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SUMMARY OF
1955 PUBLIC ACTS
OF INTEREST TO MUNICIPALITIES

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FOREWORD

Of the 347 public acts adopted by the 1955 General Assembly, one hundred and twenty-five, or well over one-third, are of municipal effect or interest. The Municipal Technical Advisory Service has again this year, as it did in 1951 and 1953, reviewed all general legislation passed during the last session and has prepared this summary for city officials.

Probably the most important public acts of municipal effect passed by the 1955 General Assembly are Chapter 113, the new annexation law; Chapter 209, the Industrial Building Bond Act of 1955, and its companion, Chapter 210, which provides for local Industrial Development Corporations.

Other 1955 public acts of considerable interest to municipalities are: Chapter 6, adopting the Tennessee Code Annotated; Chapter 51, which increases and broadens the coverage of the Retailers' Sales Tax; Chapter 55, allowing any city to adopt by reference the Model Traffic Ordinance; Chapter 82, creating a Water Resources Commission; Chapter 136, which allows shared school funds to immediately follow annexation; Chapter 147, empowering the designation of controlled-access streets; Chapter 167, authorizing civil defense powers in natural disasters; Chapter 171, prohibiting the disposal of sewage into wells; Chapter 177, the new Juvenile Court Law; Chapter 181, broadening the Housing Authorities Law to include urban renewal; Chapter 199, establishing the Tennessee State Fire College; Chapter 228, allowing coverage under Social Security of employees now members of local retirement systems; Chapter 250, permitting the pledge of water revenues to retire sewer bonds; Chapter 274, providing that codes of ordinances need not be published in a newspaper; and Chapter 329, the new State Traffic Code.

Certain cities may wish to make preliminary plans or take action now under the provisions of the new legislation. However, they 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.

Victor C. Hobday,
Executive Director

PUBLIC CHAPTER NO. 1

Blind persons allowed to take seeing eye dogs into public places. Provided the seeing eye dog wears a harness and the owner presents credentials issued by an accredited school for training such dogs, a blind person shall be allowed to take the dog into any place of public accommodation, amusement or recreation, including hotels, restaurants, stores, theaters, barber shops, schools, elevators, and public conveyances on land or water.

PUBLIC CHAPTER NO. 6

Tennessee Code Annotated. This new official Code becomes effective January 1, 1956. Contained in this Code, in an improved arrangement and numbering system, with annotations, are the contents of the 1932 Code of Tennessee, and the 1950 Supplement to the Code of Tennessee, which this Code supersedes, and also the Public Acts of 1951 and 1953. Changes effected by laws enacted by the 1955 General Assembly and subsequent legislatures will be added to the Code in pocket supplement form. The adoption of the Tennessee Code Annotated makes outdated the unofficial Williams Code of Tennessee, used by many lawyers. The twelve-volume Tennessee Code Annotated will be printed by the Bobbs-Merrill Company during 1955, and will sell for \$125.00 per set. Biennial pocket supplements will sell initially for \$10.00 per set.

PUBLIC CHAPTER NO. 7

Incorporation of municipalities with less than 200 persons prohibited under Commission-Manager General Law. Prohibits the incorporation under the Commission-Manager General Law (Code sections 3517-3647) of territory containing less than 200 persons and real estate worth less than \$5,000.

PUBLIC CHAPTER NO. 8

Tennessee Plant Pest Act of 1955. Largely replaces the existing law on plant disease control. Sub-section 3 of Section 7 of this Act empowers the Commissioner of Agriculture and the Director of Entomology and Plant Pathology to enter into cooperative arrangements with any municipality for "inspection with reference to insect pests and/or plant diseases and for the control and eradication thereof and to contribute a just proportionate share of the expenses incurred under such arrangements."

PUBLIC CHAPTER NO. 10

Registration fee for trailers repealed. Repeals the \$5.00 annual State registration fee on trailers, except house trailers and

rented trailers. However, the "tax shall not apply to any house trailer during the time that it is kept stationary and occupied as a residence without being moved from place to place." The quoted words should give support to municipalities that are interested in assessing as improvements trailers used for housing.

PUBLIC CHAPTER NO. 12

Radio and TV stations relieved from liability for libel in certain cases. Section 2 of the Act states that "in no event, however, shall any owner, licensee, or operator, or the agents or employees of any such a station or network of stations, be held liable for any damages for any defamatory statement uttered over the facilities of such station or network by any candidate for public office, unless such statement is made by an agent or employee of the owner, licensee, or operator in the course of his employment."

PUBLIC CHAPTER NO. 20

Vital statistics - death reports. Clarifies the language of the existing law. Where a death occurs without medical attendance, the funeral director shall notify the local registrar, who in turn shall inform the local health officer, and the latter shall investigate and certify the cause of death, prior to burial. Where it appears that death was caused by unlawful or suspicious means, the registrar or local health officer shall refer the case to the coroner for investigation and certification.

In cases of stillbirth, where the attendant was not "a practitioner of a healing art licensed to practice obstetrics", the stillbirth certificate shall be countersigned by the local health officer.

PUBLIC CHAPTER NO. 21

Employment security. Amends the Tennessee Employment Security Law to make it apply to employers of 4 or more persons (rather than 8 or more persons) to conform with the change made in the Federal law last year. Tennessee cities may elect to come under the provisions of this law, but at present the Town of Newport is the only municipality covered.

PUBLIC CHAPTER NO. 33

Mentally retarded children. Appropriates \$100,000 for 1955-56.

and \$130,000 for 1956-57 (less \$25,000 each year for State administration, supervision and research) for distribution to Boards of Education of any county, city or special school district to reimburse it \$3.00 for every \$5.00 it spends in providing State-approved instructional and training facilities and services for severely mentally retarded children. However, reimbursement shall not exceed \$300 per child per school year.

Should the appropriation made by this Act be insufficient to meet the State's obligations, a reduction shall be made on a per capita basis. Approved expenditures shall include teachers salaries, salaries of attendants, transportation, necessary school equipment, and special materials and supplies.

The State Commissioner of Education is authorized to assist local school boards in the establishment of special classes. Local school boards are empowered to operate such special facilities and may contract with "a suitable private institution or organization in this State" for such training, or may enter into cooperative agreements and contracts with another local authority.

Counties and cities are authorized to levy taxes for the purposes of this bill; and counties, cities and special school districts are authorized to appropriate and use school funds for these purposes.

PUBLIC CHAPTER NO. 35

Hospital Survey and Construction Law. Adds "treatment centers, hospitals for the chronically ill and impaired, rehabilitation centers, nursing homes" to the definition of "hospitals" in this law, and thus makes them eligible to apply for Federal or State hospital construction funds.

PUBLIC CHAPTER NO. 38

Highway entrances. Authorizes the State Commissioner of Highways and Public Works to make rules and regulations concerning the construction of entrances into State highways in order to prevent the obstruction of the flow of water, the damaging of the highway in any manner, or the creation of any public hazard. No municipality, person or corporation shall construct any entrance into

a State highway without having first agreed to construct the entrance in accordance with the Department's rules and regulations.

PUBLIC CHAPTER NO. 40

TV sets in automobiles. Provides that "no television screen . . . shall be installed or used in this State in any position or location in a motor vehicle where it may be visible to the driver, or where it may in any other manner interfere with the safe operation and control of the vehicle."

PUBLIC CHAPTER NO. 42

Dairy products. Amends the general law regulating the sale, purchase and manufacture of dairy products. Cities with milk codes or ordinances may be affected, in view of the provision (section 547.11, 1950 Code Supplement) that "no such ordinance shall conflict with any law of this state, unless specifically allowed, or interfere with any power or duty of the dairy commissioner."

PUBLIC CHAPTER NO. 46

Rural road system. Re-writes the rural road system law of 1949. The municipal effect is that the law no longer specifically allows the use of rural road money "within the corporate limits of towns of less than 5,000 population by the most recent federal census." On the other hand, the new law does not prohibit such use, but in view of the eligibility of municipalities for the 1¢ share of the gasoline tax, it is doubtful that many counties will use rural road funds inside cities.

This chapter states that the State Commissioner of Highways and Public Works shall "designate the main travel roads of the various counties of the State which are considered of sufficient importance to be included in the State System of Rural Roads and to be constructed under the provisions of this Act. In the selection and designation of such roads said Commissioner shall give consideration to any and all roads not a part of the State or Federal Highway System, including farm-to-market roads, Federal-aid Secondary Roads, mail routes, milk routes and school bus routes, and in the designation of the roads in the various counties of the State to be included in said State System of Rural Roads said

Commissioner shall give consideration to the total number of miles of road in each county and the area and population of said county. In the selection and designation of such County roads to be included in the State System of Rural Roads said Commissioner shall in the first designation use and establish the County arterial system established by the studies and findings of the Automotive Safety Foundation in its report and said first selection or designation shall be stationary for a period of two years and thereafter it shall be the duty of said Commissioner every two years to re-examine said System and to make such adjustments as may be agreed upon by the County authorities and said Commissioner, or as may appear to be necessary as a result of any change in conditions as shown by studies of the Highway Planning Survey Division of the Department of Highways and Public Works."

PUBLIC CHAPTER NO. 47

Publication of retraction in cases of libel by newspapers or magazines; effect re political candidates. Requires that before civil action can be brought for publication in a newspaper or periodical of libelous material, the plaintiff shall give at least 5 days' written notice to the defendant of the material which he alleges is false and defamatory. "If it appears upon the trial that said article was published in good faith, that its falsity was due to an honest mistake of the facts, and that there were reasonable grounds for believing that the statements in said article were true, and that within ten days after the service of said notice, or in the next regular edition of said newspaper or periodical, if more than ten (10) days from date of notice, a full and fair correction, apology, or retraction was published . . . then the plaintiff shall recover only actual, and not punitive, damages provided that said exemption from punitive damages shall not apply to any article about or affecting a candidate for political office, published within ten days before any election for the office for which he is a candidate."

PUBLIC CHAPTER NO. 48

Boiler inspection. Amends the State Boiler Inspection Law in many respects, primarily so as to increase the inspection fees and to add "unfired pressure vessels" to the definition of "boilers." While this inspection service is performed by State employees, Chapter 197 of the Public Acts of 1953 provides that the State boiler inspection law does not interfere with a city's

right to regulate boilers by ordinance, as long as such regulation complies with the standards of the State law.

PUBLIC CHAPTER NO. 49

Hospital Survey and Construction Law. Extends to June 30, 1957, the period during which State bonds for construction of state and local hospitals may be issued. \$6,000,000 of the originally authorized \$15,000,000 of such bonds are still unissued. This program was permitted to lapse during the 1953-55 biennium. Municipalities are eligible to participate in these State bond funds.

PUBLIC CHAPTER NO. 51

Retailers' Sales Tax increased from 2% to 3%. Increases Retailers' Sales Tax from 2% to 3% and broadens the coverage to include hotels, motels, tourist courts, parking lots and parking garages, liquor and beer. The added 1% was earmarked for the specific purpose of financing the educational program of the State for the next four years, including the normal increase of \$12,000,000 expected for the 1957-59 biennium. Municipalities will receive the same 12½% share of the 2% portion, including the revenue from additional items covered, and thus will receive additional revenue, even after deducting farm feeds and certain funeral expenses newly exempted by Public Chapter No. 194. Both Chapters 51 and 194 become effective June 1, 1955.

PUBLIC CHAPTER NO. 52

Motor vehicle registration fees increased. Substantially increases automobile and truck registration fees. Restores display of two license plates. Increases the registration fee for municipally-owned and operated vehicles from 15¢ to \$1.00, plus continuation of the right of the County Court Clerk to collect his fee of 50¢ for each registration.

PUBLIC CHAPTER NO. 53

Gasoline inspection fees increased. Increases the State's inspection fees for gasoline, fuel oil and other motor fuel (Code Supplement, Section 6821) from 20¢ per 50-gallon barrel to 30¢. This amounts to an increase in the price of gasoline of 2/10¢ per gallon.

By Section 1148.21 of the Code Supplement, municipalities are exempt from these inspection fees if they buy motor fuel in railroad tank car lots (approximately 8,000 - 10,000 gallons). By rule and regulation dated June 17, 1942, pursuant to a Chancery Court decree, the Department of Finance and Taxation extended the interpretation of "railroad tank car lots" to include shipments of "not less than 6,500 gallons each by means of tank trucks," providing the delivery of each such lot is completed within 72 hours following its start.

Therefore, it can be seen that municipalities not buying motor fuel in "tank car lots" as defined above, are subject to the inspection fees. Consequently, for such cities, Public Chapter No. 53 means an increase in the price of gasoline of 2/10¢ per gallon, unless the distributor is willing to absorb the increase.

Municipalities have not been receiving heretofore, and will not receive hereafter, any share of the inspection fees, as they go to the State, largely for the support of the program. Likewise, none of the increase will go to cities, as it is earmarked for "the highway fund."

For the safety of the general public, however, "all gasoline and distillate purchased and stored" by a municipality is subject to inspection by the Department, regardless of whether or not the inspection fees apply (Section 1148.24 of Code Supplement).

PUBLIC CHAPTER NO. 55

Traffic ordinances. Empowers any municipality to adopt by reference ~~the~~ Model Traffic Ordinance produced by the National Committee on Uniform Traffic Laws and Ordinances.

PUBLIC CHAPTER NO. 60

Effective census date. Makes the first day of the month following the release of the final Federal decennial census figures the date for fixing the population figures for the purpose of distributing State-shared taxes to counties and municipalities. This chapter will eliminate the confusion as to which population figure

to use, and when to use it, which developed after the 1950 decennial census.

PUBLIC CHAPTER NO. 61

Contraction of city limits. Liberalizes provision of present general law (Code section 3322) on contraction of city limits by allowing any municipality to reduce its limits by a three-fourths majority of those voting on the question instead of three-fourths of all qualified voters of the municipality. (Section 10 of the Public Chapter 113 amends the same law, in slightly different language.)

PUBLIC CHAPTER NO. 64

Narcotic drug law tightened. Increases penalties. Adds marijuana to narcotic drugs covered by law. By present law, "all peace officers within the State" are given the duty to enforce this law. This chapter specifically adds the Tennessee Highway Patrol and members of the Department of Safety as enforcement officers.

PUBLIC CHAPTER NO. 71

Kidnapping law tightened. Broadens definition of kidnapping. Prior to passage of this Act, the penalty was death or imprisonment for 20 years or more, as fixed by jury. This chapter provides death penalty, or life imprisonment, or 20 years or more, without possibility of parole, as fixed by jury. The chapter also covers persons who falsely claim to be a kidnapper in the hopes of obtaining the ransom.

PUBLIC CHAPTER NO. 72

Penalties for armed robbery increased. Prior to passage of this Act, penalty for robbery was 5-25 years imprisonment. This chapter makes penalty 5-15 years, but adds that "if the robbery be accomplished by the use of a deadly weapon the punishment shall be death by electrocution, or the jury may commute the punishment to imprisonment for life or for any period of time not less than ten years."

PUBLIC CHAPTER NO. 73

Abandoned ice boxes. Protects children against the hazards of abandoned ice boxes, refrigerators, and other airtight containers. Makes it unlawful to leave such containers outside any dwelling or other structure, or within any warehouse or storage room or unoccupied dwelling or building where accessible to children, when such containers have doors or lids with latches capable of securing them shut. The wording of this law may not cover ice boxes abandoned in dumps not close to buildings.

PUBLIC CHAPTER NO. 74

Price cutting on milk prohibited. A Fair Trade law not necessarily in the interest of consumers, but apparently aimed at instances of serious price cutting on milk. Covers practically every form of milk, cream, buttermilk, etc. This chapter applies only to counties containing a municipality having an ordinance regulating the grading of milk and milk products and in such other marketing areas as may be designated by the State Commissioner of Agriculture. This chapter does not apply to "bids made in response to invitations from State, county, and municipal institutions and contracts and deliveries made pursuant thereto." It might apply, however, to milk purchased for feeding prisoners in city or county jails.

PUBLIC CHAPTER NO. 82

Water Resources Commission. Creates and appropriates funds for a 9-member commission, 5 members of which are specified State officials, and the other 4 are to be appointed by the Governor to represent municipalities, agriculture, industry and recreation. The commission is "to study the water laws, water resources, water uses, and such modifications thereof as may be desirable and necessary to meet the future water needs of the State." The commission shall report the results of its study and make recommendations to the Governor by September 1956.

PUBLIC CHAPTER NO. 88

Regional library boards. Authorizes one or more counties to establish a regional library board to administer regional library services in cooperation with the State Library and Archives

Commission. A municipality may participate in the Regional Library Service so long as its county participates. Counties and municipalities may execute contracts and appropriate funds.

PUBLIC CHAPTER NO. 93

Registration for elections. Amends the Permanent Registration Law so as to allow county election commissioners to permit the separation and preservation of the permanent registration forms into active and inactive files.

PUBLIC CHAPTER NO. 94

10 days to qualify in special elections. Candidates in any special election must qualify not later than 10 days prior to the date of election. The law formerly required only 7 days. See also Public Chapter No. 256, below.

PUBLIC CHAPTER NO. 95

20 days to withdraw from general elections. Amends ~~Dortch~~ Ballot Law so that written request of a candidate to withdraw from any general election for national, state, county, municipal or district offices must be received at least 20 days before the day of election. The law formerly required only 10 days.

PUBLIC CHAPTER NO. 96

Rock, lime and gravel sales prohibited. Makes it "unlawful for crushed limestone, commercial lime, agricultural lime, processed gravel, or any other product resulting from the processing of stone which is produced in whole or in part by any State, county or municipally owned or operated plant, quarry, crusher, or stone processing plant to be sold, traded, bartered, loaned, or given away."

The only exceptions to these strict requirements are "doing work gratuitously for cemeteries, churches, schools, and any other charitable non-profit organization," and "making sales of agricultural lime to farmers for use in connection with their own farming activities."

The chief municipal effect of this chapter is to prevent a number of municipalities from buying stone and gravel for

street purposes from their counties. It is even questionable whether a county could supply stone and gravel for city street improvements under the type of agreement authorized by Section 4(c) of Chapter 1, Public Acts of 1953 (The 1¢ Municipal Share of the Gasoline Tax).

Two county governments, by local legislation, were removed from the restrictions of this act. By Private Chapters 345 and 346, Jefferson County and Hamblen County, respectively, are permitted to sell crushed rock from county quarries.

PUBLIC CHAPTER NO. 97

Exemption of certain pupils from Compulsory Attendance Law. Adds a fifth classification of pupils "between the ages of seven and sixteen years, both inclusive," who are exempt from attending school:

"Children who have attained their sixteenth birthday and whose continued compulsory attendance, in the opinion of the Board of Education of the County, City or Special School District in charge of the school to which such children belong and are enrolled results in detriment to good order and discipline and to the instruction of other students and is not of substantial benefit to such children provided, that in all such cases, the Board of Education shall first obtain the recommendation in writing from the superintendent of said system and the principal of the school to which such a child or children belong."

PUBLIC CHAPTER NO. 99

Inspection of slaughtering of poultry. Extends the authority of the State to inspect livestock slaughterhouses to include also poultry slaughtering plants. This chapter does not apply to "any individual, farmers, and housewives who slaughter poultry of their own production."

PUBLIC CHAPTER NO. 100

Revocation and suspension of driver's license. Chapter 202, Public Acts of 1953, provided penalties for driving while drunk

or under the influence of drugs. This chapter merely provides that the terms of Chapter 202 shall not limit the authority of the State Department of Safety to refuse to issue, to revoke or suspend a driver's license under the provisions of the Uniform Motor Vehicle Operators and Chauffeurs' License Law, particularly sections 2715.12, 2715.19 and 2715.20 of the Code Supplement, which constitute parts of this law.

PUBLIC CHAPTER NO. 111

Fire regulations. Brings up to date the listing of the nationally-recognized codes which the State Fire Marshal shall follow in adopting any regulations for the construction, alteration, repair, maintenance and occupancy of buildings, including municipal buildings, but excluding single or 2-family dwellings.

PUBLIC CHAPTER NO. 112

Watershed districts. Authorizes the creation of watershed districts with vast powers in respect to the control, diversion and utilization of water, in the establishment of parks and other recreation facilities, and the taking of steps for fire prevention and the promotion and protection of public health. A watershed district may embrace an incorporated municipality.

Empowers watershed districts to "acquire water rights and to distribute or sell water for irrigation or for other purposes, either within or without the district." Includes all the powers of levee and drainage districts, which powers are incorporated in this chapter by reference. This chapter further states that "this Act shall be deemed to be supplemental to existing laws relating to drainage districts, flood control, irrigation, soil conservation, and related matters." A watershed district has the power to acquire land by condemnation.

Much work for and authority of a watershed district lies in the County Court, which can issue revenue bonds, levy special assessments and issue special assessment bonds. A watershed district may also, if authorized by private act, levy an ad valorem tax for the construction and/or maintenance of the district's facilities.

"The quarterly county court of any county, any part of which is located within a watershed district, or the governing body of

any city or town within, adjacent to or in the proximity of a watershed district, shall have the right to contribute, out of the general fund of such county or city, such amount as they see fit, to be used in the preliminary expenses of the district, or in the maintenance of the district, or for capital improvements or projects of the district. Quarterly County Courts and governing bodies of such cities or towns shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for municipal and county public purposes."

There is no provision in this chapter to handle possible areas of conflict between a watershed district and a municipality, utility district, soil conservation district, West Tennessee Flood Control and Soil Conservation District, or a levee and drainage district. In addition, this chapter takes no cognizance of the Water Resources Commission created by Chapter 82 of the Public Acts of 1955 (see above).

PUBLIC CHAPTER NO. 113

Annexation Law. This act, sponsored by the Tennessee Municipal League, offers two general law methods of annexation (in addition to that found in Code Sections 3320 and 3321, which remain in effect): (1) annexation by ordinance of the municipality, subject to review of the courts as to "whether the proposed annexation be or be not unreasonable in consideration of the health, safety and welfare of the citizens and property owners of the territory sought to be annexed and the citizens and property owners of the municipality"; and (2) annexation by referendum in the territory to be annexed, effective upon approval of a majority of the qualified voters voting thereon. The municipality's governing body, at its option, may also have a referendum held of qualified voters inside the city, in which case a majority of such voters must also approve the proposed annexation.

This chapter also provides procedures for the annexation of a smaller municipality by a larger municipality, upon the consent of the qualified voters of the former; and resolves conflicts arising when the annexation area comprises part or all of a utility district, sanitary district, school district, or other public service district. Finally, this chapter permits (as does Chapter 61) any city to contract its city limits provided three-fourths of the qualified voters voting in an election thereon approve.

PUBLIC CHAPTER NO. 114

Drivers' and chauffeurs' licenses. Makes many changes in the Uniform Motor Vehicle Operators and Chauffeurs' License Law, bringing it closer to the revised provisions of the national Uniform Vehicle Code. Most of the changes affect municipalities only through their employees as drivers, but reports to the State on convictions for violations of municipal ordinances, as well as of State laws heretofore required, must now be made. (However, most violations of municipal traffic ordinances are also violations of State traffic laws). This chapter imposes a mandatory jail sentence of 2 days to 6 months, plus the possibility of a fine up to \$500, for conviction while driving when the license has been cancelled, suspended or revoked. The establishment of a "point system" for the suspension or revocation of licenses, recommended by the Governor's Emergency Traffic Safety Committee, was deleted from the bill by amendment before passage. This chapter takes effect July 1, 1955.

PUBLIC CHAPTER NO. 115

Employment security. Increases benefits and makes many other changes in Tennessee Employment Security Law. Tennessee cities may elect to come under the provisions of this law, but at present the Town of Newport is the only municipality covered.

PUBLIC CHAPTER NO. 121

Commission-Manager General Law. Makes no changes in the law, but corrects a title and improves the arrangement of the law as they originally appeared in the draft of the new Tennessee Code Annotated.

PUBLIC CHAPTER NO. 132

Soil Conservation Districts given flood prevention and agricultural conservation powers. Adds to the powers of Soil Conservation Districts the authority "to carry out, maintain and operate works of improvement for flood prevention and agricultural phases of conservation development, utilization, and disposal of water."

PUBLIC CHAPTER NO. 135

Corporations required to furnish State a list of stockholders to whom dividends are paid, for State income tax purposes. Requires every corporation having stockholders in Tennessee to furnish the State with a list of such stockholders and the dividends paid. This act is apparently intended to tighten the Income Tax Law since it would give the names of persons receiving dividend income in excess of \$25 annually, who are subject to the tax. This act does not give municipalities any additional powers, but since municipal and county tax assessors have been authorized to examine the tax returns of corporations (Code Supplement Section 1123.27), this act may make more information available to them.

PUBLIC CHAPTER NO. 136

General Education Act. The general effect of this biennial appropriation act for public schools, universities and colleges of the state is to increase the funds, including teachers' salaries. The act does not impose any additional local financial obligations upon counties or municipalities operating schools. It contains several new provisions favorable to the 57 municipalities and special districts operating their own schools. At the request of the Tennessee Municipal League, a new provision was added providing that municipalities extending their corporate boundaries, resulting in a shift of pupils from the county to the city school system, would receive during the following year all state and county school funds based upon average daily attendance or teacher positions for the additional pupils (heretofore, municipalities annexing new territory received no funds for one full year for the pupils shifted from county to city schools). Another revision in the act requires that every county share its county school tax levy with municipal and special district schools on the basis of average daily attendance, except a special levy for pupil transportation. Other provisions of the act seek to modernize the formulas on which the school funds are distributed in order that the school dollar will follow the school child by taking account of the rapidly increasing school population in some counties and municipalities.

This act also provides funds for free text books, capital outlay, and for training mentally and physically handicapped children. It also empowers the State Commissioner of Education

to prescribe a system of school fiscal accounting for all counties, cities and special school districts; and, with the Governor's approval, to take steps to protect, recover or enforce the collection of school funds, where there is an indication of misappropriation, illegal disposition or failure to collect such funds. Requires each school system to furnish the Commissioner with a copy of the budget and the financial report. The increased appropriations in this act are contingent upon the increased Sales Tax revenues; should they fall short of expectations, the increased appropriations (except for salary increases) will be reduced. This act becomes effective July 1, 1955.

PUBLIC CHAPTER NO. 141

Vocational rehabilitation. Extends control of State Division of Vocational Rehabilitation over vocational rehabilitation agencies operated by political subdivisions; authorizes the Division to cooperate with and utilize rehabilitation facilities of political subdivisions, and also to contract with schools, hospitals, and other agencies, and with doctors, nurses, technicians and others for training, physical restoration, transportation, and other vocational rehabilitation services.

PUBLIC CHAPTER NO. 144

Utility districts. Extends to utility districts the power of cities and towns to require owners of residential, industrial or commercial buildings to tap on to sewer lines; to combine water and sewer billing and enforce collection of charges by cutting off water or sewer service, and to recover by law delinquent accounts. Cities and towns, as well as utility districts, are empowered to contract with other public or private corporations or municipal utilities operating a water system for the collection of sewer charges.

PUBLIC CHAPTER NO. 147

Controlled-access streets and highways. Empowers State, county, and municipal highway authorities to control the access of abutting property owners and intersecting roads and streets on major thoroughfares. The selection of routes of all such highways, including State and Federal, inside municipal limits requires approval of municipal governing bodies. Highway authorities of the State, counties or municipalities may acquire private

or public property "for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation . . ."

PUBLIC CHAPTER NO. 149

Youth Guidance Commission. Creates Tennessee Commission on Youth Guidance to make studies of conditions affecting the welfare, health and education of children and youth, collect facts, "interpret its findings to the public, to courts concerned with juvenile problems and to all agencies public and private dealing with children, to provide for a mutual exchange of ideas and information on national, state, and local levels, to conduct hearings and make recommendations . . . to coordinate the services of all agencies in the State serving children and youth . . ."

PUBLIC CHAPTER NO. 150

Police powers. Provides that "clerks of courts of general session shall have jurisdiction and authority, concurrent with that of the judges thereof, to issue warrants for the arrest of persons."

PUBLIC CHAPTER NO. 151

Tennessee River Basin Water Pollution Control Commission. This interstate agency is created to administer the Tennessee River Basin Water Pollution Control Compact. The compact becomes effective when ratified by the Tennessee legislature (which was done by this Act) and by the legislatures "of any one or more of the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina and Virginia and upon approval by the Congress."

The purpose of the compact is "to promote effective control and reduction of pollution in the waters of the Tennessee River Basin through increased cooperation of the states of the Basin, coordination of pollution control activities and programs in the Basin, and the establishment of a joint interstate commission to assist in these efforts." Each participating State appoints three Commissioners.

The Commission, upon request of a state water pollution control agency "shall render advice concerning the various

governments, communities, municipalities, persons, corporations, or other entities with regard to particular problems connected with the pollution of waters."

The Commission is empowered to "issue an order or orders upon any municipality, person, corporation or other entity within said party state violating provisions of this Compact by discharging sewage or industrial wastes into the waters of the District Such order . . . may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of." Such an order must be approved by at least two Commissioners from the affected state, and by a majority of the Commissioners from each of not less than a majority of the party states.

The orders of the Commission are enforceable in any court of competent jurisdiction.

PUBLIC CHAPTER NO. 153

Teachers' Retirement. Allows the "earnable compensation" of a teacher, as calculated for retirement purposes, to be his full rate of compensation on and after July 1, 1955, and not limited to the \$3600 maximum in effect heretofore. The effect of this act varies, depending upon whether the teacher is a member of the Tennessee Teachers' Retirement System, or a member of a local retirement system participating in the Tennessee Teachers' Retirement System. In this latter category are the school systems of Chattanooga, Jackson, Knoxville, Memphis and Nashville.

If the teacher earning more than \$3600 is a member of the Tennessee Teachers' Retirement System, the effect of this act is to increase both his and the State's contributions into the retirement fund, for service rendered after July 1, 1955, and to provide him a larger annuity upon retirement.

If such a teacher is a member of a local teachers' retirement system which participates in the State System, but which has its own requirements as to teacher contributions and sets its own benefits, the effect of this act would be as follows:

- (1) Makes no change in the amount or percent of the teacher's contribution;

- (2) Makes no change in the amount of annuity paid by the local system;
- (3) Does require the State to pay a larger amount into the local retirement fund on behalf of this employee.

PUBLIC CHAPTER NO. 156

Notification of release of convicts. Requires that whenever any convict is released through pardon, parole or expiration of term of imprisonment from a State penitentiary, the Warden shall immediately give written notice to the Sheriff of the County and the Police Chief of the city to which the convict shall return. The notice, which is for the confidential files of the Sheriff and Police Chief, shall contain certain information relative to the conviction.

All persons released on parole shall immediately register in person or by the Parole Officer with the Sheriff and Police Chief of the county and city to which he "is to be released."

PUBLIC CHAPTER NO. 159

Acts automatically amend Tennessee Code Annotated. Provides that when any acts passed by the 1955 General Assembly repeal or amend any section of the 1932 Code of Tennessee, the 1950 Supplement to the Code, or any other general act, such action shall operate to repeal or amend such code sections or statutes as they were re-enacted and codified in the Tennessee Code Annotated, adopted by Chapter 6, above.

PUBLIC CHAPTER NO. 167

Civil defense powers in natural disasters. Amends the Civil Defense law so as to authorize the State and political subdivisions to utilize civil defense powers in times of natural disasters, such as storms, floods, fires, explosions, tornadoes, hurricanes, and drought. In addition, the Governor, acting directly or through the State Commissioner of Highways, is empowered "to declare all State highways and roads leading into, through, or out of a disaster area as being emergency highways or roads," and he may regulate traffic thereon.

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99 permits cities to use additional procedures.

Sections 100 and 101, which in the original bill prescribed the use of the American Bar Association's Uniform Traffic Ticket, were deleted before passage, but succeeding sections were not re-numbered. Section 102 prohibits illegal cancellation of a traffic ticket, and provides for the audit of every ticket by the appropriate fiscal officer of the traffic enforcement agency involved.

Effective date of Act. July 1, 1955.

PUBLIC CHAPTER NO. 332

Privilege tax on coal and coke dealers reduced. Amends Item 25 of Section 1248.2 of the 1950 Supplement to the Code, to reduce by approximately one-half the privilege tax on coal or coke agents or dealers.

PUBLIC CHAPTER NO. 337

State Health Department to supervise sewage disposal systems in subdivisions. Assigns to the Tennessee Department of Public Health the duty to (1) "exercise general supervision over the planning, construction, operation, and maintenance of individual sewage disposal systems for proposed subdivisions where public sewerage systems are not available, except within the corporate limits of municipalities," and (2) to establish standards for individual sewage disposal systems and adopt rules and regulations [underlining supplied].

The owner of a proposed subdivision (which, by definition, is any tract of land divided into five or more lots, such lots required to be from 15,000 square feet to 40,000 square feet in area) is required to submit plans, maps, tabulated results of percolation tests, etc., to the local Health Officer, who is charged with the duty of enforcing this act. Where public water supplies are available, the minimum lot size shall be 7500 square feet, otherwise 15,000 square feet. However, local conditions may require additional lot sizes (these restrictions do not apply inside cities).

This act prohibits the disposal of sewage (outside cities) in an abandoned water well, cave, sinkhole, or in a well dug or drilled for the purpose of disposing of sewage. Chapter No. 171, above, provides the same prohibition and applies to all property, including that within municipalities.

All rules and regulations of county or local health boards (except municipal) shall conform to the minimum requirements of the Tennessee Department of Public Health. No proposed subdivision (except within municipalities) shall be approved by the State Planning Commission, a local planning commission, or other agency, until the plans for sewage disposal have been approved by the local Health Officer. It shall be unlawful to begin constructing any house or septic tank until the subdivision plan and the location of the house and septic tank have been approved by the local Health Officer.

While many provisions of this act specifically exclude property inside cities, and while it is also stated that the act "shall not be applicable to counties or municipalities wherein a comparable system of supervision over the planning, construction, operation and maintenance of sewage disposal systems has heretofore been enacted by any private act, or effective local ordinance," municipalities will be interested in this legislation because of the effect on areas immediately outside their boundaries, some of which may eventually be annexed.

PUBLIC CHAPTER NO. 339

Refund of 1% of gasoline tax for evaporation. Permits "a semi-annual refund of 1% of all taxes imposed by the State of Tennessee on any gasoline and other motor fuel sold at retail", and also at wholesale, if a "jobber", "to cover losses by shrinkage, evaporation or other providential cause." It is expected that the Attorney-General will be asked to rule on the definition of a "jobber", since the act is silent as to its meaning, and since the term has not heretofore been used in the administration of the gasoline and motor vehicle fuel laws.

To qualify for the refund, a person must apply for and hold an annual refund permit from the Department of Finance and Taxation. The effect of this act would be to reduce by 1% the proceeds (including the municipal share) of the gasoline and motor fuel taxes and of the special gasoline privilege tax (Section 1148.1 of Code Supplement). However, Code Supplement Section 1130, which this act replaces, already allowed refunds, set by Department regulation at 1%, on the basis of gallons received from the refinery. Whether this new act results in more tax revenue to the State (and thus to the cities) than under the old law is problematical, and will largely depend

upon the definition of "jobber." In any event, no material change in tax revenues is foreseen.

The provisions for additional relief in the case of loss through fire, flood, storm and theft are continued in this new act. The act takes effect July 1, 1955.

PUBLIC CHAPTER NO. 340

Sales to telephone cooperatives exempt from Retailers' Sales Tax. Exempts from sales tax "all sales of tangible personal property to telephone cooperatives organized under the general welfare laws of this State. The exemption provided for herein shall apply only to sales or tangible personal property to telephone cooperatives for their own use and consumption, and shall not apply to any purchases made by the said telephone cooperatives for use by independent contractors. . . . The amendment provided for in this Act shall apply only so long as electric membership corporations organized under the Electric Membership Corporation Law and electric cooperatives organized under the Electric Cooperative Law, shall be entitled to an exemption from the payment of any Sales and Use Tax."

PUBLIC CHAPTER NO. 341

City and county bonds validated. Declares that "all county and municipal bonds as herein defined heretofore issued by a county or duly chartered municipality, are hereby validated and declared to be incontestable obligations of such county or municipality." For the purposes of this act, "county and municipal bonds" are defined as "all written evidences of indebtedness maturing five years or more after their date and having been issued by any county of this State or any municipal corporation chartered under the laws thereof." This act became effective upon its signature by the Governor on March 28, 1955.

A question arises as to whether the term "duly chartered municipality" includes municipalities incorporated by private act or under the Commission-Manager General Law, since such cities do not receive charters from the Secretary of State. At present, the law requires the issuance of charters only to communities incorporated under the Mayor-Aldermen General Law (Sections 3292-3407, as amended, of the 1932 Code) of which there are just a few.

PUBLIC CHAPTER NO. 343

Teacher Tenure Law amended. Defines as one example of "insubordination" (for which a teacher may be dismissed) "refusal by the teacher to disclose to the board whether or not he is, or has been, a member of the Communist or any other party which advocates the overthrow of the government." Previously the offense was restricted to actual membership in such a party.

This act also adds to Section 7 of the Teacher Tenure Law (Chapter 76, Public Acts of 1951), which prescribes that a teacher dismissed because of abolition of position shall be placed on a preferred re-employment list, these words: "Provided, however, nothing in this section shall be construed to deprive the board of the power to determine the fitness of such teacher for reemployment in such vacancy on the basis of the board's evaluation of such teacher's competence, compatibility, and suitability to properly discharge the duties required in such vacancy considered in the light of the best interest of the students in the school where the vacancy exists." The foregoing addition is interpreted by many to permit continued racial segregation of teachers.

PUBLIC CHAPTER NO. 344

Revenues from existing industrial buildings may be pledged to debt of new industrial buildings. Amends the Industrial Revenue Bond Act of 1951 to authorize, subject to approval by referendum, the inclusion of revenues from an existing industrial building owned by a city or county in the pledge of revenues for a new industrial bond issue.

PUBLIC CHAPTER NO. 347

Municipalities to receive 90% of funds realized from sale of liquor confiscated by them. Amends Section 11232 of the 1950 Supplement to the Code to provide that all confiscated liquor upon which the Federal tax has been paid shall be sold by the Department of Finance and Taxation. The State shall provide transportation and storage for such liquors. However, when the liquor is confiscated by municipal police or by county officers, the funds derived from the sale of such liquor, less 10 per cent to be retained by the State for costs of administration, shall be turned over to the respective municipality or county served by such officers. Prior to this act,

such confiscated liquor was sold by the county, and the county or municipality, as the case might be, received all the funds derived from the sale of the liquor, but had to pay its proportionate share of the cost of the transportation of the liquor to the point of delivery.

This act also authorizes liquor sales to post exchanges; allows the Department of Finance and Taxation to confiscate and sell vehicles and other personal property found at stills, or to keep such property for its own official use; and gives inspectors of the Department the same powers as the highway patrol over illegal traffic in liquor.

SENATE JOINT RESOLUTION NO. 31

Committee to recommend legislation to implement 8 Constitutional Amendments. Resolves "that the Speaker of the Senate and the Speaker of the House of Representatives be directed to invite the President of said Limited Constitutional Convention [of 1953] to name a committee to serve with him, for the purpose of advising the members of this General Assembly what legislation is deemed advisable and expedient to implement the purposes of the eight amendments adopted to the Constitution of the State of Tennessee on November 3, 1953."

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All persons, firms or corporations having any right or title to such real property shall have an opportunity to settle the tax claim. The Administrator, with the approval of the Governor and the Attorney General, may reduce the tax claim.

Proceeds of a sale shall be distributed in this order:

- (1) Costs of advertisement and sale
- (2) State tax, interest and penalties, if any
- (3) County and municipal taxes, interest and penalties
- (4) Balance goes to State General Fund

PUBLIC CHAPTER NO. 325

Restrictions on delivery of electric power into Tennessee. Prohibits any person, firm or corporation not now engaged in the generation, transmission or distribution of electricity from extending or constructing transmission or distribution lines into or within the State, for the purpose of delivering electricity generated outside the State, without first submitting its plans and obtaining a certificate of public convenience and necessity from the Public Service Commission (formerly the Railroad & Public Utilities Commission). The Commission can deny such a certificate if it would not serve the public interest. This bill does not apply to the Federal government or any agency thereof (including TVA), nor to the State of Tennessee or any political subdivision thereof, nor to electric cooperatives, but specifically applies to private and public corporations of other states, regardless of to whom the power is to be delivered. This act is an attempt to block the furnishing of power under the Dixon-Yates contract.

PUBLIC CHAPTER NO. 327

State permits for outdoor advertising signs eliminated. Eliminates the issuance of permits by the Department of Finance and Taxation for outdoor advertising signs located outside incorporated municipalities. Also terminates the responsibility of the Department (and of the Highway Patrol and the Department of Highways and Public Works, when called upon) to destroy signs, adjacent to the State highways and outside municipalities, which do not display the metal permit tags.

PUBLIC CHAPTER NO. 329

New State Traffic Code. Repeals Sections 2700.1 through 2700.13 and Section 2700.21 of the 1950 Supplement to the Code, which constituted much of the old State traffic code, and adopts many of the provisions of the Uniform Vehicle Code. The major points of interest to municipalities in this long act, which takes effect July 1, 1955, are indicated below:

New definitions. Section 1 provides definitions for the following, which were not defined in the "Definitions" section of the old law: arterial streets, authorized emergency vehicle, controlled access highway, cross walk, explosives, flammable liquid, intersection, official traffic control devices, pedestrian, police officer, roadway (which applies to streets as well as to rural highways), safety zone, semi-trailer, street (it should be noted that for the purpose of this act, the definitions of "street" and "highway" are alike), through highway, and traffic control signal.

Changed definitions. Among the changed definitions included in Section 1 are those for business district, highway (which includes streets), local authorities, motor vehicle, operator and owner.

Accident reports. Section 83 requires that "the driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of Fifty Dollars (\$50.00) or more shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the State Highway Patrol." Section 84 further provides that such a driver shall also, within five days after the accident, forward a written report to the Department of Safety. Section 85(b) requires a report to the Department by any law enforcement officer investigating any accident requiring a report, such report to be submitted by the officer within 24 hours after completing his investigation. Section 90 requires a garage to report to the Department of Safety any vehicle brought to it which shows evidence of having been involved in any accident involving personal injury or death, property damage of \$50 or more, or of having been struck by a bullet.

Accident report forms. Section 88 states that the Department of Safety shall prepare and upon request supply to police

departments, coroners, sheriffs, garages and others, forms for the accident reports required, and specifies that all reports filed shall call for sufficiently detailed information to disclose the cause of the accident, the conditions existing, and the persons and vehicles involved.

Accident reports, use of. Section 91 provides that:

"(a) All accident reports made by any person or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other State agencies having use for the records for accident prevention purposes, or for the administration of the laws of this State relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

"(b) No reports or information mentioned in this Section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law."

Section 92 adds that "the Department shall receive accident reports required to be made by this Act and may tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents."

Adoption by reference, by municipality, of State Traffic Code. Section 111 states that "any incorporated municipality may by ordinance adopt, by reference, any of the appropriate provisions of this Act, and may by ordinance provide additional regulations for the operation of vehicles within said municipality, which shall not be in conflict with the provisions of this Act."

Appearance before magistrate of persons arrested. Section 96 outlines the conditions under which a person arrested must be taken immediately before a magistrate.

Bicycle operation. Sections 71-77 regulate the operation of bicycles.

Controlled-access highways. Section 26 states that "the State Department of Highways and Public Works, and local authorities may with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle," when signs to that effect have been erected. (Chapter 147, above, deals in detail with controlled-access streets and highways).

Disposition of fines. Section 104 requires that "all fines, penalties, and forfeitures of bonds imposed or collected under any of the provisions of this Act shall be paid over within thirty (30) days after receipt thereof to the Commissioner of Safety with a statement accompanying the same setting forth the action or proceedings. . . ." Municipalities enforcing the provisions of this act will lose the fines provided herein, unless the violations prescribed are also municipal violations. For this reason, municipalities should consider the advisability of adopting this traffic code by reference, as authorized by Section 111.

Dumping glass, nails, cans, bottles on highway. Section 70 prohibits dropping such objects on a highway. It requires persons removing wrecked vehicles from a highway to also remove from the highway any glass or other injurious substance dropped from such vehicles. This section does not repeal Section 10841.5 of the 1950 Supplement to the Code, which prohibits dumping refuse on the right-of-way of any public road.

Emergency vehicles. Section 7 defines the privileges of an authorized emergency vehicle, "when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm." However, these privileges specifically do not protect a driver from "the consequence of his reckless disregard for the safety of others." This last provision is repeated in Section 31 (b).

Fees may not be divided. Section 106 specifies that "no Justice of the Peace or judge shall divide the fee of his office with any constable, sheriff, or other State officer, or with any individual who may assist in making an arrest or furnish evidence in a case arising under this Act."

Fire apparatus. Section 68 states that "the driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than

500 feet or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm." Section 69 prohibits driving over unprotected fire hose without the consent of the fire department official in command.

Municipalities given primary responsibility to enforce, within their limits. Section 111A prescribes that "where this Act applies to territory within the limits of a municipality, the primary responsibility for enforcing this Act shall be on the municipality who shall be further authorized to enforce such additional ordinances for the regulation of the operation of vehicles as it deems proper."

Parking - Angle Parking. Section 61 allows local authorities to permit angle parking on any roadway [including streets], "except that angle parking shall not be permitted on any Federal Aid or State highway unless the State Department of Highways and Public Works has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic."

Passengers in front seat. Section 65 permits four persons, but no more, to ride in the front seat of a vehicle.

Pedestrians. Section 32(b) provides that "local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk." Section 37 states that where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway, but where sidewalks are not provided, the pedestrian shall, when practicable, walk only on the left, facing traffic.

"Play streets" may be authorized. Section 73(c) states that "no person shall play on a highway other than upon the sidewalks thereof, within a city or town, or in any part of a highway outside the limits of a city or town, or use thereon roller skates, coasters or any similar vehicle or toy or article on wheels or a runner except in such areas as may be specially designated for that purpose by local authorities."

Police officers may move illegally parked vehicles. Section 59 empowers police officers to move a vehicle illegally parked upon

a highway, or left unattended on a bridge, causeway, in a tunnel or on a highway where it constitutes an obstruction to traffic.

Railroad crossings. Section 44 requires stopping at railroad crossing when a warning signal is on, or crossing gates are lowered, or a train is approaching. However, Section 45 authorizes "the State Department of Highways and Public Works and local authorities with the approval of the State Department of Highways and Public Works, to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat." Section 46 requires stops at all railroad crossings by vehicles carrying passengers for hire, school buses, and vehicles carrying explosives or flammable liquids.

Reckless Driving. Section 57 states that "any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving." This definition is less specific than the present law, contained in Section 2700.2 of the 1950 Supplement to the Code.

Records of traffic cases. Section 107 specifies that "every Justice of the Peace, magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, warrant, traffic citation or other legal form of traffic charge deposited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official action by said court or its traffic-violations bureau in reference thereto. . . ."

"Within 30 days after the conviction of forfeiture of bail of a person upon a charge of violating any provision of this Act or other law regulating the operation of vehicles on highways every said magistrate or judge of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Department [of Safety] an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle. . . . Said abstract must be made upon a form furnished by the department Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The Department shall keep all abstracts received hereunder at its main office and the same shall be open to public inspection during reasonable business hours."

School Busses, Passing. Section 50 refers to overtaking and passing school busses. Since this chapter does not contain a general provision repealing "all laws in conflict herewith," there is a likelihood of conflict between Section 50 of this chapter and Sections 2715.6-2715.8 of the 1950 Supplement to the Code. The latter reference requires a full stop, but then allows a driver to pass a school bus at five miles per hour, even though, apparently, the bus' "STOP" sign is still displayed. Section 50 of the new law provides as follows: "The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated." In view of the conflict, driver would probably be well advised to stop in all cases and wait for the bus to start, or for a signal from the bus operator allowing the driver to pass.

Signs and signals which are not authorized. Section 12(a) provides that "no person shall place, maintain or display upon or in view of any highway [including streets] any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal."

Speed limits - maximum. Section 51 establishes State speed limits for passenger cars and light trucks on the open highway at 65 mph at day and 55 mph at night, and raises the maximum speed for trucks of $1\frac{1}{2}$ tons' capacity and over from 40 mph to 50 mph. This section also limits the fees of "sheriffs, deputy sheriffs, constables, and other police officers, other than salaried officers, for making arrests for violations of the speed restrictions of this Act" to one dollar.

Section 52 permits the establishment of lower speed limits, in these terms: "the State Department of Safety is empowered to lower the maximum speed limits prescribed in Section 51 in business, urban or residential districts, or at any congested area, dangerous intersection or whenever and wherever the Department shall determine upon the basis of an engineering and traffic investigation, that the public safety requires a lower speed limit. Appropriate signs giving notice thereof shall be erected. . . . The legislative authority

of towns and cities shall possess the power to prescribe such lower speed limits within certain areas or zones, or on designated highways, avenues, streets, in their respective jurisdictions, and to erect appropriate signs and traffic signals."

Speed limits - minimum. Section 53(b) permits the establishment of minimum speed limits: "Whenever the department or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law."

Speed limits on bridges. Section 55(c) provides that the "State Department of Highways and Public Works upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge, ~~or~~ other elevated structure constituting a part of a highway [or street] . . . and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Act, the State Department of Highways and Public Works shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected. . ."

Stop signs. Section 48(a) outlines the specifications for stop signs in these terms: "Every stop sign shall bear the word 'Stop' in letters not less than 8 inches in height and such sign shall at night time be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign."

Traffic laws apply to municipal employees. Section 95 states that the provisions of the act apply to the drivers of all government vehicles, including municipal, subject to specific exemptions mentioned in the act.

Traffic tickets. Section 97 prescribes that where a person is not immediately taken before a magistrate for a misdemeanor under this law, that the arresting officer shall prepare a traffic ticket in quadruplicate, which shall be signed by the violator agreeing to a court appearance before he may be released. Section

amounts for matters of municipal interest:

\$50,000 for "investigation, study and planning of means for insuring an adequate public source or sources of electric energy for the future needs of Tennessee."

\$50,000 per annum for the 1955-57 biennium to the Department of Finance and Taxation for the administration of gasoline tax refunds for evaporation, as authorized by Chapter 339, below. This appropriation is in addition to that made to the Department by the General Appropriation Act.

\$50,000 per annum to the State Library and Archives for supplementing Regional Library funds, in addition to the \$200,000 per annum designated for this purpose in the General Appropriation Act.

\$75,000 per annum to the Tennessee Alcoholism Commission created by Chapter 232, below for the 1955-57 biennium.

\$200,000 per annum to the Bureau of Aeronautics "for the matching of Federal, Municipal, County, and Local funds in the construction and development of airports and airport facilities and for general aviation promotion." There is further appropriated \$30,000 per annum for administration expenses of the Bureau, and \$150,000 per annum for the 1955-57 biennium "for the programs of that organization."

PUBLIC CHAPTER NO. 232

Tennessee Alcoholism Commission. Creates the Tennessee Alcoholism Commission and empowers it to render "advice, guidance and assistance in the organization and conduct of approved local facilities and to supplement local effort and financing where found necessary by making available personnel and matching grants or funds." The Commission is further authorized to adopt standards for local clinics, to distribute information on alcoholism and to cooperate with existing agencies. Appropriates \$75,000 per annum for the next two fiscal years.

In addition, "all courts within this state having jurisdiction to hear and finally determine misdemeanor cases are hereby vested with jurisdiction to make voluntary or involuntary committal of

alcoholics to suitable institutions for hospitalization and/or rehabilitation."

PUBLIC CHAPTER NO. 233

Special license plates for auxiliary police vehicles. "Owners of motor vehicles who are residents of the State of Tennessee and who hold a permanent official identification card of the Auxiliary Police Unit working with the Civil Defense authorities, accompanied by proof of current membership, complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for plates, . . . and the payment of an additional fee of one (\$1.00) dollar shall be issued a license plate, . . . for private passenger cards upon which, in lieu of the numbers as prescribed . . . shall be inscribed the official Auxiliary Police Unit number of such applicants as assigned by the Auxiliary Police Unit."

The Commissioner of Finance and Taxation is empowered to make rules and regulations, and furnish annually an alphabetical list of holders of auxiliary police plates to the sheriff of each county, which list shall be open for public inspection.

PUBLIC CHAPTER NO. 234

Gambling laws tightened. This chapter strengthens existing laws against gambling and increases penalties. It makes gambling a misdemeanor punishable by a fine of not more than \$500, plus, in the Court's discretion, a jail sentence of up to one year. "Professional gambling", as defined in the act, is made a felony, punishable by a fine not to exceed \$1000, and mandatory imprisonment of one to five years.

Makes all gambling devices common nuisances and subject to seizure by any peace officer and destruction by court order. Equipment adaptable to non-gambling use is subject to seizure by any peace officer, and may be sold at public auction. "Forfeited monies and other proceeds realized . . . shall be paid equally into the general funds of the state and the general funds of the political subdivision . . . whose officers made the seizure"

Also provides penalties for manufacturing, owning, or transporting gambling devices or gambling records; for transmitting gambling information by telephone or telegraph; and for knowingly allowing one's property to be used for gambling. The act further provides that "when any property or premise for which one or more licenses, permits or certificates issued by this State, or any political sub-division or other public agency thereof, are in effect, is determined by a court having jurisdiction to be a gambling premise, all such licenses, permits and certificates shall be void, and no license, permit, or certificate so cancelled shall be reissued for such property or premise for a period of sixty days thereafter. Enforcement of this subsection shall be the duty of all peace officers and all taxing and licensing officials of this State and its political subdivisions and other public agencies."

This chapter does not repeal any specific laws, but merely states that it repeals "acts or parts of acts which are in conflict." Gambling is already a misdemeanor by Section 11275 of the 1932 Code of Tennessee, and gambling houses are a public nuisance by Sections 11353 (4) - 11354 of the Code and Section 9324 of the 1950 Supplement to the Code. Other references to gambling in the Code are: Sections 5248-5252, 7812-7822, 8593 and 11276-11296.

PUBLIC CHAPTER NO. 240

New ice boxes to have safety catches. Requires that, after March 21, 1957, "all new iceboxes and/or refrigerators or other airtight or semi-tight container, which has a capacity of 1 1/2 cu. ft. or more and an opening of 50 sq. in. or more, and which has a door or lid equipped with a latch or other fastening device capable of securing such door or lid shut, sold in this State shall be equipped with a safety device located in the lower half of the front panel and/or door which may be readily operated from within the container and which will open the door or release the panel as a means of escape."

PUBLIC CHAPTER NO. 242

Retailers' Sales Tax extended to cover contractors. Section 7 of this act provides that "where a contractor or sub-contractor . . . uses tangible personal property in the performance of his contract, or to fulfill contract or sub-contract obligations, whether the title to such property be in the contractor, sub-contractor, contractee, sub-contractee, or any other person, or

whether the title holder of such property would be subject to pay the sales or use tax . . . such contractor or sub-contractor shall pay the tax . . ." However, the tax specifically does not apply to construction for a church, the Atomic Energy Commission, the Tennessee Valley Authority, or "any electric generating plant or distribution system owned or operated by the United States or any agency thereof created by Act of Congress, or by the State of Tennessee or any agency or political subdivision thereof, or any authority organized pursuant to the State Electric Membership Corporation Law or the Electric Cooperative Law." Presumably the tax is levied against contractors constructing any municipal public works other than an electric system.

Other provisions of this act expand the definition of a "dealer" to include solicitors taking orders for sales (Sect. 1); require dealers to keep sales records for three years instead of two years (Sects. 2-4); permit a representative of the Department of Finance and Taxation to execute a distress warrant in the case of delinquent sales tax (Sect. 5); authorize the Commissioner of Finance and Taxation, with the approval of the Attorney General, to file injunctive proceedings against delinquent dealers to enjoin them from doing business during such delinquency (Sect. 5); and permit delinquent sales tax to become a lien against all the property of the dealer (Sect. 5). This act takes effect May 1, 1955.

PUBLIC CHAPTER NO. 243

Vocational Rehabilitation of the Blind. Replaces the 1949 act for the vocational rehabilitation for the blind. Authorizes the Director of Rehabilitation of the Blind (in the State Department of Welfare) to cooperate with and utilize the services of the State agencies, the Federal Bureau of Old-Age and Survivors Insurance, "and other federal, state and local public agencies providing services relating to vocational rehabilitation, and with the state system of public employment offices"

This act also authorizes cooperation with political subdivisions and other public and non-profit organizations "in their establishment of workshops and rehabilitation facilities", and directs the utilization of such facilities meeting State standards. Further, the act authorizes contracts with schools, hospitals, doctors, nurses and technicians for "training, physical restoration, transportation, and other vocational rehabilitation services."

PUBLIC CHAPTER NO. 245

Issuance of bonds for municipal public works. This act corrects an oversight in Chapter 233 of the Public Acts of 1953, which failed to make the words "ten per cent" (for a protest of a general obligation bond issue by petition of the voters) appear everywhere in the act in place of the words "five per cent."

PUBLIC CHAPTER NO. 246

Rural Road funds. Transfers \$7,000,000 from the State's General Fund to the Rural Road System Fund, instead of issuing \$7,000,000 in bonds for the 1954-55 fiscal year, authorized by Chapter 56, Public Acts of 1953.

PUBLIC CHAPTER NO. 250

Pledge of water revenues to retire sewer bonds. Amends Municipal Public Works Act to allow municipalities to pledge all or a part of any unpledged water rates, fees or charges to the payment of the principal and interest on sewer bonds.

This chapter further states that bonds may be issued under the Municipal Public Works Act "for any public work project . . . without regard to the requirements, restrictions or procedural provisions contained in any other law, or any home rule charter" The principal and interest on any such bonds shall be exempt from all State, county and municipal taxation, except inheritance, transfer and estate taxes.

PUBLIC CHAPTER NO. 252

Motor Vehicle Fuel Tax Law. Makes numerous changes in the wording of the Motor Vehicle Fuel Tax Law, relating to the taxation of diesel oil and other motor vehicle fuel, except gasoline. Reduces the filing fee for a license to use such fuel in heavy trucks and other vehicles from \$5.00 to \$1.00, and also reduces the per vehicle license card fee from \$1.00 to 50¢.

The major change enacted by this law is to make the tax payable to the State quarterly, effective July 1, 1955, instead of monthly as at present. While Section 3 of Chapter 1 of the Public Acts of 1953 requires that the municipal share of the motor vehicle fuel tax (and the gasoline tax) be distributed monthly, it would

seem that during the first 3 months following the July 1955 tax distribution to cities, there would be no motor vehicle fuel tax to share. While such a payless quarter would not re-occur, this delayed payment would result in less receipts by the cities from the motor vehicle fuel tax for the 1955-56 fiscal year. The money would eventually be paid to the municipalities, but 1955-56 would be a short-receipts year. However, the municipal effect of this act will be very slight, since motor vehicle fuel taxes total only 1% of the gasoline taxes.

PUBLIC CHAPTER NO. 253

Motor vehicles left on parking lots over 30 days to be reported. Requires that whenever a motor vehicle has been stored, parked or left in a garage, trailer park or parking lot for more than 30 consecutive days (except where the car owner has made arrangements for such parking), the owner of the parking facility shall report in writing the make, motor number, vehicle identification number and serial number of the car to the Nashville office of the Tennessee Department of Safety. Penalty for failure to report includes a fine and the forfeiture of all claims for storage or parking.

PUBLIC CHAPTER NO. 256

30 days' notice of special elections where voting machines are used. Provides that "in counties where voting machines are used notice of special election [such as an election for incorporation, charter change, or election of officers under a new charter], shall be given thirty (30) days prior to the date of said election and candidates shall file their qualifying petitions or be qualified not later than twenty (20) days prior to the date of election to be entitled to have their names printed on the ballot."

PUBLIC CHAPTER NO. 258

Financial responsibility in accidents to parked cars. Adds to Section 5 of Chapter 206 of the Public Acts of 1951 the provision that the requirements of the act insofar as they pertain to the showing of financial responsibility shall not apply "to the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking at the time of the accident was prohibited under any applicable law or ordinance."

PUBLIC CHAPTER NO. 260

Interstate Compact on Juveniles. Directs the Governor to execute an interstate compact on juveniles on behalf of Tennessee with any other state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico. The compact becomes operative upon its execution by any two states, in respect to the signatory states only.

The compact covers:

- (1) Cooperative supervision of delinquent juveniles on probation or parole;
- (2) The return, from one state to another, of delinquent juveniles who have escaped or absconded;
- (3) The return, from one state to another, of non-delinquent juveniles who have run away from home; and
- (4) Additional measures for the protection of juveniles and of the public.

The compact provides that "any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation . . ."

The Commissioner of the Department of Institutions is designated compact administrator for Tennessee, and he, with like officers of other party states, shall promulgate rules and regulations. This act provides that "the courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions."

PUBLIC CHAPTER NO. 261

Sunday movies outside cities. Adds to County Quarterly Courts the power, previously held only by municipalities, to permit Sunday movies. However, the County Quarterly Court's power applies only to those parts of the county outside incorporated municipalities.

PUBLIC CHAPTER NO. 267

Defendant allowed to waive indictment in misdemeanor cases. Provides that "all Courts of General Session, and similar inferior Courts . . . are hereby vested with full jurisdiction to determine and render final judgment in all misdemeanor cases brought before such Courts upon warrants wherein the person charged with such misdemeanor enters a plea of guilty or requests the person charged with such misdemeanor enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter such judgment, and as an incident thereto may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper . . ."

The "Clerks of said courts created by statute, and their deputies, shall have the concurrent authority with the judges thereof to issue warrants and other process and writs in criminal cases to be tried hereunder, other than those which the law requires shall be issued only by a judicial officer." This act prohibits the Court from imposing a fine in excess of \$50, which, of course, is the maximum set by the State Constitution without a jury.

While this legislation was not intended to apply to municipal courts, the terms of the Knoxville City Charter allow that city to utilize the provisions of this act. There may be other cities to which the act could apply, but a careful interpretation of each municipal charter would be needed.

PUBLIC CHAPTER NO. 269

Tampering with voting machines prohibited. Prohibits tampering with, mutilating or defacing any voting machine owned or used by any county or municipality. Penalty: up to \$500 fine and/or up to six months' imprisonment.

PUBLIC CHAPTER NO. 272

Relinquishment of telephone line in emergency. Provides penalty of up to \$25 fine and/or up to ten days' imprisonment for failure

to relinquish a telephone party line or a public pay telephone after a person has been requested to do so to permit another to place an emergency call to a fire department or police department, or for medical care or ambulance service. Obtaining the use of the telephone under false pretexts is subject to the same penalty. A statement of the substance of this act is to be printed in a permanent place in each telephone directory published hereafter.

PUBLIC CHAPTER NO. 273

Violators of tuberculosis quarantine may be locked up. Chapter 166 of the Public Acts of 1953 authorized State, district, county and municipal health officers, through the General Sessions Court, to have TB suspects examined, and TB carriers quarantined.

This act adds to the powers of Chapter 166 by providing that "if a person, who is either voluntarily or as the result of commitment by the processed herein authorized, shall violate quarantine by leaving the place of quarantine designated by a health officer, or shall become unruly, boisterous, offensive or recalcitrant or shall violate in any manner the reasonable rules and regulations of the institution in which such person is quarantined, then such person may be placed in quarantine under lock and key by the health officer having jurisdiction or by his lawfully designated deputy or assistant, or by the Sheriff or his deputy."

The broad powers granted by this act may have been needed, but they can also be much abused. Extreme care should be taken to insure that an attendant or other person is on hand at all times, day and night, to release the patient in case of fire, sudden illness, or other emergency.

PUBLIC CHAPTER NO. 274

Codes of Ordinances need not be published. Validates any Code of Ordinances heretofore adopted by any municipality, whether or not published, and provides that "hereafter no municipality, whether required by charter or otherwise, shall be required to publish its Code of Ordinances in a newspaper. A public hearing shall be held prior to adoption of a Code of Ordinances and advance notice . . . [of the hearing] . . . shall be published in a newspaper of general circulation in the municipality."

Further provides that, after adoption, notice shall be published in a newspaper circulated in the community to the effect that a Code of Ordinances has been adopted and that a copy is available at the City Recorder's Office for public examination.

PUBLIC CHAPTER NO. 275

Utility districts may embrace more than one county. Amends the Utility District Law so as to permit the creation of utility districts embracing parts of more than one county, but requires that each county must be represented on the Board of Commissioners of the Utility District.

PUBLIC CHAPTER NO. 276

County school boards may acquire and hold property. Amends Section 2325 (4) of the 1932 Code of Tennessee to specifically authorize county boards of education to receive donations of money, property or securities from any source for the benefit of the public schools of the county, and to spend such funds. Authorizes boards to purchase land, and to erect, equip and pay for school buildings. Vests in the board the title to property so purchased or acquired, and gives the board power to dispose of any property. It has not been determined what effect this act would have, if any, upon the title to county school buildings located within territory annexed by a city operating its own schools.

PUBLIC CHAPTER NO. 278

Credit in Tennessee State Retirement System for certain prior service. Permits any State or municipal employee participating in the Tennessee State Retirement System on or before December 31, 1955, to obtain credit for certain service prior to April 10, 1953. Such service must have been with "the State of Tennessee, or political subdivision thereof, or of the educational system of the State or any county, city or special school district receiving funds from the State of Tennessee."

The applicant for such service credit must present to the Board of Trustees of the Retirement System certified statements from the responsible head of the agency in which the service is claimed, or in the absence of original employment records, such

sworn affidavits from the applicant as the Board may require.

An employee claiming such prior service must, within one year, pay the necessary back contributions together with interest computed at 5% per annum.

Municipalities presently participating in the Tennessee State Retirement System are Bristol, Greeneville, Johnson City, and Kingsport.

PUBLIC CHAPTER NO. 279

Provides for the escheat of cemetery lots to cities or other cemetery owners. Provides that, where owners of vacant cemetery lots die without heirs or other arrangements for disposition of the lots, a municipality, corporation or association owning the cemetery may bring suit in court for title to such lots.

PUBLIC CHAPTER NO. 283

Privilege tax on accountants and auditors removed. Removes the right of municipalities, counties and the State to levy a privilege tax on accountants and auditors, now authorized by Item 2, Section 1248.2, 1950 Supplement to the Code. The average small accounting firm now pays a \$25 annual privilege tax. After July 1, 1955, the effective date of this act, accountants and auditors will be subject to the increased fees for accountants' licenses under the new State Board of Accountancy Law (Chapter 231 of the Public Acts of 1955), but there is no provision for local taxing or licensing of accountants in that new law.

PUBLIC CHAPTER NO. 286

Exemption from gasoline taxes and inspection fees extended to Federal agencies. Extends to agencies of the Federal government, the same exemption from "any gasoline privilege taxes and inspection fees on gasoline and distillate" bought in "tank car lots" now enjoyed by municipalities under the provisions of Section 1148.21 of the Code Supplement. Since April 9, 1953, the Tennessee Valley Authority and other Federal government agencies have been paying the 7¢ State gasoline tax, and, presumably,

the inspection fees, on gasoline and other motor fuels bought within the State, regardless of the quantities. The effect, taxwise, of this chapter will be slight since most Federal agencies have been buying their gasoline outside the State and shipping it in.

PUBLIC CHAPTER NO. 287

School boards not liable for injuries in schools when used for community recreation. Amends the present law (Section 2397.2 of 1950 Supplement to the Code) that exempts municipal boards of education and municipal school officials from liability for injuries to persons or property resulting from the use of school facilities for "public, community, or recreational purposes," by specifying that this exemption applies to Boards of Education "whether incorporated or unincorporated."

PUBLIC CHAPTER NO. 289

Safety measures required on work close to high voltage lines. Requires 6-foot clearance from high voltage lines (over 750 volts) in any kind of construction, repair or other work, unless mechanical barriers have been erected or the lines de-energized. Does not apply to railroads under certain conditions, nor to regular electrical workers working on electric lines. Warning signs are required; power company must be notified; Commissioner of Labor to enforce this bill.

PUBLIC CHAPTER NO. 290

Distribution of school house bond funds. Provides for the distribution of county school house bond funds with cities operating their own school systems, and with special school districts, on the basis of the "average daily attendance of the year ending June 30th next preceding the sale of the bonds," rather than on the basis of the "scholastic population" of the current year. (This act amends Section 2563 of the 1950 Supplement to the Code, as amended by Chapter 191 of the Public Acts of 1951, and Chapters 48 and 211 of the Public Acts of 1953).

PUBLIC CHAPTER NO. 294

Increased allowance authorized for public utilities board members for attending meetings. Amends the Municipal Electric Plant Law (specifically, Section 3708.13 of the 1950 Supplement to the Code) so as to allow members of the Board of Public Utilities to be paid "not to exceed \$25 per month" (formerly "not to exceed \$5 per month") for attendance at meetings.

PUBLIC CHAPTER NO. 295

Incorporation of communities under certain populations prohibited. Prohibits incorporation of communities with less than 200 residents. If any part of the community lies within two miles of an existing incorporated municipality, then it may not be incorporated if it has less than 500 residents. The population shall be determined "by a census taken by or under the direction of the Tennessee State Planning Commission."

PUBLIC CHAPTER NO. 296

Tennessee Farm Tractor Fuel Act. Exempts farm tractor fuel from gasoline tax. This act specifically does not interfere with the agricultural gasoline refund law (Sections 1148.27-1148.39 of Code Supplement) which permits the refund of all but one cent per gallon of the gasoline tax when used "for agricultural purposes."

PUBLIC CHAPTER NO. 301

Certified copy of 1955 local legislation to be furnished municipality or county affected. Requires the Secretary of State to furnish a certified copy of every 1955 act "private or local in form or effect, applicable to a particular county or municipality" to the presiding officer of the local legislative body which has the jurisdiction to approve or disapprove the act. Where action by referendum is required, then the certified copy shall be sent to the Chairman of the County Election Commission.

This chapter further requires that as of the date of delivery to the printer of the private acts of 1955, the Secretary of State shall indicate, for inclusion in the published volume,

what action was taken locally in respect to each act, and if no action was reported, such shall be indicated.

PUBLIC CHAPTER NO. 312

Privilege tax on "kiddy-rides." Amends Item 49 of Section 1248.2 of the 1950 Supplement to the Code, to allow municipalities, counties and the State to levy an annual privilege tax of \$5.00 on each coin-operated "kiddy-ride."

PUBLIC CHAPTER NO. 321

House breaking penalties increased. Enlarges the definition of "breaking and entering" to include residences, and increases penalties.

PUBLIC CHAPTER NO. 323

Gasoline Special Privilege Tax increased. Increases the Special Privilege Tax on gasoline and other motor fuels (Section 1148.1 of Code Supplement) from one-half cent to 7/10¢ per gallon, to correspond with the increase in the gasoline and motor fuel inspection fees from 4/10¢ to 6/10¢ per gallon, effected by Chapter 53, above. This special privilege tax applies only to distributors who have failed to pay the inspection fees. The effect of this chapter is to maintain a penalty of 1/10¢ per gallon (i.e., the difference between the inspection fee and the special privilege tax). It is doubtful that a distributor would be able to pass this tax on to a municipality to which he has sold motor fuel.

PUBLIC CHAPTER NO. 324

Disposition by State of property acquired for delinquent taxes. This chapter expedites the liquidation of the State's interest in lands acquired for delinquent taxes. It authorizes the State Property Administrator to sell, at public auction, and with the approval of the Governor, any real property acquired for delinquent taxes under the provisions of Section 1591 of the 1950 Supplement to the Code.

PUBLIC CHAPTER NO. 171

Disposal of sewage in wells prohibited. Prohibits disposal of household or business sewage into abandoned wells, caves, sink holes, open ditches, or any well dug or drilled for that specific purpose. Penalties provided. Enforcement is duty of "local health officers," but not exclusively theirs.

PUBLIC CHAPTER NO. 177

Juvenile Courts. This Act replaces the old juvenile court act found as Sections 10269-10309 of the Code of Tennessee, 1932. The County Judge or Chairman of the county court is designated as the "Juvenile Court" in all counties except those counties or municipalities wherein juvenile courts have been provided by statute. Such county or municipal courts now existing shall have all the powers contained in this act, and shall lose none of the powers previously granted by private legislation, unless inconsistent with this act. "Child" means a person under 18 years of age, whether single or married.

The act states that a child may not be held by apprehending authorities longer than 48 hours, Sundays and holidays excepted, before being brought before the juvenile court; that a child shall not be brought into contact with adult prisoners; that a child may not be finger-printed or photographed before being brought before the juvenile court; and that it is a misdemeanor for any justice of the peace or city recorder, in any county or city, to dismiss, compromise, or take any action in any cause concerning a child which properly falls within the jurisdiction of the juvenile court, other than to refer the child to such court.

Hearings by the court are closed to the public. The records and information obtained in all cases of children are not available for public inspection, except such information of a social nature which may be released at the discretion of the court.

The juvenile court may refer the case to the county welfare director for investigation of the social conditions surrounding the child, may refer the child to the Mental Health Department for examination, may place the child on probation to a probation officer, may place the child in a private home, or may commit a dependent and neglected child to a suitable institution. In

the case of certain felonies committed by a child, the juvenile court is required to hand over the child to the sheriff.

An important section of the act provides that "any adult who shall contribute to or encourage the delinquency of a child whether by aiding or abetting or encouraging the said child in the commission of an act of delinquency or by participating as a principal with the child in an act of delinquency or by aiding the child in concealing an act of delinquency following its commission shall be guilty of a misdemeanor triable in the Circuit or Criminal Court . . ."

PUBLIC CHAPTER NO. 180

\$675,000 appropriation for schools. Appropriates an additional \$675,000 for equalizing and non-equalizing counties above the amount appropriated by the 1953 General Assembly. This additional appropriation is "for the purpose of completing the payment of the cost of the minimum school program, grades one through twelve" for the fiscal year 1954-55.

PUBLIC CHAPTER NO. 181

Urban renewal. Broadens the Housing Authorities Law so as to enable municipalities to participate in the new Federal urban renewal program.

The title of this act states that its purpose is "to authorize housing authorities to undertake additional activities for the elimination and for the prevention of the development or spread of slums and blight, including function with respect to rehabilitation and conservation for the restoration and renewal of blighted, deteriorated or deteriorating areas; to authorize housing authorities to plan and undertake urban renewal projects; to confer on Housing Authorities necessary power to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire property by eminent domain or purchase and to dispose of property, to issue bonds and other obligations, to borrow and accept grants from Federal Government or other sources; to provide that all of the rights, powers, privileges and immunities of public or private bodies or agencies applicable with respect to redevelopment projects shall

be applicable with respect to such additional activities, including urban renewal projects; to authorize the governing body of the municipality, or such public officer or public body as it may designate to prepare a workable program for utilizing appropriate public and private resources to eliminate and prevent the development or spread of slums and urban blight in the community; and to authorize municipalities to aid and cooperate in undertaking and carrying out urban renewal plans and urban renewal projects."

Only a Housing Authority, created as provided in sections 3647.29N-3647.294, 1950 Supplement to the Code of Tennessee, can undertake such projects, but a Housing Authority may delegate its powers to a municipality or other public body.

PUBLIC CHAPTER NO. 182

Workmen's Compensation. Increases the benefits of the Workmen's Compensation Law in many respects - by shortening certain waiting periods, lengthening periods of disability, increasing the percentages of salary paid as benefits, and increasing certain maximum amounts which can be paid. The effect on municipalities covered by workmen's compensation insurance will be to enlarge the benefits payable to their employees, but probably at the cost of larger insurance premiums. The Act becomes effective July 1, 1955. The over-all premium increase, for all types of jobs, is estimated to be approximately 10.5%, effective in the fall of 1955.

PUBLIC CHAPTER NO. 183

Franchise tax exemptions. Exempts from both the State franchise and excise taxes corporations organized (presumably under Chapter No. 210, below, and perhaps under other laws) for the sole purpose of furthering industrial development in Tennessee communities. Another provision of this act adds companies which are "constructing or improving real property for others" to those subject to the franchise tax. This latter provision might increase, to a small degree, the cost of contracted municipal construction jobs.

PUBLIC CHAPTER NO. 185

Excise tax exemptions. Exempts from both the State franchise and

excise taxes corporations organized (presumably under Chapter No. 210, below, and perhaps under other laws) for the sole purpose of furthering industrial development in Tennessee communities. Another provision of this act adds companies whose principal business in this State is that of "constructing or improving real property for others" to those subject to the excise tax. This latter provision might increase, to a small degree, the cost of contracted municipal construction jobs.

PUBLIC CHAPTER NO. 190

Cities incorporated before July 1, 1955 may share in sales tax distribution. Amends the Sales Tax Law to allow any city incorporated before July 1, 1955, to share in the distribution of the Sales Tax, regardless of population. The 1949 law prohibited sharing the tax with cities incorporating thereafter if they had a population of less than 1,000. The effective date of this restriction has been postponed at each biennial session of the General Assembly since 1949.

PUBLIC CHAPTER NO. 191

Gross receipts tax on vending machines. Provides that each person operating vending machines (except those dispensing tobacco items) may choose to pay to the State a $1\frac{1}{2}\%$ gross receipts tax in the manner prescribed in Item B, Section 1248.3 of Code Supplement, instead of the State, county and municipal privilege taxes levied by Item 65(c), Section 1248.2 of the Code Supplement, and the State sales tax. Municipalities will lose revenue to the extent that vending machine operators avail themselves of this option.

PUBLIC CHAPTER NO. 194

Farm feeds and caskets exempt from Retailers' Sales Tax. Exempts "livestock and poultry feeds"; caskets and burial vaults used in the burial of the dead, up to or not to exceed \$500 from the Retailers' Sales Tax, effective June 1, 1955.

PUBLIC CHAPTER NO. 197

Motor trucks to pay fair share of State gasoline tax. As introduced in the General Assembly, this bill provided that prior to entry into the State of any "freight motor vehicle of not less than 18,000 pounds gross weight," the owner or operator must obtain a permit from the Department of Finance and Taxation, and post bond of not less than \$500, in order to insure the payment of the 7¢ gasoline and motor fuel taxes. The taxes would be paid quarterly and would be determined by dividing the total number of miles travelled within the State during the preceding quarter by the average miles per gallon obtained, and multiplying the result by seven cents. However, the copy of the bill which was signed by the Governor omitted the crucial word "not" (underlined above), and thus apparently the whole effect of the bill is reversed. Instead of applying to trucks over 18,000 pounds, this act, as signed, applies to trucks under 18,000 pounds. As of this writing, it appears that the Department of Finance and Taxation will ask the Attorney General for an opinion on the effect of this act.

PUBLIC CHAPTER NO. 199

Tennessee State Fire College. Establishes the Tennessee State Fire College at Murfreesboro. It will be operated under the direction of the State Board for Vocational Education, with help from an advisory board appointed by the Governor, and the State Fire Marshal. Appropriates up to \$60,000 for a drill tower, and up to \$6,000 for expenses for each year of the 1955-57 biennium. The purpose of the bill is to provide training of professional and volunteer firemen, to develop new methods in fire fighting and prevention, to disseminate useful information on fires, fire fighting and prevention, to promote public safety in the field of fire hazards and fire prevention work, to assist the State, county and municipal governments in investigations and determinations of the causes of fires.

PUBLIC CHAPTER NO. 209

Industrial Building Bond Act of 1955. Provides that municipalities and counties may issue revenue bonds for purposes of purchasing, constructing or improving industrial buildings, which may be backed by a pledge of full faith and credit and unlimited

taxing power. Such buildings may be leased to industries on terms which will assure adequate rental revenue to retire and pay interest on bonds, and to meet other costs of operation of the building.

Before any such bonds can be issued involving a pledge of the full faith and credit and unlimited taxing power, the entire project including the lease agreement with a prospective industry must be approved by a Building Finance Committee of the Tennessee Industrial and Agricultural Development Commission. This Finance Committee will have a membership consisting of the Chairman of the Commission and six additional members appointed by the Governor, two from each Grand Division of the State, who must be experienced in the fields of investment, finance or industry.

In addition, the bond issue proposal must be submitted to a vote of the people of the municipality or county and win the approval of a three-fourths majority of those voting. Bonds issued shall be exempt from all State, county and municipal taxation, except inheritance, transfer and estate taxes. Such bonds are declared to be legal and authorized investments for banks, insurance companies, State funds, and municipal and other political subdivision funds, etc. They may also be used by banks to secure the deposit of public funds.

The purpose of this act (and Chapter Number 210, below) is to provide a method by which medium and smaller municipalities in Tennessee can overcome the lack of private investment capital for industrial buildings and to meet the demand of many sound and solvent manufacturing concerns for rental of property on long-term leases rather than tying up their own capital. The plan is similar to the Mississippi Balance Agriculture with Industry Bond Program under which 74 municipalities have provided buildings for 98 industries employing more than 30,000 persons.

PUBLIC CHAPTER NO. 210

Industrial Development Corporations. Authorizes the formation of industrial development corporations in municipalities and counties "to acquire, own, lease, and dispose of properties . . . to promote industry and develop trade by inducing manufacturing, industrial and commercial enterprises to locate in this State and further the use of its agricultural products and natural

resources." This act states that it is not intended to authorize such industrial development corporations themselves to operate any industrial or commercial enterprise.

The governing body of a municipality or county and the Secretary of State must approve the formation of such corporations. The members of the Board of Directors of such a corporation must be duly qualified electors and taxpayers in the city or county, and shall be appointed by the governing body of the local government.

The corporation is authorized to acquire industrial or commercial properties, and to lease or sell them, to issue revenue bonds payable solely from the revenues from the lease or sale of the properties. "The corporation and all properties at any time owned by it and the income therefrom, and all bonds issued by it and the income therefrom, shall be exempt from all taxation in the State of Tennessee."

While the city or county "shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporations", it "may pledge its full faith and credit as surety to the payment of the principal and interest of said bonds", upon approval of the Building Finance Committee of the Tennessee Industrial and Agricultural Development Commission and approval by three-fourths of the voters of the city or county concerned voting in a referendum election on the matter.

Industrial development corporations authorized by this act are non-profit corporations, and any net earnings above expenses and bond retirement needs shall be paid to the city or county concerned. Such corporations may be dissolved when their mission has been accomplished, and all assets thereof turned over to the city or county. Bonds issued by industrial development corporations, when secured by the full faith and credit of the city or county involved, are declared to be legal and authorized investments for banks, insurance companies, State funds, and municipal and political subdivision funds, and may also be used by banks to secure the deposit of public funds.

This act is a companion act to Chapter No. 209, above.

PUBLIC CHAPTER NO. 211

Rabies control. Repeals the 1951 Rabies Law (Chapter 246) and

makes the following major changes in the 1953 Rabies Law (Chapter 252):

1. Vaccine must meet the standards of the U. S. Department of Agriculture for interstate sale.

2. Prescribes data to be placed on the vaccination certificate.

3. Gives Commissioner of Public Health authority to promulgate rules and regulations.

4. Deletes the \$1.00 maximum charge which veterinarians formerly could charge for vaccination, leaving no maximum.

PUBLIC CHAPTER NO. 215

Privilege tax on transportation companies repealed. Repeals the 3% gross receipts tax (Item T, Section 1248.3, 1950 Code Supplement) paid to the State by railroads, air lines, boats and barges, express companies, and by those "engaged in the business of transporting persons or property or freight for hire by motor vehicle." Since franchise tax and excise tax payments could be credited against this privilege tax, the loss to the State by this repeal may be slight. However, this act removes the requirement contained in Item T that those operating "a street railway or a street railway bus or electric coach system or any combination thereof, in any of the municipalities of the state" shall pay to the municipality either a 2% or 1½% gross receipts tax, depending upon the size of the operation.

PUBLIC CHAPTER NO. 216

Public Works may be transferred or leased to State or Federal governments. Amends the Revenue Bond Law so as to permit any municipality "to lease any public works to, or to operate and maintain any public works, either wholly or partially, for the use and benefit of, the United States of America or the State of Tennessee or any agency, instrumentality or authority if either thereof" under such terms as can be mutually agreed upon, including transfer of title. Municipalities may issue revenue bonds for the construction, acquisition or improvement of such public works, and may pledge both the revenues from the specific

public works involved and from other public works for the payment of principal and interest.

This act was introduced by the Shelby County delegation for the specific purpose of authorizing Memphis (or any other city) to generate its own electricity and thus block the Dixon-Yates Contract which would furnish private power to TVA.

PUBLIC CHAPTER NO. 227

Rear mud-guards required for vehicles over 3,000 pounds. Prohibits operation on a public highway or street of a motor vehicle "having a carrying capacity in excess of 3,000 pounds, which is not equipped with rear fenders, mud-flaps or mud-guards of a type approved by the Commissioner of Safety." This act does not apply to "farm vehicles or vehicles used by farmers to haul produce from farm to market, nor shall it apply to vehicles used exclusively for hauling logs." Presumably it does apply to municipal vehicles.

PUBLIC CHAPTER NO. 228

Social Security. Amends the State Social Security Law (Chapter 90, Public Acts of 1951) so as to allow coverage under Social Security of persons now members of State or local retirement systems, in accordance with Public Law 761, enacted by the 83rd Congress, on September 1, 1954.

PUBLIC CHAPTER NO. 229

General Appropriation Act. Increases the annual appropriation for the Tennessee State Planning Commission from \$128,500 to \$165,000, the increase being granted primarily to finance services to municipalities undertaking Urban Renewal programs. Also enlarges the annual appropriation for the Tennessee Industrial and Agricultural Development Commission from \$75,000 to \$110,000, chiefly to cover expanded operations in connection with its supervision over the issuance of general obligation bonds by cities for industrial buildings, authorized by Chapter 209, above.

PUBLIC CHAPTER NO. 230

Miscellaneous Appropriations Act. Appropriates the following