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SUMMARY OF
1977 Public Acts

OF INTEREST TO TENNESSEE MUNICIPAL OFFICIALS

BY DON W. OWNBY

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1977 PUBLIC ACTS
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July 1977

F O R E W O R D

During the first session of the 90th General Assembly, 495 public acts were enacted and became law. I have reviewed these new acts and have found 196 of them to be of varying degrees of interest to municipal officials as such. These 196 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 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, 1977." Also, most of them will be codified in the 1977 cumulative supplement to the Tennessee Code Annotated.

Don W. Ownby
Municipal Law Consultant

July 1977

CHAPTER NO. 2. Property tax exemption--State bonds and notes. Amends TCA 67-503 to read as follows: "Whenever the State of Tennessee, or any agency thereof, shall issue any bonds or notes for any public purpose, without regard to when issued, neither the principal nor the interest of said bonds or notes shall be taxed by this state or by any county or municipality or taxing district of this state, except inheritance, transfer and estate taxes, and it shall be so stated on the face of said bonds or notes when issued."

CHAPTER NO. 9. "Contractors Licensing Act of 1976"--Amended. Amends TCA 62-603 to provide that any person, firm, or church that owns property and constructs thereon single residences, farm buildings, or other buildings for individual use, and not for resale, lease, rent, or other similar purpose, is exempt from the requirements of the contractors licensing act.

CHAPTER NO. 14. State building regulations--Safety glazing materials. Amends TCA 53-2549 and 53-2550 so as to transfer from the department of public health to the department of agriculture the authority to regulate the use and labeling of "safety glazing materials" in hazardous locations.

CHAPTER NO. 18. Hotels and restaurants--State regulations amended. Amends TCA 53-2102 (c) to provide that the term "restaurant" as used in TCA 53-2101 -- 53-2121, shall not include grocery stores which may incidentally make infrequent casual sales of uncooked foods for consumption on the premises, nor any establishment whose primary business is other than food service, which may, incidentally, make infrequent, casual sales of coffee for consumption on the premises. The term "infrequent casual sales" means sales not in excess of \$50.00 per day on any particular day. Repeals TCA 53-2115 which formerly required a separate permit for any hotel restaurant under separate management.

CHAPTER NO. 19. "Vocational Rehabilitation of the Blind Law"--Amended. Amends TCA 14-626 (1) to allow construction of new buildings in establishing workshop or rehabilitation facilities for the blind.

CHAPTER NO. 21. Emergency medical service area telecommunications. Provides for the development, establishment, improvement, and regulation of emergency medical service telecommunications; authorizes and directs the department of public health to formulate and implement a statewide emergency medical telecommunications plan; specifies those items to be included in such plan; and requires compliance with the plan.

CHAPTER NO. 23. Motor vehicle licenses by mail. Amends TCA 59-405 to provide that each county court clerk shall provide a mail order service for the renewal of motor vehicle registrations whereby registrants may apply for and receive the renewal certificates and plates or decals through the mail. Except as otherwise required, an application for renewal by mail must be postmarked not later than 20 days before the license expiration date to allow time for processing. Each county court clerk may impose a fee of not more than \$1 for the service of handling the special mail orders for plates and not more than \$.50 for the handling of the special mail orders for decals.

CHAPTER NO. 26. County election commissions. Amends TCA 2-1203 to provide that all county election commissions shall be composed of 3 members of the majority party and 2 members of the minority party.

CHAPTER NO. 28. Disabled and elderly persons--College courses for credit. Amends TCA 49-3251 to provide authority for disabled and elderly persons to enroll in courses for credit at state supported colleges and universities without payment of tuition charges, maintenance fees, etc. The only charge will be a fee for the purpose of helping to defray the cost of keeping the records of such students.

CHAPTER NO. 33. Teachers--Permanent tenure. Amends TCA 49-1402 (1) to provide that "permanent tenure" shall apply to any teacher who (a) has a

degree from an approved four (4) year college or to any vocational teacher who has the equivalent amount of training established and certified by the state board of education, (b) holds a valid professional certificate based on training covering the subjects or grades he is teaching, (c) has completed a probationary period of three (3) school years or not less than twenty-seven (27) months within the last (5) year period, the last year to be employed as a regular teacher, and (d) is reemployed by the board for service after the probationary period.

CHAPTER NO. 37. Disposal of surplus state land. Amends TCA 12-212 (4) to authorize the commissioner of finance and administration, with the approval of the attorney general, the reporter, and the governor, to grant such easements and rights-of-way as are deemed necessary to provide services for the benefit of any state agency, department, or institution, or of the general public. Repeals TCA 12-213, 12-215, and 12-216, relative to the disposal of surplus state property.

CHAPTER NO. 38. Public records. Amends TCA 15-301 to provide that the head of any department, commission, board, or agency of the state government may cause any or all records kept by him or it to be photographed, microphotographed, or reproduced on film, provided that the microform project has been evaluated and approved by the records management division of the department of finance and administration. Amends TCA 15-403 to provide that the records management division of the department of finance and administration shall be the primary records management agency for state government, and as such shall direct the disposition of all records including electronic processed records and computer output microfilm records.

CHAPTER NO. 41. State sales tax--MTAS allocation. Amends TCA 67-3047 (1) to increase monthly allocation to MTAS from \$34,084 to \$38,250.

CHAPTER NO. 42. State sales tax--Computer software subject to. Amends TCA 67-3002 (1) to provide that the term "tangible personal property," subject to the state sales tax, specifically includes customized or packaged computer software, which is defined to mean information and directions loaded into a computer which dictate different functions to be performed by the computer, whether contained on tapes, discs, cards or other devices or materials.

CHAPTER NO. 43. Local sales tax--Water sold to manufacturers. Amends TCA 67-3050 to limit the local sales tax on certain water sold to or used by manufacturers to the same rate as charged on industrial and farm machinery.

CHAPTER NO. 47. Nominating petitions--State and county elections. Amends TCA 2-505 to provide that independent and primary candidates shall qualify by filing all nominating petitions, including any duplicate nominating petitions required to be filed under TCA 2-507 and 2-508, no later than twelve (12) o'clock noon, prevailing time, on the first Thursday in the second calendar month before an election, except that an independent candidate for an office in the regular November election for which a primary is required to be held at the regular August election shall qualify by filing his nominating petitions for the November election no later than twelve (12) noon, prevailing time, on the first Thursday in the second calendar month before the regular August election.

CHAPTER NO. 51. Murder in the first degree--Defined, etc. Amends TCA 39-2402, 39-2404, 39-2405, 39-2406, and 39-2407 so as to define the crime of murder in the first degree; provide a punishment including the death penalty or life imprisonment under certain circumstances, etc.; and to provide for punishment by life imprisonment or death for accessories before the fact of murder in the first degree.

CHAPTER NO. 52. Local governments--Non-resident employees. Provides that no person currently under employment with any municipality or county shall be dismissed or penalized solely on the basis of nonresidence. Does not apply to Metro or Knox County.

CHAPTER NO. 54. Trucks--Overloading with loose materials. Regulates the transportation of loose materials by motor vehicles with open beds and provides penalties for violations. Loose materials which might spill, drop off, or blow away must be so loaded that they remain "at least four (4) inches below the walls of such open bed...." Does not apply to "farm produce going to market."

CHAPTER NO. 55. Advertising and tourist promotion by counties. Amends TCA 5-906 to remove the limitations on what may be spent by a county individually or in cooperation with a municipality for advertising and tourist promotion.

CHAPTER NO. 57. Vocational rehabilitation--Social Security coverage for clients. Amends TCA 49-2823 and 49-2827 to authorize Social Security coverage for clients in sheltered employment status at vocational rehabilitation centers.

CHAPTER NO. 58. Water and wastewater--Regulation by state. Amends TCA 53-2002 to provide that the state health department may operate a program for the certification of laboratories to perform analyses of water and wastewater. Amends TCA 53-2003 to provide that when a public water supply system is not in compliance with state health department public water supply system regulations, fails to perform monitoring required by regulations adopted by the department, is subject to a variance or an exemption granted by the department, or fails to comply with the requirements prescribed by a variance or exemption, the system shall as soon as practicable notify the persons served by it of the fact and the extent and nature and possible health effects of such fact. Notice shall be given in such form and manner as required by departmental regulations.

CHAPTER NO. 59. Youthful offenders--Home visits. Amends TCA 37-1103 to provide for home visits by youthful offenders in custody of the department of correction. Committing judge must consent.

CHAPTER NO. 60. Penalty for child labor law violations. Amends TCA title 50, chapter 7, to provide that any employer who violates the "Child Labor Act of 1976" or hinders or obstructs the state labor department in administering or enforcing the provisions of the act or any parent or guardian who permits a child under his control or custody to work in violation of the provisions of the act shall be punished by a fine or not less than \$25 nor more than \$250 in the discretion of the court. Each day during which any violation continues after notification by the labor department that a violation exists, shall constitute a separate punishable offense.

CHAPTER NO. 62. Tax fraud cases--Statute of limitations extended. Amends TCA 40-202 to extend the statute of limitations from 2 to 3 years for revenue law violations generally and to 6 years for certain cases involving fraud or willfulness.

CHAPTER NO. 63. Minimum base rate sewer service charge--May be a tax. Provides that if any municipality adopts a sewer fee ordinance which includes a minimum base rate charge payable by all sewer users, it is declared the public policy of the state that such minimum base rate charge shall be considered to be a local tax upon sewer users in the same manner that local property taxes are so considered. However, user fees paid in excess of the minimum base rate charge which are related to the volume or strength of sewage discharged shall be considered as user fees in the same manner which electrical, gas, or water consumption is related to actual use.

CHAPTER NO. 67. Vocational rehabilitation administrative proceedings. Amends TCA 49-2813 to increase the compensation of hearing officers from \$10 to \$50 per day and deletes the provision that board decisions are not subject to court review.

CHAPTER NO. 68. Elderly or handicapped--Penalty for assaulting. Amends TCA 39-607 so as to double the maximum permissible period of imprisonment for assault to commit robbery when the victim is elderly or handicapped.

CHAPTER NO. 69. School personnel--Running for public office. Provides that, subject to TCA 49-214 (1) and 8-2310, noninstructional personnel employed by any public school in the state shall be eligible to run for public office.

CHAPTER NO. 71. Suspension of drivers' licenses. Amends TCA 59-1045 to provide for a hearing before the commissioner of the department of safety prior to, instead of after, suspension of a driver's license for refusal to take a blood test in a suspected DWI case.

CHAPTER NO. 75. Trailer courts--Regulations modified for handicapped. Amends TCA 53-3215 to provide that notwithstanding any general law, municipal or county ordinance, or private act to the contrary, any physically handicapped person may permanently attach a trailer coach to the ground, erect permanent additions to the coach or modify the coach in any manner necessary to permit such person ease of access to and from the coach. Any dispute as to the type of modification or the definition of "physically handicapped person" shall be resolved as soon as practicable by the state commissioner of public health or his designee.

CHAPTER NO. 77. Mufflers required for boats. Provides that the exhaust of every internal combustion engine used on any vessel shall be effectively muffled by a muffling device or system to muffle the noise of the exhaust. The use of cut-outs is prohibited, except for vessels competing in a regatta or boat race approved as provided in TCA 70-2215, and for such vessels while on trial runs, during a period not to exceed 48 hours immediately preceding such regatta or race and for such vessels while competing in official trails for speed records during a period not to exceed 48 hours immediately following such race or regatta.

CHAPTER NO. 79. State sales tax--Exemption for certain oxygen, etc. Amends TCA 67-3012 to provide that there shall be exempt from sales tax any sales of oxygen prescribed or recommended for the

medical treatment of a human being by a licensed practitioner of the healing arts, and equipment necessary to administer such oxygen.

CHAPTER NO. 80. Uniform City Manager-Commission Charter--Amended. Amends TCA 6-2221 to provide that notwithstanding any provisions of any other law to the contrary, any city may, without requiring security from the depository, deposit its funds in any bank or savings and loan association whose deposits are insured by an agency of the federal government to the extent of the insurance coverage provided by such agency.

CHAPTER NO. 81. Vehicles used to transport stolen goods--Forfeiture. Provides authority and procedure for confiscation, forfeiture, and disposition of motor vehicles, planes, and boats used to transport, conceal, or store money or goods which were the subject of robbery, grand larceny, or an offense under TCA 39-4217, upon which there has been a final judgment of conviction. Provides protection for common carriers, innocent owners, lien holders, etc. Proceeds from goods seized under the provisions of this act shall inure to the benefit of the county in which such goods were seized for enforcement of this act if such goods were seized by county or municipal law enforcement officers, or any combination thereof. In all other cases the proceeds shall be transmitted to the state treasurer. The right to a forfeiture shall be inferior to and subject to any lien filed with the court in which the action is pending by an attorney representing the accused on the charge for which the forfeiture or confiscation resulted for the reasonable value of the services of such attorney.

CHAPTER NO. 84. Property tax exemption for certain livestock and poultry. Amends TCA 67-517 to provide that all livestock and poultry of whatever kind in the hands of the producer or his immediate vendee shall be exempt from taxation. The term immediate vendee shall be limited to farm use and shall not include any person using said products in meat processing.

CHAPTER NO. 87. Juvenile courts--"Custody" defined. Amends TCA 37-202 to define "custody" for purposes of the juvenile courts statute. "Custody" means the control or

actual physical care of the child and includes the right and responsibility to provide for the physical, mental, moral, and emotional well-being of the child. "Custody" as here defined, relates to those rights and responsibilities as exercised either by the parents or by a person or organization granted custody by a court of competent jurisdiction. "Custody" shall not be construed as the termination of parental rights set forth in TCA 37-246 and 37-247. "Custody" shall not exist by virtue of mere physical possession of the child.

CHAPTER NO. 89. Legislative council committee abolished and replaced. The legislative council committee and its staff as established in TCA title 3, chapter 4, is abolished and replaced by a "joint legislative services committee" composed of ten members, an "office of legislative services," an "office of legal services," and an "office of legislative administration." This act also amends TCA title 1, chapter 1, relative to the Tennessee Code Commission; TCA 3-207 and 3-703 relative to the Fiscal Review Committee; and various other TCA sections to reflect this comprehensive reorganization. Act is effective upon passage for purposes of creating the new offices and on July 1, 1977, for the purposes of abolishing the legislative council committee and its staff and amending the fiscal review committee procedures for proposed legislation.

CHAPTER NO. 91. Adjustment of common boundary between contiguous municipalities. Amends TCA 6-322 to provide that: "Whenever the boundaries of the corporate limits of municipalities are contiguous and such boundaries either are not in line with the street and lot layout of the municipalities or do not conform to existing or proposed public rights of way, drainage ways, utility easements, or railroad rights of way, these municipalities may adjust such boundaries by contract between themselves so as to avoid confusion and uncertainty about the location of the contiguous boundary or to conform the contiguous boundary to an existing public right of way, drainage way, utility easement, or railroad right of way, or to dedicated public right of way or lot line which appears on a recorded plat or deed, or to a

proposed public right of way, drainage way, utility easement, or railroad right of way which is part of either a comprehensive municipal or county plan, or both, approved by a municipal or county governmental body or by a legally constituted municipal planning commission, regional planning commission, or the state planning office." Further provides that "such boundary adjustments may not place any elected official into a voting or political sub-division not presently in the district which such elected official represents, and no boundary shift may occur any less than ninety (90) days prior to any election in which affected citizens may participate if such boundary adjustment had not occurred."

CHAPTER NO. 92. "Public Building Authorities Act of 1971"--Amended. Amends TCA 12-909 (13) to authorize borrowing to provide funds to pay "bond insurance expenses" and to pay interest charges on revenue bonds during construction of any project and for 2 years after the estimated date of completion.

Amends TCA 12-911 to revise extensively the provisions relative to refunding. Now requires that refunding plan shall be submitted to the state director of local finance for review. Also provides for publication of appropriate newspaper notices locally and nationally and makes other changes.

CHAPTER NO. 94. Gas and natural gas storage facilities. Amends TCA 5-1102 (d) in the "County Recovery and Post War Aid Act of 1945" and 6-1602 (e) in the "Municipal Recovery and Post War Aid Act of 1945" to include "gas and natural gas storage facilities" in the definition of "public works project."

CHAPTER NO. 95. Solicitation of charitable funds. Amends TCA 48-2208 in the state law regulating solicitation of charitable funds. Now provides that any applicant who is denied approval of registration or or exemption may, within 20 days from the date of notification of such denial, request, in writing, a hearing before the secretary of state, which hearing shall be held within a reasonable time from the date of the request, unless the applicant requests a longer period in writing. This act further provides that,

notwithstanding the effective date of TCA title 48, chapter 22, to the contrary, the provisions of TCA 48-2204 (a) and 48-2213 (h), shall not apply to charitable organizations within the provisions of TCA title 48, chapter 22, until the anniversary date of each organization as provided in TCA 48-2204 (d) for such organization or July 1, 1978, whichever occurs first

CHAPTER NO. 97. State and local sales tax--Exemptions. Amends TCA 3014, in the "Retailers' Sales Tax Act," to restate specifically exempt institutions and to include therein certain others receiving determinations of exemption from the Internal Revenue Service under Section 501 (c) (3) of the Internal Revenue Code.

CHAPTER NO. 101. "Contractors Licensing Act of 1976"-Amended. Amends TCA 62-602 and 62-612 to increase from \$20,000 to \$50,000 the dollar value of construction projects requiring a licensed contractor.

Also amends 62-602 (b) to provide that no subcontractor shall be required to obtain or possess a general contractor's license as required under the act unless the subcontract agreement shall exceed \$20,000.

CHAPTER NO. 102. Public contracts--Interest of officers. Amends TCA 12-401, which prohibits personal interest of officers in certain public contracts, to include contracts of development districts, utility districts, human resource agencies, and other political subdivisions created by statute.

CHAPTER NO. 103. Accounting and auditing. Amends or replaces several sections in TCA title 9, chapters 2 and 3, most of which deal with the state and counties. However, TCA 9-314 is amended to provide that it shall be the duty of the governing body of each political subdivision, special taxing district, board, commission, educational cooperative, intergovernmental cooperative or other governmental agency with respect to the funds under its control, to order and pay for an annual audit, and to contract with certified public accountants, public accountants,

or the Department of Audit to make said audit. The Comptroller, when he deems it necessary, may require said audit to be conducted by the Department of Audit, the cost of said audit to be paid by the governing body. Nothing herein shall amend or modify any requirement of a general or private act for an audit by a certified public accountant or public accountant; provided further, that this provision shall not apply to boards, commissions, educational cooperatives, authorities, agencies or funds which are subject to financial audit by the state or federal government, but in such cases it shall be the duty of the board, commission, authority or agency to furnish a copy of each such audit report to the Comptroller of the Treasury.

The Comptroller of the Treasury, through the Department of Audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the Comptroller. The Comptroller shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the Comptroller of the Treasury are met.

CHAPTER NO. 108. Consolidated retirement system-- Credit for military service. Amends TCA 8-3904 to extend until September 1, 1977, the time for applying for retirement credit on account of prior military service.

CHAPTER NO. 109. State loans for waterworks. 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, cities, and special districts for construction of waterworks, implementing TCA 53-2055 -- 53-2072, "The Waterworks Construction Loan Act of 1974."

CHAPTER NO. 111. "Occupational Safety and Health Act of 1972"--Amended. Amends TCA title 50, chapter 5, to transfer all responsibility and authority under the Occupational Safety and Health Act of 1972 to the commissioner of labor and to provide that the promulgation of all rules, regulations, and standards under the act, the procedures for contested cases thereunder, and the judicial review thereof are in conformity with the Uniform Administrative Procedures Act. Amends TCA 50-502, 50-503, 50-505 -- 50-507, 50-517 -- 50-528, 50-530 -- 50-533, 50-537, 50-538, 50-543 -- 50-547, 50-550, 50-551, 50-559 -- 50-563, 50-565 -- 50-567, 50-569, 50-570, 50-575, 50-578, and 50-579. Repeals TCA 50-508 -- 50-516 and 50-564.

CHAPTER NO. 114. Motor vehicles--Certain young children to use passenger restraint system. Amends TCA 59-930 to require that every parent or legal guardian of a child under the age of 4 years residing in this state shall be responsible, when transporting his child in a motor vehicle owned by that parent or guardian operated on the roadways, streets or highways of this state, for providing for the protection of his child and properly using a child passenger restraint system meeting federal motor vehicle safety standards, or assuring that such child is held in the arms of an older person riding as a passenger in the motor vehicle. Provides an exemption for certain recreational vehicles and trucks. Also provides that in no event shall failure to wear a child passenger restraint system be considered as contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action.

Effective January 1, 1978.

CHAPTER NO. 116. "Tennessee Air Quality Act"--Exemption. Amends TCA 53-3422 to provide that the "Tennessee Air Quality Act" shall not apply to emissions from any air contaminant source which burns wood waste solely for disposition of such wood waste.

CHAPTER NO. 121. Use of convicts on public works projects. Amends TCA title 41, chapter 4, to provide that the state commissioner of corrections, with the approval of the governor, is authorized to employ and work such convicts as are safe and desirable to work outside the prison walls at state, county, or municipal public works projects if, in the discretion of the commissioner, adequate provision is made to insure the safety of the general public and to prevent the escape of the convicts. Any county or municipality desiring the use of convicts to perform public works projects shall make application to the commissioner of corrections. Such application shall state the location and nature of the proposed project, the estimated length of time such convicts would be required, the number of convicts that would be required, the nature of the duties such convicts are to perform and shall set out in detail the provisions for the supervision of such convicts.

No convict shall be required to work on public works projects for the state or any county or municipality if such project appears to the commissioner to be extremely dangerous to the health, safety, or welfare of the convict.

CHAPTER NO. 124. "The Tennessee Drug Control Act of 1971"--Amended. Amends TCA 52-1432 (a) to make it unlawful to sell, or possess with the intent to sell, a prescription for a controlled substance.

CHAPTER NO. 125. State Sales Tax--Exemption for senior citizen service centers. Amends TCA 67-3014 to exempt from the state sales tax those senior citizen service centers which meet the standards set by the Tennessee Commission on Aging for eligibility to receive state funds.

CHAPTER NO. 126. Intoxicating liquors--"Grape and Wine Law." Amends TCA 57-120 and 57-131 to remove the requirement for a referendum as a prerequisite for a winery license, to reduce the taxes on wineries, and otherwise to encourage the establishment of wineries and the growing of grapes.

CHAPTER NO. 128. "Vital Records Act of 1977." This comprehensive new act provides for an "office of vital

records" within the Tennessee Department of Public Health; institutes a comprehensive statewide system of vital records relating to births, deaths, marriages, divorces, etc.; and repeals TCA title 53, chapter 4.

CHAPTER NO. 130. Law Enforcement Planning Commission--Membership. Amends TCA 38-1001 to increase the membership of the Tennessee Law Enforcement Planning Commission.

CHAPTER NO. 132. Mufflers required for boats. Provides that no person shall operate any vessel in such a manner as to exceed certain prescribed noise levels and prescribes testing procedures to be employed to measure such noise.

Provides that vessel motors manufactured after January 1, 1977, and offered for sale in this state shall be certified by the manufacturer as having been tested and found not to exceed the prescribed noise levels.

Exempts vessels competing in certain regattas or boat races.

CHAPTER NO. 133. Property taxes--Personal property exemption. Amends TCA 67-516 to provide that any exemption applying to any minor child of the family living at home and not used by him personally may be applied to the total family household goods and furnishings, wearing apparel, and other such tangible personal property used by the family in common.

CHAPTER NO. 139. Metro--Use of state shared gasoline taxes. Adds new section to TCA title 54, chapter 4, to provide that Metro does not have to separate county aid funds and municipal street aid funds but shall keep them in one fund to be used for the purposes set out in said chapter.

CHAPTER NO. 140. Banks--Excise tax substituted for tax on intangible personal property. Amends TCA title 67, chapter 7, and 67-2607 to provide for a local excise tax in lieu of the property tax on the intangible personal property of banks; provides a minimum tax; and provides for allocation of the tax

among the counties and municipalities where the banks and their branches are located.

CHAPTER NO. 142. "Aggravated Child Abuse Bill of 1977." Amends TCA 39-601 so as to define and provide a penalty for aggravated assault on an adult, a child, or a spouse.

Amends TCA 39-608 to provide that any person indicted for assault with intent to kill or assault with intent to commit any other felony may be found guilty of assault or aggravated assault or, if the victim is a child, of violating TCA 39-1019, "child abuse and neglect."

Amends TCA 39-1019 by adding a provision that any violation of said section may be a lesser included offense of any kind of homicide, statutory assault, or sex offense if the victim is a child and if the evidence supports a charge under TCA 39-1019. In any case in which conduct violating TCA 39-1019 also constitutes common law assault or assault and battery, such case may be prosecuted under either TCA 39-1019 or the common law offense.

CHAPTER NO. 144. "State Debit Card Crime Act." This comprehensive new act regulates the procurement and use of debit cards; prohibits thefts, frauds, misrepresentations, and debit card forgeries; prohibits fraudulent and unauthorized use of debit cards; prohibits use or possession of equipment for manufacturing debit cards not authorized by an issuer; prohibits interception, alteration, and fraudulent origination of electronic information; creates presumptions and consequences thereof; provides penalties; prevents liability for false arrest or false imprisonment under certain circumstances; and prohibits certain defenses.

CHAPTER NO. 148. Health and educational facility corporations--Exempt from state tax on transfers of realty and mortgages. Amends TCA 67-4102, item S, paragraph (e), to add a provision that the recording and re-recording of all instruments evidencing an indebtedness of any health and educational facility corporation formed pursuant to TCA 48-1901, et seq., shall be exempt from the transfer tax.

CHAPTER NO. 150. State and local sales tax--
Exemption for military personnel. Amends TCA 67-3012
by providing that there shall also be exempted any
sale of a motor vehicle to a nonresident member
of a uniformed service, as defined in the Internal
Revenue Code of 1954, stationed under orders of his
branch of service on a military reservation located
partially within the boundary of Tennessee and that
of another state. Dealers shall support each such
sale by attachment to their file copy of the invoice
evidencing it a copy of the official orders relating
to stationing of the purchaser and proof of nonresi-
dency. This exemption shall terminate upon publica-
tion in the Tennessee Administrative Register of a
certification made by the Commissioner of Revenue
to the Secretary of State that a substantially
identical exemption is no longer accorded by the
other state whose boundary encompasses the other
portion of a military reservation located only
partially within the boundary of this state.
Effective August 1, 1977.

CHAPTER NO. 152. Confidentiality of certain
state tax records. This bill amends TCA title 67,
chapter 1, extensively relative to powers of the
Commissioner of Revenue, and TCA 15-305 and 15-306,
relative to confidentiality and disclosure of certain
tax records. It redefines and extends the application
of such provisions and codifies them with the tax
laws.

Section 1 (i) expressly provides that, upon
request in writing, state tax returns and information
may be disclosed to duly authorized officials of a
unit of local government of this state for the pur-
pose of ascertaining whether proper local taxes are
being paid.

CHAPTER NO. 153. Volatile oils inspection fee--
Allocation. Amends TCA 60-421 relative to the disposi-
tion of fees collected for the inspection of volatile
oils so as to allocate \$5,000 per month from the
cities' share of the proceeds to the Center for
Government Training of the University of Tennessee.
Effective from June 1, 1977, until July 1, 1978.

CHAPTER NO. 154. "Central Business Improvement District Act of 1971"--Amended. Amends the "Central Business Improvement District Act of 1971," as codified in TCA 6-3901 -- 6-3943, by enlarging the definition of "municipality" so as to include counties and to enlarge the definition of "governing body" to include quarterly county courts.

CHAPTER NO. 155. Election precinct boundary maps. Amends TCA 2-306 to require that the boundaries of each election precinct shall be described either by metes and bounds or by a map of sufficient detail to delineate the boundaries of the precinct. Copies of each map shall be filed and recorded in the office of the clerk of the county legislative body and in the office of the coordinator of elections and shall be available for public inspection. Copies of the maps shall also be made available by the coordinator of elections to members of the general assembly upon request.

CHAPTER NO. 158. Hospital records as evidence in judicial proceedings. This act provides a procedure whereby copies of hospital records may generally be introduced in evidence in judicial proceedings without the custodian thereof having to appear personally at the proceedings.

CHAPTER NO. 169. Air pollution control regulations, etc.--Adoption by reference. Amends TCA 53-3409 and 53-3422 to allow any municipality or county to adopt by reference the regulations, standards, and policies of the state air pollution control board.

CHAPTER NO. 171. Juveniles--Commitment to state department of correction. Amends TCA 37-237 to require a pre-commitment report before a juvenile is committed to the state department of correction. Such report shall be prepared by the probation officer assigned to the juvenile and shall include, but not be limited to, the juvenile's educational status, family background information, employment background, physical examination report, and a psychological report (if possible).

CHAPTER NO. 173. State bonds for construction of sewage treatment works. 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 \$24,000,000 for the purpose of providing state financial assistance in construction of sewage treatment works of counties, cities, and special districts, implementing TCA 53-2017 -- 53-2028.

CHAPTER NO. 174. Intoxicating liquors--Local option elections. Amends TCA 57-111 to require a period of 4 years to elapse between a local option election, in which the number of qualified votes cast negative to the proposition exceeds 60% of the total number of votes cast in the election, and the next local option election in the same jurisdiction.

CHAPTER NO. 175. "Tennessee Hazardous Waste Management Act." This comprehensive new act provides for the classification of hazardous waste in Tennessee; adequate storage, transportation, treatment, and disposal of hazardous waste; the general supervision over the construction of hazardous waste storage facilities, treatment facilities, and disposal facilities or sites; a perpetual care trust fund; the levy and collection of certain fees; enlarging the powers and scope of the solid waste disposal control board; the promulgation of rules and regulations to establish technical standards and implement bonding and fee provisions; a procedure for administrative and judicial review; and for enforcement of the act.

CHAPTER NO. 177. Fire prevention--Mobile home regulations, inspection fees, etc.--Fire alarms and extinguishers. Amends TCA 53-2413 and 53-2447 relative to fire prevention regulations, inspection fees, and penalties applicable to mobile homes, travel trailers, and other prefabricated units.

Amends TCA 53-2448 to delete the requirement that fire alarms and extinguishers sold in this state must be registered with the state fire marshal.

CHAPTER NO. 178. State sales tax--4½% rate continued. Amends TCA 67-3003 and 67-3050 to continue the temporary state sales tax rate of 4½% for one year.

CHAPTER NO. 181. Payments by TVA to state in lieu of taxes--Allocation. Repeals TCA title 67, chapter 24, and provides a complex new formula and procedure for allocating between the state and local governments any increase in the payments received by the state from TVA in lieu of taxes.

Effective July 1, 1978.

CHAPTER NO. 185. Public officials--Disclosure statements of conflicts of interests. Amends TCA 8-4125 to include each member of the state election commission and public service commission and each delegate to a state constitutional convention among those officials required to file disclosure statements. Each elected city and county official was already included along with many others.

Amends TCA 8-4128 to change the time for filing such statements. As long as any person required to file a disclosure statement retains his office or employment, he shall file an amended statement with the secretary of state or notify him in writing, that he has no change of condition which requires an amended statement, not later than January 15 of each and every year, except that a delegate to a constitutional convention shall submit an amended statement to the secretary of state or notify him, in writing, that he has had no change of conditions, not later than 15 days after the date provided in the call for the convening of the constitutional convention.

CHAPTER NO. 186. Taxes on redevelopment projects sold or leased by housing authorities. Amends TCA 13-817 to allow increased tax revenues generated by redeveloped property sold or leased by a housing authority to be used for retirement of the housing authority's indebtedness on such property.

CHAPTER NO. 188. Contractor's bond on public contracts. Amends TCA 12-417 to provide that no contract for more than \$10,000 shall be let for any public work by any city, county, or state authority until the contractor posts a bond to secure payment of all costs for labor and materials. The bond shall be for 25% of the contract price.

CHAPTER NO. 189. Motor vehicles--Operation by minors. Amends TCA 59-702 and 59-704 to permit fifteen (15) year old minors with learners' permits to drive automobiles when accompanied by a licensed parent, guardian, or certified driving instructor.

CHAPTER NO. 190. City automobile tags--May not be required of nonresidents. Amends TCA 6-728 to provide that no municipality shall require any person who does not reside within said municipality's corporate boundaries to purchase a city automobile tag, or to pay any license fee, regulatory fee, or tax of whatever nature for the privilege of driving a motor vehicle on the roads, streets, or highways of such municipality.

CHAPTER NO. 192. Pupil transportation funds for new municipal programs. Provides that the state commissioner of education shall withhold from the 1976-77 allocation of state pupil transportation funds an amount sufficient to permit the full participation of any municipal school system which is otherwise eligible under a contract approved by the commissioner and which has not prior to the 1976-77 school year received an allocation of state pupil transportation funds. Such amount withheld shall not exceed \$31,000 for the 1976-77 school year. Such amount shall be paid by the commissioner as an increased allocation as determined by the commissioner to the respective county school systems for reimbursement to the respective county systems therein under the terms of the applicable contract. Except for this specified allocation, all other state funds allocated for pupil transportation shall be allocated in accordance with the formula set forth in TCA 49-602.B.

CHAPTER NO. 195. Motor vehicles--Special permits for utility vehicles of excess weight or size. Amends TCA 59-111 to provide that no fee authorized by this section shall be charged for the issuance or renewal of such special permits to any retail electric service owned by a municipality or electric cooperative corporation, or to any telephone company or to contractors when they are moving utility poles or doing work for such utilities. Upon compliance with the appropriate rules and

regulations, such electric services, telephone companies, and their contractors, when they are moving utility poles, may be issued special permits for stated periods not exceeding 1 year.

CHAPTER NO. 196. Teacher aides. Amends TCA 49-214 (1) 49-224 (10) and (12), and 49-1307 (2) to provide for the hiring of teacher aides and for their duties and supervision.

CHAPTER NO. 200. Federal funds for airports. Amends TCA 42-318 to provide that the bureau of aeronautics shall act as agent for each municipality for the purposes of applying for, receiving and disbursing federal funds made available pursuant to the provisions of the Airport and Airway Development Act of 1970, 84 Stat. 219, 49 U.S.C. 1970 ed 1701 et seq., or any amendment thereto, unless the municipality owns an airport having a minimum of 25,000 originating enplanements annually on regularly scheduled airline carriers as certified by the federal civil aeronautics board, in which event such a municipality may act as principal with respect to any airport owned by it, or may designate the bureau as its agent for the purposes aforesaid. All funds received by the bureau shall be deposited in the state treasury to be kept and disbursed in a manner consistent with federal requirements.

Whenever the bureau acts as agent, it may do so for an individual municipality or municipalities acting jointly and the applicable provisions of TCA 42-213 (c) shall apply under either circumstance.

CHAPTER NO. 205. Deposit of public funds in state savings and loan associations. Amends TCA 9-107 to authorize cities and counties, etc., to invest or deposit public funds in accounts of state savings and loan associations whose deposits are insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER NO. 214. Utility districts--Natural gas, etc. Amends TCA 6-2608 to specifically authorize utility districts to conduct, operate, and maintain liquefied natural gas, liquid propane gas, or other gaseous storage and related facilities.

CHAPTER NO. 217. Bonds of water treatment authorities as joint obligation of city or county. Amends TCA 53-6011 to provide that any bonds issued for the purpose of financing the cost of the establishment, construction, installation, acquisition, extension or improvement of any treatment works, as defined by TCA 53-6003 (d), which are to be the joint obligations of the authority and any creating governmental entity or participating governmental entity, shall be authorized and issued by such government entity in the form and manner prescribed by the applicable provisions of TCA title 5, chapter 11, and TCA title 6, chapter 16, and the construction, installation, acquisition, extension or improvement of any treatment works shall be deemed to be a public works project, as such term is defined in TCA title 5, chapter 11, and TCA title 6, chapter 16. To the extent any of the provisions of TCA title 5, chapter 11, and TCA title 6, chapter 16, relating to the terms and conditions of any bonds so issued, conflict with the provisions of this section, the provisions of the former shall prevail.

Any bonds upon which any creating governmental entity, or participating governmental entity, is jointly obligated with the authority may be secured by the full faith and credit and taxing powers of such governmental entity as provided in the chapters cited herein.

CHAPTER NO. 218. Elections--Postal card registrations. Amends TCA 2-215 to provide that the list of postal card registrations required to be posted monthly in the court house and each city hall within the county shall be separated according to voting district, ward, or precinct. Also authorizes hand delivery of postal card registration forms in lieu of mailing.

CHAPTER NO. 219. Juvenile courts--Exemption of certain minors from jurisdiction. Amends TCA title 37, chapter 2, "Juvenile Courts," to provide that said chapter shall not apply to any juvenile committing a felony and then fleeing from the state wherein the felony is committed. This provision does not apply when proceedings under the Interstate Juvenile Compact, as adopted in TCA 37-801 et seq. are applicable.

CHAPTER NO. 222. State bonds--Restriction on use of funds to purchase equipment, goods, or services. Amends TCA title 9, chapter 9; to provide that no funds obtained through the sale of any bonds or notes of the state as provided for by this chapter shall be used to purchase or otherwise obtain any equipment, goods, or services, unless such equipment, goods, or services shall have a reasonably anticipated lifetime of use equal to or greater than the period of time for which the bonds or notes are issued and during which interest is payable for them.

Architectural, engineering, and other like services, which are determined by the state building commission or other appropriate authority designated by the state funding board to be a normal part of the project or program cost are not precluded by this section from funding from bond or note proceeds.

CHAPTER NO. 227. Minors--Employment as models to engage in sexual conduct. Amends TCA title 50, chapter 7, "Child Labor Act of 1976," to prohibit the employment of minors as models to engage in sexual conduct.

CHAPTER NO. 229. Bonds issued by industrial development and health and educational facility corporations. Revises TCA 6-2809 and TCA 48-1909 relative to bonds issued by industrial development and health and educational facility corporations. Regulates issuance of bonds by such corporations, what the bond proceeds may be used for, how bonds will be retired, how they may be refunded, disposition of refunding bond proceeds, etc.

CHAPTER NO. 234. Teachers--Part-time employment. Amends TCA 49-1319 to provide that any teacher engaging also in part-time teaching in an institution of higher education shall be limited to teaching no more than 2 courses per quarter or semester. Formerly was limited to 1 course.

CHAPTER NO. 236. "Handicapped Housing Authorization Act of 1977." Authorizes the state housing development agency to make loans of up to \$350,000 per development for housing the elderly and handicapped, under certain conditions, without complying with the requirements of TCA 13-2316 and 13-2317. The conditions are that there must be certain support commitments for the development from the federal and state governments.

CHAPTER NO. 237. Utility districts--Citizens Gas Utility District of Scott and Morgan Counties. Amends chapter 225 of the public acts of 1959 to abolish the present governing body of the Citizens Gas Utility District of Scott and Morgan Counties and to substitute therefor an elected board of trustees.

CHAPTER NO. 238. Uniform City Manager-Commission Charter--Compensation of mayor and commissioners. Amends TCA 6-2015 relative to the compensation of the mayor and commissioners under the Uniform City Manager-Commission Charter. Provides generally that the salary of the mayor shall not exceed \$300 per month, and the salary of each other commissioner shall not exceed \$250 per month. In cities which have a population of not less than 1000 according to the federal census of 1970, or any subsequent federal census, the salary of the mayor shall not exceed \$500 per month, and the salary of each other commissioner shall not exceed \$450 per month. No increase in the salaries permitted by this section shall become effective unless approved by a 2/3rds vote of the board of commissioners.

CHAPTER NO. 243. Local boards of education--Legal counsel. Amends TCA 49-215 to provide that each local board of education shall have the power to employ legal counsel to advise or represent the board. This provision shall not apply to boards operating under a county or municipal government employing a county or municipal attorney expressly authorized by statute to advise or represent the board of education, unless such county or municipal attorney shall decline to advise or represent the board or unless he shall request in writing additional counsel to be employed by the board.

CHAPTER NO. 244. Local boards of education--Census of children. TCA 49-1703 requires each local board of education to make a census of children in 1975 and every 10 years thereafter and then provides authority for a waiver of a "quadrennial" census. This act deletes the word "quadrennial."

CHAPTER NO. 245. Vocational education. Amends TCA 49-2709 to delay for one year, until September, 1978, the date set for completion of the comprehensive vocational education system and for a pupil-counselor ratio of 200-1 in vocational schools.

CHAPTER NO. 247. Vocational education--Audit of joint facilities. Amends TCA 49-2709 (d) to provide that the governing body of each such joint facility which exists separately from any other local school system shall cause an annual audit to be made of the books and records of the facility, to order and pay for such audit, and to contract with certified public accountants, public accountants, or the department of audit to make said audit. The comptroller, when he deems it necessary, may require said audit to be conducted by the department of audit, the cost of said audit to be paid by the governing body. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audit is prepared in accordance with generally accepted governmental auditing standards and that such audit meets the minimum standards prescribed by the comptroller. The comptroller shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller are met.

CHAPTER NO. 248. "Educational Cooperation Act"--Amended with respect to audits. Amends TCA 49-433 to provide that the governing body of any such joint or cooperative entity of 2 or more political subdivisions as provided by subsections (b) and (c) of this section, with respect to funds under its control, shall cause an annual audit to be made of the books and records of said organization. It shall be the duty of the governing body to order and pay for such audit, and to contract with certified public accountants, public accountants, or the department of audit to make said audit. The comptroller, when he deems it necessary, may require said audit to be conducted by the department of audit, the cost of said audit to be paid by the governing body. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audit is prepared in accordance

with generally accepted governmental auditing standards and that such audit meets the minimum standards prescribed by the comptroller. The comptroller shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller are met.

CHAPTER NO. 250. State sales tax--
Application to purchases out of state--Recip-
rocal agreements. Amends TCA 67-3002 (c) 1, to provide that "retail sales" or "sale at retail" includes the delivery in this state of tangible personal property by a retailer who has no place of business in this state, if the delivery is made to a consumer in this state or to another person for redelivery to a consumer in this state pursuant to a retail sale made by such retailer to such consumer. Provides further that nothing in this act shall be construed to impose a tax which is invalid either under the commerce clause or the due process clause of the United States Constitution. In addition, the department of revenue may enter into a reciprocal agreement with the comparable department of another state to furnish records concerning purchases made by citizens of the other state from a dealer in this state where the dealer collects neither a sales or use tax on such sales provided that the other state agrees to furnish the same records to this state and each sale is in excess of \$500. Provided further, all dealers in Tennessee making sales to purchasers in another state where no sales or use tax is collected shall furnish the department copies of all such invoices or suitable substitutes for sales in excess of \$500 with their monthly returns provided that the department notifies such dealers of the existence of a reciprocal agreement.

CHAPTER NO. 255. Property taxes--Exemption
for exempt organizations during construction of
improvements. Amends TCA 67-513 to provide that in the case of property that is owned by any religious, charitable, scientific, or educational institution and on which such institution constructs improvements to be occupied and used by such institution or its officers purely and exclusively

for carrying out thereupon one or more of the purposes for which said institution was created or exists, the property to the extent of the value of the improvements constructed thereon for said purposes shall be considered to be occupied and used by the institution or its officers purely and exclusively for the institution's purposes from and after, but not before, the commencement of the construction of the improvements and to the extent of such value shall be exempt from taxation; provided, however, that if the improvements upon completion are not so occupied and used, then no part of the value of the property shall be exempt from taxation during the construction of the improvements. If upon completion of the improvements a portion thereof is not so used and occupied, such portion shall not be exempt from taxation during construction.

If the improvements upon completion are not occupied and used by such institution or its officers for a period of 10 years, purely and exclusively for carrying out thereupon one or more of the purposes for which such institution was created or exists, the institution shall be liable for the full amount of property taxes that would otherwise have been due and payable during the period of construction, plus penalties and interest as provided in this title. It is further provided that construction begun, and having the effect of activating the provisions of this section, shall be completed within 5 years or the effect of this section shall be null and void.

CHAPTER NO. 256. "Agricultural, Forest, and Open Space Land Act of 1976"--Amended. Amends TCA 67-653 to expand the definition of "agricultural land." Provides that "agricultural land" means also 2 tracts of land including woodlands and wastelands, one of which is greater than 25 acres and one of which is not less than 10 acres nor more than 25 acres and such tracts may not be contiguous but shall constitute a farm-unit being held and used for the production or growing of agricultural products.

CHAPTER NO. 261. Utility districts--Terms of commissioners in Sullivan County. Amends TCA 6-2614 relative to utility districts to provide that in "districts serving any county having a population according to the 1970 Federal Census or any subsequent Federal Census, of not less than 100,000

nor more than 180,000, the board of commissioners shall serve two (2) year terms. These terms shall be staggered by appointing two (2) commissioners in one year and by appointing one (1) commissioner, who shall serve as chairman, in the next year; provided, however, that upon the first vacancy after the effective date of this Act, one (1) commissioner shall be appointed for a one (1) year term if necessary to implement the terms of office herein. The board of commissioners shall be appointed by the quarterly court of the county served by such district. This subsection shall not apply to districts serving counties having a metropolitan form of government."

CHAPTER NO. 262. Property taxes--Basis of evaluation of personal property for. Amends TCA 67-606 to provide that all farm personal property and also all household and kitchen furniture, tableware, musical instruments, wearing apparel, private passenger motor vehicles, jewelry, and other personal property of similar character used in the taxpayer's own household, together with all intangible property, including bank accounts, of the taxpayer, may be assumed prima facie by the assessor of property to be of a value not in excess of \$7,500 per individual and \$15,000 for jointly owned property held by husband and wife in the absence of any tax return or schedule to the contrary.

CHAPTER NO. 267. Regional planning commissions--Powers. Amends TCA 13-302 to provide that: "Notwithstanding the provisions of any rule or law to the contrary, where a conveyance between owners of adjoining parcels of land would result in the creation of substandard lots and require a survey for purposes of standardizing such lots, the regional planning commission may by order combine any such lots under one owner into a standard lot without the need for a survey, upon the written request of either party to the conveyance."

CHAPTER NO. 268. State sales tax--Exemption of pharmaceutical samples. Amends TCA 67-3012 by adding the following new paragraph: "There shall also be exempt from the sales and use tax samples produced by a pharmaceutical plant within the state for

future distribution outside of the state or temporarily stored by such pharmaceutical plant within the state for future distribution outside of the state."

CHAPTER NO. 271. Bond anticipation notes. Amends TCA title 5, chapter 10, and title 6, chapter 16, to provide that the resolution authorizing bond anticipation notes shall not be effective until the initial resolution authorizing the issuance of the bonds, if required, shall have been adopted and published and no petition protesting the issuance of such bonds shall have been filed as permitted by law.

Also provides that bond anticipation notes issued in anticipation of the issuance of bonds secured by and payable solely from revenues of a public works project may be secured by revenues from such public works project and when the bonds shall have been issued and sold for a public works project, a sufficient amount of the proceeds thereof shall be applied to the payment or redemption of such bond anticipation notes issued for such public works project then outstanding.

CHAPTER NO. 275. Public service commission jurisdiction over motor carriers--Exemption for demonstration projects. Amends TCA 65-1503 to grant an exemption for certain demonstration projects conducted by the state, municipalities, counties, or metropolitan governments when said demonstration projects are of limited duration and will meet transportation needs in the hauling of passengers.

Exemption formerly applied only for vehicles hauling passengers "to and from their regular places of employment."

CHAPTER NO. 276. Mass transit projects--Law amended. Amends TCA title 13, chapter 17, so as to change the name of the "Area Mass Transit Bureau" to simply the "Mass Transit Bureau." Also broadens the application of the law to "mass transit" projects generally and not just "urban mass transit" projects. Assistance is no longer limited to "capital" projects and any state financial assistance for mass transportation projects undertaken by local governments may now be used to pay up to 50% of the project cost.

CHAPTER NO. 277. Federal funds for airports.

Amends TCA 42-614 to provide that the bureau of aeronautics shall act as agent for each airport authority for the purposes of applying for, receiving, and disbursing federal funds made available pursuant to the provisions of the Airport and Airway Development Act of 1970, 84 Stat. 219, 49 U.S.C. 1970 ed. 1701 et seq., or any amendment thereto, unless an authority owns an airport having a minimum of 25,000 originating enplanements annually on regularly scheduled airline carriers as certified by the federal civil aeronautics board, in which event such an authority may act as principal with respect to any airport owned by it, or may designate the bureau as its agent for the purposes aforesaid. All funds received by the bureau shall be deposited in the state treasury to be kept and disbursed in a manner consistent with federal requirements.

Whenever the bureau acts as agent, it may do so for an individual authority or authorities acting jointly and the applicable provisions of TCA 42-213 (c) shall apply under either circumstance.

CHAPTER NO. 278. School speed zones. Amends TCA 59-852 to provide that counties and municipalities are authorized to establish special speed limits upon any highway or public road of this state within their jurisdiction which is adjacent to school grounds that are devoted primarily to normal school day activity. Such speed limit shall be enacted based on an engineering investigation and shall not be less than 15 miles per hour and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. Provided, however, in any county or municipality where the local legislative body does not establish special speed limits as provided for above, any person who shall drive at a speed exceeding 15 miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 40 minutes before the opening hour of a school or a period of 40 minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

CHAPTER NO. 283. Blind-made products--Purchases by state and political subdivisions required. Amends TCA 14-646 to provide that: "All purchases made by any agency of the state whether or not through the purchasing division of the Department of General Services, or by any county, municipality, or other governing subdivision of the state, or by any public institution shall be made from an agency of the State of Tennessee or a nonprofit workshop for the blind in Tennessee, operating under the approval of the Department of Human Services and the Division of Services for the Blind. This requirement shall not apply if these products are not available within the time period provided in Section 14-647 or in any case where products or services are available for procurement from any agency of this state and procurement therefrom is required under any provisions of any law in effect when this act becomes law."

Amends TCA 14-647 to provide that: "Materials purchased from approved or state-operated workshops for the blind in Tennessee must conform to applicable federal standards and specifications for such products and be priced in accordance with prices provided by such standards. Workshops are to be given sixty (60) days from the date of receipt of the order to fill and deliver the order, in order to allow for procurement of materials and manufacture of the goods."

CHAPTER NO. 289. "The Tennessee Education Finance Act of 1977." This comprehensive new act repeals TCA 49-602A, 49-602C through 49-602I, and 49-603 through 49-609, and establishes a procedure for the funding of education for the public schools, grades kindergarten through 12, except for student transportation. The amount of funding allocated to each local school board shall be determined in accordance with this act for all programs notwithstanding any other provision of the law to the contrary.

CHAPTER NO. 290. Funding of student transportation. Repeals TCA 49-602B and provides for funding the operation and maintenance of student transportation services for public education in grades kindergarten through 12.

CHAPTER NO. 292. Authority to deposit cash or check in lieu of bond. Provides that, notwithstanding any provision of the law to the contrary, any person who is required to deposit a bond for any reason by this state or any political subdivision of this state may deposit an amount of cash or a certified or cashier's check equal to the amount of the required bond in lieu of such bond. Nothing in this law shall effect the existing law applying to criminal appearance bonds in criminal cases.

CHAPTER NO. 297. County board of health--Municipal members. Amends TCA 53-301 to provide that in counties having populations of not less than 62,500 nor more than 63,000, according to the federal census of 1970 (Montgomery County), or any subsequent federal census in which a joint health department is operated in cooperation with one or more municipalities, 3 additional members may be elected to the board by the quarterly county court of any such county for like terms and clothed with the same powers and duties as the other members of the board. If the quarterly county court elects to name such 3 additional members to the board, 1 member shall be the mayor of the largest participating municipality and the 2 remaining additional members shall be prominent citizens of the participating municipality or municipalities.

CHAPTER NO. 299. Gas acquisition corporations authorized. Authorizes the incorporation, in the several municipalities of this state, of public corporations to finance, acquire, own, operate, lease, and dispose of rights, titles, and interests of every kind and nature in natural gas properties located within or outside of the state, including gas in reservoirs or in storage, and including facilities of every kind and nature, both real and personal, for the drilling of wells, extraction of liquids, and transportation of gas and liquids. Authorizes contracts for the purchase of supplies of natural gas or any substitute therefor, including synthetic natural gas, liquefied natural gas, coal gas, or other substance useable in lieu of natural gas, from any supplier located inside or out of the

state. Vests such corporations with powers to enable them to accomplish such purposes, including the power to issue bonds and notes and the power to condemn property for the purposes of the corporation.

CHAPTER NO. 300. Uniform city manager-commission charter--Amended. Amends TCA 6-1801 to provide that whenever the "county election commission" is referred to in chapters 18 through 23 of title 6, it means the county election commission of the county in which the territory proposed to be incorporated or the municipality is situated. If the territory proposed to be incorporated or the municipality includes parts of 2 or more counties, it means the county election commission in each of such counties and they shall act jointly in performing the functions required of county election commissions in chapters 18 through 23 of title 6.

CHAPTER NO. 303. "Tennessee Energy Act." This comprehensive new act creates the Tennessee Energy Authority, provides for its organization, duties, powers, funding, and responsibility, and amends TCA title 7, chapter 6, relative to energy emergencies.

CHAPTER NO. 305. Operation of boats by persons under 12. Provides that it shall be unlawful for any person under 12 years of age to operate any vessel propelled by machinery upon the waters of Tennessee unless said person is under the direct supervision of an adult; provided, however, such prohibition shall not apply to any vessel having an outboard motor of less than $8\frac{1}{2}$ horsepower.

For the purpose of this act, "direct supervision" is defined as being in such proximity with the operator as to be able to take immediate control of the vessel.

Such supervising adult shall be jointly liable with the owner of a vessel as provided in TCA 70-2220.

CHAPTER NO. 306. Elections--Emergency absentee ballot procedures. Amends TCA title 2, chapter 6, to provide a procedure for absentee voting by persons hospitalized on an emergency basis after the deadline for requesting absentee ballots.

CHAPTER NO. 313. Business tax act--Amended.
Amends TCA 67-5805 to exempt from the business tax sales of prescription eye-wear dispensed by a licensed ophthalmologist or optometrist.

CHAPTER NO. 314. Business tax act--Amended.
Amends TCA 67-5807 and 67-5808 relative to the due dates and delinquency dates for the business tax.

TCA 67-5807 now provides new due dates for state taxes and provides that for the purpose of ascertaining the amount of tax payable under this chapter to counties and cities it shall be the duty of all such persons taxable under this chapter to transmit to the county court clerk, in the case of taxes owed to the county, and to the city official designated as the collector of such tax by city charter or ordinance, in the case of taxes owed to a municipality, on or before February 28, for the persons taxable under classification 1; on or before May 30, for persons taxable under classification 2; on or before August 31, for persons taxable under classification 3; on or before November 30, for persons taxable under classification 4; upon the form prescribed, prepared and furnished by the tax collecting officials showing the gross amount of sales tax owed to the state for the period covered by such return, the amount of deductions claimed for sales tax purposes, and the total gross sales of the business for the period of time covered by such return. In the case of contractors, the total compensation contracted for shall be shown.

TCA 67-5808 now prescribes the following new delinquency dates:

- (1) On each March 1 for all persons taxable under classification 1.
- (2) On each June 1 for all persons taxable under classification 2.
- (3) On each September 1 for all persons taxable under classification 3.
- (4) On each December 1 for all persons taxable under classification 4.
- (5) On each March 1 for all persons taxable under classification 5.

Act is effective January 1, 1978.

CHAPTER NO. 316. Elections--Miscellaneous dates changed. Amends TCA 2-510, 2-1315, 2-1316, 2-1342, 2-1343, 2-1344, and 2-1345 to change the date for holding the presidential preference primary (changed from 4th to 1st Tuesday in May), for electing delegates and alternates to national political party conventions (changed from 4th to 1st Tuesday in May), and for holding county primaries (changed from 4th to 1st Tuesday in May), and to change certain deadlines associated with such elections.

CHAPTER NO. 317. Office of program evaluation. Creates an office of program evaluation within the general assembly which shall have, among others, the duty to evaluate programs of local government as directed by resolution of either house of the general assembly or by joint resolution, to furnish to the members of the general assembly reports of its findings, and to assist committees and individual members of the general assembly in the evaluation of state and local government programs. Evaluative reports prepared by the office shall include, but are not limited to evaluations of present programs, evaluation of implementation procedures, and recommendations for changes needed in the program, implementation, funding level, etc.

Effective 30 days after chapter 89 becomes law.

CHAPTER NO. 319. Consolidated retirement system--Former employees. Amends TCA 8-3934 (2) relative to membership in the Tennessee Consolidated Retirement System by former employees of a participating political subdivision.

CHAPTER NO. 321. Business tax act--Amended. Amends TCA 67-5805 to provide that classification 4 includes, among the others listed, "persons receiving compensation from rendering exterminating services, from installing personal property," etc.

CHAPTER NO. 325. State loans for solid waste energy recovery facilities, etc. 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 \$50,000,000 for the purpose of providing state loans to counties, metropolitan governments, and cities for

construction of solid waste energy recovery facilities and/or solid waste resource recovery facilities, implementing TCA 53-4322 -- 53-4337.

CHAPTER NO. 328. Business tax act--Amended.

Amends TCA 67-5806, of the business tax act, to provide that in the case of an antique mall or flea market operated as a public facility for such particular purpose from which business is carried on by two or more retailers of tangible personal property of the kind which includes that set forth in classification 3 (c) of TCA 67-5805, the owner, manager, or operator of the facility may elect to register with the county court clerk, pay the minimum tax of \$15.00 and the annual tax payable on the total retail sales of all such retailers located at or within the facility as a lessee, renter, or occupant; and if such election is made and the said taxes are paid by such owner, manager, or operator of the facility the individual retailers therein shall not be required to pay either a minimum tax, or to make any return, or to pay any other tax required by the business tax act; but any tax paid under this provision shall not be transferable to any other facility even though the same person may be the owner, manager, or operator of it. Any such owner, manager, or operator who makes such an election and pays the minimum tax shall be considered a retailer for the purposes of the business tax act and shall be liable to pay a tax under the appropriate classification and on the basis of all the retail sales of the said lessees, renters, or occupants.

In case of flea markets, craft shows, antique shows, gun shows, and auto shows, held in counties with a population of more than 250,000 according to the 1970 federal census of population or any subsequent census of population, the promoter shall be required to obtain a minimum business license and shall collect and submit to local tax officials a \$1.00 fee per day per booth from each exhibitor in the show otherwise subject to the provisions of the business tax act. This provision shall not apply to those exhibitors already in possession of a valid business license for the operation of business at the promotion location nor to those

promotions conducted by nonprofit associations, corporations or organizations. Such fee shall be in lieu of any business tax otherwise provided for by law and all such fees collected by the promoter shall be submitted to local tax officials, along with such supporting documents as the tax collector may require, within 72 hours after the closing of the show.

CHAPTER NO. 330. Employment security law--Amended. Amends TCA title 50 chapter 13, the "Tennessee Employment Security Law," relative to the definition of "employer," "employment," "state," and "wages." Also amends the table of benefits and makes numerous other changes.

CHAPTER NO. 331. Consolidated retirement system--Unused sick leave. Amends TCA 8-3904 to provide creditable service for unused accumulated sick leave upon retirement of general employees of political subdivisions.

CHAPTER NO. 334. "Cable Television Act of 1977." Provides for the regulation and franchising of cable television companies by cities and counties; requires payment of damages by cable television companies for damages to private property; prohibits unauthorized use of cable television company facilities, etc.

CHAPTER NO. 337. Taxation of tangible personal property. Amends TCA 67-616 to provide that, for purposes of taxation, all tangible personal property other than public utility property and industrial and commercial property has no value.

CHAPTER NO. 339. Workmen's compensation law--Amended. Amends TCA title 50, chapters 9 and 11, relative to the workmen's compensation law to provide full coverage of occupational diseases.

CHAPTER NO. 340. Mandatory child abuse reports--Law amended. Amends TCA title 37, chapter 12, to require reports from all institutions responsible for the care or treatment of children suffering from brutality, abuse, or neglect. Requires the state department of human services to provide certain additional protective services; provides a cause of action for persons who

report child abuse cases and consequently suffer a detrimental change in employment status; and provides for a state multidisciplinary advisory team to be known as the child abuse review team.

CHAPTER NO. 344. Uniform city manager-commission charter--Amended. Amends TCA 6-1901 (19) to provide that every city incorporated under TCA title 6, chapters 18--23, shall have power by ordinance to collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or to license and regulate such collection and disposal, and the cost of such collection regulation or disposal may be funded by taxation or special assessment to the property owner.

CHAPTER NO. 345. Business tax act--Exemptions. Amends TCA 67-5812 of the business tax act to provide that the tax shall not apply to any institution operated for religious or charitable purposes with respect to any profits which are earned from the sale of items contributed to the institution or articles produced by the institution from such contributed items.

CHAPTER NO. 346. Uniform city manager-commission charter--Incorporations validated. The creation of all cities heretofore incorporated, or attempted to be incorporated, pursuant to the provisions of the uniform city manager-commission charter form of government, TCA title 6, chapters 18--23, where an election was held on the proposition of adopting said charter and a majority of the voters voting at such election voted in favor of incorporating under the provisions of said charter, is hereby ratified, validated, and confirmed, irrespective of any failure of any such city to comply with all requirements of law with respect to the holding of such election; provided, however, that this act shall apply only to cities heretofore organized which have, subsequent to such organization, been generally recognized and accepted as operating corporations.

CHAPTER NO. 349. High school guidance counselors--Travel expenses. Amends TCA 49-1313 to provide that where a high school guidance counselor is required to serve more than 1 school, such guidance counselor

shall, in addition to regular salary, be reimbursed at the rate of 15¢ per mile for the expense of traveling between schools; provided, however, that the provisions of this sentence shall apply only to counties with a population, according to the 1970 federal census, or any subsequent federal census, of not more than 23,300 nor less than 23,600 (Monroe).

CHAPTER NO. 354. Workmen's compensation law--Amended. Amends TCA 50-1005, 50-1007, 50-1008, 50-1010, 50-1011, and 50-1013, of the workmen's compensation law, to increase the maximum amount of weekly compensation payable from \$85 to \$100 and the maximum total amount of compensation payable from \$34,000 to \$40,000.

CHAPTER NO. 360. Housing rehabilitation corporation--Law amended. Amends TCA title 13, chapter 22, the housing rehabilitation corporation law, relative to the definition of a "mortgage" or "insurable mortgage"; qualifications of housing for mortgage insurance; termination of the corporation and payment of claims against it; and establishment of a "home repair loan insurance account."

CHAPTER NO. 364. Sick leave--Transfer between local board of education and state. Amends TCA 8-4101 (sick leave--state employees) and 49-1314 (sick leave--teachers) to allow sick leave accrued under these respective sections to be transferred from one to the other.

CHAPTER NO. 366. "The Water Quality Control Act." This comprehensive new act completely rewrites "The Water Quality Control Act of 1971." The purpose of this law is to abate existing pollution of the waters of Tennessee, to reclaim polluted waters, to prevent the future pollution of the waters, and to plan for the future use of the waters so that the water resources of Tennessee might be used and enjoyed to the fullest extent consistent with the maintenance of unpolluted waters.

Moreover, an additional purpose of this law is to enable the state to qualify for full participation in the National Pollutant Discharge Elimination System established under Section 402 of the Federal Water Pollution Control Act, Public Law 92-500.

Unless such National Pollutant Discharge Elimination System permitting authority shall be granted to the State of Tennessee no later than December 31, 1977, the provisions of TCA 70-324 -- 70-342 shall revert to the exact same wording as existed prior to adoption of this act.

CHAPTER NO. 376. Teachers--Retirement. Amends TCA 8-3904 to provide that any teacher who retired from the Tennessee Teachers' Retirement System prior to July 1, 1965, and who has at least 6 years of teaching service prior to July 1, 1945, and who has attained age 78, and who is not receiving nor eligible to receive a retirement allowance or pension on account of such service, may claim such service without charge upon proper documentation. The previous employer shall certify to the division of retirement that the period of prior service for which credit is being sought actually was rendered and is substantiated by records of his agency compiled during the course of such prior employment and not from records compiled solely for purposes of establishing retirement credit. Any increase in monthly retirement allowance shall not be paid retroactively but shall become effective the next month following the establishment of the service.

Any teacher eligible to claim such prior teaching service must make application within 30 days of the effective date of this act.

No provision of law to the contrary withstanding, the lump sum accrued cost incurred as a result of this act shall not exceed the sum of \$3,900.

CHAPTER NO. 384. "Tennessee Industrial Development Authority Act of 1972"--Amended. Amends TCA title 13, chapter 16, relative to the definition of an "under-developed area," guarantee of loans, standards for judging loan applications, equity capital loans to small business investment companies, use of guaranty fees, etc.

CHAPTER NO. 391. Bail bonds in criminal cases--
Use of driver's license in lieu of. Amends TCA 40-1214 to provide that "where bail in the case of any misdemeanor other than those which call for revocation or suspension of a driver's license or where theft or assault is an element of the crime, is set at two hundred fifty dollars (\$250.00) or less, the defendant may deposit his valid Tennessee operator's or chauffeur's license in lieu of bail, in accordance with the requirements and procedure set forth in Section 59-730."

CHAPTER NO. 400. Consolidated retirement system--
Amended. Amends TCA title 8, chapter 39, consolidated retirement system, relative to part-time employees, creditable service, optional retirement allowances, retirement system's board of trustees, etc.

CHAPTER NO. 404. State prisoners--Payment to city
or county for keeping. Amends miscellaneous TCA sections, including, 41-1143, relative to the keeping of state prisoners. TCA 41-1143 provides that whenever the chief executive officer of any county penal farm certifies on or before the tenth day of each month, to the judicial cost accountant, the state prisoners kept in the institution and the number of days each was kept therein during the preceding month, the judicial cost accountant shall cause to be paid to the county the daily jailers' fees for such county as fixed by provisions of TCA 8-2507. This act provides that "county penal farm" shall be construed to include city jails in those municipalities which have concurrent jurisdiction with general sessions courts over state misdemeanors and the municipality shall be compensated in the same manner and conditions as counties are compensated.

CHAPTER NO. 405. Minors--Unlawful to use as models
for sex films, etc. Provides that it shall be a felony, punishable by imprisonment for not less than 3 years nor more than 21 years and a fine of not more than \$10,000, for any person to knowingly promote, employ, solicit, entice, use, or permit a minor to engage in or assist others to engage in: (1) posing or modeling alone or with others in any performance of sexual conduct for purposes of preparing a film, photograph, negative, slide, motion picture, or other matter which is obscene;

(2) sexual conduct by the minor alone or with other persons or animals; or (3) promoting any matter which depicts any minor posing alone or with others in any sexual performance which is obscene.

CHAPTER NO. 406. "Contractor's Licensing Act of 1976"--Amended. Amends TCA 62-602, 62-612, 62-615, 62-617, and 62-619 relative to the licensing of general contractors; definition of "contractor"; application and examination for license; fees; issuance of license; recording of license; renewal of license; etc.

Certain provisions as to examination not effective until January 1, 1978.

CHAPTER NO. 407. Impersonation of police officer. Amends TCA 39-1503 to provide that it shall be a misdemeanor for any person falsely to assume to be a municipal police officer, etc.

CHAPTER NO. 409. "Tennessee Community Gardening Act of 1977." Provides for the use of available public land for the purpose of gardening and establishes procedures for obtaining gardening permits. Priority is given to elderly persons of low income, families of low income, and children. Any county or city may participate in the program by providing the county agent with a list of its available properties.

CHAPTER NO. 417. Workmen's compensation law--Amended. Amends TCA 50-1004 to remove the 3-year time limit on medical benefits under the workmen's compensation law.

CHAPTER NO. 420. Driving under the influence. Amends TCA 59-1021, the statute prohibiting intoxicated or drugged persons from driving, to extend its application to the "premises of any shopping center or any apartment house complex which is generally frequented by the public at large."

CHAPTER NO. 421. Property taxes--Exemptions. Amends TCA 67-513 to exempt from property taxation the real or personal property owned by any religious, charitable, scientific, or educational institution or its officers purely and exclusively for carrying

out thereupon one or more of the purposes for which such institution was created or exists, and to define responsibilities of county tax assessors.

CHAPTER NO. 428. Motorized bicycles. Amends TCA 59-801 to provide special regulations applicable only to "motorized bicycles" as distinguished from "motor vehicles," "motorcycles," and "motor-driven cycles."

CHAPTER NO. 429. "Tennessee Public Building Accessibility Act"--Amended. Amends TCA 53-2547 to provide that the minimum specifications for new buildings to be accessible to handicapped, except as provided in TCA 53-2548, shall be those prescribed in "the 1976 edition of An Illustrated Handbook of the Handicapped Section of the North Carolina State Building Code." The state fire marshall is directed to obtain such handbook, reprint copies thereof, and make such copies available to all local building inspectors, architects, engineers and any other person interested in such handbook at a price not to exceed the actual cost of reprinting such handbooks.

CHAPTER NO. 434. State bonds for bridges. 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 \$70,000,000 and provides the details of such issuance.

The proceeds of the bonds are to be used for bridges over the Cumberland River at Bordeaux, the Cumberland River at Hartsville, the Tennessee River at South Pittsburg, the Tennessee River at Knoxville, the Tennessee River at Chattanooga, the Tennessee River at Savannah, and the Piney Creek at the Cumberland and Roane County line.

CHAPTER NO. 438. "Tennessee Consumer Protection Act of 1977." The stated purpose of this act is to protect consumers from unfair or deceptive acts or practices in trade or commerce. It defines the functions, powers, and duties of the consumer affairs division of the department of agriculture; defines the powers and duties of the attorney general and the district attorneys general in enforcing the provisions of the Act; creates a consumer advisory board; creates

private rights of action under the act; and provides for other appropriate civil penalties and other remedies.

Effective 90 days after becoming law.

CHAPTER NO. 440. State highway bonds authorized. 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 \$14,000,000 and provides the details of such issuance. The proceeds are to be used as follows:

(1) \$8,000,000 for the purpose of matching federal interstate construction funds and the construction of the interstate highway system.

(2) \$6,000,000 for the purpose of matching federal Appalachian Highway funds and the construction of the Appalachian Highway System.

CHAPTER NO. 445. Liquor by the drink--Law amended. Amends TCA 57-164 to authorize referendums now in counties of over 60,000 population (formerly 235,000) and in municipalities of over 20,000 which are located in counties of over 60,000 (formerly 235,000) population.

CHAPTER NO. 446. "The Tennessee Financial Responsibility Law of 1977." This comprehensive new act replaces TCA title 59, chapter 12, to provide for the filing of accident reports, the posting of security and proof of insurance, the revocation or suspension of driver's license and motor vehicle registration for failure to comply, and the right to a hearing regarding suspension or revocation.

Effective January 1, 1978.

CHAPTER NO. 448. Consolidated retirement system--Law amended. Amends TCA 8-3910, 8-3911, and 8-3914 relative to disability retirement under the Tennessee Consolidated Retirement System.

CHAPTER NO. 451. City incorporations validated. Validates and ratifies the creation of all cities and towns that may have defective corporate existence resulting from a failure to comply with all

requirements of law providing for incorporation; validates all official acts heretofore performed by such cities and towns, including the issuance of bonds and the levying of taxes; and confirms the powers and duties of such cities and towns.

CHAPTER NO. 452. "Tennessee Governmental Entity Review Law." Provides for periodic review of numerous state departments, boards, commissions, and agencies and provides for their termination, continuation, or restructure as appropriate.

CHAPTER NO. 453. Metropolitan government enabling act--Amended. Amends TCA 6-3701 (e) to provide that the "county governing body" shall mean that body in a particular county which is vested with the power to levy property taxes.

CHAPTER NO. 454. Beer--Revocation of permits. Amends TCA 57-209 to provide that when a beer board revokes a beer permit a judge of any court of record shall have the authority to supersede, or enjoin such revocation order for good cause shown. No judge shall have the authority to grant any such extraordinary writ except the judge of a court of record to which the petition of certiorari is addressed.

In the event a final judgment is entered by the trial court superseding the revocation order, and the cause is appealed by the beer board to the supreme court, the final judgment of the trial court shall remain in force until the decision of the supreme court.

CHAPTER NO. 455. Teachers--Abolition of teacher's position. Amends TCA 49-1306 to provide that nothing in this section shall prohibit a board from abolishing a teacher's position at any time for sufficient, just, and nondiscriminatory reasons provided the person holding such position shall be notified immediately in writing stating the reasons for abolishing the position and said person shall be entitled to the next position, for which he/she is certified to hold, which opens within the school system during the remainder of the school year.

CHAPTER NO. 458. General appropriations bill.
This comprehensive act, containing 59 sections, makes appropriations for the purpose of defraying the expenses of the state government for the fiscal year beginning July 1, 1977, with certain exceptions.

CHAPTER NO. 459. Police officers--Income supplements. Provides that TCA 38-1113 is repealed to the extent that no funds shall be expended under the provisions of the section unless such funds are specifically appropriated in the general appropriations act for the fiscal year 1976-77, and subsequent fiscal years, for the purpose set forth in the section.

CHAPTER NO. 461. Intoxicating liquor--Law amended. Amends TCA 57-117 to provide that if the premises with respect to which a liquor license is sought is owned by a person, firm, or corporation not the applicant, the application shall include the name and address of the owner. If the ownership of the premises should change after a license is granted, the licensee shall, within 10 days after becoming aware of such change in ownership, notify the alcoholic beverage commission in writing of the name and address of the new owner.

Amends TCA 57-127 to provide that if a revocation of a license is being contemplated with respect to a liquor retailer on premises owned by a person, firm, or corporation not the licensee, a copy of the notice sent to the licensee shall also be sent to the owner at the address on record with the commission.

Amends TCA 57-128 to provide that if the premises are owned by a person, firm, or corporation not the licensee, the commission may, in its discretion, waive the provision of the preceding paragraph or reduce the time within which no new license may be granted with respect to the same premises. (Preceding paragraph of TCA 57-128 provides that no new permit may be issued for the premises for 1 year after a revocation.)

CHAPTER NO. 462. Vandalism. Creates a new chapter, entitled "Vandalism," in TCA title 39. Moves TCA 39-4504, 39-4513, 39-4505, and 39-1214 to this new chapter and adds sections on "criminal trespass" and "malicious mischief." Provides a penalty for violations.

CHAPTER NO. 464. State law requiring driver's license--Adoption by reference by city. Amends TCA 59-1028 to authorize any incorporated municipality to adopt by reference the provisions of TCA 59-704 relative to the requirements for a state operator's or chauffeur's license.

Provides, however, that all fines, penalties, and forfeitures of bonds imposed or collected under the terms of TCA 59-704 shall be paid over to the appropriate state agency as provided in TCA 59-718.

CHAPTER NO. 465. Firemen--Bonus supplements for. Amends TCA title 4, chapter 24, to provide that the provisions of TCA 4-2410 -- 4-2415, inclusive, do not constitute an appropriation of funds, and commencing with the fiscal year beginning July 1, 1977, no funds shall be expended under the provisions of said sections unless such funds are specifically appropriated in the general appropriations bill pursuant to TCA 9-601 -- 9-612, or a specific amendment or supplement thereto.

CHAPTER NO. 468. State sewer user fee--Metro. Amends TCA 53-2024 to delete the provision that the state sewer user fee in any county having a metropolitan form of government "shall not exceed a fee of ten per cent (10%) of the sewer charge or fee."

CHAPTER NO. 470. Certain traffic offenses made state offenses exclusively. Amends TCA 59-1028 to add a provision that the offenses enumerated below "are state offenses and any person arrested for violation of any such offense shall be tried for violation of state law in state courts or in courts having state jurisdiction in which such jurisdiction shall be exclusive. Any existing ordinance presently regulating any of the enumerated offenses and any such ordinance enacted after the effective date of this Act is hereby declared to be void and of no effect.

The enumerated offenses are as follows:

- (1) Driving while intoxicated or drugged,

as prohibited by Section 59-1031;

(2) Failing to stop after a traffic accident, as prohibited by Section 50-1001, et seq.;

(3) Driving while license suspended or revoked, as prohibited by Section 59-716;

(4) Drag racing, as defined and prohibited by Section 59-1040."

TCA 59-1024 is amended to provide that the fine, penalties, and forfeiture of bonds imposed or collected under TCA 59-1031 (DWI) shall be paid to the jurisdiction which initiated the arrest, provided that such collections which are initiated by state officers shall be retained and deposited in the general funds of the county wherein the case is tried.

CHAPTER NO. 471. Airports. Amends TCA 42-242, in the "State Aeronautics Commission Act," to change the dimensions of the area within which structures may be erected, added to in height, or replaced around airports where there is no local airport zoning ordinance or resolution.

Amends TCA 42-302, in the "Municipal Airport Act," and TCA 42-602, in the "Airport Authorities Act," to change the definition of an "avigation easement."

CHAPTER NO. 475. Governmental study and re-organization commission. Creates a 10 member commission, to serve until January 1981, to study and evaluate the structure and operation of state government, including the executive, legislative, and judicial branches; to review, study, and evaluate the structure and operation of political subdivisions of state government with emphasis on the relationships and responsibilities of and between state government and the political subdivisions thereof; and to formulate findings, conclusions, and recommendations pertaining thereto and to report same.

CHAPTER NO. 478. Hotels and motels--Misleading advertising. Amends TCA 62-701 to provide a new subsection and to provide that this subsection shall apply to hotels, motels, or other places of public

accomodation, as defined in TCA 62-707, and herein-after referred to as "hotels." No person shall display, or cause to be displayed any sign on the premises which includes, in dollars and cents, a statement of the rates charged at a hotel unless 25% of all rooms in said facility are available at the quoted or advertised rate at all times such sign is posted. Any violation of this subsection is a misdemeanor.

CHAPTER NO. 479. South Central Tennessee Railroad Authority. Creates the South Central Tennessee Railroad Authority in the counties of Dickson, Hickman, Lewis, Perry, and Wayne. This authority is intended to secure economic benefits to the above counties and to the the cities of Centerville, Dickson, Hohenwald, Linden, and Waynesboro by providing for the continuation of railroad services in Dickson, Hickman, and Lewis counties. Within the region of the authority, it may acquire, construct, operate, maintain, and dispose of railroad facilities, properties, and equipment, and may, in addition to continuing the above-mentioned railroad service, provide any other rail service in the region as it is needed and feasible.

This Act shall take effect when 3 or more of the counties of Dickson, Hickman, Lewis, Perry, and Wayne and the cities of Dickson, Centerville, Hohenwald, Linden, and Waynesboro are authorized by a vote of 2/3rds of their respective governing bodies to become members of the authority; evidence of such authorization is proclaimed and countersigned by the presiding officer of each ratifying county and city and certified by him to the secretary of state; and the governing bodies of all governments voting to become members of the authority have indicated their willingness to appropriate sufficient funds to provide for the initial administration of the authority.

CHAPTER NO. 480. Elections. Amends TCA 2-508, 2-511, 2-806, 2-813 -- 2-815, 2-1309, and 2-1315, relative to the functions and proceedings of the state and county primary boards, state party executive committees, and the coordinator of elections.

CHAPTER NO. 481. Metropolitan government enabling act--Amended. Amends TCA 6-3704, relative to metropolitan government charter commissions, to change the

method and prescribe the time for selecting charter commissioners and the procedure for creating charter commissions.

CHAPTER NO. 482. Child abuse. Provides for protection of children from abuse and neglect; provides procedures and standards for such protection, including termination of parental rights; and amends TCA 14-110, 37-202, 37-203, 37-213, 37-229, 37-230, 37-236, 37-246, 37-249, 37-1205, 37-1206, 33-306, and 40-1705.

CHAPTER NO. 483. "Tennessee Housing Development Agency Act"--Amended. Amends TCA title 13, chapter 23, relative to state officer members of the agency designating staff members to represent them in meetings; absence of appointed members resulting in vacancies; quorum; votes required for action; eligibility for insured mortgage loans; construction loans; bonds and notes; remedies of bond holders; annual reports; etc.

CHAPTER NO. 484. "Tennessee Housing Development Agency Act"--Amended. Amends TCA 13-2321 to increase from \$150,000,000 to \$278,000,000 the aggregate amount of bonds and notes authorized to be outstanding at any one time.

Amends TCA 13-2319 to increase from \$10,000,000 to \$20,000,000 the amount of fund notes that may be outstanding at any one time.

CHAPTER NO. 486. County public records commission. Amends TCA title 15, chapter 5, relative to the county public records commission, to require such a commission in every county, to provide for new records manuals, and to modify procedures in regard to record destruction.

CHAPTER NO. 487. State sales tax--Exemptions. Amends TCA 67-3012, relating to miscellaneous property exempt from the state sales tax, to include in the exemption shoppers advertisers using newsprint distributed in Tennessee or within a 25 mile radius thereof at regular intervals and provided without charge to the shopper.

CHAPTER NO. 489. Utility district boards--Ouster of members. Amends TCA 6-2614 to provide a procedure for ousting water utility district boards or individual members thereof by referendum. Exempts numerous counties by population classification.

CHAPTER NO. 491. Metropolitan governments--Authorized to impose seat tax. Authorizes any metropolitan government to levy a tax upon the privilege of attending any event at the municipal stadium, such tax to be used to defray the cost of operating and maintaining the stadium. Requires local approval by 2/3rds vote of the local legislative body.

CHAPTER NO. 493. Escape or attempt to escape from city jail. Amends TCA 39-3807 to provide that if any person confined in a county workhouse or jail or city jail or municipal detention facility upon any charge of or conviction of a criminal offense constituting a felony shall escape or attempt to escape therefrom, he shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than 1 year nor more than 5 years. If any person confined in the county workhouse or jail or city jail or municipal detention facility upon any charge of or conviction for criminal offense other than a felony, or otherwise lawfully so confined, shall escape or attempt to escape therefrom, he shall be guilty of a misdemeanor. Any term of imprisonment imposed upon any person convicted under this section shall begin at the expiration of his escape or attempt to escape.

CHAPTER NO. 495. Utility districts--Issuance of bonds. Amends TCA 6-2619 to provide that no bonds shall be issued by a utility district until the bond resolution and a detailed financial statement is submitted to the director of local finance for review. Also requires that the director of local finance's report shall be published by the utility district in a newspaper of general circulation in the district. Exempts numerous counties by population classification.

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