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SUMMARY OF

1965 PUBLIC ACTS

OF INTEREST TO MUNICIPAL OFFICIALS

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FOREWORD

During the 1965 legislative session, 1,078 bills were introduced in the House and 937 in the Senate. Of these 2,015 bills, 195 were of various degrees of direct municipal interest. Of these 195, 89 became law and are summarized in this report, along with summaries of 12 joint resolutions of the General Assembly which are also of interest to municipalities. For ready reference, an alphabetical subject index to these acts and resolutions is provided at the end of this report.

Most of the big legislative news this session was on the subject of money, much of it stemming from the accumulated state surplus. Thus there is a "bonus," one-time allocation of an extra \$2,000,000 (just about \$1 per capita) to be distributed to cities on the gas tax formula (Public Chapter - PC - 313). There is \$6,000,000 to go to cities, on a matching basis, to construct local connectors to the Interstate Highway System (PC's 159 and 98). An extra \$1,000,000 is going into the reappraisal revolving fund operated by the State Equalization Board (PC 98). Twelve million, each, go to state connectors to the Interstate System and to Appalachian roads (PC 98). Teachers are to get \$250 more per year for each of the two years upcoming - total raise, \$500 - total cost, \$24,000,000 (PC 76). A new junior college is to be constructed in each of the three grand divisions of the State - \$4,000,000 (PC 76). Four new vocational schools are to be established - \$2,500,000 (PC 76). Three million in "extra" school capital outlay funds is to be distributed (PC 76). And the regular budgets of many of the operating agencies have been increased (PC's 76, 98, 313).

Among the other more significant acts summarized herein are the following: PC 153, which provides cities and towns an alternate form of condemnation; PC's 191 and 192, which ease condemnation procedures for housing authorities and urban renewal projects; PC 193, which permits towns and cities of any size to have their own housing authorities; PC 194, which permits housing authorities to waive the prompt redevelopment requirement when the land is to be used as a municipal industrial park; PC 197, which permits cities, towns and counties to regulate auto junkyards; PC 222, which authorizes historic zoning; PC 241, which authorizes the establishment of economic development districts and boards; PC 244, which establishes a "Staff Division for Economic Development" in the state government to implement the "War On Poverty"; PC 251, which authorizes the advanced planning of streets and highways in the four largest counties and promises savings in right-of-way costs; PC 254, which eases the procedures required of local governmental retirement systems in their efforts to become actuarially sound; PC 298, which permits any arrested person one telephone call before he may be docketed; PC 352, which provides for the regulation of auto junkyards along state highways; and Senate Joint Resolution 44 which directs the Legislative Council to study local public utility services. (This last was what came out of the Tennessee Municipal League's bill, not enacted, to regulate utility districts.)

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Attention might also be directed to a few acts which were not included in this report because they are not of direct or of general municipal interest, but which may interest some readers. Among these are PC 44, which enables school boards to make tax-sheltered annuities available to eligible employees; PC 45, which provides for a County Historian in each county; PC 138, which permits county governing bodies to authorize county-wide fire protection; PC's 150 and 151, which prohibit county officials from paying fees to anyone after the sale of general obligation bonds and require the advertising of such sales (PC's 148 and 149 do the same for cities); PC 172 which requires county officials to deposit the proceeds of general obligation bond sales with the official "Custodian of Funds" (PC 342 for cities); PC 173, which redefines the method of distribution of grant-in-aid funds to county or district health services; PC 175, which requires County Boards of Education to obtain competitive bids on school buildings; PC 200, which authorizes an interstate compact on safety equipment for vehicles; and PC 359, which regulates outdoor advertising along state highways outside of incorporated towns and cities.

Readers of this publication are again advise, as they have been in years past, that these summaries are NOT to be considered substitutes for the acts themselves, and should NOT be used as the bases for any legal action. Complete copies of individual acts may be obtained at nominal cost from the Secretary of State, State Capitol, Nashville 37219. All of the public acts of the 1965 session will be available soon in a bound volume entitled "Public Acts of Tennessee, 1965," which may be purchased from the Rich Printing Company, Nashville.

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CHAPTER NO. 2

Post War Public Works Act. Adds zoos to the list of authorized projects (TCA 6-1602).

CHAPTER NO. 39

Public Support of Educational Institutions. Authorizes governing bodies of any city or county to make donations or contributions to any public or tax-supported institution of higher learning or to any non-profit general welfare private corporation established for literary, scientific, educational, etc., purposes at or under the supervision of such institution of higher learning whereby such institution may provide programs of study and research which will be of benefit to the counties and cities involved. Authorizes a tax levy for this purpose.

CHAPTER NO. 40

Hill-Burton Hospital Program. Updates the governing law (TCA 15-1202 et seq.) to conform to new federal procedural requirements and to include certain new features of the federal law, notably: makes loans available to those who prefer loans instead of grants (some religious hospitals); includes, for the first time, modernization of hospitals among authorized grant projects; and provides for "consumer" representation on the advisory committee overseeing the program.

CHAPTER NO. 61

Compensation of Jurors. Amends the governing law (TCA 22-401) to increase minimum pay for jury duty from \$4 to \$8 per day.

CHAPTER NO. 65

Health Standards for Campgrounds. Authorizes the State Commissioner of Public Health to establish health standards and promulgate rules and regulations for the use of group outdoor camps and camping facilities, public or private. A permit is required for each such camp. Enforcement, including inspection of camp sites, is by local Public Health Officers. All local ordinances must be consistent with and equal to or better than the state minimal standards for such camps.

CHAPTER NO. 73

Unified School Systems. Amends Chapter 246, Public Acts of 1963 (not codified) to remove the time limit by which planning commissions for the unification of county-city school systems needed to be established. The 1963 law required that such unification measures must be initiated prior to June 1, 1963. There is no deadline now. Such actions can be initiated any time.

CHAPTER NO. 76

General Education Act. Highlights of this omnibus bill include:

Teachers' salaries - a \$250 increase for each year of the biennium (total increase - \$500) - total cost, \$24,000,000.

Maintenance and operation of school plants - increase from \$9.75 to \$11 per pupil.

Capital outlay - \$703,000 increase in appropriation for the biennium, plus an extra \$3,000,000 from the accumulated general fund surplus.

Vocational and technical schools - two new schools in urban centers and at least two new schools in the Appalachian area (in addition to 18 schools already scheduled), partially financed by \$2,500,000 from the accumulated surplus.

Junior colleges (academic and technical courses) - one each in West, Middle and East Tennessee - total cost, \$4,000,000 (from the surplus).

Textbooks - raises allocation from \$2,970,000 in 1964-65 to \$3,035,000 in 1965-66 and to \$3,068,000 in 1966-67.

Grades 1-12 - Minimum School Program - \$136,045,360 for current operation and maintenance in 1965-66 (as against \$124,498,000 in 1964-65), and \$137,312,021 in 1966-67.

Educational television - \$1,750,000 capital outlay funds from the surplus.

CHAPTER NO. 80

Upper Duck River Development. Creates an agency for the development of the area drained by the upper end of the Duck River; authorizes cities (among others) to contract with the agency for water supplies; authorizes counties, cities and towns to levy taxes for the purpose of making contributions to the Tennessee Upper Duck River Area Development Agency.

CHAPTER NO. 82

Mental Health. Authorizes the Department of Mental Health to make grants, within departmental appropriations to counties, cities and non-profit corporations for the construction, maintenance and operation of mental health clinics for the care and treatment of in-patients or out-patients; authorizes the Department to promulgate rules and regulations for the management and operation of such clinics.

CHAPTER NO. 91

Obscene Materials - Defined. Distribution Contracts Unenforceable. Obscene materials are defined as having "a predominant appeal to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and if in addition (a) it is patently offensive to the public or if it goes substantially beyond customary limits of candor in describing or representing such matters, and (b) it is devoid of any literary, scientific or artistic value and is utterly without social importance." Contracts for the receiving, selling, distributing, etc., of such materials are no defense and are unenforceable.

CHAPTER NO. 92

Obscene Materials - Defined; Sale, Distribution, Exhibition, Etc., Prohibited; Admissible Evidence Defined; Penalties Prescribed. Obscene

materials are defined as in Chapter 90, above. The sale, distribution, exhibition, display, etc., of such materials is prohibited. The audience for whom the material was intended, its literary or artistic merit, the degree of U. S. public acceptance of the material, its appeal to prurient interest, the repute of the author and expert testimony (by author, creator, publisher, etc.), all constitute admissible evidence in any action or prosecution. Up to 11 months, 29 days upon conviction and a fine of not less than \$100 or more than \$1,000. Repeals TCA 39-3001.

CHAPTER NO. 93

Obscene Materials - Courts Granted Injunction Powers Against Sale, Distribution, Display, Etc.; Seizure, Destruction of Material Adjudicated Obscene Provided for; Hearing and Judicial Review Procedures Enumerated; Obscene Material Defined; Admissible Evidence Defined. Circuit, Chancery and Criminal Courts are granted jurisdiction to enjoin the sale, distribution, exhibition, etc., of obscene material. Procedures are specified. Material adjudicated obscene may be seized and destroyed by sherriff. Broad direct appeal to Supreme Court provided. Granting of appeals stays destruction but not seizure of material nor injunction against sale, distribution, etc. Definitions as in Chapters 91, 92.

CHAPTER NO. 94

Speed Limits - Interstate Highways. Amends TCA 59-852 to fix maximum speeds on Interstate Highways at 75 miles per hour (65 for trucks). Fixes minimum speed for left-hand lane of Interstate Highways at 55 miles per hour.

CHAPTER NO. 98

General Appropriations Act. Highlights of this omnibus bill divide readily into three groups: those financed from the accumulated general fund surplus; those financed from bond issues; and those financed from current revenues.

Those financed from the general fund accumulated surplus include:

State and Local Government Training Center - \$500,000 in capital outlay funds for the biennium.

Aeronautics Commission - \$900,000 in capital outlay funds for the biennium.

Local Interstate Connections - \$6,000,000 in capital outlay funds for the biennium to be matched by cities and counties in constructing local access streets and highways to connect to the Interstate System.

Tax Equalization Loan Fund - an added \$1,000,000 to help local governments finance property reappraisal programs.

Those financed from bond issues include:

State Interstate Connectors - \$12,000,000 for the biennium (for connecting routes to the Interstate System which routes are the State's complete responsibility).

Appalachian Highway Program - \$12,000,000 for the biennium to match (70 per cent U. S. ; 30 per cent Tennessee) federal funds for road construction in that area.

Those financed from current revenues include (figures outside the parentheses are state appropriations; figures in parentheses show total spending of the agency after federal aid, local contributions and departmental revenues are added to the appropriation):

<u>Agency</u>	<u>Estimated 1964-65</u>	<u>1965-66</u>	<u>1966-67</u>
Board of Equalization	\$ 90,225	\$ 135,000	\$ 145,000
Division of Industrial Development	485,000 (495,000)	550,000 (560,000)	565,000 (575,000)
Office of Local Government	42,775	54,000	56,000
Division of Planning	370,000 (827,450)	405,000 (897,000)	420,000 (940,000)
MTAS	60,000 (140,000)	72,000 (147,000)	72,000 (147,000)
Division of Sanitary Engineering	195,000 (235,026)	224,000 (264,000)	233,000 (273,000)
Law Enforcement Institute	--	160,000	150,000
Aeronautics Commission	875,000 (1,675,000)	875,000 (1,650,000)	875,000 (1,650,000)
Rural & Secondary Roads (State & Federal)	22,912,152	23,296,905	23,300,905

CHAPTER NO. 107

Prior Service Credit - State Retirement System. Amends the governing law (TCA 8-3421) by changing the application deadline from March 31, 1961 to July 1, 1965 for those employees of participating systems who would pick up prior service credit by paying back contributions.

CHAPTER NO. 123

Revocation of Beer Licenses. Amends TCA 57-209 to prohibit revocation of beer licenses on grounds beer was sold to a minor when the minor falsely

represented his age. Authorizes up to a 10-day suspension of licenses in such cases. Does not free minor of unlawful possession responsibility.

CHAPTER NO. 127

Eminent Domain - Hospitals. Repeals TCA 48-1105 which gave the power of eminent domain to hospitals incorporated as general welfare corporations. Counties of 100,000 to 150,000 population excepted.

CHAPTER NO. 129

Juvenile Traffic Violators - Court of Jurisdiction. Amends TCA 37-250 to add provisos that where a juvenile over 16 commits a traffic offense for which a forfeit may be deposited, or for which no bail is required, the court which would have had jurisdiction if the violator were an adult shall have jurisdiction of the case, but such court may, in its discretion, refer such cases to juvenile courts. Applicable only in counties of 600,000, or more, population, and in counties between 200,000 and 300,000 population.

CHAPTER NO. 134

County School Bonds - Vocational Schools. Amends TCA 49-713 to give counties authority to issue bonds the proceeds of which may be turned over to the State for the building of vocational educational schools in the county or in neighboring counties. Provides that TCA 49-711 - "Proportional Payments to Cities" - shall not apply in such bond issues.

CHAPTER NO. 135

City School Bonds - Vocational Schools. Amends TCA 6-911 to give cities authority to issue bonds the proceeds of which may be turned over to the State for the building of vocational educational schools within or without the city or county. Amends TCA 6-913 to add such bonds to the list which does NOT have to be approved in a referendum.

CHAPTER NO. 137

Property Tax - Exclusions. Amends TCA 67-502 to exempt from property taxation up to 5,000 square feet of floor space of property used "substantially" for general welfare corporation purposes, provided the exempt area does not exceed 16 2/3 per cent of the total floor space of the corporation. The earlier requirement exempted only property used exclusively for such general welfare purposes. Many counties excepted by population classifications. See the act itself.

CHAPTER NO. 146

Performing Arts - Commission Created. Creates a Commission (15 members - not more than five per Grand Division) to survey the status of the performing arts (public and private) in the State and to make recommendations to the Governor and to the next General Assembly on how to encourage participation in and appreciation of "music, theatre, dance, painting, sculpture, architecture and allied arts and crafts."

CHAPTER NO. 147

Privilege Tax - Wholesale Fruit and Vegetable Distributors. Amends TCA 67-4203 (Item 112) to permit payment of privilege taxes on such businesses either on a yearly or on a quarterly basis.

CHAPTER NO. 148

Municipal Bond Sales - Fee Prohibited After Sale. Prohibits any municipal official from paying fees to anyone for assistance in selling general obligation bonds after public sale of such bonds. Makes such official personally liable for a complete refund to the municipality of any such money paid together with reasonable collection costs. This act prevails over others.

CHAPTER NO. 149

Municipal Bond Sales - Advertising. Requires any municipality offering general obligation bonds for sale to advertise such sale in a newspaper of general circulation in the county AND in a N. Y., N. Y. financial newspaper of general circulation in the country.- both at least 14 days prior to the sale date. The N. Y. publication requirement is waived if the amount involved is less than \$400,000. This act prevails over others.

CHAPTER NO. 153

Eminent Domain - Alternative Procedure. Amends TCA 23-1528 to add an alternative method of condemnation to any and all acts granting cities and counties the power of eminent domain. Former law required a jury-of-view except in cases involving street and highway rights-of-way. This law permits the extension of the right-of-way type of procedure to all other areas of condemnation activity (that is, immediate possession, posting of estimated damages with court, acceptance or rejection by owner, trial if owner rejects amount posted, etc. - and no jury-of-view.)

CHAPTER NO. 155

Capital Outlay Notes - County, Liberalized. Adds provisions to TCA 5-1031 to authorize counties to issue such notes (for the construction of schools) "jointly with the state, a municipality and/or another county or counties" and to provide that, where such notes are used to acquire land, the term of the notes (before funding is required) may be seven years, as against the former limit of three years.

CHAPTER NO. 159

Local Connecting Routes, Interstate Highway System. Authorizes the State Highway Department, upon receipt of proposals from local governments, to designate and construct local connectors to the interstate highway system. Fifty per cent matching contribution by the local government involved is required. Maintenance, after completion, is by the local governments. Local matching funds may not come from Federal Aid Secondary or Rural Roads Programs funds. Connectors will extend to the

first major thoroughfare intersection of urban street systems, or to the first existing adequate facility, or to a connection with the street system of the first population center on the route, in the case of rural connectors. Departmental priorities and procedures apply. Withholding of state street aid funds, or rural road funds, is authorized if local governments default on maintenance. Federal Aid System design standards apply.

CHAPTER NO. 160

Traffic Control Devices - Standard Design Manual. Authorizes the State Highway Department to formulate and adopt a manual for the design and location of signs, signals, markings, etc., and for posting of traffic regulations on or along all streets and highways in Tennessee. All such control devices and installations by whomever installed are required to conform to the standards set forth in the manual.

CHAPTER NO. 166

Teachers' Retirement - Aged or Disabled Teachers. Amends TCA 49-1311 to liberalize benefits for teachers 65 years old or disabled with at least 15 years service who are not covered by the state retirement system. Provides up to \$100 a month. (Former provisions called for 35 years service, 75 years old, \$30 a month.) (See Public Chapter 313 - Item 49.) This is not a part of the Teachers' Retirement Law. It is administered, instead, by the State Commissioner of Education.

CHAPTER NO. 170

Teachers' Retirement - Changes in General Law. Amends various sections following TCA 49-1501 to provide: that teachers cannot be absent from teaching service for more than seven of any nine years, and cannot teach less than 18 months in any nine years, if they are to maintain retirement eligibility; that the Board of Trustees may invest up to 2 per cent of available funds in common stocks in any one year, and up to 10 per cent cumulatively; that the State will match members' contributions up to age 63 instead of age 62; that the minimum benefit is raised to \$3.34 per month instead of \$2.50 for each year of retirement credit up to 30 years; and to provide for retirement, on an elective basis, prior to age 65 with level retirement payments before and after age 65 on an equivalent actuarial basis.

CHAPTER NO. 171

Revenue Bond Refinancing. Amends Chapter 12 of Title 9, TCA - the Revenue Bond Refinancing Act of 1937 - to broaden the definition of the term "enterprise" for which refunding is authorized to permit combinations of enterprises to refund their revenue bonded debt. Thus one thriving enterprise could underwrite another which is less so. Prescribes procedures and provides for the distribution of proceeds of refunding sales. Authorizes private exchange of bonds. Saves general funds from any obligation under this act.

CHAPTER NO. 180

Taxation of Real Property - Parsonages Exempt. Amends TCA 57-602 to exempt from real property taxation one parsonage for each church.

CHAPTER NO. 181

Outdoor Recreation - State Plan and Program. Authorizes the Commissioner of Conservation to apply for and receive federal funds for outdoor recreation purposes. Authorizes the development of a state park plan and provides for the coordination of recreational resource development, public and private, by establishing a Recreational Development Advisory Committee on which the State, local governments and the private recreation industry are represented. The Commissioner may enter into contract agreements between the federal government and local governments for the implementation of a state-wide recreational program. In all cases where the State is involved, assurance is required that all parties have their share of the costs at hand before any contractual commitment is made. (This act is designed, primarily, to take advantage of the new federal "Land and Water Conservation Act of 1965.")

CHAPTER NO. 191

Eminent Domain - Housing Authorities. Clarifies TCA 13-807 to permit housing authorities, when exercising eminent domain, to give the value of the land without deduction, to weigh incidental damages and to provide reasonable moving expenses to households and businesses displaced.

CHAPTER NO. 192

Eminent Domain - Urban Renewal. The same provisions as in No. 191, above, are here made to apply to urban renewal projects.

CHAPTER NO. 193

Housing Authority - Authorized Towns and Cities. Amends TCA 13-802 to strike the requirement that a town or city must have 2,000, or more, population before it can create a housing authority. Now, any town or city, regardless of size, may establish a housing authority.

CHAPTER NO. 194

Disposal and Use of Land by Housing Authorities. Amends TCA 13-816 to provide that, where the purchaser is a public body which intends to use the land it proposes to buy as an industrial park, housing authorities may make such sales of land and waive the requirement that such land must be redeveloped promptly. Several counties excepted.

CHAPTER NO. 197

Auto Graveyards - Regulation by Counties, Cities, Towns. Empowers counties, cities and towns to license and regulate auto graveyards. Defines such graveyards as places harboring five or more inoperative vehicles. Does not apply to firms processing scrap metal.

CHAPTER NO. 198

Industrial Building - Redefinition. Amends TCA 6-1702 to include industrial machinery and equipment in the definition of "industrial building," thus making it possible to finance these items through industrial building revenue bonds.

CHAPTER NO. 201

Privilege Taxes - Service Stations. Amends Item 8 of TCA 67-4203 to add nuts and potato chips to the things (soft drinks, candy, wrapped sandwiches) which service stations can sell incidentally without paying the merchants' privilege tax.

CHAPTER NO. 203

Time Computations - Construction of Statutes. Amends TCA 1-302 to provide an extra day where the last day of any statutory time period falls on a Saturday, Sunday, or legal holiday. The extra day provision previously applied only when the last day fell on Sunday.

CHAPTER NO. 206

General Obligation Bonds - Conditions of Sale. Requires all sales of municipal general obligation bonds to be made at not less than par value plus accrued interest at a public sale. This act prevails over any other laws governing the sale of general obligation bonds.

CHAPTER NO. 209

Refunding of Bonds - Post War Public Works Act. Amends TCA 6-1603 to permit refunding of bonds under this act of issues originally sold under this or other acts without publication of the resolution calling for the issue and without a referendum unless revenue bonds are converted to general obligation bonds. Procedures prescribed. Authorizes new issues concurrent with refunding. Requires approval of State Director of Local Finance. (Public Chapter No. 208 authorizes counties to do the same thing. This pair of acts was passed to permit the Metropolitan Government of Nashville and Davidson County to refinance its water and sewer operations, establishing uniform rates throughout "Metro" and switching over completely to revenue financing of both systems. The authority, however, is not limited to "Metro.")

CHAPTER NO. 210

Industrial Development Corporations - Add Non-Profit Educational Institutions. Amends TCA 6-2801 to add non-profit educational institutions to authorized industrial development corporation projects.

CHAPTER NO. 212

State Street Aid Fund - Audit by Public Accountant. Amends TCA 54-409 to permit audits of state street aid funds by public accountants as well as by certified public accountants.

CHAPTER NO. 222

Historic Zoning. Amends Chapters 4 and 7 of Title 13, TCA, to provide for special zoning of historic districts. Five-member Historic Zoning Commissions with broad powers to preserve historic sites may be created by local legislative bodies. Appeal from Commission's orders is through courts.

CHAPTER NO. 225

Construction Safety Board. Creates within the State Department of Labor a "Construction Safety Board" to formulate rules, regulations, etc., governing construction industry in this State. Local laws and ordinances prevail, provided they are equal to, or more stringent than, the standards of the state board. Violators of state standards subject to fines in the \$250-\$1,000 range.

CHAPTER NO. 226

Real Property Taxes - Prorated when Property Acquired by Government. Provides for the pro-ration of real property taxes when all or part of real property is acquired by any government whether by order of possession (condemnation) or by instrument of conveyance. Procedures prescribed.

CHAPTER NO. 228

Destruction of Cancelled Bonds and Coupons. Authorizes all municipal corporations and any metropolitan government, by resolution, to direct the destruction of paid and cancelled bonds and coupons by the paying agent or other person in possession of them. Such agent or person is to furnish the government concerned such evidence of the destruction of such bonds and coupons as the government concerned may require.

CHAPTER NO. 236

Notice of Elections - Municipalities of Less than 125 People. Amends TCA 6-501 to provide that, in municipalities of less than 125 population, posting of election proclamation in five public places will constitute adequate notice for municipal elections and will serve in lieu of all other notice otherwise required by law.

CHAPTER NO. 238

Fugitives from Justice - Extradition Procedures. Amends TCA 40-1008 to provide that no court in the state shall discharge a fugitive or release his surety where such fugitive has filed a protest or requested a hearing with the Governor until the matter has been finally disposed of by the Governor. Amends TCA 40-1018 to provide that the taking of a fugitive into custody on a Governor's warrant shall constitute the discharge of a bond or other proceeding which may have been pending against him in a court of this state.

CHAPTER NO. 239

Transfer of Students Between School Systems. Amends TCA 49-1701 to provide for the transfer of students between school systems, with or without the transfer of funds, if agreed to by the respective Boards of Education and approved by the Commissioner.

CHAPTER NO. 241

Economic Development Districts and Boards. Authorizes the State Planning Commission, in cooperation with local governments and development agencies, to delineate and establish feasible economic development regions to further the efficient and orderly economic development of the state. Such regions are to operate through Boards representing the counties, the cities and other developmental interests in the region and no region or Board shall be established unless three-fourths of the counties and cities affected agree to it. One purpose of the regions and Boards is to take maximum advantage of such programs as the ARA, the Appalachian Program, the Economic Opportunity Act, etc., but they are not limited to such federal programs. They are authorized to gather information and to recommend - but NOT to order - the implementation of programs, federal and otherwise, throughout the region which will contribute to the region's economic development. Their role, thus, is one of fact-finding, program-shaping, course-recommending - all in an advisory and voluntary relationship. Local funds are authorized to be used for regional purposes up to 10 cents per capita, one-half of which may be contributed by incorporated cities, except that no county may contribute more than \$2,000 annually to the regional budget (counties under 10,000 population - \$1,000). State funds to match both authorized up to \$10,000 per region per year.

CHAPTER NO. 244

Staff Division for Economic Opportunity. Creates a Staff Division for Economic Opportunity in the office of the Governor which, assisted by an Advisory Commission on Economic Opportunity, shall "exercise the authority, powers, and duties delegated to state governments under the Federal Economic Opportunity Act" - the "war on poverty." Community action plans, approved by the local and the federal government may draw a 25-cent per capita state grant provided the state grant does not exceed the local share of project costs. Towns, cities and counties, alone or together, are authorized to participate in war-on-poverty projects which are declared a public purpose, to contract with federal and state agencies, and to create committees, commissions or other agencies for war-on-poverty purposes. The levy and use of ad valorem taxes, or the use of other public monies, is authorized for this program, subject to state (Comptroller) and federal audits.

CHAPTER NO. 247

Alcoholic Beverage Study Commission. Creates a state Alcoholic Beverage Study Commission which is to report its findings to the Governor and General Assembly not later than July 1, 1966 on such subjects as: the effect of the alcoholic beverage trade on state and local revenues

and expenditures; the relationship of the use of alcohol to traffic accidents, delinquency, divorce, etc.; what other states are doing about alcohol problems; and trends in the sale and consumption of alcoholic beverages. Staff and expenses authorized.

CHAPTER NO. 250

Teachers' Retirement - Reentry to System. Amends TCA 49-1512 to provide that teachers may reenter the State Teachers Retirement System by repaying withdrawn contributions plus interest and serving at least five years prior to their sixtieth birthday.

CHAPTER NO. 251

Advanced Planning of Streets and Highways. Prescribes procedures by which cities and counties may plan streets and highways in advance and protect the planned rights-of-way: (1) so as to minimize the waste of public funds in the unnecessary condemnation of buildings and structures built in planned rights-of-way; and (2) so as to maximize the coordination of public and private development along officially mapped streets. Adoption and amendment of official highway maps authorized to establish future rights-of-way. Advance acquisition of such future rights-of-way authorized where circumstances require. A "Board of Adjustment" handles permits for structures in the right-of-way when unavoidable. Prohibits buildings anywhere without public access unless Board approves. Authority is limited under this act to the four largest counties.

CHAPTER NO. 253

Absentee Voting - Members of the Armed Forces. Amends TCA 2-1601-1616 to provide an alternate system of absentee voting for members of the armed forces and civilian employees of the United States serving overseas. Authorizes use of federal post card applications which also serve as temporary registration requests. Applications must be made for each election, not earlier than 90 days or later than 10 days before the election.

CHAPTER NO. 254

Governmental Retirement Systems - Actuarial Soundness. Amends TCA 8-3453 through 8-3455 and repeals 8-3456 and 8-3457 so as to remove the requirement that governmental systems be actuarially sound by January 1, 1966, and to provide, instead, that the Comptroller shall review biennial actuarial reports on governmental systems to see: (1) that they are at least meeting their current obligations fully; and (2) that, if there is a prior service liability, that annual employers contributions are increased by at least five per cent a year until that liability is met. Eliminates requirement that local systems reimburse the Comptroller for his efforts. Eliminates the section making the violation of these provisions a misdemeanor.

CHAPTER NO. 257

Official Depositories - Governmental Bonds as Collateral. Amends TCA 9-513 so as to authorize, additionally, the use as collateral by depository banks of revenue bonds of the State Board of Education, the University of Tennessee and the new State School Bond Authority.

CHAPTER NO. 277

Public Welfare Corporations - Purposes of Organizations. Amends TCA 48-1101 and 48-1102 to broaden further the purposes for which general welfare corporations may be organized including, notably, "professional, commercial, industrial or trade associations."

CHAPTER NO. 278

Privilege Taxes - Radio, Dictaphone, Etc., Dealers. Amends TCA 67-4203 to consolidate Items 86 ("Radio dealers and repairmen") and 101 ("Talking machines, record-players, recording machines, and pianos") and provide that dealers in both categories shall need only the one license set up in the new Item 86. Rates and population classes are as they were in the old Item 101, but Item 101, as such, is repealed.

CHAPTER NO. 279

Citizen's Arrests - Fees or Compensation Prohibited. Provides that no private person who makes an arrest under authority of TCA 40-816 through 40-823 shall be paid any arrest fee or compensation therefor.

CHAPTER NO. 231

MTAS - Appropriation Increased. Amends TCA 67-3047 to increase the amount paid to MTAS from the cities' share of the sales tax from \$5,833 per month to \$6,834 per month.

CHAPTER NO. 237

Voting Machines - Forms of Ballots in Special Cases. Amends TCA 2-1507 to provide that, where the number of candidates is too great to fit on one machine, more than one machine will be provided per precinct but that all candidates for any one office shall appear on one machine. Also provides for separate listing of uncontested candidates to save ballot space.

CHAPTER NO. 292

General Welfare Corporations - Authorized to Build, Convey City and County Structures. Amends TCA 48-1101 by adding a new subsection (15) which permits general welfare corporations to acquire, construct, equip and furnish facilities and permanent improvements for cities, towns and counties which may then be leased or conveyed to such cities, towns and counties. Bonds of such corporations are tax-exempt municipals. (This act was sponsored by the Metropolitan Government of Nashville and Davidson County as an approach to a new "Metro" office building in Nashville, but it is not limited to "Metro.")

CHAPTER NO. 296

Building Regulations - School Fall-Out Shelters. Amends TCA 53-2502 to provide that, when approved in writing by the State Board of Education and when a school building or a portion of a school building is so constructed that it qualified as a federally-aided fall-out shelter, the usual state building regulations shall not apply.

CHAPTER NO. 293

Arrested Persons - Permitted One Telephone Call Before Docketing. Amends TCA 40-306 to provide that, before an arrested person's name is entered upon any police record, he shall be permitted to make one telephone call to a person of his choice "without undue delay" - which is defined as within one hour. Persons declining the opportunity to telephone may be "booked" immediately.

CHAPTER 299

Diseases of Firemen - Line of Duty Presumption. Provides that firemen who are employed by the State, the counties, or cities and towns and who come to suffer any hospitalization, medical treatment, or any disability from diseases of the lungs, hypertension, or heart disease shall - in the absence of competent medical evidence to the contrary - be credited with the presumption that they incurred such condition or impairment in the line and course of their employment, provided they had passed a physical examination upon employment or before the claimed disability.

CHAPTER NO. 302

Driver Education - Extra Fine (\$2) To Cover Expanded Program. Provides for an expanded pre-licensing driver education program to be conducted by the State Department of Education and to be financed by an additional penalty of \$2 which is to be assessed by all courts against all persons convicted of a moving traffic violation.

CHAPTER NO. 303

Age of Children Entering School. Amends TCA 49-1701 to provide that all children entering public schools shall be six years old by September 30 beginning in the 1968-1969 school year. Between now and then, entering children must be six years old by December 31, 1965, by November 30, 1966, and by October 31, 1967.

CHAPTER NO. 304

Utility Service in Annexed Areas. Amends TCA 6-318 to provide that, in areas annexed to a city which embrace territory already serviced by a water utility operating under a certificate of convenience and necessity issued by the Tennessee Public Service Commission or other appropriate regulatory agency, the city desiring to render water service to the territory shall, first, attempt to reach agreement with the utility as to the value of the system to be acquired, and, that failing, shall proceed according to Chapter 14 of Title 23, TCA - the laws of eminent domain. Such eminent domain proceedings shall include consideration of "a determination of actual damages, incidental damages, and incidental benefits . . . but in no event shall the amounts so determined exceed the replacement cost of the facilities." (Emphasis added.) Several counties excepted.

CHAPTER NO. 307

Industrial Development Corporations - Definition of "Project" Broadened. Amends TCA 6-2801 to include among authorized projects of Industrial Development Corporations any commercial enterprise engaged in selling, providing, or handling any financial service.

CHAPTER NO. 313

Miscellaneous Appropriation Act. Section 4: Provides \$450,000 a year in standby funds to supplement, if necessary, the amounts provided for the purpose in the General Appropriation Act (Public Chapter No. 98) for the payment of retirement benefits to teachers included in the Minimum Benefit Program (Item 30). Also provides \$290,000 a year in addition to the amounts in the General Appropriations Act for the payment of service retirement allowances for teachers (Item 31). Provides \$250,000 to implement Chapter 221 (verbatim transcripts in criminal and habeas corpus cases) (Item 44). Also \$165,000 a year in additional standby funds to pay pensions, as required, to aged teachers under TCA 49-1311 (Item 49). Provides \$100,000 for a new building at the State Fire College at Murfreesboro (Item 69). Authorizes a "sum sufficient" to carry out the work of the Alcoholic Beverage Study Commission (Public Chapter No. 247) (Item 75).

Provides \$30,000 to be matched by federal funds for the establishment of the "Radio Amateur Civil Emergency Service" by which State Civil Defense Headquarters and outlying areas of the State may be kept in communication with each other (Item 85). Section 31: Reappropriates up to one-half of any balance remaining unexpended as of 6/30/1965 of the \$200,000 authorized by Chapter 300 (Miscellaneous Appropriations Act) of the Public Acts of 1961 for pilot programs in the field of the aging, provided no grant shall be made unless and until matching funds are provided locally. Section 32: Appropriates \$500,000 per year to the Staff Division for Economic Opportunity and/or Appalachian Program to meet state expenses not otherwise appropriated for these programs. Section 37: Appropriates \$50,000 for fiscal 1965-66 and \$100,000 for 1966-67 to the Department of Finance for allocation to state agencies and institutions developing and administering new training programs under applicable state and federal statutes. Section 42: Allocates \$2,000,000, each, of appropriated highway funds (total \$4,000,000) to the counties and to the cities for use on rural roads and city streets. This is a bonus, from the surplus, and, for cities, it amounts to about an extra \$1 per capita. Section 48: Appropriates \$100,000 for the biennium to the State Board of Vocational Education, and \$200,000 for the biennium to the Department of Employment Security, for the purpose of matching any federal grants which may be forthcoming and which may require matching under the Manpower Development Training Act.

CHAPTER NO. 322

Property Tax - Educational Dormitories Exempted. Amends TCA 67-502 to provide exemption from real property taxation for dormitories owned by educational institutions even if other student activities are conducted in the building and even if the students' spouses or children may reside therein.

CHAPTER NO. 325

Certain City Charters Validated. Validates city charters heretofore adopted under the provisions of Chapters 18 through 23 of Title 6, TCA - the Uniform City Manager-Commission Charter.

CHAPTER NO. 328

General Welfare Corporations - Leasing, Conveying Property To and From Local Governments. This is a companion measure to Public Chapter 292. This authorizes counties, cities and towns: (1) to sell or lease to a general welfare corporation any land or buildings owned by the municipality; (2) to lease or sublease from a general welfare corporation any project of the corporation; to pledge or assign any or all revenues from the project; to agree to levy fees, rentals, etc. sufficient to meet project rentals; to honor assignments of leases or subleases of the corporation. Such municipal obligations to such corporations are not to be considered a debt of the municipality. Title to property reverts to municipality when obligations of the corporation are fully discharged. This act is supplementary to all others.

CHAPTER NO. 330

City Judge - City Manager-Commission Form. Amends TCA 6-2119 to authorize the city commission to appoint a city judge who is other than the

recorder. Stipulates that, when no such appointment of another person has been made, the city recorder will be the city judge.

CHAPTER NO. 331

City Judge - Vacancy - Modified Manager-Council Charter. Amends TCA 6-3302 to provide that a vacancy exists if the city judge resigns, dies, or has been continuously disabled for a period of three (3) months so as to prevent him from discharging the duties of his office. City council authorized to appoint successor who serves until next city or county election.

CHAPTER NO. 340

Minors Playing Pool, Billiards, Etc. Amends TCA 39-1006 to lower the age (from 21 to 18) under which minors need written consent of parents (guardians, etc.) to play pool, etc., and to provide that the written consent provided by a parent shall remain in force until revoked.

CHAPTER NO. 342

General Obligation Bond Sales - Deposit of Proceeds. Requires the proceeds of general obligation bond sales to be deposited with the municipal official designated by law as custodian of municipal funds.

CHAPTER NO. 343

Municipal Contributions to Watershed Development Authorities. Permits any municipality to make contributions to any Watershed Development Authority created by the General Assembly where the watershed lies, in whole or in part, within the county in which the municipality is located and where the municipality is participating, directly or indirectly, in the development program. Special tax levy not authorized. (Public Chapter 339 does the same thing for counties.)

CHAPTER NO. 344

Industrial Development Corporations - Planetariums, Museums, Authorized Projects. Amends TCA 6-2801 to include planetariums and museums among authorized projects of industrial development corporations.

CHAPTER NO. 345

State Retirement System Changes. Amends TCA 8-3401, 8-3421, 8-3424, 8-3425, 8-3433, 8-3502, 8-3507, and 8-3701 so as to: (1) Increase retirement benefit rates by 1/8 of 1 per cent for all members; (2) Adjust the paying base for "Class B" members (those without Social Security) from \$3,600 to \$4,200 per year - with benefits based on \$4,200; (3) Permit the claiming of prior service benefits through June 30, 1965; and (4) Provide for vestment after fifteen years of service rather than after twenty.

CHAPTER NO. 352

Automobile Junkyards - Along State Highways. Defines junkyards as any place where five or more inoperative cars are stored, exclusive of scrap metal dealers having facilities for processing scrap metal, and prescribes that no such junkyard shall hereafter be established within 500 feet of any state highway, or within 1,000 feet of any U. S. numbered highway, except where counties or cities have specifically zoned land for such use. Provides that existing junkyards within such distances of such highways shall be concealed by a hedge or fence at least six feet high, except where such hedge or fence, because of the terrain, would do no good. Land owners are responsible if no other interest is identifiable. Citizen arrests authorized, but primary enforcement is by the Tennessee Highway Patrol. Violations are misdemeanors.

CHAPTER NO. 353

Limitation on Liability of Contractors, Architects, Surveyors, Planners, Etc. Amends Chapter 3 of Title 28, TCA, so as to limit actions - other than real - against contractors, architects, surveyors, planners, etc., to a period of four years following substantial completion of any improvement to real property. Claims for injury or wrongful death occurring in the fourth year must be filed within the fifth year so that, at the end of the fifth year, all liabilities are cleared except for fraud and real actions.

CHAPTER NO. 355

New Schedules of Court Costs. Amends TCA 8-2115, 2123, 2132, 40-3131, 41-205, to set new schedules of court costs including those for Justice of the Peace courts. See the act.

CHAPTER NO. 363

Recording of Instruments Affecting Title to Property - Information Required. Provides that all instruments affecting title to property, real or personal, shall show the name and address of the person who prepared it. County registers who accept fees for filings which fail to meet this requirement must refund the fee on request within six months.

RESOLUTIONS ADOPTED BY THE 1965 GENERAL
ASSEMBLY AND SIGNED BY THE GOVERNOR OF
INTEREST TO MUNICIPALITIES

SENATE JOINT RESOLUTIONS

S. J. R. 14. Directs Legislative Council to study the financing of indigent hospitalization.

S. J. R. 20. Requests that public buildings be constructed to provide access for handicapped persons.

S. J. R. 30. Directs Legislative Council to study tax assessment of railroads.

S. J. R. 43. Amend Sec. 1, Article 4, Constitution. Allow members of armed forces from Tennessee to vote regardless of age.

S. J. R. 44. Directs Legislative Council to study local public utility services.

HOUSE JOINT RESOLUTIONS

H. J. R. 30. Amend Section 28, Article 2, Constitution. Exempt from taxation the entire homestead where a person over 65 years of age lives.

H. J. R. 38. Directs Legislative Council to study eminent domain laws.

H. J. R. 40. Directs Legislative Council to study privilege taxes.

H. J. R. 47. Directs Legislative Council to study election laws.

H. J. R. 56. Directs Legislative Council to study the structure of county government.

H. J. R. 62. Directs Legislative Council to study taxation in Tennessee.

H. J. R. 66. Directs Legislative Council to study services rendered by State Departments to needy children.

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