

Laws and Regulations

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SUMMARY OF

1961 Public Acts

OF INTEREST TO MUNICIPALITIES,

• By E. W. MEISENHOLDER, III

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FOREWORD

The 1961 General Assembly adopted 342 public acts. In this publication we have briefly summarized the subject matter of 90 of these acts and 11 resolutions that either affect municipalities or are of some interest to municipal officials. The analyses are arranged chronologically, as the acts were signed into law, and at the end of this report there is an alphabetical Subject Index for ready reference.

Of perhaps as widespread interest as any 1961 act were the two amendments to the annexation law. One (Chapter 220) provides that municipalities must prove that industrial annexations are not unreasonable. The other requires a plan of service before annexing any territory of more than one-fourth square mile in area or having more than 500 inhabitants (320).

In the field of finances is the requirement that all political subdivisions of the state must be audited annually (233), and a law authorizing special assessments for sewers, streets, and storm drains (311). Bond acts include a change in the method of distributing school bond funds (269), extension of the escrow period in revenue bond refinancing (154), provisions for the issuance of funding and refunding bonds and revenue anticipation notes (152 and 321), regulation of the financial effect on rates of public utility franchise payments to local governments (123), and authority for local governments to buy TVA bonds (128).

Changes in licensing laws permit appeals from decisions of beer boards (105), and provide amendments or additions to privilege taxes (61, 175, 212, and 270).

The dozen educational acts include appropriations for educational television (5 and 300) and authority for local contributions to educational TV (74), certificates of qualification for school superintendents (59), prohibition of the creation or reactivation of school systems that are too small (113), together with standards for the number of pupils required for establishing and consolidating high schools (137), and amendments to the Teachers' Tenure Law (226).

Most of the acts passed that affect streets and highways relate to the Interstate system: 90 per cent reimbursement for the costs of "hereafter" relocating utilities on Interstate highways (317), prohibiting cutting fences and making entrances to Interstate and controlled access highways (16), maintenance by the State of Interstate highways within municipalities except street lights (15), and the acquisition by the State of municipal sections of Interstate highways where cities fail to act (230). In addition, funds may be expended on the Rural Road System inside small municipalities (14).

In the category of local government organization and operation can be listed the provision of an additional method for creating a metropolitan charter commission in large counties (199), three laws relating to the Modified City Manager Act (255, 267, and 293), and authority for political subdivisions to provide for emergency locations of government (319) and for lines of succession in office (318).

Several insurance laws were adopted of interest to local governments. One authorizes the provision of group life, hospitalization, disability, and medical insurance for employees and officials (328); others broaden the opportunity for Social Security coverage (62 and 81).

Two acts affecting counties are of importance to municipal governments: the authority for counties to provide urban-type services (166), and to create county conservation boards (213).

State-administered acts of interest include a new Weights and Measures Act (42) and the establishment of forestry camps for juvenile offenders (4 and 52).

Finally, the General Assembly instructed the Tennessee Legislative Council to make a number of studies of municipal interest: tax assessment matters (Senate Joint Resolution No. 59), the fire and casualty insurance industry (House Joint Resolution No. 72), motor vehicle and traffic safety (HJR 40), needs for revision of State and local tax structures (HJR 52), reapportionment of the General Assembly (HJR 65), and water resource development (HJR 62).

Cities wishing to make plans or take action under the provisions of the new legislation should not attempt to do so 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 1961 Public Acts.

E. W. MEISENHEIDER, III
Consultant, Municipal Management

July 1961

PUBLIC CHAPTER NO. 2

Clearance Lights on Vehicles. Exempts passenger cars, regardless of width, from having to exhibit clearance lights.

PUBLIC CHAPTER NO. 4

General Appropriation Act. Provides for general State operations, including the educational expenditures discussed below. The Act provides for the continuation or enlargement of present State services, and the addition of a few new functions, without a tax increase. The major items of interest to municipalities are:

A half-million-dollar increase for the biennium for Aid to Local Health Units. (raised from \$900,000 per annum for 1959-61 to \$1,150,000 per annum for 1961-63)

Matching funds from the State's \$200,000 Hospital Contingency Account, and any balance from mental health funds, for any additional Tennessee community establishing approved clinical programs in conjunction with the Department of Mental Health.

Large increases for paroles and probation, primarily to establish a statewide adult probation system and a juvenile forestry camp (raised from a total of \$240,000 in 1960-61 to \$557,000 for 1961-62 and \$575,000 for 1962-63).

An appropriation of \$800,000 per annum to the Tennessee Aeronautics Commission "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."

Continuation of the annual appropriation of \$100,000 to the Legislative Council Committee which has been charged by the General Assembly with making a number of studies of municipal interest during the next two years.

Continuation of the level of financing for the State Planning Commission, the Divisions of Industrial Development, Promotion, and Research, the Urban Highway Program, Insect Vector Disease Control, and the Stream Pollution Control Board.

PUBLIC CHAPTER NO. 5

General Education Act. This Act contains many increases in appropriations as compared with the 1959 Act, reflecting primarily the growth of school population and the increased cost of living. The total appropriation for the 1961-63 biennium is a record \$369,000,000. The changes in the 1961 Act, as compared with the 1959 Act, that are of primary interest to municipalities, are these:

A \$100 per year salary increase for teachers, principal-teachers and superintendents (Section 10), in addition to the continuation of the plan for distribution to teachers of the "overage" from the State sales and tobacco taxes, which brought \$276 to each teacher in 1960 (Section 39).

Modifies the "guaranty" clause relating to the distribution of capital outlay funds to provide that no county, city, or special school system shall receive more State school capital outlay funds annually per pupil in average daily attendance than was distributed to such system in 1960-61 (Section 15-(5)).

Increases from \$45,000 per annum to \$70,000 per annum the appropriation for (1) an in-service training program for school personnel, (2) up-grading the professional personnel of the State Department of Education, and (3) the new function of developing an experimental program for rewarding superior teachers in the public schools, on a matching basis with local funds (Section 24).

Continues the appropriation of \$50,000 annually for the Educational Television Commission (Section 29).

Increases the MTAS General Fund appropriation from \$50,000 per annum to \$52,500 per annum (Section 32(4)).

Increases funds for Regional Libraries from \$300,000 per annum in 1959-61 to \$348,000 for 1961-62 and \$360,000 for 1962-63 (Section 37).

PUBLIC CHAPTER NO. 9

Control of Use of Radioactive Materials. Authorizes the Commissioner of Public Health to provide rules and regulations for licensing users of radioactive materials. Provides that no ordinance, resolution, or regulation concerning the control of sources of ionizing radiation adopted by any municipality, county, or local board of health shall be in conflict with the Radiological Health Service Act (of 1959) or regulations adopted pursuant thereto.

PUBLIC CHAPTER NO. 14

Rural Roads System. Permits the Commissioner of Highways to include certain roads inside municipalities with populations under 5,000 in the State Rural Road System. Previously, Federal law permitted the expenditure of Federal Aid Secondary funds in such small cities, but State law prohibited it. Chapter No. 14 also makes it clear that the State will not reimburse counties for the acquisition of right-of-way on the State Rural Road System.

PUBLIC CHAPTER NO. 15

Maintenance of Interstate Highways within Municipalities. Authorizes the State Department of Highways to maintain the entire rights-of-way, pavement, and structures of streets over which Interstate traffic is routed within municipalities. This Chapter, however, specifically excludes from such

authority the maintenance and operation (though not the initial installation) of lighting systems on such streets. Interstate street light maintenance and operation, to standards prescribed by the Commissioner of Highways, shall be the responsibility of the municipality, and done at its expense.

PUBLIC CHAPTER NO. 16

Cutting Fences and Making Entrances to Interstate and Controlled Access Highways. Prohibits the cutting of fences, making of entrances, and damaging curbs and other structures of any controlled access highway, unless authorized by the public authorities having jurisdiction thereof. Prescribes that only the Commissioner of Highways may permit such acts on streets and expressways within municipalities over which Interstate traffic is routed.

PUBLIC CHAPTER NO. 19

\$12,275,000 in Bonds for State Institutions of Learning. Authorizes the issuance of not more than \$12,275,000 in State general obligation bonds for State universities and other State institutions of learning, to be used for the acquisition, construction, and equipment of sites and buildings, and for repairs and replacements. While the subject of this Chapter is not of direct municipal interest, the Chapter does pledge as additional security the Sinking Fund established by Section 67-3047, Tennessee Code Annotated (as elaborated by Sub-section 20, Section 1, Chapter 4, Public Acts of 1961 -- the General Appropriation Act), for the acquisition of property for, and the construction, repair and maintenance of State buildings. As Sub-section 5 of Section 67-3047 permits drawing from the gross proceeds of the Sales Tax, before making any distribution, to make up any deficit in the Sinking Fund, the municipal share of the Sales Tax would be affected only in the event of such a deficit.

PUBLIC CHAPTER NO. 21

Signal Lights on State Highways. Makes it a misdemeanor to install or maintain a signal light on a State highway, outside municipalities, without the prior written approval of the Commissioner of Highways. Any signal light installed in violation of this provision is declared a public nuisance, and may be abated by the employees of the Department of Highways at the direction of the Commissioner, or, upon the Commissioner's request, by any peace officer, or by civil actions or suits brought in Circuit or Chancery Court.

PUBLIC CHAPTER NO. 42

Weights and Measures. Repeals all but Section 71-104 of the weights and measures law, and replaces it with a new "Weights and Measures Act of Tennessee." The principal effect of this Chapter, from the municipal point of view, is that no longer would any county or any city be authorized to establish a department of inspection of weights and measures, and appoint a sealer, but only cities of 50,000 population or more, and counties of 50,000 population or more (not counting any city of 50,000 or more). Section 19 states that the provisions of this Chapter "shall be in addition to the powers granted to any city or county by law or charter," but a spokesman for the Department of Agriculture interprets this to apply only to cities or counties of 50,000 population or more.

Chapter No. 42 designates the Commissioner of Agriculture as the State Sealer, a duty heretofore assigned to the President of the University of Tennessee. The Commissioner shall have general supervision over city and county sealers, and shall test and inspect city and county standards. The Commissioner and others having weights and measures responsibilities may enter places of business to perform their duties.

This Chapter doesn't specify, but is interpreted to mean that the Commissioner's representatives would be responsible for weights and measures inspection and enforcement in cities and counties under 50,000 population. In cities and counties with sealers, the Commissioner shall have concurrent authority with them to enforce the provisions of this Chapter. Penalties are provided for obstructing the work of the Commissioner or of any sealer. The Commissioner may obtain injunctions to prevent violations of this Chapter. The decision of the Commissioner shall be final, though an appeal can be made to the Circuit Court of Davidson County through a writ of certiorari, and from there to the Tennessee Supreme Court.

PUBLIC CHAPTER NO. 45

Food Handlers. Amends existing law relating to food handlers by eliminating the list of specific diseases that shall bar persons from handling food in restaurants and replacing it with the phrase, "a communicable disease which may be transmissible through food." Chapter No. 45 states that a list of such diseases shall be contained in the regulations of the Department of Public Health. This Chapter also empowers local boards of health and local health officers to enforce this section of the Code.

PUBLIC CHAPTER NO. 52

Forestry Camps for Juvenile Offenders. Authorizes the Commissioner of Correction, with the approval of the Governor, to establish forestry camps in conjunction with any of the State vocational training schools for boys. The purpose of the camps shall be to provide rehabilitation for boys committed to the vocational schools through counseling, vocational guidance, and on-the-job training in the performance of conservation and reclamation work on public land. Boys shall be assigned to forestry camps by the Commissioner of Correction, not by any juvenile court.

PUBLIC CHAPTER NO. 57

Education of Multiple Handicapped Pupils. Authorizes the Commissioner of Education to distribute to a county, city, or special school district an amount of the minimum school program "excess costs" funds not to exceed \$5 per day or \$1,000 per year per multiple handicapped child approved by the Commissioner, to help pay for educational services and facilities for such child, provided there are no State facilities for such child and provided further that the local school district supplements the State funds to the extent needed. This Chapter takes effect July 1, 1961.

PUBLIC CHAPTER NO. 58

Training Schools for Teachers. Eliminates the requirement that State teachers' colleges shall maintain training schools, and makes it optional. Continues the authority for the State Board of Education to contract with a city or county board of education for the teaching of local children in the training school, and adds that where such is done the training school shall receive all State and Federal funds allocated to the local school board as a result of this contract. Also provides that, pursuant to appropriate arrangements made with the local school system, practice teaching experience may be obtained in city or county schools. This Chapter takes effect July 1, 1961.

PUBLIC CHAPTER NO. 59

Certificates of Qualification for School Superintendents. Requires City and Special School District Superintendents, as well as County School Superintendents, to obtain a certificate of qualification from the State Board of Education.

PUBLIC CHAPTER NO. 61

Telephone Cooperatives. Exempts non-profit telephone cooperatives from the privilege tax levied on telephone and telegraph companies (Item Q, Section 67-4102, TCA). The wording of Chapter No. 61 apparently fails to exempt telephone cooperatives from the 25¢ per pole rental tax which Item Q authorizes municipalities to levy.

PUBLIC CHAPTER NO. 62

Teachers' Retirement. Amends the Teachers' Retirement Act to require an actuarial evaluation every two years, instead of annually; to provide another chance for members of the System who did not choose Social Security coverage in 1957 and 1959 to obtain it, should future Federal legislation permit; to provide a minimum benefit of \$50 per month for teachers with 20 years of retirement credit regardless of the period during which the experience was obtained, although Social Security benefits must be considered in relation to this minimum retirement benefit; to require the State to match the contributions, to age 61 instead of age 60, of Class B members (without Social Security) and transfer Class A members, provided that matching payments between ages 60 and 61 are not to be made until after July 1, 1961; and to provide that a member of the Teachers' Retirement System who has established at least 20 years of creditable teaching service and leaves the System may be entitled to actuarially determined benefits at age 60.

PUBLIC CHAPTER NO. 63

Driving Under Influence of Drugs. Amends the law prohibiting driving while under the influence of intoxicating liquors, narcotics, or barbituates, to include driving while under the influence of drugs producing stimulating effects on the central nervous system. (Chapter No. 89, below, increases the penalties for a second offense).

PUBLIC CHAPTER NO. 70

Employment Security. Amends the Employment Security law to require that immediately upon the filing of a petition for court review of the decision of the board of review, the petitioner shall forward a copy of the petition directly to the Commissioner of Employment Security, without waiting for the petition filed in court to reach the Commissioner. Also provides that where an employer furnishes part-time work to a claimant who has been laid off from his full-time job and is drawing benefits from such layoff, such part-time benefits shall not be used as a factor in determining the future contribution rate of the employer. At present, Newport is the only municipality operating under the Employment Security Law, although Sections 50-1307 and 50-1309(7) of the Tennessee Code Annotated make it available to all municipalities and counties.

PUBLIC CHAPTER NO. 73

Regional Library Boards. Provides that each county participating in the State's multi-county regional library program shall be represented by two members (formerly one member) on the regional library board. One or both of these members shall be elected by the quarterly county court. In case a participating municipality contributes as much as one-fourth of the public funds available for operation of the region, then it may select the second county member, in accordance with the contract between the counties and as provided in Section 10-601 TCA. Should there be more than one municipality qualified to elect the second member, then the municipalities shall alternate in such election.

Where one county constitutes an approved library region, there shall be at least seven board members apportioned among the participating municipalities and the county (outside such cities) on a population basis.

PUBLIC CHAPTER NO. 74

Educational Television. Authorizes the board of education of any city, county, or special school district to contract with or contribute to the support of any educational television station approved by the Tennessee Educational Television Commission. Also authorizes any State college or university under the control of the State Board of Education to contribute to such a television station.

PUBLIC CHAPTER NO. 75

Teachers' Retirement. Authorizes the payment of a monthly retirement pension of from \$30 to \$50 (formerly, only \$30), as determined by the Commissioner of Education and subject to budget availability, to teachers who have taught in the public schools of Tennessee for a total of 35 years, who reached age 75 on or before April 15, 1954, and who are not covered by any other teachers' retirement act in effect in the state.

PUBLIC CHAPTER NO. 81

Social Security. Extends the opportunity for State or local government employees to obtain retroactive Social Security coverage back to January 1, 1956

(previously there was a 1960 "cut-off" date). Also authorizes a political subdivision to assume the financial responsibility for making Social Security contributions for an "instrumentality" (such as a hospital) of the political subdivision.

PUBLIC CHAPTER NO. 82

Hotel and Restaurant Inspection. Deletes the former requirement of Section 53-2105 TCA that Federal and State funds for furthering hotel and restaurant sanitary conditions must be placed in the Hotel and Restaurant Inspection Fund. Deletes the former discretionary power (Section 53-2107) of the Commissioner of Conservation and Commerce to designate the various county health officers as ex-officio hotel and restaurant inspectors. Deletes the power (Section 53-2121) of the Division of Hotel and Restaurant Inspection to adopt a code of sanitation, and eliminates the provision for arbitrating differences between requirements of the Division and of any city or county health officer.

PUBLIC CHAPTER NO. 88

Accepting Bribes. Extends the prohibition against accepting a bribe to include any state, county, or municipal employee, as well as the peace officers mentioned in prior law. (See also Chapter No. 92, below).

PUBLIC CHAPTER NO. 89

Penalties Increased for Driving While Intoxicated, etc. Increases the penalty for the second offense for driving while under the influence of intoxicating liquors or drugs from a \$10 to \$500 fine to a \$25 to \$750 fine, and increases the period of suspension of driving privileges (which is discretionary with the Court) from "any period of time less than six months" to "any period of time less than one year." Under prior law, the penalties for first and second offenses were the same. Also provides that in the prosecution of second or subsequent offenses, the indictment must include specific information on prior convictions.

PUBLIC CHAPTER NO. 92

Offering Bribes. Extends the prohibition against bribing or attempting to bribe peace officers to include bribing or attempting to bribe any state, county or municipal employee.

PUBLIC CHAPTER NO. 105

Beer Boards. Amends the law relating to the sale of beer. Provides that where the Quarterly County Court, or the county or municipal beer board, has refused to grant a beer license, or has refused to grant a hearing upon a person's application for a license, such refusal may be reviewed in circuit or chancery court by statutory writ of certiorari, with a trial de novo as a substitute for an appeal. Formerly, the review was by common law certiorari only, without a retrial, and without the introduction of new evidence.

PUBLIC CHAPTER NO. 106

High School Diplomas. Provides that the Commissioner of Education shall prepare and furnish diplomas only for "graduates of senior, public high schools, approved by the State Board of Education." Formerly, the law required the issuance of certificates of promotion for children completing eighth grade and two-year high schools, and diplomas for graduates of four-year high schools. Effective July 1, 1961.

PUBLIC CHAPTER NO. 113

Small School Systems. Prohibits the creation or reactivation of a city or special district school system, unless it is large enough to offer adequate educational opportunities for pupils of grades 1-12, in keeping with standards established by the State Board of Education.

PUBLIC CHAPTER NO. 117

Per Diem Costs in State Contracts for Hospital Care. Authorizes the State Comptroller to determine per diem reimbursable costs of hospitals (including municipal hospitals) that contract with various State agencies for the care of persons entitled to financial aid from the State for medical, nursing, and other care. Such determination of per diem costs shall be made in consultation with the State agencies and the Tennessee Hospital Association. To be eligible to receive the reimbursable cost, a contracting hospital shall use the uniform hospital statistics and classification of accounts published by the American Hospital Association. Effective July 1, 1961.

PUBLIC CHAPTER NO. 118

Liquefied Petroleum Safety Act of Tennessee. Regulates dealing in and handling of liquefied petroleum gas; sets forth qualifications for dealers; provides for their licensing by the State Fire Marshal; prohibits certain practices; and provides penalties for violations.

PUBLIC CHAPTER NO. 119

Extradition Expenses. Amends the Uniform Extradition Act in several respects, including increasing the mileage allowance from 6¢ to 7¢. Also provides that where a municipally-owned or leased aircraft is used incidentally to return a fugitive to Tennessee, the municipality shall be reimbursed for all pertinent expenses.

PUBLIC CHAPTER NO. 123

Public Utility Franchise Payments to Local Governments. Provides that any future franchise payments or other payments made by a privately-owned public utility to a municipality or other local government, for the use of public streets, alleys, or other public places, or any future license, privilege, occupation or excise tax payment, above those now paid, shall be billed pro rata to the utility customers receiving local service within the municipality

or local government receiving such payments, and shall not otherwise be considered by the Public Service Commission in fixing the rates and charges of the utility.

PUBLIC CHAPTER NO. 128

TVA Bonds. Authorizes the State, municipal corporations, political subdivisions, banks, insurance companies, and other fiduciaries to invest any sinking funds, pension funds, or other funds in any bonds or other obligations issued by the Tennessee Valley Authority.

PUBLIC CHAPTER NO. 129

Industrial Buildings. Amends the Industrial Building Revenue Bond Act of 1951 so as to make it possible to include in the term "industrial building" any building or facility acquired before March 28, 1955, for municipal governmental purposes.

PUBLIC CHAPTER NO. 134

Substitute Teachers. Allows a retired teacher to do substitute teaching prior to the end of the school year in which he attains age 70 for up to 60 school days (formerly, 30 school days) annually, without any loss of retirement benefits.

PUBLIC CHAPTER NO. 135

Financial Responsibility Law. Makes numerous changes in the Financial Responsibility Law relative to bonds, evidence of financial security, notarized releases from liability, periods of suspension of driving privilege, and the classification of "drag racing" as a "moving traffic violation." Probably of most general interest is the change from \$50 to \$100 as the minimum amount of damage in an accident which must be reported.

PUBLIC CHAPTER NO. 137

Establishment and Consolidation of High Schools. Substantially raises the number of pupils in average daily attendance required for the establishment of junior and senior high schools by county, city, or special school district boards of education. However, this chapter specifically permits the consolidation of any two or more high schools now established even though the required number of pupils would not be met.

PUBLIC CHAPTER NO. 145

Liquor Wholesalers. Adds an alternate residence requirement for liquor wholesalers to permit issuance of a license if wholesaler, or stockholders of a corporate wholesaler, have been residents of Tennessee for any 15-year period.

PUBLIC CHAPTER NO. 152

Utility Districts. Permits utility districts to issue refunding bonds if net revenues were insufficient in 1960 or in any subsequent year. Repeals Chapter 242, Public Acts of 1959, a similar act, which applied only in respect to 1958 revenues.

PUBLIC CHAPTER NO. 154

Revenue Bond Refinancing. Amends Section 9-1208, TCA, of the Revenue Bond Refinancing Act of 1937. Extends the period during which bond proceeds may be escrowed from 12 months to five years, and clarifies other provisions.

PUBLIC CHAPTER NO. 155

Barber Examiners. Authorizes municipalities to establish boards of barber examiners to examine and license barbers, and to regulate, supervise and inspect barber shops.

PUBLIC CHAPTER NO. 162

Child Employment. Amends child employment law to permit children under 16 years of age to be gainfully employed for not more than 40 hours a week, six days a week, between 6:00 a.m. and 10:00 p.m., when legally excused from school.

PUBLIC CHAPTER NO. 166

Urban Type Services by Counties. Authorizes counties to establish, construct, acquire, and operate urban type public facilities, in unincorporated areas, and to levy appropriate charges or fees. Included are "sanitary and storm sewer lines and facilities, plants for the collection, treatment and disposal of sewage and waste matter, facilities and plants for the incineration or other disposal of garbage, trash, ashes and other waste matter, and/or water supply and distribution lines, facilities and plants." The facilities may be financed by revenue or general obligation bonds, provided that debt and operating costs are paid entirely by those receiving the service. Nearby municipalities are given the opportunity to serve particular areas before the county proceeds, and to absorb such utilities in the course of annexation.

PUBLIC CHAPTER NO. 170

Beer Sales. Tightens the law forbidding sales of beer to minors, by making it a misdemeanor for any minor to purchase or to attempt to purchase beer or for any person to purchase beer for a minor.

PUBLIC CHAPTER NO. 175

Parcel Check Lockers. Reduces the Privilege Tax on parcel check lockers. Formerly, the tax was 50¢ annually for each locker renting for not over

10¢ per 24-hour period and \$2.00 annually for those renting at more than 10¢, with no maximum for any one place of business. As amended, the privilege tax is 25¢ per annum for any locker, with a maximum annual tax of \$25.00 for any one place of business.

PUBLIC CHAPTER NO. 179

Health Services. Amends the law relating to local health services, particularly by establishing a formula for the allocation of grant-in-aid funds to county and/or district local health services.

PUBLIC CHAPTER NO. 186

State Retirement System. Amends State Retirement System law. Changes requirements for eligibility and cessation of membership. Sets amount of annuity in certain cases. By Section 8-3601, Tennessee Code Annotated, legislative bodies of municipalities may elect to have their employees come under the provisions of this System. Several cities have done so.

PUBLIC CHAPTER NO. 187

MTAS Appropriation. Amends the Sales Tax law to increase the monthly allocation for the Municipal Technical Advisory Service from \$5,000 to \$5,208.

PUBLIC CHAPTER NO. 199

Metropolitan Government. Amends the Metropolitan Government general act of 1957 that permits the consolidation of city and county functions in counties having a population of 200,000 or more. Adds a method of creating a charter commission, by stating that it may be created in the manner prescribed by private act (for example, Private Chapter No. 408 of 1961, for Davidson County); repeals the section authorizing the election of charter commission members; sets the amount of the appropriation for the commission at not less than \$35,000 nor more than \$50,000; and requires that territory recently annexed by the central city, but which cannot be fully served by the metropolitan government immediately, shall, for a period of time, remain in the general services district.

PUBLIC CHAPTER NO. 205

Rabies Control. Amends the State dog vaccination law to make the failure to have a dog vaccinated against rabies a misdemeanor.

PUBLIC CHAPTER NO. 208

Urban Renewal. Authorizes State colleges and universities to enter into urban renewal agreements with the Federal Government and with local housing authorities for the undertaking of urban renewal projects adjacent to their campuses.

PUBLIC CHAPTER NO. 210

Personal Property Taxes. Exempts certain personal property in temporary storage, or enroute through Tennessee, from ad valorem taxes.

PUBLIC CHAPTER NO. 212

Privilege Taxes. Levies a privilege tax on trampolines, baseball pitching machines, and "Go-Karts," of \$5.00 each, annually.

PUBLIC CHAPTER NO. 213

County Conservation Boards. Authorizes the creation, after a referendum, of a county conservation board for the acquisition, development, and maintenance of public parks, preserves, parkways, playgrounds, recreational centers, county forests, wildlife areas, and other conservation areas. Provides for the levying of taxes and, subject to referendum, the issuance of general obligation bonds for conservation purposes. Municipalities and school districts may aid and cooperate in conservation projects.

PUBLIC CHAPTER NO. 216

Utility Districts. Amends the Utility District law to include the provision of "community antenna television service" as one of the powers of such districts.

PUBLIC CHAPTER NO. 220

Annexation. Amends the Annexation Law to require that in annexing substantial industrial plants the municipality must prove that such annexation is not unreasonable in terms of the prosperity, safety, and welfare of the city, and, further, that the city is able to furnish the municipal services needed or used by the plants.

PUBLIC CHAPTER NO. 226

Teachers' Tenure. Amends the Teachers' Tenure Law to raise from 60 to 65 the age at which a teacher's tenure status shall terminate; requires permanent records and yearly evaluation of performance of teachers; and sets requirements for re-entering the system after breaking a contract.

PUBLIC CHAPTER NO. 230

Municipal Sections of Interstate Highways. Authorizes State to acquire lands and construct streets for Interstate Highway System within a municipality when municipality has failed to enter into an agreement concerning acquisition and use of lands for the system within 30 days of submission of the agreement by the Highway Commissioner to the city governing body, or where the governing body fails or refuses to abide by an agreement, and the Commissioner decides the program is being retarded.

PUBLIC CHAPTER NO. 233

Municipal Audits. Requires each office, department, agency, division or board of a political subdivision to be audited annually, with a copy to be sent to the State Comptroller. The governing body of a political subdivision or any board or commission having custody of public funds is made responsible for employing a certified public accountant or public accountant to make such audits.

PUBLIC CHAPTER NO. 236

Disorderly Conduct. Defines disorderly conduct and declares it a misdemeanor.

PUBLIC CHAPTER NO. 255

Modified City Manager Act. Deletes former provision for appointment of city attorney and assistant city attorneys by the city manager, and places this power in the hands of the city council.

PUBLIC CHAPTER NO. 258

Sales of Pistols. Persons or firms desiring to engage in the business of selling pistols, revolvers, or other hand guns, must first obtain a permit from the Commissioner of Revenue. Prior to the issuance of the permit, the applicant must furnish a certificate of good moral character obtained from the sheriff, or from the police chief (if the licensed premises are located inside a city). A permit may be revoked by the Commissioner of Revenue; his action is reviewable by the courts.

PUBLIC CHAPTER NO. 260

Registration of Voters. Amends the election laws in respect to registration and voting by members of the armed forces. Changes the time of applying for ballots and the time for qualifying to be on such ballots. Applies to municipal as well as to other elections.

PUBLIC CHAPTER NO. 267

Modified City Manager Act. Amends act to require candidates for city council to submit petitions 30 days before an election, instead of 20 days.

PUBLIC CHAPTER NO. 269

School Bond Funds. Amends existing law so as to change the method of distributing bond funds to special school districts from a "scholastic population" basis to an "average daily attendance basis." Also, regulates use of the "special school fund" by counties, cities, and special school districts.

PUBLIC CHAPTER NO. 270

Privilege Tax on Real Estate Dealers. Amends Item 90, Section 67-4203, TCA, so as to make this privilege tax apply only to licensed real estate dealers, brokers, agents, and salesmen, and not to homebuilders, subdividers and others who handle real estate incidentally to engaging in another vocation.

PUBLIC CHAPTER NO. 273

Sales of Pistols. Changes from three days to 15 days the time within which a sheriff or police chief has to object to a proposed pistol or sidearms sale. Requires the certificate to carry a thumb print and other information about the applicant.

PUBLIC CHAPTER NO. 285

Industrial Development Corporations. Amends the Industrial Development Corporations Act to redefine "project" so as to include office buildings for public agencies. Restates the "purposes" of the Act to reflect this change.

PUBLIC CHAPTER NO. 293

Modified City Manager Act. Ratifies and validates the previous adoption of this act by any city. (Applies only to Oak Ridge and Union City).

PUBLIC CHAPTER NO. 294

Solicitations. Makes it unlawful to solicit or accept a fee or donation, or to sell advertising, under the guise of representing a police, judicial, or safety organization, unless actually employed by, or a member of, such an organization.

PUBLIC CHAPTER NO. 300

Miscellaneous Appropriations Act. Appropriates funds primarily for the purpose of defraying the expenses of the 1961 General Assembly and the printing of the 1961 Public and Private Acts. Of municipal interest are the following appropriations: an additional \$100,000 per annum for matching funds for educational television of any applicants not presently qualified to receive such funds, but meeting the standards of the law (Section 4, Item 2); an additional \$30,000 to the Tennessee Historical Commission for historical projects, to be expended only when substantially matched by funds from local sources (Section 4, Item 4); an additional \$10,000 per annum to the State Election Commission for the printing of election laws and other purposes (Section 4, Item 9); a sufficient additional appropriation to the Legislative Council to finance studies of the State's tax structure in relation to political subdivisions and of cooperative Federal, State and local agencies relative to water resources (Section 4, Item 15); a sum not to exceed \$50,000 per annum to the Department of Agriculture for planning, surveying and collecting data for the formation and creation of

watershed districts (Section 4, Item 16); a sum not to exceed \$10,000 to defray the cost of the enumeration of qualified voters for purposes of reapportionment as provided in Senate Joint Resolution No. 47 (Section 4, Item 18); \$30,000 to the Tennessee State Fire College at Murfreesboro for capital improvements (Section 4, Item 33); \$100,000 to the Department of Conservation and Commerce for State participation in the Tennessee-Tombigbee Waterway Development Compact (Section 4, Item 49); an additional \$300,000 to the Tennessee Aeronautics Commission for matching federal, municipal, county, and local funds in the construction and development of airports and airport facilities and for general aviation promotion (Section 22); and a sum not to exceed \$200,000 to State departments and agencies having responsibilities in the field of aging, to permit such departments and agencies to conduct pilot programs and to cooperate with federal and/or local agencies in such programs (Section 34).

PUBLIC CHAPTER NO. 305

Absentee Balloting. Requires an applicant for an absentee ballot, who is temporarily residing away from the county of his fixed residence, to furnish a certificate showing that he is not registered in the county or state of his temporary residence. Also requires that the published list of applicants for absentee ballots be arranged alphabetically by civil districts and precincts. This act applies to absentee balloting for municipal as well as other elections.

PUBLIC CHAPTER NO. 311

Special Assessments for Sewers, Streets, and Storm Drains. Authorizes municipalities to levy special assessments for sanitary sewers, streets and sidewalks, and storm drains. The cost of such facilities shall be shared by the benefited properties in proportion to the assessed valuation of the land only, not including improvements. However, the city must bear at least 25% of the cost unless it pledges its full faith and credit to satisfy any deficiency in the collections of improvement assessments.

Improvement assessments shall not be levied against undeveloped or largely undeveloped areas, "but shall be limited to areas in which a majority of the lots or parcels of land contains buildings or other structures."

Streets and sidewalks may continue to be financed by the Abutting Property Act on a front foot basis, or by the assessed valuation method of this act.

PUBLIC CHAPTER NO. 312

Tax Collection Dates. Amends the law relating to the due date for state, county, and municipal taxes, except for municipalities that are authorized to collect their own taxes (Sect. 67-1101, TCA). The amendment provides that whenever, under a program of consolidation of city and county functions, "it is expedient to fix different due dates than those established herein," the county trustee may do so, with the consent of the quarterly county court.

PUBLIC CHAPTER NO. 313

Tax Assessment and Collection. Amends the Merchants' Tax and License Law (Sections 67-4701, TCA, et seq.) to provide that whenever, under any program of consolidation of city and county functions, the county tax assessor is levying assessments for any municipality, the assessing duties may, upon recommendation of the county court clerk and the county tax assessor, and with the approval of the quarterly county court, be delegated to the county tax assessor rather than to the county court clerk. In like manner, the county trustee, rather than the county court clerk, may collect the taxes.

PUBLIC CHAPTER NO. 314

Tax Collection Dates. Amends the law providing that all municipal taxes collected by county trustees shall become due and delinquent at the same time as State and county taxes (Section 67-1103, TCA). The amendment provides that whenever, under a program of consolidation of city and county functions, "it is expedient to fix different due dates than those established herein," the county trustee may do so, with the consent of the quarterly county court.

PUBLIC CHAPTER NO. 317

Relocation of Utilities. Provides that municipalities or political subdivisions owning or operating utilities, or a privately-owned utility "for which the municipality or other political subdivision is legally responsible under a valid contract or franchise for relocation costs," may obtain reimbursement of 90% of the costs of relocating utilities on the Interstate Highway System, or on urban extensions thereof, "hereafter constructed." (Effective date was March 17, 1961.)

PUBLIC CHAPTER NO. 318

Lines of Succession in Local Office. Authorizes political subdivisions to provide for lines of succession for local offices in emergencies.

PUBLIC CHAPTER NO. 319

Emergency Locations of Government. Authorizes political subdivisions to provide for emergency locations for the conduct of the public business by local governing bodies and other officers.

PUBLIC CHAPTER NO. 320

Annexation Plan of Service. Amends the annexation law to require that before any territory more than one-fourth square mile in area or having a population of more than five hundred persons may be annexed, the governing body of the municipality shall adopt a plan of service setting forth at a minimum the identification and projected timing of municipal services proposed to be extended into the territory proposed to be annexed. If there is a local planning commission, the plan of service must be submitted to

it for study and a written report. [MPAS has previously furnished cities suggestions on developing a plan of service.]

PUBLIC CHAPTER NO. 321

Issuance of Refunding and Funding Bonds and Revenue Anticipation Notes. Amends the Municipal Recovery and Post War Aid Act of 1945 to authorize the issuance of refunding bonds by unpublished resolution and without an election, unless such refunding bonds would require additional ad valorem taxes without limitation of rate or amount. Also, a municipality may issue, by unpublished resolution, notes in anticipation of the collection of revenues for any one or more years from any public works projects. The maximum maturity of such notes shall not exceed five years. In addition, this act authorizes the issuance, by resolution, of funding bonds, payable solely from the revenues of any public works project, the proceeds of such bonds to be used to reimburse a general public works projects account.

PUBLIC CHAPTER NO. 322

Airports. Amends the Municipal Airport Act (which includes counties as well as municipalities) in numerous respects. This act provides that it is not necessary to hold an election to authorize the levy of ad valorem taxes, without limitation of rate or amount, to pay off airport bonds, if the bonds had been issued under any other law (as, for example, Chapter 321, Public Acts of 1961) allowing the levy of taxes without limitation of rate or amount. Allows airport revenues to be used "for any municipal purpose," subject to any contractual obligations in respect to the airport. In similar fashion, any disposal of an airport by a city or county shall be subject to any contractual obligations. Validates airport bond actions heretofore taken and states that the provisions of this act are supplemental to the powers provided by other laws.

PUBLIC CHAPTER NO. 323

Soil Percolation Tests in Subdivisions. In the submission of required data to the State Department of Public Health, subdividers may submit tabulated results of soil percolation tests made by a qualified surveyor, as well as by a licensed engineer or architect.

PUBLIC CHAPTER NO. 328

Group Insurance for Employees. Authorizes municipalities and special school districts to provide group life, hospitalization, disability, or medical insurance for all employees and officials, including teachers and other school personnel. The employees and officials shall have the choice of accepting or rejecting the coverage offered. The municipality or special school district may pay up to 50% of the cost of the program; the employees and officials the remainder. Requires two-thirds vote of governing body, and three months' notice to employees, to discontinue the program.

PUBLIC CHAPTER NO. 330

Telephone Systems. Authorizes the formation of cooperative non-profit corporations to provide telephone service in rural areas.

PUBLIC CHAPTER NO. 332

Retirement Systems to be Actuarially Sound. Requires that any retirement system established by the State or any of its political subdivisions must become actuarially sound on or before January 1, 1966, and be so declared by the State Comptroller, or it must suspend payment to all beneficiaries.

PUBLIC CHAPTER NO. 334

Election Precincts. Precinct boundaries may be established, altered or modified by the county election commission, subject to the approval of the county court. Any change, however, must take place at least three months before the election and must be properly published. When the total number of voters in any election reaches 1,000 persons in any precinct not using voting machines, a new precinct shall be created. Appears to apply to municipal elections as well as to other elections.

PUBLIC CHAPTER NO. 335

Obscene Material. Increases the penalty for the printing, selling, or distribution of obscene material.

RESOLUTIONS ADOPTED BY THE 1961 TENNESSEE GENERAL ASSEMBLY
OF INTEREST TO MUNICIPALITIES

SENATE RESOLUTION NO. 3

Voters. Provides that qualified voters and registered voters are the same.

SENATE JOINT RESOLUTION NO. 19

School Year. Petitions Department of Education to study feasibility of extending school year to twelve months.

SENATE JOINT RESOLUTION NO. 38

Repeal of Obsolete Laws. Directs Legislative Council to examine the Tennessee Code Annotated and make recommendations concerning possible repeal of obsolete laws.

SENATE JOINT RESOLUTION NO. 47

Reapportionment. Authorizes appointment of a joint committee to make an enumeration of qualified voters and report to next General Assembly.

SENATE JOINT RESOLUTION NO. 59

Assessment. Directs Legislative Council to study matters relating to tax assessments, assessors, and boards of equalization.

HOUSE JOINT RESOLUTION NO. 40

Traffic Safety. Directs Legislative Council to study motor vehicle and traffic safety.

HOUSE JOINT RESOLUTION NO. 52

Tax Structure. Directs Legislative Council to study needs for revision of the tax structure of the State and of its political subdivisions.

HOUSE JOINT RESOLUTION NO. 62

Water Resources. Directs Legislative Council to study water utilization, regional and area programs, legislative needs, and possible cooperative Federal, State, and local agency participation in water resource development.

HOUSE JOINT RESOLUTION NO. 65

Reapportionment. Directs Legislative Council to study reapportionment of representation in the General Assembly, and to report findings to the next General Assembly.

HOUSE JOINT RESOLUTION NO. 72

Insurance Rates. Directs Legislative Council to study fire and casualty insurance industry with particular attention to the rate-making procedures.

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