

Appendix: Tennessee Public Acts

Pending the preparation or delivery of the definitive bonds for the purpose of financing the construction of a Public Works Project, interim certificates or other temporary obligations may be issued by the county to the purchaser of said bonds. Such interim certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the Governing Body of the County issuing the same may determine."

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

McALLEN FOUTCH,
Speaker of the House of Representatives.

WALTER M. HAYNES,
Speaker of the Senate.

Approved: March 15, 1951.

GORDON BROWNING,
Governor.

CHAPTER NO. 175

HOUSE BILL No. 866

(By Johnson)

AN ACT to provide for a Commission to negotiate with the publishers of law books with reference to the preparation and codification of the statutes of the State and to make recommendations to the next succeeding General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby

created a Commission composed of the Chief Justice and two additional members, to be designated by him, which Commission is authorized to negotiate with various publishers of law books with reference to the preparation and codification of the statutes of the State and to make recommendations to the next session of the General Assembly relating to the subject of the adoption of a Code.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

MCALLEN FOUTCH,
Speaker of the House of Representatives.

WALTER M. HAYNES,
Speaker of the Senate.

Approved: March 15, 1951.

GORDON BROWNING,
Governor.

CHAPTER NO. 176

HOUSE BILL No. 950

(By Branstetter)

AN ACT to amend Section 3122 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3122 of the Code of Tennessee be, and the same hereby is,

amended by adding thereto a new sentence reading as follows:

“Where the removal of furniture, household belongings, fixtures, equipment or machinery is made necessary by the taking, the reasonable expense of such removal shall be considered in assessing incidental damages.”

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1951.

MCALLEN FOUTCH,
Speaker of the House of Representatives.

WALTER M. HAYNES,
Speaker of the Senate.

Approved: March 15, 1951.

GORDON BROWNING,
Governor.

CHAPTER NO. 177

HOUSE BILL No. 960

(By I. D. Beasley)

AN ACT to prohibit the sale or registration of certain motor vehicles unless same are equipped with safety glass; to require all glass replacements in motor vehicles to be made with safety glass; and to authorize the Commissioner of Finance and Taxation to suspend the registration of vehicles subject to this Act which do not conform with the provisions thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after

Bill 1279 of the Private Acts of the General Assembly of 1933, a Caption of which is recited in the caption hereof, be and the same is hereby repealed.

SECTION 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1953.

JAMES L. BOMAR,
Speaker of the House of Representatives.

JARED MADDUX,
Speaker of the Senate.

Approved: April 6, 1953.

FRANK G. CLEMENT,
Governor.

CHAPTER NO. 80

HOUSE BILL No. 497

(By Bryson)

A BILL to be entitled: "AN ACT to create a Tennessee Code Commission and to prescribe its powers, duties and functions; to provide for the publication of Tennessee Code Annotated, and to authorize contracts for that purpose; and to authorize the compilation and revision of the statutes, codes, code supplements, public acts and session laws of Tennessee, including those now existing and those to be enacted in the future."

WHEREAS, The Seventy-Seventh General Assembly of the State of Tennessee, by Chapter 175, Public Acts of 1951 created a Commission composed of the Chief Justice and two other members designated

by him to negotiate with various publishers of law books with reference to the preparation and codification of the statutes of the State and to make recommendations to the next session of the General Assembly relating to the adoption of a Code; and

WHEREAS, said commission has presented its report to the Seventy-Eighth General Assembly, recommending the publication of the 1932 Code, the 1950 Code Supplement, the Public Acts of 1951, the Public Acts of the Seventy-Eighth General Assembly, and the Public Acts of succeeding Sessions of the General Assembly into an official annotated compilation to be known as "Tennessee Code Annotated", said code to be compiled and published by a private publisher under the supervision and direction of a permanent Tennessee Code Commission; and

WHEREAS, said commission has also recommended that the publication of "Tennessee Code Annotated" shall include the establishment of a long range plan whereby the Public Acts of each succeeding General Assembly will be compiled and integrated into "Tennessee Code Annotated", so that said publication will be kept up to date and current as an official annotated code; and

WHEREAS, the publication of a "Tennessee Code Annotated" under such a long range plan will eliminate the necessity of recurring costly revisions, codifications and code supplements and will effectuate substantial savings the the State and its political subdivisions as well as to public officers, judges, attorneys and other private citizens; and at the same time will make the public laws and annotations thereto available in a practical and convenient form.

Now, THEREFORE,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby created a Tennessee Code Commission of five members composed of the Chief Justice of the Supreme Court of Tennessee, the Attorney General and Reporter and three other members. The commission as originally constituted shall be composed of the following members: A. B. Neil, Chief Justice of the Supreme Court, Roy H. Beeler, Attorney General and Reporter, Sam L. Felts, Sr., Alfred T. Adams, Sr. and Harry Phillips. Whoever shall occupy the position of Chief Justice and Attorney General and Reporter shall be members of said commission. In event of a vacancy for any cause among the other three members, the same shall be filled by appointment by the Chief Justice.

The Tennessee Code Commission is hereby authorized and directed to formulate and supervise the execution of plans for the compilation, arrangement, classification, annotation, editing, indexing, printing, binding, publication, sale, distribution and the performance of all other acts necessary for the publication of an official compilation of the statutes, codes and session laws of the State of Tennessee of a public and general nature, now existing and to be enacted in the future, which official compilation shall be known as "Tennessee Code Annotated".

SECTION 2. *Be it further enacted*, That:

a. The Tennessee Code Commission hereby created shall have full power and authority in behalf of the State of Tennessee to perform all acts and to negotiate and enter into all contracts necessary for and expedient to the successful production

and publication of a revised compilation of the statutory laws of Tennessee, including the power and authority to enter into contracts with a law book publisher for the editing, compiling, annotating, indexing, printing, binding, publication, sale and distribution of the revised compilation and the performance and execution of all other publication plans formulated by the Commission.

b. The Commission shall have authority to design and adopt an appropriate certificate and distinctive seal on behalf of the State of Tennessee, a copy of which shall be included in each copy of each volume and pocket supplement of "Tennessee Code Annotated".

c. The Commission shall have authority to appoint and remove at pleasure, and fix the compensation of, such legal, clerical and other assistants as may be necessary to the efficient discharge of its duties.

SECTION 3. *Be it further enacted*, That any contract with a law book publisher for the purposes referred to in Sections 1 and 2 of this Act shall prescribe the specifications for the publication of the revised compilation, including the size of type to be used in the text of the statutes and the annotations, the grade and weight of the paper to be used, the size of the volumes, and appropriate provisions for the insertion of pocket supplements and the publication of replacement volumes, the price at which Tennessee Code Annotated shall be sold in Tennessee when originally published and such other provisions as are necessary for the full performance of the publication plans formulated by the Commission. The price at which pocket supplements and replacement volumes are to be sold from time to

time in Tennessee shall be controlled by the Commission in such contracts as it may, from time to time, in its discretion execute.

SECTION 4. *Be it further enacted, That:*

a. In preparing the manuscript of the revised compilation for publication and distribution the Commission shall not alter the sense, meaning or effect of any act of the General Assembly, but shall copy the exact language of the text of the statutes, codes and session laws of a public and general nature of the State of Tennessee, except that the Commission is authorized to rearrange, regroup and renumber the titles, chapters, sections and parts of sections of the statutes, codes and code supplements and to change reference numbers to agree with any renumbered chapter or section; to change the wording of and prepare new section headings and symbols; to substitute the proper section or chapter reference where the terms "this Act" or "the preceding section" or similar expressions are used in the statutes; to correct manifest misspelling and typographical errors and to change capitalization and spelling for the purpose of uniformity; and to omit enacting clauses, repealing clauses, severability clauses, conditional clauses, preambles, captions and statements declaring legislative intent. Where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, the Commission may substitute the actual effective date for the various forms of expression which mean that date—such as "when this act (or chapter, or section) takes effect," or "after (or before) the effective date of this act (or chapter, or section)." So such change shall be deemed an alteration of or departure from the enrolled statute.

b. The Commission may prepare and submit to succeeding sessions of the General Assembly its recommendations for the revision in substance and form or the repeal or amendment of certain statutes or any portion thereof, and submit bills for the accomplishment of such proposed revision, repeal or amendment.

SECTION 5. *Be it further enacted, That:*

a. When the Commission finds that the manuscript of the revised compilation hereby authorized or any volume or pocket supplement thereof as printed, edited, annotated, indexed and bound by the law book publisher pursuant to contract conforms to the Commission's publication plans and meets and satisfies the requirements of this Act and also the requirements of the publication contract entered into pursuant to the terms of this act, the Commission shall prepare an appropriate written certificate of approval for each volume and pocket supplement, and the Commission acting through its Executive Secretary or other authorized officer shall certify in writing that the Commission has approved the manuscript of the compilation and that the text of each section of the statutes of Tennessee printed or appearing in such volume or pocket supplement has been compared with the original section appearing in the published copies of the public acts, and that, with the exception of changes in form permitted by Section 4(a) of this Act, the sections in the printed compilation are correctly and accurately copied. One copy of each edition of each volume and pocket supplement so approved together with the original certificate of approval by the Commission shall be filed in the office of the Secretary of State. All other printed copies of each edition of each volume and pocket supplement shall contain

a printed copy of the Commission's certificate of approval.

b. Upon appropriate certification of approval by the Commission filed with the Secretary of State as above provided, the compilation in each volume and supplement so certified shall be in force. The text of the statutes, codes and code supplements (but not the annotations, footnotes and other editorial matter) appearing in the printed copies of the compilation, containing a copy of the Commission's certificate of approval, shall constitute prima facie evidence of the statutory law of the State of Tennessee and be received, recognized, referred to and used in all courts, agencies, departments, offices of and proceedings in the State of Tennessee as the official compilation of the statutory law of the State of Tennessee, and may be cited as Tennessee Code Annotated or by the abbreviation "T.C.A."

c. No compilation or codification of the statutes of Tennessee not bearing a copy of the certificate of approval of the Tennessee Code Commission as above provided shall be recognized as an official compilation of the statutory law of Tennessee.

SECTION 6. *Be it further enacted*, That the Chief Justice shall serve as chairman of the Commission. The Commission shall be authorized to appoint and employ an Executive Secretary who may be either a member of the Commission or some other qualified person, and to prescribe his duties and fix his compensation. The Executive Secretary shall serve at the pleasure of the Commission and shall perform such duties as may be directed by the Commission.

SECTION 7. *Be it further enacted*, That the Ten-

nessee Code Commission hereby created shall be the immediate successor to the Commission created by Chapter 175, Public Acts of 1951.

SECTION 8. *Be it further enacted*, That the Commission shall be authorized to expend such funds as may be appropriated by the General Assembly for the purpose of this Act. Such expenditures shall be made upon certification by the Chief Justice to the proper fiscal officers. The Commission shall not be authorized to subsidize the publication of said Code out of public funds, but shall require that the cost of publication be borne by the publisher, and the publisher shall be required to depend for his compensation upon the proceeds of the sale of said publication. In contracting for the price at which Tennessee Code Annotated and its pocket supplements and replacement volumes shall be sold in Tennessee, the Commission is directed to keep the price at the lowest figure which in its discretion is consistent with high editorial and publishing quality.

SECTION 9. *Be it further enacted*, That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 10. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1953.

JAMES L. BOMAR,
Speaker of the House of Representatives.

JARED MADDUX,
Speaker of the Senate.

Approved: April 6, 1953.

FRANK G. CLEMENT,
Governor.

CHAPTER NO. 81

SENATE BILL No. 654

(By Hodges, Thrasher, Fox, Quarles, Guffey, Lewis,
Sensing, Camp, Taylor, Hastings, Cummings,
Roberts, Wilson, Graham, Everhart,
Coker, Cash)

AN ACT to provide a retirement system for attorneys General and to provide details thereof and to fix a fee on litigation to aid the expenses thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That as used in this statute the following definition shall apply:

1. "Attorney General" shall mean the Attorney General and Reporter, any assistant thereof by whatever name called.

2. "Average compensation" as used herein shall mean the average compensation paid by the State for such persons in their capacity as Attorney General or assistant for the five years in which such

person receives his greatest compensation from the State Treasury.

3. "Service" as herein used shall mean service in any of the above named capacities and also should such official have served as Judge of a court of record, the compensation of which shall have been paid entirely from the State Treasury, such service shall be included in that for which such person shall be given credit toward his retirement. In case any person eligible for retirement hereunder shall have served in the Armed Forces of the United States between 1940 and 1951 upon leave of absence from his position, such period of time as was spent in such military service shall be construed as a part of his service hereunder.

SECTION 2. *Be it further enacted,* That any Attorney General as defined herein may retire (a) at the age of 70 upon 20 years' service; (b) at the age of 60 upon 24 years of service; (c) at the age of 55 upon 30 years of service.

SECTION 3. *Be it further enacted,* That the retirement allowance to any person retiring under the provisions of this Act shall be 2½% of the average compensation for each year of service, subject, however, to a maximum of 75% of the average compensation. Such retirement shall be payable monthly as salaries are now paid by law, shall be paid from the State Treasury and shall not be subject to execution or attachment but shall be wholly exempt from the claims of creditors. Where any person subject to this Act shall be a member of the State Retirement System, such time as may have been credited to him by such retirement system in any of the capacities above defined shall be prima facie correct. In computing the length of time of service fractions

CHAPTER NO. 285

HOUSE BILL No. 187

(By Bomar, Baird, Dement, Flatt, Jr., Senter, Henry, Durham Jr., McKellip)

AN ACT requiring all State, County and Municipal records to be open for public inspection.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all state, county and municipal records shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any such citizen, unless otherwise provided by law or regulations made pursuant thereto.

SECTION 2. *Be it further enacted*, That the medical records of patients in State hospitals and medical facilities, and the medical records of persons receiving medical treatment, in whole or in part, at the expense of the State, shall be treated as confidential and shall not be open for inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order of the court. The records, documents and papers in the possession of the Military Department which involve the security of the United States and/or the State of Tennessee, including but not restricted to National Guard personnel records, staff studies and investigations, shall be treated as confidential and shall not be open for inspection by members of the public."

SECTION 3. *Be it further enacted*, That any official who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor.

SECTION 4. *Be it further enacted*, That in all cases where any person has the right to inspect any such public records, such person shall have the right to take extracts or make copies thereof, and to make photographs or photostats of the same while such records are in the possession, custody and control of the lawful custodian thereof, or his authorized deputy; provided, however, the lawful custodian of such records shall have the right to adopt and enforce reasonable rules governing the making of such extracts, copies, photographs or photostats.

SECTION 5. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1957.

JAMES L. BOMAR,
Speaker of the House of Representatives.

JARED MADDUX,
Speaker of the Senate.

Approved: March 22, 1957.

FRANK G. CLEMENT,
Governor.

[Signature]
SPEAKER OF THE HOUSE OF REPRESENTATIVES

[Signature]
SPEAKER OF THE SENATE

APPROVED this 14th day of April 19 87

[Signature]
GOVERNOR

CHAPTER NO. 163

HOUSE BILL NO. 841

By Rhinehart

Substituted for: Senate Bill No. 1005

By Hamilton, Atchley, Moore Mr. Speaker Wilder

AN ACT to create the office of Management Information Systems for the General Assembly and to amend Tennessee Code Annotated, Title 3, Chapter 10 for such purpose.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 10, is amended by adding Sections 2 through 10 of this Act as a new Part 2.

SECTION 2. There is created the office of Management Information Systems for the General Assembly which shall have the following duties:

(1) To operate an automated data processing center and perform computing and programing services as are required for data processing applications by the members of the General Assembly, the legislative committees, the offices of legislative administration, legislative services and legal services, the Clerks of the Senate and House of Representatives, and the fiscal review committee in the performing of their respective duties;

(2) To cooperate and consult with the chief clerk of the Senate, the chief clerk of the House of Representatives, the directors of all offices under the control of the committee in developing and maintaining computer programs and services required for the operation of such offices;

(3) To advise the joint Legislative Services Committee on matters relating to computer services and computer needs and uses of the legislative computer system;

(4) To maintain on its electronic data processing equipment the complete text of Tennessee Code Annotated for the use of the General Assembly and its staff and the Tennessee Code Commission and its staff;

(5) To coordinate and administer the scheduling and use of computer programs and machine time to facilitate application of computer and other office machine technology for the storing and retrieving all of the financial, factual, procedural, legal and other information necessary to serve all of the committees, officers and agencies of the General Assembly; and

(6) To perform all other duties the joint Legislative Services Committee, the Speakers, or the General Assembly may deem essential to the efficient operation of the legislative branch.

SECTION 3. The joint Legislative Services Committee shall appoint, subject to the approval of the Speaker of the Senate and the Speaker of the House of Representatives, a director of Management Information Systems who shall be a graduate of an accredited college or university and shall have not less than five (5) years of practical experience in computer technology, including administrative and technical responsibility for developing and implementing a computer oriented data processing system. The director and other personnel shall be chosen without reference to the party affiliation but solely on the basis of fitness to perform the duties of the office. The director shall serve at the pleasure of the committee. The committee shall determine the compensation of the director, while the compensation of other personnel shall be determined by the committee upon recommendation of the director. Personnel shall be employed on recommendation of the director with the approval of the Speakers.

SECTION 4. The joint Legislative Services Committee shall, through the office of Management Information Systems, control, operate, and maintain the legislative computer system and the use of electronic data processing equipment in the legislative branch. The committee shall adopt policies, procedures, and guidelines for such system. The provisions of Tennessee Code Annotated, Section 3-10-104, shall be applicable to such policies, procedures, and guidelines.

SECTION 5. Suitable office space and facilities shall be provided in Nashville convenient to the General Assembly.

SECTION 6. Tennessee Code Annotated, Section 3-10-105(a), is amended by deleting the following language:

"The office of legislative services, the office of legal services, and the office of legislative administration established by Sections 3-11-101, 3-12-101 and 3-13-101"

and by substituting instead the following:

The office of legislative services, the office of legal services, the office of legislative administration, and the office of Management Information Systems established by Sections 3-11-101, 3-12-101, 3-13-101 and Section 2 of this Act, respectively.

Tennessee Code Annotated, Section 3-10-105, is further amended in subsection (b) by inserting after the words "services" and before the words "and the office" the words "the office of Management Information Systems".

SECTION 7. (a) A select advisory council on legislative Management Information Systems may be appointed by the Speaker of the Senate and the Speaker of the House of Representatives. Such council shall be composed of an equal number of members of the Senate and the House of Representatives as the Speakers shall determine, and the clerks shall serve as ex-officio non-voting members of the advisory council. The legislative members shall be appointed in the same manner as the members of the joint Legislative Services Committee.

The select advisory council shall advise the speakers and the joint Legislative Services Committee on policies and procedures relative to the electronic data processing system and services, provided by the legislative Management Information System.

(b) There is created a staff user group which shall be composed of nine (9) members. The chief clerk of the Senate and the chief clerk of the House of Representatives shall be members and shall serve as co-chairmen of the group. The other members of the staff user group shall be the director of the office of legislative administration, the director of the office of legal services, the director of the office of legislative services, the director of the office of Management Information Services, the executive director of the fiscal review committee, and one secretary from a standing committee of each House to be appointed by the respective Speakers. The staff user group may advise the Speakers, the joint Legislative Services Committee, and the select advisory council on policies and procedures relative to the electronic data processing system.

SECTION 8. The joint Legislative Services Committee shall consider each application for direct access to the legislative computer system in which confidential information is stored or processed, or that is connected to another computer in which confidential information is stored or processed, and solely shall determine whether or not to permit direct access by the applicant. Direct access to such a computer may not be permitted unless protection of any confidential information is ensured. The provisions of Tennessee Code Annotated, Section 10-7-503, shall not apply to records or information otherwise available in printed form or to information or records otherwise exempt from the provisions of Tennessee Code Annotated, Section 10-7-503.

If public information is stored in a computer-readable form, the committee has exclusive authority to determine the form in which the information will be reproduced for the requestor of the information; provided, however, the reproduction, publication, and sale of Tennessee Code Annotated in any form, in whole or in part, shall be pursuant to the provisions of Tennessee Code Annotated, Title 1, Chapter 1. If access to such public information is also available in printed form, it need not be provided in an electronic readable form.

The committee shall designate the terminals, if any, at which public access is given to public information. The data processing equipment located in the offices of members of the General Assembly and legislative staff need not provide such access if not so designated by the committee.

SECTION 9.

(a) It shall be unlawful for any person to intentionally or knowingly gain access to information stored or maintained in a computer under the control of the joint Legislative Services Committee if it is not lawful for such person to have access and such person is also not authorized by such committee to have access to that information.

(b) It shall be unlawful for a person to intentionally, knowingly, or recklessly damage, destroy, delete, or alter, or impair access to or use of, information stored or maintained in a computer under the control of the joint

Legislative Services Committee if such person is not authorized by such committee to do so.

(c) Any person guilty of the violation of this section shall be guilty of a misdemeanor and punishable as such.

SECTION 10. This Act shall take effect on becoming a law, the public welfare requiring it.

PASSED: April 6, 1987


SPEAKER OF THE HOUSE OF REPRESENTATIVES


SPEAKER OF THE SENATE

APPROVED this 14th day of April 19 87


GOVERNOR

CHAPTER NO. 164

HOUSE BILL NO. 889

By Kernell

Substituted for: Senate Bill No. 1008

By Cohen, Ford

AN ACT relative to transportation of alcoholic beverages, and to amend Tennessee Code Annotated, Title 39, Chapter 6, and Title 57, Chapter 3.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-6-909, is amended by adding the following new subsection (c) and relettering subsequent subsections accordingly:

(c) The provisions of this section shall not apply to any person receiving,