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A SUMMARY

TENNESSEE PUBLIC ACTS, 1951, OF INTEREST TO MUNICIPALITIES

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(Porter C.) Greenwood

Introduction

The 1951 General Assembly recently passed several public acts of general interest to Tennessee cities. Since there will be some delay before these acts are available for general distribution, MTAS has reviewed all general legislation passed during the last session and has prepared this summary for city officials. Certain cities may wish to make preliminary plans or take action now under the provisions of the new legislation.

However, cities should not attempt to carry out any provisions of the new legislation without having a complete copy of the act to use as a guide. Copies of these acts may be requested from the Secretary of State, Nashville, Tennessee. MTAS, upon request, will be glad to assist city officials in the application of the new laws.

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Tennessee

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PUBLIC CHAPTER NUMBER 16

Validates all bonds and notes issued by any county, city, town, or utility district prior to the effective date of the act. It further provides that the levy of taxes or the pledge of revenue in connection with such bonds is legalized or authorized. The act also provides that no suit shall be instituted questioning the validity of such bonds or notes.

PUBLIC CHAPTER NUMBER 32

Provides that persons selling home grown flowers from locations other than a greenhouse or a regular place of business shall not be subject to paying a privilege tax.

PUBLIC CHAPTER NUMBER 37

Authorizes counties and cities to levy a tax upon retail sale of beer. The tax, not to exceed ten per cent of retail price, is collected from purchasers by the retailer. A county and one or more municipalities may cooperate in joint administration of the tax. Additional taxes or inspection fees on the retail sale of beer are prohibited. An administrative guide for the adoption of this tax prepared by MTAS has been forwarded to all cities.

PUBLIC CHAPTER NUMBER 41

Provides for the amendment of Chapter 183 of the Public Acts of 1945 so as to authorize the sale of bonds for the acquisition of gas and natural gas systems. A sentence is also added to the act which provides that bonds issued pursuant to the act and income therefrom shall be exempt from all state, county, and municipal taxation except inheritance, transfer, and estate taxes.

PUBLIC CHAPTER NUMBER 43

Amends Chapter 254 of the Public Acts of 1937, which is an act regulating the inspection of hotels and restaurants. Section 8 of this act amends section 24 of Chapter 254, 1937, by adding the following sentence: "In any instances where there is an inconsistency as between the requirements of the Division and those of the local County or City, Health Officer, such inconsistency is to be arbitrated by a three man Board consisting of the Director, the local Health Officer concerned, and the third member to be chosen by these two."

PUBLIC CHAPTER NUMBER 55

Provides that any contractor or subcontractor paying the tax under item 27 of Chapter 108, Public Acts of 1937, (the Revenue Act), as to materials, equipment, or appliances installed by said contractor or subcontractor under agreement shall not be subject to attacks on the same materials, equipment, or appliances under items 35 and 88 of said Revenue Act of 1937.

PUBLIC CHAPTER NUMBER 60

Provides for an increase of $2\frac{1}{2}$ mills on each cigarette sold, the proceeds to become a part of the general state school fund.

PUBLIC CHAPTER NUMBER 61

Provides that no owner or operator of a school bus used to transport children to or from school shall be liable for any privilege tax, other than registration fees for such bus, for transporting school children to or from any activity during the normal school term sponsored by or participated in by any public school or the students thereof.

PUBLIC CHAPTER NUMBER 63

Has to do with the payment of poll tax as a prerequisite to voting. Article 4, section 1 of the Constitution of Tennessee provides that a person offering to vote must furnish satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the legislature shall prescribe, and at such time as may be prescribed by law, without which his vote cannot be received. Public Chapter Number 63 amends section 2027 of the Code to provide that as a condition precedent to the exercise of voting a person must furnish to the judges of election satisfactory evidence that he has paid the poll tax, if any, assessed against him for the year 1871 so that in effect the poll tax requirement as a prerequisite for voting is abolished.

PUBLIC CHAPTER NUMBER 68

Provides for a tax of three dollars per year on each merchandise vending machine. This is an amendment to Chapter 108, item 60 (c), Public Acts of 1937, (the Revenue Act).

PUBLIC CHAPTER NUMBER 71

Amends Code sections 9985, 9988, 9995, and 1006 to provide that women may serve on juries. However, it is provided that any woman who so desires may refuse to serve.

PUBLIC CHAPTER NUMBER 75

Provides for a permanent registration of voters in all civil districts, wards, and voting precincts in the State of Tennessee. Section 1 of this act has the following provision: "Hereafter each voter shall be permanently registered as herein provided before being allowed to exercise the elective franchise in any election, including municipal elections, and primary elections." Section 2 provides "that voters are entitled to be registered only in the civil district in which they maintain actual or legal residence, except that voters maintaining actual or legal residence within the boundaries of an incorporated city or town which has been divided into wards, shall be entitled to register only within the wards within which they reside, and provided further that in a municipality where non-residents are authorized to vote on account of their ownership of realty inside said municipality, such voter not otherwise qualified to vote in such municipal election may be registered on his said ownership of realty in the same manner as if he maintained actual or legal residence at the site of such property, such registration to be valid only in municipal elections, and provided further that he shall have acquired title to said property six (6) months prior to said election."

The act further provides that such registration shall be permanent unless (a) there is a change of residence by moving outside his voting precinct, (b) there is a change in his name by marriage or otherwise, (c) he neglects to vote in a statewide election during four successive calendar years, or (d) he loses the legal right to vote by court judgment.

Those counties or voting precincts which already have permanent registration are not required to re-register the voters within such precinct, but shall transfer such registration so that voters holding permanent registration cards need not re-register under the provisions of this act.

PUBLIC CHAPTER NUMBER 74

Provides that persons who are blind may get a permanent poll tax receipt and no longer be subject to the payment of said poll tax. The permanent receipt is granted by the county trustee after a doctor's certificate is presented to him stating the degree of blindness of the individual.

PUBLIC CHAPTER NUMBER 81

Creates the Civil Defense Agency for the State of Tennessee and authorizes political subdivisions to establish local organizations for civil defense.

The act provides for the establishment of the State Civil Defense Agency under the adjutant general. Its executive head, the director, is appointed by the governor. The governor may appoint additional deputy directors of the agency who may be state employees. The director's duties include carrying out the civil defense program for the state, coordinating the activities of all civil defense organizations, as well as maintaining liason and cooperating with civil defense agencies of other states and the federal government. A civil defense advisory council of eleven citizens of the state appointed by the governor is established to advise and make recommendations on matters pertaining to civil defense. The governor, the adjutant general, and the director serve on the council as ex officio members.

General direction and control of the State Civil Defense Agency is vested in the governor. He is authorized to prepare a comprehensive plan and program for the civil defense of the state, to coordinate the efforts of political subdivisions in similar work, and to make studies and surveys of the industries, resources, and facilities of the state. The governor is authorized to procure supplies and equipment and to institute training programs and public information programs in advance of actual disaster. This includes the organization of civil defense reserve units to insure the furnishing of adequately trained and equipped forces of civil defense in time of need. Additional powers of the governor relate to cooperation with federal and other state agencies.

Each political subdivision is directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. The executive officer or governing body of the political subdivision appoints the director of the local organization. He is responsible for the organization, administration, and operation of the local unit, subject to the direction and control of the executive officer or governing body. The local unit for civil defense performs civil defense functions within its territorial limits and in other areas as may be required pursuant to mutual aid agreements.

Each political subdivision creating a civil defense agency is given the power to make appropriations for payment of the expenses of its local organization for civil defense. In addition, the political subdivision is authorized to receive services, equipment, supplies, materials, or funds from the federal government or federal agency acting with the consent of the governor

and the local executive officer or governing body. The gift, grant, or loan is subject to the terms of the offer and the rules and regulations of the agency making the offer. Offers to the political subdivisions for purposes of civil defense from persons, firms, or corporations may also be accepted.

In the event of a disaster resulting from enemy attack or hostile action, each political subdivision is authorized to act in the light of the emergency without the normal time consuming procedures and formalities prescribed by law. Among the powers covered in the emergency situation are the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and material, the levying of taxes, and the appropriation and expenditure of public funds.

To reinforce civil defense in stricken areas, the act authorizes the governor to establish mobile reserve units. Leaders of each unit, appointed by the governor, are responsible for the organization, administration, and operation of the mobile reserve unit. The act declares it the duty of the governor and the chief executive officer of political subdivisions to cooperate and to assign personnel of their departments to the reserve units, provided such requests shall be consistent with the resources of the local subdivisions and the demands of maintaining minimum peace time standards of local service. Personnel of mobile reserve units are subject to the operational control of the authority in charge of civil defense activities in the area served. Reserve personnel who are employees of the state or political subdivision receive no additional compensation for civil defense work. Personnel not in the public service receive compensation as determined by the civil defense advisory council. The latter are entitled to the same rights and immunities as provided by law for state employees. The state will reimburse a political subdivision for compensation and expenses of the employees of the local unit while serving as members of a mobile reserve unit.

Additional emergency powers are given to the governor when he declares a state of emergency as a result of actual enemy attack. In addition to assuming direct operational control of all civil defense forces the power covers seizure and distribution of property including transportation, communication, fuel stocks, food, clothing, medicines, and buildings and their facilities. Provisions are made for compensating the owners of seized property.

Directors of local civil defense organizations are authorized to develop mutual aid agreements with public and private agencies, both inside and outside the state, for civil defense aid and assistance in case of disaster. The arrangements must be consistent with the state civil defense plan and program.

The governing bodies of political subdivisions, as well as the governor and state officers, are directed to utilize the facilities of existing agencies to the maximum extent practicable in carrying out the provisions of the act.

The general appropriation bill allocates for civil defense purposes an amount of \$1,356,700.00 in 1951-52 and \$100,000.00 in 1952-53.

PUBLIC CHAPTER NUMBER 82

Provides that there shall be no circulation of anonymous written or printed statements about any candidate for public office in this state. It provides that all written or printed circulars, advertisements, or other statements with reference to any person who is a candidate for any public office in this state must be signed by the writer thereof or by the names of principal officers of any committee, organization, or other similar association.

PUBLIC CHAPTER NUMBER 90

Enabling legislation to extend OASI to state and local government employees. A separate report is being prepared on this act by MTAS. Copies will be sent to each Tennessee city.

PUBLIC CHAPTER NUMBER 92

Provides a method whereby charters of cities operating under the general city manager charter may be revoked.

PUBLIC CHAPTER NUMBER 93

Provides for the transfer of ten million dollars from the general fund to be used for the construction of state system of rural roads between July 1, 1951, and June 30, 1952, and an additional ten million dollars to be transferred from the general fund for this purpose or raised by July 1, 1953.

PUBLIC CHAPTER NUMBER 94

Amends section 3421 of the Code by substituting in lieu of said section the following:

"Total shall not exceed half the cash value of the lot, the city pay the balance. The aggregate amount of the levy or

assessment made against any lot or parcel of land shall not exceed one-half of the cash value of said lot and improvements thereon. By cash value it is the intent of this Section to mean the fair sale price of said lot and the improvements thereon if sold at a voluntary sale. The city or town shall pay any part of such levy or assessment against any such lot or parcel of land as may be in excess of one-half of said cash value thereof."

PUBLIC CHAPTER NUMBER 106

Provides for the temporary certification of teachers. When a superintendent certifies to the State Board of Education that all teachers in the county with certificates have been employed, that he is unable to secure teachers who hold valid certificates, and that vacancies remain unfilled, the State Board of Education may grant permission to recommended persons to teach in unfilled positions.

All permits issued prior to July 1, 1951, shall be invalid unless renewed.

PUBLIC CHAPTER NUMBER 119

Provides that the State Board of Education may pass rules and regulations relative to school operation and curricula. The act becomes effective July 1, 1951.

PUBLIC CHAPTER NUMBER 120

Provides for a State Board of Elections consisting of eight persons.

PUBLIC CHAPTER NUMBER 137

Provides that any incorporated town or city may construct, alter, or repair industrial buildings inside the city limits or within 10 miles thereof.

The municipality may issue bonds to finance the purchase of land and cost of construction, alteration, or repair of buildings.

The buildings thus acquired may be rented for a sum sufficient to pay the interest and provide a sinking fund to pay off the bonds when due.

The municipality may sell such buildings.

The sale of bonds for this purpose must be approved by a three-fourths majority of the qualified voters.

The bonds authorized by this act must be revenue bonds, and the taxing power of the municipality is not to be used for this purpose.

The bonds are exempted from state, county, and municipal taxation, except inheritance, transfer, and estate taxes.

PUBLIC CHAPTER NUMBER 154

Requires all schools, private and public, to hold fire drills once each month. All exit doors in any public building must open outward.

PUBLIC CHAPTER NUMBER 160

Authorizes the governor to enter into civil defense and disaster compacts with the several contiguous states. The terms of the compact are set forth in the act.

PUBLIC CHAPTER NUMBER 165

Amends section 10690 of the Code setting up a new schedule of rates for justices of the peace. These rates, of course, apply to a majority of the city courts in the state.

(1)	For issuing a warrant against one defendant	\$0.50
(2)	For issuing a warrant for each additional defendant	.30
(3)	For issuing a subpoena for a single witness	.50
(4)	For issuing a subpoena for each additional witness	.10
(5)	For entering a continuance	.25
(6)	For judgment where there is no litigation	.75
(7)	For rendering judgment where there is litigation	1.50
(8)	For docketing each case, filing papers, making out bills of costs, and entering stay, if given	.25
(9)	For issuing execution and copy of costs	.75
(10)	For each scire facias	.75
(11)	For affidavit and bond in attachment cases, and issuance of attachment	1.00
(12)	For an order of publication	.75
(13)	For every other order required by law	.75
(14)	For entry to an appeal and taking appeal bond	.50
(15)	For taking any other bond in discharge of his official duties, for which the fee is not fixed	.50
(16)	For making out copy of costs in appeal cases	.25
(17)	For taking depositions, each	1.00
(18)	For a commission to take deposition	.50
(19)	For issuing a warrant for forcible entry and detainer	.50
(20)	For issuing a writ of replevin, with bond and affidavit	1.00
(21)	For trying forcible entry and detainer case, each day	1.50

(22)	For rendering the judgment therein	.75
(23)	For probating an account	.50
(24)	For every written affidavit not included in some other service	.50
(25)	For every certificate not included in some other service	.50
(26)	For recording the papers and proceeding in an action, where required by law, per hundred words	.20
(27)	For a certified copy of any paper or record in his office, per hundred words	.20
(28)	For receiving petition and granting an order for discovery	.75
(29)	For services touching stallions and jackasses running at large	1.00
(30)	For issuing order to freeholders to examine partition fences and ascertaining amount to be paid for erecting same	.75
(31)	For each certified transcript of judgment	.50

IN CRIMINAL CASES

(1)	For taking written affidavit to procure a warrant	.50
(2)	For issuing a warrant	.75
(3)	For each judgment	1.00
(4)	For docketing, filing papers, and making out bill of costs	.50
(5)	For each recognizance, bond, or mittimus	.75
(6)	For taking acknowledgment of securities for fine and costs under small offense law	.75
(7)	For each execution for fine and costs, or costs and copy of costs	.75
(8)	For any other services required by law in criminal cases the same fees allowed for similar services in civil cases	5.00

PUBLIC CHAPTER NUMBER 167

Amends section 48B of Chapter 108, Public Acts 1937, (the Revenue Act), by providing that any person paying a merchant privilege tax and selling ice at retail shall pay in addition a tax of \$2.50 in lieu of tax under section 48B.

PUBLIC CHAPTER NUMBER 173

Provides for the creation of a Bureau of Criminal Identification in the Department of Safety.

The Bureau is divided into two divisions: (1) the field division and (2) the laboratory division.

The field division will consist of not less than six, nor more than eighteen, persons experienced in the detection of crime.

The laboratory division will employ a staff of experts in ballistics, fingerprinting, analysis of bloodstains, and the like. It will maintain files of fingerprints.

With the approval of the district attorney general this service and information will be made available to any local peace officer.

PUBLIC CHAPTER NUMBER 179

Provides for the education of exceptional children. "Exceptional children" is defined as including any psychologically exceptional child, and any child capable of being educated whose bodily functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools without the provisions of special services.

The term "special services" is interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction, occupational and physical therapy, sight conservation, and corrective health habits; the provision of special seats, books, and teaching supplies and equipment required for the instruction of exceptional children.

The school board of any county, municipality, or special school district may provide special classes for eight or more such children who are residents. Any school desiring this service and not able to supply it may request the State Department of Education to assist. Several school districts may combine to furnish such service.

The state will pay the excess cost over and above the cost of educating normal children not to exceed three hundred dollars per school year per child.

PUBLIC CHAPTER NUMBER 187

Amends section 5712 of the Code by striking section 5712 and substituting in lieu thereof the following: "Fire drill in schools; doors to open out; non-compliance a misdemeanor. -- It shall be the duty of the Commissioner, his deputies, and assistants to require officials and teachers of public and private schools and educational institutions to have at least one fire drill each month, and to have all doors and exits to such schools or educational institutions open out, and all such doors and exits shall be unlocked during school hours, and the doors and exits to factories, asylums, hospitals, churches, assembly halls, theaters, and amphitheaters shall open out; and any person, or persons, or corporations, failing to comply

with the provisions of this chapter shall be guilty of a misdemeanor upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each violation thereof."

PUBLIC CHAPTER NUMBER 216

Provides that a municipality may adopt by reference codes such as building, plumbing, and the like, and public records of state, federal, and municipal governments. This eliminates the necessity of publication in newspapers of anything other than the enacting and penalty clauses of such code.

The act provides that three copies of such codes and public records shall be on file with the clerk for not less than fifteen days prior to the adoption and kept on file thereafter.

PUBLIC CHAPTER NUMBER 219

Amends section 3162 of the Code as to insert after the words "water pipes" the words "natural gas mains and pipes" so that the section reads as follows: "All municipal corporations are empowered to take and condemn lands, property, property rights, privileges and easements of others for the purpose of constructing, laying, repairing, or extending sewers, water pipes, natural gas mains and pipes, or drainage ditches, both within and beyond the limits of such cities, and of acquiring ingress and egress in the construction, repair, or maintenance thereof and in making the connection thereto."

PUBLIC CHAPTER NUMBER 220

Amends section 749 of the Code which provides that a municipality may refund outstanding bonds. The amendment provides that such refunding bonds may be issued and delivered without simultaneous retirement of the outstanding bonds being refunded under certain circumstances: (a) where such outstanding bonds shall have matured or will mature not later than 12 months after the date of delivery of such refunding bonds, or (b) where such outstanding bonds are subject to redemption at a date not later than 12 months from the date of delivery of such refunding bonds and such outstanding bonds shall have been called for redemption on such date by the proper authority and notice thereof given as required by the preceding section authorizing such outstanding bonds. Provided that simultaneously with the delivery of any refunding bonds under either of the circumstances outlined above, the proceeds thereof, together with funds sufficient to fully meet the principal and accrued interest on the outstanding bonds, to date of maturity or the redemption date thereof, as the case may be, and to pay required redemption premiums, if any, shall be deposited

in escrow in a state or national bank, for the sole purpose of paying such outstanding bonds, interests and premiums.

The bank shall make bond to the issuing municipality or county to secure said funds so escrowed, by pledging to said body, obligations of the United States Government, the State of Tennessee, or any county or municipality therein.

PUBLIC CHAPTER NUMBER 228

Amends Chapter 128 of the Public Acts of 1945 in regard to the Tennessee Stream Pollution Control Board, its powers and functions. The part of said amendment of particular importance to municipalities reads as follows: "Notwithstanding the foregoing provisions the Board shall issue no special order requiring a municipal corporation or other public governmental body to erect corrective plants or works to mitigate or abate pollution. Whenever such municipal corporation or public body shall at the time of the hearing thereon or prior to issuance of any special order file with the Board an affidavit sworn to by the chief executive officer of such municipal corporation or public governmental body and a majority of the governing council or Board thereof alleging and claiming that the said municipal corporation or public governmental body is: (1) Without funds to provide the corrective works and (2) Without the means to obtain such funds by loans or otherwise. Provided however, that after any such affidavit is filed in behalf of a municipal corporation or public governmental body the Board may call upon the State Funding Board for a determination of whether or not such municipal corporation or public governmental body is actually without the means to borrow the necessary funds for the corrective plant or obtain them otherwise, at a current reasonable rate of interest.

"Upon request of the Board, the State Funding Board is directed to make a determination of whether or not the municipal corporation or public governmental body alleging that it is without funds and means to obtain funds is in truth and in fact without funds to provide the corrective works ordered and without the means to obtain such funds either by loan or otherwise.

"The findings of the State Funding Board shall be based on such information and investigation as the State Funding Board shall deem adequate for such a determination. The State Planning Commission of the State of Tennessee is hereby designated the investigating agent of the State Funding Board in the exercise of its powers and duties under the provisions of this Act, and upon request of the State Funding Board within the limits of funds and personnel available to it, the Tennessee Planning Commission shall make such surveys and investigations as may be necessary to enable the State Funding Board to determine the financial ability of municipal corporation or public governmental body to comply with the orders of the Tennessee Stream Pollution Control Board."

PUBLIC CHAPTER NUMBER 235

Provides for inspection of elevators, dumb waiters, and escalators by licensed inspectors.

The act sets rather high requirements and standards. It provides that a city may license inspectors if it has a standard of examination substantially equal to that provided by this act.

This act does not interfere with ordinances and rules and regulations of cities where these are as strict or stricter than the provisions of this act or rules and regulations promulgated thereunder, or in the Standard Safety Code for elevators, dumb waiters, and escalators. The cities having such may continue to enforce them.

The act becomes effective from and after July 1, 1951.

PUBLIC CHAPTER NUMBER 238

Amends sections 1374 and 1482-1485 of the Code by allowing the tax assessor or the county court clerk to make out and deliver the tax books to the trustee not later than the first Monday in October of each year.

PUBLIC CHAPTER NUMBER 241

Amends Chapter 17, Public Acts of 1949, to provide that a town with a population of 1,000 or less may be eligible to receive a share of the proceeds from the sales tax if incorporated after August 1, 1949, and before May 1, 1951.

PUBLIC CHAPTER NUMBER 246

Provides for the control of the spread of rabies among animals in Tennessee. The act authorizes and empowers the state Department of Agriculture to create and maintain a Division of Rabies Control in Animals. The act also provides that the Commissioner of Agriculture, acting for the state, shall appoint or employ a director of the division who shall be a veterinarian licensed to practice veterinary medicine in the State of Tennessee. The act provides further for the appointment in each county of a rabies inspector and such deputy inspectors as may be needed. The police officers in each municipality are made aids and are to cooperate with the local inspector in carrying out the provisions of the act.

The act requires the owner of every dog not confined at all times to an enclosed area or on a leash or muzzled to have said dog inoculated against rabies by the rabies inspector or

his deputy or by a competent veterinarian. The inspector is to furnish for each inoculated dog a certificate and a tag which is to be attached to the dog's harness. Each county is to provide a suitable enclosure for the impounding of dogs. After October 31, 1951, any dog running at large and not wearing the evidence of inoculation as provided in the act shall be impounded and the owner of said dog subject to a penalty of one dollar plus a per diem maintenance fee for impoundment which shall be the actual cost of maintenance in addition to the fee prescribed for inoculation.

Any dog not called for within 10 days after written notice has been sent to the owner will be disposed of after having been kept in quarantine for a period of 90 days.

The act appropriates \$25,000 annually to the Department of Agriculture for the enforcement of this act.

PUBLIC CHAPTER NUMBER 250

Amends section 5, Chapter 51, Public Acts of 1941, which in turn is an amendment of Chapter 108, Public Acts of 1937, (the Revenue Act), by striking the following language "both the State and county taxes payable under this Item shall be paid in each county where work is performed on the aggregate contract price for contracts in such county," and inserting in lieu thereof the following language, "The County tax shall be payable under this Item in each County in which work be performed, based upon the amount performed in such County, and but one State tax shall be payable, to be paid in any County, which State tax shall be based upon the aggregate amount of work performed everywhere in this State."

PUBLIC CHAPTER NUMBER 260

Prohibits state, county, and municipal officials from serving on primary election boards or as precinct election officials.

This does not apply to notaries or justices of the peace.

PUBLIC CHAPTER NUMBER 265

Amends the fourth paragraph of section 2 of article 3 of the General Revenue Act, Chapter 108, Public Acts of 1937, so that the paragraph now reads as follows: "Any person failing to file report and pay the tax found to be due in accordance with the provisions of this Section on or before August 1 of any year shall, as a penalty for such failure, pay an additional amount of ten (10) per cent, together with interest at the rate of six (6) per cent per annum on the total amount of tax and penalty incurred. Provided, that any person subject to the gross receipts tax imposed

by this Act shall have the option of paying his tax on a quarterly installment basis by paying one-fourth ($\frac{1}{4}$) of the tax due on the first day of August, and an additional one-fourth ($\frac{1}{4}$) of the tax that may be due on each of the first days of November, February and May; provided further, that any person so exercising this option shall be required to pay interest at the rate of six (6) per cent per annum on any payment made after the first day of August under the foregoing provisions. Any person failing to pay the appropriate installment of this tax when it shall become due, shall be required to pay as a penalty for such failure, a penalty of ten (10) per cent of the installment in addition to interest at the rate of six (6) per cent per annum on the tax and penalty."

PUBLIC CHAPTER NUMBER 76

Provides for a system of tenure in the schools of Tennessee and provides that no teacher, principal, or superintendent shall be dismissed or suspended except for reasons set out in the act such as incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination.

The act provides that there shall be two types of tenure, permanent and limited. Permanent applies to any teacher who (a) has a degree from an approved four year college, (b) holds a valid professional certificate based on not less than four years college training covering the subjects or grades he is teaching, (c) has completed a probationary period of three school years or not less than 27 months within the last five year period, and the last year to be employed as a regular teacher, and (d) is reemployed by the board for service after the probationary period.

Limited tenure means (a) anyone who has completed two years of college (but less than a bachelor's degree), and holds a valid professional certificate covering the grades or subjects taught, or holds a valid examination certificate covering the grades or subjects taught regardless of the number of years of college completed, (b) completes a probationary period of three school years or not less than 27 months within a five year period, the last school year to be a regularly employed teacher, and (c) is then reemployed by the board for service after the probationary period.

Twenty-seven months of teaching in a three year period are required before a person acquires a permanent or limited tenure status.

Limited tenure shall be for a period of three years.

Any teacher desiring to resign must give at least 30 days notice in advance of the effective date of the resignation or forfeit all tenure rights. This provision may be waived by the board.

For efficient operation of the school system the superintendent with the approval of the board may transfer a teacher from one location to another.

Teachers moving to another system may serve the regular probationary period or such probationary period may be waived on the recommendation of the superintendent or the probationary period may be shortened.

The teacher's tenure status shall terminate as of July 1 following the sixtieth anniversary of his birth. However, such teachers may be retained by the school system.

The local board of education has authority to set standards of employment or to establish educational requirements of the personnel over and above those required by the State Board of Education whenever they are in position to support this superior program. However, such requirements must be general in their application and must have the approval of the State Board of Education.

This act does not affect any local tenure act already in effect unless such tenure law or ordinance becomes inoperative.

Charges against a teacher must be in writing, must specifically state the offenses which are charged, and must be signed by the person or persons making the charges. If the board finds that the charges are justified the superintendent shall give the teacher a written notice of the decision together with a copy of the charges and a copy of a form which shall be provided by the state Commissioner of Education advising the teacher as to her legal duties, rights, and recourse under terms of the act. The teacher has 10 days after receipt of such notice to demand a hearing before the board.

A teacher who is dismissed under the provisions of the act or suspended may obtain a judicial review by filing a petition in chancery court of the county where the teacher is employed. Such petition is to be filed within 30 days from the receipt by the teacher of the notice of the decision of the board.

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160	Authorize approval of inter-state civil defense compact	9
165	Amend Code section 10690 relating to justice of peace fees.	9
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187	Amend Code section 5712 relating to fire drills in schools.	11
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