

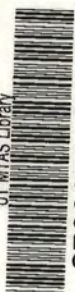
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SUMMARY OF
1975 Public Acts

OF INTEREST TO TENNESSEE MUNICIPAL OFFICIALS

BY DON W. OWNBY

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1975 PUBLIC ACTS

OF INTEREST TO MUNICIPAL OFFICIALS

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TENNESSEE MUNICIPAL LEAGUE

July 1975

F O R E W O R D

During the first session of the 89th General Assembly, 381 public acts were enacted and became law. I have reviewed these new acts and have found 133 of them to be of varying degrees of direct interest to municipal officials. These 133 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, 1975." Also, most of them will be codified in the 1975 cumulative supplement to the Tennessee Code Annotated.

Don W. Ownby
Municipal Law Consultant

July 1975

CHAPTER NO. 3. Hospitals--Child abuse cases.
Amends TCA 37-1204 relative to procedure for hospital retaining custody of a child over objection of a parent or guardian in a suspected child abuse case.

CHAPTER NO. 5. Municipal fire protection outside corporate limits. Amends TCA 6-1304 to empower any municipality to provide fire protection to citizens outside the municipality on an individual contractual basis whenever an agreement for such service has been made between the legislative bodies of the municipality and county.

CHAPTER NO. 6. Annexation. Amends Ch. 25, Pub. Acts of 1973, as amended by Ch. 777, Pub. Acts of 1974, (which requires referendums, under certain conditions, on annexation ordinances in Hamilton and Sullivan Counties) so as to make such act applicable in Washington County also provided it is approved by a two-thirds vote of the quarterly county court before September 1, 1975.

CHAPTER NO. 12. Schools--Physical education credit. Provides that high school ROTC credit may be substituted for required credit in physical education.

CHAPTER NO. 16. Municipal health and educational facilities. Amends 48-1901 to revise the definition of an "institution for higher education." Formerly included institutions providing "a program of education beyond the high school level"; now includes institutions "at the primary level, secondary level or beyond the secondary level."

CHAPTER NO. 17. Schools--Mechanical check writing equipment. Amends TCA 49-229 to authorize the use of mechanical check writing equipment to affix the signature of the local superintendent of schools to public school warrants.

CHAPTER NO. 20. Schools--Purchase of meat, etc. Requires all departments, agencies, and institutions of state government and all public education institutions using state funds to purchase meat, meat food products, or meat by-products (as defined in TCA 52-916) to give preference to producers located within the state. Effective July 1, 1975.

CHAPTER NO. 21. Employment security law--Extended benefits program. Amends TCA 50-1362 relative to extended benefit periods under the Tennessee Employment Security Law.

CHAPTER NO. 25. "Fair Trade Law" repealed. Repeals TCA title 69, chapter 2, being the "Fair Trade Law."

CHAPTER NO. 28. Motor vehicles--Use of driver's license as bail. Amends TCA 59-730 relative to the use of drivers' licenses as bail so as to cover out of state licenses. Formerly applied only to Tennessee licenses.

CHAPTER NO. 29. Municipal health and educational facilities. Amends TCA 48-1901, 48-1902, and 48-1908, relative to municipal health and educational facilities corporations, so as specifically to include educational institutions for physically and mentally retarded individuals.

CHAPTER NO. 31. Alcoholic beverages--Price regulations repealed. Amends TCA title 57, chapter 7, to repeal price regulations on alcoholic beverages. Effective July 1, 1975.

CHAPTER NO. 32. Taxes--Collection of delinquent land taxes. Amends TCA 67-2002 and 67-2003 to extend time for filing of delinquent land tax lists and suits for collection of delinquent taxes. Deadline changed from March 1 to April 1. Effective July 1, 1975.

CHAPTER NO. 38. Primary health care centers--Eligibility for. Amends TCA 53-124 so as to make all areas of state eligible for primary health care centers. Formerly only "smaller" communities and "nonmetropolitan" areas were eligible.

CHAPTER NO. 42. Ammunition dealers. Repeals TCA 51-313--51-329 relative to licensing of ammunition dealers. Effective July 1, 1975.

CHAPTER NO. 46. Teachers--Sick leave. Amends TCA 49-1314 relative to sick leave for teachers. Removes limitation on number of days allowed to accumulate; permits advance use of certain unearned days.

CHAPTER NO. 47. Billboards--State licensing.
Amends TCA 54-2604 to make billboard tags permanent but to require annual renewal of \$5.00 permits on or before anniversary date of issuance of original permit.

CHAPTER NO. 48. Electrical inspections--Temporary service permitted without. Amends TCA 53-2442 to permit temporary electric power service to new installations without an inspection. Also expressly provides that the maintaining of a safe electrical installation shall not be the responsibility of the power distributor beyond the service drop.

CHAPTER NO. 51. Teachers--Leaves of absence.
Amends TCA 49-1315 to authorize leaves of absence for teachers to hold legislative office.

CHAPTER NO. 54. Energy emergencies. Amends TCA title 7, chapter 6, to extend governor's civil defense emergency powers to cover energy emergencies and natural disasters.

CHAPTER NO. 57. Eligibility for waterworks loans.
Amends TCA 53-2067 to provide that municipalities not receiving state-shared taxes shall not be eligible to participate in the loan program under "The Waterworks Construction Loan Act of 1974."

CHAPTER NO. 58. Community medical clinics--State reimbursement for services. Amends TCA 14-1929--14-1932 so as to authorize state reimbursement of community medical clinics operated for profit.

CHAPTER NO. 61. Revocation of bail. Amends TCA 40-1204 to provide that if any person admitted to bail on appeal commits and is convicted of a separate felony while free on appeal, the bail on appeal shall be revoked and the defendant committed forthwith.

CHAPTER NO. 64. Teachers--Kindergarten. Amends TCA 49-1235 to include kindergarten teachers under jurisdiction of state board of education for certification purposes.

CHAPTER NO. 65. Teachers--Permanent certificates.
Repeals TCA 49-1227 which provided for permanent certificates for certain teachers certified prior to July 1926.

CHAPTER NO. 66. Kindergartens. Amends TCA 49-108 to include kindergartens with the other public schools subject to the state board of education's jurisdiction for classification and curricula purposes.

CHAPTER NO. 67. Kindergartens. Repeals TCA 49-606 (D) which provided that: "The state commissioner of education, may transfer any kindergarten position that has been allocated to a public school system which is unable to use that position and has indicated this inability to the commissioner of education by August 1, 1972, from that system to any other public school system which has indicated a need and capability of using the same during the 1972-1973 school year. Any such transfer shall be for one (1) year only." Effective July 1, 1975.

CHAPTER NO. 71. Alcoholic beverages. Amends TCA 57-164 to authorize "liquor by the drink" referendum in Oak Ridge.

CHAPTER NO. 74. "Tennessee Community Development Board". Amends TCA 13-1505 to extend, until June 30, 1976, the date by which said board must establish minimum standards for the development of new communities in the state.

CHAPTER NO. 76. Workmen's Compensation Law. Amends TCA 50-1027 to increase by 50% the assessments on employers, or their insurance carriers, for the workmen's compensation second injury fund.

CHAPTER NO. 80. \$24,000,000 bond issue for sewage treatment works. Authorizes state funding board to issue \$24,000,000 in bonds to provide state financial assistance for construction of local sewage treatment works pursuant to TCA 53-2017 et seq.

CHAPTER NO. 83. Shelby county municipal elections--Nominating petitions. Amends TCA 2-505 to provide that, in Shelby County, candidates in municipal elections will file their nominating petitions in accordance with requirements prescribed for the August primary and November general elections.

CHAPTER NO. 84. Shelby county special elections--Time for qualifying of candidates. Amends TCA 2-1406 to provide that, in Shelby County, when a special election is

being held in conjunction with either a municipal, August primary, or general election, the time of qualifying for candidates to the office for which said special election is being held shall conform and be governed by the same time and the same date prescribed for the municipal, August primary, or general election.

CHAPTER NO. 85. Workmen's compensation--Extra-territorial application. Amends TCA 50-917 to provide that workmen's compensation benefits are payable for covered employees injured outside the state if at the time the injury occurred (a) the employment was principally localized within this state or (b) the contract of hire was made in this state. Effective July 1, 1975.

CHAPTER NO. 86. Workmen's compensation--Benefits increased. Amends TCA 50-1005, 50-1007, 50-1008, 50-1010, 50-1011, and 50-1013 to increase the maximum workmen's compensation weekly benefit from \$70 to \$85 and the maximum total benefit from \$28,000 to \$34,000. Effective July 1, 1975.

CHAPTER NO. 88. Vocational or technical institutions not to discriminate. Requires that any vocational, vocational-technical, or technical institution offering training through courses of an academic or clinical or practical nature or any combination thereof, and supported in whole or in part by state funds shall have and enforce a policy whereby all courses offered by such institution shall be offered and made available on an equal basis to any student, without regard to the race, creed, sex or national origin of such student.

CHAPTER NO. 92. Purchase of U.S. flags for schools. Amends TCA 49-814 to require that flags purchased for display on school buildings shall be paid for out of "public school funds." Formerly they were paid for out of "public elementary and high school funds."

CHAPTER NO. 93. "Tennessee Blasting Standards Act of 1975." Establishes standards for the use of explosives in blasting operations; authorizes the Department of Insurance to promulgate rules and regulations; requires registration of explosive users; requires records of each blast to be kept; and pre-empts and supersedes all existing and future municipal ordinances or regulations on the subject. Effective October 1, 1975.

CHAPTER NO. 97. "Uniform Administrative Procedures Act"--Amended. Amends TCA title 4, chapter 5, to provide that unless otherwise provided by statute, no state board, commission, or department composed of two or more members or commissioners shall make any rule or declaratory rulings or finally determine any contested case, as the terms "rule" and "contested case" are defined in TCA 4-508 and 4-513, unless a majority of the members or commissioners is present.

Does not apply to the courts, to the legislature, or to county or municipal boards, commissions, or departments.

CHAPTER NO. 100. Teachers--Transfer of accrued sick leave. Amends TCA 8-4101 and 49-1314 to allow teachers to transfer accrued sick days from their local boards to the department of education on becoming employees of the department and employees of the department of education to transfer accumulated sick days to local school boards on becoming employed as teachers for those boards.

CHAPTER NO. 103. Construction and repair of railroad street crossings. Amends TCA 65-1102 and 65-1103 to require railroads to make and furnish good and sufficient crossings on all streets crossed by them and to keep the same in lawful repair.

CHAPTER NO. 106. Uniform City Manager-Commission Charter--Amended. Amends TCA 6-2001 to permit Collinwood to increase the number of its commissioners from 3 to 5.

CHAPTER NO. 108. Primary health care centers--Advisory board and rules and regulations for. Amends TCA 53-124 and 53-125 to provide for an eleven-member advisory board, appointed by the commissioner of public health, and to authorize the commissioner to adopt, promulgate, and enforce rules and regulations for model primary health care centers.

CHAPTER NO. 109. Solid waste disposal control board --Created. Amends TCA 53-4303, 53-4311, 53-4313, 53-4314, and 53-4315 so as to substitute a nine-member "solid waste disposal control board" for the seven-member "solid waste disposal advisory committee." The new "board" is the old "committee" except that its powers have been expanded

and two new members have been added, one appointed by the speaker of the senate and one appointed by the speaker of the house of representatives. The new board serves as a board of appeals for review of certain actions and decisions of the commissioner of public health under the "Tennessee Solid Waste Disposal Act." Amendment does not apply to Hamilton County.

CHAPTER NO. 111. Alcoholic beverages--Clubs. Amends TCA 57-152 and 57-153 to authorize "clubs" to sell liquor by the drink to members and guests without a local referendum. Redefines "club" to be a non-profit association (formerly a corporation) and requires that it must have been in existence as such for at least two years (formerly one year).

CHAPTER NO. 112. Alcoholic beverages--Referendums. Amends TCA 57-111 (3) to provide that requested local option liquor referendums shall be held "at the next regular election of the county or municipality, as the case may be," Provides, however, that no referendum may be held on the same day as a primary election.

CHAPTER NO. 115. Schools--Organization of superintendents. Authorizes formation of an organization whose membership shall be limited to public school superintendents in service; requires such organization to adopt a constitution specifying its purposes; and prescribes certain powers and duties.

CHAPTER NO. 120. Schools--Minimum foundation program--Waivers. Amends TCA 49-603 D to defer the effective date for one year and to delete the sentence which reads: "The number of students shall be based on the average daily attendance for each of the highest two (2) months of the first three (3) months of the current school year."

CHAPTER NO. 125. Sales tax--Volunteer fire departments exempt. Amends TCA 67-3014 to exempt volunteer fire departments from the payment of sales taxes.

CHAPTER NO. 127. Public records--Tax records confidential. Amends TCA 15-305 and 15-306 to make state records of taxpayers confidential. However, specific information relating to a particular taxpayer

may be divulged to certain persons, including duly authorized officials of cities imposing a like tax. Provides a penalty of up to \$1,000 and/or imprisonment for up to 1 year for violations.

CHAPTER NO. 128. Motor vehicle registration plates. Amends TCA 59-409 and 59-410 to provide for issuance and display of only one motor vehicle registration plate in the future.

CHAPTER NO. 139. Utility districts--Audits and financial statements. Amends TCA 6-2617 to require annual audit in accordance with generally accepted governmental auditing standards and those prescribed by the comptroller. Comptroller may modify requirements for any utility district whose activities are not sufficient to justify the expense of a complete audit.

CHAPTER NO. 145. Drug laws--Disposition of fines and forfeitures. Amends TCA 52-1449 and 52-1450 to provide for fines and forfeitures under the drug control laws to be paid over to city recorders as well as county trustees. Effective July 1, 1975.

CHAPTER NO. 147. Schools--Special education for exceptional and handicapped children. Amends TCA 49-2913 to provide that children who are legally blind, acting through their parents or guardians, shall have a choice between education in regular classes along side children without visual handicaps and education at the Tennessee School for the Blind.

CHAPTER NO. 155. "Tennessee Air Quality Act"--Cotton gins exempted. Amends TCA title 53, chapter 34, to add a new section which provides that: "The provisions of this chapter shall not apply to cotton gins."

CHAPTER NO. 156. County boundaries--Authority of state board of equalization. Amends TCA 5-215 and 5-216 to provide that when property has been assessed for property taxation in one county for five (5) years or more, the state board of equalization shall not have the authority to rule that such property shall be located in another county.

CHAPTER NO. 158. Municipal energy and resource recovery facilities. Amends TCA 53-4338 and 53-4339 to authorize use of coal by energy recovery facilities; also to authorize construction, etc., of municipal energy and resource recovery facilities for the production of electricity or process steam.

CHAPTER NO. 159. Annexation--Referendum required in Knox and Blount Counties. Amends TCA 6-309 so as to require referendum approval of annexations by ordinance in Knox and Blount Counties.

CHAPTER NO. 162. Motor vehicles and traffic--Fee for driver improvement course. Amends TCA 59-1023 to permit the assessment of a fee of up to \$50 to individuals required by a court to attend a "driver improvement course."

CHAPTER NO. 163. Motor vehicles and traffic--"Handicapped Drivers Law of 1975." Provides that no county or municipality shall exact any fee from any handicapped driver for parking in any metered parking space or in any municipal parking lot provided the handicapped driver's vehicle is bearing certain prescribed license plates. Also provides for distress flags to be used by handicapped drivers.

CHAPTER NO. 166. Fire prevention and investigation --Local assistants to state officer--Expanded powers for certain fire departments. Amends TCA 53-2408 so as to more specifically designate the municipal officers (fire marshal, fire chief, or mayor) whose duty it is to assist the state commissioner of insurance in fire prevention and investigation of fires. Also amends TCA 6-2135 (Uniform City Manager-Commission Charter) so as to expand the powers of local fire departments responding to a fire, service call, or other emergency. Authorizes blockading streets, trespassing, ordering the evacuation of premises, etc.

CHAPTER NO. 168. Low cost housing for elderly--Exemption from taxes. Amends TCA 67-509 to provide that all property of Tennessee not-for-profit general welfare corporations whose projects are financed by a loan made, insured, or guaranteed by a branch, department, or agency

of the United States government under Sections 202, 221, 231 or 236 of the National Housing Act (U.S.C., tit. 12, Sections 1709, 1715L, 1715V, 1715z1), or Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 (U.S.C., tit. 42, Section 1437f) as the same shall apply to below-cost housing for elderly or handicapped persons as defined by the said National Housing Act or the said United States Housing Act of 1937, as amended, who have incomes not in excess of those established by the department of housing and urban development, shall be exempt from all ad valorem and personalty taxes of any county, municipality, or metropolitan government so long as there is an unpaid balance outstanding on said loan and so long as the corporation remains not-for-profit.

CHAPTER NO. 169. Subsurface sewage disposal systems
--Subdivisions. Amends TCA 53-2043 (D) to provide that "subdivision" does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts are five (5) acres or larger in size.

CHAPTER NO. 171. Taxes--Assessment appeals commission.
 Amends TCA 67-831 and numerous other sections of title 67 so as to authorize the state board of equalization to create and appoint an assessment appeals commission. Such commission may be delegated the jurisdiction and duties conferred by law upon the state board of equalization to hear and act upon all complaints and appeals regarding the assessment, classification, and value of property for purposes of taxation, including appeals and complaints from assessments made by the Tennessee Public Service Commission, complaints and appeals from actions of local boards of equalization, and complaints and appeals concerning exemption of property from taxation.

Also amends TCA 67-620 by deleting from line 15 thereof the following phrase: "by persons taxable under section 67-5801, et. seq."

Also amends TCA 67-806 by deleting therefrom item (4) of paragraphs (a) and (b).

CHAPTER NO. 173. Uniform system of bookkeeping--
Department of audit to prescribe. Amends TCA 9-202 to provide that it shall be the duty of the department of audit to prescribe a uniform system of bookkeeping designating the character of books, reports, receipts, and

records, and the method of keeping same, in all state, county, and municipal offices, including utility districts, which handle public funds; and it shall be the duty of all officials to adopt and use said system and the character of books, reports, and records designated; provided, that the comptroller may approve any existing system. The approval of such systems by the comptroller shall be subject to the concurrence of the commissioner of finance and administration.

CHAPTER NO. 175. Annexation--Referendum required in Hamblen County. Amends TCA title 6, chapter 3, to prohibit annexations by ordinance in Hamblen County until July 1, 1980, unless approved by referendum.

CHAPTER NO. 179. Uniform City Manager - Commission Charter--Fringe benefits for employees. Amends TCA title 6, chapter 19, so to provide that the board of commissioners may provide for the retirement of the city's fulltime nonelective officers and employees and make available to them any group, life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law.

CHAPTER NO. 181. Gambling--Use of forfeited moneys for undercover work. Amends TCA 39-2034 (3) to provide that the municipality's or county's portion of forfeited gambling funds, etc., shall be designated by the state and placed in a special account entitled "gambling forfeitures," for use only by the said municipality's or county's local law enforcement officers, and used for undercover work, buying of drugs for undercover work, or for use of any similarly related matter to undercover work. Accounting procedures for the financial administration of said funds shall be in keeping with those prescribed by the comptroller of the treasury.

This act does not apply to any county having a metropolitan form of government.

It shall take effect only upon ratification by the local governing body by ordinance.

CHAPTER NO. 187. Municipal elections--Warren County. Amends TCA 6-502 to provide that in Warren County the board of mayor and aldermen of any municipality may by ordinance provide that any person who is a qualified

voter and who owns real property situated within the corporate limits of such municipality may vote in any municipal election or referendum even though such person does not reside within the municipality.

This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any municipality to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified by him to the secretary of state.

CHAPTER NO. 190. Employment security law--Benefits increased, etc. Amends TCA title 50, chapter 13, so as to increase maximum weekly benefits. Makes numerous other changes. Some provisions effective on passage, others on July 6, 1975.

CHAPTER NO. 193. Destruction of certain court records. Amends TCA 40-4001 to provide that all public records of a person who has been charged with a misdemeanor or a felony, and which charge has been dismissed, or a no true bill returned by a grand jury, or a verdict of not guilty returned by a jury or a conviction which has by appeal been reversed, shall, upon petition by said person to the court having jurisdiction in such previous action, be removed and destroyed without cost to said person. Effective July 1, 1975.

CHAPTER NO. 194. Serial numbers, etc. on personal property--Unlawful to remove, etc. Makes unlawful the alteration, covering, destruction, or removal of serial numbers or other permanent identification marks from personal property and makes unlawful the sale, purchase, or possession of property the serial number or permanent identification mark which has been so altered, covered, destroyed, or removed.

CHAPTER NO. 197. MTAS allocation from state sales tax increased. Amends TCA 67-3047 to increase monthly allocation to MTAS from \$28,250 to \$34,084 effective June 1, 1975.

CHAPTER NO. 204. Municipal energy production facilities. Authorizes any municipality to construct, purchase, improve, operate, and maintain within its corporate limits or within the limits of the county

wherein it is located, energy production facilities for the production and transmission of energy for heating or cooling or processing purposes and the sale of said energy. The construction of said facilities shall include all necessary land, rights-of-way, easements, buildings, and all other appurtenances usual to such plants as well as the building of all necessary means of transportation including pipe lines for energy and including obtaining all necessary rights-of-way or easements necessary thereto.

CHAPTER NO. 205. Exhibition of X-rated movies restricted. Provides that it shall be unlawful for any person, firm, corporation, or partnership to exhibit for public consumption, whether or not such exhibition is for compensation, any motion picture, film, movie, or videotape which is rated "X" by a recognized movie rating authority or which depicts sexual conduct as defined in TCA 39-3010(H), unless such exhibition is within a theater auditorium or other enclosed area which effectively removes such exhibition from the view of members of the public who are not voluntarily engaged in viewing such motion picture, film, movie, or videotape.

CHAPTER NO. 219. Department of human services replaces department of public welfare. Amends TCA title 4, chapter 3, to substitute "the department of human services" for "the department of public welfare."

CHAPTER NO. 223. School bonds. Amends TCA 49-713 to authorize use of bond proceeds to pay off previous school bonds.

CHAPTER NO. 224. Schools--Additions in Rutherford and Smith Counties. Provides that, in Rutherford and Smith Counties, additions to school buildings built before 1955 which embrace grades 1-8 or any combination of those grades shall be approved by the commissioner of education if the plans and specifications for any such proposed addition meet the minimum standards established by the state board of education for the construction, remodeling or renovation of school buildings, notwithstanding the fact that regular classrooms in such school building built before 1955 do not contain the number of net square feet prescribed by such minimum standards.

CHAPTER NO. 230. Municipal public works projects. Amends TCA 6-1602 so as to include "expositions, museums, and regional food distribution centers" within the definition of the term "public works project."

CHAPTER NO. 231. City judge. Amends TCA 17-123 so as to authorize any municipal governing body to create the office of city judge to replace a "mayor's court" or "recorder's court." Provides that such city judge shall be appointed by, and serve at the pleasure of, the local governing body.

CHAPTER NO. 234. Alcoholic beverages--Sales to wholesalers or distributors. Amends TCA 57-115 to require that manufacturers, distillers, rectifiers, factors, brokers, and vintners of alcoholic spirituous beverages shall not charge Tennessee dealers a higher price than is charged in any other state. Effective 60 days after passage.

CHAPTER NO. 237. Schools--Disposal of surplus property. Amends TCA 49-817 to provide that surplus local school personal property which has no value or has a value less than \$250.00, may be disposed of without the necessity of bids. The principal of the school with the surplus personal property, the superintendent of the local school system, and the chairman of the local board of education, must all agree in written form that the property is of no value or is of a value less than \$250.00.

CHAPTER NO. 247. Architects and engineers. Amends TCA title 62 by deleting chapter 2 in its entirety and substituting in lieu thereof a new chapter relative to the registration and qualifications of architects and engineers. Section 62-226 retains present requirement that registered architect or engineer be used on all public works projects costing over \$5,000.

CHAPTER NO. 248. Mental health. Renames "the department of mental health" as "the department of mental health and mental retardation" and comprehensively revises mental health laws in various titles of TCA.

CHAPTER NO. 251. \$20,000,000 bond issue for water-works loans. Authorizes the state, acting by resolution

of its funding board, to issue and sell its interest-bearing general obligation bonds and bond anticipation notes in an amount not to exceed \$20,000,000 for the purpose of providing state loans to counties, incorporated towns and cities, and special districts for construction of waterworks, implementing TCA 53-2055 through 53-2072, the "Waterworks Construction Loan Act of 1974."

CHAPTER NO. 252. Governmental tort liability. Amends TCA 23-3303 to provide that after January 1, 1976, the "Tennessee Governmental Tort Liability Act" shall apply to all governmental entities as defined therein. Formerly governmental entities could exempt themselves from the act.

CHAPTER NO. 256. Juvenile court referees. Repeals TCA 37-207 and substitutes therefor an act to authorize the judge of any juvenile court to appoint persons to act as referees to hear in the first instance all cases wherein such court has jurisdiction. Sets out the powers and duties of such referees and provides for rehearings by the court under certain conditions.

CHAPTER NO. 257. Business tax--Credits. Amends TCA 67-5814 relative to the claiming of credits under the business tax act. In permitting or allowing credits to be taken, responsible local governmental unit collectors shall use county and/or incorporated municipality records to determine if personal property taxes claimed as a credit have actually been paid. No credit shall be disallowed by any local governmental unit official or collector solely as a result of the taxpayers failure to produce a written receipt or document evidencing payment from the applicable county and/or incorporated municipality.

CHAPTER NO. 259. Subsurface sewage disposal systems--Appeal from local denial of permit. Amends TCA 53-2051 to provide that where a permit for construction of a subsurface sewage disposal system has been denied by the local health authority in the kind of proceedings set forth in this section, an appeal may be submitted to the state commissioner of public health. An appeal submitted to the commissioner shall be in writing, setting forth in numbered paragraphs

the variance requested and the reasons therefor, and signed by the petitioner. It shall be incumbent upon the division of sanitation and solid waste management of the department of public health to investigate and otherwise process the appeal for a decision within 90 days from the date the appeal is received by the commissioner. A variance may be permitted when in the opinion of the commissioner such a variance shall not constitute a definite health hazard.

CHAPTER NO. 260. Schools--Vocational education. Amends TCA 49-2709 to add a fifth alternative for the delivery of vocational training as follows: "In the event that it is found not to be economically or physically feasible to provide expanded vocational programs by one of the four alternatives above, an alternate delivery procedure may be developed. Such conditions as will authorize the development of an alternate delivery procedure include, but shall not be limited to, geographical barriers, low student population, excessive distances involved.

CHAPTER NO. 262. Non-profit homes for the aged--Financing. Amends TCA 48-1901 to further define the term "project" to permit the financing of non-profit homes for the aged by health and educational facilities corporations.

CHAPTER NO. 265. Disposition of state motor vehicle registration fees and gasoline taxes. Amends TCA 59-607 and 67-3820 relative to the disposition of funds derived from motor vehicle registration fees and motor vehicle fuel use taxes. Former goes from 60% - 40% highway fund - general fund to 98% - 2%. Latter goes from 5¢ to 6¢ to highway fund and from 1¢ to nothing to general fund.

CHAPTER NO. 267. Concurrent jurisdiction with United States over certain lands. Provides that the United States Government and the Governor of the State of Tennessee or competent local authorities may enter into written agreements for the concurrent exercise of jurisdiction over lands within the state.

CHAPTER NO. 268. Income bonus supplements for firemen. Provides income bonus supplements for firemen completing certain training courses after January 1, 1977.

CHAPTER NO. 270. Sales tax--Exemption for sales to historical properties. Amends TCA 67-3014 to provide an exemption from the sales or use tax upon tangible personal property sold to historical properties owned by the state and operated by or under the jurisdiction of the historical commission.

CHAPTER NO. 275. Alcoholic beverages--Tax. Amends TCA 57-706 to remove restriction that wholesale alcoholic beverage tax must be used to enforce liquor fair trade laws. Tax now goes to general fund.

CHAPTER NO. 277. Alcoholic beverages--Consumption on unlicensed premises. Amends TCA 57-156 (i) to allow consumption of alcoholic beverages on premises of non-licensed establishments.

CHAPTER NO. 290. Sales tax--Exemption. Amends TCA 67-3014. Institutions organized for the principal purpose of placing homeless children in foster homes are exempted from payment of sales or use taxes.

CHAPTER NO. 296. Juvenile court--Transfer of cases from. Amends TCA 37-234 to require that a juvenile not be transferred from juvenile court unless the child is not amenable to rehabilitation or treatment as a juvenile.

CHAPTER NO. 298. Bonds of metropolitan airport authorities. Amends TCA 42-709 to provide that all sums received as principal or premium from the sale of bonds may also be used to pay estimated interest accruing during the time of construction of the airport, and for a reasonable time thereafter, and for the establishment of a reasonable debt service reserve to secure the bonds.

CHAPTER NO. 301. Subsurface sewage disposal systems --Percolation test. Amends TCA 53-2044 to prescribe soil percolation test standards for subsurface sewage disposal systems in Davidson County and other counties having a population of less than 200,000.

CHAPTER NO. 305. "Tennessee Health Facilities Act of 1973"--Amends. Amends TCA 53-5403 relative to definitions of "areawide health planning agency," "construction," and "state planning agency." Also amends TCA 53-5410 to provide that no health care institution shall be constructed, nor shall it increase or decrease its bed capacity, and no new major health care services shall

be instituted or discontinued except in accordance with federal regulations, etc.

CHAPTER NO. 306. Obscenity. Amends TCA 39-3013 by deleting paragraph (3) from subsection (D).

CHAPTER NO. 311. Industrial development--Payments in lieu of taxes. Amends TCA 6-2813 and 6-2906 to require payments in lieu of property taxes as a condition of certificates of public purpose and necessity issued by the building finance committee in the division for industrial development.

CHAPTER NO. 312. "Local Economic Adjustment Act of 1975." Authorizes cities, towns, and counties to participate cooperatively with state and federal governments in activities designed to alleviate or moderate existing or potential conditions of severe economic adjustment resulting from closure of major industries or firms and natural or accidental disasters, resulting in high unemployment rates, loss of labor forces, and break-up of family units.

Activities authorized may include one or more of the following objectives:

- (a) to plan, finance, construct, operate and maintain all types of public facilities, including publicly owned industrial parks.
- (b) to make commercial loans for business and industrial development.
- (c) to do economic development planning, including research and technical assistance studies related to accelerating the development process.
- (d) to provide public service jobs.
- (e) to provide rent supplements to families and individuals, including loans and grants.
- (f) to provide mortgage payment assistance to families and individuals, including loans and grants.
- (g) to provide for costs of relocation of families and individuals, including loans and grants.
- (h) to provide vocational and technical training in cooperation with the state's system of vocational and technical schools.

- (i) to provide other appropriate assistance related to economic adjustment and the purposes of this act.

CHAPTER NO. 314. "Campaign Financial Disclosure Act of 1975." Replaces TCA title 2, chapter 10, with a comprehensive new campaign financial disclosure act covering all elections for public office. "Public office" is defined to include any state, county, municipal, school, or other district, precinct, or political party office or position that is filled by the voters. Requires reporting of contributions and expenditures; regulates expenditures for the broadcast and other advertising media; and provides penalties for violations. Effective July 1, 1975, but does not apply in Trousdale, Macon, Smith, and Wilson Counties.

CHAPTER NO. 315. Consolidated retirement system--Amended. Makes numerous amendments to TCA title 8, chapter 39, the state's consolidated retirement system. Effective June 30, 1975.

CHAPTER NO. 316. Sales tax--3½% state rate extended. Amends TCA 67-3003 and 67-3050 to extend the 3½% state sales tax rate for 1 more year, until June 30, 1976, before it reverts to 3%.

CHAPTER NO. 318. Consolidated retirement system--Transfers into or out of. Provides for the transfer of membership between the Tennessee consolidated retirement system and the University of Tennessee joint contributory system.

CHAPTER NO. 319. Consolidated retirement system--Creditable service. Amends TCA 8-3904(3) relative to accumulated sick leave as creditable service for purposes of retirement.

CHAPTER NO. 320. "Tennessee Housing Development Agency Act"--Amended. Amends TCA title 13, chapter 23, relative to the membership of the agency's board of directors, loans to "limited distribution entities," etc.

CHAPTER NO. 322. Taxes--Exemption from property taxes. Amends TCA 67-513 to provide that there shall be exempt from property taxation the property of labor organizations exempted from the payment of federal income taxes by the United States Internal Revenue Law (26 U.S.C.A. Section 501 (c)(5)), when such property is not used for revenue producing profit but used solely by such organization for educational purposes.

CHAPTER NO. 323. Taxes--Exemption from property taxes. Amends TCA 67-509 (a) to provide that in order for a not-for-profit corporation providing low cost housing for the elderly to qualify for a property tax exemption such corporation must first be exempt from federal income taxation by virtue of qualifying as an exempt charitable organization or as an exempt social welfare organization under the provisions of the United States Internal Revenue Code (U.S.C., tit. 26) and any amendments thereto.

CHAPTER NO. 324. Development district boards--Membership. Amends TCA 13-1404 so as to add a state senator and a state representative to the membership of each development district board.

CHAPTER NO. 326. Juvenile courts. Amends TCA title 37, chapters 2, 9, and 11 relative to juvenile courts and the department of correction and their jurisdiction over juveniles.

CHAPTER NO. 337. Municipal public works projects--Hotels, etc. Amends TCA 5-1102 and 6-1602 to include certain hotels and support facilities among eligible public works projects.

CHAPTER NO. 339. Housing rehabilitation corporation--Act amended. Amends TCA title 13, chapter 22, dealing with the housing rehabilitation corporation, in numerous respects.

CHAPTER NO. 340. Alcoholic beverages--Employment of felons to serve. Amends TCA 57-156 (h) to define felons who can't be employed as those convicted of felonies "involving moral turpitude."

CHAPTER NO. 342. Motor vehicles--Displaying flashing red lights. Amends TCA 59-905 to provide that no vehicle shall be equipped with any flashing red light which displays to the front of such vehicle except school buses and emergency vehicles used in fire-fighting, including ambulances, fire fighting vehicles, rescue vehicles, or other emergency vehicles used in fire fighting owned, operated, or subsidized by the governing body of any county or municipality.

CHAPTER NO. 347. Alcoholic beverages--Premiere type tourist resort. Amends TCA 57-153(6) so as to include Gatlinburg within the definition of a premiere type tourist resort for purposes of selling liquor by the drink under certain conditions.

CHAPTER NO. 349. Public service commission--Intra-city freight carriers. Amends TCA 65-1503 (e) to make special provision for intra-city freight carriers in business as of May 17, 1971.

CHAPTER NO. 351. \$10,000,000 bond issue for solid waste facilities. Authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing general obligation bonds and bond anticipation notes in an amount not to exceed \$10,000,000 for the purpose of providing state loans to counties, metropolitan governments, incorporated towns and cities, and special districts for construction of solid waste energy recovery facilities and/or solid waste resource facilities, implementing TCA 53-4322--53-4337.

CHAPTER NO. 356. Motor vehicles--Speeding. Amends TCA 59-852 (g) by deleting mandatory reckless driving charge for speeding over 75 MPH on interstate or over 65 MPH on other highways.

CHAPTER NO. 358. Alcoholic beverages--Local option. Amends TCA 57-111(2) to provide local option for municipalities of over 925 population incorporated for five (5) years or longer except in Benton, Carroll, Humphreys, Henry, and Madison Counties.

CHAPTER NO. 359. "Tennessee Air Quality Act"--Amended. Amends TCA 53-3422 to provide that the act shall not apply to emissions from any air contaminant source which uses wood waste as fuel, or any disposition of wood waste, or the burning of bark or sawdust from any industry processing wood or manufacturing wood or paper products.

CHAPTER NO. 360. \$35,000,000 bond issue for highways. Authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing coupon highway bonds and bond anticipation notes in amounts not to exceed \$35,000,000.

The proceeds of such bonds shall be used for the purpose of matching federal funds as follows:

(1) \$4,800,000 for the purpose of matching federal interstate construction funds and the construction of the interstate highway system.

(2) \$13,500,000 for the purpose of matching federal appalachian highway funds and the construction of the appalachian highway system.

(3) \$2,000,000 for the purpose of the urban construction system.

(4) \$3,000,000 for the purpose of the local interstate connectors system.

(5) \$11,700,000 for the purpose of construction of the state primary highway system.

CHAPTER NO. 366. Police--Income supplements for training. Amends TCA 38-1113 to set police salary training supplements at 5% of salary rather than present 5% for first year plus 2½% each year after first up to a maximum of 15%. The supplement shall be considered as a bonus and shall not be considered as salary for subsequent years determination of supplement or retirement purposes.

CHAPTER NO. 370. "Uniform Administrative Procedures Act"--Amended. Amends TCA title 4, chapter 5, relative to the definition of certain terms; the application of the act to certain agencies and the powers of the governor in this regard; the nature of the notice to be provided and the procedures to be followed for hearings in contested cases; agency duties with respect to ex parte consultations; the grounds upon which the courts may reverse or modify an agency's decision in a contested case; certain rule-making authority and procedures for agencies; emergency rules; additional duties and powers of the secretary of state and the administrative procedures division; the legal effect of the administrative code and monthly administrative bulletin published pursuant to the act; declaratory judgments and declaratory rulings by agencies; duties and functions of hearing examiners provided by the administrative procedures division; etc.

CHAPTER NO. 372. "Tennessee Tollway Authority Act." Establishes a Tennessee Tollway Authority which is empowered to construct, maintain, repair, operate, and regulate turnpike projects, to acquire sites for constructing restaurants, service stations and other appurtenances, to issue turnpike revenue bonds, to charge and collect tolls on turnpike projects, to regulate turnpike projects, to acquire and hold property, to control ingress and egress from projects, to contract for projects with the bureau of highways, to employ personnel, and to accept federal grants for turnpike projects.

CHAPTER NO. 374. \$9,300,000 bond issue for park and recreational facilities. Authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing general obligation bonds in an amount not to exceed \$9,300,000, for the purpose of providing additional park and recreational facilities, under the jurisdiction of the department of conservation, expressly including the acquisition of land, the erection, construction, and equipment of sites and buildings, and the expansion, improvement, and betterment of existing structures and sites.

CHAPTER NO. 377. \$5,000,000 bond issue for state parks. Authorizes the state, acting by resolution of its funding board, to issue and sell its interest-bearing, general obligation bonds in an amount not to exceed \$5,000,000, for the purpose of providing funds for capital improvements for state parks.

CHAPTER NO. 378. Liability for debts of spouse. Amends TCA 47-17-105 to provide that where an applicant for credit is married, the spouse of said applicant shall not be liable, other than to the extent common law liability is imposed for furnishing necessities, for any debts, charges or accounts where the said spouse has not signed the application for credit.

CHAPTER NO. 380. General appropriations bill . Comprehensive bill, containing 84 sections, which makes specific appropriations for the purpose of defraying the expenses of state government for the fiscal year beginning July 1, 1975.

CHAPTER NO. 381. Elections--Absentee voting by candidates. Amends TCA 2-602 to allow candidates for office to vote absentee without stating any reason for so voting.

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