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SUMMARY OF

1973 PUBLIC ACTS

OF INTEREST TO MUNICIPAL OFFICIALS

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TENNESSEE MUNICIPAL LEAGUE

June 1973

Laws and Regulations—
Tennessee

FOREWORD

During the first session of the 88th General Assembly, Chapters 1 through 409 of the 1973-74 Public Acts were enacted and became law. The Tennessee Municipal League and the Municipal Technical Advisory Service retained the Nashville law firm of Griffith and Stokes to review these new laws as they were enacted. That firm found 177 of the new acts to be of varying degrees of direct interest to municipal officials. These 177 acts, as summarized by Griffith and Stokes, have been set forth 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, 1973." Also, most of them will be codified in the 1973 cumulative supplement to the Tennessee Code Annotated.

Don W. Ownby
Municipal Law Consultant

June 1973

CHAPTER NO. 2. Teachers--Initial allotment of sick leave. Amends TCA 49-1314 to provide that a teacher's initial allotment of sick leave shall not exceed the number of days he can earn during the school year in which he is first employed.

CHAPTER NO. 3. School bonds--Funds not needed immediately to be deposited at interest. Amends TCA 49-710 so as to provide that school bond funds not needed immediately shall be deposited at interest and the interest used either to retire the bonds or as a part of the bond proceeds.

CHAPTER NO. 6. Beer--Miscellaneous amendments relative to wholesalers, distributors, taxes, etc. Amends TCA 57-213 so as to authorize wholesale beer distributors to purchase beer from licensed importers as well as manufacturers and wholesalers.

Amends TCA 57-224 to authorize commissioner of revenue to issue permits for specified periods of longer than one year to breweries, wholesalers, and distributors, allowing them to transport beer from out of state in private vehicles. Further amends TCA 57-224 so as to require payment of beer taxes by common carriers and insurance companies coming into possession of beer unaccepted by consignees unless such carriers or insurance companies can prove that such beverages have been destroyed or shipped out of state.

Amends TCA 57-305 to require new beer wholesalers and wholesalers acquiring new brands to file price lists with department of revenue within five days. Price changes must be filed at least three days before effective date. Further amends TCA 57-305 to proscribe the reduction of the price of beer on quantity sales by brand, container, or category. Also amends TCA 57-305 to proscribe use of any size beer container not in use on January 1, 1973, or within three years prior thereto. Further amends TCA 57-305 to provide for an exclusive wholesaler in each territory for each brand of beer.

Amends TCA 57-309 to provide discretionary penalty and interest for delinquent wholesale beer taxes and authorizes commissioner of revenue to suspend or revoke certificates of registration in certain cases.

CHAPTER NO. 8. Intoxicating liquors--Allows private manufacture of wine for personal use. Amends TCA 57-120 to allow limited home manufacturing of wine for personal consumption by members of the household.

CHAPTER NO. 12. Coal severance tax--Alters measure of tax. Amends TCA 67-5902, -03 to provide that the measure of the tax shall be ten cents per ton.

CHAPTER NO. 13. Metropolitan government--Authorizes workhouse furlough program. Provides that all counties with a metropolitan form of government shall institute a furlough program for workhouse prisoners as set out in the act.

CHAPTER NO. 14. City manager charter--County zoning ordinance temporarily continued in effect in new cities. Amends TCA 6-1807 to provide that county zoning ordinance remains in effect in new city manager cities until city adopts zoning ordinance or for six (6) months, whichever occurs first.

CHAPTER NO. 18. Juveniles--Work opportunity programs authorized. Amends TCA 41-830 to authorize work opportunity programs for children of sixteen years of age or older who are confined in juvenile institutions.

CHAPTER NO. 20. Privilege taxes--Administration of gross receipts taxes and general revenue law. Amends TCA 67-4102, Item B, to provide that the privilege tax on gross receipts of bottlers and manufacturers of soft drinks

shall be determined as of the preceding fiscal year rather than the calendar year. Also amends TCA 67-4315 to provide that persons paying gross receipts privilege taxes who are entitled to credits for franchise and excise taxes shall be allowed such credit when final annual reports of both taxes have been filed. Amends TCA 67-4320 to provide that a transferee of a vending machine business who pays tax based upon gross receipts shall notify the department of revenue and register the new business. Provides for penalty when transferee fails to file. If transferee fails to exercise the option of paying based upon gross receipts prior to July 1, he shall pay under 67-4203, Item 65(6), which is based upon a stated amount per machine.

CHAPTER NO. 21. Land acquisition--Public bodies may acquire scenic easements. Public agencies may only acquire scenic easements to assist in the protection and preservation of historic, architectural, archeological or cultural resources listed in the National or Tennessee Register or included among parks or recreational lands administered by public bodies. Public bodies may expend public monies to carry out provisions of the act. Property shall be assessed to owner considering loss of value resulting from easement.

CHAPTER NO. 22. Motor vehicles--Stopping for church bus--Exceptions. An act requiring motor vehicles on highways to stop when a church bus is receiving or discharging passengers. Church buses are required to be marked and provisions of act apply only when church bus has same type of safety equipment as is required for school buses. There is an exception when a bus is on a controlled access highway or when there are separate roadways. Driver of bus required to stop on right hand side of highway and remain stationary until passengers are discharged or have crossed road.

CHAPTER NO. 25 (Page 19)

CHAPTER NO. 27. Evidence--News gathering personnel are not required to discuss information or sources--Exceptions. Persons engaged in gathering information for publication or broadcast or employed by news media or press shall not be required to disclose any information or source of information prepared for publication or broadcast. Defamatory information excepted. Information may be secured in certain cases by application to court of appeals wherein the hearing, action, or other proceeding in which information is sought is pending. Appeal to supreme court authorized.

CHAPTER NO. 28. Motor vehicles--Turns on red signal provided for. Amends TCA 59-810 to provide that Chapter 8 shall not prohibit turns on a red signal after coming to a stop where official signs are posted by appropriate authorities. Prior section applied only within city limits of a municipal corporation and only when authorized by city ordinance.

CHAPTER NO. 30. Firearms--Illegal to possess, manufacture, etc. certain firearms--Exceptions. An act prohibiting the manufacture, importation, purchase, sale, disposition or possession of sawed-off shotguns, sawed-off rifles, or machineguns and providing for a penalty of one to five years and a fine of one thousand dollars. Exception for governmental agencies and law enforcement and peace officers, along with licensed persons who sell to exempted persons or for scientific or research purposes. Also exempted is a person who possesses a firearm which is registered under the National Firearms Registration and Transfer Records Act. Provides for confiscation and possible destruction under orders of criminal court judge or commissioner of safety.

CHAPTER NO. 31. Elections--Filing of petitions and disclosure statements. Amends TCA 2-508 to provide that duplicate copies of nomination petitions and financial disclosure statements need not be filed with coordinator of elections.

CHAPTER NO. 32. Criminal law--Interstate corrections compact enacted. Authorizes any state, a party to the compact, to make contracts with any other state for the confinement of prisoners in states other than where they are convicted. Provides conditions of such contracts. Incorporates by reference the conditions of the interstate corrections compact. Provides for procedures and rights of state sending or confining prisoners in institutions of other states.

CHAPTER NO. 40. Motor vehicles. Provides for required arrangement of colored lenses in signal faces of electric traffic highway, street and road control signals.

CHAPTER NO. 41. General sessions court. Allows general sessions judges to interchange as long as qualifications are equal.

CHAPTER NO. 45. Salaries. Amends TCA 8-2003 to exempt Knox County from the fixed salary provisions for deputy sheriffs.

CHAPTER NO. 46. Pension and retirement. Amends TCA 8-3934 to provide that any governing body involved in a joint venture between one or more political subdivisions may become members of the Tennessee Consolidated Retirement System. May join even if one of the joint venturers is not a political subdivision. (Mistake in bill. Should amend 8-3434.)

CHAPTER NO. 48. Municipal courts. Amends TCA 40-114 to include the presiding officer of any municipal or city court within the definition of "magistrates." Removes the mayor or chief officer and recorder of an incorporated city from the definition of "magistrate."

CHAPTER NO. 50. Dangerous weapons. Amends TCA 39-3223 to reduce the stated penalty for a sheriff, chief of police, mayor, police or safety commissioner or any other elected or appointed official to issue honorary or courtesy cards designating individuals honorary sheriffs, policemen, etc., without having stated on the card in bold letters NOT A HANDGUN PERMIT.

CHAPTER NO. 57. City judge. Amends TCA 6-3302 to provide that when a city judge finds it necessary to be absent from court he may designate in writing to be filed with the clerk of the city court the name of the special judge who will hold court in his place. The special judge must have the qualifications of the city judge and must take the same oath required of the city judge.

CHAPTER NO. 60. Segregation. Repeals TCA 62-715 which section permitted racial segregation at theatres, shows, parks, places of public resort or amusement of any kind.

CHAPTER NO. 61. City courts. Amends TCA title 6, chapter 6, to permit governing bodies of municipalities which have city courts to provide by ordinance for the service of summons to court by use of registered or certified mail in lieu of personal service in cases of unpaid tickets or citations for non-moving traffic violations. Act applies only to municipalities having a population of 50,000 or more.

CHAPTER NO. 64. Drivers' licenses. Authorizes any court of the county having jurisdiction to try traffic offenses wherein resides an individual whose operator's license had been suspended because of his arrest in another jurisdiction on the charge of operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug to issue a restricted operator's license. The judge may, in his discretion, issue such restricted license only to the person so convicted to operate for the purpose of going to and from his regular place of employment.

CHAPTER NO. 68. Intoxicating liquors and tobacco tax. Amends TCA 57-147, -158, -160, -202, -209, -232, -234 and 67-3123. Provides alternate method of making bond for alcoholic beverage licensees. Empowers a confiscating officer to seize any intoxicating liquor considered to be held or transported illegally when incident to the confiscation of other contraband (beer, tobacco, etc.). Also allows a confiscating officer to seize beer and light alcoholic beverages and tobacco products which he believes to be held or transported illegally when they are discovered incidental to the confiscation of other contraband.

CHAPTER NO. 71. Motor vehicles. Amends TCA title 59, chapter 4, to provide that former prisoners of the Vietnam war may be issued a license plate for a private passenger car by the department of revenue free of charge. This privilege shall only extend for the number of years equal to the number of years or part thereof that the individual was a prisoner of the Vietnam war.

CHAPTER NO. 76. Age of majority. Amends Chapters 161 and 162, Public Acts of 1971, and TCA 23-1205, 8-1801, 8-1002, 49-1203, 23-101 and 19-104 to substitute age eighteen for age twenty-one in determining the age of majority. Allows 18-year-olds to hold office. Allows 18-year-olds to be school principals. (23-101 had already been repealed.)

CHAPTER NO. 78. Boards and commissions. Establishes the Southern Growth Policies Board, determines its powers and duties, and establishes a Local Government Advisory Committee. The board, appointed under the provisions of the act, is required to prepare and keep current a statement of regional objectives including recommended approaches to regional problems. In addition, the board has the power to make or commission studies, investigations, and recommendations related to planning for projects of interstate or regional significance and also related to the effective utilization of federal assistance programs that are available on a regional basis. Each member state shall have five members on the board and the board shall have the duty of preparing a comprehensive land-use planning study when two or more contiguous states desire that such planning be done.

CHAPTER NO. 81. Juveniles. Amends TCA 37-202, 37-248, 38-601 and title 39, chapter 10. Repeals TCA 37-1201--1207. Provides for the protection of children who are the victims of brutality, abuse, and neglect and establishes procedures for the investigation and reporting of child abuse. It makes it mandatory that persons report cases of child abuse to either local law enforcement officers or to the judge of the juvenile court and grants to the Tennessee Department of Public Welfare the responsibility of investigating reports of child abuse and referring the results of the investigation to local law enforcement officers and to the judge of the juvenile court. Provides for fines for failure to report cases of child abuse and further provides for prosecution and penalties for persons guilty of child abuse.

CHAPTER NO. 84. Beer and tobacco. Amends TCA 57-228, -233, -236 and 67-3123 relating to the procedures for the administration of the beer and tobacco confiscation laws. Provides that property confiscated as contraband for failure to have the required documents required by TCA 57-228 may be returned on showing of the tax payment by the commissioner of revenue. It further requires the department of revenue to give written notice to the person from whom any confiscation is made. Also establishes judicial procedures relating to beer and tobacco confiscation laws providing for appeal by writ of certiorari to circuit or chancery court.

CHAPTER NO. 85. Mental health. Amends TCA 33-402 and -302 to provide that a responsible relative shall not be financially liable for mentally ill patients who are eighteen years of age or over. It strikes the previous 21-year-old requirement.

CHAPTER NO. 87. Metropolitan governments. Amends TCA 41-1244 through 41-1252 relative to work-release programs for workhouse prisoners in consolidated and metropolitan government counties. Provides that all metropolitan governments shall institute a work-release program and further provides that the metropolitan county mayor with concurrence of the metropolitan council may provide for a commission composed of three members who shall meet weekly or at the call of the sheriff for the purpose of considering petitions by prisoners to come under the work-release program. It further provides that if a prisoner under the work-release program fails to return from work on time, this shall be evidence of intent to escape and the prisoner should be subject to such penalties as are imposed under the general law for persons charged with the crime of escape. Further provides for reports by the warden to the commission.

CHAPTER NO. 88. County officials. Provides that sheriffs and courts of general sessions in counties of the 6th, 7th, and 8th classes may enforce municipal ordinances if the municipalities have, by ordinance, required the sheriff and courts of general sessions to enforce their ordinances. Provides that fines and court costs shall be collected and returned to the municipality. Provides that certified copies of such ordinances must be filed with the court.

CHAPTER NO. 94. Firearms. Amends TCA 39-4902 to provide that rabies control officers in counties are not subject to the provisions of 39-4901 prohibiting persons from carrying weapons. Applies only to counties having a population of not less than 35,475 nor more than 36,000, nor less than 16,000 nor more than 17,000.

CHAPTER NO. 95. Education. Amends TCA 49-217 to allow members of the quarterly county court to enter into contracts with the board of education to drive school buses.

CHAPTER NO. 96. Coal severance tax. The state shall pay all revenue derived from the coal severance tax to those local governments from which such coal products were severed, except that the state may retain 1% of the tax and all the penalties and interest collected to cover the expenses of administration and collection. Provides that the rate of the tax shall be 10 cents a ton rather than the previous formula which provided that it would be either one and 1/2 percent of the market value of the product, not to exceed ten cents per ton. Provides that the tax shall be due and payable monthly and further provides that all operators shall transmit to the commissioner on or before the fifteenth day of each month a detailed return setting out the total number of tons of coal products severed from the soil and other relevant information. Defines coal products as coal or/and any other substance which might be severed from the earth in the process of producing saleable coal by whatever method of severance is used.

CHAPTER NO. 98. Sewerage treatment grants. Amends TCA 53-2020 to provide that a part of the grant may be paid by the department of public health to the municipality prior to construction. The previous act only allowed payments during the progress of construction or upon completion of construction. Further amends 53-2020 to provide that audits by the state are not required prior to making payments, but that an audit may be made at any time. Amends 53-2024 to delete therefrom the one-tenth local sewer user fee and establishes in lieu thereof a monthly payment due from the municipality to the state, which shall be set by the state funding board. The amendment further provides that the sewer user fee shall be adjusted periodically so that the sewer user fee will be sufficient to pay the necessary monthly payments to the state. The amendment further provides that in counties having a metropolitan form of government the sewer user fee shall be established at the amount being charged by the metropolitan government at the effective date of this act and that said user fee shall not exceed a fee of 10% of the sewer fee. Amends 53-2027 to strike subsection (c) which allowed the state funding board to require that the municipality establish a sewer user fee sufficient to fund the state bonds, and further amends said subsection, subparagraph (b) to provide that any excess previously sent to the state should be returned by the state to the metropolitan government and, said excess must be used to defray the cost of expansion and improvement of the sewerage system. Also amends the Water Quality Control Act of 1971, TCA 70-332, subsection (a), to provide that hearings before the board may be held as late as 120 days after receipt of a written petition, if the petitioner and the commissioner agree.

CHAPTER NO. 99. Education. Amends TCA 15-305 to provide that certain records of students in public educational institutions shall be treated as confidential. Further provides that the governing board of the institution, the state department of education, and the Tennessee Higher Education Commission shall have access on a confidential basis to all such records.

CHAPTER NO. 100. Metropolitan government. Allows metropolitan governments to provide an inmate incentive program for workhouse prisoners. Establishes a commission to oversee and approve all reductions in time to be served by prisoners who comply with the provisions of the program.

CHAPTER NO. 101. Municipal ordinances. Amends TCA 6-651 and 6-656 so as to include non-traffic municipal ordinances under the provisions allowing municipal police and peace officers to issue citations or complaints in lieu of arrest of offenders. Extends the coverage of these sections to include not only offenses committed in the presence of police or peace officers but also in the presence of members of fire departments or building inspectors who are designated as special police officers. Also provides that when a police officer, which includes firemen and building inspectors, as provided above, makes a personal investigation at the scene of a traffic violation or other violation and as a result of that investigation has reasonable and probable cause to believe that there has been an ordinance violation he may issue a citation of complaint in lieu of making an arrest.

CHAPTER NO. 105 (Page 19)

CHAPTER NO. 106. Elections. Amends TCA 2-505 and 2-1305 to provide that it shall be unlawful for one person to qualify as a candidate in a primary election with more than one political party for the same office and further to qualify as a primary candidate and an independent candidate for the same office in the same year.

CHAPTER NO. 119 (Page 19)

CHAPTER NO. 121. Alcoholic beverages. Amends TCA title 39, chapter 25, to provide that a private individual may manufacture and possess wine in his own home in an amount not in excess of that amount annually permitted, as of the effective date of the act, by federal statutes. Such wine must be for personal consumption by members of the household. Further provides that such wine may be transported by such person without being in violation of the chapter, provided that the amount being transported at any one time shall not exceed one gallon.

CHAPTER NO. 123. Police. Amends TCA 38-1104 to require that all prospective law enforcement officers must be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-II), of the American Psychiatric Association. Requires that applications must be certified as meeting each criteria by a qualified professional in the psychiatric or psychological field.

CHAPTER NO. 126 (Page 19)

CHAPTER NO. 132. Streets and roads. Makes it a misdemeanor for any person to willfully tear down, deface, remove, alter, etc., any lighting flasher letter or figures on a detour or warning sign, barricade, or fence or to drive around or through a barricade or fence or "road closed" sign and drive upon a section of road not officially opened until it is opened to general traffic by competent authority.

CHAPTER NO. 134. Drugs. Amends TCA 52-1443 to provide that any agency seizing drugs and other goods authorized to be seized under Section 1443 may sell the seized property or, subject to the permission of the court, may use the property taken or obtained for use in the drug enforcement program of the county in which the goods were seized.

CHAPTER NO. 138. Jurors. Amends TCA 22-401 to provide for an increase in the compensation of jurors from eight dollars to ten dollars with the further provision that the legislative body of any county or the legislative body of any metropolitan government may increase the rate in excess of the ten dollars per day.

CHAPTER NO. 139. Public health. An act to provide for the filing of a written complaint by a tenant against a landlord where the premises fail to meet the standards established by the state health department. Provides that the department shall establish and distribute, to each county and public health department of the state, minimum health standards in the rental of any premises, which standards shall establish minimum living and building conditions of a dwelling. Provides for complaints by residents to either the county health department or the county building inspector and provides for the deposit of rent with the county court clerk pending the determination of tenant complaints. Provides for appeal of the decision of the building inspector or public health department to the county board of health and subsequent appeal to the circuit court. Further provides for the disposition of rent deposited with the county court clerk.

CHAPTER NO. 148. County government. Amends TCA title 5, chapter 9, to authorize the county court or governing body of the county to appropriate money to defray the cost of acquiring real estate and partially funding a non-profit corporation which provides medical services either for a fee or without charge to needy patients. Such corporation must also be eligible for financial assistance by agencies of the state or federal government. The corporation must provide service through the National Health Service Corps.

CHAPTER NO. 151 (Page 19)

CHAPTER NO. 153. Housing. Requires local housing authorities to furnish on request of any evicted tenant reasons for his eviction.

CHAPTER NO. 160. Election laws. Amends TCA 2-505 and 6-501 to provide that candidates in municipal elections shall file nominating petitions not later than noon on the fortieth day preceding the election. Requires not less than fifty nor more than 60 days notice of municipal elections to be given.

CHAPTER NO. 161 (Page 19)

CHAPTER NO. 162. Pensions and retirement benefits. Amends TCA 8-3904 to authorize any former teacher who establishes that he taught a total of ten years or more some of which service was rendered prior to July 1, 1945, to count such service as creditable service for purposes of retirement systems. Also provides that under certain circumstances creditable service shall also include teaching service in the public schools after July 1, 1945. (Note: Act should have amended TCA 8-3404.)

CHAPTER NO. 167. County officers. Amends TCA 8-2403 to provide that in Shelby County the county trustee shall receive \$2,500 in addition to the maximum compensation set out in that section.

CHAPTER NO. 170. Education. Amends TCA 49-205, -243, -247 and -248 to provide for option of three member county boards of education. Further provides that counties may be divided into three school zones or districts.

CHAPTER NO. 171 (Page 19)

CHAPTER NO. 172. Business taxes. Amends TCA title 67, chapter 58, to provide that any municipal official responsible for collecting or recording amounts of business tax may charge a fee of \$3.50 except where the minimum is being paid on the same day the return is filed.

CHAPTER NO. 173 (Page 19)

CHAPTER NO. 175. Education. Amends TCA title 49, chapter 13, to establish leaves for teachers and to provide for procedures for such leaves. Requires board of education action on each request for leave and written notification of action taken. Requires board to fill vacancies for less than one year with interim teachers and to hold positions open for teachers on leave. If leave exceeds 12 months teacher must be placed in same or comparable position on return.

CHAPTER NO. 177 (Page 19)

CHAPTER NO. 178. Education. Amends TCA title 49, chapter 13, to establish procedures for teachers to tender resignations. Further provides penalties for failure to comply with procedures and methods of enforcement. Provides penalties on local boards of education which employ a teacher under contract with another board. Provides conditions under which teacher may break contract. Provides for suspension of teacher's certificate when contract is broken contrary to this act. Gives teacher right to a hearing before suspension of certificate.

CHAPTER NO. 179 (Page 20)

CHAPTER NO. 180. Annexation. Requires a referendum, with approval of a majority of the residents in the area, for annexation by municipalities in counties having a population of not less than 38,000 nor more than 38,800. Prohibits annexation by ordinance for municipalities in those counties until July 1, 1975.

CHAPTER NO. 182 (Page 20)

CHAPTER NO. 183. Utility districts. Amends TCA 6-2604 to provide procedures for the merger or consolidation of a utility district with a municipality. Action must be initiated by resolution of the governing body of the utility district.

CHAPTER NO. 184 (Page 20)

CHAPTER NO. 186. County officers. Amends TCA 8-2404 to require the quarterly county court of any county to make the necessary appropriation to pay the sheriff the maximum salary fixed by TCA 8-2403 and the authorized expenses fixed by law for the operation of his office, including the salary of all his deputies.

CHAPTER NO. 187 (Page 20) CHAPTER NO. 188 (Page 20)

CHAPTER NO. 189. Education. Enacts the Parent Educational Participation Act to provide for voluntary participation of parents in the educational process. Provides that the State Board of Education may establish guidelines for development of programs by local boards leading to voluntary participation of parents in the educational and teaching process of the school in which such parents have a child enrolled. Program is not mandatory.

CHAPTER NO. 191 (Page 21)

CHAPTER NO. 193. Education. Enacts Minimum Kindergarten Program Law. Provides minimum standards for teachers, classes, programs, and funding. Provides use of kindergarten capital outlay funds. Provides that nothing in the act shall be construed or implied to require compulsory attendance at any kindergarten in the state.

CHAPTER NO. 194 (Page 21) CHAPTER NO. 202 (Page 21)

CHAPTER NO. 204. Utility districts. Authorized the quarterly county court in counties of 500,000 or more, according to the 1970 or subsequent Federal census, to dissolve any utility district contained wholly within the county. Upon such dissolution, the functions, rights, properties, assets, liabilities, etc., shall be transferred to the county to be managed by the county board of public utilities created pursuant to TCA 5-1601. Provides for the assumption of all bonds and for the creation of escrow accounts for the benefit of the bond holders.

CHAPTER NO. 205. Education. Allows a teacher employed full time by any public educational institution to be employed on a part-time basis by the same or any other public educational institution outside his regular hours not to exceed 15 hours per week and 6 months a year.

CHAPTER NO. 208 (Page 21)

CHAPTER NO. 211. Fire prevention. Amends TCA 5-1701 to authorize all counties to form county wide fire departments, rather than just Shelby County and counties having metropolitan governments.

CHAPTER NO. 214. Motor vehicles. Amends TCA 59-852 to establish the speed limit on highways or public roads of the state at 65 miles per hour, day or night, except for the interstate and defense highway system or four-lane controlled-access highways.

CHAPTER NO. 215. Education. Requires all local school systems which receive state funds to sell all surplus personal property within 90 days of being declared surplus to the highest bidder after advertising in a newspaper of general circulation at least 7 days prior to the sale.

CHAPTER NO. 218 (Page 21)

CHAPTER NO. 220. Pornography. Amends TCA 39-1015 and 39-1016 to change the minimum fine of \$100 to \$50 and to authorize the district attorney general or the city or county attorney within his respective jurisdictions to apply for issuance of process from the juvenile court in case of those charged with knowingly making obscene materials available to minors. Further empowers the juvenile court to bind the defendant to the grand jury, or in the event of a waiver, to dispose of the case.

CHAPTER NO. 221. Administrative procedure. Amends TCA 4-502 and -505 to require publication by the secretary of state of all current and effective rules and regulations of all departments of state government. Requires that a copy be distributed to the clerk of each quarterly county court in Tennessee and further provides that after October 1, 1973, no rule or regulation shall become effective until thirty days after it has been published by the secretary of state.

CHAPTER NO. 222. Uniform city manager-commission charter. Amends TCA 6-2011 to provide that vacancies on boards of commissioners in a city manager-commission charter municipal government may be filled by appointment only for the unexpired term prior to a regular city election. Prior to the passage of the amendment, vacancies on said boards were filled for the unexpired term, even if there was an intervening city election.

CHAPTER NO. 224 (Page 21)

CHAPTER NO. 225. Home rule. Amends TCA 6-509 to provide that the local governing body of any municipality that has adopted home rule may by ordinance propose an amendment to the charter of such municipality relative to the property tax rate and submit the same for ratification by approval of the qualified voters of such municipality in a special election to be held for such purpose. Numerous counties are excluded by population classification.

CHAPTER NO. 226. Taxation. Implements "Question 3," being the new article II, section 28, of the state constitution. Amends TCA title 67, chapters 2, 3, 4, 5, 6, 8, and 9; sections 701-714 of title 67; section 731 (b) 4 of title 67; and section 1721 of title 67. Adopts new classification system for local ad valorem taxation and further provides for the inclusion of new businesses under the taxing jurisdiction of the state public service commission. Defines classes of property and sets assessment ratios. Provides for the taxation of airlines as commercial property by the state division of property assessments and authorizes the state board to provide rules and regulations to implement the state's new classification system. Provides for local boards of equalization and for the procedures for appeal from said boards to the state board of equalization and the courts. Provides for the sub-classification of real and tangible personal property.

CHAPTER NO. 230. State government operating budget. Annual operating budget of the state government for the fiscal year beginning July 1, 1973. Note provision as to reverse sharing to municipalities by state. Note also provision reducing administrative fee for collecting local option sales tax from 2 1/2% to 1 1/2%.

CHAPTER NO. 232. Sales taxes. Amends TCA 67-3047 to increase deduction from sales tax receipts to be allocated to the Municipal Technical Advisory Service at the University of Tennessee from \$17,667 per month to \$25,584 per month.

CHAPTER NO. 234. Motor vehicles. Amends TCA 59-303, 401, 405, 410, 416, 421, 422 to provide that certificates of title and renewal certificates of registration and registration plates be issued by registrar instead of county court clerk and further provides that registration plates for trucks or truck tractors be affixed to the front of the vehicle. Provides registration fee for certain house trailers.

CHAPTER NO. 239 (Page 21)

CHAPTER NO. 240. Housing. Requires housing authorities to provide security forces for housing projects.

CHAPTER NO. 241 (Page 21)

CHAPTER NO. 242. Business taxes. Amends TCA 67-584 to provide a credit allowable against business taxes for personal property taxes paid by lessee or renter to lessor covering any period beyond June 1, 1971, where his lease or rental agreement so provides. Lessor may not take credit.

CHAPTER NO. 243. Highways, roads, and bridges. Amends TCA 54-610 to provide that the cost of plans and design and acquisition of rights-of-way and easements for any federally-aided secondary roads shall be paid from funds allocated to counties for such roads under the matching provisions of federal and state funds as provided in TCA 54-611.

CHAPTER NO. 246 (Page 21) CHAPTER NO. 247 (Page 21) CHAPTER NO. 249 (Page 22)

CHAPTER NO. 250. Public utility. Amends TCA 65-432 to provide that fractions of months are to be counted in computing the penalty for default in payment of inspection, control, and supervision fees provided for in TCA 65-425 through 433, by public utilities.

CHAPTER NO. 252 (Page 22)

CHAPTER NO. 254. Littering. Provides that any person witnessing any other person littering from any motor vehicle may report the license number of that vehicle to a law enforcement authority and that such numbers shall be prima facie evidence as to the person responsible for the littering. Further provides that any person who shall report any such violation shall be required to appear as a witness in any prosecution resulting therefrom.

CHAPTER NO. 257 (Page 22) CHAPTER NO. 258 (Page 22) CHAPTER NO. 259 (Page 22)

CHAPTER NO. 260. Business taxes. Amends TCA 67-5814 to provide that unused business tax credits resulting from payment of the personal property tax shall be returned in full by the appropriate local governmental official. Local governmental officials must furnish claim forms to each person to whom a credit was disallowed. If the local official refuses to make the refund within six months of the delinquency date then the state shall make such refund and withhold such amount from state funds due that local governmental unit.

CHAPTER NO. 263. Sales tax. Amends TCA 67-3014 to exempt sales of personality to rural health councils from sales or use taxes.

CHAPTER NO. 266. Education. Requires school systems to submit requests for waivers on class size limits before November 15 of the school year. Requires the commissioner of education to publish maximum school class size limits before August 1 of the school year. Provides for waivers to be made public.

CHAPTER NO. 268. Education. Amends TCA 49-420 to provide for an alternative plan for election of consolidated boards of education. Allows consolidated boards of education to have nine members who may be elected by popular vote. At least a majority shall be residents of particular districts, and elected from such districts, with the remaining members elected from the county at large. Some districts may be in the city or county only. Districts shall have approximately equal population.

CHAPTER NO. 269 (Page 22)

CHAPTER NO. 270. Highways, roads, and bridges. Amends TCA 54-612 to provide that where rural roads and bridges are constructed by contract with the county highway department, said department may renegotiate any portion of the contract for which it does not have equipment, subject to department of transportation approval.

CHAPTERS NO. 271, 273, 275, 277 (Page 22) CHAPTERS NO. 278, 279 (Page 23)

CHAPTER NO. 280. County technical advisory service. Amends TCA 49-3344 to establish a county technical advisory service similar to the Municipal Technical Advisory Service and appropriates funds for its first year operation.

CHAPTER NO. 281 (Page 23) CHAPTER NO. 283 (Page 23)

CHAPTER NO. 286. Firearms and ammunition. Amends TCA 39-4904 to provide that the sheriff or police chief may approve in writing a certificate for the purchase of weapons after investigation within a fifteen day period. Prior law provided that if no objection was received by the end of the 15 day period then the sale could be consummated.

CHAPTER NO. 287. Deeds. Amends TCA title 64, chapter 24, to provide that no deed or conveyance of real property shall be received for recording by any register of deeds unless the name and address of the person or agency responsible for the payment of real property taxes is included.

CHAPTER NO. 289 (Page 23)

CHAPTER NO. 295. Alcoholic beverages and drugs. Amends TCA title 33, chapter 8, 52-1432, 52-1442, 57-135, and 57-217. Repeals TCA title 33, chapter 17, chapter 857, Public Acts of 1972, in part, TCA title 33, chapter 8, in part. This act, known as the "Comprehensive Alcoholic and Drug Treatment Act of 1973," declares that alcoholism and drug addiction is an illness and mental problem and is not a crime against local and state government. Vests in the Department of Mental Health the power for carrying into effect the purposes and programs set out in the chapter, including the power to promulgate such rules and regulations governing the admission, care and discharge of individuals committed under this act as the Commissioner of the Department of Mental Health may deem appropriate. Provides for voluntary and involuntary admission of alcoholics and persons suffering from drug addiction to state mental hospitals. Vests in all courts in the state having jurisdiction to hear and determine misdemeanor cases, jurisdiction to make voluntary and involuntary commitments and provides for hearings, affidavits, etc., for involuntary commitment. Defines the rights of patients committed to hospitals for alcoholism and drug addiction and provides for the confidentiality of court and other records related to such commitment. Provides for punishment for persons knowingly furnishing false information for the purpose of securing involuntary hospitalization and further provides that whenever a citizen is taken into custody solely because of intoxication or similar condition it is the duty of the arresting officer to promptly present such person before a judicial officer. Further provides that no county, municipality, or political subdivision shall adopt any local law, ordinance, resolution, or regulation having the force of law, rendering public intoxication or drunkenness in and of itself, or being a "common drunkard," or being found in enumerated places in an intoxicated condition, an offense subject to criminal or civil penalties or sanctions of any kind. Provides that this shall not apply to ordinances, laws or regulations against drunk driving, driving under the influence of alcohol, or similar offenses that involve the operation of motor vehicles.

CHAPTER NO. 296. Ad valorem taxes. Amends TCA 67-2003, -2008 and -2012 to modify the procedures for the collection of delinquent real property taxes. Provides that suits for the collection of delinquent taxes should be accorded a priority by the court in which they are filed and further that no notice of the complaint and the exhibit need be served on the defendant. Instead, a notice may issue from the clerk to accompany the summons. That notice shall simply identify the suit mentioned in the summons sufficiently to enable a tax payer to know what delinquent taxes he is being sued for and what property is being subjected to the lien. The summons and notice may be for more than one suit where suits have been consolidated. Does not affect constructive service.

CHAPTER NO. 297. Justices of the peace. Amends TCA 19-115 to provide that vacancies in the office of justice of the peace shall be filled either by members at the legislative delegation of the county or the office may be left vacant. In either case the office shall be filled at the next regular or special election, occurring more than thirty (30) days after such vacancy. Act applies only to Shelby County.

CHAPTER NO. 298. Teachers. Amends TCA 39-1406 to provide that time spent on leave of absence other than sick leave shall not be counted as part of the probationary period. Further provides that teachers on leave shall retain accumulative tenure, salary, or fringe benefit credits.

CHAPTER NO. 300. Education. Amends TCA title 49, chapter 6. Modifies the limits for expenditures under the state minimum foundation school program. Amends TCA 49-602 C.2 to remove the limit of \$2.00 per capita for the purchase of learning and instructional materials and school health services. Amends TCA 49-602 C.3 to remove the limit of \$11.00 per capita for school plant operations,

maintenance services, local charges, and other administrative expenses. Amends TCA 49-602 D.1 to increase the amount per capita for purchase, repair, and re-binding of textbooks and for purchasing instructional materials for kindergarten from \$5.50 to \$6.50. Amends TCA 49-602 F.2 to limit the state share of costs for substitute teachers to \$10.00 per day or one-half the amount paid by the local school system. Amends TCA 49-602 D.2 to increase the amount of supplement paid for increased daily attendance over preceding year from \$10.50 per pupil to \$11.50 per pupil. Amends TCA 49-602 F.2 to provide that no teacher on leave shall be required to pay any portion of a substitute teacher's pay.

CHAPTER NO. 302 (Page 23)

CHAPTER NO. 303. Welfare. Amends TCA 14-2213 to provide that the cost of administration of the food stamp program shall be borne wholly by the federal and state governments and that no part of the cost need be borne by the county. Further provides for the amendment of TCA 14-330 to eliminate the contribution from counties for the aid and services to needy families program. Eliminates county participation in the costs of administering the medical assistance act of 1968. (TCA 14-1920). Also eliminates county participation in the cost of the old age assistance program (TCA 14-228); aid to the disabled (TCA 14-419); and aid to the blind (TCA 14-530).

CHAPTER NO. 304. Industrial development. Amends TCA 6-2801 and -2802 to broaden the definition of "project" for purposes of industrial development financing. Includes health care or related facilities suitable for use by any city, county, or metropolitan government or the State of Tennessee, which includes hospitals, clinics, nursing homes, research facilities, etc. Also includes within the definition of "project" all or any part of an office building or building built for the use of any tenant as may be determined or authorized by the board of directors of the industrial development board. Further amends TCA 6-2802 to authorize a city, county, or metropolitan government to enter into a lease or lease-purchase agreement with the industrial development board, upon mutually satisfactory conditions, and to levy and collect a direct annual tax sufficient to pay the rent payable under such lease or lease-purchase arrangement.

CHAPTER NO. 305. Election laws. Amends TCA 2-608 to provide that a registered voter temporarily out of the county may vote by absentee ballot by mail.

CHAPTER NO. 309. Bonds and underwriting. Regulates borrowing by counties, municipalities, industrial development corporations, utility districts, and education facilities corporations. Amends TCA 5-1103, 6-1603, 6-2909, 9-1209, and 48-1909. Provides for the sale of refunding bonds, the disposition of said bond proceeds, the investment of refunding bond proceeds, and the circumstances under which refunding bonds may be sold.

CHAPTER NO. 313. Housing. Establishes the Tennessee Housing Rehabilitation Corporation to provide for assistance in the rehabilitation of sub-standard housing. Provides that when the commissioner of insurance finds that housing is substandard or unsanitary or fails to conform to applicable municipal housing codes, fire ordinances, or health regulations, he may provide rehabilitation assistance by way of loan guarantees and interest assistance. Further provides that in areas that have local housing authorities with rehabilitation divisions the corporation may contract with the local housing authority to administer the programs that are financed as provided in the act.

CHAPTER NO. 314. County officials. Amends TCA 8-2403 to provide salary schedule for county officials of counties in the second class.

CHAPTER NO. 317. Law enforcement. Requires the assessing, cataloging, photographing, and return to the rightful owner of confiscated stolen property by law enforcement agencies which have custody of the property. If the state, county, or municipality wishes to detain property from the lawful owner thereof more than thirty days, application shall be made by the district attorney general to the judge having jurisdiction over the property with five days' notice to the property owner, in which case the court may grant or refuse the impounding order. The law officer and the authority he represents are responsible for the ultimate return of the property and will be liable for damages to the owner in the event of destruction or damage to the property.

CHAPTER NO. 318. Criminal records. Provides that all public records of any person who shall have been charged with a misdemeanor or felony where such charge has been dismissed, or a no true bill has been returned by a grand jury, or a verdict of not guilty has been returned by a jury, or a conviction on appeal has been reversed, shall be removed and destroyed by the municipal, county, or state court or agency keeping such records. Provides for penalties by fine and imprisonment if any person shall violate the provisions of the act. Further provides that it shall apply only to those persons charged with a misdemeanor or a felony from the effective date of the act unless the person petitions the court having jurisdiction in a previous action, in which case the court shall order that such records be destroyed.

CHAPTER NO. 319. Drivers licenses. Amends TCA 59-713 to require the owner of an operator's license to submit to a mental examination ascertaining the need of treatment for drug or alcoholic addiction before reissuance of revoked drivers license after a second or subsequent conviction for driving under the influence of liquor or narcotic drugs.

CHAPTER NO. 323. Public health. Amends TCA 53-103 to authorize the state commissioner of public health to promulgate and enforce, with the concurrence of the comptroller of the treasury and the commissioner of finance and administration, rules establishing fees for services rendered both by the state department of public health and by local health departments to those individuals entitled to third party benefits and/or who have the ability to pay.

CHAPTER NO. 326 (Page 23)

CHAPTER NO. 327. Election laws. Amends TCA 2-104, 202 and 222 to require applicants for registration as qualified voters to be residents of the state for at least twenty days prior to such registration.

CHAPTER NO. 330. Municipal courts. Authorizes municipalities having a mayor's court or a municipal court presided over by the mayor to provide by ordinance for the office of municipal judge.

CHAPTER NO. 334. Highways, roads, and bridges. Amends TCA 54-409 to provide that an amount not to exceed 50% of municipal state street aid funds may be used as a subsidy for a public transportation system operating under the jurisdiction of the municipality. Applies only to municipalities in Shelby County.

CHAPTER NO. 335. Pensions and retirement. Amends TCA 8-4012 to provide that county officials who taught in public schools after July 1, 1945, and prior to January 1, 1966, may be entitled to credit such services in certain circumstances for purposes of retirement systems.

CHAPTER NO. 340. Local option sales tax. Amends TCA 67-3050 to provide that where a local government levies a sales tax, such local tax shall be imposed on industrial and farm machinery at the rate of 1/3 of 1% where the local rate does not exceed 1% and 1/2 of 1% where the rate of local tax exceeds 1%.

CHAPTER NO. 343. Motor vehicles. Requires law enforcement officers investigating motor vehicle accidents to make written reports of such investigations and to file said reports with the department of revenue. Act applies whether such accident occurs on a highway or on privately owned real estate.

CHAPTER NO. 344. Education. Amends TCA 49-602 to provide for the allocation of state pupil transportation funds for each person transported during previous year to each county school system.

CHAPTER NO. 345. Tennessee governmental tort liability act. Establishes the liability of public entities, excluding the state, for tort liability. Defines those cases in which local governmental entities shall be responsible for torts of employees and sets monetary limits and authorizes purchase of insurance. Establishes detailed notice procedures. Protects employees when public entity issued under the provisions of the act and further allows any governmental entity to exempt itself from the act by action of its legislative body, if such action is taken by January 1, 1975. Public entities exempting themselves from the act will remain liable under the law as it exists on the date of the passage of the act. Repeals TCA 6-1003, 6-1012, 6-640 and 6-641 as to those public entities not exempting themselves from the provisions of the act.

CHAPTER NO. 347 (Page 23)

CHAPTER NO. 354. Metropolitan government. Amends TCA 40-3105 to provide that when a prisoner is confined in the county workhouse of a county having a metropolitan form of government on conviction of a felony by the state court the state shall pay the county jailer a certain prescribed fee as set out in TCA 8-2508. Requires local approval.

CHAPTER NO. 355. Enforcement of municipal ordinances. Amends TCA 8-810, 12-804, and 16-1104 to provide for enforcement of municipal ordinances by the sheriff and courts of general sessions in counties of the 5th class (20,000 to 30,000). Grants jurisdiction to the court of general sessions to try violations of municipal ordinances and allows the sheriff to enforce municipal ordinances if such action has been authorized by ordinance of the municipality. Provides that, where court costs are not adequate to reimburse the county for the services of the sheriff, a contract will be entered into between the municipality and the county to reimburse the county for these excess costs. Certified copies of municipal ordinances must be filed with general sessions court. All fines shall be returned to the municipality.

CHAPTER NO. 357. Alcoholic beverages and contraband goods. Amends TCA 57-622 and -623 to modify the procedure for seizure and disposition of alcoholic beverages and contraband goods. Provides that at a hearing for return of the seized contraband the state shall have the burden of proving that the seized property was of a nature making its possession illegal or was used in a manner making it subject to forfeiture. Further, provides that the notice of seizure of contraband vehicles or other goods shall set out the reasons for seizure, the procedure for recovery, the time for filing a claim for recovery, etc.

CHAPTER NO. 358. Contraband. Amends TCA 52-1404 to modify procedures for seizure and disposition of contraband goods, narcotic drugs, or vehicles. Provides that the receipt given to the person in possession of the seized property must contain, in addition to a description of the goods, the reasons for the seizure, the procedure for recovery, the time in which a claim for recovery may

be made, and the consequences of failing to file a claim. If other than the person in possession has an interest in the property then a reasonable effort shall be made to notify the interested party. Extends time to file claim from 10 to 15 days. Allows indigents to file without making bond. Burden is on state to prove that seized property is contraband and subject to seizure.

CHAPTER NO. 359. Public employees. Authorizes deferred compensation contracts between employees of the State of Tennessee, or any state agency, county, or municipality or political subdivision and the applicable public entity; which contracts shall defer in whole or in part any portion of that employee's income. Also authorizes the applicable agency to contract with any company licensed to do business in the State of Tennessee and qualified to provide such tax-deferred compensation plans. Makes it a condition precedent to the approval and utilization of any deferred compensation program that a favorable advance letter ruling shall have been obtained from the U.S. Internal Revenue Service.

CHAPTER NO. 363. Metropolitan government. Requires all counties in the state which have a metropolitan form of government to bear the expense of holding county primary elections. Also authorizes the metropolitan county council to set any reasonable filing fee up to \$500.

CHAPTER NO. 364. County officers. Amends TCA 8-2403 to provide that the county court clerk in Shelby County shall receive a salary supplement of \$2,500.

CHAPTER NO. 368. Ad valorem and privilege taxes. Amends TCA 67-101, 104, 1323, 2522, 6028, and 30-1622 and 1715. Provides for procedures for a hearing with respect to final resolution of any issue or question related to application for or revocation of any permit, license, etc. or related to confiscation of property or other adverse action by the commissioner of revenue. Further provides that the 6-year statute of limitations on the collection of state, county, school, and municipal taxes assessed on property, and state, county, or municipal privilege taxes shall not apply to taxes requiring the filing of returns, but provides that wherein the filing of a return is required the amount of the tax shall be assessed within three years from December 31 of the year in which such tax became due and payable, and provides further that no levy or other proceeding to enforce the collection of such tax without such assessment shall be made or begun after the expiration of such period, with certain exceptions. Provides that in the case of a failure to file a return the tax may be assessed or a levy or other proceedings to enforce the collection of such tax may be begun with or without assessment at any time, the same being true in the case of a false or fraudulent return. Removes six year limitation period on lien for gift tax on transferred property. Provides for penalties and makes it a felony to assault a department of revenue officer and makes it unlawful to take certain action related to hindering state tax collection procedures.

CHAPTER NO. 371. Firearms. Amends TCA 39-4912 to provide that instead of selling confiscated firearms the sheriff may petition the criminal court of his county or any court in the county having criminal jurisdiction for permission to destroy certain firearms confiscated under chapter 39 and further providing that upon a judicial order to do so, he shall destroy said firearms and thereafter report by sworn affidavit to the court, listing in detail the firearms that were destroyed, and the manner and method of such destruction.

CHAPTER NO. 372. Vending stands for blind persons in new buildings. Authorizes and regulates the operation of merchandise vending stands and facilities by blind persons on property owned or leased by the state or any of its political subdivisions. Provides that whenever any new buildings or other

facilities are to be constructed by the state or any of its political subdivisions or when existing contracts or vending arrangements are changed, the division of services for the blind shall be notified and that agency shall promptly make a survey and study and if in its judgment the location is suitable for a vending stand for the blind, plans shall be drawn immediately to implement this goal.

CHAPTER NO. 377. Education. Provides that biology text books used for teaching in the public schools and which express an opinion concerning the theory of the origin and creation of man must also specifically state that one of the theories of the origin and creation of man is that as set out in the book of Genesis in the Bible.

CHAPTER NO. 380. Motor vehicles. Amends TCA title 59, chapter 4 to provide free vehicle license plates to state residents who are former prisoners of war during World War I, World War II, and Korean War and the Viet Nam War. Such free license plates shall be given for the number of years equal to the number of years of captivity.

CHAPTER NO. 381 (Page 24)

CHAPTER NO. 385. Sewerage treatment bonds. Authorizes State of Tennessee to issue and sell interest-bearing, general obligation bonds and bond anticipation notes in an amount not to exceed \$11,600,000 to provide state financial assistance in construction of sewerage treatment works of counties, towns, and special districts.

CHAPTER NO. 386. Boards of education. Grants local boards of education discretionary authority to provide insurance coverage, including group life, hospitalization, disability, or medical insurance for teachers, principals, and other employees. Further provides that for purposes of financing such insurance programs, the employee may be required to bear a percentage of the expense.

CHAPTER NO. 397. Alcoholic beverages. Amends TCA 57-156 to provide that the prohibition on exterior signs on establishments indicating alcoholic beverages are sold for consumption therein is not to be construed to prohibit the use in such sign by licensee of its proper name. If a corporation, the licensee or its parent corporation must have been chartered under such name prior to the first of January, 1967.

CHAPTER NO. 399. Election laws. Provides that a registered voter may vote by absentee ballot in an election if he makes a personal appearance at the county election commission office and if he has obtained the age of 65 at the time he presents himself to vote by absentee ballot.

CHAPTER NO. 400. Drivers licenses. Amends TCA 59-1045, -1050 and -1051 to provide that any person whose motor vehicle operator license has been suspended under the implied consent law may apply to a general sessions, circuit, or criminal court judge or chancellor having jurisdiction in the county of residence for a restricted motor vehicle operators license. The judge of the court where the application is made may issue a restrictive license allowing the person to operate a motor vehicle for the purpose of going to and from and working at his regular place of employment.

CHAPTER NO. 402. Planning and zoning. Amends TCA 13-304 and -604 to provide that where a regional or municipal planning commission approves or disapproves a plat, after a hearing thereon, the applicant or any person who was a party for or against the plat has a right to have such action reviewed within 30 days by the legislative body having jurisdiction over zoning matters. Applies only to Knox County.

CHAPTER NO. 403. Apportionment. Amends TCA 3-102 to establish state senatorial districts for purposes of reapportioning the state senate.

CHAPTER NO. 404 (Page 24)

CHAPTER NO. 405. Local registrars. Requires the local registrar of vital statistics to cause all certificates of death to be filed in duplicate and to forward one copy to the state registrar of vital statistics and to retain one copy. Allows the local registrar to issue certified copies of certificates of death and authorizes a charge of \$3.00, \$2.00 of which is to be forwarded to the state.

CHAPTER NO. 407. Sheriff. Regulates traveling photographers and requires registration with the sheriff of the county where the photographer does business. Registration with the chief of police in counties having a metropolitan form of government is also required. Provides for payment of deposits which may be credited against any business taxes owed by the photographer. Excludes photographers who make photographs incidental to and to be placed upon identification cards or other articles of identification.

ADDENDUM

CHAPTER NO. 25. Annexation. Provides for referendums to ratify annexation ordinances of municipalities lying in counties with a population of not less than 100,000 nor more than 150,000 and not less than 250,000 nor more than 260,000. Provides that either the qualified voters of the municipality or the qualified voters of the territory proposed to be annexed may, by petition, require the ratification of the ordinance by referendum. Such petition shall be signed by at least 50% of the qualified voters of either the municipality or the territory proposed to be annexed. If, as a result of the referendum election, the annexation is rejected, then the annexation ordinance shall be void and the territory proposed to be annexed shall not be considered for annexation by ordinance by the municipality on its own initiative for a period of five years. Provides that the act shall have no effect unless it is approved by a majority of the qualified voters of the county voting in the election on the question of whether or not the act should be approved. The act shall be placed on the ballot in the regular election to be held in August, 1974.

CHAPTER NO. 105. Water quality control. Amends TCA 70-330 to provide that nothing in the Water Quality Control Act should be construed to prohibit any landowner or group of landowners who own property containing the bed and both banks of a stream at least 100 yards downstream from removing gravel or debris from the stream. Further provides that the county highway department, upon request, may remove the gravel as long as it takes normal care to protect the stream and the aquatic life therein.

CHAPTER NO. 119. County trustee. Authorizes the county trustee in Shelby County to correct errors in regard to receiving and recording tax payments occurring in his office.

CHAPTER NO. 126. Political parties. Amends TCA 2-1317 to establish requirements and procedures for electing delegates to the national political conventions.

CHAPTER NO. 151. Department of revenue. Authorizes commissioner of revenue to waive, under certain conditions, all or part of any statutory penalty imposed under any revenue law administered by the commissioner of revenue. Repeals former TCA 67-101 (12).

CHAPTER NO. 161. House of representatives. Amends TCA title 3, chapter 1, to apportion the seats of the House of Representatives in the General Assembly.

CHAPTER NO. 171. Utility boards. Amends TCA 6-1510 to increase compensation for members of a board of public utilities by \$25 a month for each additional utility system managed by the board, not to exceed a maximum of \$100 per month.

CHAPTER NO. 173. Sales taxes. Amends TCA 67-3012 to exempt from the sales tax the transfer, by any dealers in personal property, of vessels or barges of 50 tons or over of displacement where purchaser gives the seller an affidavit that such vessels are being purchased for use in interstate commerce or outside the State of Tennessee. Further exempts from use tax while used in interstate commerce.

CHAPTER NO. 177. Charitable institutions. Enacts the Uniform Management of Institutional Funds Act of 1973. Creates procedures, limitations, and guidelines for the management and use of investments held by charitable institutions.

CHAPTER NO. 179. Sales tax. Amends TCA 67-3002 to delete the one-time only use limitation on sales tax exclusion for materials used in packaging tangible personal property.

CHAPTER NO. 182. Dams. Authorizes the commissioner of conservation to approve, inspect, and regulate the dams and reservoirs of non-federal owners. Restricts municipalities and counties regulating, supervising, or providing for the regulation of dams or reservoirs in their jurisdiction, including the construction, maintenance, operation and removal or abandonment thereof, where the exercise of such authority would conflict with the power and authority vested in the commissioner by the act. Provides that the commissioner may institute proceedings in chancery court when he believes that a violation of the provisions of the act is about to take place and that such violation would result in danger to the community. Provides for appeals from decisions of the commissioner relating to the issuance of permits for construction, alteration, etc., of dams and reservoirs. Exempts farm ponds. Exempts certain counties.

CHAPTER NO. 184. Pornography. Provides that the conducting of the business of selling, displaying, exhibiting, or distributing obscene material, as defined in TCA 39-3007, and/or the engaging in the business of operating an adult book or magazine store, adult motion picture house, or adult peep show is against public policy and, therefore, leases or rental contracts on real estate or buildings which are used for the purpose of the above are declared against public policy and not enforceable.

CHAPTER NO. 187. Electric cooperatives. Amends TCA title 63, chapter 25, to modify the law governing electric cooperatives in certain counties of specified populations. Authorizes cooperatives to become members in certain other cooperatives and to expend funds to attend meetings of same. Grants cooperatives the authority to classify and reclassify members into voting and nonvoting. Authorizes the election of advisory trustees from among the class of nonvoting members equal to the regular trustees elected. Provides for a reserve for the payment of indebtedness maturing more than one year after date of incurrence of such indebtedness. Authorizes board of trustees to execute mortgages and deeds of trust without membership authorization.

CHAPTER NO. 188. Health department. Grants to the Commissioner of the Tennessee Department of Public Health the duty to adopt and promulgate rules and regulations establishing standards for subsurface sewerage systems and proposed subdivisions where subsurface disposal systems are to be used. Provides that no proposed subdivision shall be approved by the state planning commission, a local planning commission, or other agency authorized to approve subdivisions until the plans for such subdivisions have been approved by the local health authority. Also provides that no county registrar shall receive, file, or record a plat of a subdivision without the approval of the local health authority. Makes it unlawful for any person to construct any house or establishment to be served by a subsurface sewerage disposal system prior to approval of the plans of the proposed location by the local health authority. Also makes it unlawful to remove waste from subsurface sewerage disposal systems and to dispose of such waste without approval of the local health authority or to dispose of sewerage or effluent from a subsurface sewerage disposal system into any well, cave, ditch, or stream or upon the surface of the ground. Also requires the securing of a permit from the local health authority before constructing, altering, extending, or repairing subsurface sewerage disposal systems. Provides for hearings before the local health authority when a subdivision plan has been disapproved. Provides that where the provisions of this act are in conflict with local ordinances or private acts the provision which

establishes the higher standard for the promotion or protection of the health and safety of the public shall prevail. Repeals TCA 53-2009 through 2016. Provides that rules and regulations adopted under these repealed sections shall remain in effect until regulations have been adopted and promulgated under this act.

CHAPTER NO. 191. Jails. Amends TCA title 41, chapter 11, to require the establishment of minimum standards and provide for the inspection of local jails, lock-ups, workhouses, and detention facilities. Authorizes the department of correction, with approval of the governor, to establish such minimum standards which shall apply to local jail and workhouse facilities. Allows the commissioner to close jails where compliance with orders is not met. List of standards does not become final until approved by a joint committee of the state and local government committee of the legislature.

CHAPTER NO. 194. Utilities. Amends TCA title 53, chapter 20, to provide that any waterworks system may use pipe made of poly vinyl chloride solvent weld for distribution of a public water supply. Sets minimum requirements for the use of such pipe. Exempts certain counties.

CHAPTER NO. 202. Fees and salaries. Amends TCA 8-2115 and repeals TCA 8-2123 and -2132. Sets the fees that officials may receive for their services as criminal court clerks, circuit court clerks, sessions court clerks, justices of the peace, and clerk and masters of chancery court.

CHAPTER NO. 208. Business taxes. Amends TCA 67-5807, -5808, -5814, and chapter 850, public acts of 1972, to modify the procedures for refunds of business taxes under certain circumstances.

CHAPTER NO. 218. County officers. Amends TCA 8-2403 to increase the salary of the sheriff in Shelby County from \$22,500 to \$25,000.

CHAPTER NO. 224. Drivers'licenses. Amends TCA 59-706 to provide that a person must be at least 18 years of age to receive a license to operate school buses and common carriers. Deletes the requirement of a certificate showing employment as a chauffeur and a certificate of good character.

CHAPTER NO. 239. Sales tax. Amends TCA 67-3003 and -3050 to leave the rate of the state sales tax at 3 1/2% through 1974. Insures that the city and county sales tax remains at one-half of the rate levied under the state sales tax act.

CHAPTER NO. 241. Housing development agency. Increases available funds for financing of residential housing for persons and families who have low or moderate incomes by creating the Tennessee Housing Development Agency and defining its duties, powers, and responsibilities. Authorizes the issuance of bonds and notes of the agency to assist in the financing of such housing. Agency may participate or make insured construction loans to builders and developers of low and moderate income housing. May also insure mortgage loans.

CHAPTER NO. 246. Transit companies. Amends TCA 6-3807 to provide that municipalities, counties, or combinations thereof, may dissolve existing transit authorities created under private acts and establish by ordinance a transit authority as authorized by title 6, chapter 38. Further gives the legislative body of the municipality or county the right to approve the budget and set the rates of fare. Allows management contract for operation of system or operation with own personnel.

CHAPTER NO. 247. "Local Government Study Commission." Establishes the local government study sommission consisting of 15 members designated by the governor. Commission submits recommendations to the governor and 1974 session of the general

CHAPTER NO. 249. Utility districts. Amends TCA 2-2615 to provide for filling vacancies on the board of commissioners by the county judge after submission of names by the remaining commissioners. Amends TCA 2-2616 to modify the procedures for hearing consumer complaints. Adds new section 2-2637 to grant to the public service commission the authority to review rates charged and services provided by a public utility district upon the filing of a petition by 10 per cent of the residents in the area. Act does not apply to utility districts supplying natural gas. Certain counties excepted.

CHAPTER NO. 252. Sick leave--public employees. Amends TCA 8-4101 to provide that sick leave may be used for maternity leave up to accumulated sick leave balance or 30 days, whichever is less. Provides procedure for applying for such leave.

CHAPTER NO. 257. Health. Adopts the Tennessee Health Facilities Act of 1973. Establishes health facilities commission and requires certification of need for construction or expansion of any health care institution; provides for reports of financial and statistical information by health care institutions. Includes health care facilities owned or operated by public agencies. No health care institution or facility may be constructed or expanded and no new major health care service may be instituted unless a certificate has been issued by the commission.

CHAPTER NO. 258. Juvenile courts. Appropriates \$24,000 annually to pay costs incurred in providing counsel for specified juveniles appearing in juvenile courts. Procedures for the use of such appropriation are included.

CHAPTER NO. 259. Education. Establishes minimum standards for the construction of schools and other educational facilities.

CHAPTER NO. 269. Juvenile courts. Amends TCA 37-207 and -217 to provide that referees in juvenile court cases have authority to issue process. Further provides that a warrant committing a child may be sworn out before the court, or referee, by the person producing the child for commitment. Removes the right of parties to have a hearing before judge instead of referee when referee has been appointed.

CHAPTER NO. 271. Planning. Amends TCA 13-1409 to provide that the state is authorized to financially assist in regional economic development with matching state funds on the basis of two dollars of state funds for each one dollar of local funds. Prior loan was on a 50-50 basis. Total amount not to exceed \$60,000 annually.

CHAPTER NO. 273. Boards and commissions. Creates state board of building code appeals. Provides appellate procedure for persons aggrieved by any official's refusal to grant a modification of the interpretation of prevailing building or fire safety code relative to the manner of construction or materials to be used in the erection, alteration, or repair of an educational building or structure.

CHAPTER NO. 275. Mayor-aldermanic charter. Amends TCA 6-127, -128, and -129 to provide that a municipality adopting the mayor-aldermanic charter may, in lieu of having two aldermen for each ward, provide by ordinance, which must be adopted on final passage by a 2/3rds vote of the legislative body, for a different number of aldermen, as determined by the ordinance, who are not required to be elected from a particular ward. Such ordinance shall continue any incumbent aldermen in office for the remainder of their terms. Also provides that in those cases where an alderman is not elected from a particular ward, he is not required to have been a resident of that ward during the previous one year.

CHAPTER NO. 277. Public nuisances. Amends TCA 23-301 relative to defining public nuisances, abatement thereof, and procedures for confiscation and forfeiture of furniture, fixtures, equipment, stock, and monies used in, or in con-

nection with, maintenance, operation, and conducting of such public nuisance. Defines public nuisances and provides for the distribution of monies from forfeiture of property used in, or in connection with, the maintaining of a nuisance.

CHAPTER NO. 278. Education. Amends TCA title 49, chapter 27, to provide for comprehensive vocational education opportunities in grades nine through twelve. Requires state department of education to survey every county, including city and special school districts, to determine needed expansions of vocational and technical education programs. All capital costs and operations costs shall be borne by the state. Operation of the facilities shall be by local boards. Provides for counseling and pre-vocational courses.

CHAPTER NO. 279. Zoning. Amends TCA 13-708 to provide that a change in the zoning of an area where a previously permitted industrial, commercial, or business use is prohibited under such zoning changes shall not act to prevent expansion of such industrial, commercial, or business establishment or the destruction and rebuilding of such establishment, as long as such expansion or destruction and rebuilding involves an actual continuance of the activities of such establishment prior to expansion or destruction and rebuilding. Provides that the provisions of the act shall apply only to land owned and in use by such affected business and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

CHAPTER NO. 281. Utility districts. Prohibits utility districts from discriminating on account of race in providing utility services or in laying out the services which they are to furnish.

CHAPTER NO. 283. Pensions and retirement benefits. Amends TCA 8-3933 (13) to eliminate the requirement that teachers transferring into the consolidated retirement system must make such transfer within five years after becoming eligible.

CHAPTER NO. 289. Poverty. Enacts the Human Resource Agency Act of 1973. Enables the establishment of 13 local human resource agencies by the chief elected public officials of the various counties and/or cities of the Economic Development Districts. Provides for annual audit. Membership of the governing board shall be the chief elected officials or their representatives as organized under chapter 14, title 13, TCA.

CHAPTER NO. 302. Textbooks. Amends TCA 49-602 to define textbooks for the purposes of administration of the state school funds to include hardback books, clothback books, and paperback books.

CHAPTER NO. 326. Motor vehicles. Amends TCA title 59, chapter 9, to provide for certain required equipment on motor vehicles. Requires two windshield wipers for every motor vehicle unless one wiper would clean within one inch of both sides of the windshield. Further requires additional lights and reflectors for certain vehicles and changes the kind of fire extinguishers to be carried on buses and trucks. Eliminates the requirement to carry spare electric bulbs by a bus, truck, or truck tractor which operates outside corporate limits or is under the regulation of a municipality. Provides minor changes in required equipment of above listed vehicles.

CHAPTER NO. 347. Pensions and retirement benefits. Amends TCA title 8, chapter 39, to modify the procedures and eligibility for retirement benefits under the Tennessee Consolidated Retirement System. Allows for past service credit under certain circumstances. Changes disability for early service retirement, ordinary disability retirement, and accidental disability retirement.

CHAPTER NO. 381. Pensions and retirement benefits. Amends TCA 8-3904 to provide that employees of boards of education who render a school year of service and are paid on other than on a twelve month basis are entitled to receive a full year credit for purposes of the consolidated retirement system.

CHAPTER NO. 404. Welfare. Amends TCA 14-702, -707, -711, and -712, to define "affiliated county" for purposes of hospital service for indigents. Provides that appropriations shall be related to the affiliated county and primary county. Allows counties to affiliate with other counties in order to provide hospital service and share in funds.

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