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SUMMARY OF
1976 Public Acts

OF INTEREST TO TENNESSEE MUNICIPAL OFFICIALS

BY DON W. OWNBY

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May 1976

F O R E W O R D

During the second session of the 89th General Assembly, 468 public acts were enacted and became law. I have reviewed these new acts and have found 179 of them to be of varying degrees of direct interest to municipal officials. These 179 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, 1976." Also, most of them will be codified in the 1976 cumulative supplement to the Tennessee Code Annotated.

Don W. Ownby
Municipal Law Consultant

May 1976

CHAPTER NO. 385. Schools--Minimum foundation program--Salaries. Amends TCA 49-602 A.5. to require that each local school system shall establish a local salary schedule for all teachers, principal-teachers, and any other positions which require a certificate, and such schedule shall include as a minimum the same salary level or levels based upon college preparation as established by the state board of education in the state salary schedule. Effective July 1, 1976.

CHAPTER NO. 386. Tennessee Corrections Institute --Financing. Amends TCA 41-2106 and repeals TCA 41-2107 to remove prohibitions against using state funds for institute purposes.

CHAPTER NO. 387. Bad check given by employer to employee. Amends TCA 39-1964 to add provision that any holder of such a check, draft, or order who is unable to receive payment because of insufficient funds may prosecute the maker or drawer.

CHAPTER NO. 389. Workmen's compensation--Extra-territorial application of law. Amends TCA 50-917 to read as follows: "If an employee, while working outside the territorial limits of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this law had such injury occurred within this state, such employee, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this law, provided that at the time of such injury: (a) the employment was principally localized within this state, or (b) the contract of hire was made in this state."

CHAPTER NO. 391. "The Litter Control Law of 1971"--Amended. Amends TCA 39-4541 to add provision that any person who throws any object from a vehicle, including water vessels, which will not decompose or deteriorate totally within two (2) years shall be punished by a fine of not more than \$500.00.

CHAPTER NO. 392. Resource and energy recovery facility loans--Not for profit corporations eligible. Amends TCA 53-4322 and 53-4326 to make "not for profit corporations" operating energy recovery facilities in Metropolitan Nashville-Davidson County eligible for state loans.

CHAPTER NO. 396. "The Revenue Bond Refinancing Act of 1937"--Amended. Amends TCA 9-1203, 9-1208, and 9-1209. Provides that no refunding bonds shall be issued unless the governing body of the municipality shall make a finding, which finding shall be conclusive, that one or more of the following purposes will be accomplished: (i) cost savings to the public, or (ii) removal or modification of one or more restrictive covenants, or (iii) payment or discharge of all or any part of an issue or series of outstanding obligations, including any interest thereon, in arrears or to become due and for the payment of which sufficient funds are not available.

Further provides that prior to the issuance of the refunding bonds, the governing body shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one time each in a newspaper having general circulation in the municipality and in a financial newspaper published in New York, and having national circulation. As soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the governing body shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

Act also states that provision may be made for the pledging and disposition of any surplus, including, without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds.

CHAPTER NO. 400. Teachers. Amends TCA 49-1201 and 49-1301 to provide that as used in chapters 12 (Certification of Teachers) and 13 (Rights and Duties of Teachers) of title 49 (Education) "the word 'employ' and all derivatives thereof shall mean to put to work in a position compensated from public funds, and shall not be construed to preclude election by the local board of education of a

teacher prior to his having received certification, in accordance with the rules and regulations of the State Board of Education."

CHAPTER NO. 401. Motor vehicles--Right turn on red. Amends TCA 59-810 to permit right turns throughout the state at all red traffic-control signals except when prohibited by a "No Turns on Red" sign. Effective July 1, 1976.

CHAPTER NO. 407. Purging voter registrations. Amends TCA 2-206 to provide that the registration of a person shall not be purged for failure to vote for four (4) successive calendar years if during that period he maintains an active registration record by transferring or correcting it.

CHAPTER NO. 408. Property damage by juveniles. Amends TCA 37-1001 to increase from \$2,500 to \$5,000 the liability of parents and guardians for willful or malicious damage by minors. Also lowers age of minors from 21 to 18.

CHAPTER NO. 411. Maximum truck weights. Amends TCA 59-1109 by adding the following: "If the gross weight of a freight motor vehicle does not exceed the sum obtained by computing the total weight allowable for the number and type of its axles the driver shall not be cited for violation of an axle weight limitation while transporting crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, solid waste, and agricultural products over the state highway system other than the portion designated as the Interstate System.

"Provided that nothing in this act shall be construed to prohibit the operation over the highways of this state, other than the portion designated as the Interstate System, of a freight motor vehicle that was registered in this state as of July 1, 1975, and that was operated pursuant to statute, executive order or regulation or policy of the Department of Revenue so long as such vehicle continues in use and is not operated in excess of the maximum gross weight allowable under this act. The provisions of this individual paragraph shall no longer be applicable after 30 June 1978."

CHAPTER NO. 412. Blanket school accident insurance policies. Amends TCA title 56, chapter 33, to provide that no group policy of accident and sickness insurance issued or renewed after January 1, 1977, shall exclude or reduce benefits payable or services rendered under coverage of an individually held policy or a blanket school accident policy or vice versa.

CHAPTER NO. 416. Elections--Locking of voting machines. Amends TCA 2-730 by adding the following: "Provided, however, that when voting machines are employed such as those of Shoup manufacture, which achieve the effect of seals by the utilization of Master Keys, sealing the machines upon the close of polls shall be unnecessary."

CHAPTER NO. 419. Unclaimed or abandoned motor vehicles. Amends TCA 59-1605 by adding the requirement that when any person or public agency takes possession of a vehicle found abandoned, the action shall be reported immediately to the Motor Vehicle Division for verification of ownership on a form prescribed and provided by the Registrar of Motor Vehicles.

CHAPTER NO. 420. Uniform City Manager-Commission Charter--Adoption of ordinances. Amends TCA 6-2026 by adding the following to the first paragraph: "Any city incorporated under Chapters 18 to 23, inclusive, of this title may establish by ordinance a procedure to read the caption of an ordinance on the first and second readings and the ordinance in its entirety on the third reading. Copies of such ordinances shall be available during regular business hours at the office of the City Recorder and during sessions in which the ordinance has its second and third readings."

CHAPTER NO. 421.* "Presidential Convention Delegate Act of 1976." Provides for an election to be held on the fourth Tuesday in May, 1976, and every four years thereafter, to elect delegates to the national conventions of all state-wide political parties. Repeals TCA 2-1317.

CHAPTER NO. 423. Elections in Shelby County--Inspectors and officers must receive instructions. Amends TCA 2-402 to provide that, in Shelby County, no inspector or officer of election may serve on election day who has not received the instructions provided for under TCA 2-408.

*See also chapter 439

CHAPTER NO. 425. Juvenile courts--Home placement of juveniles. Amends TCA 37-202(13) to read as follows: "'Home Placement' means placement of a child in the home of a parent or guardian under the continuing supervision of the department of correction."

CHAPTER NO. 427. State assistance grants for solid waste disposal. Amends TCA 53-4316, 53-4317, and 53-4319 so as not to restrict state assistance to facilities located only in this state.

CHAPTER NO. 429. Property taxes--Penalty and interest. Amends TCA 67-1105 by adding the following: "In the event that in the year a reappraisal program is completed and approved by the State Division of Property Assessments the values established in such reappraisal program are turned over to the county after October 1 of such year, no penalty shall be added until five (5) months following the date said values are made available to the county and no interest shall be added until seven (7) months following the date said values are made available to the county."

CHAPTER NO. 433. Motorcycles--Crash bars. Amends TCA 59-933 so as to lower the age from 21 to 18 for motorcycle operators required to have crash bars on their cycles.

CHAPTER NO. 438. Alcoholic beverages--"Certificate of moral character." Amends TCA 57-121 and 57-126 to require a new "certificate of moral character" only every other year instead of annually.

CHAPTER NO. 439.* Elections--Dates changed for presidential preference primary, etc. Amends TCA 2-510, 2-1315, 2-1316, and 2-1317, so as to change the date of the Tennessee presidential preference primary and its qualifying deadline, the date of selecting delegates to national political nominating conventions, and the date of county primary elections.

CHAPTER NO. 441. Alcoholic beverages--Monthly reports. Amends TCA 57-158 so as to require licensees to report gross sales by 15th of each month instead of 20th.

*See also chapter 421

CHAPTER NO. 442. Sales tax--Exempts certain casual sales. Amends TCA 67-3002 to exempt from sales tax certain casual and isolated sales of aircraft, vessels, or motor vehicles between persons who are married, lineal relatives, or spouses of lineal relatives, or siblings.

CHAPTER NO. 445. Teachers--Permissible additional part-time work. Amends TCA 49-1319 to provide that a teacher may be employed and paid by the same or another school for additional part-time work, outside his regular hours, not to exceed 15 clock hours beyond his regular employment per week and not to exceed 400 clock hours out of any 9 month period. Also provides that if such additional part-time work is or includes teaching in an institution of higher education, such teacher shall be limited to teaching no more than one (1) course per quarter or semester.

CHAPTER NO. 446. Schools--Admission--Sex discrimination prohibited. Amends TCA 49-1770 to provide that no person shall be refused admission into or be excluded from any public school in the state of Tennessee on account of race, creed, color, sex or national origin.

CHAPTER NO. 447. Health care facilities--Waiver of rules and regulations. Amends TCA 53-1310 to provide that the board for licensing health care facilities (hospitals, nursing homes, etc.) shall have the power to waive any of the rules and regulations pertaining to any health care facility, where such waiver would not have a detrimental effect on the health, safety, and welfare of the public.

CHAPTER NO. 448. Obion-Forked Deer Basin Authority. Establishes the Obion-Forked Deer Basin Authority, an environmental authority of the state of Tennessee for the counties of Lauderdale, Lake, Dyer, Obion, Madison, Weakley, Henry, Gibson, Carroll, Haywood, Crockett, Henderson, Chester and McNairy. Provides for the appointment of a board of directors and prescribes their powers and duties; defines the purposes and powers of the authority; and authorizes cooperative financing by state, county, and municipal governments for authority purposes.

CHAPTER NO. 449. Property taxes--Proration of tax liens. Amends TCA 67-404 relative to proration of tax liens on real property acquired by the government. Provides that either the condemnor or the property owner may request the assessor to provide such proration which shall be based on the last made assessment and rate fixed, according to law, and the trustee shall accept tender of the amount determined to be owing.

CHAPTER NO. 450. Driver's license--Revocation or suspension. Amends TCA 59-713 so as to provide for a hearing, if requested, prior to suspension or revocation of a driver's license.

CHAPTER NO. 451. School guidance counselors, etc. --Exempted from licensing law for psychologists. Amends TCA 63-1109 and 63-1110 specifically to exempt school guidance counselors and certain other educational personnel from requirements of licensure by the state board of examiners in psychology.

CHAPTER NO. 453. "Parent Educational Participation Act"--Amended. Amends TCA 49-4802 to delete the restriction that the program may permit a parent to participate in some activity at the school for only one (1) hour each month.

CHAPTER NO. 457. Handicapped persons--Discrimination in employment prohibited. Prohibits discrimination against handicapped persons in public or private employment and proclaims the policy of the state to encourage and assist in the employment of handicapped persons in the public service.

CHAPTER NO. 458. Blind and physically handicapped --Library facilities for. Amends ch. 1, title 10, TCA, to create a regional library for the blind and physically handicapped, and to include such library in the state library system.

CHAPTER NO. 459. Birth certificates. Amends TCA 53-416 by adding provision that local health departments in counties with a population of 250,000 or greater according to the 1970 federal census may issue copies of birth certificates, which copies shall have the force

and effect of certified copies issued by the office of vital records, Tennessee Department of Public Health, and the local health departments in such counties are designated as branch offices of the central office of vital records for the purpose of issuance of copies of birth certificates only, but not for the purpose of alteration of birth certificates.

CHAPTER NO. 463. Schools--Authorizes period for prayer, meditation, etc. Provides that during the first hour of any school day, any local board of education may provide for the setting aside of a specified period of time which students and faculty may use for prayer, meditation, or personal reflection. This period shall not be used for school work but shall be for the benefit of individual students and faculty members.

CHAPTER NO. 464. Elections--Supplemental registration systems. Amends TCA 2-237 to provide that notwithstanding the provisions of chapter 2 of title 2 pertaining to the physical specifications of registration forms and binders and other matters of form, the election commission of any county may adopt a supplemental system or systems for maintaining registration records utilizing electronic or electro-mechanical equipment, provided, however, that Permanent Registration Record "Original" and Permanent Registration Record "Duplicate" which have been signed by the registered voter shall remain the legal documents of registration and shall be retained in binders in the commission office as provided for in TCA 2-216. The county election commission may, in its discretion, elect to use data processing equipment owned by a local governing body or contract with outside commercial data processing agencies, including other governmental agencies, or, with the approval of the legislative body of such county, may purchase appropriate data processing equipment.

The coordinator of elections shall determine whether a supplemental system meets the requirements of law.

CHAPTER NO. 466. Sales tax--Rate increased, etc. Amends TCA 67-3003 to increase the general state rate to 4½% until June 30, 1977.

Amends TCA 67-3012 to exempt prescription drugs and medicines from the tax. (See also ch. 733, pub. acts of 1976.)

Amends TCA 67-3003 to increase to $1\frac{1}{2}\%$ the rate levied on gas, electricity, fuel oil, coal, and other energy fuels and extends its application to residential users.

Amends TCA 67-3047, 2nd paragraph, to provide that state sales tax revenues shall be allocated as follows: Three-ninths ($\frac{3}{9}$) of such moneys shall be earmarked and allocated specifically and exclusively to the general fund; two-ninths ($\frac{2}{9}$) of such moneys shall be earmarked and allocated specifically and exclusively to educational purposes; and four-ninths ($\frac{4}{9}$) of such moneys shall be earmarked and allocated specifically and exclusively to certain named objects and purposes.

Amends TCA 67-3050 to provide that any county or city "is authorized to levy a tax on the same privileges subject to the 'Retailers' Sales Tax Act' under chapter 30 of title 67 of this Code as the same may be amended, which are exercised within such county, city or town, to be levied and collected in the same manner and on all such privileges but not to exceed one half ($\frac{1}{2}$) of the rates levied therein until June 30, 1977 and thereafter not to exceed three-fourths ($\frac{3}{4}$) of the rates levied therein^{*}; provided that the tax so levied shall not exceed five dollars (\$5.00) on the sale or use of any single article of personal property whenever the rate of the tax does not exceed 1%, nor more than seven and one half dollars (\$7.50) whenever the rate of the tax exceeds 1%;"

CHAPTER NO. 471. "Ambulatory surgical treatment center." Amends TCA title 53, chapter 13, relative to the regulation of hospitals, nursing homes, etc., so as to include ambulatory surgical treatment centers. An ambulatory surgical treatment center is any institution, place or building devoted primarily to the maintenance and operation of a facility for the performance of surgical procedures or any facility in which a medical or surgical procedure is utilized to terminate a pregnancy. Such facilities shall not

^{*}Editor's note: This is to avoid reduction if state rate should revert to "permanent" rate of 3% on that date.

provide beds or other accommodations for the overnight stay of patients. Individual patients shall be discharged in an ambulatory condition without danger to the continued well being of the patients or shall be transferred to a hospital. Excluded from this definition are the private physicians' and dentists' office practice, except those private physicians' and dentists' offices in which a substantial number of medical or surgical pregnancy terminations are performed.

CHAPTER NO. 474. Legitimation of children. Amends TCA 36-301 to provide that the circuit, juvenile, probate, and county courts have concurrent jurisdiction to legitimate children upon application by the natural father of said children. Said application may be filed in the county in which the father resides or the county in which the children reside or are present when the application is made.

CHAPTER NO. 479. Highway bonds. Authorizes \$19,300,000 bond issue for matching Federal Interstate construction funds and Federal Appalachian Highway construction funds.

CHAPTER NO. 480. "Child Labor Act of 1976." This comprehensive new act delineates between permitted and prohibited employment of minors; provides for exemptions and exceptions; provides for issuance of employment certificates; provides for enforcement and administration; and repeals TCA 50-726 through 50-737, inclusive.

CHAPTER NO. 484. Motor vehicle registration. Amends TCA 59-404 and 59-405, relative to registration of motor vehicles, to provide for a system of registration renewals at alternative intervals. Effective February 1, 1977.

CHAPTER NO. 486. Day care centers--Church operated. Amends TCA title 14, chapter 14, to exempt church related day care centers from the licensing requirements of the Tennessee Department of Human Services.

CHAPTER NO. 488. Solid waste recovery-disposal systems--Local governments may participate in. Authorizes the cities and counties of Tennessee to participate in local, joint, and/or regional solid waste recovery-disposal systems.

CHAPTER NO. 489. Minors--Administration of electroconvulsive therapy, etc., to. Regulates the administration of electroconvulsive therapy, etc., to minors. Requires hearing and court order, representation by counsel, expert witness, etc.

CHAPTER NO. 492. Tax on transfers of realty--Exemption for municipalities. Amends TCA 67-4102, item S, paragraph (e) to limit the exemption only to transfers in which a municipality is the grantee.

CHAPTER NO. 494. Vocational schools--Pupil-counselor ratios. Amends TCA 49-2709 to defer, until the school year beginning in September 1977, the requirement for 1 counselor per 200 pupils in grades 7 through 12.

CHAPTER NO. 499. Drug control--Disposition of confiscated property. Amends TCA 52-1404 and 52-1407 to provide that all property seized and forfeited under the provisions of chapter 14, title 52, TCA, shall be sold at public sale by the Commissioner of General Services when seized by an agency of the state or, if seized by a county or municipality, by the seizing agency of the county or municipality when the same has been released by the Commissioner of Safety as now authorized by law. However, any vehicle, seized by an agency of the state, and forfeited under the provisions of this chapter may, with the permission of the Commissioner of Safety and under such terms and conditions as are approved by the Commissioner of Safety, be used, for a period of time not to exceed one year, in the drug enforcement program of the state. Provided, however, that no such vehicle shall be used in the county or municipality wherein it was seized.

CHAPTER NO. 503. Schools--Waivers as to rules and regulations of state. Amends TCA 49-116 to provide that waivers may be granted for no more than two (2) years in succession for the same violation in the same school; provided, however, that any such waiver may be extended for an additional period by the Commissioner of Education if in his judgment additional time is required by the local Board of Education to secure the necessary funding for the removal of the condition which necessitated the waiver. Effective July 1, 1976.

CHAPTER NO. 505. Alcoholic beverages--Disposition when non-licensed persons secure title . Amends TCA title 57, chapter 1, to provide that when a person not licensed under the provisions of TCA, 57-106 through 57-151, secures title to any alcoholic beverage owned by a wholesaler as a result of a default on loans or revocation of license, the manufacturer, rectifier, distiller or vintner who sold the alcoholic beverage to the wholesaler shall purchase the alcoholic beverage from the non-licensed person who secured title in order that the creditors are satisfied. Any manufacturer, rectifier, distiller or vintner who fails within thirty (30) days following default or revocation of license of the wholesaler to effect the purchase from the non-licensed person who secured title shall not be allowed to ship or sell any alcoholic beverage in this state until the purchase is effected.

When a person not licensed under the provisions of TCA, 57-106 through 57-151, secures title to any alcoholic beverage owned by a retailer as a result of a default on a loan or revocation of a license, the wholesaler who sold the alcoholic beverage to the retailer shall purchase the alcoholic beverage from the non-licensed person who secured title in order that the creditors are satisfied. The license of any wholesaler who fails within thirty (30) days following default or revocation of license of the retailer to effect the purchase from the non-licensed person who secured title shall be suspended until the purchase is effected.

For the purposes of this act, no sales made by any wholesaler, manufacturer, rectifier, distiller or vintner prior to July 1, 1976 are subject to purchase in order that creditors are satisfied.

CHAPTER NO. 506. "Tennessee Municipal Securities Act of 1972." This act repeals the Tennessee Municipal Securities Act of 1972, TCA title 9, chapter 14, and requires persons formerly registered under that law to be registered under the "Tennessee Securities Law of 1955," TCA title 48, chapter 16. Amends TCA 48-1602 and 48-1624. Effective September 1, 1976.

CHAPTER NO. 511. Elections--Duties of coordinator.
Amends TCA 2-1112 to provide that the coordinator of elections shall furnish instructions for election officials as to their duties in the conduct of elections and copies of election law manuals and updating materials to the election commissions, primary boards, and registrars-at-large. Also provides that any interested citizen may purchase a copy of the election laws through the coordinator of elections office at a price to be established by the coordinator. The price charged may not exceed the actual cost involved. Further amends TCA 2-1112 to relieve the coordinator of elections of responsibility for supervising the setting up of voting machines and insuring their security.

CHAPTER NO. 514. Health and educational facilities corporations--Law amended. This act amends TCA title 48, chapter 19, by substituting new sections dealing with definitions; purposes of the chapter; and health and educational corporations' powers, bonds, and security for bonds; exemption from taxation; and disposition of earnings.

CHAPTER NO. 515. Industrial development corporations--Law amended. This act amends TCA title 6, chapter 28, by substituting new sections dealing with definitions; purposes of the chapter; industrial development corporations' powers, bonds, and security for bonds; exemption from taxation; pledge of municipal credit; and disposition of earnings.

CHAPTER NO. 516. Sheriff to reimburse municipality for use of airplane. Amends TCA 8-2511 to add the following provision: "Any municipality or other governmental agency in the state of Tennessee, which may own, lease or contract for the use of an airplane for the purpose of air travel facilities, and such facilities are used in going after and returning any fugitive from another part of the state, the said municipality or other governmental agency shall be reimbursed the cost of the plane fare for the sheriff, deputy, guard, or escort, and the fugitive in the amount as may be charged by any regular commercial airline, plus such other expenses as may be necessary for meals, lodging and such other actual expenses incurred going to and from the airport. The sheriff, deputy, guard or escort may

also utilize regular commercial airlines where the cost of such transportation is comparable economically to ground transportation."

CHAPTER NO. 524. Sales tax--Exempts certain insecticide chemicals. Amends TCA 67-3012 to exempt from sales tax insecticide and pesticide chemicals sold directly to and used by farmers.

CHAPTER NO. 531. Counselors in educational and correctional institutions. Provides that no person shall be hired as a counselor in any educational or correctional institution in this state unless he possesses adequate training and competence in the field of counseling.

CHAPTER NO. 534. U.S. and Tennessee flags--Amends law relative to proper use of and respect to. Amends TCA 39-1602, 39-1604, and 39-1606 relative to the proper use of, and the respect to be shown to the flags of the United States of America and the State of Tennessee.

CHAPTER NO. 541. Civil defense and emergency preparedness. Amends TCA title 7, chapter 6, to authorize and limit grants of state funds for the purpose of supporting civil defense and emergency preparedness programs of the political subdivisions of the state and to provide for the administration of the grant program.

CHAPTER NO. 542. Pinball machines. Amends TCA 39-1008 to read as follows: "No owner, operator, manager or person in charge of any fair, amusement park, theme park, restaurant, cafe, filling station, beer tavern, hotel, motel, drug store, or any other store, establishment, place of business or otherwise, shall allow any person under the age of eighteen (18) years to play or operate during regular school hours or after hours of any curfew imposed by law, any game of miniature football, golf, baseball, pinball machine and all other miniature games, whether made payable by mechanical device or otherwise, or whether the charge for playing is collected by mechanical device.

"This act shall in no way allow any person under the age of eighteen (18) to play a device on which there is imposed an occupational tax on coin operated devices under Title 26, Section 4461(2), of the United States Code Annotated, and any violation thereof shall be punishable as prescribed under Section 39-1010 of the Tennessee Code Annotated."

CHAPTER NO. 549. Bondsmen--Fees regulated. Amends TCA title 40, chapter 14, to provide that professional bondsmen and agents of insurance companies making appearance bonds of a criminal nature shall not assess more than 10% of the amount of the face value of the bond for premium fee and related charges, and said premium fee and related charges shall not be assessed but one time during the pendency of the charges and indictments in either the trial court or any lower court. In the event the case is appealed to the Court of Criminal Appeals or the Supreme Court of Tennessee there may be charged only 1 additional premium fee which also shall not exceed 10% of the face value of the appearance bond for that court or courts.

CHAPTER NO. 550. Bondsmen--Agents of insurance companies working as. Amends TCA 40-1402 to provide that all provisions of title 40, chapter 14, relative to professional bondsmen, shall apply to agents of insurance companies making appearance bonds in the criminal trial or lower courts and in the Court of Criminal Appeals and Supreme Court of Tennessee.

CHAPTER NO. 551. "Good Samaritan Law"--Amended. Amends TCA 63-622 by substituting a new second paragraph to provide that: "Any person, including those licensed to practice medicine and surgery and including any person licensed or certified to render service ancillary thereto, who in good faith:

(a) renders emergency care at the scene of an accident and/or disaster, to the victim or victims thereof without making any charge therefor, or;

(b) participates or assists in rendering emergency care to persons attending or participating in performances, exhibitions, banquets, sporting events, religious or other gatherings open to the general public, with or without an admission charge, whether or not such emergency care is made available as a service, planned in advance by the promoter of the event and/or any other person or association, shall not be liable for any civil damages as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except such damages as may result from the gross negligence of the person rendering such emergency care."

CHAPTER NO. 552. Schools--Records of students. Amends TCA 15-305 relative to the confidentiality of student records and the requirement of consent prior to a grant of access to third parties. Consent may be granted only by the parent or guardian of a minor student.

CHAPTER NO. 555. Endurance contests. Amends TCA 39-2207 to authorize county health departments to issue permits for endurance contests.

CHAPTER NO. 557. Color scheme and uniform markings for sheriff's patrol cars. Establishes a green and white color scheme and uniform markings to be used exclusively for patrol cars of county sheriff's departments.

CHAPTER NO. 558. Election commission--Qualifications of members. Amends TCA 2-1202 to provide that any commissioner who qualifies as a candidate for any public office shall be disqualified to continue in office as a member of the county election commission.

CHAPTER NO. 564. Disposal of surplus state land. Amends TCA 12-212 to revise the procedure for disposing of surplus state land. Authorizes the waiver of certain provisions to permit the negotiated sale of such property to a governmental body for a public use.

CHAPTER NO. 568. "Tennessee Lobbyist Registration and Disclosure Act of 1975"--Amended. Amends TCA 3-602(1) to exempt "political contributions" when determining whether or not \$200 has been spent for lobbying.

CHAPTER NO. 569. Citation in lieu of arrest without warrant. Amends TCA title 40, chapter 8, relative to "arrest," to add a section 40-827 which provides a procedure whereby a peace officer acting without a warrant, who has arrested a person for the commission of a misdemeanor, or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, may issue a citation to such arrested person to appear in court in lieu of continued custody and the taking of the arrested person before a magistrate. Prohibits issuance of a citation in certain cases.

CHAPTER NO. 576. Schools--State funds for pupil transportation. Provides that every local school system shall receive at least the same allocation of state funds for pupil transportation during each of the 1975-1976 and 1976-1977 school years as it received during the 1974-1975 school year.

CHAPTER NO. 581. "Mayor-Aldermanic Charter"--Amended. Amends TCA 6-127 to provide that: "A municipality that consists of one ward may by ordinance provide for the election of four (4) aldermen. Any incumbent shall complete his term of office. At the next election, four (4) aldermen shall be elected, two (2) of which shall be elected for a term of two (2) years and two (2) of which shall be elected for a period of four (4) years; thereafter, aldermen shall be elected for four (4) year terms."

CHAPTER NO. 593. Social workers. Provides that no person shall hold a position as social worker in any institution in this state unless he possesses adequate training and competence in the field of social work.

CHAPTER NO. 594. Pay toilet facilities prohibited. Provides that no person, firm, or corporation maintaining toilet facilities available to the public shall impose a charge for the use of such facilities.

CHAPTER NO. 596. Schools--Church related. Provides that the state board of education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of a curriculum in church related schools. Furthermore, the state board of education and local boards of education shall not prohibit or impede the transfer of a student from a church related school to a public school of this state. Local boards may, however, place students transferring from a church related school to a public school in a grade level based upon the student's performance on a test administered by the board for that purpose. In local school systems where the local board of education requires tests for students transferring to that system from another public school system, the same test shall be administered to students transferring to such system from church related schools. Provided, however, church related schools shall be conducted for the same length of term as public schools.

CHAPTER NO. 600. Political parties--Membership of county primary boards. Amends TCA 2-1311 to provide that where the list of nominees submitted by the county executive committee is not divided fairly among the elements of the party, the state primary board may appoint two (2) members of the county primary board without regard for the list, but it shall appoint the other three (3) members from the list submitted by the county executive committee.

CHAPTER NO. 603. Police Training Institute--Assistance to law enforcement agencies. Provides that, upon the request of the chief official of any law enforcement agency of the state, a county, or a municipality, the Director of the Tennessee Police Training Institute may designate one or more of the commissioned instructors at the institute to assist such agency in its law enforcement role.

Any instructor so designated shall receive no compensation other than that to which he is entitled as an instructor at the Tennessee Police Training Institute.

CHAPTER NO. 604. Consolidated Retirement System--Law amended. Amends TCA 8-3905 to provide for retirement upon completion of 30 years service or at age 60 instead of the current 35 years or at age 65. Also amends TCA 8-3930 to increase the employees' contribution rates by $\frac{1}{2}\%$.

CHAPTER NO. 608. "Governmental Tort Liability Act"--Amended. Amends TCA 23-3302 so as specifically to include "human resource agencies" and "development districts" in the definition of a "governmental entity" subject to the "Governmental Tort Liability Act."

CHAPTER NO. 609. Property taxes--Municipalities in two or more counties--Assessment offices. Amends TCA 67-337 relative to consolidation of all assessment offices and boards of equalization after completion of countywide reappraisal. Provides that any municipality which lies within the boundaries of two or more counties may maintain an assessment office and a city board of equalization separate from those of the counties involved.

CHAPTER NO. 610. Mentally ill. Amends TCA 33-603 relative to the procedures for taking into custody, transporting, and hospitalizing persons believed to be mentally ill and possessing a likelihood of serious harm.

CHAPTER NO. 613. Report of traffic violations to state. Amends TCA 59-1027, to revise subsection (a) to read as follows: "Every justice of the peace, magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, warrant, traffic citation or other legal form of traffic charge deposited with or presented to said court or the traffic violations bureau of its jurisdiction, and shall keep a record of every official action by said court or the traffic violations bureau of its jurisdiction in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint, warrant, or citation deposited with or presented to said court or traffic violations bureau."

According to the caption of this act, it is supposed to "clarify jurisdiction of records on traffic violations issued in municipalities."

CHAPTER NO. 617. Property taxes--Enforcement of liens for delinquency. Amends TCA 67-2005, 67-2010, and 67-2044, relative to the enforcement of liens for delinquent property taxes. District attorney general now employs a tax attorney to institute suits when county trustee, judge, or chairman fails to do so. Provides that: "The tax attorney is required to prosecute any suit filed to collect taxes to a sale of the property within three (3) years from date of filing of the suit. In the event the tax attorney fails to prosecute said suits to a sale of the property within the specified time, the chancellor may dismiss said suits for laches or failure of the tax attorney to prosecute."

CHAPTER NO. 619. Sales tax--Exemption for community health councils. Amends TCA 67-3014 to exempt community health councils from the payment of sales and use taxes.

CHAPTER NO. 626. "The Tennessee Mobile Home Anchoring Act." This new act requires blocking and tiedown of certain mobile homes; requires state fire marshal to administer act and to promulgate rules and regulations; and provides for inspections and fees. Effective July 1, 1977.

CHAPTER NO. 629. Subsurface sewage disposal systems --Wayne County. Amends TCA 53-2044, relative to subsurface sewage disposal systems, to provide that: "In the adoption and promulgation of rules and regulations under this section, the standards for subsurface sewage disposal systems shall, in counties with a population of not less than twelve thousand three hundred fifty (12,350) nor more than twelve thousand four hundred (12,400), according to the 1970 federal census or any subsequent federal census, provide that the media for the disposal fields shall consist of crushed rock or gravel varying in size from 3/4 inch to 2½ inches; or of creek gravel; or of other material authorized for substitution by the county sanitation officer."

CHAPTER NO. 631. Hospitals--Report of disciplinary actions. Amends TCA title 53, chapter 13, to provide that the chief administrative official of each hospital shall report to the board of medical examiners all disciplinary action involving medical matters (as distinguished from administrative matters) taken by the hospital with respect to any member of the medical staff of the hospital. The report shall be made within thirty (30) days from the date of the disciplinary action. No official acting in good faith shall be liable in a suit for civil damages as a result of filing a report under this section.

CHAPTER NO. 635. Obscenity--Enforcement initiated by district attorney general. Amends TCA 39-3014 to provide that the obscenity law may be enforced by either criminal actions or by actions for injunctive relief or both. Also removes the requirement for 24 hours notice before a warrant will be issued when the alleged offender has no regular, fixed place of business within the county.

CHAPTER NO. 639. "Tennessee Air Quality Act"--Amended. Amends TCA 53-3411 and 53-3419 relative to travel expenses for members of the air pollution control board and fines for violations of the act. The minimum fine is lowered from \$500 to \$50.

CHAPTER NO. 656. "Governmental Tort Liability Act"--Amended. Amends TCA 23-3323 to correct a typographical error. The reference to TCA 23-3328 is changed to 23-3327.

CHAPTER NO. 659. Elections--Election of state election commissioners . Amends TCA 2-1104 to provide that the election of the members of the state election commission shall be by joint resolution of both houses of the general assembly; the election to take place in the joint session of both houses in which each member of the general assembly shall be entitled to one (1) vote. Elections may be held on any date fixed by joint resolution, but shall be held prior to the fourth Monday in March of the year of the election. The nomination of members shall be in accordance with TCA 2-1103.

CHAPTER NO. 660. Bonds for sewage treatment works. Authorizes the State of Tennessee, 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 seventeen million dollars (\$17,000,000) for the purpose of providing state financial assistance in construction of sewage treatment works of counties, incorporated cities, and special districts, implementing TCA 53-2017--53-2022.

CHAPTER NO. 661. Consolidated Retirement System--Law amended. Amends TCA 8-3943 to provide that a retired member of the superseded Tennessee Teachers' Retirement System who designated a beneficiary under Option II or III of said system and a retired member of the superseded Tennessee State Retirement System who designated a beneficiary under Option I or II of said system, may elect to have his retirement allowance recomputed from the beginning under the equivalent Option III or IV of the Tennessee Consolidated Retirement System by making written application and payment of any amount due to the Tennessee Consolidated Retirement System on or before April 30, 1976; provided, however, any increase in monthly retirement allowance shall not be paid retroactively, but shall become effective the next following month.

CHAPTER NO. 664. Courts--Allowance of credit for pretrial confinement. Amends TCA 40-3102 to provide that any trial court shall, at the time a sentence is imposed and a defendant is committed to jail, the workhouse, or the state penitentiary for imprisonment, render the judgment of the court so as to allow the defendant credit on his sentence for any period of pretrial confinement.

CHAPTER NO. 665. "Development District Act of 1965"--Amended. Amends TCA title 13, chapter 14, relative to development districts, to require travel regulations, competitive bidding on purchases, personnel procedures, audits and accounting system, and bonds for certain officers and employees.

CHAPTER NO. 666. "The Human Resource Agency Act of 1973"--Amended. Amends TCA title 13, chapter 21, relative to human resource agencies, to require travel regulations, competitive bidding on purchases, personnel procedures, audits and accounting system, and bonds for certain officers and employees.

CHAPTER NO. 669. Elections--Withdrawal, death, or disqualification of candidate--New nomination. Amends TCA 2-511 to provide that if a political party's candidate for any office dies or withdraws or is declared ineligible or disqualified by a court, a new nomination may be made by the former nominee's party by any method of nomination authorized by TCA 2-1315.

If the office to be filled is a Tennessee House or Senate seat it shall be filled by the members of the party's county executive committee who represent precincts within that district. In a county with two (2) or more districts only members of the county executive committee who represent precincts in a particular district shall determine the method of nomination in that district. The chairman of the county executive committee of the residence of the former nominee shall have the authority to call a joint convention for the purpose of selecting a new nominee as herein provided. In counties where the members of the county executive committee are selected at large, the full executive committee shall determine the method of nomination.

In counties having a metropolitan form of government the proper county political party executive committee shall meet to choose the party's new nominee.

CHAPTER NO. 670. Property taxes--Exemption of property owned by religious institutions. Amends TCA 67-513(a) to provide that if certain tax exempt property is in whole or in part:

(a) Acquired under the power of eminent domain;
 (b) Planned to be acquired under the power of eminent domain; or

(c) Under negotiation to be acquired under the power of eminent domain;
 the exemptions from property tax shall apply to property purchased by the religious institution to replace the property condemned or to be condemned. If the property purchased as a replacement is used for nonexempt purposes, the property shall not be tax exempt. If property purchased as a replacement is not used for religious purposes but is subsequently sold, taxes shall then be due and payable on the property for such time as the property was owned by the religious institution, but no penalties shall apply to the religious institution for late payment of property tax on such property.

This act is effective immediately but shall lapse and no longer be effective one (1) year after the completion of the Appalachian Highway Program.

CHAPTER NO. 671. Motor vehicles--Bumper requirements. Amends TCA title 59, chapter 9, to prohibit the operation of motor vehicles without an adequate bumper or other energy absorption system; to prohibit the removal or alteration of bumper systems which defeat the purpose of the manufacturers' original design; to prohibit the alteration of the altitude of bumpers from ground level of a passenger vehicle; to provide for enforcement and repairs; to establish relationship of the act to federal standards; and to provide penalties for violations.

CHAPTER NO. 673. Property taxes--Mobile homes. Amends TCA 67-612 to provide that property taxes on mobile homes parked in trailer or mobile home parks shall be collectible by the owner of said mobile home park on a fiscal year basis, or in the

alternative the owner of said mobile home park shall have the right to collect said tax by the month on a pro rata share, along with any monthly rents due him.

CHAPTER NO. 674. Motor vehicles--Leaving scene of accident. Amends TCA 59-1001 to increase penalties for leaving scene of certain accidents involving death or personal injury.

CHAPTER NO. 677. Thermal transfer generating plants or distribution systems. Amends TCA 6-1602 (e), relative to municipal public works projects, to include "thermal transfer generating plants or distribution systems" within the definition of the term "public works project."

CHAPTER NO. 680. Annexation--By Blount County municipalities. Amends ch. 159, Pub. Acts of 1975, by adding the following paragraph: "Provided that in any county of the state having a population of not less than 63,000 nor more than 64,000, according to the United States Census of Population of 1970, a municipality may annex by ordinance a road or street without approval by referendum as required above."

CHAPTER NO. 683. "Tennessee Runaway Act." Provides that all houses, institutions, or other organizations giving sanctuary to runaway youths shall be registered with the Department of Human Services. No such house or institution shall provide sanctuary to such persons unless it is registered in accordance with the act.

The Department of Human Services shall establish minimum standards for runaway houses and shall not issue registration to any runaway house which does not comply with the provisions of this act or does not meet or exceed the minimum standards established by the department.

Any runaway seeking sanctuary may be given shelter for seventy-two (72) hours provided that:

(1) The runaway is not known to have committed nor is under investigation for the commission of a delinquent or criminal act;

(2) a good faith attempt is made to notify the juvenile court with jurisdiction in the county in which the runaway house is located, or the runaway's parent or guardian, of his location within one (1) hour of the runaway's arrival.

(3) no runaway admitted to a runaway house shall be removed during the seventy-two (72) hours of sanctuary other than by order of the juvenile court in the jurisdiction.

Any juvenile judge in this or another state may release a runaway from a runaway house in another jurisdiction by contacting the juvenile judge having jurisdiction over the receiving runaway house. Generally effective January 1, 1977.

CHAPTER NO. 684. Sales tax--Exemption of "non-profit organ banks." Amends TCA 67-3014 to include "non-profit organ banks for transplantable tissue" among the institutions exempted from paying sales and use taxes.

CHAPTER NO. 689. Sales tax--Exemption for eye glasses. Amends TCA 67-3012 by providing that an optometrist or ophthalmologist shall be considered the user and consumer of the tangible personal property used in the practice of his profession, and the sales and use tax shall not be applicable to all or any part of the charge made by such persons to their patients. All sales of tangible personal property and taxable services to an optometrist or ophthalmologist shall be subject to the sales or use tax.

CHAPTER NO. 692. Regional planning regulations--Definition of "subdivision." Amends TCA 13-301 to provide that the term "subdivision" does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts or parcels are five (5) acres or larger in size.

CHAPTER NO. 693. Agreements for collecting utility charges and municipal motor vehicle regulatory fees. Counties, municipalities, utility districts, and cooperatives billing and collecting user's fees, rates, or charges for utility services including but not limited to water, sanitary sewer, and electricity, or for refuse collection and disposal, are authorized to enter into agreements with each other to provide for such billing and collection to be done by one for the other on such terms as may be agreed upon.

Also provides that the clerk of the county court and any municipality located wholly or in part in such county may enter into an agreement, providing for the clerk of the county court to collect motor vehicle regulatory fees imposed by the municipality.

CHAPTER NO. 695. Property taxes--Enforcement of tax liens. Amends TCA 67-2018 to provide that in addition to newspaper notice of a pending tax sale, notice of the sale shall be sent by registered return receipt mail to the last known address of the present owner of any real property if the delinquent taxes for which the sale is to be conducted were assessed on the real property when owned by a prior owner of the real property. Effective July 1, 1976.

CHAPTER NO. 697. Bail in traffic cases. Amends TCA title 59, chapter 10, to provide that any person arrested and charged with violating any provision of Chapters 8 and 9 or Sections 59-1003 through 59-1030 inclusive, of TCA Title 59, who is taken before a magistrate or judge, shall be admitted to bail by posting a cash bond. In no case shall such cash bond exceed the maximum fine and costs for the offense or offenses for which the defendant is charged.

CHAPTER NO. 699. Medical clinics. Amends TCA 6-1602(e), relative to municipal public works projects, to include "medical clinics" within the definition of the term "public works project."

CHAPTER NO. 702. Property taxes--Notice of taxes due--Notice of taxes delinquent. Amends TCA 67-1121, relative to notice of taxes due, to add a provision requiring the county trustee to send a notice by first class mail of delinquent taxes for the prior year. Also makes TCA 67-1121 applicable to one additional county, Hamilton.

CHAPTER NO. 703. Mayor-Aldermanic Charter--Amended. Amends TCA 6-129 to provide a procedure for changing the terms of office of the mayor and aldermen from 2 to 4 years, staggered or nonstaggered.

Amends TCA 6-131 to provide that in case of a vacancy in the office of mayor or alderman occurring in a municipality operating with staggered terms, any

portion of the unexpired term beyond the next regular municipal election shall be filled by the voters at that election if such vacancy occurs at least 20 days before the latest time for filing nominating petitions for candidates in that election.

CHAPTER NO. 706. Commission on fire fighting personnel standards and education. Amends TCA title 4, chapter 24, to attach the commission to the state Department of Insurance; to increase the per diem and travel allowance of commission members; and to authorize the commission to employ a director and staff. Effective July 1, 1976.

CHAPTER NO. 708. Cemeteries--Destruction or injury to property. Amends TCA 39-2101 and 46-218, relative to destruction or injury to cemetery property, to make such willful action a felony instead of misdemeanor.

CHAPTER NO. 709. Schools--Accounting manual. Amends TCA 49-232 to provide that the Department of Education shall prepare a uniform accounting policy manual for local school systems, subject to the approval of the Comptroller of the Treasury and the Commissioner of Finance and Administration, and each local school system is required to adopt such manual when issued and to maintain all activity fund books and records in accordance with the requirements of such manual.

CHAPTER NO. 711. Sales tax--Exemption for transfer of motor vehicle between spouses. Amends TCA 67-3012 to provide that there shall be exempt from sales and use tax the transfer between spouses of an automobile when such transfer is the result of a decree of divorce terminating the marriage.

CHAPTER NO. 715. Emergency medical services advisory council. Amends TCA 53-5101 to increase the membership of the council from 10 to 13 members and to limit the power of the Commissioner of Public Health to adopt rules, regulations, and standards to those recommended by the advisory council.

CHAPTER NO. 717. Waterway transportation. Amends TCA title 70, chapter 24, to provide that the Bureau of Industrial Marine and Watercraft Transportation shall prepare and submit to the Governor, Commissioner of Transportation, and General Assembly by June 1, 1977, a long-range and comprehensive plan for the development of presently existing commercial and industrial properties located on navigable waterways in Tennessee and within the incorporated limits of municipalities located in counties having populations of more than 50,000 according to the 1970 federal census or any subsequent federal census.

The plan shall be prepared in cooperation with the planning commissions of affected counties and shall be updated annually.

CHAPTER NO. 721. Inspection of volatile oils--
Portion of fees to local governments. Amends TCA 60-421 to provide that from the annual proceeds of the state inspection fee on volatile oils, which formerly went $\frac{2}{3}$ to the state general fund and $\frac{1}{3}$ to the highway fund, there is established a local government fund in the annual amount of \$12,017,000 which shall be distributed to the counties and cities monthly. The local government fund shall be used solely for county roads and city streets. From the local government fund a monthly sum of \$381,583 shall be distributed to county highway departments on the basis of county population and the monthly sum of \$619,833 shall be distributed to cities on the basis of their population.

CHAPTER NO. 724. Refuse--Hauling. Requires that any commercially owned and operated motor vehicle or any motor vehicle owned and operated by any governmental entity which transports garbage, refuse, or rubbish, as defined in TCA 39-4537, shall be required to have such garbage, refuse, or rubbish either in an enclosed space or fully covered by a tarpaulin which is secured in place in order to dump, deposit, or leave such garbage, refuse, or rubbish at a landfill.

The owner of any motor vehicle which violates these requirements is guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$250. Effective July 1, 1976.

CHAPTER NO. 729. Housing authorities. Amends TCA 13-804 and 13-1102 to authorize housing authorities to purchase mortgages and make mortgage loans to not-for-profit entities or corporations; to increase the authorized interest rate on bonds issued by housing authorities from 8% to 10%; and to allow said bonds to be sold by either public or private sale.

CHAPTER NO. 730. Scenic easements in historic properties. Amends TCA 11-1802, 11-1803, and 11-1805, relative to scenic easements in certain historic properties, to further encourage private owners to restore, renovate, and maintain historic structures. Applies only to the four large counties and their cities and requires local approval by each governing body choosing to come under it.

CHAPTER NO. 731. Plans required for children in foster care. Amends TCA title 14, chapter 14, relative to child welfare agencies, and title 37, chapter 2, relative to juvenile courts, to require the development of a plan for each child in foster care, to establish procedures for periodic review of such plans, and to establish review boards in each county. Effective July 1, 1976.

CHAPTER NO. 732. General appropriations bill. Comprehensive act, containing 58 sections, which makes specific appropriations for the purpose of defraying the expenses of state government for the fiscal year beginning July 1, 1976.

CHAPTER NO. 733. Sales tax--Exemption for prescription drugs and medicines. Amends TCA 67-3012 (and chapter 466, pub. acts of 1976) to exempt prescription drugs and medicines from sales taxes. Effective April 1, 1976.

CHAPTER NO. 735. "Solicitation of Charitable Funds Act." This comprehensive new act repeals TCA 8-312, relative to "charitable solicitations--filing of statement of receipts and disbursements" and chapter 15 of title 62, TCA, relative to "professional fund raisers." It regulates solicitation of funds for charitable organizations, authorizes the secretary of state to regulate professional solicitors and charitable

organizations, exempts certain organizations, establishes registration procedures, prohibits certain acts, and provides penalties for violations. Generally effective July 1, 1977.

CHAPTER NO. 736. "Criminal Injuries Compensation Act of 1976." Provides for monetary compensation up to \$10,000, plus attorneys fees, to victims, and to the families and dependents of victims, of criminal acts committed within the state which result in personal injury or death. Claims are to be investigated by the district attorneys and determined by the circuit courts. When any person is convicted of a crime against person or property there shall be imposed as an additional cost \$21.00 to establish a fund to pay claims under this act. Also offenders who are to be released on probation, parole, etc., may be required to pay up to 10% of their income into the fund. No state funds are to be expended for this program other than these fees and charges. For the purpose of establishing the funding, this act takes effect July 1, 1976. For all other purposes, it is effective July 1, 1977. No compensation may be paid to victims of crimes occurring before July 1, 1977.

CHAPTER NO. 737. Interest on judgments. Amends TCA 47-14-101, relative to computation of judgments, to provide that interest on all judgments shall be computed at the rate of eight percent (8%) per annum. Nothing herein shall apply to judgments relative to state condemnation proceedings.

CHAPTER NO. 739. Elections--Meetings of state primary boards. Amends TCA 2-1309 to provide that each state primary board shall meet in Nashville at a public building, instead of at the Capitol, and during the first 10 days of February, instead of on the first Monday. Also provides that such meetings shall be subject to the "Sunshine Law."

CHAPTER NO. 740. "The Billboard Regulation and Control Act of 1972"--Amended. Amends TCA title 54, chapter 26, to extend its application and prohibitions to signs and billboards located beyond 660 feet of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas when the sign message is intended for those traveling on such highways.

Repeals TCA 54-2609, relative to restrictions on location and type of advertising adjacent to state highways.

CHAPTER NO. 741. Ambulances--Insurance. Amends TCA 53-5105 which formerly required "liability insurance" on ambulances. Now requires "liability coverage" which may be evidenced either by insurance or, in the case of a governmental unit, by the provision of a special fund to pay claims.

CHAPTER NO. 745. Juvenile courts--Law amended. Amends TCA title 37, chapter 2, relative to juvenile courts, to regulate disposition of juveniles arrested; transfer of cases to adult court; home placement of children by commissioner of correction; discharge of children from custody by commissioner of correction; and appeals from juvenile court dispositions.

CHAPTER NO. 746. State bonds for solid waste energy recovery facilities, etc. Authorizes the state to issue and sell its interest-bearing general obligation bonds and bond anticipation notes in an amount not to exceed \$35,000,000 for the purpose of providing state loans to counties, metropolitan governments, and incorporated cities for construction of solid waste energy recovery facilities and/or solid waste resource recovery facilities, implementing TCA 53-4322--53-4337.

CHAPTER NO. 749. "Campaign Financial Disclosure Act of 1975"--Amended. Amends TCA title 2, chapter 10, with respect to application of municipal charter provisions; exemptions from act; definitions; duties of state and county election commissions; duties of state librarian and archivist; appointment of political treasurer; affirmation of statements; filing of statements by treasurer; supplemental statements; inspection of statements; duties of attorney general; effect of failure to file statement; and penalty.

CHAPTER NO. 750. "Tennessee Public Buildings Accessibility Act"--Amended. Amends TCA 53-2548 to add a fine for failure to rectify any unauthorized deviation from applicable standards within 120 days after discovery. Provides, however, that no fine shall be assessed against the federal, state, or local government.

CHAPTER NO. 752. "The Tennessee Surface Mining Law"
--Amended. Exempts the mineral "chert" from the surface
mining law by amending TCA 58-1541 and 58-1547.

CHAPTER NO. 757. "The Paperwork Reduction and
Simplification Act of 1976." This act provides that the
commissioner of finance and administration shall establish
and implement a "forms reduction and management program"
which shall apply to every agency of state government.
The purpose of the act is to relieve the "unprecedented
paperwork burden upon citizens and businesses." Effective
July 1, 1976.

CHAPTER NO. 758. Motorcycles. Amends TCA 59-865
to require motorcycle operators to keep the headlamp
illuminated at all times (beginning July 1, 1977) while
the vehicle is being operated; to prohibit any operator
from carrying any package which prevents him from keeping
both hands on the handlebars; and to prohibit any operator
from carrying a passenger in such manner as to interfere
with the operation or control of the motorcycle or the
view of the operator.

Amends TCA 59-934 to specifically exempt any person
riding in an enclosed cab or on a golf cart from any
requirement to wear a crash helmet.

Amends TCA 59-937 to provide that no person shall
operate any motorcycle with handlebars more than 15
inches in height above the seat.

Amends TCA title 59, chapter 8, to give motorcycle
operators full use of a traffic lane, to prohibit their
traveling between lanes, and to prohibit their operating
more than 2 abreast in a single lane. Except as above
provided, this act is effective January 1, 1977.

CHAPTER NO. 761. Uniform City Manager-Commission
Charter--Amended. Amends TCA 6-2011, relative to vacancies
and special elections, for cities with a population of
not less than 6,440 nor more than 6,450, according to the
1970 federal census or any subsequent federal census.
(According to the 1970 federal census no city was in this
population range.)

CHAPTER NO. 767. Hot mix asphalt facilities--
Operation by cities, etc. Amends TCA title 12, chapter
7, to provide that hereafter it shall be unlawful for the
state or any political subdivision thereof, inclusive

of counties and municipalities, to own or operate any plant or facility for the manufacture or production of hot mix asphalt. Nothing in this chapter shall prohibit the state or any political subdivision thereof, inclusive of counties and municipalities, from expanding, replacing, altering or continuing any such plant or facility in existence at the time of passage of this act. Provided, further, that it shall be unlawful for the state or any political subdivision thereof, inclusive of counties and municipalities, to sell, trade, barter, loan or give away the product of any such plant or facility.

Any unit of government owning or operating any plant or facility for the manufacture or production of hot mix asphalt shall comply with the provisions of any state rule, regulation, or standard for the quality of asphalt used in the construction of roads, streets, or highways.

Act does not apply to Crockett, Davidson, Shelby, Madison, Grundy, Marion, and Overton Counties.

CHAPTER NO. 768. Felony with a firearm or explosive. Amends TCA 39-4914 to provide that any person who employs any firearm or any explosive device while committing or escaping from a felony is guilty of a felony, and on conviction of the first offense shall be punished by imprisonment in the penitentiary for five years and on conviction of a second offense shall be punished by imprisonment in the penitentiary for ten years. The imposition of any sentence required by this section shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole prior to serving said sentence.

Any person who is arrested for committing any felony while using a firearm must also be charged under the provisions of this section. Effective July 1, 1976.

CHAPTER NO. 770. "Tennessee Lobbyist and Registration and Disclosure Act of 1975"--Amended. Amends TCA title 3, chapter 6, relative to definitions; duties of librarian and attorney general; registration; and exemptions.

CHAPTER NO. 773. Cemeteries. Amends TCA title 46, chapters 1 and 2, as they relate to the operation of cemeteries, to strengthen the requirements of record keeping and reporting, to make more secure the improvement care trust funds, to broaden the enforcement powers of the commissioner of insurance, to provide for the appointment of receivers to take charge of and manage cemetery companies when a deficiency exists in the improvement care trust fund, and to provide penalties for violations.

CHAPTER NO. 777. Public records--Confidential records. Amends TCA 15-305 to specify that any subpoena or court order for confidential records must be issued by a "court of record."

CHAPTER NO. 779. State bonds for waterworks. Authorizes the state to issue and sell its interest-bearing general obligation bonds and bond anticipation notes in an amount not to exceed \$15,000,000 for the purpose of providing state loans to counties, incorporated cities, and special districts for construction of waterworks, implementing TCA 53-2055 --53-2072, the Construction Loan Act of 1974.

CHAPTER NO. 782. "The Agricultural, Forest, and Open Space Land Act of 1976." An act to help preserve valuable agricultural, forest, and open space land; to prevent unwise, disjointed, premature urban development; to prevent landowners from being involuntarily forced into sale of their land by urbanizing and speculative pressures; and to help provide for an orderly process of development.

Provides procedures for having land classified as agricultural land, forest land, or open space land for purposes of property taxation.

Provides procedure for land owners to donate and cancel open space easements to the state.

Amends TCA 67-606, relative to basis of valuation of property for taxation, to provide that the value of all property shall be ascertained from the evidences of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values, and when appropriate subject to the provisions of the Agricultural, Forest, and Open Space Land Act of 1976. Effective January 1, 1977.

CHAPTER NO. 784. Issuance of bonds and notes by counties and cities. Amends TCA 5-1031, relative to county capital outlay notes, to authorize them for all county purposes for which general obligation bonds can legally be authorized.

Amends TCA 5-1035, relative to county tax anticipation notes, to require them to be approved in advance by the state director of local finance.

Repeals TCA 6-812, 6-813, and 6-814, which was a 1974 act providing supplemental authority for municipal tax anticipation borrowing.

Repeals TCA 6-1603 (t) which authorized municipal bond anticipation notes under the "Municipal Recovery and Post War Aid Act of 1945."

Replaces TCA 6-1603 (r) in the "Municipal Recovery and Post War Aid Act of 1945" and provides a detailed procedure whereby municipalities may issue interest bearing capital outlay notes, bond anticipation notes, and tax anticipation notes upon approval by the state director of local finance.

Amends TCA 5-1103 (n) relative to powers of counties to issue refunding bonds under the "County Recovery and Post War Aid Act of 1945."

Amends TCA 6-1603 (q) relative to powers of cities to issue refunding bonds under the "Municipal Recovery and Post War Aid Act of 1945."

Effective July 1, 1976.

CHAPTER NO. 789. Sales tax--Occasional and isolated sale of motor vehicle. Amends TCA 67-3048 to provide that it shall be unlawful for any official to accept an application for a certificate of title to a motor vehicle when the sale of such vehicle constitutes an occasional and isolated sale which is taxable under section 67-3002 (i) unless the applicant presents a bill of sale which evidences the sale price and also presents evidence that the sales or use tax has been paid on that amount, or in the absence of such a bill of sale, unless the said official requires evidence of payment of the sales or use tax on the fair market value of the vehicle as the same is determined by him by reference to the most recent issue of an authoritative automotive pricing manual, such as the N.A.D.A. Official Used Car Guide, South-eastern Edition. Effective July 1, 1976.

CHAPTER NO. 791. Sales tax--Exemption. Amends TCA 67-3014 to exempt the "Agricultural Foundation for Tennessee Tech, Incorporated," from payment of sales taxes.

CHAPTER NO. 793. Firearms, destructive devices, and dangerous weapons. Makes it a felony for any person convicted of a felony through the use of force or violence or convicted of certain drug offenses to possess a firearm for the purpose of going armed or to possess any explosive, incendiary, or similar destructive device. Also makes it a felony for any person to possess a destructive device or firearm while committing, attempting, or conspiring to commit a felony.

CHAPTER NO. 797. Tennessee Housing Rehabilitation Corporation--Law amended. Amends TCA title 13, chapter 22, to authorize certain members of the board of directors to designate representatives to act for them; to require deposit in the state treasury of funds available for administrative expenses; and to authorize the chief executive officer, with respect to certain housing accommodations, to order tenants temporarily to vacate premises during the course of rehabilitation. Effective July 1, 1976.

CHAPTER NO. 799. Disposal of state surplus personal property. Provides that all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view to lessen, or which tend to lessen full and free competition in the disposal of state surplus personal property, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed, or which tend to control the price, which the state receives for such property, or the cost to the purchaser of such property, are declared to be against public policy, unlawful, and void.

CHAPTER NO. 803. Regional planning regulations--Filing of plats. Amends TCA 13-302 and 13-308 relative to the filing of plats in the office of the county register. Requires that each plat so filed shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted.

CHAPTER NO. 808. Uniform City Manager-Commission Charter--Amended for Pigeon Forge. Amends TCA title 6, Chapter 22, to authorize Pigeon Forge to levy a 1% gross receipts tax on businesses.

CHAPTER NO. 811. Schools--Waiver of established pupil-teacher ratios. Amends TCA 49-603 D. to authorize waiver of established pupil-teacher ratios when otherwise a school would have to be closed or when the commissioner of education determines that an educationally unsound arrangement of students and classes would result if the waivers were not granted and no such waiver shall continue for a period longer than 2 years. Effective July 1, 1976.

CHAPTER NO. 813. Consolidated Retirement System --law amended. Amends TCA title 8, chapter 39, relative to definition of "average final compensation," benefits for former governors and widows, and operators of contractor-owned school buses.

CHAPTER NO. 814. Consolidated Retirement System --Law amended. Amends TCA 8-3903 to provide that any other provision of the law to the contrary notwithstanding, any person who becomes a member of the Tennessee Consolidated Retirement System after June 30, 1976 shall be classified as a Group I member. It is expressly declared the intent of this General Assembly to place all future members of the Tennessee Consolidated Retirement System in the same group, regardless of title of office, employment classification, or duties performed. Effective July 1, 1976.

CHAPTER NO. 816. Retirement--Miscellaneous amendments to various laws. Amends TCA 3-901, relative to the council on pensions and retirement, to correct an apparent typographical error.

Amends TCA 8-3304 to delete public employee's option to continue participation in retirement and insurance plans while in military service.

Deletes TCA 8-3309, relative to retirement rights of public employees in military service.

Replaces TCA 8-3904(4) relative to military service being creditable service under the consolidated retirement system.

Amends TCA title 8, chapter 39, to add a new section to require a minimum of 4 years of creditable service in order for any member in Group I, II, or III to be eligible for a service or early service retirement allowance.

Amends TCA 8-3922 relative to reemployment of retirees.

Amends TCA 49-1311 relative to retirement allowance for teachers not covered by retirement system.

Amends TCA 8-3904(9) relative to retirement allowance for certain teachers who have continued their teaching careers in other states.

Amends TCA 8-3903 to add a new subsection relative to members and employees of boards, commissions, committees, etc.

Amends TCA 8-3930 (3) to authorize withholding of state shared taxes from delinquent participating political subdivisions.

Amends TCA 8-3901(9) relative to the definition of a "county official."

Amends TCA 8-3939 to authorize temporary employment of certain retired state employees without their losing any retirement pay.

CHAPTER NO. 819. Scenic routes system--Law amended. Amends TCA title 54, chapter 25, the "Scenic Routes System Act of 1971," relative to establishment; definitions; eligibility for designation; proposals for additions; management and speed limits; advertising structures and junkyards; conflicts with other laws and ordinances; and building restrictions near scenic routes.

CHAPTER NO. 821. "State Surplus Personal Property Act of 1976." Provides for the orderly disposition of state surplus personal property. One section specifically authorizes sale of surplus property to government entities. Requires the board of standards to promulgate regulations governing the transfer of surplus property to political subdivisions of the state and other governmental entities. Such regulations shall include, but not be limited to, restrictions on the resale of such property and the reversion to the state of any profit realized from any such resale. Political subdivisions of the state and other governmental entities may submit sealed bids to the commissioner for such property no later than two (2) days prior to a public auction held

for disposal of such property. Such bids shall be opened two (2) days prior to such public auction and the highest bid shall be selected unless the commissioner decides that the highest bid does not represent the fair market value, whereupon the commissioner may reject all bids. In the event the commissioner rejects such bids, he may negotiate with the political subdivisions of the state and other governmental entities which have submitted bids in order to obtain a fair market value. In the event negotiation does not result in a fair market value, such property shall be disposed of by public auction. Political subdivisions and other government entities shall retain possession of such property for one (1) year unless disposal is approved by the board of standards. Any sale of automobiles by the State of Tennessee to a county, municipality or other political subdivision, or governmental entity determined by the board of standards shall become null and void and such property shall revert to the state in the event that such political subdivision or governmental entity does not transfer the registration of title to such automobile to its name within seven (7) days after the sale.

Repeals TCA 12-217 and 12-218.

CHAPTER NO. 822. "Contractors Licensing Act of 1976." This new act repeals and replaces TCA title 62, chapter 6, relative to licensing general contractors.

CHAPTER NO. 823. Motor vehicles used primarily for transportation of passengers to and from work. Amends TCA 6-3802, relative to powers and authority of municipalities, counties, and transit authorities; TCA 65-1503, relative to motor carriers; and TCA 65-1601, relative to municipal regulation of street railway companies; so as to make special exceptions for motor vehicles engaged primarily in the hauling of 15 or fewer passengers to and from work.

CHAPTER NO. 824. Auctioneers. Amends TCA title 62, chapter 19, regulating auctioneers, relative to the definition of auctioneer; exemptions; compensation of commission members; employment of investigator; applications for licenses; fees; revocation or suspension of licenses; bonds; nonresidents; requirement for definite places of business and signs; and violations. Effective July 1, 1976.

CHAPTER NO. 825. Correctional officers. Amends TCA title 41, chapter 1, to define correctional officer and to establish minimum standards and qualifications for correctional officers employed by the state.

CHAPTER NO. 826. Property taxes--Exemption for historic properties. Provides that there shall be exempt from property taxation, under certain stated conditions, and for a stated period of time, the value of any improvement made to or restoration of any structure included in the Tennessee register of historic places or which is certified by a county historic properties review board. Applies only to Kno , Hamilton, Davidson, and Shelby Counties and to them only when locally approved. Any incorporated municipality which desires to come under the provisions of the act may do so separately by a majority vote of its governing body.

CHAPTER NO. 829. Property taxes--Exemption for disabled veterans. Amends TCA 67-647 to delete the requirement for service "in time of war" and to extend the exemption to the surviving spouse of a disabled veteran who was at the time of death receiving the relief.

CHAPTER NO. 831. Municipal planning regulations--Definition of "subdivision." Amends TCA 13-601 to redefine "subdivision" to mean "the division of a tract or parcel of land into two (2) or more lots, sites or other division of less than five (5) acres or of more than five (5) acres but less than ten (10) acres in size with depths no greater than four times their widths for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided."

CHAPTER NO. 834. Municipal boundaries. Provides that when the boundaries of the corporate limits of municipalities are contiguous and such boundaries are not in line with the street and lot layout of the municipalities said municipalities may adjust such boundaries by contract between themselves so as to avoid confusion and uncertainty about the location of said contiguous boundary.

CHAPTER NO. 838. Alcoholic beverages. Amends TCA 57-115, relative to manufacturer's or distiller's licenses--qualifications of applicants--fees--permit to solicit orders--sale procedure--price--penalty--rules and regulations, to extend its application to "vintage alcoholic beverages" which are defined to be wine sold by wholesalers licensed under TCA 57-116.

Further provides that the cost of alcoholic spirituous beverages or vintage alcoholic beverages from a licensed wholesaler to a licensed retailer in this state as well as the cost of alcoholic spirituous beverages or vintage alcoholic beverages from a licensed retailer in this state to a consumer shall reflect the respective decrease in cost, if any, resulting from the passage of this act and by the passage of Chapter 234 of the Tennessee Public Acts of 1975. It is the express intent of the Legislature that the ultimate consumers of such beverages realize the benefit of all decreases in price, if any, paid by a wholesaler to its supplier or suppliers of alcoholic spirituous beverages or vintage alcoholic beverages under the so-called "affirmation laws" passed herein and heretofore by this legislature. In order to implement this express intent, each and every licensed wholesaler and retailer shall within 60 days after the date of the passage of this act file with the Tennessee Alcoholic Beverages Commission a list of prices for each particular brand, proof, size or vintage as of June 30, 1975 and as of February 29, 1976.

CHAPTER NO. 840. Teachers--Retirement. Amends TCA 49-1311, relative to retirement allowance of teachers not covered by retirement system.

CHAPTER NO. 843. "Tennessee Air Quality Act"--Amended. Repeals TCA 53-3424 which previously exempted the production or processing of agricultural limestone from the provisions of the Tennessee Air Quality Act in all but the 4 largest counties.

CHAPTER NO. 845. Chattanooga-Hamilton County Hospital Authority. Creates a governmental hospital authority, to be known as the Chattanooga-Hamilton County Hospital Authority, for the purpose of being the sole operator, through a Board of Trustees, of Baroness Erlanger Hospital and T.C. Thompson Children's Hospital and such other similar or associated hospitals

and existing health centers deemed appropriate to be operated (either as sole operator or in cooperation with other state, local, or federal agencies) by the same Board of Trustees for the purpose of providing health care facilities and programs for all the residents of Hamilton County, Tennessee, the City of Chattanooga, and other incorporated municipalities in said County, regardless of ability to pay.

CHAPTER NO. 846. Uniform City Manager-Commission Charter--Amended for Loretto and Pigeon Forge. Amends TCA 6-2006 to provide that, in Loretto and Pigeon Forge, registered voters who own real property located in the city shall be entitled to vote in all municipal elections and municipal referendums held in such city, but in cases of multiple ownership of real property, no more than two (2) owners and members of their immediate families who are registered voters shall be eligible to vote under this provision.

This act shall have no effect unless it is approved by a 2/3 rds vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such board and certified by him to the Secretary of State.

CHAPTER NO. 848. Constitutional convention. An act to submit to the people of Tennessee the question of calling a convention for the purpose of altering, reforming, or abolishing the present Constitution of Tennessee with respect to certain parts and subject matter; to provide for an election to determine the will of the people with respect to such question; to provide for the holding of a convention if the people approve the proposal and call a convention; to provide for the election of convention delegates and the filling of vacancies; to fix their compensation and allowances; to provide for an election to submit the recommendations of the convention to the people for their approval; to provide for the payment of the expenses of holding the elections and the convention; and to provide for the fiscal supervision of the convention.

CHAPTER NO. 849. Property taxes--Exemption for fraternal organizations. Amends TCA 67-513, relative to tax exemptions, so as to add a provision that there shall be exempt from property taxation the property of fraternal organizations exempted from the payment of

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