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SUMMARY OF  
1974 PUBLIC ACTS  
OF INTEREST TO MUNICIPAL OFFICIALS

By Don W. Ownby

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MUNICIPAL TECHNICAL ADVISORY SERVICE

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## F O R E W O R D

During the second session of the 88th General Assembly, approximately 400 public acts (beginning with chapter No. 410) were enacted and became law. I have personally reviewed most of these new acts and have found 144 of them to be of varying degrees of direct interest to municipal officials. These 144 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. 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, 1974." Also, most of them will be codified in the 1974 cumulative supplement to the Tennessee Code Annotated.

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May 1974



CHAPTER NO. 410. Bonds (\$136,000,000) authorized for certain schools. Authorizes State Funding Board to issue bonds for acquisition, construction, and equipment of sites and buildings for existing or new area vocational-technical schools, comprehensive high schools, and vocational training centers.

CHAPTER NO. 420. Free golf for elderly. Citizens 65 or over may play golf in state parks free on Mondays except on legal holidays. If the golf course is operated by a municipality or county, it will be reimbursed by the Department of Conservation.

CHAPTER NO. 424. County superintendent of schools--Counties over 250,000--Vacancies. In counties of over 250,000 population, any vacancy in the office of a popularly elected county superintendent of schools shall be filled by the county school board until the next county election.

CHAPTER NO. 428. Central business improvement district--Review of assessments. Amends TCA 6-3926 to provide for review of assessments as provided in TCA, title 27, chapter 9, except that time for filing petition is thirty (30) days from date of ordinance instead of sixty (60).

CHAPTER NO. 435. School personnel--Failure of superintendent to recommend. Amends TCA 49-602 A.7. to provide that when any school personnel are employed after failure to receive the recommendation of the superintendent, he shall report such action to the state commissioner of education within 30 days.

CHAPTER NO. 436. Disturbing a show or sporting event. Makes it a misdemeanor for any person to disturb any commercial entertainment or sporting event by jumping, stepping, running, or walking on the stage or field, etc., where the performance is taking place.

CHAPTER NO. 437. Motor vehicles--Use of driver's license as bail. Amends TCA 59-730 so as to authorize, pursuant to private act, use of driver's license in lieu of bail for state cases before general sessions courts. Further amends TCA 59-730 to authorize use of driver's license now in lieu of bail for all traffic violations except those which call for mandatory revocation of the driver's license.

CHAPTER NO. 442. Meetings of government bodies to be open to public, etc. Requires that all meetings of state, city, and county government bodies shall be open to the public. Requires "adequate public notice" of regularly scheduled meetings as well



as special meetings. Requires that minutes shall include at least a record of persons present, motions, proposals, and resolutions offered, the results of votes taken, and a record of individual votes in event of a roll call.

CHAPTER NO. 445. Utility services to state parks, etc.--Grants to cities, etc., for. Amends TCA, title 11, chapter 1, to authorize state grants to cities, etc., for construction purposes only, to assist in providing utility and refuse disposal services for state parks, forests, etc.

CHAPTER NO. 446. New solid waste processing or disposal facilities. Amends TCA 53-4305 to provide that no new solid waste processing or disposal facilities shall be located within one mile of a municipality without the approval of the municipal governing body. Applies only to Shelby, Knox, and Sullivan Counties.

CHAPTER NO. 453. Air quality act--Grinding of limestone for agriculture. Amends TCA, title 53, chapter 34, to provide that, except in four (4) largest counties, the Tennessee Air Quality Act shall not apply to grinding previously crushed limestone for agricultural use.

CHAPTER NO. 454. Large assemblages regulated. Requires a license from the state health department and prescribes comprehensive regulations for gatherings of 5,000 or more people when such gatherings are expected to last for eighteen (18) or more hours continuously. Requires bond, \$100 a day license fee, fence, water, sanitation facilities, security guards, etc.

CHAPTER NO. 455. Littering--Penalty increased after 1st offense. Amends TCA 39-4541, the penalty section of "The Litter Control Law of 1971." Prescribes a fine of \$50 to \$250 or imprisonment of 2 to 30 days or both for a second or subsequent offense.

CHAPTER NO. 457. State speed limit. Amends TCA 59-852 to set state maximum speed limit at 55 MPH until rescinded by executive order of the governor.

CHAPTER NO. 460. "Tennessee Employment Security Law"--Amended. Amends TCA, title 50, chapter 13, to increase maximum weekly benefits from \$62 to \$70 and makes numerous other changes.

CHAPTER NO. 461. Rape and carnal knowledge--Penalties changed. Amends TCA 39-3702 to increase penalty for rape from



"3 years to life" to "10 years to life" except that the penalty shall be "death by electrocution" when the victim is a "female under twelve (12) years of age." Amends TCA 39-3705 and 39-606 to increase penalty for carnal knowledge of, or assault and battery with intent to carnally know, any female under twelve (12) years of age from "3 years to life" to "10 years to life."

CHAPTER NO. 462. Murder in 1st degree redefined--Penalties increased for 1st and 2nd degree. Amends TCA, title 39, chapter 24, to redefine "murder in the first degree," to prescribe a mandatory death penalty therefor, and to increase the penalty for 2nd degree murder from "10 to 20 years" to "10 years to life."

CHAPTER NO. 467. Taxes--Assessment of certain carriers. Amends TCA 67-232, 67-601, and 67-901 relative to the assessment for property taxes of certain aircraft, water transportation carriers, and cable television companies.

CHAPTER NO. 470. Public Service Commission--Fixing of rates, tolls, etc. Amends TCA 65-518 and 65-520 to require the Public Service Commission, when fixing or changing rates, tolls, fares, etc., charged by a public utility, to take into account the safety, adequacy, and efficiency of service furnished by such utility.

CHAPTER NO. 474. Industrial development--Adequate supply of natural gas, petroleum, etc. Amends TCA, title 4, chapter 14, to require the Tennessee Industrial and Agricultural Development Commission to help assure the state and its people an adequate supply of natural gas and petroleum products.

CHAPTER NO. 478. Alcoholic beverages--Beer. Amends TCA 57-202, 57-204, and 57-232. Requires posting of state registration certificate before commencing business. Requires separate permit for each location or place of business. Makes an exception as to what constitutes contraband.

CHAPTER NO. 483. Juvenile courts--Attorneys for indigents. Amends TCA 37-249(e) to increase from \$24,000 to \$40,000 the annual appropriation for providing attorneys for certain indigent juveniles before juvenile courts.

CHAPTER NO. 485. Public high schools--To instruct on "free enterprise." Amends TCA, title 49, chapter 19, to require program of instruction for public high schools on the "essentials of the free enterprise system."



CHAPTER NO. 486. "Tennessee Solid Waste Disposal Act"--Amended. Amends TCA 53-4305 and 53-4313. When the commissioner of health disapproves plans for constructing or changing a solid waste processing or disposal facility, he must give written notice and state the grounds for disapproval. Provides for review of commissioner's disapproval or modification of such plans.

CHAPTER NO. 487. Hospitals--Reimbursement by state for certain care costs. Amends TCA 12-429, 14-2002, and 14-2009 relative to certifications necessary for reimbursement, institutions eligible, and fiscal years of such institutions.

CHAPTER NO. 488. Teachers--Maternity leave. Amends TCA 49-1314 to provide that after June 30, 1974, a teacher may be allowed sick leave for maternity purposes for a period not to exceed accumulated sick leave balance or thirty (30) working days, whichever is less.

CHAPTER NO. 489. Traffic control lights--Yellow light, exposure time. Provides that after January 1, 1975, the minimum time exposure of the yellow light shall be three (3) seconds for all traffic control signals displaying successively green, yellow, and red lights.

CHAPTER NO. 490. Sewage treatment works--Bonds authorized for. Authorizes state to issue \$27,000,000 in bonds to provide state financial assistance for construction of sewage treatment works pursuant to TCA 53-2017--53-2022.

CHAPTER NO. 491. Rules and regulations of state officers, boards, departments, etc.--Filing and publication requirements. Amends TCA 4-502 relative to publication and filing requirements for rules and regulations of state officers and agencies.

CHAPTER NO. 492. Teachers--Credit for experience as secretary or teacher's aide. Amends TCA 49-602 A.5. to provide that, commencing with the 1974-75 school year, in formulating the state salary schedule for certified teachers, the state board of education shall include provisions whereby credit for experience will be given for time served by a teacher as a secretary or teacher's aide in the same system in which he or she is teaching not to exceed three (3) years of such experience, subject only to approval of the local board of education.

CHAPTER NO. 494. M.T.A.S. allocation from state sales tax increased. Amends TCA 67-3047 to increase monthly allocation to M.T.A.S. from \$25,584 to \$28,250 effective June 1, 1974.

CHAPTER NO. 496. Annexation--Knox County. Extends moratorium on annexations by ordinance in Knox County to July 1, 1978.

CHAPTER NO. 497. Schools--Class size or pupil-teacher ratio. Amends TCA 49-603 relative to granting of waivers by commissioner of education for failure to achieve the required class size or pupil-teacher ratio for a minimum foundation school program.

CHAPTER NO. 500. Trucks--Maximum length. Amends TCA 59-1107 to provide that transported vehicles may overhang "not more than five (5) feet" instead of "the usual and ordinary bumper overhang of the transported vehicles."

CHAPTER NO. 502. New college of medicine. Authorizes and provides for a college of medicine at East Tennessee State University. Makes appropriation of \$400,000 for fiscal year beginning July 1, 1974, contingent upon approval of certain aid from the Veterans Administration and maximum effort to assure admission of minority group students.

CHAPTER NO. 510. Obscenity. Repeals title 39, chapter 30, TCA, and provides a comprehensive new obscenity law defining obscenity, prescribing various penalties, and providing enforcement procedures.

CHAPTER NO. 513. Occupational Safety and Health Act. Amends TCA 50-569 to provide that local governments have until July 1, 1974 (instead of 1973) to elect whether (1) to be treated as a private employer or (2) to develop its own program of compliance.

CHAPTER NO. 514. Special censuses for distribution of municipal street aid funds. Amends TCA 54-408 to authorize two (2) special municipal censuses now (instead of one (1)) during the interim between the regular decennial federal censuses.

CHAPTER NO. 516. Special censuses for distribution of state beer and sales taxes. Amends TCA 57-217 and 67-3047 to authorize two (2) special municipal censuses now (instead of one (1)) during the interim between the regular decennial federal censuses.



CHAPTER NO. 528. Debt on schools transferred to county. Amends TCA 49-407 to provide that any town, city, or special school district transferring schools to county may be relieved of debt thereon if the quarterly county court by resolution adopted by a majority of its members agrees to assume such debt.

CHAPTER NO. 532. Theft of livestock. Amends TCA 39-4211 to provide a comprehensive new section dealing with stealing livestock. Authorizes any law enforcement officer to stop vehicles carrying livestock to check evidence of ownership of such livestock.

CHAPTER NO. 533. Industrial development project--Definition broadened. Amends TCA 13-1603 to include machinery and equipment within the definition of an "industrial development project."

CHAPTER NO. 534. Kindergartens. Amends TCA 49-2305 to provide that the standards established under items (a) and (b) shall not apply to any kindergarten program approved for operation prior to the effective date of the 1973 "Minimum Kindergarten Program Law." Further provides that no kindergarten class shall be operated for less than twenty (20) hours per week.

CHAPTER NO. 535. Election commissions--Legal counsel for. Amends TCA 2-1201 to provide for legal counsel to represent county election commissions depending on the nature of the proceedings. If the lawsuit involves a municipal election, the municipality concerned shall furnish the counsel but he shall be chosen by the commission.

CHAPTER NO. 537. Law enforcement vehicles--Regular license plates authorized for some. Amends TCA 59-428 to allow issuance of regular series license plates for vehicles used by law enforcement agencies in course of investigating crimes.

CHAPTER NO. 539. Fiscal notes for local revenue bills. Amends TCA 3-207 to require fiscal notes for all bills (except local bills) increasing or decreasing local revenues.

CHAPTER NO. 540. Notice of municipal elections. Amends TCA 6-501 to require that elections for municipal officers shall be held on not less than sixty (60) nor more than seventy-five (75) days' notice. (Formerly required not less



than fifty (50) nor more than sixty (60) days' notice.)

CHAPTER NO. 541. Employment of children. Amends TCA 50-734, 50-735, and 50-736 relative to the issuance and approval of employment certificates for children. Superintendent of schools may now issue such certificates without approval of commissioner of labor but commissioner reviews them and may revoke them for substantial violations of the law or rules and regulations.

CHAPTER NO. 542. School principals--Employment and duties. Amends TCA, title 49, to provide for employment of public school principals by the local board of education, through written contracts, and upon the recommendation of the local superintendent. To be no discrimination because of age, race, sex, or creed but principal must hold a certificate of qualification from the state. Also prescribes the duties of public school principals.

CHAPTER NO. 544. Ramps for handicapped at crosswalks. Requires cities to install ramps for handicapped persons at all crosswalks when installing or replacing sidewalks, curbs, or gutters.

CHAPTER NO. 545. Public buildings--Accessibility to handicapped. Amends TCA 53-2546, 53-2547, and 53-2548. Broadens definition of "public building" to include not only governmental buildings but also theaters, restaurants, hotels, etc.; makes the local building inspector the "responsible authority"; provides for display of symbol on buildings which are in compliance; makes other changes. All public buildings and facilities constructed, renovated, modified, or altered after July 1, 1974, shall conform.

CHAPTER NO. 556. Fees of court clerks and justices of the peace revised. Amends TCA 8-2115 and repeals TCA 8-2123 and 8-2132 relative to fees of justices of the peace and clerks of various courts.

CHAPTER NO. 562. Habeas corpus petitions for certain city prisoners--Jurisdiction of city and sessions courts. Confers on municipal and general sessions courts jurisdiction to inquire into the detention of any person being held by municipal authorities wherein no warrant for arrest has been issued or any formal charges made. This act is supplementary to and is not controlled by TCA 23-1805.

CHAPTER NO. 571. "Wholesale Beer Tax Act"--Amended relative to malt beverages. Amends TCA 57-305 to expressly permit beer wholesalers and retailers to sell imported malt beverage in a container that holds not less than  $11\frac{1}{4}$  nor more than  $11\frac{1}{2}$  ounces and whose label includes neither the word "beer" nor the word "ale."

CHAPTER NO. 575. Common carriers--Destruction of or attacks upon. Amends TCA, title 39, chapter 36, to make it a felony to unlawfully set fire to any railroad bridge or trestle. Makes it a misdemeanor to willfully throw or shoot a missile at a train, bus, steam vessel or watercraft, etc., used for carrying passengers or freight. Makes it a felony to wreck a common carrier and cause bodily harm by unlawfully throwing or projecting any missile at it with the intent to so wreck it.

CHAPTER NO. 579. Housing rehabilitation corporation--Act creating amended. Amends Chapter 313, Public Acts of 1973 (TCA title 13, chapter 22). Adds definitions, increases membership of board of directors, expands powers generally.

CHAPTER NO. 581. Records of convictions--To be furnished upon request. Effective July 1, 1974, any public official having custody of public records of convictions of state, county, or municipal public offenses shall make available to any citizen, upon request, during regular office hours, a copy or copies of any such record requested by such citizen, upon the payment of a reasonable charge or fee therefor. Such official is authorized to fix a charge or fee per copy that would reasonably defray the cost of producing and delivering such copy or copies.

CHAPTER NO. 583. Sale or destruction of confiscated firearms. Amends TCA 39-4912 so as to authorize municipal chiefs of police to sell or destroy firearms confiscated within their cities. Proceeds of sales go to the city general fund. Also provides a procedure for city to acquire title to confiscated weapons suitable for police use.

CHAPTER NO. 585. "Occupational Safety and Health Act"--Amended. Extensively amends TCA, title 50, chapter 5, relative to penalties, variances, etc.

CHAPTER NO. 587. Industrial development corporations. Amends TCA 6-2801 so as to include in the definition of "project" facilities for recreation or amusement parks, etc., suitable for use by any private corporation or any governmental unit of the



state. Also amends TCA 6-2802 by restating purpose of corporations to include promotion of tourism and recreation.

CHAPTER NO. 588. "The Medical Records Act of 1974."  
Regulates the preparation, preservation, and destruction of all medical records by all institutions licensed by the Hospital Licensing Board.

CHAPTER NO. 592. Home rule municipalities--Authority to imprison. Provides that "all home rule municipalities are empowered to set maximum penalties of thirty (30) days imprisonment or fifty dollars (\$50.00) fine or both for violation of municipal ordinances."

CHAPTER NO. 593. MTAS--In IPS. Amends 67-3047 to reflect transfer of MTAS from the "Division of University Extension" to the "Institute for Public Service."

CHAPTER NO. 594. New names for several state agencies.  
Amends TCA 49-3343--49-3347 to reflect new names for several agencies such as Institute for Public Service (formerly Center for Government, Industry and Law); Center for Industrial Services (formerly Industrial Research Advisory Service); State Planning Office (formerly State Planning Commission); etc.

CHAPTER NO. 598. "Tennessee Air Quality Act"--Amended.  
Amends TCA 53-3422 to provide that act shall not apply to emissions from any air contaminant source which uses wood waste only as a fuel.

CHAPTER NO. 599. Home rule cities--Authority to lessen or remit forfeitures. Amends TCA 40-1304 to add a provision that: "Cities, which have adopted home rule, may elect to authorize their city court judges to lessen or remit forfeitures in accordance with the provisions of this section if those judges have jurisdiction to hear state misdemeanor cases."

CHAPTER NO. 601. "Medical Arts Building Act of 1974."  
Authorizes local governments to construct, acquire, reconstruct, improve, better or extend, and to equip and rent or lease "medical arts buildings" for physicians and/or dentists.  
Authorizes issuance of bonds upon referendum approval by 3/4ths majority of those voting thereon.

CHAPTER NO. 605. "Water and Wastewater Treatment Authority Act." Permits the creation by local governments of water and wastewater treatment authorities with the power to plan, establish, acquire, construct, improve, and operate one or more treatment works. Authorities may issue bonds, condemn property, establish and collect charges, etc.

CHAPTER NO. 617. Workmen's Compensation--Benefits increased. Amends TCA, title 50, chapter 10, to increase benefits. Maximum total compensation payable is raised from \$25,000 to \$28,000. Maximum weekly amount payable is increased from \$62 to \$70.

CHAPTER NO. 619. Public contracts--Prevailing wage rates. Amends TCA 12-406 and 12-408 to provide that prevailing wage policy applies only to projects costing over \$50,000 except that state and federal highway road construction projects are subject thereto irrespective of contract amount.

CHAPTER NO. 621. Disposal of surplus state land. Repeals TCA 12-214 and amends 12-212 to provide authority and procedure for sale of surplus state land. Authorizes waiver of advertising and bidding requirements for "negotiated sale of any such property to any legal governmental body for a public use purpose."

CHAPTER NO. 627. Municipalities authorized to explore, drill, etc., for natural gas and oil, etc. Authorizes municipalities to explore, prospect, drill, and mine for, and to produce natural gas and oil and mineral by-products thereof. Also authorizes construction of appropriate facilities to save, treat, and transport same. However, no additional power of eminent domain is granted.

CHAPTER NO. 633. Utility districts--Certain counties exempted from certain provisions. Amends TCA 6-2638 so as to also exempt Crockett, Haywood, Lauderdale, Tipton, and Dyer Counties from the 1973 utility law amendments relative to rules and regulations, rates, and filling vacancies.

CHAPTER NO. 639. Prison sentences--Credit for pretrial confinement. Amends TCA 40-3102 to provide that when a sentence is imposed and a defendant is committed to jail, the workhouse, etc., he shall be allowed credit on his sentence for any period of pretrial confinement in the city jail.



CHAPTER NO. 642. County election commission--Office hours, etc. Amends TCA 2-208 to require that election commission offices shall be open "from at least nine (9) a.m. until one (1) p.m. on the first Saturday of each month for the two (2) months prior to the closing of registration before any election except special elections, elections on questions and county primaries. The main office shall be open from at least nine (9) a.m. until one (1) p.m. for the two Saturdays in March immediately preceding a county primary, if held."

Amends TCA 2-406 to require nominations for appointment as election officials to be made 30 days prior to appointment time.

Amends TCA 6-1104 to require election of state election commissioners every 4 years instead of every 6 years beginning in 1977.

This act does not apply to Metro.

CHAPTER NO. 643. Bond issue authorized to widen U. S. Highway 11-W. Authorizes \$37,600,000 bond issue to 4-lane U. S. Highway 11-W from Grainger-Knox County line to the west end of the Rogersville by-pass.

CHAPTER NO. 644. Lien date for property taxes. Provides that January 1st of the assessment year is the lien date for all ad valorem property taxes assessed by the state, a county, a municipality, etc. Amends TCA 67-806 to substitute "local governmental entity" for "municipality."

CHAPTER NO. 646. Railroad crossing markers and signal lights. Requires railroad crossing markers, signal lights, and bells at grade crossings under certain circumstances effective July 1, 1974. Provides that costs shall be borne equally by the railroad, the state, and the county or city where the crossing is located. In the event federal funds are available, the federal rules shall determine allocation of costs.

CHAPTER NO. 650. Commissioner of education--Limitation on power to grant waivers. Provides that the state commissioner of education is authorized to grant waivers to a school which does not comply with the rules and regulations of the state board of education only when officially requested by action of the local board of education. Waivers may be granted for no more than two (2) years in succession for the same violation in the same school provided, however, that such waiver may be extended for an additional period not to exceed three (3) years when the local board of education, the local legislative body, and any local governmental official, acting within their

respective jurisdiction, have authorized corrective action and necessary funding for the removal of the condition which necessitated the waiver.

CHAPTER NO. 652. Bonds (\$61,000,000) authorized for certain schools. Authorizes State Funding Board to issue bonds for acquisition, construction, and equipment of sites and buildings for existing or new area vocational-technical schools, comprehensive high schools, and vocational training centers.

CHAPTER NO. 653. School bus drivers. Amends TCA 49-2206 and 49-2208 to require an investigation of criminal records of applicants for a driver's certificate after July 1, 1974, and to require annual physical and mental examinations.

CHAPTER NO. 654. School laws--Act to regularize language, etc. A very lengthy act (136 sections) with the stated purpose of regularizing statutory language describing local public school systems by eliminating separate references to county, city, and special school districts except where the context requires.

CHAPTER NO. 655. Kindergarten students--Some may skip 1st grade. Amends TCA 49-1746 to provide that, effective July 1, 1974, any local board of education may provide a procedure for determining the competency of students who have attended kindergarten to advance directly to the second grade. Any such procedure when developed shall be submitted to the state board of education for approval. Those students who are determined to be competent under an approved procedure may be allowed to advance directly to the second grade if they meet the age requirements for entry into the first grade.

CHAPTER NO. 661. Industrial development corporations--Projects. Amends TCA 6-2801 to include undertakings involving monorails or tramways within the definition of "project."

CHAPTER NO. 665. Teachers--Generally may not be required to pay portion of substitute's salary. Amends TCA 49-602 F.2. to provide that, except in Memphis, a teacher shall not be required to pay any portion of a substitute teacher's salary.

CHAPTER NO. 666. Solid waste treatment or disposal facilities--Approval or disapproval. Amends TCA, title 53, chapter 43, to require approval or disapproval by state within 90 days. Also makes local government liable for any expenses incurred by the state for geographical studies, core samples,



soil samples, etc.

CHAPTER NO. 671. "The Waterworks Construction Loan Act of 1974." Authorizes the state to make loans, from the proceeds of state bond sales, to counties, metropolitan governments, incorporated cities and towns, and special districts for the construction of waterworks. Act to be administered and implemented by the Tennessee Department of Health.

CHAPTER NO. 672. Bonds (\$10,000,000) authorized for construction of waterworks. Authorizes State Funding Board to issue bonds for the purpose of providing state loans for local waterworks construction.

CHAPTER NO. 673. Electrical safety code adopted. Adopts by reference "The American National Standard National Electrical Safety Code," edition dated July 20, 1973, as prepared and published by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, N.Y., N.Y. 10017.

CHAPTER NO. 674. "The Safe Dams Act of 1973"--Amended. Amends TCA 70-2530 to provide that home rule municipalities in Shelby County, within one year from date of this act or creation of such government, may adopt an equal or stronger "dam and reservoir" ordinance which shall apply in lieu of state regulations.

Amends TCA 70-2503 so as to now make "The Safe Dams Act of 1973" applicable to Dyer and Lauderdale Counties which were previously excepted.

CHAPTER NO. 675. Sales Tax--3½% rate continued. Amends TCA 67-3003 so as to extend state sales tax at 3½% rate until June 30, 1975, instead of 1974. Amends TCA 67-3050 to extend local sales tax at maximum of 1/2 the state rate until June 30, 1975, instead of 1974.

CHAPTER NO. 684. Teachers--Disability retirement allowance. Amends TCA 8-3912 (c) by adding the following language: "Any increase in benefits provided by subsection (c) of Section 8-3912, shall be in addition to any increases previously or hereafter provided by any cost-of-living provisions, Section 8-3932, Section 8-3935, or any other increases in benefits effective prior to August 1, 1974. Provided further any retiree who applied for increased benefits under the provisions of this section prior to July 1, 1974, shall receive a retroactive recomputation as herein provided, and a lump sum payment

effective from the date the application was approved by the board of trustees."

CHAPTER NO. 690. Coal severance tax. Amends TCA 67-5902 to increase the tax from 10¢ to 20¢ per ton and to provide that: "The owner shall become liable at the time the coal products are severed from the earth and ready for sale, whether before processing or after processing as the case may be."

CHAPTER NO. 692. Aged persons in public housing--Daily contact. Provides that cities, housing authorities, etc., providing housing for persons over 65, in buildings over 3 stories high, shall try to arrange for daily contact of such tenants to check on their well being, etc.

CHAPTER NO. 699. Bonds (\$110,000,000) authorized for federal-aid, interstate highway system. Authorizes State Funding Board to issue bonds for construction of federal-aid interstate highways, information-welcome centers, and safety rest areas. \$11,000,000 is for matching funds. \$99,000,000 is in anticipation of the receipt of a like sum in federal-aid funds. Itemizes projects on which funds are to be used.

CHAPTER NO. 700. Library boards. Amends TCA 10-303 to provide that a library board responsible for administering a joint city-county library may be appointed pursuant to a private act as an alternative to the other two methods already prescribed.

CHAPTER NO. 702. "Tennessee Housing Development Agency Act"--Amended. Amends several sections of TCA, title 13, chapter 23. Provides new definitions for "lender," "insured construction loan," "insured mortgage," and "persons and families of lower and moderate income." Designates the agency as "a political subdivision" of the state rather than "a public agency." Makes numerous other changes.

CHAPTER NO. 704. Elections--False campaign literature. Amends TCA, title 2, chapter 19, to add a new section which provides that: "It is a misdemeanor for any person to publish or distribute or cause to be published or distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement, charge, allegation, or other matter contained therein with respect to such candidate is false."



CHAPTER NO. 708. Elections--Supreme court judges. Amends TCA 2-308 to provide procedure for supreme court judges to be elected 1 from each grand division and 2 at large, latter not to be from same division.

CHAPTER NO. 712. "Tennessee Home Solicitation Sales Act of 1974." Defines and regulates home solicitation sales, allows buyers to cancel within a set period of time with certain exceptions, and establishes rights and duties with regard to goods sold by means of home solicitations.

CHAPTER NO. 713. Emergency purchasing regulations. Notwithstanding any other provisions of law a municipality may provide by ordinance for regulations to allow emergency purchases within maximum amounts established by said municipality in said ordinance. A municipality by ordinance may authorize purchase in the open market of supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes including delays by contractors, delays in transportation, unanticipated volume of work, the failure to receive competitive bids from prospective bidders and other similar emergencies. The provision for purchases in emergencies shall not be exercised until bids have been advertised for and there has been a failure to receive any bids. The ordinance shall provide that permission must be received for such emergency purchases from the chief executive officer of the city or the regulatory board of any agency of such municipality if applicable. The purchasing agent shall attempt to receive competitive quotations from suppliers before making said emergency purchases and a report of such emergency purchases in writing shall be made together with a record of the prices secured and a full and complete account of the circumstances of such emergency. Such report shall be made within two working days following the date of such purchase or purchase order and shall be kept on file by the person having charge of the records of said municipality or municipal agency and shall be open to public inspection.

CHAPTER NO. 714. Retirement benefits--Teachers--Others? Amends TCA 49-1311 to increase retirement allowance of certain teachers not covered by the "Tennessee teachers" retirement system." Also provides increases for such teachers based on consumer price index as provided in TCA 8-3923.

Caption of act indicates it deals only with teachers but section 4 provides that: "All employees of the State of Tennessee who were employed by the state prior to July 1, 1947

for not less than eight (8) years and have reached the age of sixty-five (65) and who are not otherwise covered by any other retirement system administered by the state, shall be entitled to benefits as provided for in this section."

CHAPTER NO. 715. Consolidated retirement system--Amended. Amends TCA 8-3901, 8-3907, and 8-3923 to increase benefits of certain members, to include in definition of "service" certain service of former members of the General Assembly, and to increase to 3% maximum increases based on consumer price index.

CHAPTER NO. 720. Vehicle junkyards. Provides vehicle junkyard regulations supplementary to those in TCA, title 54, chapter 23. Requires "vehicle junkyard concealment control permit" from commissioner of safety for certain junkyards and authorizes him to promulgate rules and regulations establishing reasonable requirements for granting such permits. Also provides procedure for suspending or revoking such permits and judicial review of such proceedings. Expressly authorizes cities to regulate vehicle junkyards within their jurisdiction provided their rules and regulations are determined by the commissioner of safety to be at least as stringent as those issued by the state.

CHAPTER NO. 721. "Child Development Act of 1974." Creates "office of child development" within the office of the governor to design, develop, and review annually a comprehensive, state-wide, community-based child development program for children under six (6) years of age. Office is also charged with responsibility to develop and implement a detailed process for the coordination of services and programs for children of ages six (6) to eighteen (18). Provides for "State Child Development Coordinating Council" chaired by the governor, regional "child development coordinators" employed by the development districts, "regional child development councils," etc. Act takes effect January 1, 1975.

CHAPTER NO. 722. Utility districts--Transmission of natural gas by pipeline--Community antenna television service. Amends TCA 6-2608 to provide for acquisition and installation by utility districts of devices, equipment, and facilities for the transmission of natural gas by pipeline from one or more sources or collection points to one or more utilities, industries, or plants.

Amends TCA 6-2608 further to provide that community antenna television service shall be limited to "all practices



permitted by rules and regulations promulgated from time to time by the Federal Communications Commission provided however, this provision shall not apply to counties having populations over 600,000 according to the federal census of 1970 or any subsequent federal census."

Act is effective July 1, 1974.

CHAPTER NO. 723. Employees of educational cooperatives--  
Eligible to participate in consolidated retirement system.

Amends TCA 8-3901 and 8-3934 so as to make teachers and other employees of educational cooperatives established under TCA 49-433 eligible to participate in the state consolidated retirement system under certain conditions.

Act is effective July 1, 1974.

CHAPTER NO. 725. "Uniform Administrative Procedures Act."  
Provides a system of administrative procedures for various agencies of the state, and repeals TCA 4-501--4-506. Contains definitions and provisions with respect to adoption, approval, filing, and publication of rules, etc. Also provides procedures for administrative and judicial reviews of rules and actions of state agencies. Section 8, governing contested cases, notice, hearings and records is effective immediately. Section 21, creating in the office of the secretary of state a division to be known as the Administrative Procedures Division, is effective July 1, 1974. The remainder of the act becomes effective July 1, 1975.

CHAPTER NO. 726. Commission on fire fighting personnel standards and education. Creates commission to be appointed by the governor to recommend to the governor and the general assembly standards of performance, courses of instruction and training, and procedures for certifying levels of achievement for full-time municipal firefighters.

CHAPTER NO. 727. "Tennessee Equal Consumer Credit Act of 1974." Prohibits discrimination on the basis of sex or marital status against individuals seeking credit and provides for civil penalties for violations. Provides that where the applicant for credit is married, the spouse of said applicant shall not be liable for any debts, charges, or accounts if he has not signed the application for credit.

CHAPTER NO. 730. State "protective services" for elderly.  
Amends TCA, title 14, to provide that state will provide certain

defined "protective services" to persons over 60 who are unable to perform or obtain such services for themselves. Act contains definitions and provisions relating to reporting and investigating needs, procedures for provision of services with and without consent of needy, payment for services, etc.

CHAPTER NO. 732. Bonds (\$10,000,000) authorized for solid waste energy recovery facilities, etc. Authorizes State Funding Board to issue bonds for providing state loans to local governments and special districts for construction of solid waste energy recovery facilities and/or solid waste resource recovery facilities.

CHAPTER NO. 733. "Tennessee Corrections Institute." Creates institute under the direction of a "board of control," to train correctional personnel for state and local government jurisdictions, to evaluate correctional programs, and to conduct study and research in the area of corrections. To be financed by local, federal, or foundation funds, contributions, or grants as may be received. No state funds to be used except funds derived from the sale of state property adjoining state penitentiary at Nashville.

CHAPTER NO. 737. Disability retirement. Amends TCA 8-3911, and 8-3913 to allow members of group 1 (teachers and general employees) same disability retirement rights as group 2 (state policemen, game and fish officers, firemen and policemen). Amends TCA 8-3912 and 8-3913 to substitute "service retirement age as provided in section 8-3905" for "age sixty-five (65)." Further amends TCA 8-3912 to add: "Provided, however, upon the member's attainment of service retirement age as provided in Section 8-3905, the ordinary disability retirement allowance shall become equal to the full service retirement allowance as computed in accordance with Section 8-3906."

CHAPTER NO. 740. Health care institutions--Board of building code appeals. Amends TCA 53-2555--53-2557 so as to provide an appellate procedure for health care institutions aggrieved by application of building or fire safety code provisions. Provides for representation of such facilities on the board.

CHAPTER NO. 741. Contraband drugs. Amends TCA, title 52, chapter 14, by adding and deleting certain drugs.



CHAPTER NO. 743. Retirement allowance of teachers not covered by retirement system--Termination. Amends TCA 49-1311 to provide that such "allowances shall be payable in equal monthly installments which shall cease with the month in which death occurs."

CHAPTER NO. 746. Borrowing in anticipation of collection of revenues. Provides authority (supplementary to any other law) for the governing body of any city to borrow money in anticipation of the collection of revenues for the current fiscal year to meet appropriations made for such year. Limits such borrowing (under this act only) to 60% of estimated revenues and provides that notes shall first be approved by the state director of local finance.

CHAPTER NO. 748. "Motor Vehicle Habitual Offenders Act." Provides procedure for revoking driving privileges of persons convicted in Tennessee of 3 or more of the following offenses within a 3 year period: Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle, violation of provisions relative to meeting or overtaking school buses, certain violations relative to leaving the scene of an accident, and driving under the influence of intoxicants or drugs. Covers ordinance as well as state law violations and city court as well as state court convictions. Also provides for restoration of driving privileges under certain conditions.

CHAPTER NO. 749. "The New Community Development Act." Creates a Tennessee Community Development Board and provides for its organization, powers, and duties. The board, with the Director of the Tennessee State Planning Office as its administrator, is charged with adopting and revising from time to time and enforcing minimum standards for the development of new communities. Repeals TCA 13-1501--13-1509.

CHAPTER NO. 753. Annexation law--Amended. Amends TCA, title 6, chapter 3, to prescribe minimum contents of plan of services to require a public hearing on such plan; to require an annual progress report and public hearing on the plan; to prescribe the procedure for changing the plan; to require the municipality to prove reasonableness of ordinance in case of contest, and to refine the law with respect to priorities between larger and smaller municipalities. Does not apply to Madison, Davidson, or Shelby Counties.

CHAPTER NO. 755. Council vacancies in cities over 100,000. Transfers 2nd paragraph of TCA 6-3114 to title 6,

chapter 5, as TCA 6-511. Provides for filling council vacancies in certain cities of over 100,000 in non-metro counties of over 200,000.

CHAPTER NO. 757. Sex discrimination--Rate of pay. Prohibits discrimination in rate of pay because of sex. Prescribes enforcement provisions and penalties. Does not apply to political subdivisions of state nor to individuals covered by the Fair Labor Standards Act of 1938.

CHAPTER NO. 758. "Tennessee Solid Waste Disposal Act"--Administration of grants. Amends TCA 53-4319 to provide that when appropriations for a given fiscal year shall be more than is required for grants to eligible instrumentalities, the remaining grant funds shall be made available to such additional instrumentalities as become eligible within the first six months of such fiscal year.

CHAPTER NO. 761. State loans authorized for solid waste energy recovery facilities, etc. Authorizes and regulates state loans to local governments and special districts for the construction of solid waste energy recovery facilities and/or solid waste resource recovery facilities. Such loans shall be made from the proceeds of state bond sales authorized pursuant to implementing acts.

CHAPTER NO. 770. Penal inmates--Medical experiments, etc. Regulates participation of inmates of state, county, or city penal and reformatory institutions in drug testing and other medical experiments.

CHAPTER NO. 771. Taxes--Miscellaneous amendments to tax laws. Amends TCA 4-307. Provides that the governor may designate someone to sit as a voting member of the state board of equalization for him in his absence; board to elect a vice chairman annually in August; board, instead of governor, now appoints an executive secretary who serves at the pleasure of the board; enumerates duties and functions of the board and of the executive secretary.

Amends TCA 6-2212 in the Uniform City Manager-Commission Charter to make the lien date for taxes January 1 instead of January 10.

Amends TCA 67-232 to reflect transfer of some of the powers of the division of property assessments to the board of equalization and its executive secretary.



Amends TCA 67-513 to allow religious, charitable, scientific or educational institutions owning property occupied by another exempt institution to receive a reasonable service and maintenance fee for use of such property without losing its tax exemption. Further amends said section to provide that on or before April 1, 1975, (instead of beginning January 1, 1974) all institutions claiming an exemption must make application therefor to the assessor of property and such application must be approved by the executive secretary or staff attorney of the board of equalization (instead of the staff attorney for the division of property assessments). After April 1, 1975, appeals for exemption shall be to the state board but filed with its executive secretary.

Amends TCA 67-606 to require that excess taxes computed and paid on basis of erroneous valuation or assessment will be refunded within 60 days of certification of corrected assessment.

Amends TCA 67-645 to provide that tax relief for elderly low-income homeowners is available to those eligible who become 65 by December 31 of the year for which the assessment is made.

Amends TCA 67-648 to provide that owners of mobile homes located on another's land may be eligible for tax relief if they are elderly low-income or disabled. Further amends this section to provide procedure for division of property assessments to issue credit vouchers to be used by eligible taxpayers in paying local taxes.

Amends TCA 67-841 to delete requirement that state board of equalization complete its action on appeals by December 1 of each year. Provides that no proceedings shall be taken to collect and no penalty or interest shall be added until 30 days after board has rendered a final decision on appeals or its review of reappraisals.

Amends TCA 67-1718 to require competent appraisal of property of public utilities over the next 10 years (instead of 8).

Amends TCA 67-1801 to make lien date for taxes January 1 instead of January 10.

Amends TCA 67-627 to provide that upon a consolidation of the municipal and other assessment offices within any county pursuant to TCA 67-337 notice to each taxpayer shall not be required unless a change has been made by the county assessor. Newspaper notice is required, however, as to when and where assessment records may be inspected before annual session of local board of equalization.

Amends TCA 67-321 to authorize one deputy assessor of property for each 4500 parcels of property over and above the first 4500 parcels.

CHAPTER NO. 773. Utility services--Right of municipality to take over. Amends TCA 6-319 to provide that no municipality may render utility water service to be consumed in any area outside its boundaries when all of such area is included within the area of a utility district or other person or agency authorized to render such service. Formerly a municipality could choose to render such service within "or adjacent" to its municipal boundaries.

Deletes exemption from provisions of section for "any county of the population of not less than 52,000 nor more than 55,000 according to the federal census of 1960 or any subsequent federal census."

Adds a provision which authorizes cities incorporated after January 1, 1972, and which have been incorporated for at least two years, to take over all utilities (except furnishing of natural or artificial gas or telephone service) within their municipal boundaries. Requires a municipal referendum and agreement or court order.

CHAPTER NO. 774. Property taxes--Exemptions. Amends TCA 67-502 (67-513?) to provide that: "Property owned by any religious, charitable, scientific or educational membership non-profit organization shall not be denied exemption because administrative, social or recreational activities of such organization are conducted thereon, where said activities are agencies for the advancement and enlargement of the purposes for which said organizations exist; where such activities are in furtherance of the general purposes of such organizations; or where said activities promote the interest of its membership in such organizations. When property is owned by corporations organized for the exclusive purpose of holding title to property for use of any organization which itself qualifies for such exemption from taxation under this subsection, only such property of the corporation as would be entitled to an exemption under this subsection if owned directly by such organization shall not be denied exemptions. The exemption of property under this subsection shall be applicable only to such part of the property on which said organizations conduct administrative, social or recreational activities if it is less than the entire property.

The above section shall apply only to those religious, charitable or educational membership non-profit organizations which are chartered by the United States Congress."



CHAPTER NO. 776. Incorporation elections. Amends TCA 6-105 of the general mayor-aldermanic charter to provide that: "The proponents of the incorporation shall have a period of fifteen (15) months; either after the filing of the voters' list; or after the expiration of the fifteen (15) months abeyance period reserved for existing cities, or after the filing of the resolution declaring no interest by the existing city, within which to give notice of application to hold the incorporation election as provided in Tennessee Code Annotated, Sections 6-109 and 6-110. All applications for charters and lists of voters required by Tennessee Code Annotated, Sections 6-102 and 6-103 shall be null and void unless the notice of application to hold the incorporation election is given within fifteen (15) months from the earliest date on which it could be lawfully given."

Amends TCA 6-1803 of the Uniform City Manager-Commission Charter to provide that: "The county election commission shall have a period of fifteen (15) months; either after the filing of the petition; or after the expiration of the fifteen (15) month abeyance period reserved for existing cities; or after the filing of the resolution declaring no interest by the existing city, within which to publish notice of the election as required under Tennessee Code Annotated, Section 6-1804. Any petition for incorporation for which public notice of election is not published within fifteen (15) months from the earliest date on which it could be lawfully published is null and void."

CHAPTER NO. 777. Annexation--Sullivan and Hamilton Counties. Amends chapter 25, Public Acts of 1973 (not codified because only applies to 2 counties), to provide that annexation ordinances must be ratified by referendum of the qualified voters of the municipality and the annexed area if 15% of the qualified voters in either area so petition.

CHAPTER NO. 778. Sales tax--Industrial machinery. Amends TCA 67-3002 to define "industrial machinery" so as to include machinery used by "business either within or without this state."

CHAPTER NO. 780. Tort liability act--Amended. Amends TCA 23-3303 to provide that any governmental entity opting out of the act may later elect to come under it.

Adds TCA 23-3331 to authorize purchase of insurance under tort liability act without public bidding, regardless of charter requirements, etc., if insurance plan is approved by any organization of governmental entities representing cities and counties.

CHAPTER NO. 781. "Postsecondary Education-Authorization Act of 1974." Amends TCA, title 49, chapter 39, to create a "Commission on Postsecondary Vocational Education Institutional Authorization" to regulate academic, vocational, technical, home study, business, professional, or other schools, etc., offering instruction or educational services primarily to adults for attainment of educational, professional, or vocational objectives. Excepts public educational institutions, institutions accredited by Southern Association of Colleges and Schools, or certain other agencies, barber schools, schools of cosmetology, etc. Repeals TCA 49-4001--49-4007. Act becomes effective for some purposes on July 1, 1974, but generally on July 1, 1975.

CHAPTER NO. 782. Referral sales schemes. Amends TCA 39-2017 to provide that the giving of a rebate or discount dependent upon the giving of names of potential customers and the happening of a later event is a lottery. Any such purchase agreement is unenforceable by the seller and the buyer may rescind it or retain any goods delivered and the benefits of any services performed without any obligation to pay therefor. Also provides for \$100 to \$1,000 fine and/or up to 3 months imprisonment.

CHAPTER NO. 784. Poison control centers. Authorizes the establishment of a system of poison control centers. Contemplates participation from appropriate public and private agencies and individuals.

CHAPTER NO. 785. "Municipal Recovery and Post War Aid Act of 1945"--Lenoir City. Amends TCA 6-1602 to provide that in Lenoir City the term "public works project" shall include "industrial parks."

CHAPTER NO. 787. Solid waste energy recovery facilities. Provides that any municipality may construct, purchase, improve, operate, and maintain within its corporate limits or within the limits of its county, an energy recovery and/or resource recovery facility or facilities for the production of energy for heating or cooling, etc., and recovery of recyclable materials from solid wastes. Also authorizes sale of such energy, recovered materials, etc.

CHAPTER NO. 788. Consolidated retirement system--Amended. Amends TCA 8-3901 (45) to provide that the term "teacher" shall not include certain part-time teachers. Amends other sections of TCA, title 8, chapter 39, relative to disability retirement,



board of trustees, financing, eligibility for membership, etc.

CHAPTER NO. 789. Local building inspection program--IPS assistance. Provides that "The University of Tennessee, through the Institute for Public Service, may provide assistance to local governments for residential building inspection programs. Assistance shall be provided on both the technical and financial levels with regard to the administration of inspection services and enforcement of building and housing codes. Training programs for the personnel to staff local building inspection services as well as minimum staffing requirements shall be established for all local governments aided under this section." The act also "appropriated a sum not to exceed fifty thousand dollars (\$50,000) per year to the University of Tennessee for the purpose of administering this Act" but the governor vetoed the appropriation.

CHAPTER NO. 790. General appropriations bill. Comprehensive bill containing 73 sections which makes specific appropriations for the purpose of defraying the expenses of State Government for the fiscal year beginning July 1, 1974.

CHAPTER NO. 791. "The Tennessee Family Practice Residency Program." Creates a program for the purpose of training resident physicians in the field of family practice and encouraging them to open offices in shortage areas of the state. Program is to be administered by the U.T. College of Medicine and East Tennessee State University in cooperation with the state health department. Program is to make maximum feasible use of non-state funds from the federal government, private sources, fees, etc. \$600,000 appropriation for U.T. for 1974-75 reduced by the governor to \$400,000 and \$150,000 appropriation for ETSU reduced to \$100,000.

CHAPTER NO. 799. Solid waste disposal--Per capita grants increased. Amends TCA 53-4317 to increase from 75¢ to \$1.00 per capita state grants to approved local solid waste disposal operations.

CHAPTER NO. 800. Consolidated retirement system--Sick leave as creditable service. Amends TCA 8-3904 to provide that certain employees who have accumulated sick leave may count such leave as creditable service.

SUBJECT INDEX

	<u>Chapter</u>	<u>Page</u>
"AIR QUALITY ACT" - Amended		
- Grinding limestone for agricultural use	453	2
- Use of wood waste as a fuel	598	9
 ALCOHOLIC BEVERAGES		
- Beer laws amended	478	3
- Special census for distribution of state beer tax	516	5
- Wholesale beer tax act amended relative to certain imported malt beverages	571	8
 ANNEXATION		
- Moratorium in Knox County	496	5
- Law amended in several respects	753	19
- Petitions for ratification in Sullivan and Hamilton Counties	777	23
- <i>Utility services</i>	773	22
 ASSEMBLAGES		
- Large assemblages regulated	454	2
 BEER		
- SEE "ALCOHOLIC BEVERAGES"		
 BONDS		
- Schools	410	1
- Sewage treatment works	490	4
- Medical arts buildings	601	9
- Highway 11-W	643	11
- Schools	652	12
- Waterworks	672	13
- Interstate highway system	699	14
- Solid waste energy recovery	732	18



	<u>Chapter</u>	<u>Page</u>
BORROWING		
- Authorizes borrowing in anticipation of collection of revenues	746	19
BUILDING INSPECTION		
- IPS assistance for local programs	789	25
BUSINESSES		
- Referral sales schemes	782	24
CENSUS--Special		
- For distribution of street aid funds	514	5
- For distribution of state beer and sales taxes	516	5
"CENTRAL BUSINESS IMPROVEMENT DISTRICT ACT OF 1971"		
-Amended	428	1
CONSOLIDATED RETIREMENT SYSTEM		
- Amended	684	13
- Amended	715	16
- Amended	723	17
- Amended	737	18
- Amended	788	24
- Amended	800	25
CORRECTIONS INSTITUTE		
- Created for training, evaluating programs, etc.	733	18

	<u>Chapter</u>	<u>Page</u>
<b>COURTS</b>		
- Attorneys for indigent juveniles-- increase in appropriations for	483	3
- Fees revised for certain courts	556	7
- Habeas corpus petitions for certain city prisoners	562	7
- Records of convictions to be furnished upon request	581	8
- Home rule municipalities may authorize to imprison	592	9
- Home rule municipalities may authorize to lessen or remit forfeitures	599	9
- To allow for pretrial confinement upon sentencing	639	10
- Election of supreme court judges	708	15
- "Motor Vehicle Habitual Offenders Act"	748	19
<b>CRIMES</b>		
- SEE "OFFENSES AND CRIMES"		
<b>DRUGS</b>		
- Contraband drugs--certain drugs added and deleted	741	18
<b>EDUCATIONAL COOPERATIVES</b>		
- Consolidated retirement system-- employees eligible	723	17
<b>ELDERLY</b>		
- Free golf in state parks	420	1
- Daily contact for those in certain public housing	692	14
- Protective services to be provided for	730	17
- Tax relief for	771	20



	<u>Chapter</u>	<u>Page</u>
'ELECTION CODE" - Amended		
- Legal counsel for election commissions	535	6
- Notice of municipal elections	540	6
- Office hours of election commissions, nomination of election officials, etc.	642	11
- False campaign literature	704	14
- Election of supreme court judges	708	15
 ELECTRICAL SAFETY CODE ADOPTED	 673	 13
 EMERGENCY PURCHASING REGULATIONS AUTHORIZED	 713	 15
 'EMPLOYMENT SECURITY LAW"		
- Amended--Maximum benefits increased, etc.	460	2
 'EQUAL CONSUMER CREDIT ACT OF 1974"	 727	 17
 FIRE FIGHTING PERSONNEL		
- Commission on standards and education	726	17
 FISCAL NOTES--LOCAL REVENUE BILLS	 539	 6
 GENERAL APPROPRIATIONS BILL	 790	 25
 'GOVERNMENTAL TORT LIABILITY ACT"		
- Amended	780	23
 GOVERNMENT BODIES		
- Meetings to be open to public, etc.	442	1

## GRANTS

	<u>Chapter</u>	<u>Page</u>
--	----------------	-------------

- |  |     |    |
|--|-----|----|
| - To cities, etc., for utility services to state parks, etc. | 445 | 1  |
| - Solid waste disposal--administration                       | 758 | 20 |
| - Solid waste disposal--increase in grant                    | 799 | 25 |

## HANDICAPPED

- |                                   |     |   |
|-----------------------------------|-----|---|
| - Crosswalks to accommodate       | 544 | 7 |
| - Public buildings to accommodate | 545 | 7 |

## HEALTH CARE INSTITUTIONS

- |                                  |     |    |
|----------------------------------|-----|----|
| - Board of building code appeals | 740 | 18 |
|----------------------------------|-----|----|

## HOME RULE MUNICIPALITIES

- |  |     |   |
|--|-----|---|
| - Authority to imprison                    | 592 | 9 |
| - Authority to lessen or remit forfeitures | 599 | 9 |

"HOME SOLICITATION SALES ACT OF 1974"	712	15
---------------------------------------	-----	----

## HOSPITALS

- |   |     |    |
|---|-----|----|
| - Reimbursement by state for certain care | 487 | 4  |
| - "Medical Records Act of 1974"           | 588 | 9  |
| - Board of building code appeals          | 740 | 18 |

## HOUSING

- |   |     |    |
|---|-----|----|
| - Daily contact for elderly in certain public housing | 692 | 14 |
|---|-----|----|

## "HOUSING DEVELOPMENT AGENCY ACT"

- |                               |     |    |
|-------------------------------|-----|----|
| - Amended in several respects | 702 | 14 |
|-------------------------------|-----|----|



	<u>Chapter</u>	<u>Page</u>
HOUSING REHABILITATION CORPORATION		
- Act creating amended	579	8
INDUSTRIAL DEVELOPMENT		
- Adequate supply of natural gas, etc., for	474	1
"INDUSTRIAL DEVELOPMENT AUTHORITY ACT OF 1972"		
- Amended--Machinery and equipment included in definition of "industrial development project"	533	6
INDUSTRIAL DEVELOPMENT CORPORATIONS		
- Recreation and tourism	587	8
- Monorails or tramways	661	12
"JUNKYARD CONTROL ACT OF 1967" - Amended	720	16
JUVENILES		
- Legal counsel for indigents	483	3
- Employment certificates	541	7
- "Child Development Act of 1974"	721	16
LIBRARY BOARDS		
- Appointment pursuant to private act	700	14
"LITTER CONTROL LAW OF 1971"		
- Amended--Penalty for 2nd offense	455	2
"1963 LOCAL OPTION REVENUE ACT"		
- Amended--Maximum is $\frac{1}{2}$ state rate until 1975	675	13

	<u>Chapter</u>	<u>Page</u>
"MAYOR-ALDERMANIC CHARTER"		
- Amended--relative to incorporation elections	776	23
"MEDICAL ARTS BUILDING ACT OF 1974"	601	9
"MEDICAL RECORDS ACT OF 1974"	588	9
MEDICAL SCHOOLS AND TRAINING PROGRAMS		
- New school authorized	502	5
- Program for training physicians for family practice authorized	791	25
"MINIMUM KINDERGARTEN PROGRAM LAW"		
- Amended--application of standards	534	6
"MOTOR VEHICLE HABITUAL OFFENDERS ACT"	748	19
MOTOR VEHICLES AND TRAFFIC		
- Use of driver's license as bail	437	1
- 55 MPH state speed limit	457	2
- Yellow light exposure time on traffic control signals	489	4
- Trucks - Maximum length	500	5
- Regular license plates for some police vehicles	537	6
- Vehicle junkyards	720	16
- "Motor Vehicle Habitual Offenders Act"	748	19
MTAS		
- Allocation from state sales tax increased	494	5
- In "Institute for Public Service"	593	9

	<u>Chapter</u>	<u>Page</u>
"MUNICIPAL RECOVERY AND POST WAR AID ACT OF 1945"		
- Amended as to Lenoir City	785	24
NAME CHANGES FOR VARIOUS STATE AGENCIES	594	9
"NEW COMMUNITY DEVELOPMENT ACT"	749	19
"OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972"		
- Election by local government to develop own program--date for	513	5
- Amended relative to penalties, variances, etc.	585	8
OFFENSES AND CRIMES		
- Disturbing show or sporting event	436	1
- Littering--penalty increased for 2nd offense	455	2
- Rape and carnal knowledge--penalties	461	2
- Murder	462	3
- Obscenity--new law	510	5
- Stealing livestock	532	6
- Common carriers--Destruction of or attacks upon	575	8
PENAL INMATES		
- Medical experiments	770	20
POISON CONTROL CENTERS	784	24



		34
	<u>Chapter</u>	<u>Page</u>
POLICE		
- Livestock vehicles may be stopped	532	6
- Regular license plates for some police vehicles	537	6
- Records of convictions to be furnished upon request	581	8
- Sale or destruction of confiscated firearms	583	8
"POSTSECONDARY EDUCATION AUTHORIZATION ACT OF 1974"	781	24
"PROSPECTIVE NEW COMMUNITY CERTIFICATION ACT"		
- Repealed	749	19
"PUBLIC BUILDINGS ACCESSIBILITY ACT"		
- Amended--expands definition of public building	545	7
PUBLIC CONTRACTS		
- Prevailing wage rates	619	10
PUBLIC RECORDS		
- Records of convictions--to be furnished upon request	581	8
PUBLIC SERVICE COMMISSION		
- Fixing of rates, tolls, etc.	470	3
REFUSE		
- SEE "SOLID WASTE DISPOSAL"		

	<u>Chapter</u>	<u>Page</u>
"RETAILERS SALES TAX ACT" - Amended		
- MTAS allocation from state sales tax	494	5
- Special census for distribution of state sales tax	516	5
- 3½% rate continued	675	13
- Industrial machinery	778	23
 "SAFE DAMS ACT OF 1973"		
- Amended with respect to certain cities	674	13
 SALES TAX		
- SEE: "1963 LOCAL OPTION REVENUE ACT" AND "RETAILERS SALES TAX ACT"		
 SCHOOLS		
- SEE ALSO: "BONDS," AND "TEACHERS," "EDUCATIONAL COOPERATIVES"		
- Vacancy in office of county superintendent	424	1
- Employment of personnel without recommendation of superintendent	435	1
- Requires instruction on free enterprise system	485	3
- Waivers relative to class size or pupil-teacher ratio	497	5
- New college of medicine at ETSU	502	5
- Debt on schools transferred to county	528	6
- Kindergartens--standards	534	6
- Employment certificates for children--superintendent issues	541	7
- Principals--employment and duties	542	7
- Waivers--limitations on powers of commissioner to grant	650	11
- Bus drivers--police records and physical and mental examinations	653	12
- School laws--language regularized	654	12
- Kindergarten students--skipping 1st grade	655	12
- "Postsecondary Education-Authorization Act of 1974"	781	24
- "The Tennessee Family Practice Residency Program"	791	25

	<u>Chapter</u>	<u>Page</u>
SOLID WASTE DISPOSAL		
- Grants for construction to assist in furnishing service to state parks, etc.	445	2
- Location of new facilities near a city	446	2
- Disapproval or modification of facility plans	486	4
- Approval or disapproval of facility plans, expenses incurred by state	666	12
- Administration of grants	758	20
- Per capita grants increased	799	25
SOLID WASTE ENERGY RECOVERY FACILITIES, ETC.		
- Bonds for	732	18
- Loans for	761	20
- Authorized	787	24
STATE OFFICERS, BOARDS, DEPARTMENTS, ETC.		
- Rules and regulations--filing and publication requirements	491	4
- "Uniform Administrative Procedures Act"	725	17
STREETS AND SIDEWALKS		
- Ramps for handicapped	544	7
- Railroad crossing markers and signals	646	11
"SUNSHINE LAW"	442	1
SURPLUS STATE LAND		
- Disposal of	621	10



	<u>Chapter</u>	<u>Page</u>
TAXES		
- SEE ALSO: "SALES TAX"		
- Assessment of certain carriers and cable TV companies	467	3
- Lien date for property taxes	644	11
- Coal severance tax	690	14
- Miscellaneous amendments to tax laws	771	20
- Exemptions--organizations chartered by congress	774	22
TEACHERS		
- Employment without recommendation of superintendent	435	1
- Maternity leave	488	4
- Credit for experience as secretary or aide--salary	492	4
- Generally not required to pay for substitutes	665	12
- Disability retirement allowance	684	13
- Retirement allowance increased for some	714	15
- Disability retirement allowance	737	18
- Retirement allowance--when it terminates	743	19
- Retirement system amendments	788	24
- Creditable service includes sick leave	800	25
TORT LIABILITY ACT - Amended	780	23
"UNIFORM ADMINISTRATIVE PROCEDURES ACT"	725	17
"UNIFORM CITY MANAGER-COMMISSION CHARTER" - Amended		
- Lien date for taxes	771	20
- Incorporation elections	776	23
"UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE LAW"		
- Amended--use of driver's license as bail	437	1

	<u>Chapter</u>	<u>Page</u>
UTILITIES		
- SEE ALSO: "BONDS"		
- Grants for cities to furnish to state parks, etc.	445	2
- Adequate supply of natural gas, etc., to be provided	474	3
- "Water and Wastewater Treatment Authority Act"	605	10
- Municipalities authorized to explore, drill, etc., for natural gas, etc.	627	10
- "Waterworks Construction Loan Act of 1974"	671	13
- Take over by municipality	773	22
"UTILITY DISTRICT LAW OF 1937" - Amended		
- Exempts certain counties from certain provisions	633	10
- Natural gas pipelines and community antenna TV service	722	16
VACANCIES		
- School superintendents of certain counties over 250,000	424	1
- Councils of certain cities over 100,000	755	19
"WATER AND WASTEWATER TREATMENT AUTHORITY ACT"	605	10
"WATERWORKS CONSTRUCTION LOAN ACT OF 1974"	671	13
WHOLESALE BEER TAX ACT		
- Amended--relative to certain imported malt beverages	571	8

	<u>Chapter</u>	<u>Page</u>
WOMEN		
- "Tennessee Equal Consumer Credit Act of 1974"	727	17
- Sex discrimination--rate of pay	757	20
WORKMEN'S COMPENSATION		
- Benefits increased	617	10