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SUMMARY OF

1963 PUBLIC ACTS

OF INTEREST TO MUNICIPAL OFFICIALS /

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MUNICIPAL TECHNICAL ADVISORY SERVICE

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FOREWORD

The 1963 General Assembly adopted 390 public acts. In this publication we have briefly summarized the subject matter of 112 of these acts that either affect municipalities or are of some interest to municipal officials. Not summarized are Chapters 185 and 250 amending the State Teachers' Retirement Law; chapters 295 and 320 relating to reapportionment; and chapters 88, 90 and 128 relating to shortages of funds, etc.

Cities wishing to make plans or to take action under the provisions of any new act should not attempt to do so without having a complete copy of the act to use as a guide. Copies of individual acts may be secured at a nominal cost from the Secretary of State, Nashville, Tennessee. All of the new acts will be available soon in the printed 1963 Public Acts.

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July 1963

CHAPTER NO. 3

Miscellaneous repeals. Repeals Section 6-118, T. C. A., relative to election commissioners' duty to make certificate on incorporation election; Sections 6-301 and 6-302, T. C. A., relative to petitions for and elections on annexation; Section 6-1904, T. C. A., relative to road work and its commutation; and Section 6-2139, T. C. A., relative to the transfer of schools to the city under the city manager charter.

CHAPTER NO. 7

Inspectors of coal oil, gasoline, etc. Repeals Sections 60-403, 60-408 and 60-437, T. C. A., which require the appointment, compensation and monthly reports of state inspectors of coal oil, carbon oil, petroleum, kerosene oil, gasoline, etc., for cities and/or counties with a population over 1,000.

CHAPTER NO. 10

Working of roads—road tax. Repeals state law on "working of roads—road tax." Repealed law only applied to cities and towns which were not taxed to keep up streets. (Secs. 54-1001—54-1046, T. C. A.)

CHAPTER NO. 13

State Education Law. Repeals numerous miscellaneous sections of the State Education Law including among others, Section 49-111(1), (2) and (5), providing for divisions of high school supervision, elementary school supervision and professional registration; Sections 49-1002, 49-1003, 49-1007, 49-1008 and 49-1009, T. C. A., relative to conditions for approval of elementary schools, length of the elementary school year, certificates of promotion to high school and employment of supervisors of elementary schools; Sections 49-1110, 49-1114, and 49-1115, T. C. A., relative to classification and grading of high schools, source of funds for operation of junior high schools and division of junior high school pupils for computation of state elementary and high school funds; Section 49-1308, T. C. A., requiring attendance of teachers at county institutes; Sections 49-1910—49-1914, T. C. A., relative to requiring physical education in public schools; Sections 49-1918—49-1921, T. C. A., relative to requiring forestry instruction; Sections 49-2101—49-2111, T. C. A., relative to furnishing textbooks by the counties; Sections 49-2401—49-2407, T. C. A., relative to part-time schools; Sections 49-3012 and 49-3013, T. C. A., providing allowance and travel expenses for indigent students and terms of admission for colored students at the "Tennessee School for Blind"; Sections 49-3101—49-3103 and 49-3108, T. C. A., providing for the incorporation, corporate powers, corporate liabilities, and bonuses for experienced teachers at the "Tennessee Deaf School."

CHAPTER NO. 24

Bid bonds. State insurance law is amended to except bid bonds on public or private contracts from prohibition against fidelity and bonding companies writing policies except through resident agents. (Sec. 56-1408, T. C. A.)

CHAPTER NO. 26

Fires. Makes it a misdemeanor for any person to negligently or carelessly cause damage to the property of another by fire. (Sec. 39-509, T. C. A.)

CHAPTER NO. 38

State Sales Tax law. Is amended so as to extend its application to telephone and telegraph services, repair services to personal property, laundering and dry cleaning services, installation services for personal property, and to water, electric and gas utility services. This amendment provides, however, for a one per cent rate on water, gas, electricity, fuel oil, coal and other energy fuels sold to or used by manufacturers. When such substances are exclusively used directly in the manufacturing process they may be exempted from the tax entirely. They are also exempt when the manufacturer using them produces or extracts them himself from facilities owned by him or in the public domain. (Secs. 67-3002, 67-3003, 67-3004, and 67-3012, T. C. A.)

CHAPTER NO. 39

General Education Act. Raises appropriation for current operation and maintenance of grades 1-12 for the fiscal year beginning July 1, 1963, to \$118,805,000 as compared to \$103,802,600 for last year. It will be \$124,498,000 next year.

Raises the minimum foundation salary requirements for an equalizing city or special school district's superintendent of schools from \$2,235 for last year to \$2,735 for this year and \$2,835 for next year.

Raises from \$1.25 to \$2.00 the per capita amount to be included each year in the minimum foundation program of equalizing systems for learning and instructional materials, etc.

Adds 5¢ to the per capita allocation for school plant operation, maintenance, etc.

For figuring the amount from local sources to be included in the minimum foundation school program of equalizing systems the estimated value of locally assessed property in the State is raised from \$9,430,419,000 to \$10,622,155,400.

Raises State salary schedules. Base for the beginning certificated teacher with a degree is raised from \$2,750 to \$3,250. The minimum salary for a certificated teacher, etc., with a degree and 15 years experience is raised from \$3,500 to \$4,000. Provides for a 1963-64 salary schedule with an increase for each category of training and experience of not less than \$400 per school year. The 1964-65 schedule shall provide an additional \$100 salary increase for each category where a minimum \$3,600 is then being paid with State and local funds to certificated teachers, etc., with degrees.

Requires submission of local school budgets within 30 (formerly 15) days after beginning fiscal school year.

Raises textbook allocation from \$2,455,850 last year to \$2,932,000 this year and \$2,970,000 next year. The per capita distribution is raised from \$3.00 to \$3.50 and the amount to be used for increased ADA from \$8.00 to \$8.50.

(Other extensive provisions of general interest have been omitted from this summary.)

CHAPTER NO. 40

Freight Motor Vehicle Fuel Use Tax. Raises the tax from 7¢ to 8¢ on fuel used in large trucks entering the state, and makes the 5¢ allocation to the highway fund subject to the appropriation to municipalities for street aid. (Secs. 67-3229, 67-3232, 67-3802, 67-3818 and 67-3820, T. C. A.)

CHAPTER NO. 41

General Appropriations Bill. Makes appropriations for the purpose of defraying the expenses of state government for the biennium beginning July 1, 1963. Included is \$115,000 for the Division of Local Finance; \$100,000 for the Office of Local Government; \$800,000 for educational television; \$105,000 for the Municipal Technical Advisory Service; \$75,000 for a police training institute; \$1,000,000 for a Revolving Fund Account for Tax Equalization Loans; \$2,000,000 for a Revolving Fund Account for Industrial Site Acquisition; and, \$5,000,000 for a Revolving Fund Account for the Advance Acquisition of Rights of way.

CHAPTER NO. 42

Metropolitan government. Metropolitan charters may provide for annual assessments of real property. (Sec. 6-3711, T. C. A.)

CHAPTER NO. 43

Metropolitan government. May send tax bills to property owners and may consolidate urban services district tax and general services district tax on one bill. Notwithstanding other statutory, charter or ordinance provisions to the contrary, no interest or penalty shall be charged when 1/2 of the combined tax bill is paid by October 31 of the year for which due and the remaining 1/2 is paid by February 28 of the following year.

CHAPTER NO. 44

Metropolitan government. For tax assessment purposes it is a sufficient description of real estate for the tax assessor to give the parcel number or symbol of the assessed property when an official property identification map has been adopted. Also applies to counties.

CHAPTER NO. 45

Metropolitan government. Requires tax assessors to make up separate assessment rolls for (1) the urban services district, (2) each incorporated city, and (3) other property. The aggregate shall constitute the assessment records and rolls for the general services district. (Sec. 67-612, T. C. A.)

CHAPTER NO. 59

Revival of repealed municipal charters. The charter of any city or town repealed by private act during any previous session of the General Assembly is hereby recognized to have been revived upon the express repeal during the same session of the repealing act unless a contrary intent is clearly indicated in such later repealing act.

CHAPTER NO. 71

Metropolitan government. When an official property identification map for the area of the metropolitan government has been adopted every deed offered for recording shall show on its face the identifying number or symbol of the property conveyed and, if the property is improved, the house and/or street number and post office address. Such deed shall also have a notation of the name and correct mailing address of the owner and person to be billed for taxes.

CHAPTER NO. 76

Beer. Amends Beer Law to require county and city boards issuing beer permits to report each new permit issued within 10 days from the date of issuance. Also requires an annual report of current beer permits outstanding. Reports are to the Commissioner of the Department of Revenue. (Sec. 57-204, T. C. A.)

CHAPTER NO. 77

Investigations by Comptroller. Authorizes the Comptroller to require aid of any and all state agencies in the investigation of alleged irregularities or discrepancies involving state funds.

CHAPTER NO. 80

False fire alarms. Makes it a misdemeanor for any person to willfully and maliciously give a false alarm of fire.

CHAPTER NO. 91

Merchants' ad valorem tax. Law is amended to provide penalties for delinquent payment. (Sec. 67-4304, T. C. A.)

CHAPTER NO. 93

Audits. Authorizes State Comptroller to audit books and records of any governmental entity created by the State at any time he deems necessary.

CHAPTER NO. 96

Confessions. When any confession or admission against interest is made by any person charged with a crime, the law enforcement officer or agency before whom made shall give a copy of it, if written, together with a list of the names and addresses of all persons present when made, to the defendant or his counsel on demand. If not written, the names and addresses of the witnesses shall be supplied.

CHAPTER NO. 97

Metropolitan government. Minimum county population is removed, making Metro government available for any county. (Sec. 6-3703, T. C. A.)

CHAPTER NO. 98

Utility Districts Law. Is amended to exclude power to provide community antenna television service in Sullivan and Anderson Counties. Is a population classification act. (Sec. 6-2608, T. C. A.)

CHAPTER NO. 108

Privilege tax on florists. Law is amended to delete the requirement for paying the tax in one annual installment. (Sec. 67-4203, Item 46, T. C. A.)

CHAPTER NO. 114

City Manager Charter. Is amended so as to require 5 commissioners for any city between 2,920 and 2,922 in population (Mount Pleasant) if the Act is approved by 2/3 vote of the Town's legislative body. (Sec. 6-2001, T. C. A.)

CHAPTER NO. 118

Privilege tax on fortune tellers. Raises tax from \$250 to \$750 per year and requires that it shall not be paid or collected for any period less than 1 year. (Sec. 67-4203, Item 47, T. C. A.)

CHAPTER NO. 119

State Teachers' Retirement System. Raises from 20 to 30 the maximum number of years of creditable service which may be used in computing the minimum monthly allowance. (Sec. 49-1552, T. C. A.)

CHAPTER NO. 120

Civilian Defense Law. Is amended to extend immunity from liability, except for willful misconduct, to property owners, etc., who voluntarily and without compensation allow use of their property for civilian defense purposes. (Sec. 7-630, T. C. A.)

CHAPTER NO. 124

Horizontal property regimes. Provides for separate and several ownership of apartments in the same building and requires separate assessment and collection of taxes on each individual apartment in such case.

Also authorizes the planning and zoning commission of any county or municipality to adopt supplemental rules and regulations governing horizontal property regimes.

CHAPTER NO. 125

Dogs and cats. Makes it a misdemeanor to leave them on public lands or rights of way.

CHAPTER NO. 126

Highway right of way acquisition. Amends law so as to prohibit counties and cities from paying any part of the right of way acquisition costs for State or State/Federal aid highways. Does not affect existing agreements. (Secs. 54-511 and 54-531, T. C. A.)

CHAPTER NO. 130

Cooperative transportation planning. Authorizes the State and counties, cities and towns to make cooperative planning agreements providing for a continuing and comprehensive transportation planning process as required to qualify for certain federal monies. Suggests several items which may be included in such planning.

CHAPTER NO. 134

Exemptions from ad valorem taxes. Exempts personal property in the hands of the manufacturer, processor, or assembler, transported to a plant, etc., from ad valorem taxes. (Secs. 67-502, 67-701 and 67-702, T. C. A.)

CHAPTER NO. 141

State Financial Responsibility Law. Is amended to raise the \$15,000 bonds to \$25,000 and the liability limits from \$5,000, \$10,000 and \$5,000 to \$10,000, \$20,000 and \$5,000. (Secs. 59-1201, 59-1206, 59-1209, 59-1219, 59-1220 and 59-1223, T. C. A.)

CHAPTER NO. 143

Mobile homes or house trailers. Requires them to be registered and licensed and prescribes a registration fee schedule. Ten per cent of the fees collected goes to the state and 90 per cent to the county and municipality in which collected. One-half (1/2) of the local share is distributed in the same manner as the county property tax for schools. The other half goes where the trailer is located, to the county if located outside the municipality, otherwise to the municipality unless the county and municipality contract for some other distribution of this half. State, county or municipal officials are authorized to enforce this Act.

CHAPTER NO. 152

Negotiability of bonds. Provides that the negotiability of all bonds issued by the State or any county or municipality shall be governed by the Uniform Commercial Code—Investment Securities (Chapter 81, 1963 Public Acts), the provisions of any other statute to the contrary notwithstanding.

CHAPTER NO. 168

Educational television network. Authorizes and directs the State Board of Education to locate, establish, construct and operate an educational television network for the entire State. Empowers counties and cities to donate, sell or lease property and make outright grants of funds to the State for the purposes of this Act. Repeals Sections 49-3801—49-3806, T. C. A., providing for an educational television commission.

CHAPTER NO. 173

Police training institute. Creates the Tennessee Police Training Institute for the purpose of training State and local law enforcement officers. Authorizes the acquisition of a site and the construction and equipping of facilities. The institute shall be under a State agency to be designated by the Governor.

CHAPTER NO. 186

Modified Manager-Council Charter. Is amended so as to expressly authorize issuance of bonds under any other general law without regard to the requirements, restrictions, or procedural provisions contained in the charter. (Sec. 6-3426, T. C. A.)

CHAPTER NO. 193

Utility Districts Law. Is amended to authorize the board of commissioners to fix compensation for its members at not to exceed \$25.00 per day for attending board meetings. Total compensation shall not exceed \$300 per year per member. Act is not applicable to Carter County nor to any utility district containing less than 5 counties.

CHAPTER NO. 198

Rural volunteer fire departments. Vehicles owned by rural volunteer fire departments and operated exclusively for fire protection purposes may be registered and licensed by the State upon payment of the county court clerk's fee and \$1.00 to cover the cost of manufacturing and packing the plates.

CHAPTER NO. 201

Quadrennial census of children. The board of education in every county, city, and special district school system shall, between February 15, 1964, and May 31, 1964, and every 4 years thereafter cause to be made a census, on forms furnished by the State, of all children up to and including the age of 6 years within its jurisdiction. The State shall bear the expense of the census. (Sec. 49-1703, T. C. A.)

CHAPTER NO. 203

Storage of public records. Provides for storage of public (including municipal) records outside the State upon recommendation of the county records commission and concurrence by the county court when proper facilities for protection against fire and other hazards are not available within the State. (Sec. 15-506, T. C. A.)

CHAPTER NO. 205

Office of Local Government and Local Government Advisory Commission. Creates Office of Local Government in the Office of the Comptroller of the Treasury. The new office is to assist and advise the Governor in coordinating state agencies working with local governments; to encourage and upon request, to assist, local governments in solving their common problems; to serve as a clearing house for information concerning local problems and State and Federal assistance available for solving them; to assist governmental groups, upon request, which are studying problems of local government structure or financing; and, to consult and cooperate with other Federal, State and local agencies and officials in carrying out the functions and duties of the office.

Creates a Local Government Advisory Commission composed of the Comptroller as chairman; three members appointed by the Governor upon the recommendation of the Board of Directors of the Tennessee Municipal League; three members appointed by the Governor upon the recommendation of the Board of Directors of the Tennessee County Services Association; and, two members appointed by the Governor from among the executive officers of the State. The Local Government Advisory Commission shall periodically review the services and programs of the Office of Local Government and make recommendations to the

director of that Office concerning these services and programs and local governmental problems.

CHAPTER NO. 207

Center for Government, Industry and Law. Establishes a Center for Government, Industry, and Law which shall operate as a Division of the University of Tennessee to provide continuing research and technical assistance to State and local governments and industry and to meet more adequately the need for information and research in business and government. Among other functions the Center will coordinate and promote departmental and contractual research and assistance to units of government and advise and consult with departments and agencies of local government in the gathering and preparation of data and statistical materials necessary in formulating and revising matters of public policy and programs of public service.

As a part of the Center there is created an Industrial Research Advisory Service to provide information relative to research services and facilities available to industries in the state.

The President of the University of Tennessee is authorized to appoint a General Advisory Committee, an Industrial Research Advisory Committee and such other specific advisory committees as may be desirable to aid in accomplishing the several purposes of this Act. He shall also name an Executive Director to administer the Center for Government, Industry and Law and to coordinate the activities of the several University departments, bureaus, and agencies operating in this general area.

CHAPTER NO. 218

The Little Tennessee River Port Authority. Establishes "The Little Tennessee River Port Authority" to facilitate transportation, etc., on the Little Tennessee River and its tributaries in the Counties of Loudon and Monroe. Among other powers the port authority commissioners shall have the power to acquire, construct, purchase, operate, etc., within the boundaries of Loudon and Monroe Counties (except not within the present corporate limits of any other municipality now within said area without first obtaining express permission and authority from the governing body of such other municipality) the ports and other facilities described in this Act. Act shall be effective only in the county or counties where locally approved.

CHAPTER NO. 220

Rural Roads System. Requires cities to acquire rights of way, easements, gravel pits, etc., for segments of federal-aid secondary roads to be altered, graded or otherwise improved by the State within the corporate limits. (Sec. 54-610, T. C. A.)

Also provides that cities shall be responsible for the maintenance of rural roads located within the corporate limits. If a city does not

properly maintain its rural roads the Rural Roads Division of the Department of Highways will take over their maintenance and charge the cost thereof to municipal street aid funds allocable to the city. (Sec. 54-613, T. C. A.)

CHAPTER NO. 222

Beer. Makes it unlawful for any person under age 18 to possess beer for any purpose or to transport it except in the course of his employment. Violations shall be within the jurisdiction of the juvenile court of the county. (Sec. 57-221, T. C. A.)

CHAPTER NO. 223

Local Option Liquor Law. Is amended to make it unlawful for any person under age 18 to possess or transport intoxicating liquor for any purpose, whether it is stamped or unstamped and whether in a dry or a wet county. Violations shall be within the jurisdiction of the juvenile court of the county. (Sec. 57-148, T. C. A.)

CHAPTER NO. 224

Fire protection. Authorizes general welfare corporation charters for clubs and associations organized for the protection of life and property by maintaining fire stations, fire trucks and fire fighting equipment for the benefit of its members. (Sec. 48-1101, T. C. A.)

CHAPTER NO. 225

Hearing required prior to approval of redevelopment project. Provides that no city shall approve any redevelopment project under the Housing Authorities Law until after a public hearing has been held on such project. Notice of such public hearing must be published in a newspaper of general circulation in the city and mailed or delivered to at least one owner or occupant of each parcel of property within the area of the project. (Sec. 13-815, T. C. A.)

CHAPTER NO. 229

Area vocational-technical schools and regional technical schools. Authorizes and directs the establishment and operation of a state-wide system of area vocational-technical schools and regional technical schools. Provides that the State Board for Vocational Education may operate them directly or may contract with city or county board of education, etc., for the operation of area vocational-technical schools and with the Board of Trustees of the University of Tennessee and with other colleges and universities under the State Board of Education for the operation of regional technical schools. Local boards of education and governing bodies may contribute funds and any county, city or special school district may donate, sell, or lease to the State Board for Vocational Education, land and/or facilities or other property to be used for an area vocational-technical school or a regional technical school.

CHAPTER NO. 232

Board of waterworks and/or sewerage commissioners. Negates the requirement for an appointed board of waterworks and/or sewerage commissioners under Chapter 14, Title 6, T. C. A., and provides that the municipal governing body may, by ordinance, elect to exercise powers and perform the duties prescribed for such board. (Sec. 6-1413, T. C. A.)

CHAPTER NO. 235

Magazine salesmen. Requires magazine salesmen to register with the sheriff before engaging in business in any county. The act provides a fine for violators and also provides that contracts made with violators shall be void and unenforceable.

CHAPTER NO. 236

Teachers' records and tenure. Repeals provisions relative to local boards of education keeping permanent records on teachers and the use of such records as evidence in administrative and judicial proceedings. (Sec. 49-1405, T. C. A.)

Also provides that a teacher's tenure shall terminate as of July 1 following his 65th birthday but that boards of education may continue to employ teachers as provided in the Tennessee Teachers' Retirement Act. (Sec. 49-1407, T. C. A.)

CHAPTER NO. 237

Employment of retired teachers as substitutes. Provides that a retired teacher over age 70 may accept employment as a substitute teacher for not more than 60 school days per school year without loss of his retirement allowance, provided he files an annual physician's certificate with the Tennessee Teacher's Retirement System. (Sec. 49-1549, T. C. A.)

CHAPTER NO. 240

Privilege tax on architects, etc. Repeals the state and local privilege tax on architects and others furnishing plans for buildings, etc. (Sec. 67-4203, Item 6, T. C. A.)

CHAPTER NO. 244

Voting precincts. Amends the law providing for fixing precinct boundaries so as to allow the county court, metropolitan county council or other county legislative body to approve changes. Also allows for fixing boundaries by a map filed of record.

CHAPTER NO. 246

Unified school systems. This act authorizes the creation and operation of unified school systems within counties where city school systems or special school districts exist. It provides for a unification educational planning commission, to be appointed prior to June 1, 1963, to prepare a plan, and for subsequent referendums in the city or special school districts and in the remainder of the county (separate majorities required for approval). The act prescribes a number of provisions that must be included in any such plan.

CHAPTER NO. 247

Reports of child brutality or abuse required. Makes it a misdemeanor for any hospital, doctor, pharmacist or other person, called upon for aid or medical assistance to children under age 16 suffering from wounds or injuries indicating child brutality or abuse, to fail to report the same to the chief of police, sheriff or district attorney's office. (Sec. 38-601, T. C. A.)

CHAPTER NO. 249

Laying pipelines in municipal streets, etc. Repeals requirement for a referendum before pipeline corporation can lay pipelines in, through or across municipal streets, etc. Now requires only the consent of the municipal authorities and an ordinance prescribing the terms on which such pipeline may be laid. (Sec. 65-2801, T. C. A.)

CHAPTER NO. 251

Industrial Park Act. The Industrial Park Act is amended so as to provide that none of the limitations prescribed in section 6-2906, T. C. A., shall apply to the issuance of a certificate of public purpose and necessity for an industrial park.

However, as a condition prerequisite to the issuance of a certificate, the Building Finance Committee in the Tennessee Industrial and Agricultural Development Commission is now required to make an extensive investigation to find and determine affirmatively that the project is well conceived, will likely be self-sustaining, will tend to promote economic and industrial development, and that the industrial park bonded indebtedness will not exceed 10 per cent of the municipality's total assessed property valuation.

This amendment also provides that with certain exceptions any certificate issued shall expire one year after issuance unless within such time the park shall have been established. It is also provided that when a certificate is issued the committee shall fix and determine how much the municipality can spend and issue bonds for, what property may be acquired, and the terms for such acquisition. Members of any municipal governing body voting for any variance from the requirements prescribed by the committee shall be individually and personally liable for any resulting loss to the municipality. The municipal governing body may also be compelled by injunction to comply with such requirements.

The Building Finance Committee may adopt reasonable rules and regulations to implement the Industrial Park Act. (Sec. 13-1307, T. C. A.)

CHAPTER NO. 255

Registered professional sanitarians. Provides for the registering and licensing of professional sanitarians; creates a State Board of Examiners for Registered Professional Sanitarians; prescribes fees, qualifications and prerequisites for licensing; provides for revocation of licenses; and, makes it a misdemeanor for any person to falsely represent himself as a "registered professional sanitarian."

CHAPTER NO. 256

Metropolitan government. Amends law to allow creation of municipalities and public service districts within the area of a metropolitan government provided the adopted metropolitan charter permits them. (Sec. 6-3716, T. C. A.)

CHAPTER NO. 257

Local Option Liquor Law. Is amended by the creation of the "Tennessee Alcoholic Beverage Commission" to replace the "Commissioner of Revenue" in administering the Local Option Liquor Law except for collecting alcoholic beverage taxes. The alcoholic beverage commission is to be appointed by the Governor and shall be composed of 3 members, 1 from each grand division of the State. It may appoint a director, an assistant director and a chief law enforcement officer. No member or employee of the Commission shall have any interest in any distillery or other alcoholic beverage business.

CHAPTER NO. 260

Metropolitan government. Provides for a special election to elect a 10 member metropolitan government charter commission within not less than 46 nor more than 60 days after the adoption of an appropriate consolidation resolution by the governing bodies of a county and its principal city. The election shall be held at the expense of the county. Any qualified voter of the county shall be eligible for election and may become a candidate by filing a nominating petition with the county commissioners of election at least 40 days before the election. The petition must be signed by the candidate and at least 25 other qualified voters.

CHAPTER NO. 267

Collection and adjustment agencies. Provides that the state and local privilege tax on collection and adjustment agencies shall be based on "gross commissions" rather than "gross collections" as was the case prior to this amendment. Also "gross commissions" rather than "gross collections" shall hereafter be reported annually. (Sec. 67-4203, Item (28), T. C. A.)

CHAPTER NO. 269

Administration of General Revenue Law. Repeals the requirement for an oath by the official or agent making the annual privilege tax report required by Section 67-4315, T. C. A.

CHAPTER NO. 276

Municipal Technical Advisory Service appropriation. Amends the Sales Tax Law to increase the monthly allocation for the Municipal Technical Advisory Service from \$5,208 to \$5,833. (Sec. 67-3047, T. C. A.)

CHAPTER NO. 277

Local transit companies. Amends state seat tax on city busses to provide that if such vehicles are operated within the limits of a municipality and not more than 7 miles beyond the corporate limits or wholly within the limits of a metropolitan government the fee shall be 50¢ for each passenger seat with a minimum of \$25.00 for any single vehicle. (Sec. 59-422, T. C. A.)

CHAPTER NO. 280

Professional fund raisers. Makes it a misdemeanor for anyone to solicit in violation of state law regulating professional fund raisers. (Sec. 62-1507, T. C. A.)

CHAPTER NO. 286

Property tax assessments. "Annual assessments of real estate shall be allowed if authorized by the governing body of a county or municipality, but in no event more often than once in every six (6) years." Also provides that when an assessment of real property has been increased it may not be increased again within 2 years unless it changes ownership or is improved. Assessments, tax books, tax rolls and units of ledger cards may have attached as a part thereof a schedule of definitions and may by reference incorporate county records. (Secs. 67-601 and 67-1009, T. C. A.)

When the county court has certified thereto the results of any property reappraisal program the tax assessor and county board of equalization may consider such results along with other evidence in arriving at property assessments. If the tax assessor doesn't certify an assessment roll the board of equalization may act upon the certified reappraisal program results. The board shall give both a newspaper and a mailed notice to owners of property which is re-evaluated. (Sec. 67-804, T. C. A.)

Also allows such certified reappraisal program results to be considered along with all other evidence by the State Board of Equalization in handling appeals thereto. (Sec. 67-822, T. C. A.)

When the county court has set up or approved a records system in the tax assessor's office and the same has been approved by the State Comptroller, it may not be changed without approval of the State Comptroller.

The State Board of Equalization may publish annually the results of sales ratio studies conducted in various counties and municipalities and may require counties and municipalities to furnish available information for such studies.

Counties and municipalities are authorized to contract with the State Board of Equalization for advice and assistance in the preparation and awarding of contracts for advice and assistance in the assessment and equalization of taxes and for evaluation of services rendered thereunder. (Sec. 67-1706, T. C. A.)

The State Board of Equalization is authorized to contract to furnish, on a reimbursable cost basis, personnel, supplies, funds and technical assistance to counties and municipalities in order to carry out programs of assessment, reassessment or equalization of property taxes. If any county or municipality shall fail to reimburse the State Board of Equalization, the amount owing shall be withheld by the Comptroller from state-shared taxes due such county or municipality.

CHAPTER NO. 291

Improvement bonds. Corrects error in section 6-1256(c), T. C. A., providing for serial maturities of improvement bonds not to exceed 30 "days" from date of issue and makes it "years" as was intended originally.

CHAPTER NO. 292

Schools for pre-school children. Adds provision that local governmental bodies operating schools for pre-school age children may receive and use state funds specifically appropriated for pre-school purposes and gifts, donations, etc., made for such purposes. However, no local funds which are required for participation in state funds shall be used for such schools. If the State makes an appropriation for such schools the average daily attendance of pre-school age pupils shall be reported on such forms as the State Commissioner of Education shall prescribe. (Sec. 49-2302, T. C. A.)

CHAPTER NO. 298

Terms for mayor and aldermen. Staggered terms for the mayor and aldermen under the General Law Charter may be eliminated by a majority vote in favor thereof at an election for that purpose, called by a petition of 10 per cent of the qualified voters. (Sec. 6-127, T. C. A.)

CHAPTER NO. 299

Property tax assessments. Provides that the interest of the lessee in real estate shall be exempt from taxation where the fee, reversion or remainder is exempt to an educational institution as owner and said property is used exclusively for the purpose of housing students of such educational institution. (Sec. 67-606, T. C. A.)

CHAPTER NO. 301

Public records. Removes the requirement that public records be as much as 10 years old before their destruction may be authorized by the county records commission. States that purpose of amended act is to provide for the original recording of records by photograph, photostat, etc. (Sec. 15-504, T. C. A.)

CHAPTER NO. 305

Utility districts. The Utility Districts Law is amended to provide that when a utility district fails to render any services and acquire any assets or facilities necessary for the accomplishment of its purpose within 4 years after the issuance of its order of incorporation, the order shall be void ipso facto. This provision shall not apply, however, to districts required to renew their petitions for incorporation annually. (Sec. 6-2607, T. C. A.)

CHAPTER NO. 317

Builders and contractors. Authorizes municipalities and counties to enact laws or ordinances regulating residential, commercial or assembly builders and maintenance and alteration contractors who are not licensed and qualified under the State Contractors Law and who undertake projects costing \$100 or more. Local governments are authorized to issue and revoke licenses, charge license fees, and require performance bonds.

CHAPTER NO. 318

Merchants' Tax and License Law. Is amended to provide that all municipal taxes collectible by the county court clerk shall become due and delinquent at the same time as state and county taxes except where, under a program of consolidation of county and city functions, different due dates are authorized by the quarterly county court. (Ch. 47, Title 67, T. C. A.)

CHAPTER NO. 323

Local transfer and storage businesses. Authorizes any incorporated city or town with a population in excess of 400,000 to set up a transfer and storage regulatory board to regulate the business of transferring and/or storing household goods and effects within such municipality.

CHAPTER NO. 324

Water resources. Users withdrawing 10,000 or more gallons per day from source other than public water system must register with State Division of Water Resources.

CHAPTER NO. 329

Local Option Revenue Act. Authorizes any county by resolution of its quarterly county court or any incorporated city or town by ordinance of its governing body to levy a tax on the same privileges subject to the state sales tax which are exercised within such county, city or town, provided such resolution or ordinance is approved by the voters. However the local tax may not exceed $1/3$ of the state rate or \$5.00 on the sale or use of any one article and it shall not be applicable to electricity, natural or artificial gas, coal or fuel oil.

The levy of the tax by a county shall preclude any city or town in the county from levying it except at a rate equal to the difference between the county tax and the maximum rate authorized.

If a city or town moves first and adopts an ordinance levying the tax the effectiveness of such ordinance shall be suspended for 40 days. If during this period the quarterly county court adopts a resolution to levy the tax at least equal to the rate provided in the ordinance, the effectiveness of the ordinance shall be further suspended until the voters act on the resolution. If the voters approve the county resolution the ordinance shall be null and void. If the quarterly county court does not adopt a resolution or if it is not approved by the voters an election is then held on the ordinance.

After the tax is operative in a city or town the county may adopt the tax at a rate at least equal to the city or town rate and the city or town tax shall thereupon cease to be effective, but the city or town shall receive from the county tax what it would have received until the end of its fiscal year. If the proposed county levy is at the same rate as the city or town rate only the voters outside of the city or town shall vote thereon. If it is higher the election shall be open to the city or town voters also.

When the tax is levied by a county one half of the collections shall be expended and distributed in the same manner as the county property tax for school purposes is expended and distributed. The other half shall be distributed to the city or county on a basis of where it was collected, unless by contract provided otherwise.

Any tax levied may be increased or repealed in the same manner as provided for its adoption.

The required elections shall be held within 60 days after the election commission receives a certified copy of the ordinance or resolution. When an ordinance or resolution is rejected by the voters no other election thereon can be held for a period of two years.

The tax levied under this act may be collected and administered locally or by the State Department of Revenue if found to be feasible. In either event the rules and regulations governing the administration and collection of the state sales tax shall apply in so far as practicable.

CHAPTER NO. 331

Industrial development. Authorizes the State and the counties and cities thereof to permit use of their respective properties to promote and foster industrial development and create employment opportunities.

CHAPTER NO. 333

Workmen's compensation. Amends Workmen's Compensation Law to allow a reasonable fee, and first lien therefor, on any recovery to the attorney representing an injured workman, or those to whom his right of action survives, against any person other than the employer. If the employer has also engaged counsel to represent the employer in effecting recovery against such other person, the court shall apportion said reasonable fee between the attorneys. This amendment also entitles the employer to a credit on his future liability, as it accrues, to the extent the employee's net recovery exceeds the amount paid by the employer. (Sec. 50-914, T. C. A.)

Repeals the provision requiring apportionment of attorney's fee between the employer and employee. (Sec. 50-1019, T. C. A.)

CHAPTER NO. 336

Tennessee Elk River Development Agency. Creates agency for the purpose of developing and effectuating plans and programs for comprehensive development of those portions of the Elk River watershed lying in Coffee, Franklin, Giles, Grundy, Lawrence, Lincoln, Marshall and Moore Counties. Authorizes the "various Counties, Towns and Incorporated Municipalities represented on the Board of Directors" to contribute funds, levy and collect ad valorem taxes, and issue bonds for financing the work of the agency.

CHAPTER NO. 338

Sale of gravel. Amends law prohibiting sale, etc., of "processed" gravel, etc. which is produced in whole or in part by any state, county or municipally owned or operated facility, to delete the word "processed." (Sec. 12-701, T. C. A.)

CHAPTER NO. 343

Beech River Watershed Development Authority. Extensively amends chapter 315, Private Acts of 1961, which established the "Authority," to authorize and empower the "Authority" to do any and all things necessary or desirable in forming and executing a plan for the comprehensive development of the resources of the Beech River Watershed in Decatur and Henderson Counties.

CHAPTER NO. 352

Volunteer firemen. Amends the Motor Vehicle Registration Law to authorize special plates for members of volunteer fire departments upon the payment of an additional fee of \$1.00. (Sec. 59-441, T. C. A.)

CHAPTER NO. 353

Abolition of the office of county superintendent of public instruction. Provides that the quarterly county court, except in counties having a population between 250,000 and 260,000 (Knox) or more than 600,000 (Shelby), may call for a referendum on the question of abolishing such office. After April 1, 1964, such a referendum may be called upon the petition of a stated number of qualified voters if the court has failed to act. If the vote is for abolition of the office, it shall cease to exist upon the expiration of the term of the incumbent superintendent. Thereafter, the powers and duties of such superintendent shall be vested in the board of education which may employ a school administrator certified by the State Board of Education.

CHAPTER NO. 356

Local transit companies. Provides authority and procedure for local transit companies to receive a refund of up to 3¢ per gallon of the state tax paid on "motor vehicle fuel" or "fuel" as defined in Section 67-3801, T. C. A. However, no refund shall be made for fuel used in vehicles having less than 7 seats; for fuel used by charter vehicles; for purchases of less than 500 gallons made at any one time; when the amount due is less than \$100; nor unless all necessary forms have been filed and required procedures have been followed.

CHAPTER NO. 357

Hiwassee River Tri-County Port Authority. Creates port authority for Bradley, McMinn and Polk Counties with extensive powers, some of which may be exercised within the corporate limits of any existing municipality only with express permission and authority from the governing body of such existing municipality. Act provides that it shall have effect only in the county or counties where locally approved.

CHAPTER NO. 360

Bail jumping. Defines and fixes the penalties for bail jumping in felony and misdemeanor cases before any court of the State.

CHAPTER NO. 362

Workmen's compensation. Amends the Workmen's Compensation Law to raise the maximum total payments, exclusive of medical benefits, etc., from \$12,500 to \$14,000; the maximum weekly payments from \$34 to \$36; the burial payment from \$350 to \$500; and to authorize an additional \$700 for unusual medical expenses. This amendment includes corporate

officers within the definition of an "employee" for the purposes of the Workmen's Compensation Law. It is also provided that permanent partial disability benefits in certain cases shall not be awarded where benefits for a specific loss are otherwise provided. (Ch. 10, Title 50, T. C. A., generally, and Secs. 50-902 (b), 50-1004 and 50-1007, T. C. A., specifically)

CHAPTER NO. 366

Stream pollution. The Stream Pollution Law is amended so as to include "underground" waters as well as "surface" waters in the waters to be protected. (Sec. 70-301, T. C. A.)

The Director of the Division of Stream Pollution Control is made Executive Secretary to the Stream Pollution Control Board to replace its Technical Secretary. (Secs. 70-302 and 70-307, T. C. A.)

CHAPTER NO. 368

Relocation of utilities. This Act repeals Sections 54-557 and 54-558, T. C. A., and provides, with certain exceptions, that the State will reimburse utilities for the costs of utility relocations and reconstructions necessitated by construction of the Interstate and Defense Highway System. The State Highway Commissioner may, after notice and hearing, order any utility to make or suffer necessary relocations and shall direct and control the manner and time for effecting same. The utility shall comply with the Commissioner's order and pay all costs which the State is not authorized to pay. The Commissioner is authorized to forego the notice and hearing if he and the utility can reach agreement on the manner and time for accomplishing and paying for such relocation.

The State will not reimburse any utility for relocating facilities installed without required local government authorization; or if the utility after the effectiveness of this Act shall agree for a valid consideration to effect the relocation at its expense; or for any required location if the utility fails without just cost to make or suffer such relocation in the reasonable manner and time as prescribed by the Commissioner. No reimbursement by the State shall be made for any relocation unless and until it has been completed in accordance with the Commissioner's requirements. Furthermore, no reimbursement shall be made for any cost which the Commissioner finds, after notice and hearing, to have been unnecessarily, negligently or improvidently incurred by the utility. Finally, any reimbursements made by the State which the Federal Bureau of Public Roads shall finally determine not to be reimbursible to the State from federal funds shall be returned by the utility to the State.

Appeals by aggrieved parties shall be first to the Chancery Court of Davidson County and then to the Supreme Court.

This Act applies to all uncompleted projects even though prior to its passage the Commissioner had required agreements with the affected utilities. Such agreements shall be amended to conform to the provisions of this Act.

This Act shall not apply to any taking or damaging of property for which the utility is entitled to compensation pursuant to the State or Federal Constitution, nor to any binding agreement inuring to the utility's benefit nor to any relocation of utility facilities located outside the boundaries of public streets, roads or highways.

CHAPTER NO. 370

Public library facilities. Empowers counties and municipalities, acting independently or jointly, to provide free public library facilities, to levy property taxes and borrow money therefor, and to appoint library boards to administer such facilities. Repeals Sections 10-301-10-308 and 10-401-10-408, T. C. A.)

CHAPTER NO. 372

Utility Districts Law. Amends Chapter 98, Public Acts of 1963, to correct a typographical error.

CHAPTER NO. 373

Hospitals. Amends General Welfare Corporations Law to authorize hospitals incorporated thereunder to exercise a limited power of eminent domain provided 2/3 of the members of the governing body of the municipality in which the hospital is located concur in such action. The quarterly county court must concur in such action if the hospital is not located within a municipality. Gibson County seems to be excluded by a population restriction. (Sec. 48-1105, T. C. A.)

CHAPTER NO. 374

Regional zoning. Amends the Zoning Law to repeal power of municipalities to adopt regional zoning ordinances in counties having a population "of not less than 29,200 nor more than 29,300" (Putnam) and "not less than 44,600 nor more than 44,800" (Gibson). (Sec. 13-715, T. C. A.)

CHAPTER NO. 378

Teachers' retirement. Provides that teachers who have taught in the Tennessee public schools for a total of 28 years, have reached the age of seventy-six (76) years before July 1, 1962, and are not otherwise covered by any teachers' retirement act shall be entitled to a state pension of from \$30 to \$50 per month, as determined by the State Commissioner of Education, subject to availability of funds. (Sec. 49-1311, T. C. A.)

CHAPTER NO. 379

Miscellaneous Appropriations Bill. Of particular interest to municipal officials in this Act is the appropriation of \$20,000 per annum for the 1963-65 biennium to permit State cooperation with federal and local governments in the Cooperative Federal-State-Local Food Stamp Plan; \$50,000 per annum for the 63-65 biennium for planning, surveying and collecting data for the formation and creation of watershed districts; \$7,500 additional annual appropriation for M. T. A. S. ; \$50,000 for the current fiscal year to permit the Division of State Planning to assist local governments in conducting regional and local planning programs necessary for federal programs; \$100,000 additional annual appropriation for preliminary planning and establishment of additional, regional-type institutions of higher learning; \$80,000 for the biennium to pay for movement of federally furnished food for fallout shelters (grants not to exceed 25¢ per approved shelter space may be made to local civil defense agencies). Certain county and city reformatories are authorized to be paid for per capita expense of maintaining juveniles who would otherwise be committed to State institutions. Appropriation of \$50,000 for 63-64 and \$60,000 for 64-65 is made to provide salary increases to teachers of the severely mentally retarded; and an amount not to exceed 1/2 of the unexpended balance of the 1961 appropriation made for cooperative State and local aging programs is reappropriated.

CHAPTER NO. 380

Absentee voting. Repeals laws regulating absentee voting and registration and voting by members of the armed forces (Chapters 16 and 17, Title 2, T. C. A.) and substitutes a comprehensive new law providing two methods of absentee voting. One method is by personal appearance at the county election commission office and the other is by mail.

CHAPTER NO. 383

Notices of elections. Amends State Election Law to require two newspaper notices of elections, one at least 45 days in advance and the other not more than 10 nor less than 3 days in advance. The latter notice shall include the locations of voting places, etc. If there is no newspaper in the county the notices shall be posted as specified. (Sec. 2-1114, T. C. A.)

CHAPTER NO. 384

Dortch Ballot Law. Is amended to provide that candidates must be nominated at least 40 days prior to an election; independent candidates must sign their nominating petitions; withdrawal of names from a ballot will be made only upon written notice at least 35 days prior to an election; and to eliminate restrictions on the width of ballots. (Secs. 2-1205, 2-1206, 2-1209 and 2-1210, T. C. A.)

CHAPTER NO. 385

Voting machines. Period of time that voting machines must remain locked after an election is lowered from 30 to 15 days generally and from 15 to 10 days when there is another election within 30 days. (Sec. 2-1526, T. C. A.)

CHAPTER NO. 386

Special elections. Amends Special Elections Law to require nomination of candidates at least 40 days prior to an election and to require all counties to give 45 days' notice of such elections. (Sec. 2-1808, T. C. A.)

CHAPTER NO. 387

Municipal elections. Amends Municipal Elections Law so as to require 45 days' notice of municipal elections. (Sec. 6-501, T. C. A.)

CHAPTER NO. 388

Modified City Manager-Council Charter. Is amended to provide for the adoption election to be held on the 6th rather than 5th Tuesday following the filing of a petition. Also moves the square to be checked on the ballot from the left to the right side thereof. (Sec. 6-3006, T. C. A.)

CHAPTER NO. 389

Modified City Manager-Council Charter. Requires a county election commission to canvass election returns at its office rather than "in the city at a designated polling place." (Sec. 6-3110, T. C. A.)

CHAPTER NO. 390

Local Option Liquor Law. Is amended to require that the election be held within not less than 46 nor more than 60 days (instead of within 40 days) after the filing of the petition. (Sec. 57-111, T. C. A.)

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