 726 (3012/HB2787).** Eminent domain on property held for public use. Amends T.C.A. §§ 7-35-101 and 29-17-201 to allow municipalities to acquire land by eminent domain that is held by other entities for public use and having the power of eminent domain when the prior use will not be interfered with.

*Effective date:* May 17, 2000

**Chapter No. 854 (SB3074/HB3002).** Inter-basin water transfers regulated. Amends T.C.A. Title 69, Chapter 8 to enact the Inter-basin Water Transfer Act. This act regulates new or increased withdrawals of surface or ground water for diversion from the following river basins:

- the Mississippi River and all its tributaries west of the Tennessee River Valley;
- the Duck River, Elk River, and the Western Tennessee River Valley;
- the lower Cumberland to the downstream point of the Caney Fork, the Harpeth, and the Stones;
- the lower Tennessee River in East Tennessee, and the tributaries of the Barren;
- the upper Cumberland, the Caney Fork, Obey, and the Big South Fork of the Cumberland;
- the lower Tennessee River in East Tennessee and the Hiwassee;
- the Conasauga;
- the upper Tennessee River in East Tennessee upstream of the Hiwassee, the Little Tennessee, the Clinch, and the Emory;
- the French Broad and Nolichucky; and
- the Holston and Watauga.

Water systems that want to increase the amount of water withdrawn or locate a new intake when some of all of the water will be transferred to a different basin must apply for and receive a permit from the Commissioner of Environment and Conservation. In the case of groundwater withdrawals, the permit requirement applies only if the loss of groundwater has a significant potential adverse effect on the flow of surface water.

The Commissioner may issue rules to implement this act and levy civil penalties of \$10,000 per day for violations.

Under the act, it allows the Water Quality Control Board to designate “protected areas.”

Before October 1, 2000, water systems that use an existing inter-basin transfer must report to the commissioner the amount of the transfers. Water systems must submit a statement every October 1 that there has been no increase in the inter-basin transfer, along with documentation on an application for any increase.

*Effective date:* May 31, 2000

**Utilities (continued)**

**Chapter No. 919 (SB2958/HB2998).** Pilot project on advanced treatment systems. Amends T.C.A. Title 68, Chapter 221, Part 4 to direct the Department of Environment and Conservation to coordinate a pilot project study of advanced treatment systems over a two year period. Water and wastewater authorities are to participate in the study.

This act continues the joint committee on on-site sewage disposal and submetering.

*Effective date: July 1, 2000*

**Weapons**

**Chapter No. 929 (SB908/HB717).** Notice that weapons are prohibited. Amends T.C.A. § 39-17-1359 to prescribe the notice that must be given by a governmental entity that prohibits weapons at meetings or on its premises. Notices must be posted in prominent locations, including all entrances primarily used by persons entering the building or premises. The notices must be in English and can be in other languages used by persons who frequent the premises. This notice may include the international circle with a slash over a weapon. The sign must be plainly visible to the average person and must contain language substantially similar to this:

Pursuant to T.C.A. § 39-17-1359, the owner/operator of this property has banned weapons on this property or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than \$500.

This act allows signs posted by local governments that are in substantial compliance to continue to be used.

*Effective date: July 1, 2000*

**Chapter No. 988 (SB 2587/HB 2117).** Carrying firearms by law enforcement officers. Amends T.C.A. Title 39, Chapter 17, Part 13 to allow fulltime certified police officers to carry firearms at all times and all places, while on or off duty, unless restricted by federal law, written directive of the police chief, or this act.

This act does not allow an officer to carry a firearm in these situations:

- onto school grounds or in a school building unless the officer immediately notifies the principal or the principal's office,
- if the officer is consuming alcoholic beverages or a controlled substance,
- while the officer is not in the discharge of duty while in a beer or intoxicating liquor place where these beverages are sold for consumption on the premises, or
- in judicial proceedings where the officer is not engaged in official duties.

*Effective date: June 26, 2000*



## Worker's Compensations

**Chapter No. 734(SB2483/HB2238).** Civil penalty for failure to pay worker's comp. Amends T.C.A. § 50-6-128 to make the Commissioner of Labor and Workforce Development responsible for assessing and collecting a civil penalty of \$500 against employers who fail to pay for work-related injuries or who cause the injuries to be paid by health insurance.

*Effective date:* July 1, 2000

**Chapter No. 738 (SB2054/HB2121).** Multiple findings – appeals – when payments due. Amends T.C.A. Titles 50, Chapter 6, Part 2 to provide that in cases in which there are multiple findings and some are appealed and some not on appeal is granted as to some but not others, payments are due and payable to the employee on items not on appeal where the time for appeal has expired. Requires courts to enforce this.

*Effective date:* July 1, 2000

**Chapter No. 739 (SB2118/HB2114).** Interest on discretionary cost. Amends T.C.A. § 50-6-225(g) to include discretionary costs in amount of which interest must be paid.

*Effective date:* July 1, 2000

**Chapter No. 852 (SB2381/HB2320).** Revisions to workers' compensation provision. Amends various sections of T.C.A. Title 50, Chapter 6. This act:

- extends benefits for permanent total disability to the time the employee is eligible for full social security benefits, rather than age 65;
- provides that if the experience modification factor is not received by the employer before the policy renewal date or anniversary date if different, it cannot be used to increase premium;
- states that mailing the EMF worksheet is sufficient proof of notice if it is by certified mail, with a return receipt requested;
- clarifies that interest accrues on workers' compensation judgements from the time the decree is entered by the trial court;
- requires Department of Financial Institutions to maintain and disseminate by request a listing of average prime loan rates as they become available each month for calculating interest on judgments;
- allows the Commissioner of Labor and Workforce Development to refer an employer to the TBI if employer is subject to worker's compensation law but does not have coverage;
- allows lawsuits based upon common law against employers who are supposed to but do not have workers' compensation coverage, and rules out defenses that employee was negligent, that a fellow employee was negligent, or that employee assumed the risk;
- allows penalties of \$50 per day (not to exceed \$5,000) against employers and insurers who fail to comply with specialist's order within 30 days; and
- allows employer credit against temporary disability benefits when employer continues to compensate an injured employee at regular wages. (This cannot be allowed as a credit against the award for permanent disability.)

**Worker's Compensations (continued)**

*Effective date:* Provisions on failure of employer to comply with requirements for workers' compensation coverage take effect for violations on and after January 1, 2001. The provision enacting a penalty for failure to comply with orders of workers' compensation specialists takes effect July 1, 2000. All other provisions take effect May 31, 2000.

**Chapter No. 972 (SB 2382/HB2319).** Uninsured employers fund. Amends T.C.A. Title 50, Chapter 6 to create an uninsured employers fund. Money in the fund will be used to pay Department's costs in assessment and collection of penalties levied against employers who fail to provide workers' compensation insurance for employees. Penalties assessed against employers go into the fund. Penalties are based on average yearly premium.

*Effective date:* January 1, 2001

**Chapter No. 990 (SB 2709/HB 2462).** Chiropractor on panel—not required for local government employees. Amends T.C.A. § 50-6-204 (a) (4) to require a chiropractor on the workers' comp panel when there is a back injury. This requirement does not apply to panels for local government employees. This act requires a report on the effects of its implementation by September 1, 2001.

*Effective date:* June 21, 2000;  
repealed December 31, 2001

## APPENDIX

### PUNISHMENT FOR FELONIES AND MISDEMEANORS

CRIME CLASSIFICATION	INCARCERATION TIME	FINE
Class A Felony	15 - 16 years	Not more than \$50,000
Class B Felony	8 - 30 years	Not more than \$25,000
Class C Felony	3 - 15 years	Not more than \$10,000
Class D Felony	2 - 12 years	Not more than \$5,000
Class E Felony	1 - 6 years	Not more than \$3,000
Class A Misdemeanor	Not more than 11 months, 29 days	Not more than \$2,500
Class B Misdemeanor	Not more than 6 months	Not more than \$500
Class C Misdemeanor	Not more than 30 days	Not more than \$50

In felony cases, the fine may be assessed in addition to the prison terms. In misdemeanor cases, the term of incarceration or the fine, or both, may be imposed. In all cases, the punishment is as provided above unless otherwise provided by the particular statute.

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Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources (ODRES), 2110 Terrace Avenue, Knoxville, Tennessee 37996-3560, telephone (865) 974-2498 (V/TTY available) or (865) 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources, 600 Henley Street, Knoxville, Tennessee 37996-4125.



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