



1999

Tennessee Public Acts 1999: Summaries of Interest to Municipal Officials

Dennis Huffer
Municipal Technical Advisory Service

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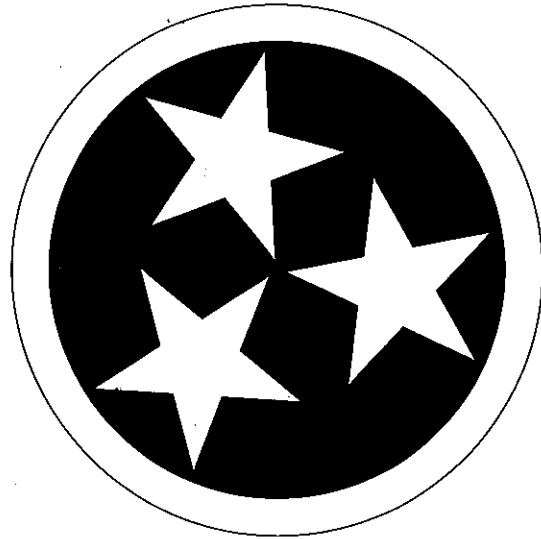
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Tennessee Public Acts 1999

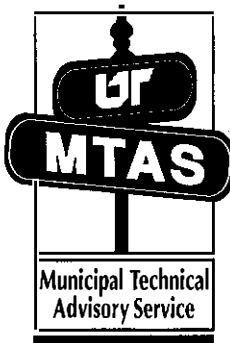


Summaries of Interest to Municipal Officials

By Dennis W. Huffer

Director of Legal Services

Tennessee Municipal League Risk Management Pool



Municipal Technical Advisory Service

A statewide agency of

The University of Tennessee's Institute for Public Service

in cooperation with the

Tennessee Municipal League

MTAS Mission Statement

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

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

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

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Dear Municipal Official or Employee:

This publication contains summaries of pertinent new laws enacted by the 1999 session of the General Assembly. We hope you use it and find it helpful.

Legislators introduced 1994 bills in the House of Representatives and 1988 in the Senate during the regular session. In addition, they dropped another 90 bills in the hopper in the month-long special session that resulted in no new legislation. In its regular session the General Assembly adopted 539 new Public Acts.

Legislation significant for municipalities and municipal officials includes acts making certain personnel information confidential, an act eliminating immunity for Y2K planning and requiring municipalities to adopt a reasonable computer plan and implement it reasonably, an act allowing municipal electric systems to enter the cable TV business and to provide internet and related services, and acts changing provisions on utility relocations for state road projects and state financial aid to utilities for these relocations. This publication contains summaries of these and approximately 140 other acts of varying degrees of significance for municipal officials and employees.

You should not rely on these summaries as a basis for taking action or giving advice. Although we attempt to provide notice of all pertinent information in or requirements enacted by these new laws, there is no substitute for reading the law itself. We suggest that you get advice from the city attorney or an MTAS or TML attorney when there are questions about interpretation of these new laws.

You may obtain copies of the new laws from the TML Pool (1-800-624-9698), from the Secretary of State's Office (615-741-2650), or from your MTAS Consultant. Later, these Acts will be published by the Secretary of State's Office in a bound volume entitled Tennessee Public Acts of 1999. Most of them will be codified in supplements to the Tennessee Code Annotated, which will be published this fall.

Thanks to Toni Ransom, the TML Pool Administrative Assistant, who worked with me diligently and ably on this project.

Please feel free to contact us and let us know how this publication can be improved.

Sincerely,

Dennis W. Huffer
Director of Legal Services

WARNING

Users of this publication are cautioned that much judgment is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the act itself and not rely on the summary.

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Airports

Chapter No. 155 (SB1550/HB1090). Airport authority in Hamilton County. Amends T.C.A. § 42-4-105 (a)(1) to provide for membership on the board of airport authorities in Hamilton County.

Effective date: July 1, 1999

Alcoholic Beverages

Chapter No. 47 (SB1379/HB1270). Notice to beer wholesalers of annexation or incorporation. Amends T.C.A. § 57-6-103 to require the annexing or incorporating municipality to notify in writing each beer wholesaler selling beer within the annexed or incorporating area of the inclusion of a beer retailer within the corporate limits. The notice must include the name and address of each retailer brought into the corporate limits. The wholesaler must then remit the wholesale beer tax to the municipality for sales made in the month after receipt of the notice and afterwards.

This act provides that taxes paid to a county before Jan. 1, 2000, are deemed to satisfy the wholesaler's obligation to pay taxes to an annexing municipality.

Effective date: Jan. 1, 2000

Chapter No. 218 (SB1757/HB1586). Alcoholic beverage inspection fee in Gatlinburg. Amends T.C.A. § 57-3-501 to allow the inspection fee for alcoholic beverages in Gatlinburg to remain 8 percent of the wholesale price rather than decreasing to 5 percent.

Effective date: May 20, 1999

Animals

Chapter No. 85 (SB187/HB276). Disposition of dangerous dogs in Shelby County. Amends T.C.A. § 44-17-120 to allow Shelby County and its municipalities to adopt ordinances allowing them to petition the general sessions court to dispose of dangerous dogs.

Effective date: April 5, 1999

Annexation

Chapter No. 47 (SB1379/HB1270). Notice to beer wholesalers of annexation or incorporation. Amends T.C.A. § 57-6-103 to require the annexing or incorporating municipality to notify in writing each beer wholesaler selling beer within the annexed or incorporating area of the inclusion of a beer retailer within the corporate limits. The notice must include the name and address of each retailer brought into the corporate limits. The wholesaler must then remit the wholesale beer tax to the municipality for sales made in the month after receipt of the notice and afterwards.

This act provides that taxes paid to a county before Jan. 1, 2000, are deemed to satisfy the wholesaler's obligation to pay taxes to an annexing municipality.

Effective date: Jan. 1, 2000

Chapter No. 197 (SB1416/HB1036). Notification to election commission of annexation or district boundary changes. Amends T.C.A. § 2-2-107 to require municipalities that have annexed territory or changed district or ward boundaries to provide the county election commission with: maps depicting the area, a copy of the ordinance or resolution making the change denoting, if applicable, which wards or districts the annexed or changed area will be part of, and a copy of the census taken for annexation, if available, with names and addresses in the annexed area.

Effective date: July 1, 1999

Boards, Commissions, Authorities

Chapter No. 283 (SB1777/HB1856). Removal of board members of local neighborhood development corporations. Amends T.C.A. § 13-1-104(a)(9), which is supposed to be 13-13-104(a)(9), to provide that board members of local neighborhood development corporations may be removed only "for cause."

Effective date: May 26, 1999

Chapter No. 450 (SB1272/HB757). Contracts of rail authorities. Section 1 of this act amends T.C.A. § 7-56-211 to require that all maintenance contracts of rail authorities using state funds be awarded only after competitive bidding. The authority, however, may negotiate non-bridge labor contracts for rail maintenance with the railroad company.

Effective date: July 1, 2000

Business Regulation

Chapter No.135 (SB1426/HB1495). Regulation of pedal carriages and rickshaws by metropolitan governments and home rule cities. Amends *T.C.A.* Title 55 to allow home rule municipalities and metropolitan governments to authorize, regulate, and control the commercial use of pedal carriages and rickshaws as transportation-for-hire in entertainment, dining, scenic, or historic areas of the center city.

Effective date: May 12, 1999

Chapter No. 238 (SB306/HB275). Regulation of limited licensed electricians. Amends *T.C.A.* Title 62, Chapter 6, Part 1 to subject limited licensed electricians, who perform electrical work at a total cost of less than \$25,000, to the jurisdiction of the state board for licensing contractors for purposes of licensure and discipline.

Effective date: Sept. 1, 1999

Chapter No. 245 (SB901/HB507). Subcontractors excluded from definition of "Contractor." Amends *T.C.A.* § 62-6-102(3)(D)(iii) to exclude subcontractors from the definition of "contractor" except for electrical, mechanical, and plumbing subcontractors.

Effective date: May 27, 1999

Chapter No. 262 (SB493/HB983). Regulation of limousines, etc., in Davidson and Shelby Counties. Amends *T.C.A.* Title 7, Chapter 51, Part 10 to allow governmental entities in Davidson and Shelby Counties to regulate limousines, sedans, shuttles, and taxicabs.

Effective date: May 26, 1999

Chapter No. 293 (SB1523/HB585). Suits against firearm manufacturers. Amends *T.C.A.* § 39-17-1314 to reserve exclusively to the state the authority to bring a suit for damages or injunctive relief on behalf of the state or its political subdivisions against firearms and ammunition manufacturers, trade associations, and dealers, except for contract actions.

Effective date: May 26, 1999

Chapter No. 333 (SB210/HB211). Body piercing. Amends *T.C.A.* Title 62, Chapter 38 to make it a Class C misdemeanor to body pierce a person under 18, except that a person 17 or younger may have his body pierced with written parental or guardian consent. The parent or guardian must be present during the procedure and must produce photo I.D.

Effective date: July 1, 1999

Chapter No. 447 (SB714/HB1078). Criminal records check of taxicab drivers in Davidson and Shelby Counties. Amends *T.C.A.* Title 6, Chapter 54 to require municipalities in Davidson and Shelby Counties that license and regulate persons operating vehicles for hire or employ persons to transport members of the public and that choose to disqualify applicants because of criminal convictions to require applicants to submit a full set of fingerprints and undergo a criminal convictions records investigation. Costs incurred in conducting the investigation must be borne by the governmental entity, but may be passed on to the applicant as a processing fee.

Effective date: June 17, 1999

City Courts

Chapter No. 124 (SB876/HB260). Issuance of forfeiture warrants by popularly elected city judges. Amends *T.C.A.* § 40-33-204 to allow popularly elected city judges who are lawyers to issue forfeiture warrants for personal property. Requires the Administrative Office of the Courts to provide the judge a tape recorder to record the hearing on the application for forfeiture warrants on the judge's request.

Effective date: May 12, 1999

Chapter No. 149 (SB984/HB916). Administration of oaths by city judges. Amends *T.C.A.* Title 16, Chapter 18 to allow popularly elected or appointed city judges to administer oaths.

Effective date: May 14, 1999

Chapter No. 502 (SB747/HB1540). Tax levied for rules of the road and parking space violations. Amends *T.C.A.* § 67-4-602 and 604 to levy an additional litigation tax of \$1 in criminal cases instituted in municipal courts for rules of the road violations and for violations of ordinances governing the use of metered parking spaces.

Effective date: June 17, 1999

Conflict of Interests

Chapter No. 121 (SB44/HB36). Time for filing conflict of interest disclosure statements. Amends *T.C.A.* § 8-50-501 and 504 to provide that computations of time for filing conflict of interest disclosure statements must be in accordance with § 1-3-102, which requires that the first day be excluded and the last day included, unless the last day is a Saturday, Sunday, or holiday. In these cases, the last day is also excluded.

Effective date: May 12, 1999

Contracts

Chapter No. 245 (SB901/HB507). Subcontractors excluded from definition of "Contractor." Amends T.C.A. § 62-6-102(3)(D)(iii) to exclude subcontractors from the definition of "contractor" except for electrical, mechanical, and plumbing subcontractors.

Effective date: May 27, 1999

Chapter No. 270 (SB840/HB1814). City manager's authority to make and execute contracts. Amends T.C.A. § 6-19-104, part of the Uniform City Manager - Commission Charter, to allow the city manager to make binding contracts on behalf of the city without specific board approval in routine matters and matters having insubstantial long-term consequences (items for which expenditures will be less than \$10,000 during the fiscal year) when this authority is delegated by ordinance. The ordinance must enumerate the types of matters to which this authority is extended and may limit the manager's authority.

Amends T.C.A. § 6-21-108 to allow the city manager to execute contracts on behalf of the city when this authority is delegated by ordinance.

Effective date: May 26, 1999

Chapter No. 378 (SB949/HB808). Suspension of enforcement of actions arising from Y2K computer failures. Amends T.C.A. Title 47, Chapter 18 to suspend enforcement of contract, utility, and other commercial transactions that are rendered impossible or difficult to execute because of computer failures. Actions may be brought the latter of 60 days after Jan. 1, 2000 or 60 days after the obligor has been notified of a default and the default has not been cured within 60 days.

Effective date: June 14, 1999; repealed on Dec. 31, 2001.

Chapter No. 450 (SB1272/HB757). Contracts of rail authorities. Section 1 of this act amends T.C.A. § 7-56-211 to require that all maintenance contracts of rail authorities using state funds be awarded only after competitive bidding. The authority, however, may negotiate non-bridge labor contracts for rail maintenance with the railroad company.

Effective date: July 1, 2000

Crimes & Criminal Procedure

Chapter No. 31 (SB271/HB322). Child curfew in Knox County. Amends T.C.A. § 39-17-1703 to allow Knox County and municipalities in Knox County to adopt the state child curfew law by a 2/3 vote of the governing body.

Effective date: March 19, 1999

Chapter No. 51 (SB22/HB19). Arrest warrants -- examination by electronic means. Amends T.C.A. § 40-6-203 to allow magistrates and court clerks who may issue arrest warrants to examine informants using electronic audio - visual equipment allowing the informant and examining official to view each other at the same time. Before the examination, the informant must fax an affidavit of complaint to the examining official. This fax copy has the same legal effect as the original affidavit when the examining official determines it is a true copy.

Effective date: March 31, 1999

Chapter No. 57 (SB205/HB197). Identity theft. Amends T.C.A. Titles 39, Chapter 14, Part 1 to make identity theft a Class D felony. Identity theft is using another person's means of identification to commit or facilitate any unlawful activity.

Effective date: July 1, 1999

Chapter No. 90 (SB693/HB762). Copy of arrest warrant--failure to provide. Amends T.C.A. § 40-6-216 to provide that an agency, department, or employee who knowingly refuses to provide a copy of an arrest warrant to a defendant or the defendant's attorney within a reasonable time after being requested to do so may be held in contempt by the issuing court. In addition to punishment for contempt, the agency or department must pay the defendant's attorney fees and court costs in obtaining the copy.

Effective date: April 12, 1999

Chapter No. 146 (SB895/HB857). Pointing laser pointer at police officer. Amends T.C.A. Title 39, Chapter 16, Part 5 to make it a Class A misdemeanor knowingly to point a laser pointer at a person known to be a police officer with the intent to place the officer in fear of serious injury or death while the officer is performing duties.

Effective date: July 1, 1999

Chapter No. 189 (SB 420/HB614). Indecent exposure. Amends T.C.A. § 39-13-511(b) to redefine the offense of indecent exposure.

Effective date: July 1, 1999

Chapter No. 446 (SB700/HB769). Possession of anhydrous ammonia. Amends T.C.A. Title 39, Chapter 17, Part 4 to make it a Class E felony to possess anhydrous ammonia for use in the manufacture of a controlled substance or for conveyance to another for that purpose.

Effective date: July 1, 1999

Education & Schools

Chapter No. 12 (SB358/HB296). Apprentice teachers. Amends T.C.A. § 49-5-5606 to eliminate references to "probationary teachers." Requires each apprentice teacher, before being issued a license as a professional teacher, to teach for three school years under the supervision of two tenured teachers.

Effective date: March 11, 1999

Chapter No. 34 (SB359/HB300). References to “probationary teachers” deleted. Amends T.C.A. §§ 49-5-5002-5003 and 5202-5203 and 5006 and 49-6-3004(c)(2) to remove references to probationary teachers.

Effective date: March 19, 1999

Chapter No. 43(SB447/HB458). Dismissal of teachers convicted of certain felonies. Amends T.C.A. § 49-5-511 to require the immediate suspension and dismissal of a teacher convicted of a felony listed in § 40-35-501(i)(2).

Effective date: March 31, 1999

Chapter No. 75 (SB1594/HB1110). State evaluation of apprentice and career Level I teachers. Repeals subsection (j) of T.C.A. § 49-5-5205, which required state evaluation of apprentice and career Level I teachers. Adds a sentence to subsection (i) of this section providing that evaluations by local education agencies are subject to review by the Commissioner of Education.

Effective date: April 7, 1999

Chapter No.83 (SB175/HB1217). Surveys of students. Amends T.C.A. Title 49, Chapter 2, Part 2 to require each LEA to develop a policy setting forth the rights of parents and students and guidelines for teachers and principals on administration of surveys, analyses, or evaluations of students.

Effective date: July 1, 1999

Chapter No. 113 (SB418/HB442). State electronic library created. Amends T.C.A. Title 10, Chapter 1 to create the Tennessee Electronic Library in the Secretary of State's Office. This library will coordinate the delivery of electronic databases to public and private libraries participating in the Electronic Library. Participation is limited to Tennessee public, nonprofit, academic, and school libraries.

Effective date: May 4, 1999

Chapter No. 129 (SB892/HB675). School resource officers. Amends T.C.A. § 49-6-4302 to authorize local education agencies to act in partnership with local law enforcement agencies in hiring school resource officers under the state grant program in § 38-8-115, the Safe Neighborhoods Act of 1998.

Effective date: May 12, 1999

Chapter No. 240 (SB346/HB1250). State help for local drug and violence efforts. Amends T.C.A. § 49-1-214 to authorize the state Department of Education to help local education agencies with drug and alcohol abuse prevention and gang and individual violence programs.

Effective date: May 27, 1999

Chapter No. 256 (SB184/HB220). Conflict resolution program for grades 1 and 2. Amends T.C.A. Title 49, Chapter 2 to require each local education agency to implement an intervention program for grades 1 and 2 that uses conflict resolution and decision-making strategies to prevent violence in schools.

Effective date: May 26, 1999

Chapter No. 301(SB836/HB1275). Salary reduction plans for education employees. Amends T.C.A. §§ 8-35-111 and 49-2-208 to revise salary reduction provisions for local education employees.

Effective date: May 27, 1999

Chapter No. 309 (SB1187/HB1442). Possession of firearms by student - responsibility of adults. Amends T.C.A. § 39-17-1312 to make it an offense for any adult who knows of a minor or student in illegal possession of a firearm at a school park, playground, or civic center to prevent the possession or fail to report it to school or law enforcement officials.

Effective date: May 26, 1999

Chapter No. 334 (SB240/HB415). Religious activity of public school employees. Amends T.C.A. Title 49, Chapter 6, Part 80 to enact the Tennessee School Employee Religious Liberty Act of 1999.

Effective date: June 14, 1999

Chapter No. 354 (SB1380/HB1027). Tobacco products and minors. Amends T.C.A. § 39-17-1505(b) to require law enforcement officers and school principals who have evidence that a minor has illegally purchased a tobacco product to issue a citation to the minor. The citation will require the minor to appear in juvenile court. The officer or principal must seize the tobacco product as contraband.

This act provides that it is legal for minors to handle tobacco products in agricultural production, in other employment if the minor is under the supervision of an adult at least 21 years old, and as part of an educational project.

Effective date: June 14, 1999

Chapter No. 369 (SB491/HB453). Character education. Amends T.C.A. § 49-6-1007 to revise provisions on character education.

Effective date: July 1, 1999

Chapter No. 372 (SB1110/HB624). School counselors. Amends T.C.A. § 49-6-303 to require local education agencies to employ or contract with counselors for grades pre-kindergarten through 12. Makes other revisions relative to school counselors.

Effective date: June 14, 1999

Chapter No. 429 (SB1458/HB1321). Loans for zone academy projects. Amends T.C.A. Title 49, Chapter 3, Part 12 to authorize the State School Bond Authority to make loans to counties, municipalities, and special school districts for "qualified zone academy projects. A "zone academy project" means any buildings, structures, improvements, or equipment for schools.

Although counties must pledge taxes to repay the loan on all taxable property in the county, the act specifically provides that counties do not have to share proceeds of these loans with municipal and special school districts in the county.

Effective date: June 17, 1999

Chapter No. 462 (SB1888/HB1919). Notice by parents to principal of certain delinquent adjudications. Amends T.C.A. Title 49, Chapter 6, Part 30 to require parents to notify the school principal in writing upon initial enrollment when a child has been adjudicated delinquent for murder, rape, robbery, kidnapping, assault, or reckless endangerment. This information must be shared with the child's instructors. Otherwise, it is confidential.

Effective date: July 1, 1999

Chapter No. 465 (SB1437/HB297). Fire drills at schools. Amends T.C.A. §68-102-137 to require fire drills requiring full evacuation of a school at least once each month during the school year, with an extra drill during the first 30 days of operation. Previous law required fire drills twice a month.

Three safety drills not requiring full evacuation must be conducted at least three times during each school year. A record of all safety drills must be maintained in the school office and made available to the fire marshal on request.

Effective date: 1999-2000 school year

Chapter No. 468 (SB1438/HB321). Fire drills at schools. Amends T.C.A. § 49-5-201 to do substantially with same thing as P.C. 465.

Effective date: 1999-2000 school year

Chapter No. 480 (SB1343/HB1017). Criminal records checks of teacher applicants. Amends T.C.A. § 49-5-413 to require local boards of education to require all teacher applicants and applicants for other positions requiring close proximity to children to undergo a criminal records check, supply a fingerprint sample, and agree to release criminal investigative records.

Costs of the criminal records check must be paid by the applicant. Local boards may reimburse the costs to the applicant if hired or may pay the costs for applicants for maintenance and food service jobs. The applicant must be provided a copy of the criminal history records check documentation.

Effective date: Jan. 1, 2000

Chapter No. 511 (SB1662/HB1751). Teacher's child. Amends *T.C.A.* § 49-6-3113 to require rather than allow the child of a teacher to attend the school where the parent teaches if this is requested. This does not apply to magnet schools.

Effective date: June 17, 1999

Elections

Chapter No. 6 (SB2/HB1). Death, withdrawal or disqualification of a candidate. Amends *T.C.A.* § 2-5-101 to require additional candidates to file nominating petitions after the death, withdrawal or disqualification of a candidate, leaving no other candidate for the office, in a nonpartisan general election no later than the 40th, rather than the previous 30th, day before the election. If these events occur within 10 days of the 40th day, the qualifying deadline is 12 p.m. on the 10th day following the death or withdrawal.

Amends *T.C.A.* § 2-5-204(e) to provide that when a candidate dies within 40 days of the election, the dead person's name will remain on the ballot. If the dead person wins, a vacancy exists that will be filled as otherwise provided by law.

Effective date: March 11, 1999

Chapter No. 197 (SB1416/HB1036). Notification to election commission of annexation or district boundary changes. Amends *T.C.A.* § 2-2-107 to require municipalities that have annexed territory or changed district or ward boundaries to provide the county election commission with: maps depicting the area, a copy of the ordinance or resolution making the change denoting, if applicable, which wards or districts the annexed or changed area will be part of, and a copy of the census taken for annexation, if available, with names and addresses in the annexed area.

Effective date: July 1, 1999

Emergency Services

Chapter No. 488 (SB1158/HB1218). Good Samaritan Law - automated external defibrillators. Amends *T.C.A.* § 63-6-218(b)(1) and (2), the Good Samaritan Law, to add emergency use of automated external defibrillators for rendering emergency care to persons attending performances, etc., to the protection of that law. This act also establishes guidelines for AED programs.

Effective date: June 17, 1999

Environment

(See also Solid Waste)

Chapter No. 154 (SB1496/HB1050). Automobile emissions testing contracts. Amends *T.C.A.* § 855-4-130 to allow municipalities and counties to extend automobile emissions testing contracts for additional terms of up to 60 months.

Effective date: May 14, 1999

Finance

(See also Purchasing and topics on Taxes)

Chapter No. 18 (SB48/HB172). Sports authorities. Amends T.C.A. § 67-6-103(d)(1) to allow a special sales tax allocation to a sports authority that develops a new motor sports facility.

Amends §§ 7-67-109 and 7-67-103(h) to authorize funding for infrastructure and utilities for stadiums and motor sports facilities.

Amends § 7-67-112 to authorize property tax financing of sports facilities. Requires security for payment of bonds when sports authority does not own the facility.

Effective date: March 18, 1999

Chapter No. 411 (SB1778/HB1857). Housing program fund raided. Amends T.C.A. § 13-23-402 to divert revenues from real estate transfer taxes and mortgage taxes from the housing program fund to the state general fund for 1 year beginning July 1, 1999.

Effective date: June 17, 1999

Chapter No. 426 (SB1398/HB1317). Public building authorities - more flexibility in issuing bonds. Amends T.C.A. §§ 12-10-111, 116, and 122 to allow public building authorities issuing bonds to make liquidity and credit enhancement and reimbursement agreements, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements.

This act requires the State Funding Board to establish rules with respect to these agreements. The Comptroller must approve these agreements.

Effective date: July 1, 1999

Chapter No. 427 (SB1399/HB1318). Flexibility in issuing bonds. Amends T.C.A. § 7-34-109, part of the Revenue Bond Law, to allow municipalities the same authority with respect to issuance of bonds for utilities and parking that public building authorities were given by P.C. 426 above.

Effective date: July 1, 1999

Chapter No. 429 (SB1458/HB1321). Loans for zone academy projects. Amends T.C.A. Title 49, Chapter 3, Part 12 to authorize the State School Bond Authority to make loans to counties, municipalities, and special school districts for "qualified zone academy projects." A "zone academy project" means any buildings, structures, improvements, or equipment for schools.

Although counties must pledge taxes to repay the loan on all taxable property in the county, the act specifically provides that counties do not have to share proceeds of these loans with municipal and special school districts in the county.

Effective date: June 17, 1999

Chapter No. 432 (SB1543/HB1530). Flexibility in issuing bonds and notes. Amends T.C.A. Title 9, Chapter 21, the Local Government Public Obligations Act, to allow municipalities the same authority with respect to issuance of bonds and notes that public building authorities were given by P.C. 426 (See summary on pg. 11)

Effective date: July 1, 1999

Chapter No. 539 (SB1897/HB1925). Appropriations Act. Makes appropriation to defray the costs of state government for fiscal year 1998 and 1999. Of particular interest to municipalities, the act makes these appropriations:

TIIP - 95 County Jobs Program	\$14,500,000
Municipal Technical Advisory Service	\$ 1,313,700
Mass Transit	\$20,457,000
Bridge Grant Program	\$ 9,600,000
Local Government Energy Loan Program	\$ 2,000,000
An amount sufficient to provide firefighters pay supplements up to	\$ 450
An amount sufficient to provide police pay supplements up to	\$ 600
Small Cities Community Development Block Grants	\$58,978,000

Effective date: July 1, 1999

Fire Protection

Chapter No. 125 (SB508/HB436). Alternative funding for countywide fire departments. Amends T.C.A. § 5-17-101 to allow counties to allocate general fund revenues generated by situs-based taxes collected in unincorporated areas of the county or other revenues that have been shared with municipalities to fund countywide fire service. This is an alternative to fire tax districts.

Effective date: May 12, 1999

Health & Safety

Chapter No. 37 (SB1023/HB634). OSHA standards – transmission of bloodborne pathogens through needles. Amends T.C.A. § 50-3-203 to require occupational safety and health standards to reduce the transmission of bloodborne pathogens through needles. The standards must require employers to adopt written exposure control plans. The Departments of Labor and Health will maintain a listing of needleless systems and sharps with engineered sharps injury protection to assist employers.

Effective date: March 19, 1999

Chapter No. 115 (SB1589/HB1105). Blasting accidents. Amends T.C.A. § 68-105-109 to require notification by a blaster to the Department of Commerce and Insurance when a blasting accident causes death, bodily injury requiring hospital admission, or property damage of at least \$5,000. This act provides for ceasing of blasting after a reportable accident and presentation of evidence. The department may assess civil penalties of up to \$500 for each violation of blasting laws.

Effective date: July 1, 1999

Chapter No. 293 (SB1523/HB585). Suits against firearms manufacturers. Amends T.C.A. § 39-17-1314 to reserve exclusively to the state the authority to bring a suit for damages or injunctive relief on behalf of the state or its political subdivisions against firearms and ammunition manufacturers, trade associations and dealers, except for contract actions.

Effective date: May 26, 1999

Chapter No. 297(SB1035/HB1031). Fire safety inspections. Amends T.C.A. § 68-102-117(a)(1) to allow fire safety inspectors to inspect for and order correction of “other dangerous or defective conditions.”

Effective date: May 26, 1999

Chapter No. 347 (SB922/HB979). Graffiti removal. Amends T.C.A. Title 6, Chapter 54, Part 1 to declare graffiti a nuisance and authorize municipalities to remove it from public property and private property visible from public property. If the graffiti cannot be removed, the municipality may repair or replace the necessary portion of the property. Consent must be obtained from the governmental entity with jurisdiction for publicly owned property. For private property the owner and tenant, if there is one, must give written consent to remove the graffiti.

Removal of graffiti is at the sole expense of the municipality. The municipality and property owner must agree on a method of removal. If they do not, the municipality may not act. The municipality may use the service of persons ordered to work by the general sessions, criminal, or juvenile courts. The municipality and its officers and employees are granted immunity from damages when these individuals are used for graffiti removal, repair or replacement, or failure to remove, repair, or replace graffiti.

This act also authorizes the use of municipal funds for anti-graffiti education, a graffiti “hot line,” and a reward program, not to exceed \$1,000, for graffiti arrest and conviction.

This act must be implemented by ordinance. The ordinance may designate an administrative officer or body to perform graffiti functions.

Effective date: June 14, 1999

Chapter No. 465 (SB1437/HB297). Fire drills at schools. Amends T.C.A. §68-102-137 to require fire drills requiring full evacuation of a school at least once each month during the school year, with an extra drill during the first 30 days of operation. Previous law required fire drills twice a month.

Three safety drills not requiring full evacuation must be conducted at least three times during each school year. A record of all safety drills must be maintained in the school office and made available to the fire marshal on request.

Effective date: 1999-2000 school year

Chapter No. 468 (SB1438/HB321). Fire drills at schools. Amends *T.C.A.* § 49-5-201 to do substantially with same thing as P.C. 465.

Effective date: 1999-'2000 school year

Housing

Chapter No. 41(SB1620/HB1188). Housing facility corporations. Amends *T.C.A.* § 48-101-301(14)(F) to include single family houses in projects that may be undertaken by housing facility corporations in Shelby County under certain circumstances.

Effective date: March 31, 1999

Chapter No. 411 (SB1778/HB1857). Housing program fund raided. Amends *T.C.A.* § 13-23-402 to divert revenues from real estate transfer taxes and mortgage taxes from the housing program fund to the state general fund for one year beginning July 1, 1999.

Effective date: June 17, 1999

Housing Authorities

Chapter No. 243 (SB750/HB671). Housing authorities may participate in mixed-finance projects. Amends *T.C.A.* § 13-20-104(a) to allow housing authorities to participate in mixed-finance projects for the construction, etc., of housing projects. A mixed finance project is one financially assisted by private resources.

Effective date: May 27, 1999

Industrial Development

Chapter No. 298 (SB1146/HB1056). Industrial development corporations – encouragement of minority business. Amends *T.C.A.* Title 7, Chapter 53, Part 3 to require industrial development corporations to ensure that minority and disadvantaged businesses share in the economic system. IDC's must assist these businesses in every practical manner.

Effective date: July 1, 1999

Jails

Chapter No. 261 (SB486/HB981). Jails – fees for items issued. Amends *T.C.A.* Title 41, Chapter 4, Part 1 to allow municipalities by ordinance adopted by 2/3 vote to charge fees, not to exceed the actual cost, for items issued to inmates. These amounts may be deducted from any account or fund established by or for the inmate while incarcerated.

Effective date: May 26, 1999

Law Enforcement

(See also Crimes & Criminal Procedure and Motor Vehicles & Traffic)

Chapter No. 44 (SB332/HB690). Social security number on driver license. Amends T.C.A. § 55-50-331 to provide that on and after Jan. 1, 2000, a person's driver license may not display the person's social security number unless the person specifically requests this. Before Jan. 1, 2000, a person may request a new license without the social security number.

Effective date: March 31, 1999

Chapter No. 129 (SB892/HB675). School resource officers. Amends T.C.A. § 49-6-4302 to authorize local education agencies to act in partnership with local law enforcement agencies in hiring school resource officers under the state grant program in § 38-8-115, the Safe Neighborhoods Act of 1998.

Effective date: May 12, 1999

Chapter No. 138 (SB260/HB1136). Conditions of release for domestic violence. Amends T.C.A. § 40-11-150 to require law enforcement agencies to maintain written orders for conditional release of persons charged with domestic violence crimes in the same manner as orders of protection. Provides that a person violating a condition of release is subject to arrest, with or without a warrant.

Amends T.C.A. § 40-7-103 to require law enforcement officers with probable cause to believe a person has violated a condition of release and who verify that the alleged violator received a notice of the conditions to arrest the person without a warrant whether or not the violation was committed in the officer's presence.

Effective date: Sept. 1, 1999

Chapter No. 199 (SB1572/HB1531). Confidentiality of bogus driver license and handgun permit files of Department of Safety. Amends T.C.A. § 10-7-504 (a)(2) to make Department of Safety files relating to bogus handgun carry permits and driver licenses issued to undercover law enforcement agents confidential.

Effective date: May 19, 1999

Chapter No. 295 (SB547/HB761). Carrying of firearms by out-of state officers. Amends T.C.A. § 39-17-1308(a) to allow out-of-state full-time law enforcement officers with a valid commission card and a photo identification to carry firearms in this state if the officer's state has a reciprocity agreement with Tennessee allowing Tennessee officers to carry firearms in that state.

Effective date: May 26, 1999

Chapter No. 309 (SB1187/HB1442). Possession of firearms by student - responsibility of adults. Amends T.C.A. § 39-17-1312 to make it an offense for any adult who knows of a minor or student in illegal possession of a firearm at a school park, playground, or civic center to prevent the possession or fail to report it to school or law enforcement officials.

Effective date: May 26, 1999

Chapter No. 319 (SB1894/HB1828). Identity of informant confidential. Amends T.C.A. § 66-7-107(a) to make the identity of any person confidential who provides information that results in an eviction for the violation of drug laws or prostitution. The law enforcement agency may not make the identity public.

Effective date: May 26, 1999

Chapter No. 333 (SB210/HB211). Body piercing. Amends T.C.A. Title 62, Chapter 38 to make it a Class C misdemeanor to body pierce a person under 18, except that a person 17 or younger may have his body pierced with written parental or guardian consent. The parent or guardian must be present during the procedure and must produce photo I.D.

Effective date: July 1, 1999

Chapter No. 338 (SB492/HB926). Fingerprinting. Amends T.C.A. § 38-3-122(a) to eliminate the fingerprinting requirement for persons whose prints have previously been taken and this is verified through a single digit imaging reader.

Effective date: June 14, 1999

Chapter No. 344 (SB868/HB1618). Confidentiality of records of domestic violence victims and witnesses with protection orders. Amends T.C.A. § 10-7-504 to require utilities and to allow municipalities to treat as confidential the home and work addresses, telephone numbers, social security numbers, and other information that could be used to locate an individual who has presented a valid protection order or document to the records custodian of the utility or municipality during regular business hours. The person must request that the information be treated as confidential. The protection order is presumed in effect if on its face it has not expired. The custodian must place the document in a file containing in alphabetical order all protection documents. Identifying information remains confidential until the person requesting confidentiality notifies in person the custodian that the information no longer needs to be confidential. After receiving this notification, the custodian must remove the protection document from the file. Before removing the document, however, the custodian must verify the identity of the requestor.

This act also amends § 10-7-504 to require utilities and allow municipalities and other governmental entities to treat as confidential the telephone number, address, and other information about a domestic violence shelter or rape crisis center that could be used to locate the domestic violence shelter or rape crisis center when the director requests this in writing.

Effective date: July 1, 1999

Chapter No. 347 (SB922/HB979). Graffiti removal. Amends T.C.A. Title 6, Chapter 54, Part 1 to declare graffiti a nuisance and authorize municipalities to remove it from public property and private property visible from public property. If the graffiti cannot be removed, the municipality may repair or replace the necessary portion of the property. Consent must be obtained from the governmental entity with jurisdiction for publicly owned property. For private property the owner and tenant, if there is one, must give written consent to remove the graffiti.

Removal of graffiti is at the sole expense of the municipality. The municipality and property owner must agree on a method of removal. If they do not, the municipality may not act. The municipality may use the service of persons ordered to work by the general sessions, criminal, or juvenile courts. The municipality and its officers and employees are granted immunity from damages when these individuals are used for graffiti removal, repair or replacement, or failure to remove, repair, or replace graffiti.

This act also authorizes the use of municipal funds for anti-graffiti education, a graffiti "hot line," and a reward program, not to exceed \$1,000, for graffiti arrest and conviction.

This act must be implemented by ordinance. The ordinance may designate an administrative officer or body to perform graffiti functions.

Effective date: June 14, 1999

Chapter No. 354 (SB1380/HB1027). Tobacco products and minors. Amends T.C.A. § 39-17-1505(b) to require law enforcement officers and school principals who have evidence that a minor has illegally purchased a tobacco product to issue a citation to the minor. The citation will require the minor to appear in juvenile court. The officer or principal must seize the tobacco product as contraband.

This act provides that it is legal for minors to handle tobacco products in agricultural production, in other employment if the minor is under the supervision of an adult at least 21 years old, and as part of an educational project.

Effective date: June 14, 1999

Chapter No. 366 (SB381/HB210). Confidentiality of juvenile records. Amends T.C.A. §§ 37-1-153 and 154 to make it an offense to disclose law enforcement records concerning a charge of delinquency or juvenile court records, including the child's name and address. A violation is criminal contempt.

Effective date: July 1, 1999

Chapter No. 498 (SB1820/HB1464). Carrying handguns by retired police officers. Amends T.C.A. § 39-17-1315(a)(1) to eliminate the requirement for retired officers in good standing as certified by the chief to complete eight hours of annual training to lawfully carry a handgun.

Effective date: June 17, 1999

Chapter No. 514 (SB1243/HB1818). Personnel information on undercover police officers. Amends T.C.A. § 10-7-504 to provide that the address, home telephone number, and home telephone numbers of immediate family and household members of undercover officers be segregated and maintained in the chief's office. Information that may, in the chief's opinion, endanger the safety of the officer or of his /her immediate family or household members may be deleted when the file is requested. If the person requesting the information disagrees with the chief's decision, it may be reviewed in a show cause hearing in Chancery Court. An employee may

expressly authorize release of this information. This act does not limit access to this information by governmental entities nor does it extend to information that is not made confidential.

Effective date: June 14, 1999

Chapter No. 522 (SB1879/HB1891). Confidentiality of child abuse records. Amends T.C.A. § 37-1-612 to make all files, reports, records, communications, and working papers relative to child abuse investigations confidential and not open to public inspection.

Effective date: June 17, 1999

Libraries

Chapter No. 113 (SB418/HB442). State electronic library created. Amends T.C.A. Title 10, Chapter 1 to create the Tennessee Electronic Library in the Secretary of State's Office. This library will coordinate the delivery of electronic databases to public and private libraries participating in the Electronic Library. Participation is limited to Tennessee public, nonprofit, academic, and school libraries.

Effective date: May 4, 1999

Motor Vehicles & Traffic

(See also Streets & Other Public Ways)

Chapter No. 58 (SB217/HB1276). Safety glass requirement repealed. Repeals T.C.A. §§ 55-9-208-211, which required motor vehicles to have safety glass.

Effective date: April 7, 1999

Chapter No. 196 (SB1357/HB1167). Uninsured motor vehicles. Amends T.C.A. § 56-7-1202 to provide that vehicles of governmental entities can be considered uninsured motor vehicles. Amends T.C.A. § 56-7-1201(d) and 1202 to provide that the uninsured motorist carrier will be responsible only for the applicable limits of liability for a governmental entity when an insured is involved in an accident with a government vehicle.

Effective date: May 19, 1999

Chapter No. 285 (SB344/HB252). Roadkill regulations. Amends T.C.A. § 70-4-115(c) to require persons accidentally killing deer by motor vehicle and wanting possession of the deer to notify a law enforcement officer or the Wildlife Resources Agency within 48 hours. The person must give his name and address. The law enforcement officer must notify the WRA.

Effective date: uncertain; this bill passed on May 13, 1999, but was not signed by the Governor. There is no indication when the Governor received the bill.

Chapter No. 287 (SB45/HB35). Exemption from tarpaulin requirement. Amends T.C.A. § 39-14-503(a) to exempt trucks hauling crushed stone, fill dirt and rock, sand, coal, phosphate muck, asphalt, concrete, building materials, forest products, lumber, lime, and agricultural products from the requirement of being covered by a tarpaulin if the material is four inches from the top of the sides. This exemption does not apply if a law enforcement officer sees the material blowing off the vehicle nor to vehicles carrying farm produce to market, to a field, or to storage.

Effective date: May 27, 1999

Chapter No. 302 (SB1519/HB1290). Abandoned vehicles – "possession." Amends T.C.A. § 55-16-103 to define "possession" relative to inoperable vehicles over five years old as either physical or constructive possession. Constructive possession is determined by the power and intent of a unit of government to control.

Effective date: May 26, 1999

Chapter No. 321 (SB946/HB760). HOV lane -punishment. Amends T.C.A. § 55-8-188 to limit the fine for driving illegally in high occupancy vehicle lanes to \$50 and the court costs to \$10.

Effective date: June 1, 1999

Chapter No. 325 (SB7/HB192). Transporting child in bed of pickup truck. Amends T.C.A. § 55-8-189 to make it a Class C misdemeanor to transport a child between 6 and 12 years old on an interstate or state highway in the bed of a pickup truck. This prohibition does not apply to any agricultural activities nor to parades and processions when the vehicle is not exceeding 20 mph.

Municipalities may by ordinance prohibit the transporting of a child between the ages of 6 and 12 years old in the bed of a pickup truck on city streets.

Effective date: July 1, 1999

Chapter No. 337 (SB489/HB763). Street sweepers. Amends T.C.A. Title 55, Chapter 8, Part 1 to allow street sweepers operated in compliance with National Highway Traffic Safety Administration standards to stop intermittently to collect debris and to travel below the lawful minimum speed in non-residential areas at any time except 6:30 to 8:30 a.m. and 3:30 to 6 p.m. on weekdays, in residential areas at any time, and after emergencies or events that make street sweeping necessary or desirable on any road at any time.

Effective date: June 14, 1999

Personnel

(See also Retirement and Workers' Compensation)

Chapter No. 37 (SB1023/HB634). OSHA standards – transmission of bloodborne pathogens through needles. Amends T.C.A. § 50-3-203 to require occupational safety and health standards to reduce the transmission of bloodborne pathogens through needles. The standards must require employers to adopt written exposure control plans. The Departments of Labor and Health will maintain a listing of needleless systems and sharps with engineered sharps injury protection to assist employers.

Effective date: March 19, 1999

Chapter No. 45 (SB1598/HB1114). Unemployment compensation – failure to file on magnetic media. Amends T.C.A. § 50-7-404(c)(3) and (4) to establish penalties, effective July 1, 2000, for employers who fail to file employee information on magnetic media if required (employers with 250 or more employees). The penalty is \$50.00 for each month or portion the report is past due. Total penalty for each report may not exceed \$500.00.

Effective date: March 31, 1999

Chapter No. 61 (SB309/HB227). Medical policy coverage of chlamydia screening. Amends T.C.A. Title 56, Chapter 7, Part 26 to require insurers authorized to issue individual or group medical policies to make available coverage for one annual chlamydia screening test for females 29 and under if the test is medically necessary.

Effective date: July 1, 1999

Chapter No. 116 (SB1871/HB1501). Contracts by insurance committees. Amends T.C.A. §§ 8-27-207 & 301 to allow the local government insurance committee and the local education insurance committee to make contracts for service necessary to administer the health insurance plan for local government employees and educational employees.

Effective date: May 4, 1999

Chapter No. 161 (SB1856/HB1842). Employers must provide reasonable time and place to express breast milk. Amends T.C.A. Title 50, Chapter 1, Part 3, to require employers, including local governments, to provide reasonable unpaid break time and a room or other location other than a toilet stall for female employees to express breast milk. The break time must, if possible, run concurrently with break time already provided the employee. Employers are not required to provide this break time if it would cause disruption in operations. Employers who make reasonable efforts to comply with this act are held harmless.

Effective date: May 14, 1999

Chapter No. 176 (SB647/HB575). Information about employees made confidential. Amends T.C.A. § 10-7-504 to make this information about employees and their family and household members confidential: unpublished phone numbers, bank account information, social security number, and driver license information except when driving is part of or incidental to the job.

Requires that the above information be redacted when possible so other information in a personnel file is available.

Provides that these records must remain available to law enforcement agencies, courts, and others agencies doing official functions. Also provides that records of public officers remain open.

Employees can authorize release of information made confidential by this act.

Effective date: May 18, 1999

Chapter No. 202 (SB1597/HB1113). Discharge for failing or refusing to take a drug or alcohol test. Amends T.C.A. § 50-7-302(a)(9) and 303(a)(2) to provide that a discharge resulting from a positive drug test or an alcohol test where the blood alcohol concentration is .10 percent or greater for non-safety sensitive positions or .04 percent or greater for safety sensitive positions, or the refusal to take a test, all as provided in the Drug-Free Workplace Program, will be deemed a discharge for misconduct that disqualifies a person for unemployment compensation.

Effective date: July 4, 1999

Chapter No. 304 (SB1539/HB1328). Electronic mail policy required. Requires political subdivisions that have an electronic mail communications system to adopt a written policy by July 1, 2000, on any monitoring of e-mail and the circumstances under which it will be conducted. The policy must include a statement that e-mail may be a public record and subject to public inspection.

Effective date: May 27, 1999

Planning & Zoning

Chapter No. 78 (SB1632/HB547). Board of zoning appeals in Germantown. Amends T.C.A. § 13-7-205 to allow Germantown to increase membership on its board of zoning appeals from five to seven board members.

Effective date: April 7, 1999

Chapter No. 93 (SB941/HB1351). Members of regional planning commissions. Amends T.C.A. § 13-3-101 (c) to allow members of regional planning commissions to serve until a successor has been nominated and approved.

Effective date: April 12, 1999

Chapter No. 204 (SB293/HB243). Houseparents or guardians in group homes. Amends T.C.A. § 13-24-102 to increase the number of houseparents or guardians who may reside in a group home for the mentally or physically disabled from two to three.

Effective date: May 19, 1999

Public Building Authorities

Chapter No. 426 (SB1398/HB1317). Public building authorities – more flexibility in issuing bonds. Amends *T.C.A.* §§ 12-10-111, 116, and 122 to allow public building authorities issuing bonds to make liquidity and credit enhancement and reimbursement agreements, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements. This act requires the State Funding Board to establish rules with respect to these agreements. The comptroller must approve these agreements.

Effective date: July 1, 1999

Purchasing

Chapter No. 269 (SB839/HB1815). Limit before public advertisement and competitive bidding required may be increased. Amends *T.C.A.* § 6-56-306(a), part of the Municipal Purchasing Law of 1983, to allow municipalities by ordinance to increase the maximum purchase before public advertisement and competitive bidding are required from \$5,000 to \$10,000.

Effective date: May 26, 1999

Chapter No. 270 (SB840/HB1814). City manager's authority to make and execute contracts. Amends *T.C.A.* § 6-19-104, part of the Uniform City Manager - Commission Charter, to allow the city manager to make binding contracts on behalf of the city without specific board approval in routine matters and matters having insubstantial long-term consequences (items for which expenditures will be less than \$10,000 during the fiscal year) when this authority is delegated by ordinance. The ordinance must enumerate the types of matters to which this authority is extended and may limit the manager's authority.

Amends *T.C.A.* § 6-21-108 to allow the city manager to execute contracts on behalf of the city when this authority is delegated by ordinance.

Effective date: May 26, 1999

Chapter No. 382 (SB752/HB933). Electronic purchasing. Amends *T.C.A.* Title 12, Chapter 3, Part 7 to allow local governments to distribute invitations to bid and requests for proposals electronically. They may also receive bids electronically. Local governments may not require small businesses or minority owned businesses to receive or respond to requests electronically.

Amends *T.C.A.* Title 12, Chapter 3, Part 10 to allow cooperative purchasing by local governments. The purchasing entity must comply only with its own purchasing requirements.

Amends *T.C.A.* Title 12, Chapter 3 to create an Advisory Committee for the Use of the Internet. One member is appointed by the Tennessee City Manager's Association, two are appointed by the Tennessee Association of Public Purchasing which must appoint one municipal purchasing officer and one county purchasing officer. Others are state officials and a private person appointed by the Governor.

Effective date: June 14, 1999

Records

Chapter No. 167 (SB1029/HB1813). Municipal records. Amends T.C.A. Title 10, Chapter 4 to remove references to municipal records from provisions dealing with county public records commissions. Places provisions on municipal records in a separate part.

Effective date: May 17, 1999

Chapter No. 176 (SB647/HB575). Information about employees made confidential. Amends T.C.A. § 10-7-504 to make this information about employees and their family and household members confidential: unpublished phone numbers, bank account information, social security number, and driver license information except when driving is part of or incidental to the job.

Requires that the above information be redacted when possible so other information in a personnel file is available.

Provides that these records must remain available to law enforcement agencies, courts, and others agencies doing official functions. Also provides that records of public officers remain open.

Employees can authorize release of information made confidential by this act.

Effective date: May 18, 1999

Chapter No. 199 (SB1572/HB1531). Confidentiality of bogus driver license and handgun permit files of Department of Safety. Amends T.C.A. § 10-7-504 (a)(2) to make Department of Safety files relating to bogus handgun carry permits and driver licenses issued to undercover law enforcement agents confidential.

Effective date: May 19, 1999

Chapter No. 304 (SB1539/HB1328). Electronic mail policy required. Requires political subdivisions that have an electronic mail communications system to adopt a written policy by July 1, 2000, on any monitoring of e-mail and the circumstances under which it will be conducted. The policy must include a statement that e-mail may be a public record and subject to public inspection.

Effective date: May 27, 1999

Chapter No. 319 (SB1894/HB1828). Identity of informant confidential. Amends T.C.A. § 66-7-107(a) to make the identity of any person confidential who provides information that results in an eviction for the violation of drug laws or prostitution. The law enforcement agency may not make the identity public.

Effective date: May 26, 1999

Chapter No. 344 (SB868/HB1618). Confidentiality of records of domestic violence victims and witnesses with protection orders. Amends T.C.A. § 10-7-504 to require utilities and to allow municipalities to treat as confidential the home and work addresses, telephone numbers, social security numbers, and other information that could be used to locate an individual who has

presented a valid protection order or document to the records custodian of the utility or municipality during regular business hours. The person must request that the information be treated as confidential. The protection order is presumed in effect if on its face it has not expired. The custodian must place the document in a file containing in alphabetical order all protection documents. Identifying information remains confidential until the person requesting confidentiality notifies in person the custodian that the information no longer needs to be confidential. After receiving this notification, the custodian must remove the protection document from the file. Before removing the document, however, the custodian must verify the identity of the requestor.

This act also amends § 10-7-504 to require utilities and allow municipalities and other governmental entities to treat as confidential the telephone number, address, and other information about a domestic violence shelter or rape crisis center that could be used to locate the domestic violence shelter or rape crisis center when the director requests this in writing.

Effective date: July 1, 1999

Chapter No. 366 (SB381/HB210). Confidentiality of juvenile records. Amends T.C.A. §§ 37-1-153 and 154 to make it an offense to disclose law enforcement records concerning a charge of delinquency or juvenile court records, including the child's name and address. A violation is criminal contempt.

Effective date: July 1, 1999

Chapter No. 514 (SB1243/HB1818). Personnel information on undercover police officers. Amends T.C.A. § 10-7-504 to provide that the address, home telephone number, and home telephone numbers of immediate family and household members of undercover officers be segregated and maintained in the chief's office. Information that may, in the chief's opinion, endanger the safety of the officer or of his /her immediate family or household members may be deleted when the file is requested. If the person requesting the information disagrees with the chief's decision, it may be reviewed in a show cause hearing in Chancery Court. An employee may expressly authorize release of this information. This act does not limit access to this information by governmental entities nor does it extend to information that is not made confidential.

Effective date: June 14, 1999

Chapter No. 522 (SB1879/HB1891). Confidentiality of child abuse records. Amends T.C.A. § 37-1-612 to make all files, reports, records, communications, and working papers relative to child abuse investigations confidential and not open to public inspection.

Effective date: June 17, 1999

Retirement

Chapter No. 59 (SB265/HB239). TCRS – maximum retirement allowance. Amends *T.C.A.* § 8-36-208(a) to allow local governments to increase the maximum retirement allowance for Group 1 members (teachers and general employees) from 75 percent to 90 percent of average final compensation. The local government must accept liability for the increased benefit.

Effective date: July 1, 1999

Chapter No. 79 (SB307/HB240). TCRS – retirement provisions revised. Amends *T.C.A.* Title 8, Chapters 34, 36, and 37 to do the following:

- Revise provisions on sick leave as creditable service for teachers and state employees.
- Allow local governments to exclude part-time employees from membership in the retirement system by passage of a resolution.
- Allow local governments to include part-time employees by passage of a resolution and accepting liability.
- Provide that benefits for December, 1999, will be made on December 28.
- Change provisions on designation of beneficiaries.
- Revise provisions on disability retirement.

Effective date: April 7, 1999

Solid Waste

Chapter No. 384 (SB1599/HB1115). Solid waste – surcharge continued – solid waste reduction goals revised. Amends *T.C.A.* § 68-211-835 to continue the 75 cents per ton surcharge on solid waste received at Class I disposal facilities until June 30, 2004.

Repeals § 68-211-852, which required transporters of solid waste to register annually.

Amends *T.C.A.* § 68-211-861 to change goals for solid waste reduction. The new goal is to reduce the amount of solid waste disposed of at Class I facilities by 25 percent by Dec. 31, 2003, using 1995 as the base year. As an alternative to calculating waste reduction on a per capita basis, regions may use an economic growth basis prescribed by the department and approved by the Municipal Solid Waste Advisory Committee. The act eliminates variances for failure to achieve goals. Failure to achieve goals may lead to sanctions (loss of solid waste funds, civil penalties). These sanctions can apply to offending municipalities.

This act authorizes the commissioner to develop comprehensive goals for a statewide system of solid waste programs, with advice from the Solid Waste Advisory Committee. This program is to be in place for grants issued after July 1, 2000.

Effective date: June 14, 1999

Streets & Other Public Ways

Chapter No. 249 (SB509/HB504). Connectors to controlled access highways. Amends *T.C.A.* Title 54, Chapter 5, Part 5 to include controlled access highways in highways in which state and local governments can share in cost of connectors.

Effective date: May 26, 1999

Chapter No. 448 (SB796/HB1371). Disposal of land acquired for cancelled interstate in Shelby County. Amends *T.C.A.* § 12-2-112 to provide for the potential disposal of land by the state to a local government of property acquired for a cancelled interstate project in Shelby County.

Effective date: June 17, 1999

Chapter No. 450 (SB1272/HB757). Removal of welcome signs from state rights-of-way. Section 4 of this act amends *T.C.A.* Title 54, Chapter 5, Part 1 to prohibit the Department of Transportation from requiring a municipality, county, or metropolitan government to remove a welcome sign on a state right-of-way if the sign was erected before Feb. 14, 1994. This does not preclude agreements relative to dismantling or relocating a welcome sign.

Effective date: June 17, 1999

Taxes – General

Chapter No. 81 (SB340/HB329). Tax on soft drink bottles and beer barrels continued. Continues temporary tax increase on soft drink bottles and beer barrels until June 30, 2005.

Effective date: June 1, 1999

Chapter No. 125 (SB508/HB436). Alternative funding for county-wide fire departments. Amends *T.C.A.* § 5-17-101 to allow counties to allocate general fund revenues generated by situs-based taxes collected in unincorporated areas of the county or other revenues that have been shared with municipalities to fund countywide fire service. This is an alternative to fire tax districts.

Effective date: May 12, 1999

Taxes – Business

Chapter No. 424 (SB1626/HB1191). Contractors doing work outside their home jurisdiction. Amends *T.C.A.* § 67-4-708(4)(A) to require contractors doing work outside their home jurisdiction for which they receive \$50,000 or more in compensation to pay the business tax in the jurisdiction in which the contract is performed. The domicile jurisdiction may impose no business tax on this activity.

Effective date: July 1, 1999

Chapter 454 (SB1691/HB1528). Credit for change in assessment of underground storage tanks. Amends *T.C.A.* § 67-4-713 to provide that, effective Jan. 1, 1999, a business tax credit may be taken for real property taxes attributable to underground storage tanks if the assessment classification of the tank was changed to real from personal property for the first time for tax year 1999 or 2000. For each subsequent year, the credit is reduced by 20 percent until it ceases Jan. 1, 2005.

Effective date: Jan. 1, 1999

Taxes – Excise & Franchise

Chapter No. 406 (SB1806/HB1676). Excise and franchise tax law revisions; collection of local sales tax. Amends *T.C.A.* Title 67, Chapter 4 to revise completely the Excise and Franchise Tax laws, closing many loopholes. Of particular interest to cities, the act preserves the bank tax, which is distributed to cities from Excise Tax revenues.

This act also amends *T.C.A.* §§ 67-6-710 and 711 to eliminate the option municipalities and counties had to collect the local sales tax locally. The state Department of Revenue must collect the tax.

This act also requires the Department of Revenue to notify the Joint Select Committee on Business Taxes before August 1 of each year of sales tax exemptions that cost \$1 million or more in the preceding year. The Committee, after a public hearing, may recommend repeal of any such exemption. These exemptions must be reviewed every four years. Automatically repeals any such exemptions enacted after Jan. 1, 2000, four years after enactment.

Effective date: Multiple dates but generally July 1, 1999.

Taxes – Hall Income

Chapter No. 236 (SB77/HB194). Exemption for certain trusts. Amends *T.C.A.* § 67-2-104 to exempt from the Hall Income tax business trusts not domiciled in Tennessee whose sole purpose is to provide asset-backed security of debt obligations.

Effective date: Jan. 1, 1999

Taxes – Hotel-Motel

Chapter No. 320 (SB746/HB629). Tourist accommodation tax in Nashville increased. Amends *T.C.A.* §§ 7-4-102 and 110 to increase the tourist accommodation (hotel-motel) tax in Nashville in an amount not to exceed 1 percent to be approved by ordinance. Revenues are to be used for tourist promotion.

Effective date: July 1, 1999; repealed June 30, 2002

Taxes – Litigation

Chapter No. 502 (SB747/HB1540). Tax levied for rules of the road and parking space violations. Amends *T.C.A.* § 67-4-602 and 604 to levy an additional litigation tax of \$1 in criminal cases instituted in municipal courts for rules of the road violations and for violations of ordinances governing the use of metered parking spaces.

Effective date: June 17, 1999

Taxes - Local Sales

Chapter No. 406 (SB1806/HB1676). Excise and franchise tax law revisions; collection of local sales tax. Amends *T.C.A.* Title 67, Chapter 4 to revise completely the Excise and Franchise Tax laws, closing many loopholes. Of particular interest to cities, the act preserves the bank tax, which is distributed to cities from Excise Tax revenues.

This act also amends *T.C.A.* §§ 67-6-710 and 711 to eliminate the option municipalities and counties had to collect the local sales tax locally. The state Department of Revenue must collect the tax.

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Effective date: Multiple dates but generally July 1, 1999.

Taxes - Property

Chapter No. 92 (SB788/HB625). Assessment of mobile homes. Amends *T.C.A.* § 67-5-801(b)(2) to require the property assessor to furnish each owner of land used as a mobile home park a schedule of assessed values of moveable structures on or before July 1 of each year.

Effective date: April 12, 1999

Chapter No. 96(SB1383/HB1309). Confidentiality of property tax information. Amends *T.C.A.* Title 67, Chapter 5, Part 4 to make confidential information required to be filed by a taxpayer relative to an assessment of tangible personal property or provided in response to an audit or information request by assessing officials regarding an assessment of tangible personal property. Otherwise, confidential information may be disclosed: (1) to the taxpayer or designee upon written request; (2) to individuals designated by a judge in court or administrative proceedings; (3) to tax collection officials and their agents, but only to the extent necessary; (4) to the Department of Human Services or its contractors relative to child support programs.

Chapter No. 110 (SB1162/HB1397). Deadline extended for applying for property tax relief. Amends *T.C.A.* § 67-5-701(c) and (d)(1) to extend the time for applying for property tax relief from the delinquency date to 35 days after the delinquency date.

Effective date: May 4, 1999

Chapter No. 141 (SB913/HB1412). Greenbelt land. Amends *T.C.A.* § 67-5-104 to include in the definition of "agricultural land" land that has been farmed by the owner or owner's parent or spouse for at least 25 years and is used as a residence of the owner and is not used for any purpose inconsistent with agricultural use.

Amends *T.C.A.* § 67-5-1005 to eliminate the need for yearly reapplication for greenbelt status for agricultural land as long as ownership does not change. New owners must apply by April 1 of the year following transfer. Amends *T.C.A.* §§ 67-5-1006 and 1007 to provide the same for forestland and open space.

Amends *T.C.A.* § 67-5-1005(c) to delete requirement that land must produce \$1,500 income per year over any three year period to be classified as agricultural land.

Amends *T.C.A.* § 67-5-1008 to make it the responsibility of the applicant to notify the assessor of any change in ownership or use that might affect its eligibility as greenbelt land.

Effective date: 1999 tax year

Chapter No. 162 (SB1914/HB1496). Statute of limitations for property taxes. Clarifies that the statute of limitations for collection of real and personal property taxes is the 10-year period provided in *T.C.A.* § 67-5-1806.

Amends *T.C.A.* §§ 67-1-1429(a) and 1501 to make them inapplicable to collection of real or personal property taxes.

Effective date: May 14, 1999

Chapter No. 163 (SB1915/HB1497). Waiver of personal property taxes; waiver of penalty, interest, and attorney fees for certain real property. Amends *T.C.A.* Title 67, Chapter 5 to allow tax collection officials to request the delinquent tax attorney to seek court approval to waive collection of all personal property taxes, penalties, and interest when:

- (1) the business subject to the tax ceased operations;
- (2) the personal property cannot be located after diligent search; and
- (3) neither fraud nor an intention to avoid payment prompted the waiver.

The tax official must report to the local government's chief executive officer on the taxes, penalties, and interest waived.

This act also provides that all or any portion of penalty, interest, and attorney fees due on real property taxes may be waived by court order when:

- (1) the property is environmentally hazardous;
- (2) the county legislative body determined that no bid should be made;
- (3) the waiver is in conjunction with remediation and cleanup; and
- (4) the waiver did not result from fraud or intent to avoid payment.

Effective date: May 14, 1999

Chapter No. 169 (SB1455/HB1529). Property taxes of new municipalities. Amends *T.C.A.* § 6-58-112(c) to require municipalities incorporated after May 19, 1998, to levy and provide for the collection of a property tax that raises revenues of at least the amount the municipality would receive from state - shared taxes. For purpose of levying a property tax, the incorporation is effective on January 1 following the incorporation election.

Effective date: May 17, 1999

Chapter No. 198 (SB1459/HBN1193). Property of water transportation carrier companies. Amends *T.C.A.* §§ 67-5-501 and 1302(e)(1) to make the property of water transportation carrier companies commercial property rather than utility property if water carriage was exempt from Interstate Commerce Commission regulation as of Nov. 1, 1995.

Effective date: 1999 tax year

Chapter No. 420 (SB678/HB955). Disposition of property acquired for nonpayment of taxes in Shelby County. Amends *T.C.A.* § 67-5-2509(d) to allow property acquired for nonpayment of property taxes in Shelby County to be used for redevelopment rather than being sold to private purchasers.

Effective date: June 17, 1999

Chapter No. 422 (SB541/HB1044). Pro-ration of personal property destroyed by disaster. Amends *T.C.A.* Title 67, Chapter 5, Part 6 to require the pro-ration of the assessment of commercial and industrial tangible personal property destroyed or substantially damaged between January 1 and September 1 of any year if it is not restored and no property is operated in its place.

Effective date: June 17, 1999

Chapter 454 (SB1691/HB1528). Credit for change in assessment of underground storage tanks. Amends *T.C.A.* § 67-4-713 to provide that, effective Jan. 1, 1999, a business tax credit may be taken for real property taxes attributable to underground storage tanks if the assessment classification of the tank was changed to real from personal property for the first time for tax year 1999 or 2000. For each subsequent year, the credit is reduced by 20 percent until it ceases Jan. 1, 2005.

Effective date: Jan. 1, 1999

Taxes – Sales

Chapter No. 18 (SB48/HB172). Sports authorities. Amends *T.C.A.* § 67-6-103(d)(1) to allow a special sales tax allocation to a sports authority that develops a new motor sports facility.

Amends §§ 7-67-109 and 7-67-103(h) to authorize funding for infrastructure and utilities for stadiums and motor sports facilities.

Amends § 7-67-112 to authorize property tax financing of sports facilities. Requires security for payment of bonds when sports authority does not own the facility.

Effective date: March 18, 1999

Chapter No. 356 (SB1774/HB1852). Deadline for sales tax financing of convention center. Amends *T.C.A.* § 7-88-106(a) to allow a special allocation of sales tax receipts for financing a convention center in a tourism development zone for 30 years after it is reasonably anticipated the facility will begin operation.

Effective date: Jan. 1, 1999

Chapter No. 412 (SB1781/HB1860). Dealer's compensation for collecting sales taxes halved. Amends *T.C.A.* § 67-6-509 to decrease the maximum amount that dealers may deduct when reporting sales taxes from \$50 to \$25 per report.

Effective date: July 1, 1999

Chapter No. 413 (SB1790/HB1869). Interstate telecommunications service. Amends *T.C.A.* §§ 67-6-102, 221,702, and Title 67, Chapter 67, Part 3 to revise state and local sales taxation of interstate telecommunications services.

Exempts interstate telecommunications services sold to a business for use in the operation of a call center from state and local sales taxes.

Amends *T.C.A.* § 67-6-221 to decrease the state sales tax rate on interstate telecommunication service from 6 percent to 3.5 percent and to apply it only to businesses. Revenues from .5 percent accrue to municipalities and counties based upon population.

Amends *T.C.A.* § 67-6-702(g) to exempt interstate telecommunications services sold to businesses from local sales taxes.

Effective date: Jan. 1, 2000

Chapter No. 423 (SB1610/HB1126). Cable TV, wireless cable, and direct-to-home satellite service. Amends *T.C.A.* § 67-6-212(a)(5) to repeal state and local sales taxes on cable TV charges exceeding the "basic rate."

Amends *T.C.A.* Title 67, Chapter 6, Part 2 to enact a state sales tax of 8.25 percent on cable and wireless cable on subscription charges of \$15 or more per month. This begins Sept. 1, 1999.

Amends *T.C.A.* § 67-6-103 apparently to make the 8.25 percent state rate apply only to subscription charges of \$15 to \$27.50 per month. This portion of the tax is for state purposes only. Subscription charges above \$27.50 per month are subject to a 6 percent state tax, which will be shared with municipalities, and to local sales taxes.

Amends *T.C.A.* Title 67, Chapter 6, Part 7 specifically to prohibit local sales taxes from applying to cable subscription charges of up to \$27.50 per month.

Amends *T.C.A.* Title 67, Chapter 6, Part 2 to levy an 8.25 percent state tax on subscription charges for direct-to-home satellite service.

Effective date: July 1, 1999

Chapter No. 484 (SB1493/HB1152). Telephone calling cards. Amends *T.C.A.* § 67-6-102(27) and (29) to repeal sales taxes on prepaid authorization numbers but to levy the tax on the recharge of a prepaid telephone calling card.

Effective date: June 17, 1999

Tort Liability

Chapter No. 196 (SB1357/HB1167). Uninsured motor vehicles. Amends *T.C.A.* § 56-7-1202 to provide that vehicles of governmental entities can be considered uninsured motor vehicles.

Amends *T.C.A.* § 56-7-1201(d) and 1202 to provide that the uninsured motorist carrier will be responsible only for the applicable limits of liability for a governmental entity when an insured is involved in an accident with a government vehicle.

Effective date: May 19, 1999

Chapter No. 377 (SB1277/HB749). Payment of damages by municipal electric service. Amends *T.C.A.* § 29-20-403 to allow a municipal electric service to pay more damages than would otherwise be allowed because of tort liability limits for an accident that happened on Oct. 10, 1997.

Effective date: June 14, 1999

Chapter No. 433 (SB1878/HB1613). Contribution among tort feasons. Amends *T.C.A.* § 29-11-102 to provide that a right of contribution exists only in favor of a tort feason who has paid more than his/her proportionate share of liability. Allows insurers to be subrogated to the right of contribution. A party seeking contribution is entitled to recover only to the extent the party has paid more than his/her share of the liability.

Effective date: June 17, 1999

Chapter No. 458 (SB1783/HB1862). Immunity for Y2K plans eliminated. Amends *T.C.A.* § 29-20-205 to provide that municipalities have immunity for liability caused by computer software or computer processor failures because of year 2000 problems if and only if the problem was unforeseeable or, if foreseeable, a reasonable plan or design or both for identifying the problem was adopted and reasonably implemented complying with generally accepted computer and information system design standards.

This act also amends *T.C.A.* Title 9, Chapter 8, Part 3 to require contracts by political subdivisions to include a provision that holds harmless and indemnifies "those persons" for breach of contract caused directly or indirectly by computer Y2K failures.

Effective date: June 17, 1999

Chapter No. 485 (SB1031/HB1173). Statute of limitations extended in certain comparative fault cases. Amends *T.C.A.* § 20-1-119 to make that section applicable to suits involving governmental entities. This statute gives a plaintiff 90 days after an answer is filed naming an entity as a responsible party to bring suit against that entity even if the statute of limitations has run.

Effective date: June 17, 1999

Chapter No. 488 (SB1158/HB1218). Good Samaritan Law – automated external defibrillators. Amends *T.C.A.* § 63-6-218(b)(1) and (2), the Good Samaritan Law, to add emergency use of automated external defibrillators for rendering emergency care to persons attending performances, etc., to the protection of that law. This act also establishes guidelines for AED programs.

Effective date: June 17, 1999

Chapter No. 506 (SB1859/HB1590). Settlement of uninsured motorist claims. Amends *T.C.A.* § 56-7-1206 to provide procedures, including arbitration, for settlement of uninsured motorist claims.

Effective date: Oct. 1, 1999

Uniform City Manager – Commission Charter

Chapter No. 270 (SB840/HB1814). City manager's authority to make and execute contracts. Amends *T.C.A.* § 6-19-104, part of the Uniform City Manager – Commission Charter, to allow the city manager to make binding contracts on behalf of the city without specific board approval in routine matters and matters having insubstantial long-term consequences (items for which expenditures will be less than \$10,000 during the fiscal year) when this authority is delegated by ordinance. The ordinance must enumerate the types of matters to which this authority is extended and may limit the manager's authority.

Amends *T.C.A.* § 6-21-108 to allow the city manager to execute contracts on behalf of the city when this authority is delegated by ordinance.

Effective date: May 26, 1999

Urban Development

Chapter No. 99 (SB1166/HB 1431). Membership on board of directors of central business improvement district in Shelby County. Amends T.C.A. § 7-84-519(d) to allow the Senate speaker and House speaker to appoint to the board of central business improvement districts in Shelby County two (2) members from their respective houses whose districts lie in whole or significant part within the boundaries of the district.

Effective date: May 3, 1999

Chapter No. 332 (SB191/HB946). Housing authorities – redevelopment powers in Shelby County. Amends T.C.A. § 13-20-202 and 213 to allow housing authorities in Shelby County to delegate redevelopment powers.

Effective date: June 14, 1999

Utilities

Chapter No. 73(SB1450/HB1099). Underground utility damage prevention – one-call. Amends T.C.A. Title 65, Chapter 31, Part 1. This act:

- Requires excavators to serve an additional written or telephone notice of intent to excavate or demolish when 15 calendar days have passed since the excavation was scheduled to begin and the excavation has not been completed. The notice must be given at least three working days before the expiration of time on the 15th calendar day.
- Eliminates individual notice to utilities in an area using one-call service.
- Prohibits utilities suffering damage as a result of not participating in a one-call service from recovering damages from the excavator if the excavator complies with this act.
- Eliminates exemptions of counties by population classification from authority to form one-call services.
- Requires excavators in an emergency excavation or demolition who observe clear evidence that there are unmarked utilities in the area to give additional notice to one-call. The excavator may then proceed with caution.
- Requires utilities in an emergency to mark utilities within two hours.
- Requires utilities in an impending emergency to mark utilities before the scheduled excavation. “Impending emergency” means circumstances potentially dangerous to life, health, property, the environment or the restoration of service that would likely lead to an emergency.
- Makes violations a Class A misdemeanor subject to a fine not exceeding \$2,500 or jail for 48 hours, or both.
- Allows stop work orders for excavators violating this act.
- Frees excavators from damages caused to utilities because of utility's failure to comply with this act.
- Provides penalties for persons removing stakes or markings.
- Requires use of safety purple for reclaimed water.

Effective date: July 1, 1999

Chapter No. 94 (SB1025/HB817). Water and wastewater authorities – regulating non-conventional sewage disposal systems. Amends T.C.A. § 68-221-607 to allow water and wastewater treatment authorities to regulate non-traditional sewage disposal systems that serve more than one household. These authorities may not regulate wastewater treatment facilities owned or operated by a government entity.

Effective date: April 12, 1999

Chapter No. 241(SB488/HB1733). Committee to examine natural gas distribution and deregulation. Creates a special legislative committee (five senators, five representatives) to examine natural gas distribution and deregulation in Tennessee. The committee must report to the General Assembly by Feb. 1, 2001.

Effective date: May 27, 1999

Chapter No. 246 (SB1248/HB1298). Electric utility boards - allowance for attending meetings increased. Amends T.C.A. § 7-52-110 to increase the maximum amount that may be paid to utility board members for attending meetings from \$100 to \$200 per month.

Effective date: May 27, 1999

Chapter No. 317 (SB1705/HB1670). Exemption from regulation for bordering political subdivisions. Amends T.C.A. § 65-4-101(a) to exempt from the definition of "public utility" and thus from regulation by the Tennessee Regulatory Authority any political subdivision of a bordering state that provides natural gas to retail customers within a bordering municipality or the municipality's growth boundaries in Tennessee.

Effective date: May 26, 1999

Chapter No. 344 (SB868/HB1618). Confidentiality of records of domestic violence victims and witnesses with protection orders. Amends T.C.A. § 10-7-504 to require utilities and to allow municipalities to treat as confidential the home and work addresses, telephone numbers, social security numbers, and other information that could be used to locate an individual who has presented a valid protection order or document to the records custodian of the utility or municipality during regular business hours. The person must request that the information be treated as confidential. The protection order is presumed in effect if on its face it has not expired. The custodian must place the document in a file containing in alphabetical order all protection documents. Identifying information remains confidential until the person requesting confidentiality notifies in person the custodian that the information no longer needs to be confidential. After receiving this notification, the custodian must remove the protection document from the file. Before removing the document, however, the custodian must verify the identity of the requestor.

This act also amends § 10-7-504 to require utilities and allow municipalities and other governmental entities to treat as confidential the telephone number, address, and other information about a domestic violence shelter or rape crisis center that could be used to locate the domestic violence shelter or rape crisis center when the director requests this in writing.

Effective date: July 1, 1999

Chapter No. 345 (SB899/HB740). Energy acquisition corporations. Amends *T.C.A.* Title 7, Chapter 39, Part 1 to change Part from “Municipal Gas Companies” to the “Energy Acquisition Corporations Act.”

This act also:

- Establishes qualifications for board members of energy acquisition corporations.
- Allows contracts for gas and gas substitutes within and outside the state. Allows commodity price exchange or swap agreements, price floors or ceilings or both, and other price hedging agreements.
- Allows acquisition of electrical power from TVA or other entities outside Tennessee. Allows agreements similar to those for gas.
- Allows contracts for natural gas and electricity that include price rebates, discounts, and dividends.
- Allows interlocal cooperation in purchasing energy.
- Allows board meetings to be conducted by telephonic or electronic means.
- Allows revenues to be pledged to pay bonds and notes.
- Prohibits municipalities from pledging their full faith and credit to pay corporation's debt.
- Allows bonds with fixed or variable rates.
- Allows interest rate swap or exchange agreements, interest rate floors or ceilings or both, and other hedge agreements.
- Requires state funding board to establish guidelines for bond agreements.
- Provides that associated municipalities are not liable for payment of corporation's bonds.
- Establishes requirements for deposits, investments, and audits.
- Authorizes contracts without competitive bidding.

Effective date: June 14, 1999

Chapter No. 355 (SB1417/HB1986). Agreements for collection of sewer charges by water and wastewater treatment authorities. Amends *T.C.A.* § 68-221-608 to allow water and wastewater treatment authorities to make agreements with other entities providing water or sewer service for either entity to collect sewer charges. Either entity may meter, bill, and collect sewer charges on its water bill; discontinue water service for failure to pay the sewer charge; not accept payment of water charges without the sewer payment; and not reestablish water service until all past sewer charges are paid.

Effective date: June 14, 1999

Chapter No. 378 (SB949/HB808). Suspension of enforcement of actions arising from Y2K computer failures. Amends *T.C.A.* Title 47, Chapter 18 to suspend enforcement of contract, utility, and other commercial transactions that are rendered impossible or difficult to execute because of computer failures. Actions may be brought the latter of 60 days after Jan. 1, 2000 or 60 days after the obligor has been notified of a default and the default has not been cured within 60 days.

Effective date: June 14, 1999; repealed on Dec. 31, 2001.

Chapter No. 408 (SB487/HB1734). Pilot project for intrastate pipeline company. Amends *T.C.A.* § 65-28-103 to allow a pilot project in the 2nd, 4th, 5th, 6th, 7th, and 12th senatorial districts and the smallest county by population in the 15th senatorial district in which an intrastate natural gas

pipeline may transport natural gas to end users in the counties if the gas is produced by wells in these counties. The pipeline may not serve end users served by a municipal utility unless the end user has been served by an interstate pipeline or at the utility's option the intrastate pipeline assumes the utility's obligations to an interstate pipeline. At a municipal utility's option the intrastate pipeline may serve end users not being served by the utility.

Effective date: June 17, 1999

Chapter No. 427 (SB1399/HB1318). Flexibility in issuing bonds. Amends T.C.A. § 7-34-109, part of the Revenue Bond Law, to allow municipalities the same authority with respect to issuance of bonds for utilities and parking that public building authorities were given by P.C. 426. (See summary on page 11).

Effective date: July 1, 1999

Chapter No. 430 (SB1547/HB1450). Electric cooperatives may make cable joint ventures. Amends T.C.A. Title 65, Chapter 25, Part 2 to allow electric cooperatives to enter joint ventures with cable franchise holders and with other entities for the provision of telecommunications services and natural gas and similar products.

Effective date: June 17, 1999

Chapter No. 450 (SB1272/HB757). Utility relocation reimbursement and loans. Section 5 of this act amends T.C.A. § 54-5-804(a) to require the Department of Transportation to reimburse local government utilities with 500 or fewer customers for all reasonable costs caused by utility relocations made necessary by state highway construction.

Section 6 of this act revises provisions of the utility relocation loan program. This section: Requires a utility seeking a loan to have established fees and charges to provide assurance of financial stability, and to agree to adopt fees and charges to ensure timely payment and to cover costs of operating the system.

Requires the utility to covenant to take necessary actions to pay all loan payments when due.

Provides for an interest rate for loans based upon economic factors including per capita incomes and property values.

Eliminates requirement for interest-free loans for five years or less that was mandated under previous law. Provides that loans of five years or less may be recommended for no interest. Increases the allowable duration of loans from 10 to 15 years with no prepayment penalties.

Effective date: June 17, 1999

Chapter No. 452 (SB1616/HB1132). Utility relocations – penalties. Amends T.C.A. § 54-5-854 relative to utility relocation for state highway projects.

Requires utility to mark utility locations within 120 days, rather than the previous 90, after receiving project plans.

Grants the DOT discretion to approve the utility's plan and schedule even if they are reasonable.

Requires DOT to establish the date on which the utility may begin work and to reasonably notify the utility.

Allows utilities that fail to agree on a reasonable plan and schedule to proceed under a reservation of rights notice. The notice must be filed within 10 days of a notice to proceed by DOT. It must contain the utility's objections to the schedule and state reasons.

Requires DOT to reimburse the utility when there is a change that requires additional relocation for all materials the utility has purchased that cannot be used as a result of the change.

Allows the DOT to assess a civil penalty of \$250 per day against utilities with fewer than 3000 customers that fail to meet the schedule. For larger utilities, the penalty can be \$500 per day.

Does not allow civil penalties for delays caused by acts of God.

Requires DOT to furnish the utility with monthly progress reports during the relocation phase. Requires notice of the intent to assess a civil penalty and allows contest and appeal of civil penalties.

This act also amends §54-5-855 to provide that if DOT does not notify the utility of the date for beginning relocation within six months after the plan and schedule were submitted, the utility will be allowed to submit a revised cost estimate. If the DOT does not begin the project within one year after approval of the relocation plan, the DOT must reimburse the utility for all engineering costs.

Effective date: July 1, 1999

Chapter No. 479 (SB1144/HB778). Liability of wastewater authorities for sewer and building service. Amends T.C.A. § 68-221-209 to make wastewater treatment authorities that have state grants liable for damage caused by failure of sewer or building service upon a showing of negligence.

Effective date: June 17, 1999

Chapter No. 481 (SB1109/HB1032). Cable TV – municipal electric systems may provide. Amends T.C.A. Title 7, Chapter 52 to allow municipal electric systems to provide cable TV service, two-way video transmission, video programming, internet service, and similar services.

A municipality may not provide cable service in any area where a private cable company serves 6000 or fewer subscribers.

Before deciding to provide cable services the electric board must file a business plan with the Comptroller.

The board must publish a notice in a newspaper of general circulation of its intent to offer additional services, along with notice for a public hearing.

The board must conduct a public hearing.

A 2/3 vote of the municipal governing body must approve the provision of the service, or a majority vote of the governing body may require a referendum to be held at a regular general election.

The municipal electric system must establish a separate division to offer cable TV service. The division will not be considered a governmental entity for tort liability purposes.

The electric system may lend funds to provide working capital for the system.

The cable division is subject to pole attachment agreements that are applicable to private providers.

The division is subject to governmental finance and compliance audits conducted under enterprise fund accounting principles.

The electric system must make tax equivalent payments with respect to cable TV service. In addition, the division must make payments in lieu of excise and franchise, sales, and local privilege taxes.

A municipality may enter joint ventures to provide cable TV service.

Effective date: June 17, 1999

Chapter No. 532 (SB1239/HB938). Sewer committee. Creates a special joint legislative study committee (three senators, three house members) on on-site sewage treatment systems and water and sewer utility practices regarding apartment submetering. The committee must report to the General Assembly by Feb. 1, 2000.

Effective date: June 17, 1999

Workers' Compensation

Chapter No. 217 (SB200/HB1453). Report on employers failing to provide workers' compensation coverage. Amends T.C.A. Title 50, Chapter 6, Part 1 to require the Department of Labor to make an annual report on covered employers that fail to provide coverage or qualify as self-insured resulting in periods of non-coverage. The Oversight Committee on Workers' Compensation must review the report and make recommendations to the General Assembly by Jan. 15, 2000.

Effective date: May 20, 1999

Chapter No. 225. Burial expenses of deceased employees. Amends T.C.A. § 50-6-204(c) to increase the burial expenses to be paid by employers for employees killed on the job from \$4,500 to \$7,500.

Effective date: May 20, 1999

Chapter No. 242 (SB531/HB751). Modification to form No. C32. Amends T.C.A. § 50-6-233(a) to require the Commissioner of Labor to modify form No. C32 to include a place for the health care provider to indicate temporary total disability and the point at which the employee reached maximum medical recovery.

Effective date: July 1, 1999

Chapter No. 265 (SB616/HB753). Specialist may order retroactive payment of benefits. Amends T.C.A. § 50-6-238(a) to allow workers' compensation benefits specialists to order retroactive payment of benefits in appropriate cases.

Effective date: May 26, 1999

Chapter No. 294 (SB1368/HB688). Psychological services. Amends T.C.A. § 50-6-204 to require psychological services to be provided under workers' compensation when ordered by the attending physician.

Effective date: July 1, 1999

Chapter No. 336 (SB427/HB325). Venue. Amends T.C.A. § 50-6-225 to allow worker's compensation cases to be brought in the county in which the employee resides or in which the alleged injury occurred. Provides that there will be no jury trial and that Tennessee Rules of Civil Procedure and Evidence apply. Authorizes judge to visit scene of the accident. Makes other housekeeping changes.

Effective date: July 1, 1999

Chapter No. 404 (SB709/HB294). Lump sum amount to be paid to estate of employee with no dependents increased. Amends T.C.A. § 50-6-209 to increase the amount paid under workers' compensation to the estate of an employee with no dependents killed on the job from \$10,000 to \$20,000.

Effective date: July 1, 1999

APPENDIX

PUNISHMENT FOR FELONIES AND MISDEMEANORS

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

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Gary W. Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville Tennessee 37996-0212, (423) 974-6622. Charges of violation of the above policy should also be directed to Mr. Baskette.

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