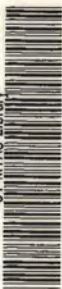


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1957 Public Acts

O F I N T E R E S T T O
M U N I C I P A L I T I E S

by

ROBERT A. LOVELACE

...

Laws and Regulations -
Tennessee

M U N I C I P A L T E C H N I C A L A D V I S O R Y S E R V I C E

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FOREWORD

The 1957 General Assembly adopted 411 public acts. In this publication we have briefly summarized the subject matter of 126 of these acts which affect municipalities or are of some interest to municipal officials.

Among the more significant acts are 26 acts related to schools (see "EDUCATION" in the subject index); chapters 362, 363 and 368, authorizing one special city-wide census between Federal decennial censuses; chapter 391, empowering the governing body of any city to elect a tax assessor or to use the county assessment; chapter 402, barring collection of delinquent taxes after 10 years; chapter 228, establishing a State staff to assist counties and cities in assessing property for taxation; chapter 336, exempting from State tax gasoline in lots of 5,000 gallons or more purchases by municipalities; and chapter 232, empowering cities to construct off-street parking facilities, and to own and operate transit facilities.

Other acts of especial interest include chapter 120, providing for city-county consolidation in any county over 200,000 in population; chapter 170, on reimbursing utilities for relocating facilities for highway improvements; chapter 215, prohibiting intercepting and retransmitting police messages; chapter 219, removing the State ban on Sunday movies; chapter 223, authorizing inter-city agreements on firefighting assistance; chapter 229, permitting cities under 25,000 to jointly employ a building inspector; chapter 275, requiring school board meetings to be open to the public; chapter 285, declaring State and local government records, with certain exceptions, open to the public; chapters 346 and 347, suspending for 15 months proposed new cities within specified distances of existing cities; chapter 404, forbidding pinball playing by children under 18; and chapter 406, declaring pinball machines to be non-gambling devices.

Some 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, or will be available soon in the printed 1957 Public Acts.

Victor C. Hobday
Executive Director

June 1957

PUBLIC CHAPTER NO. 1

Public Acts of 1955. The Public Acts of 1955 are made a part of Tennessee Code Annotated (published separately in pocket supplements).

(The summaries of the five "segregation" acts, which follow, were prepared for the Tennessee School Boards Association, by the Southern Education Reporting Service, publishers of the Southern School News, and are used here by permission.)

PUBLIC CHAPTER NO. 9

Transfer of Pupils. Amends the sections of the present law governing transfer of students from one school system to another to permit local school boards, in their discretion, to admit pupils from other school districts and to arrange for transfer of pupils within their districts to schools outside the district. Sections 2 and 3 of this act spell out this authority with reference both to elementary school and high school students.

This act and Public Chapter No. 12 appear to spell out authority already vested in local school boards. Their purpose would appear to be to clarify the powers of local school boards to establish, staff and utilize such schools as may be demanded, for example, under the provisions of Public Chapter No. 11.

PUBLIC CHAPTER NO. 10

Transportation of Pupils. Strikes out in its entirety Section 49-2201 of the Tennessee Code Annotated which authorized local school boards to provide transportation for school children who live over one and one half miles from the "nearest school of appropriate race, grade and type." In its place is substituted the identical authority to provide transportation for school children but to "the school to which they are assigned by the board of education and in which they are enrolled."

Thus, the act revises the section dealing with school transportation to (1) make it conform to the pupil assignment act, and (2) eliminate all reference to race (such references already having been declared void by the U. S. Supreme Court and the Tennessee Supreme Court.)

PUBLIC CHAPTER NO. 11

Schools Voluntarily Segregated. Authorizes but does not require local school boards to provide separate schools for white and negro children whose parents, legal custodians or guardians want them to attend school only with children of their own race. No mention is made of methods by which this practice should or could be carried out.

PUBLIC CHAPTER NO. 12

Joint School Systems. Authorizes two or more local boards of education:

1. To contract to establish, operate and maintain jointly a school or schools.

2. To levy taxes, issue bonds, appropriate and spend funds, acquire property, employ teachers, provide transportation for such joint schools.

3. To exercise jurisdiction and supervision over students and teacher employment in such joint schools, under provisions of the contract between them or to delegate this authority to boards of control established especially to operate the joint school or schools.

This act specifies that such schools as are established under its provisions "shall be considered for all purposes as integral parts of the school systems of each of the counties, cities or special school districts which are parties to the said contracts."

PUBLIC CHAPTER NO. 13

Assignment, Admission, and Transfer of Pupils. Authorizes and requires local school boards "to provide for the enrollment in a public school of each child who is eligible for enrollment within the schools" of their jurisdiction. Twenty-one factors which boards may consider in making pupil assignments range from availability of room, teaching capacity and transportation facilities to "the sociological, psychological and like intangible social scientific factors as will present, as nearly as possible, a condition of socio-economic class consciousness among the pupils."

The act also establishes procedures of administrative and court appeal from decisions of the local school boards. It provides also that each child shall continue in the school he has been attending until graduation therefrom or until assigned to another school by the board under provisions of this act.

PUBLIC CHAPTER NO. 14

Quarantine Procedures. Strikes the existing statutory quarantine procedure, and authorizes the Tennessee Department of Public Health to promulgate rules and regulations as may be necessary. Such rules and regulations shall be enforced by local health authorities. Fixes penalties for willful escape from quarantine.

PUBLIC CHAPTER NO. 18

Watersheds. Authorizes the Division of Forestry to enter into cooperative agreements with the U. S. Department of Agriculture and with local governments in land conservation programs. Authorizes local governments to participate in such programs and expend public funds for such purposes. (Involves a limited opportunity for development of small municipal water supply reservoirs).

PUBLIC CHAPTER NO. 19

Water Resources. Creates a Division of Water Resources within the Department of Conservation whose responsibility shall be "all matters pertaining to conservation, protection and development of the water resources of the state" and "development of a long range water resource policy for the state." Excepts water pollution control functions which will still be exercised by the Tennessee Stream Pollution Control Board. Extends, for two years, the water resources study commission created in 1955 whose final comprehensive report on a basic water resource policy is to be submitted on or before September 1, 1958. Appropriates \$40,000 per year for these purposes.

PUBLIC CHAPTER NO. 22

Corrections, Tennessee Code Annotated. Corrects Code Sections 2-201 and 2-304 to show a three months residence requirement in the county as a prerequisite to eligibility to vote, rather than six months as shown. Other corrections not municipal.

PUBLIC CHAPTER NO. 27

Overtaking and Passing School Bus. Adds requirement that school bus, when parked on right hand side of highway, shall stay parked with visual stop signs actuated until children who need to cross the road or highway have done so.

PUBLIC CHAPTER NO. 38

Certified Mail. Authorizes use of certified mail whenever the law requires a notice to be given by registered mail.

PUBLIC CHAPTER NO. 40

Municipal Incorporations. Regulates new incorporations to prohibit - unless by consent - including property equal to thirty-five (35%) per cent of the assessed valuation of the proposed city where such property is included for the purpose of collecting the majority of the revenues of the city. Ban applies at time of incorporation and for eight years thereafter.

PUBLIC CHAPTER NO. 41

Advertising Rates, Judicial Sales. Strikes the statutory requirement that advertising in foreclosure - and other judgment creditor - proceedings shall be carried by the newspaper at two-thirds ($2/3$) of the regular advertising rate. Also strikes maximum statutory fees for publishing court orders and other legal notices. Substitutes for both the above the regular classified advertising rate of the newspaper.

PUBLIC CHAPTER NO. 45

Sale and Use of Fireworks. Limits sale or use of fireworks, except at public displays, to common fireworks (substantially those heretofore authorized for sale and use by regulation of the State Fire Marshal's office). Limits retail sale of common fireworks to periods between June 25 and July 5, and between December 15 through January 1 of each year. Regulates public fireworks displays through the State Fire Marshal's office. Does not affect validity of private acts or city ordinances further prohibiting fireworks. Fixes penalties.

PUBLIC CHAPTER NO. 53

General Education Bill. Provides, for the educational system of the state and its subdivisions, \$91,763,400 for the fiscal year beginning July 1, 1957, and \$97,134,400 for the fiscal year beginning July 1, 1958. These compare to \$82,612,199 for the year ending June 30, 1957.

Increases certificated teachers' salaries for 1957-58 one hundred fifty (\$150.00) dollars per year and for 1958-59 two hundred (\$200.00) dollars per year over their salaries for 1956-57. Also provides that 83.38% of excess which may accrue in earmarked revenues over budgetary estimates shall go toward further teacher salary increases. (Earmarked revenues: 80% of the first 2% of the sales tax; 98.5% of 1% of the sales tax; 96% of all of the tobacco tax. Estimated "extra" raise: \$50 per year).

Provides for an additional per capita of eight (\$8.00) dollars to be distributed for textbooks to those school systems which had an increase in average daily attendance for the immediate past year over that of the school year next preceding.

Provides that State capital outlay funds shall be distributed one-fourth ($\frac{1}{4}$) in August, one-fourth ($\frac{1}{4}$) in January, and one-half ($\frac{1}{2}$) in April, rather than one-half ($\frac{1}{2}$) in January and one-half ($\frac{1}{2}$) in April as is done presently.

Requires that a board of education shall obligate or expend local school funds only for capital outlay projects which conform to standards adopted by the State Board of Education.

PUBLIC CHAPTER NO. 60

Sheriff's Fees, Tax Lien Suits. Increases the fee the sheriff shall receive for serving all original processes from fifty cents to one dollar.

PUBLIC CHAPTER NO. 72

Privilege Tax on Produce Markets. Repeals Item 85, 67-4203 which, heretofore, authorized state and local privilege taxes on produce markets. Effective now.

PUBLIC CHAPTER NO. 75

Teachers' Sick Leave. Provides clarifying language only without substantive change. Sick leave: one (1) day for each month taught; cumulative; accumulated leave not to exceed thirty-six (36) days.

PUBLIC CHAPTER NO. 76

Destruction of Property by Minors. Allows recovery of civil damages up to \$300 from negligent parent or guardian for willful or malicious damage to municipal property, including schools, by minors. Effective now.

PUBLIC CHAPTER NO. 78

Medical Care for the Indigent. Provides that Section 53-202 shall not apply where federal laws or regulations require administration by another state administrative unit. This, coupled with Chapters 117 and 119, below, puts responsibility for indigent hospitalization and medical care in the Welfare Department, whereas 53-202 had, previously, assigned all medical care activities of the state to the Public Health Department.

PUBLIC CHAPTER NO. 80

Hospital Service for the Indigent. Amends the "Hospital Service for the Indigent Act" to exclude, as eligibles under that act, those who would be eligible under the program administered by the Public Welfare Department. See Chapters 78, 117, 119.

PUBLIC CHAPTER NO. 81

Residence Requirements, Public Assistance. Amends the "Old-Age Assistance," the "Aid to Dependent Children," the "Aid to the Disabled," and the "Aid to the Blind" laws to provide an amplified definition of "residence" for eligibility to benefits. Heretofore, applicants had to be 'residents of the State'. Now, applicants must have been residents of the state for one year prior to application, except that those who left the state and came back within the year shall be eligible if they had lived here for a year before they left. Also, the beneficiary must continue to reside in state to receive benefits.

PUBLIC CHAPTER NO. 82

Arrests of Attempted Suicides. Amends the code section (40-803) authorizing arrests without warrant, to add the case of a person attempting to commit suicide.

PUBLIC CHAPTER NO. 84

Library Programs, Federal Aid. Authorizes the State Librarian and Archivist, with approval of Library Commission, to make agreements with the federal government in regard to the administration of library programs, and to accept federal funds under terms and conditions required.

PUBLIC CHAPTER NO. 86

Bus Stops. Exempts busses taking on or discharging passengers from general requirement of parking off highway where feasible, provided clear view of stopped busses is available from a distance of two hundred (200') feet, either way.

PUBLIC CHAPTER NO. 87

Teachers' Retirement. Amends the existing "Teachers' Retirement Law" to provide a new and additional system integrated with federal social security coverage. Present members of existing system may choose between existing and integrated plans. Future members will enter the integrated system only. Establishment of integrated plan subject to approving referendum vote of membership.

PUBLIC CHAPTER NO. 89

Teachers' Salaries. Provides that teachers salaries shall be based on information available at the office of the Commissioner of Education as of December 1 each year, and that salaries shall be to the minimum schedule unless information indicating otherwise is available there by that date.

PUBLIC CHAPTER NO. 90

School Contracts With Other States. Broadens authority in this subject area by removing present limited application (to islands in border rivers) and extending power to school boards in all border counties to contract with state and local officials in adjoining states for education of children in grades one through twelve as part of minimum foundation program, all subject to approval of Commissioner of Education and Attorney General. Effective now.

PUBLIC CHAPTER NO. 91

School Funds: Private School Classifications. Authorizes one political subdivision to sue another for recovery of school funds erroneously distributed, without consent of Governor or Commissioner of Education. Empowers Commissioner of Education to inspect, approve, and classify private schools of grades one through twelve, using same standards applied to public schools, when requested to do so.

PUBLIC CHAPTER NO. 92

School Bonds - Limitation. Repeals code section authorizing issuance of school bonds in excess of ten (10%) per cent of assessed valuations with approval of Commissioner of Education.

PUBLIC CHAPTER NO. 97

Trading Stamps. Increases license fees of trading stamp companies from \$300 to \$600, and imposes a two (2%) per cent gross receipts tax on businesses giving out trading stamps. Effective August 1, 1957.

PUBLIC CHAPTER NO. 98

Schools - Separation By Sex. Authorizes local school boards to establish separate schools for boys and girls.

PUBLIC CHAPTER NO. 104

Barratry. Defines and fixes penalties for the offense of stirring up litigation in which the instigator has no direct interest (personal or property right).

PUBLIC CHAPTER NO. 105

General Appropriation Act. (For a more detailed 'municipal' analysis of this act, see page 5 of the February 1957 issue of Tennessee Town and City magazine, published by the Tennessee Municipal League). Provides for general state operations including, among other items of municipal interest, appropriations for:

- An increase from \$110,000 to \$200,000 per year for industrial development efforts;
- Operation of a new technical advisory agency under the State Equalization Board whose function will be, upon request, to provide help to

local officials in tax assessment and equalization methods (\$50,000 - 1957-58; \$75,000 - 1958-59);

- A \$237,000,000 highway program during the biennium (including federal matching funds and proceeds of bond issues not to exceed \$30,000,000 during the two years);

- A \$1,000,000 increase in capital outlay funds for new local school construction;

- \$1,900,000 of the accumulated state surplus to be used to match federal and local funds for the construction of Hill-Burton Act hospital facilities;

- A seven-fold increase in indigent hospitalization care funds to \$1,583,000 for the 2-year period;

- Increases of \$5,000 per year to the Municipal Technical Advisory Service and of \$35,000 per year to the Tennessee State Planning Commission for new and further consultant services to municipalities in problems of their fringe areas, in urban renewal, and in planning.

Established state-collected, city-shared taxes continue as before.

PUBLIC CHAPTER NO. 106

Prior Service Credit, State Retirement System. Extends to Dec. 31, 1957, the existing prior service credit provisions, which, otherwise, would have expired Dec. 31, 1955.

PUBLIC CHAPTER NO. 115

Limitations on Payment of Bonds. Provides that actions against municipalities and political subdivisions of the state for the payment of bonds and/or coupons shall be commenced within fifteen (15) years of maturity or due dates, unless the governing body concerned waives the limitation. Further provides that bonds or coupons which matured on or after January 1, 1942, the only bar to the payment of which is the expiration of a lesser time limitation, shall be paid.

PUBLIC CHAPTER NO. 117

Indigent Hospitalization, Medical Care. Extends the definition of "public assistance" in areas of old age assistance, aid to dependent children, aid to the disabled and aid to the blind to include, in a program coordinated through the Public Health and Public Welfare Departments, medical care or any type of remedial care recognized under state law. The effect, through new federal matching funds and a larger state contribution, is to increase available indigent hospitalization funds from \$225,000 per year, as at present, to \$1,583,000 per year as budgeted.

PUBLIC CHAPTER NO. 119

Public Assistance Hospital Services Fund. Establishes a separate fund in the Welfare Department to handle the programs contemplated in Public Chapter No. 117, above.

Rules and regulations for the use of these monies are to be promulgated by the Welfare Department.

PUBLIC CHAPTER NO. 120

Metropolitan Consolidation. Provides that counties of 200,000 or more population according to the Federal Census of 1950 and the municipalities within such counties may consolidate all, or substantially all, of their governmental and corporate functions in a new "Metropolitan Government."

A consolidation charter is prepared and proposed by a Charter Commission. To become effective, the charter must be approved by the principal city and by the county outside that city in a referendum vote on the question. Each smaller city desiring to participate in the consolidation is treated as a separate referendum question, with similar requirements for adoption.

Perhaps the key feature of such a Metropolitan Government is the provision for two service districts: a "General Services District" (the entire county), and an "Urban Services District" (originally the area of the principal city and of such smaller cities as choose to participate). A general services tax rate provides for those services rendered generally and uniformly throughout the county. In addition, an urban services property tax is levied - within the Urban Services District only - sufficient, with other available funds, to finance the budget for urban level services. The Urban Services District may be expanded by annexation.

PUBLIC CHAPTER NO. 121

Attorney's Fees, Workmens' Compensation Cases. Provides that an attorney bringing an action on behalf of an employee and effecting a recovery on behalf of the employer or insurance carrier shall be entitled to a reasonable fee, fixed by the court, for such recovery. Provides further that any fee paid upon the amount recovered in excess of that paid by the employer or insurance carrier shall be paid by the employee.

PUBLIC CHAPTER NO. 122

Group Life Insurance Regulations. Regulates group life insurance policies to require conversion privileges to regular individual policies upon termination of employment. Fixes outside limits of \$25,000 in group life insurance for anyone earning \$16,667 or less. Does not apply to policies or contracts already in effect.

PUBLIC CHAPTER NO. 128

Powers of Utility Districts. Adds authority to operate transit systems - trolleys, busses, motor coaches, terminals, maintenance facilities, storage facilities - within or without the district.

PUBLIC CHAPTER NO. 130

Sales Tax Distribution, Cities Under 1000. Amends the "Sales Tax Law" to allow any city incorporated before July 1, 1957, to share in the distribution of the sales tax, regardless of population. The 1949 law prohibited sharing the tax with cities incorporating thereafter with less than 1000 population. The effective date of this

restriction has been advanced at each biennial session of the General Assembly since 1949.

PUBLIC CHAPTER NO. 131

County Quotas, State Hospitals. Provides that revisions in county quotas (one per 1000 inhabitants) for admission of indigent patients into state hospitals for the mentally ill shall become effective July 1 following certification of the federal census.

PUBLIC CHAPTER NO. 133

Training of Mentally Retarded Children. Appropriates \$160,000 to reimburse city, county, and special school districts at a rate of \$3 for each \$5 expended in approved training programs for mentally retarded children. Authorizes city, county, and special school district boards to set up such programs, and/or to contract with each other or with private institutions to establish such programs. Authorizes tax levies and use of school funds for these purposes. Creates an interdepartmental coordinating committee representing Education, Health, Mental Health, and Welfare Departments to foster and develop such programs. Appropriates \$25,000 a year for the next years for administration of the program within the office of the State Commissioner of Education.

PUBLIC CHAPTER NO. 136

Sales Tax Distribution, MTAS. Increases sales tax appropriation to the Municipal Technical Advisory Service from \$40,000 to \$45,000 per year to help finance expanded fringe area consultant service program.

PUBLIC CHAPTER NO. 137

Teachers' Certificates. Requires certification by State Board of Education. Removes certain statutory standards and provisions for local certification, substituting the State Board and its requirements. Valid certificates in force September 1, 1951, are exempted.

PUBLIC CHAPTER NO. 138

Supervisors' Certificates. Requires certification by State Board of Education but provides that State Board, in its discretion, may exempt certain supervisors serving in that capacity as of January 1, 1957.

PUBLIC CHAPTER NO. 139

Vocational Education. Designates State Board of Education as State Board for Vocational Education. Authorizes and empowers Vocational Board to enter into agreements with federal government and local units in developing and furthering vocational education programs.

PUBLIC CHAPTER NO. 141

Temporary Teachers' Permits. Allows county, city, special school districts to use permit teachers where no qualified and certificated teacher is available, and where permit has been approved by State Board of Education. Permits good only for one year, but renewable with approval. Effective July 1, 1957. All permits issued prior to that date become null and void on that date, except that they are renewable with approval.

PUBLIC CHAPTER NO. 142

Maintenance of Elementary Schools. Requires local boards of education to close schools where average daily attendance falls below fixed minimum number of students for as much as two consecutive weeks. Requires approval of State Board of Education where a minimum number of students less than ten (10) is established. Effective now.

PUBLIC CHAPTER NO. 144

Emergency Closings, Schools. Requires determination by State Board of Education whether emergency school closing is not to cause loss of allocated funds. Written petition by local board to state to show cause of closing. Effective now.

PUBLIC CHAPTER NO. 145

Maintenance of High Schools. Empowers city and special school district boards of education to establish and maintain additional high and junior high schools, where, formerly, this authority was limited to counties. Provides that high and junior high schools may be established and maintained with fewer pupils than prescribed minimum numbers only with prior approval of State Board of Education.

PUBLIC CHAPTER NO. 151

Race Relations, Registration of Organizations. Requires registration with Secretary of State of persons or organizations engaged in promoting or opposing legislation in behalf of or in opposition to a race or color, or engaged in raising and expending funds for certain purposes in connection with litigation, or whose activities tend to cause racial conflicts or violence. Fixes penalties. Permits injunctions in certain cases. Effective now.

PUBLIC CHAPTER NO. 152

Race Relations, Funds Solicitation. Requires registration with Secretary of State of individuals and organizations soliciting funds for, or financing and maintaining, litigations of others in race relations cases. Prohibits such solicitations without prior registration. Permits injunctions in certain cases. Fixes penalties. Effective now.

PUBLIC CHAPTER NO. 154

Business Records as Evidence. Permits introduction of standard business records as

admissible evidence in court cases; subject to courts' opinion as to its competence and admissibility. Part of the "Uniform Business Records as Evidence" movement in this, and other, states. Effective now.

PUBLIC CHAPTER NO. 158

State Soil Conservation Commission. Establishes Commission whose function is to foster and coordinate soil conservation and watershed projects, and to secure the cooperation of the United States and of other state agencies in these projects. (Watershed projects offer limited opportunities for water supplies for small cities).

PUBLIC CHAPTER NO. 159

School Busses, Number of Passengers. Permits State Board of Education to authorize local boards to exceed manufacturer's rated capacity by not more than twenty (20%) per cent in certain cases. Effective now.

PUBLIC CHAPTER NO. 160

High Schools, Grading, Classification, Regulation. Removes from general list of duties of State Board of Education the following:

"(5) To grade and classify high schools, to prescribe their curricula, and to make regulations for their government." Effective now.

PUBLIC CHAPTER NO. 164

Shop Lifting, Liability of Peace Officers. Provides that peace officers may arrest without warrant any person held on probable cause of committing larceny in wholesale or retail establishments. Protects such peace officer against false arrest liability. Effective now.

PUBLIC CHAPTER NO. 170

Utilities Relocation, Federal and State Highway Projects. Provides for full reimbursement to utilities of relocation costs - except betterment values - incurred in connection with construction of the new Interstate Highway System. Relocation costs on other state and federal systems are to be borne by the utility, except that in hardship cases, so adjudged by the Highway Commissioner, reimbursement may be made in amounts he deems appropriate, such amounts not to exceed legal limits. Disagreements to be arbitrated. Effective now.

PUBLIC CHAPTER NO. 178

Validation of Defective Charters. Validates all private act charters which contain defective enacting clauses and all official acts of the towns created by such private act charters, and confirms the powers and duties of such towns.

PUBLIC CHAPTER NO. 179

Mergers of Local Teacher Tenure Systems into State System. Requires the local board to conduct a referendum among the teachers on the question if, after the required hearing, the board intends to proceed with such merger. Substitutes the referendum result for the board's determination of the best interests of the teachers.

PUBLIC CHAPTER NO. 196

Revenue Anticipation Notes. Amends the "Revenue Bond Law" to authorize issue of revenue anticipation notes for construction and improvement of public works projects which are to be revenue financed. Such notes not to constitute a general obligation of the community, not to exceed five years, but are fundable and refundable into revenue bonds.

PUBLIC CHAPTER NO. 215

Intercepting and Divulging Police Messages. Makes it unlawful for any unauthorized person to intercept and retransmit, divulge, or publish any police radio, telephone, or telegraph messages. Authorizes Tennessee Highway Patrol to aid in enforcement. Fixes penalties. Effective now.

PUBLIC CHAPTER NO. 216

Investigations by Bureau of Criminal Identification. Authorizes investigators of the Bureau - without request from the district attorney-general - to make investigations in connection with violations of the "Tennessee Narcotics Law" and any matters pertaining to fugitives from justice. Effective now.

PUBLIC CHAPTER NO. 219

Sunday Movies. Repeals statutory power of county courts and city councils to permit Sunday movies and theatrical performances. (In the opinion of the MTAS attorney, cities still have authority, under general police powers, to prohibit Sunday movies.)

PUBLIC CHAPTER NO. 223

Intercity Fire Fighting Contracts. Authorizes cities to contract with each other for assistance in fighting fires. Provides that in answering outside fire calls so authorized, employees are acting in governmental capacity and are protected as fully as though they were performing duties within their own city. Effective now.

PUBLIC CHAPTER NO. 228

Technical Advice, Tax Assessments. Provides for a reorganization of the State Board of Equalization to include a representative of cities and a representative of counties. Provides further for a full-time Executive Secretary and staff who shall be available to advise and assist, on request, local assessors and equalization boards on property assessment matters and procedures. Effective now.

PUBLIC CHAPTER NO. 229

Building Inspectors, Intercity Agreements. Authorizes two or more cities, each under 25,000 population, to engage jointly one building inspector, and to make an agreement specifying how his time and services shall be allocated and how he shall be paid, charter provisions and other laws to the contrary notwithstanding. Effective now.

PUBLIC CHAPTER NO. 232

Off-Street Parking Facilities - Urban Transit Facilities - Urban Renewal Projects. Amends "Municipal Recovery and Post War Aid Act of 1945" to add projects in these areas to list of authorized projects. Off-street parking facilities and urban transit facilities may be constructed, acquired, etc. and subsequently leased to private operators. Off-street parking authority does not override specific charter or private act prohibition against a municipality engaging in off-street parking activities. Authorizes fees, tolls, rents, etc. to finance projects and bonds. Raises permissible interest rate on bonds to six (6%) per cent. Authorizes any municipality to contribute money, property, and services to urban renewal projects.

PUBLIC CHAPTER NO. 236

Privilege Tax, "Piped" Music. Provides flat rate fees where music is furnished without coin operated machines: \$100 in counties of 100,000, or more, population; \$50, 40,000 to 100,000; \$25, under 40,000.

PUBLIC CHAPTER NO. 238

Municipal Incorporation - New Statutory Charter. Introduced and passed on behalf of Oak Ridge, this charter may be adopted by any unincorporated place of 5,000, or more, inhabitants. Adoption and surrender are accomplished in same manner as present statutory Uniform City Manager charter (T.C.A. Sections 6-1804 through 6-1813). Provides for one councilman from each voting district, with a minimum of seven, with additional members elected at large if voting districts number less than seven. Provides for overlapping four-year terms. Provides for recall election of councilmen upon petition of seventy-five (75%) per cent of voters in last election. Provides for City Manager appointed by and serving at the pleasure of the Council. Manager is chief city administrator.

Provides for elected Board of Education, five (5) members, four (4) year terms, and organization, under administrative authority of appointed Superintendent of Schools, parallel to that of general government structure.

PUBLIC CHAPTER NO. 243

Compensation of Election Commissioners, City Elections. Specifically designates "National, State, and County elections" as ones in which election commissioners shall serve without compensation except upon appropriation by county court. (But statutory duty to conduct other elections, plus lack of statutory authority for other compensation, appear, in effect, to include city elections in that category.) Effective now.

PUBLIC CHAPTER NO. 247

Service Facilities, Limited Access Highways. Forbids the State, or any political subdivision, from engaging in any enterprise or activity for serving motor vehicles, other than emergency service for disabled vehicles. Authorizes highway and street authorities of the State and its subdivisions to construct local service roads adjacent to controlled access highways to accommodate service businesses.

PUBLIC CHAPTER NO. 251

Validation of Defective Incorporation Proceedings. Validates the creation of cities and towns where some procedural defect occurred in incorporation proceedings where such town is functioning and is recognized and accepted as an incorporated municipality. Does not apply to cities and towns created hereafter. Validates and ratifies all official acts of such existing towns, and confirms their powers and duties. Effective now.

PUBLIC CHAPTER NO. 256

Utility and Carrier Assessments. Requires Tennessee Public Service Commission to notify city recorder and/or city official whose responsibility it is to collect the tax of city's pro-rata share of utilities and carrier assessments, rather than to notify mayor as previously required.

PUBLIC CHAPTER NO. 257

Industrial Buildings. Expands definition of "industrial buildings" (under "Industrial Building Revenue Bond Act of 1951") to include port, dock and harbor facilities as authorized projects. Effective now.

PUBLIC CHAPTER NO. 260

Standard Time. Requires municipalities and businesses to observe standard time exclusively, as fixed for the area by the Interstate Commerce Commission. Fixes penalties for violations.

PUBLIC CHAPTER NO. 264

\$30,000,000 Highway Bonds. Authorizes issuance of \$30 million in highway bonds for the next two years to bring state funds for highway purposes up to \$61.5 million per year. With federal matching, these funds will provide a highway program of \$114.5 million in 1957-58; \$122.7 million in 1958-59.

PUBLIC CHAPTER NO. 265

Regulation of Trailer Courts. Prescribes minimum standards for health and safety in operation of trailer courts. Requires use of public sewers and water systems where available. Enforcement made a duty of local health officers. Local ordinances with superior standards not affected. Fixes penalties. Effective now.

PUBLIC CHAPTER NO. 269

Industrial Buildings. Changes and enlarges the definition of the term "industrial building" (in the "Industrial Building Bond Act of 1955") to include port, dock, and harbor facilities as authorized projects. Effective now.

PUBLIC CHAPTER NO. 270

Workmen's Compensation. Increases maximum benefits from \$30 to \$32 per week, and from \$10,000 to \$11,000 total for any one case. Effective July 1, 1957.

PUBLIC CHAPTER NO. 272

Recount of Vote. Permits candidates losing elections by 1500 votes or less to petition election commission for recanvass of election machine totals. Returns of this recanvass constitute official result of election.

PUBLIC CHAPTER NO. 275

Open Meetings - School Boards. Requires all regular and special meetings of city and special district school boards to be open to the public, but does not deny such boards executive sessions. Effective now.

PUBLIC CHAPTER NO. 278

Juvenile Probation. Creates a "Division of Juvenile Probation" in the Department of Correction to provide juvenile probation service to state institutions and to courts having juvenile jurisdiction.

PUBLIC CHAPTER NO. 285

Open Public Records. Requires that all state, county, and municipal records - unless otherwise provided by law - shall be open for public inspection during normal business hours, except records of patients in State hospitals, certain medical records, security papers and documents. Inspecting persons have right to make copies, photo-stats, etc. Lawful custodians may prescribe reasonable rules and regulations governing the making of such copies, etc. Effective now.

PUBLIC CHAPTER NO. 287

Industrial Development Corporations. Amends the "Industrial Development Corporations Act of 1955" to expand the definition of "projects" to include dock and harbor facilities, and to expand the definition of "enterprise" to include commercial and service operations pertaining to projects. Effective now.

PUBLIC CHAPTER NO. 298

Condemnation Proceedings. Amends laws governing eminent domain procedures to provide that, in condemnation cases, public agencies (except housing authorities) may deposit with court the amount condemner deems the owner is entitled to. Stops

running of interest. Authorizes owner to withdraw that sum without prejudicing rights. Effective now.

PUBLIC CHAPTER NO. 300

Miscellaneous Appropriation Bill. Provides an additional \$25,000 per year to the Tennessee Educational Television Commission in matching funds available to any qualified applicant other than from Memphis. Adds \$300,000 per year, to Mental Health Department for use in four major center. Creates a park commission to study state parks and recreational needs and report to next Assembly. Appropriates a sum sufficient to insure completion of Long Range School Study now in progress by Legislative Council. Appropriates \$535,000 per year, to Tennessee Aeronautics Commission for aviation promotion activities, including matching federal, local funds in airport development. Effective now.

PUBLIC CHAPTER NO. 302

Privilege Taxes, Meat Jobbers. Adds to list of authorized state-local privilege taxes a provision for taxing businesses selling fresh meats and/or poultry to hotels, restaurants, etc. Effective now.

PUBLIC CHAPTER NO. 305

\$2,000,000 Bonds, Mental Health Department. Authorizes issue to provide improvements and new facilities at Eastern State Hospital, Central State Hospital, Western State Hospital, Clover Bottom Home, and Gailor Psychiatric Clinic.

PUBLIC CHAPTER NO. 306

Flood Control Zoning. Authorizes special zoning districts covering land uses in areas subject to flooding so as to minimize danger to life and property and so as to insure eligibility for federal flood insurance aid. Effective now.

PUBLIC CHAPTER NO. 319

Privilege Tax - Solicitors for Future Delivery. Provides that, in lieu of privilege tax to state, counties, and cities, as now provided, firms employing itinerant order-takers may, at their option pay the state \$100 per annum, plus \$2.00 per man. Proceeds to be used for highway purposes. Effective July 1, 1957.

PUBLIC CHAPTER NO. 320

National Guard - Reorganization. Provides for complete reorganization of Tennessee National Guard; creates an Armories Commission; provides for construction, acquisition, use, and maintenance of facilities. Authorizes cooperative agreements between state and counties and cities. Effective now.

PUBLIC CHAPTER NO. 324

Atomic Energy - Peacetime Use. Creates Tennessee Advisory Committee on Atomic Energy

to coordinate peaceful development of atomic energy, to cooperate with U. S. Atomic Energy Commission, and to advise on laws and regulations necessary to safety. Endorses policy of U. S. Atomic Energy Act of 1954.

PUBLIC CHAPTER NO. 325

Damage by Aircraft. Amends existing regulations by making owner, or pilot, or either of them, responsible for damages to persons or property on the land or water beneath, and by elaborating definition of "owner." Effective now.

PUBLIC CHAPTER NO. 327

Hearing and Speech Centers. Authorizes \$500,000 bond issue to construct centers at Jackson, Knoxville and Johnson City.

PUBLIC CHAPTER NO. 331

Election Expenditures. Amends amounts that may be spent by candidates in elections. Candidates' expenditures for municipal office limited to \$5,000. Former limit: \$2,500. Effective now.

PUBLIC CHAPTER NO. 336

Tax Free Gasoline. Amends Section 67-3701 to provide that political subdivisions may purchase tax-free gasoline in 5,000 gallon lots, as against "railroad tank car lots" previously required. Delivery of 5,000 gallons, to be eligible, must be completed in 72 hours. Effective now.

PUBLIC CHAPTER NO. 338

Recanvass of Voting Machines. Prescribes procedure election commissions will follow in certifying voting machine election results, and in recanvassing results, and in testing machines for error where discrepancies are indicated. Effective now.

PUBLIC CHAPTER NO. 339

Voters' Registration - Without Signature. Removes requirement that registrar must state the reason for voter's inability to write in cases of disabled persons' registrations. Effective now.

PUBLIC CHAPTER NO. 340

Constitutional Convention. Proposes a limited constitutional convention on the questions of: lowering the voting age to 18; fixing the term of sheriffs at four (4) years with no limitation on the number of terms they may serve as such; fixing county trustees terms at four (4) years.

The convention question to be decided in the August, 1958, primary. Delegates, if convention is called, to be elected in November, 1958, general election. Convention to convene in Nashville in July, 1959, with conventions' final actions subject to popular election ratification or rejection, voting separately on each question.

PUBLIC CHAPTER NO. 341

Military Service Credit - State Retirement System. Allows military service credit in S.E.R.S. for those: who rejoin system within six (6) months of separation from service; who make up back contributions to system. Applies to participating cities.

PUBLIC CHAPTER NO. 343

Property Tax Exemption - Blind Veterans. Further defines "blindness" for eligibility for existing \$10,000 exemption as "classified as industrially blind by two reputable doctors who specialize in treatment of the eyes." Effective now.

PUBLIC CHAPTER NO. 346

Fringe Incorporations - Mayor-Aldermen General Charter. Regulates fringe incorporations under this statutory charter by providing that incorporation proceedings will be held in abeyance for period of fifteen (15) months when such proposed incorporations are within five (5) miles of a city of 100,000, or more, population, or within two (2) miles of a city of 5,000 to 100,000 population. If, during that waiting period, central city annexes twenty (20%) per cent of proposed city's land area, or thirty-five (35%) per cent of proposed city's population, incorporation proceedings are estopped. Effective now.

PUBLIC CHAPTER NO. 347

Fringe Incorporations - Commission-Manager Cities. Same as above, but applicable, under this chapter, to proposed incorporations under general law commission-manager charter. Also effective now.

PUBLIC CHAPTER NO. 354

Gas Tax Exemption - Political Subdivisions. Provides that dealers will file claims to recover taxes and fees on gasoline sold to political subdivisions so that prices quoted to political subdivisions will be less tax, less fees. Effective now.

PUBLIC CHAPTER NO. 362

Special Census - Gas Tax Distribution. Authorizes cities to take one special census during interim between regular decennial federal censuses, including the 1950-1960 decade, for purposes of increasing city's share of distributed gas tax. New base figures become effective July 1 following certification, beginning July 1, 1958. A special census under this chapter applies also to Public Chapter 363, and 368, below. Effective now.

PUBLIC CHAPTER NO. 363

Special Census - Sales Tax Distribution. Same as above, sales tax.

PUBLIC CHAPTER NO. 368

Special Census - Beer Tax. Same as above, beer tax.

PUBLIC CHAPTER NO. 373

State Employees' Retirement System. Amends the existing "State Employees' Retirement Law" to provide a new and additional system integrated with federal social security coverage. Present members of existing system may choose between existing and integrated plans. Future members will enter the integrated system only. Establishment of integrated plan subject to approving referendum. Changes extend to coverage of participating political subdivisions.

PUBLIC CHAPTER NO. 374

State Aeronautics Commission. Creates a "Tennessee Aeronautics Commission" as a division of the Department of Highways and Public Works: to have general supervision over aeronautics in the state; to direct, encourage, foster, and develop air navigation, including uniform laws; to cooperate with federal and local governments and coordinate joint projects in the development of aeronautical facilities; to provide technical assistance to municipalities in aeronautical matters; to make grants and loans to municipalities constructing and improving aeronautical facilities (See Miscellaneous Appropriation Bill - Public Chapter No. 300 - herein); to act as agent for smaller municipal airports in federal grant programs; to establish, maintain and operate state airports; to establish a state airways system; to establish and prescribe rules, regulations, and standards for safe air travel within the state; to license air schools and aeronautics instructors and to judge qualifications therefor; to approve and license airports as safe and adequate; to enforce aeronautical laws; to investigate aeronautical accidents; to audit the books of municipalities sharing state funds for aeronautical development; to review and approve project applications for smaller municipal airports; and to regulate parachute jumping. Further provides that no municipality may charge a landing or take-off fee for aircraft whose gross weight is 12,500 pounds or less; that structures anywhere in the state shall not exceed five hundred (500') feet in height (250' near state highways, federal highways, railroads) unless special permit is obtained from the Commission; that structures in airport approach lanes will not be erected or altered so as to interfere with airport air surface until a permit therefor has been obtained from the Commission. Effective now.

PUBLIC CHAPTER NO. 375

Municipal Airports. Authorizes cities, singly or with other cities and counties, to acquire, construct, etc., municipal airports. Authorizes unlimited tax levies, general obligation or revenue bond issues. Confers policing jurisdiction over municipal airports on municipalities even where outside city limits. Authorizes acceptance of federal and state aid, but through Commission (See Public Chapter No. 374) for smaller cities. Provides for uniform laws, regulations, etc. Effective now.

PUBLIC CHAPTER NO. 376

Airport Authorities. Vests in airport authorities, whose creation is authorized by this chapter, all powers and responsibilities in the public airport field vested in municipalities by Public Chapter No. 375. Authorities may be created by counties, cities, towns, or two or more cities or towns jointly, and they become public bodies with full powers of political subdivisions in airport matters. Cities may render financial or other assistance to such authorities. Effective now.

PUBLIC CHAPTER NO. 379

Private Act Procedure. Establishes a procedure whereby published private acts shall note whether private act was approved or disapproved in local action, thus eliminating existing confusion as to whether published private acts are actually in force.

Secretary of State required to send certified copy of private act, by registered or certified mail, to presiding officer of local governing body, or to Chairman of County Board of Election Commissioners, as appropriate, calling attention to time limits involved. Time limits for approval or disapproval either as specified in act, or December 1 of year following date of adjournment of session of legislature in which act was passed. No action by December 1 deadline renders act null and void. Secretary of State to ascertain results of local action, and note same in published volume. Effective now.

PUBLIC CHAPTER NO. 381

Annexation of Utility District Service Area. Provides that cities annexing territory now served by utility districts will either: so operate and account for the revenues of the former utility property so as not to impair the obligations of outstanding bond contracts, or take over the whole utility together with its contractual obligations. Effective now.

PUBLIC CHAPTER NO. 391

City Tax Assessors. Authorizes cities to have their own tax assessor, or to use county assessments, as they choose. This act supplements other lawful city assessment procedures. Effective now.

PUBLIC CHAPTER NO. 394

Fortune Telling and Related Practices. Prohibits practice of fortune telling, palmistry, phrenology, clairvoyance, spiritualism, and similar pursuits for a consideration in counties of over 400,000 population. Prescribes penalties. Effective now.

PUBLIC CHAPTER NO. 396

Privilege Tax - Parking Garages, Lots (and other such places of business). Revises applicable privilege tax to cut basic rate in half, but to charge the base rate again for each twenty-five (25) cars in addition to the first twenty-five (25). Effective now.

PUBLIC CHAPTER NO. 398

Condemnation Costs, Expenses. Provides that disassembling, dismantling, drayage, reassembling, and reconnecting costs and expenses, where the removal of furniture, machinery, equipment is made necessary by condemnation proceedings, shall be valid and reimbursable items of consideration. Effective now.

PUBLIC CHAPTER NO. 400

School Transportation Contracts. Authorizes local school boards to contract with bus owners and drivers for four-year periods. Effective now.

PUBLIC CHAPTER NO. 402

Delinquent Taxes. Bars automatically all taxes against real property uncollected after ten years from date they became delinquent. Effective now.

PUBLIC CHAPTER NO. 404

Playing of Mechanical Games by Children. Prohibits playing of pinball, football, golf, etc. miniature mechanical games by children under eighteen (18) years of age. Owner, operator, manager, or person in charge responsible. Fixes penalties. Effective now.

PUBLIC CHAPTER NO. 406

Pinball Machines. Excludes pinball machines from code definition of "gambling," from code definition of "professional gambling," and from code definition of "gambling device." Effective now.

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