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SUMMARY OF
1972 PUBLIC ACTS
OF INTEREST TO MUNICIPAL OFFICIALS

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By Don W. Ownby

MUNICIPAL TECHNICAL ADVISORY SERVICE

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F O R E W O R D

During the second session of the 87th General Assembly, Chapters 441 through 867 of the 1971-1972 Public Acts were enacted and became law. I have personally reviewed most of these 427 new acts and have found 120 of them to be of varying degrees of direct interest to municipal officials. These 120 acts have been summarized in this report and an alphabetical index has been included at the end to provide a ready reference to them.

Readers of this publication are cautioned, however, that much judgment is involved in deciding which acts to summarize and how to summarize them. Therefore, these summaries should not be considered as substitutes for the acts themselves and should not be used as the basis for any legal action. Complete copies of individual acts may be obtained at nominal cost from the Secretary of State, State Capitol, Nashville, Tennessee 37219. Later, all of the public acts of this session will be available in a bound volume entitled "Public Acts of Tennessee, 1972," which may be purchased from the Rich Printing Company, Nashville. Also, most of them will be codified in the 1972 cumulative supplement to the Tennessee Code Annotated.

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July 1972

CHAPTER NO. 445. Public water and sewer systems--Injunctive relief authorized to prevent violation of rules and regulations. Amends TCA 53-2006 and 53-2013 to authorize the Commissioner of Public Health and local health officers to seek injunctive relief to prevent violation of certain provisions of TCA title 53, Chapter 20, and rules or regulations promulgated pursuant thereto. Provides that State shall be responsible in damages for any wrongfully issued injunction .

CHAPTER NO. 448. Beer--Dealers penalized for late registering and reporting--Tax due date changed--Other changes. Amends TCA 57-202, 57-215, 57-223, 57-228, and 57-234 to provide a penalty for beer dealers who register late or fail to file required reports timely; makes tax due date 20th day of month instead of 10th; makes it a felony to possess or transport illegally over 100 cases of 24 12-ounce cans of beer; puts burden of proof on person possessing or transporting more than 5 gallons to show that tax has been paid and provides for city or county to get 50% of proceeds from State sales of contraband beer seized by city or county officers.

CHAPTER NO. 449. Bingo games and lotteries--Labor unions authorized to conduct. Amends TCA 39-2033 to authorize labor unions to conduct bingo games and lotteries so long as the net proceeds are used exclusively for charitable purposes.

CHAPTER NO. 455. Local sales tax--State may be authorized to collect. Amends TCA 67-3053 to provide that a city or county may, without a referendum, authorize the state to collect a local sales tax previously authorized.

CHAPTER NO. 460. Teachers' retirement--Allowance raised for those not covered by retirement system. Amends TCA 49-1311 to increase the retirement allowance for teachers not covered by the "Tennessee Teachers' Retirement System" or other retirement acts.

CHAPTER NO. 463. Eminent domain--Elements included in compensable damages broadened. Amends TCA 23-1414, 23-1539, 23-1423, and 54-511 to include as incidental compensable damages certain moving expenses of tenants with or without legal interests in the condemned property; provides that condemnor of real property also acquires, and must pay for, adversely affected structures thereon, regardless of whether owned by the property owner or the tenant; requires that condemnor must reimburse property owner for fair and reasonable recording fees,

transfer taxes, mortgage penalty costs, and the pro rata portion of prepaid taxes; also requires condemnor, in certain instances, to reimburse property owner for reasonable attorney, appraisal, and engineering fees actually incurred.

CHAPTER NO. 482. Census of children--Local boards of education to take every 10 years. Amends TCA 49-1703 to require local boards of education to take census of all children up to age six (6) years in 1975 and every ten (10) years thereafter rather than quadrennially.

CHAPTER NO. 494. Modified City Manager-Council Charter--Councilmen required to attend 60% of meetings. Amends TCA 6-3114 to provide that a vacancy shall exist if a councilman fails to attend 60% of regular council meetings in any six (6) consecutive months.

CHAPTER NO. 496. State building regulations--Requirement for sprinklers modified. Amends TCA 53-2531 to exempt "fire resistant" (instead of "fireproof") hospitals, nursing homes, and homes for the aged from sprinkler system requirements.

CHAPTER NO. 502. Intoxicating liquors--Package sales--Local option election procedures changed. Amends TCA 57-111 to require election within not less than thirty (30) nor more than seventy-five (75) days after petition therefor is filed; lowers age requirement for petition signers to eighteen (18); and specifies where the question shall be placed on the ballot.

CHAPTER NO. 503. Real property taxes--Penalty increased for enforcement of tax liens. Amends TCA 67-2008 and 67-2012 to increase from 5% to 10% the penalty imposed when suits are filed to enforce tax liens on real property.

CHAPTER NO. 510. Intoxicating liquors--Local option for on-premises consumption extended. Amends TCA 57-164 to extend local option for on-premises consumption to cities with a population in excess of 20,000 located in counties with a population in excess of 235,000.

CHAPTER NO. 512. Home rule municipalities--referendums for local approval of questions. Act provides as follows: "In any municipality that has adopted home rule, where any question subject to local approval, under the provisions of Article XI, Section 9, Constitution of Tennessee, has not been approved by a two-thirds (2/3) vote of the local governing body, a petition signed by the qualified voters of the municipality in a number amounting to at least ten percent (10%) of the votes cast in the last election for Mayor may be filed with the appropriate election

commission officials not later than sixty (60) days prior to the day of the next regular election, or primary and the question shall be placed on the ballot of the next regular election. Provided, however, that where the total cost of conducting a special election pursuant to Article XI, Section 9, is defrayed completely by private financial contributions, a special election may be held for the purpose of approving or disapproving the question."

Note: The application of this act is questionable since Article XI, Section 9, of the Constitution expressly provides that the General Assembly shall act with respect to a home rule municipality only by laws which are general in terms and effect. For a "home rule" municipality there should be no legislative acts subject to approval by a 2/3rds vote of the local governing body. The provisions of Article XI, Section 9, requiring approval by a 2/3rds vote of the local legislative body of the municipality apply only to authorized private or local acts for municipalities which have not adopted "home rule."

CHAPTER NO. 525. Motor vehicle operators--Chemical tests for alcohol content of blood. Amends TCA 59-1049 to apply only to blood specimens (eliminates reference to urine sample); authorizes duly appointed representatives of the chief medical examiner to execute certificates relative to alcohol concentration; provides for use of such certificates in evidence; and entitles any person tested to have an additional test made at his own expense but only by a licensed medical laboratory.

CHAPTER 528. Sales tax--Certain explosives exempted from. Amends TCA 67-3002 to exempt from sales tax explosives used in fabricating, dislodging, sizing, converting, or processing articles of tangible personal property for resale.

CHAPTER NO. 530. Motor vehicles--Speed limits fixed on four-lane controlled-access highways which are federal or state routes. Amends TCA 59-852 to make speed limits on these routes same as that on highways of the interstate and defense highway system of the state.

CHAPTER NO. 542. "State Planning Commission," etc. replaced by "State Planning Office." Amends TCA title 13, chapter 1, and other TCA sections by substituting a "state planning office" in the office of the Governor for the "state planning commission" and the "planning section of the department of finance and administration." Also creates a "local government planning advisory committee" composed of local government officers appointed by the Governor. This committee advises the Governor on local planning matters and exercises certain powers over regional planning commissions.

CHAPTER NO. 555. Beer--Hours of sale. Amends TCA 57-221 to provide that in any county in which an incorporated city has authorized the sale of liquor by the drink the hours for the sale of beer shall be the same as the hours for establishments selling liquor by the drink. This applies only outside incorporated cities and within the cities having liquor by the drink. Does not apply in any county where liquor by the drink has been legalized by a county-wide referendum.

CHAPTER NO. 557. Bad checks--Specific penalty added for using to pay taxes. Amends TCA 67-4306 to provide that when bad check is used to pay taxes, the taxpayer remains liable the same as if such check had not been tendered. In addition a specific penalty (generally 1%) is added unless the drawer is deemed by the drawee to have tendered such check in good faith.

CHAPTER NO. 560. Utilities--Felony to wilfully tap or damage certain facilities. Amends TCA 39-4533 to make it a felony to wilfully tap or damage electric, telephone, telegraph, or gas facilities.

CHAPTER NO. 561. "Occupational Safety and Health Act of 1972." This comprehensive new act, consisting of some 40 pages, is designed to assure safe and healthful working conditions for working people throughout the State. It directs the commissioner of labor and the commissioner of health to develop and promulgate regulations which adopt comprehensive occupational safety and health standards. These commissioners may assess civil penalties of up to \$1,000 a day for violations. Violators are also subject to criminal penalties of up to \$10,000 and/or imprisonment for not more than one year. On or before July 1, 1973, each local government shall elect whether (1) to be treated as a private employer or (2) to develop its own program. If a local government elects to develop its own program, it shall prepare a statement in writing of such program, including a description of methods of inspection, and shall register such program with the commissioner of labor, by sending to him, by certified mail, a written notification which includes: (1) a statement that the local government elects to develop its own program of compliance; (2) a statement that such program has been developed and has been reduced to writing; (3) a statement of where such writing may be inspected; (4) a statement that employees of such government have been informed of the program and have access to such writing; (5) an assurance that such program incorporates standards developed under section 6 of the state act; and (6) an assurance that the program includes provisions for inspection and record keeping as effective as the provisions of the state act. If a local government does not file such notification, it shall be considered to

have elected to be treated as a private employer. However, no inspections, citations, orders, injunctions, civil penalties, or criminal penalties may be made or assessed against local governments until after July 1, 1973.

CHAPTER NO. 562. Antique dealers--Required to record all purchases over \$50.00. Antique dealers are required to record all purchases of over \$50.00 in a book which shall be carefully preserved and available for inspection by police officers at all times.

CHAPTER NO. 564. Courts of General Sessions--Service of process against city. Adds TCA 16-1127 to provide that process in any suit against a city shall be served on the chief executive officer thereof or on the city attorney.

CHAPTER NO. 565. Uniform City Manager-Commission Charter--Method of serving process on. Repeals TCA 6-2031 dealing with service of legal process against the city. This is now covered by the new rules of civil procedure.

CHAPTER NO. 567. Transportation of school children--State funds may be withheld if "busing" plan is adopted. Amends TCA 49-2201 to provide that the Governor may withhold state transportation funds if a local board of education adopts any transportation plan or directive for the purpose of achieving racial balance.

CHAPTER NO. 571. Purchases for cities by the state department of standards and purchases. Amends TCA 12-338 to authorize such purchases by contracts or price agreements notwithstanding local, special, or private acts requiring purchases by competitive bidding.

CHAPTER NO. 573. Motor vehicles--Prohibits towing from private property without consent. This act provides that: "It is unlawful for any person, or his agent, to move or cause to be moved, any motor vehicle located on private property, from such property, if the owner of the motor vehicle has acquired any interest in such private property by virtue of a lease or any contract, without the express consent of the owner of such motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the same by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction." Violators are subject to a fine, imprisonment, and civil damages in "treble the amount of the costs incurred by the owner in recovering the motor vehicle so moved." The act "shall not

affect nor prevent the operation of any state law relative to the removal of abandoned and junked motor vehicles."

CHAPTER NO. 580. Sewage treatment works--Bonds authorized to implement grant program. Authorizes the State, acting by resolution of its funding board, to issue and sell bonds and bond anticipation notes in an amount not to exceed \$29,000,000 for state grant assistance in construction of sewage treatment works pursuant to TCA 53-2017--53-2022.

CHAPTER NO. 583. Obscene material harmful to minors--Notice of restraining order not required. Amends TCA 39-1015 to permit the court to grant a temporary restraining order or injunction without meeting notice requirement where obscene material harmful to minors is offered for sale or loan, or exhibited. (See also chs. 660 and 726)

CHAPTER NO. 588. Teachers' tenure--Teacher's right to hearing after charges. Amends TCA 49-1416 to increase from 10 to 30 the number of days within which a teacher may demand a hearing after notice of charges. The hearing must be held within 30 days after the superintendent receives the notice demanding a hearing.

CHAPTER NO. 589. State sales tax--Monthly allocation for MTAS increased. Amends TCA 67-3047 to increase from \$15,000 to \$17,667 the monthly allocation for the Municipal Technical Advisory Service from the cities' portion of the state sales tax.

CHAPTER NO. 592. Juvenile courts--Case of "neglected or abandoned" child may be transferred to county of residence. Amends TCA 37-212 to authorize juvenile court to transfer non-resident "neglected or abandoned" child's case to his county of residence when other proceedings involving him are pending there.

CHAPTER NO. 597. Drug control law--Penalties revised. Substantially revises penalty provisions of drug control laws (Chapter 12 and 14, Title 52; Chapters 6 and 10, Title 63) for sellers and/or users of controlled substances and provides that all manufacturers and/or distributors of same must be licensed by Tennessee Board of Pharmacy. Physicians may treat juvenile drug abusers without prior parental consent and may exercise their discretion as to whether parents should be notified.

CHAPTER NO. 599. Public drunkenness--Penalty--Suspension of fine and/or sentence authorized for participation in rehabilitation program. Any person convicted of the common law offense

of public drunkenness shall be sentenced and/or fined not to exceed 60 days and/or \$50.00 or may have such fine and/or sentence suspended on condition that he participate in a program of rehabilitation at an alcohol or drug treatment facility. Act expressly applies to any court empowered to hear and determine misdemeanors and/or violations of municipal ordinances. Repeals TCA 33-811, 39-2518, and 39-2519.

CHAPTER NO. 601. School audits--City boards of education to require annually. The board of education of each city shall cause an annual audit to be made of all its schools. Said audits may be prepared by CPAs, PAs, or by the department of audit but must be approved by the comptroller of the treasury in order to comply with the act.

CHAPTER NO. 602. Municipal audits--Local governing bodies to require annually. The governing body of each municipality shall cause an annual audit to be made of all its departments, boards, and agencies. Said audits may be prepared by CPAs, PAs, or by the department of audit but must be approved by the comptroller of the treasury in order to comply with the act.

CHAPTER NO. 608. "Uniform Relocation Assistance Act of 1972." The declared purpose of this act is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of state programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Does not increase elements included as compensable damages in eminent domain proceedings. Chapter 24 of title 54 TCA is repealed. Authorizes payment for moving and related expenses, replacement housing for homeowners, replacement housing for tenants, and relocation assistance advisory services. Under this act, notwithstanding any other law, the head of a state agency shall not approve any grant to, or contract or agreement with, a local agency under which state financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person, unless he receives satisfactory assurances from such local agency that: (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, (2) relocation assistance programs shall be provided to such displaced persons, and (3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons.

Local agencies are also "authorized" to use the provisions of this act for strictly local programs.

CHAPTER NO. 612. Intoxicating liquors--Lowers age requirement from 21 to 18. Amends TCA 57-111 and 57-156, having to do

with local option election petitions and selling of intoxicating liquor to minors, so as to lower age requirements from 21 to 18.

CHAPTER NO. 613. Contractors--Withdrawal of retained funds. Amends TCA 12-434 to provide that, under any construction contract entered into by the state or a city, etc., the contractor may withdraw any part of the amount which has been retained from partial payments, upon depositing with the appropriate public official certain designated securities.

CHAPTER NO. 623. Juvenile courts--Authorized to hear certain "child abuse" cases on merits. Amends TCA 37-1201 to provide that in a "child abuse" case, on a plea of not guilty, the juvenile court judge may hear the case on its merits, without a jury, if the defendant requests such hearing and signs a waiver.

CHAPTER NO. 630. Department of standards and purchases--required to furnish catalogs to cities. Amends TCA 4-330 to require department to furnish each city the current catalog or price list of goods which the department may purchase for local governments by virtue of TCA 12-338.

CHAPTER NO. 631. Stream pollution--Membership of board--Application of regulations. Amends TCA 70-327 to substitute the commissioners of agriculture for the executive director of TSPC as a member of the board. Amends TCA 70-336 to eliminate "will-fullness" as an element of water pollution offenses but provides exceptions for acts of God, unavoidable accidents, etc. Amends TCA 70-337 to provide that no warrant, etc., will be issued except upon application of the board or commissioner of health.

CHAPTER NO. 639. Prospective new community certification--Acreage requirements decreased. Amends TCA 13-1505 to decrease from "4,000" to "2,000" the acreage requirement for certification as a "prospective new community."

CHAPTER NO. 640. Intoxicating liquors--Local option elections--Population requirements lowered. Amends TCA 57-111 to provide that any city having a population of 1,700 or more persons, and certain resort cities having a population of 1,000 or more persons, may hold local option elections to legalize liquor.

CHAPTER NO. 649. Gasoline tax exemptions--Tax free gasoline may be used in vehicles leased by city. Amends TCA 67-3702 (3) to authorize governmental units to use tax free gasoline in "leased" equipment now. Formerly the equipment had to be "owned" by the governmental unit.

CHAPTER NO. 651. Area vocational schools--Teachers allowed additional part-time work. Amends TCA title 49, chapter 26 to provide that full-time teachers in area vocational schools may be employed and paid by the same or other institutions for additional part-time work for not more than 15 hours per week and for not more than 6 months out of any 12 month period.

CHAPTER NO. 653. State sales tax-- $\frac{1}{2}$ cent rate increase extended for 1 year. Amends TCA 67-3003 to extend for one year, until June 30, 1973, the $\frac{1}{2}$ cent state sales tax rate increase which was added in 1971 for a one year period.

CHAPTER NO. 655. "The Billboard Regulation and Control Act of 1972." Provides for the regulation and control of outdoor advertising adjacent to the state, interstate, and primary highway systems; provides for permits and fees; provides for acquisition and disposal of outdoor advertising and property rights; provides penalties for damaging lawful signs and for other violations; and, repeals TCA 62-1107, "Attaching one sign to another," and 62-1114--62-1132, the "Billboard Act of 1965."

CHAPTER NO. 659. Dual prosecutions by state and city for same offense prohibited. Amends TCA 40-305 to provide that dual prosecutions are prohibited even for acts committed prior to enactment of the 1971 act prohibiting same.

CHAPTER NO. 660. Obscenity--Temporary restraining orders authorized. Amends TCA 39-3003 to provide for temporary restraining orders in addition to temporary injunctions against removing, exhibiting, etc., obscene materials. (See also chs. 583 and 726)

CHAPTER NO. 661. "Alcohol and Drug Dependence Advisory Commission" created. Amends TCA 33-801 to replace the 13 member "alcoholism commission" with a 22 member "alcohol and drug dependence advisory commission" to coordinate the activities of the various state agencies involved in the treatment or rehabilitation of drug or alcohol dependents, to advise the commissioner of mental health in carrying out such programs, and to better acquaint the public with the needs and activities of these programs.

CHAPTER NO. 668. Housing authorities--Counseling and education programs authorized. Amends TCA title 13, chapter 8, to add a new section providing that an authority may assist in the establishment and development of a continuing program of counseling

and education for its tenants to assist in improving their living conditions. Such program may include a credit union for the tenants.

CHAPTER NO. 671. Teachers' retirement--Required years of service reduced for those not covered by retirement system. Amends TCA 49-1311 to reduce from 10 to 8 the number of years service required to qualify for a retirement allowance.

CHAPTER NO. 672. Seizure of stills and paraphernalia--Destruction of contraband property. Amends TCA 57-601 and 57-602 to provide that police officers shall, in the presence of witnesses, summarily destroy and render useless captured illicit stills and paraphernalia and unstamped liquor and beer found on the premises. Officers are required to report such actions within 5 days.

CHAPTER NO. 674. "The Uniform Standards Code for Factory Manufactured Mobile Homes Act"--Applies also to recreational vehicles. Defines "recreational vehicle" and "motor home" and provides that captioned act shall also apply to them. (See ch. 718)

CHAPTER NO. 676. Unlawful acts relative to parking meters, coin operated telephones, and vending machines. Provides fine and imprisonment for wrongfully opening, damaging, etc., with intent to commit larceny, or for wrongfully possessing a key or device, etc., for opening such machines.

CHAPTER NO. 681. Regional planning regulations--Access requirements changed. Amends TCA 13-311 to authorize construction of buildings on lots not adjoining public streets when such lots front on permanent easements or are in subdivisions on properly zoned commercial and/or industrial tracts.

CHAPTER NO. 682. Intoxicating liquors--On premises consumption--Legalized for "premiere type tourist resort." Amends TCA 57-152--57-164 to authorize, without a referendum, the sale of alcoholic beverages to be consumed on the premises by guests of "premiere type tourist resorts." A "premiere type tourist resort" is defined to be a commercially operated recreational facility with a capitalization of not less than \$10,000,000; not less than 6,000 acres of contiguous land; not less than 200 hotel or guest rooms; a golf course; a ski slope; and several other specified facilities.

CHAPTER NO. 684. Courts--Attorneys authorized to tape record proceedings. Provides that attorneys representing parties in proceedings in any of the courts of this state may tape record the proceedings.

CHAPTER NO. 685. "Scenic routes system"--Height limits for buildings on nearby property. Amends TCA title 54, chapter 25, to make it unlawful to erect a building (except a silo or barn) higher than 3 stories or 35 feet within 1500 feet of a scenic route.

CHAPTER NO. 690. Housing authorities--Not to initiate public housing projects without city governing bodies' approval. Amends TCA 13-802 and 13-804 to provide that an authority shall not initiate any project until the city governing body (or its designated agency) has approved the project plan after notice and a public hearing.

CHAPTER NO. 691. Building codes--Adoption by reference--Subsequent amendments. Amends TCA 6-621 to provide that when a city adopts a building code by reference, subsequent amendments to such code may be administratively adopted by the city's code official.

CHAPTER NO. 693. General Education Act. This 42 page act provides for the operation of the educational system of the state and its subdivisions. Specifically repeals Chapter 439, Public Acts of 1971 and amends TCA 49-105, 49-115, 49-1109, 49-1701, 49-1709, 49-2805 and title 49, chapter 6.

CHAPTER NO. 694. City council vacancies--Cities over 100,000 in non-metro counties over 200,000. Requires that appointees to such vacancies shall serve only until the next primary or general election or referendum.

CHAPTER No. 696. Property subject to taxation--Exemptions. Amends TCA 67-502(2) to exempt property owned by one tax exempt institution but occupied by another tax exempt institution as long as the owning institution is not compensated therefor more than \$1.00 per year.

CHAPTER NO. 699. Workmen's compensation--Miscellaneous amendments. Amends TCA 50-907 to put all coal mine operators and their employees under workmen's compensation (can make no election); amends TCA 50-1005 so as to provide a 6% penalty if benefits are not paid promptly; amends TCA 50-1013 to provide benefits for dependents until they are 22 if in school; amends TCA 50-1015 to provide that priority for benefits shall be same as for unpaid wages with no provisos; amends TCA 50-1028 to require referral to the department of education of all feasible cases for vocational rehabilitation; amends TCA 50-1105 relative to coal worker's pneumoconiosis; and amends TCA 50-1009 to prohibit waiver of compensation where prohibited by 1969 federal law.

CHAPTER NO. 700. School board and city judge vacancies--
Cities over 100,000 in non-metro counties over 200,000.
Requires that appointees to such vacancies shall serve only until the next primary or general election or referendum.

CHAPTER NO. 702. Municipal health departments-- Exempt from act requiring registration of pharmacies. Amends TCA 63-1021 (as amended by ch. 465, pub. acts of 1972) to exempt state, county, and municipal health departments dispensing drugs not subject to abuse from having to register as pharmacies.

CHAPTER NO. 709. Sales tax--Definition of "industrial machinery" changed. Amends TCA 67-3002(n) to include within the definition of "industrial machinery" that machinery used by or for a county or city in stream pollution control or sewage systems.

CHAPTER NO. 711. Housing authorities--condemnation power limited. Amends TCA title 13, chapter 8, to provide that an authority shall not have the authority to condemn private property for resale when the owner agrees to develop same in conformity with the urban renewal plan.

CHAPTER No. 712. Private or volunteer fire department vehicles--Registration at reduced fees authorized. Amends TCA 59-428 to provide that motor vehicles owned by private or volunteer fire departments and operated exclusively for essential governmental purposes may be registered and licensed for a one-time fee of \$1.25 plus the clerk's fee.

CHAPTER NO. 717. Houses for use, transfer, or storage of drugs--Declared to be public nuisance. Amends TCA 39-2901 to provide that it is a public nuisance to "maintain houses where the use or transfer or storage of controlled substances as defined in 'The Tennessee Drug Control Act of 1971' are carried on or permitted."

CHAPTER NO. 718. "The Uniform Standards Code for Factory-Manufactured Mobile Homes Act." Provides for the commissioner of insurance and banking to establish standards of construction for factory-manufactured mobile homes; requires compliance with such standards as a condition precedent to sale; provides for administration and for service of process on foreign or alien manufacturers or dealers. (See also ch. 674)

CHAPTER NO. 719. Mobile homes and recreational vehicles--Inspections required for new ones. Amends TCA 53-2447 to require inspections by state fire marshal whether or not sales are for use in this state. Dealers must request inspection within 5 days for any uninspected unit received.

CHAPTER NO. 720. Businesses and persons engaging in electrical work--Required to register and pay fee. Amends TCA title 53, chapter 24, to require registration with Department of Insurance, Division of Fire Prevention, and payment of a \$10.00 fee.

CHAPTER NO. 721. Electrical service--Inspection fees increased--Inspection required as prerequisite for service. Amends TCA 53-2442 to increase fees for electrical inspections by deputy state fire marshals; provides for disposition of fees; and requires that electrical service shall not be connected to any new installation without an inspection and approval by an authorized inspector.

CHAPTER NO. 722. Teachers' retirement--Changed for certain teachers. Amends TCA 49-1544 to provide that subsections A(1) (b) (ii) and A(2) (b) (ii) shall not be applicable to members who retire on or after their 60th birthday or who have 30 or more years creditable service in the Tennessee Teachers' Retirement System.

CHAPTER NO. 725. Motor vehicles--Anti-theft provisions--Police to report thefts and recoveries, etc. Amends TCA 59-501 to require police to report to department of safety and keep a record of all thefts and recoveries of stolen motor vehicles or motor vehicle components. Requires report of recoveries to owners. Also amends TCA 59-501, 59-502, 59-503, 59-508, and 59-510 with respect to reports, records, and actions required of wrecker and/or garage businesses; motor vehicle owners, lien holders, and insurers; and automobile parts dealers, etc.

CHAPTER NO. 726. Obscenity--Hearing on petition for injunction--Search warrants. Amends TCA 39-3005 to prescribe procedure to follow when defendant in obscenity case fails to answer a petition for injunction; also provides for issuance and service of a search warrant for premises where alleged violations of the obscenity laws are being carried on. (See also chs. 583 and 660)

CHAPTER NO. 728. Cities self-insuring are exempt from certain premium taxes. Amends TCA 56-408 to provide that any governmental agency which operates as self-insured and contracts either for a percentage or a flat fee for the administration of its self-insurance plan with an insurance company shall not be obligated to pay the premium tax levied in TCA 56-408.

CHAPTER NO. 729. Fines and costs--Installment payments, etc. authorized. Provides that when any court (including municipal courts) imposes a fine, the court may order immediate payment, defer payment, or order installment payments, etc. If the court's order is violated the defendant may be imprisoned for one day for each \$5.00 of fine but not for more than 10 days for an ordinance violation. No imprisonment may be ordered for default in payment of costs. Fines and costs may also be (and the court may order them to be) collected in the same manner as a judgment in a civil action. When a court orders a defendant to pay a traffic fine in installment payments and he defaults, the court shall revoke his privilege to operate a motor vehicle until the fine is paid.

CHAPTER NO. 731. Sales tax--Definition of "farm equipment and machinery" changed. Amends TCA 67-3002 (p) so as to include within the definition of "farm equipment and machinery" "used" as well as "new" equipment.

CHAPTER NO. 733. United States Congressional Districts. Amends TCA 2-502 relative to captioned districts.

CHAPTER NO. 734. Reapportionment of the House of Representatives. Amends TCA title 3, chapter 1, relative to reapportionment of the House of Representatives.

CHAPTER NO. 735. Reapportionment of the Senate. Amends TCA 3-102 relative to reapportionment of the Senate.

CHAPTER NO. 740. Election laws--Comprehensive new law enacted. This broad new act, consisting of 183 pages, purports to restate, supplement, consolidate, clarify and revise the election laws of this state and other matters related to them in order to establish a uniform law of elections protecting the freedom and purity of elections, and repeals all laws in conflict therewith.

The following TCA sections are specifically repealed: Subsection (29) of 1-305, 2-101 through 2-113, 2-201 through 2-207, 2-301 through 2-327, 2-401 through 2-403, 2-405 through 2-410, 2-412 through 2-416, 2-501 through 2-508, 2-601 through 2-609, 2-701 through 2-702, 2-801 through 2-841, 2-901 through 2-912, 2-1001 through 2-1012, 2-1101 through 2-1107, 2-1109 through 2-1112, 2-1114 through 2-1122, 2-1201 through 2-1207, 2-1209 through 2-1230, 2-1301 through 2-1323, 2-1401 through 2-1406, 2-1408, 2-1410 through 2-1429, 2-1431, 2-1501 through 2-1542, 2-1601 through 2-1616, 2-1701 through 2-1710, 2-1801 through 2-1809, 2-1901 through 2-1924, 2-2001 through 2-2017, 2-2101 through 2-2110, 2-2112, 2-2201 through 2-2219, 2-2222 through 2-2257, 5-403, 5-404, 6-2008, 6-2504 through 6-2506, 6-3104, 54-804 and 54-806.

The following TCA sections are specifically amended: 5-206, 5-304, 5-405, 5-1001, 5-1023 through 5-1025, 5-1106 through 5-1111, 6-913, 6-914, 6-1519 through 6-1521, 6-1608, 6-1610 through 6-1613, 6-1615, 6-1710, 6-1804, 6-1805, 6-1808, 6-1809, 6-1811, Subsection (32) of 6-1901, 6-2001, 6-2005 through 6-2007, 6-2011, 6-2302, 6-2303, 6-2501 through 6-2503, 6-2507 through 6-2510, 6-2812, 6-2907, 6-3006, 6-3101, 6-3103, 6-3105, 6-3107, 6-3110, 6-3115, 6-3117, 6-3118, 6-3120, 6-3121, 6-3422, 6-3705, 6-3709, 6-3722, 54-803, 54-1118, 57-101, Subsections (3) through (6) of 57-111, and 40-2712.

Chapters 307, 308, 309, 310, and 378 of the Public Acts of 1971 are repealed.

The act becomes effective at 12:01 a.m. on January 15, 1973, except that the following new TCA 2-910 takes effect on July 1, 1972:

The County Election Commission, with the approval of the Coordinator of Elections and the State Election Commission, may provide for the use of voting machines which do not meet the requirements of this Title except under this section. Machines and procedure for such use shall provide as much protection for the purity of the ballot and against election fraud as do voting machines which otherwise meet the requirements of this Title. The coordinator of Elections, with the approval of the State Election Commission, shall adopt rules setting uniform standards for machines and their use by July 1, 1972. The use of voting machines in compliance with this section and the rules shall be as valid for all purposes in an election as if the machines had otherwise met the requirements of this Title for voting machines.

CHAPTER NO. 745. "Airport/Industrial City Study Act." Appropriates to the Tennessee State Planning Commission and/or the Tennessee Industrial Development Commission the sum of fifty thousand dollars (\$50,000), to be expended in obtaining a study of the feasibility and advisability of the development of an airport/industrial city in the State of Tennessee, including the study of potential financial assistance from the United States Government and other sources for such development. The results of the study shall be made available to the members of the 87th General Assembly as soon as such results are available.

CHAPTER NO. 746. Tax modernization and reform commission. Provides for a "tax modernization and reform commission," composed of not more than 21 members appointed by the governor, to study the alternatives to present state and local tax structures, etc. Provides that there shall be substantial representation from local governments on the commission.

CHAPTER NO. 749. "Emergency Medical Services Act"--EMS advisory council created--Ambulances and ambulance personnel to be regulated and licensed. Comprehensive act which primarily provides for regulation and licensing of all ambulances and ambulance personnel by the department of public health except that counties and cities may, by written resolution delivered to the commissioner of health, elect not to be covered. The EMS advisory council, consisting of 10 members, 3 of whom shall be local officials, shall advise and make recommendations to the commissioner

regarding rules and regulations pursuant to the act and shall serve as the appeals board on all EMS regulatory matters.

CHAPTER NO. 750. Hospitals--Required to provide emergency service. Requires every hospital to provide emergency service to applicants therefor regardless of the applicants' ability to pay when death or severe injury or illness is liable to result without such service. Violators subject to fines up to \$1,000.

CHAPTER NO. 755. Juvenile courts--Court appointed attorneys to be paid by State. Amends TCA 37-249 to provide that the cost of providing court appointed attorneys to represent juveniles in felony type cases shall be paid by the State.

CHAPTER NO. 756. Intoxicating liquors--Sale on airlines and trains--brown-bagging in Knoxville. Amends TCA 57-152--57-157 so as to authorize sale of liquor for consumption on the premises on "commercial airlines and passenger trains" instead of on "common carriers"; changes the on-premises consumption privilege tax for such carriers to \$750.00 per business, instead of \$100 per vehicle, and makes it an exclusive state tax; and eliminates the prohibition against brown-bagging in Knoxville.

CHAPTER NO. 757. Sales tax--certain occasional sales of mobile homes exempted. Amends TCA 67-3002 to exempt from sales tax those occasional or isolated sales of mobile homes where purchaser merely assumes seller's finance contract and pays no other consideration to the seller.

CHAPTER NO. 758. TVA payments in lieu of taxes. Amends TCA 67-2402 to provide that board of equalization must give consideration to changes in tax rates and assessment ratios for preceding year in arriving at what is due local governments from TVA in lieu of taxes.

CHAPTER NO. 759. Weapons--Policemen may be authorized to carry at all times. Amends TCA 39-4902 to authorize policemen and certain other law enforcement officers to carry weapons at all times, regardless of duty hours or assignment, pursuant to a written directive of supervisors.

CHAPTER NO. 765. "Tennessee Municipal Securities Act of 1972." Provides for licensing and regulating "broker-dealers," "underwriter-dealers," "fiscal agents," "agents," and "financial consultants" engaging in the municipal security business in the State after September 1, 1972; creates a "Tennessee Municipal Securities Board," composed of seven (7) members appointed by the governor, to administer the act; and provides for fines and imprisonment for violators.

CHAPTER NO. 773. Reappraisal of property for taxation--Time extended. Amends TCA 67-1718 to provide three (3) additional years for completing statewide reappraisal program.

CHAPTER NO. 778. Home-rule municipalities--additional city courts and costs authorized. Authorizes home-rule municipalities to create or add city courts for trial of ordinance violations and small offenses committed in the city. Also provides that "reasonable costs," not to exceed those allowed in general sessions courts, shall be set by ordinance regardless of charter limits.

CHAPTER NO. 779. Industrial development corporations--Expands definition of "project"--Authorizes trust accounts for proceeds of refunding bonds. Amends TCA 6-2801 to expand definition of "project" to include certain pollution control facilities. Amends TCA 6-2809 to provide for setting up trust accounts for proceeds of refunding bonds issued to pay off obligations which are not presently available for retirement.

CHAPTER NO. 783. Confiscated firearms--Disposition regulated. Amends TCA 39-4912 so as to provide for the disposition of all firearms confiscated by law enforcement officers. Those not adjudicated to be contraband must be returned by the sheriff to rightful owners. All contraband weapons must be sold by the sheriff pursuant to notice, etc., with all the proceeds going to the county general fund. Municipalities must turn all seized firearms into the sheriff's office within 30 days after final court proceedings.

CHAPTER NO. 786. Juveniles--Release from confinement. Amends TCA 37-237 to provide that Commissioner of Correction may release juveniles from confinement upon recommendation of the Treatment-Release Board provided the committing court is notified and does not object.

CHAPTER NO. 787. Air pollution control--Cotton gins no longer exempted from regulations. Amends TCA 53-3422 so that cotton gin operations are no longer exempt from state air pollution control regulations. Until now it was discretionary with cities as to whether or not cotton gins were regulated with respect to air pollution.

CHAPTER NO. 799. Public schools--Courses in Negro history and culture required. Beginning with the school year 1972-1973, the course of instruction in all public schools should include courses and content designed to educate children in Negro history and culture, etc.

CHAPTER NO. 811. "Tennessee Industrial Development Authority Act of 1972." "TIDA" is created and its members appointed by the governor to encourage economic growth by the promotion of industrial and manufacturing enterprises in those counties whose population growth from 1960 to 1970 was at a rate less than that of the United States. State is authorized to issue general obligation bonds up to \$5,000,000. "TIDA" has broad powers including the authority to guarantee loan repayments up to 50% and may purchase up to 50% (not to exceed \$250,000) of first mortgage loans on an approved project.

CHAPTER NO. 812. Sheriff's fees--Increased for serving process in tax suits. Amends TCA 67-2008 to increase the sheriff's fee from \$1.00 to \$2.00 for serving original process in suits to enforce tax liens.

CHAPTER NO. 814. "Tennessee Consolidated Retirement System." Provides for the establishment of a consolidated retirement system to provide retirement allowances and other benefits for certain teachers and other employees of the state and its political subdivisions. It supersedes several retirement systems and repeals TCA 8-107 and 8-618--8-622; chapters 34, 35, 36, 37, and 40 of Title 8; chapters 3 and 5 of title 17; chapter 15 of title 49; and 65-151--65-168.

CHAPTER NO. 824. Bonds--Resolution for multi-purpose issues need not ascribe specific amount for each purpose. Amends TCA 6-1608 to provide that the bond resolution shall state the purpose or purposes for which such bonds are to be issued, but if the bonds are to be issued for more than one purpose, the resolution need not state the amount which will be used for each purpose.

CHAPTER NO. 829. "The Transportation Act of 1972." Creates a department of transportation with the following 6 bureaus:

- (1) The bureau of highways.
- (2) The area mass transit bureau.
- (3) The bureau of aeronautics.
- (4) The bureau of industrial marine and watercraft transportation.
- (5) The bureau of planning.
- (6) The bureau of business management.

The bureau of highways has the powers, duties and functions formerly accorded the department of highways with the additional power to establish state speed limits.

The area mass transit bureau is primarily concerned with cities having a population of 8,000 or more and counties containing one or more such cities.

The bureau of aeronautics succeeds the Tennessee Aeronautics Commission which becomes advisory to the bureau.

The act prescribes the powers duties, functions, etc., for each bureau.

CHAPTER NO. 830. Development districts--Financing raised. Amends TCA 13-1409 to raise maximum state matching contribution to development districts to \$30,000 (from \$25,000); raises maximum contribution a county can make to \$7,500 (from \$2,000); provides \$10,000 state bonus to development districts with less than 300,000 population where local assessment equals 10¢ per capita (subject to above stated \$30,000 maximum for any district).

CHAPTER NO. 832. "Honorary Policemen" cards--Issuance restricted. Provides that it is a misdemeanor for a sheriff, chief of police, mayor, police or safety commissioner, or any other elected or appointed official to issue to anyone a so-called "honorary" or "courtesy" card bearing words, official emblems, or designs, or references to the words deputy sheriff, honorary deputy, policeman, patrolman, trooper, constable, mayor, commissioner, etc. unless such card bears in bold black letters no less than the size of the largest print otherwise appearing on the instrument: "NOT A HANDGUN PERMIT."

CHAPTER NO. 833. Juvenile court judges--Official organization created for. Creates "Tennessee Council of Juvenile Court Judges" to be the official organization of all judges having juvenile court jurisdiction in the state. To meet annually and hold training sessions to promote a more efficient and prompt administration of justice, etc. Each county is required to reimburse juvenile judges serving therein for reasonable expenses incurred in attending meetings and training sessions.

CHAPTER NO. 836. Drug control law--Disposition of fines, etc. Amends TCA title 52, chapter 14, to provide that certain fines, forfeitures, and proceeds from seized goods in drug cases shall inure to the benefit of local drug enforcement programs.

CHAPTER NO. 837. Books, newspapers, etc., containing material of a predominantly sexual nature--Display restricted. Makes it a misdemeanor to display, cause, or permit to be displayed for sale in any grocery, market, store, drug store, or similar place, except an adult bookstore where persons under eighteen (18) years of age are not admitted, any magazine, book, or newspaper containing stories, articles, or pictures, or other material, of a predominantly sexual nature, at a height less than five and one-half (5½) feet above the floor.

CHAPTER NO. 839. Education for the handicapped. Comprehensive act provides for the education of the handicapped; creates, within the department of education, a division for the education of the handicapped; creates an advisory council; provides for a special education services association; requires the commissioner of education to make plans for the implementation of special education in a three-phase incremental program, etc.; repeals TCA 49-2901 and 49-2902.

CHAPTER NO. 840. Property tax--Exemption provided for certain not-for-profit general welfare corporations. Amends TCA 67-502 to provide property tax exemptions for not-for-profit general welfare corporations with outstanding loans under the National Housing Act who also meet certain other criteria. Also provides an exemption for the Nashville Thermal Transfer Corporation.

CHAPTER NO. 844. Annexation--Certain cities granted supplemental powers with respect to. Amends TCA 6-309 to provide that any city (regardless of population) in a county having a population of over 66,000 (except in Shelby and Davidson counties), in annexing by ordinance, may (but is not required to) levy ad valorem taxes according to actual municipal services rendered.

CHAPTER NO. 850. "Business Tax Act"--Comprehensive amendment. Amends TCA title 67, chapter 58, and TCA 8-2126 and repeals TCA 57-130. Copies of the "Business Tax Act," as amended by this chapter, and an informational memorandum from the department of revenue relative to this act have previously been mailed to all cities.

CHAPTER NO. 857. "Comprehensive Alcoholism Prevention, Control and Treatment Act." Provides for the establishment and maintenance of a comprehensive program, under the department of mental health, for the control of drunkenness and the prevention and treatment of alcoholism. Requires a variety of treatment facilities and authorizes voluntary and involuntary commitments to such facilities. Prohibits adoption, by any city, of any ordinance making public drunkenness, in and of itself, the subject of criminal or civil penalties or sanctions of any kind. Provides that 2% of all sums paid to cities from state liquor and beer taxes (TCA 57-135 and 57-217) shall be used for purposes set forth in this act.

CHAPTER NO. 867. "General Appropriations Act." Comprehensive act makes appropriations for the purpose of defraying the expenses of the state government for the fiscal year beginning July 1, 1972, with certain exceptions.

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