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SUMMARY OF  
1968 PUBLIC ACTS  
OF INTEREST TO MUNICIPAL OFFICIALS

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## FOREWORD

During the second session of the 85th General Assembly, 798 bills were introduced in the House and 756 in the Senate, 196 of which were of various degrees of direct municipal interest. Of these 196, 79 became law and are summarized in this report.

Although the 1968 session was an "off-year" meeting, it probably set the stage for annual sessions hereafter, and it produced major results from the municipal viewpoint.

There was Public Chapter 488, which authorizes an extra half-cent in local sales taxes. Chapter 413, which settles the business of acquiring electric cooperative properties in annexed areas. Chapter 499, which provides for the reapportionment of county courts. Chapters 421 and 597, which set the constitutional amendment machinery in motion to revise, among other things, the sections of the constitution having to do with local governments and with the assessment of property. Chapter 529, which makes comprehensive changes in the law governing the creation, consolidation and dissolution of utility districts. And there was Chapter 604, which permits police and fire forces to participate in the state retirement system.

Aside from these municipal statutory blockbusters, major emphasis of the session went to riot control. It became specifically and expressly illegal to disrupt police or fire communications (Chapter 425), to loot (Chapter 480), to riot (Chapter 484), to have or to use fire bombs (Chapter 535), to trespass on school property and there to misbehave (Chapter 554), to urge truancy upon a school child for purposes of having him participate in a demonstration or breach of the peace (Chapter 568), and to injure a person or to destroy property during a riot (Chapter 604). Chapter 479 gave the Governor power to proclaim riot emergencies and to invoke emergency powers to achieve their abatement. Chapter 485 did the same for chief administrative officers of municipalities. Chapter 573 made \$1,500,000 available to the Governor to meet his riot control expenses, but there was no comparable provision for local expenses in the same field.

Only a shade less far-reaching were laws which give to local governments ninety per cent (90%) of house trailer registration fees (Chapter 491), authorize municipalities to compel connections to sanitary sewers beyond city limits and to shut off water service as one means of enforcing such connections (Chapter 524), create a state agency to foster the development and use of atomic energy--

which has major local application (Chapter 539), increase the authorized interest rate for refunding bond issues made under the Municipal Recovery and Post War Aid Act (Chapter 621), authorize construction of local interstate connectors by segments (Chapter 577), validate general law charter adoptions (Chapter 584), move the official assessment date back to January 10 (Chapter 503), authorize joint industrial development corporations (Chapter 625), and regulate cemeteries including most municipal cemeteries (Chapter 557).

One law (Chapter 538) would have given municipalities the right to levy an eight per cent (8%) liquor inspection fee, but the Office of the Attorney General says the law is no good.

Once again, users of this summary are cautioned that any legal action should be based not on the material herein, but on a thorough study of the acts themselves. Copies of any given act are available from the Office of the Secretary of State, Nashville 37219, at a nominal cost. All of the public acts of the 1968 session will be available soon in a bound volume entitled "Public Acts of Tennessee, 1968," which may be purchased from the Rich Printing Company, Nashville. The purpose of these summaries is simply to furnish very generalized information on the broad nature of the acts reviewed.

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## CHAPTER NO. 409

Dead Animals -- Disposition of bodies. Authorizes counties to contract for the disposition of dead animal bodies and to spend county funds for this governmental purpose. Authorizes contractors to enter upon public or private lands to remove dead animal bodies. Owners of dead animals are liable to the county for reasonable charges made for such disposals.

## CHAPTER NO. 410

Acceptable Collateral for Public Bank Deposits. Amends TCA 9-513 to add "or obligations guaranteed by the United States or any of its agencies, the payment of which are insured by it and which are fully guaranteed both as to principal and interest by the United States" to the list of acceptable collateral securities that banks may post when seeking to become depositories of public funds.

## CHAPTER NO. 413

Annexation -- Acquisition of electric cooperative distribution facilities. Amends TCA 6-318 to provide that municipalities annexing territory served by electric cooperatives will either offer to purchase the electric distribution properties owned by the cooperative or will grant the cooperative a franchise (renewable) to continue to serve the territory for a period of not less than five (5) years. If the facilities are purchased, the municipality must agree to pay over to the selling cooperative reproduction cost of the facilities less depreciation, plus costs of reintegrating the cooperative's system, plus -- for ten (10) years -- twenty-five per cent (25%) of revenues received from customers whose power loads are less than 300 kilowatts and fifty per cent (50%) of the net revenues from customers whose power loads are greater than 300 kilowatts. (The base for computing these percentage payments is the year prior to annexation, thus preserving growth revenue for the municipality.) Procedures for purchasing and franchising are prescribed. If a municipality should contract its boundaries, the procedures are reversed. The act does not preclude municipal-cooperative buying, selling or exchanging of electrical distribution properties by mutual agreement. Nearest power facilities in place or existing legal agreements are to guide service extensions to unserved areas. "Electric distribution properties" defined. Acts in conflict with this (TCA 6-1505 and/or any others) notwithstanding, these procedures are available to annexing municipalities and electric cooperatives.

## CHAPTER NO. 417

Education -- Entering age of pupils. Amends TCA 49-1701 and 49-1702 -- which require children entering public schools to be six years old by the following September 30 -- to provide that children who meet transfer or admission requirements of the Education Commissioner may be admitted to public school systems, conflicting acts notwithstanding. (May permit admission of children not quite six in certain circumstances.)

## CHAPTER NO. 419

Education -- Qualifications of textbook committee members. Amends TCA 49-2021 to strike the word "permanent" from the phrase "shall hold permanent professional certificates," thus permitting any teacher who holds a professional certificate to serve on local textbook committees.

## CHAPTER NO. 420

Education -- Teacher's sick leave. Amends TCA 49-1314 to change the permitted accumulative total of sick leave for teachers from 40 to 80 days, and to authorize local school systems to honor the accumulated sick leave of a teacher transferring to the local system from another local Tennessee system.

## CHAPTER NO. 421 &amp; CHAPTER NO. 597

Constitutional Amendments. Call for a referendum on a limited constitutional convention to consider altering, reforming or abolishing:

- Article I, Section 14; Article V; Article VI; and Article VII, Section 5 -- all of which have to do with the judiciary and the impeachment of judicial officers;
- Article VI, Section 15, which deals with the districting of counties and with the number and the terms of justices of the peace and of constables;
- Article VII, Section 1, which deals with other county officers and their terms; Section 2, which deals with vacancies in county offices and how they are filled; and Section 5 which deals with the terms of, the election of, and vacancies in the office of civil officers;
- Article X, Sections 4 and 5, which deal with the creation of new counties;

- Article XI, Section 9, which has to do with home rule powers of cities and counties, with limitations on private acts of the General Assembly affecting counties or municipalities, with limitations on municipal taxing powers and with the consolidation of cities and counties;
- Article XI, Section 17, which now provides that no county office created by the legislature shall be filled otherwise than by the people or the county court;
- Article II, Section 28 (this section of Public Chapter 421 was, later, completely changed by Public Chapter 597; the provisions reported here are those from Public Chapter 597), which deals with taxable property, its valuation and tax rates -- the call for which limits the convention to classifying real property into four subclassifications, with a range of assessment ratios fixed for each, within which range the convention is to fix a taxable value (public utility property -- 45 to 55 per cent; industrial and commercial property -- 35 to 45 per cent; residential property -- 25 to 35 per cent; farm property -- 20 to 25 per cent); also provides for a tangible personal property exemption of from \$5,000 to \$7,500 and for an intangible personal property exemption, both with the exact amount to be fixed by the convention; forbids other exemptions; provides that assessment ratios shall be uniform throughout the state; forbids any amendment to permit a personal income tax (except as the present constitution already authorizes one); and authorizes other amendments to Section 28 of Article II not in conflict with the call;
- Article IV, Section 1, which deals with the right to vote so as to lower the legal voting age to eighteen; and  
 Prescribes procedures for holding the referendum on the call for the convention on Tuesday, November 5, 1968, and, if the call is favorably voted, for the election of convention delegates on August 6, 1970.  
 Amendments adopted by the convention would be subject to approving referendum at an election following the close of the convention, as determined by the convention.

#### CHAPTER NO. 425

Disruption of Police or Fire Communications. Makes it a felony for any person to willfully advise, encourage, or assist any other person or organization in any activity the purpose of which is to delay or disrupt communications between the public and police or fire departments. Printing and dissemination of materials advocating such activity is unlawful. Organizing groups or associations for that purpose is unlawful. Penalty: one to five years in the state penitentiary.

## CHAPTER NO. 427

Bonds -- Commission-Manager form. Amends TCA 6-2303 to provide that cities incorporated under the terms of TCA 6-1801, et seq., may issue bonds under other general laws of the State of Tennessee without the approving referendum required especially for this form of government by this section of the code charter.

## CHAPTER NO. 431

Assessments -- Domestic insurance companies. Provides a new mandatory method for assessing the corporate property and capital stock of insurance companies whose principal office is located in Tennessee. Real and tangible personal property are assessed where located; capital stock and the balance of the corporate property is assessed and taxed in the county or civil district where the principal office is located. Procedures prescribed. Minimum assessments for capital stock and the balance of corporate property other than real and tangible personal property through 1980 will not be less than 1967 assessments. TCA 67-715, which heretofore has caused capital stock of insurance companies to be assessed as personal property of the stockholders, is amended to strike insurance companies from the group of corporations to which that section applies. TCA 67-2607, which lists securities the income from which is exempt from the state income tax, is amended to exempt stock in domestic insurance companies (because it is taxed ad valorem under this act). Effective January 1, 1969.

## CHAPTER NO. 432

Juvenile Traffic Offenders -- Jurisdiction. Amends TCA 37-250 so as to strike county population classifications, thus making the section applicable to all counties, and so as to strike the provisions dealing with juvenile (over 16 and under 18) traffic violators being tried in city courts. (The net affect appears to be that juveniles in this age bracket shall be tried by the court which would have jurisdiction if the offender were an adult.)

## CHAPTER NO. 434

Conservators of Peace -- Additions. Amends TCA 38-203 to add directors, commissioners or similar heads of any metropolitan or municipal police force, whether elected or appointed, to the list of those who are official conservators of the peace and

are charged with the responsibility of preventing and suppressing public offenses.

#### CHAPTER NO. 435

Elections -- Time for filing qualifying petitions. Amends TCA 2-1206 to correct last session's confusion about filing times for independent (municipal) candidates. This act reverts to the forty-day requirement -- so that qualifying petitions in municipal elections now must be filed forty days prior to the election, not counting election day.

#### CHAPTER NO. 436

Abolition of Charter -- Mayor-Alderman form. Amends TCA 6-219 to require ten per cent (10%), or more, of the registered voters to sign a petition calling for an abolition referendum, rather than the twenty-five (25) signatures previously required.

#### CHAPTER NO. 438

Number of Commissioners -- Commission-Manager form. Amends TCA 6-2001 to provide an alternative method whereby cities under 5,000 population, chartered under TCA 6-1801, et seq., may have five commissioners. Procedures prescribed. Basically, last session's Act delayed the increase in the number of commissioners until the next city election; whereas this one permits a special election on the issue at once.

#### CHAPTER NO. 439

Dangerous Weapons -- Persons authorized to carry. Amends TCA 39-4902 to expand the list of persons authorized to carry dangerous weapons to include "any Director, Commissioner, or similar head of any metropolitan or municipal police department, whether elected or appointed."

#### CHAPTER NO. 445

Elections -- Absent officials. Amends TCA 2-1102 by striking the present section in its entirety and substituting a new procedure whereby a majority of the election officers who are at the polls on time may select replacements for absent or tardy officials.

Replacements must be of the same political party as the absent officials.

#### CHAPTER NO. 456

Elections -- Assisting disabled voters. Amends TCA 2-1226 as amended by Chapter 224 of the Public Acts of 1967 by deleting the whole section and substituting therefor a new procedure whereby any blind or otherwise disabled voter may request that his ballot be marked for him by any reputable person or by an officer of the election. Such requests are to be granted if, in the judgment of the officer holding the election, the person is, in fact, disabled. The vote casting is to be witnessed by a judge or an inspector of the opposite party. Records are to be kept of each such request showing the name of the voter, the name of the person who cast the voter's ballot for him, and the name of the witnessing judge or inspector.

#### CHAPTER NO. 459

Assessment of Certain Motor Vehicle Carriers. Amends several sections of Chapter 9 of Title 67 (assessment of Utilities and Carriers), TCA, so as to eliminate certain "nuisance" assessments of carriers which only pass through Tennessee irregularly and infrequently.

#### CHAPTER NO. 465

Municipal Gas Systems -- Under Board of Waterworks and/or Sewage Commissioners. Amends TCA 6-1413 to authorize cities to transfer jurisdiction over municipal gas systems to the Board of Waterworks and Sewerage Commissioners if they so desire. Amends TCA 6-1414 to increase the board from three to five members, and to provide that one of the new members, at the governing body's discretion, may be a member of the governing body of the municipality. Amends TCA 6-1415 to provide for staggered five-year terms for board members, except for the member from the governing body who is limited to his term on the governing body.

#### CHAPTER NO. 470

Elections -- Qualification of voters. Provides that persons otherwise qualified to be voters shall not be disfranchised simply because they live on land ceded to the federal government.

## CHAPTER NO. 472

Mobile Homes Parked in Trailer Courts. Amends TCA 53-3215 by striking the prohibition against removing the wheels of trailers parked in trailer courts.

## CHAPTER NO. 473

Privilege Licenses -- Scrap and metal processors. Amends Item 56, TCA 67-4203, to add a new and separate definition of a scrap and metal processor and to provide a new schedule of license fees for such processors.

## CHAPTER NO. 475

Tourist Promotion -- Appropriations authorized. Authorizes each municipality to spend up to \$30,000 per annum for tourist promotion purposes. (Chapter No. 474 does the same for counties. Metropolitan governments may spend \$60,000.)

## CHAPTER NO. 478

Arson -- Minimum penalty. Amends TCA 39-501 to increase the minimum penalty for arson from one (1) to three (3) years.

## CHAPTER NO. 479

Riot Control -- Governor's powers. Amends several sections of Chapter 6 of Title 7 (Civil Defense), TCA, to add riots and mob violence to the list of emergencies for which the Governor may invoke civil defense powers, and amends TCA 7-615 to add special powers in such cases. The Governor, upon finding that a riot or mob violence exists within the State -- which condition has been certified by a chief local law enforcement officer as being beyond his control -- may proclaim an emergency in the area affected. During that emergency he may: prohibit people being on the streets or in public places; prohibit gatherings larger than a designated number of people in any open place, public or private; prohibit transporting, possessing or using combustible, flammable or explosive liquids, with exceptions; prohibit public possession of firearms or other deadly weapons, except for police officers; prohibit the sale, purchase or dispensing of alcoholic beverages; prohibit the sale, purchase or dispensing of such other commodities as he may designate; prohibit the use of certain

streets, highways, or public ways; prohibit such other activities as, in his judgment, should be prohibited to help maintain life, health, property or the public peace. The duration of the emergency, conditions on restrictions, and exceptions to restrictions imposed all are to be as the Governor may direct. The stricter of these provisions, or of provisions of local ordinances, will apply.

#### CHAPTER NO. 480

Riot Control -- Looting defined. Defines looting as knowingly and without authority of law or of the owner entering the premises of another when normal security is not present by virtue of a fire, hurricane, or act of God, or by a riot, mob, or other human agency, and obtaining or exerting control over property of the owner. Penalty -- one to fifteen years. Additional prosecution under burglary or larceny statutes or under other laws is specifically not barred.

#### CHAPTER NO. 481

Education -- Waiver of quadrennial census of children. Amends TCA 49-1703 to provide that the State Board of Education may, upon the request of any county, city, or special school district, waive the requirement of a quadrennial census of children within the jurisdiction of the local board of education.

#### CHAPTER NO. 484

Riot Control -- Riots prohibited. Defines "riot," "incite to riot," "police officer," "firemen," "ambulance attendants," and "government officials" and makes it a felony to participate in a riot, to conspire to organize a riot, or to interfere with the defined officials in the performance of their duties during a riot or during the threat of one. Participation or conspiracy charges, upon conviction, bring fines of \$100 to \$1,000 and prison sentences of one to five years, or both. The penalty for interference, upon conviction, is one to five years.

#### CHAPTER NO. 485

Riot Control -- Municipal action authorized. Defines "civil emergency" as being a riot, a natural disaster, or a man-made disaster; defines "curfew" and "Chief Administrative Officer";

and authorizes chief municipal administrative officers when, in their judgment, they find civil emergencies to exist, to proclaim that an emergency does exist, to invoke a curfew of not to exceed fifteen (15) days, to prohibit the sale or service of alcoholic beverages, to prohibit the sale, distribution or giving away of gasoline or other flammable or combustive products (extending to the closing of gasoline stations) to prohibit the sale, distribution or giving away of firearms or ammunition. Chief administrative officers may also "issue such other orders as are necessary for the protection of life and property." Municipalities may provide by ordinance that violations of the chief administrative officer's orders are a misdemeanor, punishable by a fine of not to exceed fifty dollars (\$50.00). Medical personnel and persons lawfully on the streets by permission of law enforcement officers are exempted from the curfew.

#### CHAPTER NO. 488

Local Sales Tax -- Extra half-cent authorized. Amends TCA 67-3050 to change the maximum authorized local sales tax rate from one-third ( $1/3$ ) of the state rate to one-half ( $1/2$ ) of the state rate; and to increase the maximum local sales tax on a single sale from five dollars (\$5.00) to seven and one-half dollars (\$7.50); and to provide that the local sales tax shall not be collected on sales in which the merchandise actually comes to rest in another county not collecting an equal sales tax. Amends TCA 67-3051 to define "cities and towns" as that part of their territory in which they are not precluded by a county tax. Amends TCA 67-3053 to provide an additional and optional method for initiation of a sales tax referendum -- by petition of ten per cent (10%) of the registered voters. Increases must be approved by a referendum vote as provided by TCA 67-3053.

#### CHAPTER NO. 489

Education -- Teacher's retirement -- minimum benefits. Amends TCA 49-1552 to provide new minimum monthly benefits for retired teachers: Class A (with Social Security), four dollars and thirty-four cents (\$4.34) times years of creditable service; Class B (without), five dollars (\$5.00) times years of creditable service.

#### CHAPTER NO. 491

Mobile Homes -- Registration fees to local governments. Amends TCA 59-607 to provide that ninety per cent (90%) of the

registration fees imposed on house trailers and mobile homes under Class F of TCA 59-421 shall be paid to the local governments involved and ten per cent (10%) shall go to the State. Distribution of the local share is the same as that called for by the statutory formula for the distribution of local sales tax proceeds -- that is, one-half goes to schools, the other half goes to the government where the trailer is located (fees from unincorporated areas going to the counties), unless the local governments involved provide otherwise by contract.

#### CHAPTER NO. 492

Education -- Voluntary prayers authorized. Authorizes voluntary prayers in the public schools of Tennessee. Prohibits school authorities from prescribing the form or content of the prayer.

#### CHAPTER NO. 493

Motor Vehicles -- Motorcycle safety. Amends Chapter 45 of the Public Acts of 1967 to provide that all motorcycles and motor-bikes shall be equipped with rear view mirrors and with firmly attached footrests, both for operators and passengers.

#### CHAPTER NO. 495

Gas Tax -- Exemption for local transit services. Amends TCA 67-3702 to include independent contractors operating local transit systems among the "governmental purposes" for which tax-exempt motor fuels are authorized. Defines "local transit service" and "local transit company." (See also Chapter 515.)

#### CHAPTER NO. 503

Property Tax -- Assessment date. Amends Section 2 of Chapter 325, Public Acts of 1967, to change the date for the assessment of property for taxation from January 1 to January 10.

#### CHAPTER NO. 507

Public Records Commissions -- Creation authorized by county governing bodies. Amends TCA 15-501 and TCA 15-508 to insert the phrase "or other governing body" after the term "county court" wherever it appears in these sections.

## CHAPTER NO. 511

Assessments -- Property tax -- notice and appeal. Amends TCA 67-614 to provide that a taxpayer shall have no legal basis for complaint about notice of a new or changed assessment if the notice was mailed to him at least ten (10) calendar days before the local Board of Equalization ended its annual session. If, however, he does not get the notice before the local Board of Equalization adjourns and feels aggrieved as a result of his changed assessment, he may appeal directly to the State Board of Equalization. Until the State Board has acted, no local taxes are to be collected. The State Board, on its own volition, or at the request of the taxpayer, may remand the case to the local board.

## CHAPTER NO. 515

Registration of Local Transit Vehicles. Amends TCA 59-428 to include independent contractors operating local transit companies among the "essential government purposes" for which vehicles may be registered at reduced government service fees. Defines "local transit service" and "local transit company." (See also Chapter No. 495.)

## CHAPTER NO. 517

Beer -- Sales at airports permitted. Amends TCA 57-205 to provide that minimum distances (from churches, schools, etc.) fixed by county courts for the sale of beer shall not apply to places of business located in airport terminals served by commercial airlines.

## CHAPTER NO. 522

Hospitals, Nursing Homes -- Regulated, licensed. Amends various sections of Chapter 13, Title 53, TCA, to bring nursing homes and homes for the aged under the jurisdiction of the Hospital Board in the State Department of Public Health, to increase the size of the Board (in part to represent these interests), and to raise hospital license fees (graduated by number of beds). The prior exemption of municipal hospitals from these license fees is not carried forward.

## CHAPTER NO. 524

Sewers -- Connections required. Amends TCA 6-1403 to include sewer services outside city limits among those whose revenues protect municipal sewer bond issues, and to add authorization for discontinuance of water service to any customer, inside or outside the city, as an additional means of compelling connections wherever sewer service is available.

## CHAPTER NO. 529

Utility Districts -- General changes. Amends several sections of Chapter 26 of Title 6, TCA, having to do with the creation, operation, dissolution and consolidation of utility districts to effect the following changes:

1. Provide that municipalities, counties and existing utility districts shall be given notice by registered mail, rather than by mere publication in a newspaper, of any hearings on creation of a new utility district adjacent to the present facilities of an existing utility enterprise;

2. Provide that petitioners for creation of utility districts specify the service or services to be provided, together with cost information and estimated service rates and charges, in order that the county judge at a hearing may determine the feasibility and need for, and may authorize, particular services in particular areas instead of vesting every utility district with the exclusive right to provide thirteen (13) different utility and other services within its service area jurisdiction as the former law did provide;

3. Clarify former legislation conferring on municipalities prior rights to serve areas adjacent to their boundaries by specifying that such adjacent areas shall be defined as being within three miles of a municipality under 5,000 population and within five miles of a municipality over 5,000 population;

4. Modify the former law authorizing a county judge to create a district extending into any number of counties, by providing that the county judges of all counties in which a single district is to be given exclusive utility jurisdiction shall sit as a combined board in hearings on creation of a multi-county district;

5. Require that records of orders creating utility districts shall be filed with the local Register of Deeds and with the Secretary of State;

6. Provide methods for the dissolution, merger, consolidation, recreation or transfer of utility district operations to or with other utility districts, municipalities or counties;

7. Limit existing utility districts to the services they were rendering on July 1, 1967, with exceptions; and

8. Require fuller financial data about debt incurred by utility districts in the audits required to be filed with the Controller of the Treasury and with the County Judge.

#### CHAPTER NO. 531

Sales Tax -- Exemptions. Amends TCA 67-3014 to add "girls' clubs" to the list of sales tax-exempt organizations.

#### CHAPTER NO. 532

Privilege Taxes -- Radio dealers and repairmen. Amends Item 86, TCA 67-4203, to provide that tube testing devices and their contents shall be subject to a tax of five dollars (\$5.00) per device, subject to a maximum tax of thirty dollars (\$30.00) in any one covered enterprise.

#### CHAPTER NO. 535

Fire Bombs -- Prohibited. Makes destruction of property or injury to persons by fire bomb a felony -- five to fifteen years. Makes the attempt to destroy or injure by fire bomb a felony -- two to five years. Makes manufacture, disposition, possession of fire bombs a felony -- two to five years. Makes conspiracy to produce or use fire bombs a felony -- two to five years. Defines fire bomb. Exempts military, law enforcement and educational applications of defined materials.

#### CHAPTER NO. 538

Liquor Inspection Fees -- Authorized, but "incomprehensible, meaningless and, therefore, unconstitutional." This act meant to provide for an eight per cent (8%) liquor inspection fee, imposed on retailers but collected and remitted to the municipalities by the wholesalers. It was, however, amended to the point of meaninglessness in Section 1, and there was a further clerical complication whereby the act signed by the Governor was not exactly the same one passed by the Assembly, so "the Act is void and of no consequence and the law remains as it was prior to the time this Act was passed." (Quotes are from an opinion of the Attorney General's Office.)

## CHAPTER NO. 539

Atomic Energy -- Development agency created. Creates an Office of Atomic Development to foster the development and use of atomic energy for peaceful purposes and to coordinate the activities of all agencies of the State, including its political subdivisions, in this field. The Office is authorized to locate sites at which radioactive materials may be stored, the site at which a reactor may be constructed and operated, and sites of port facilities where atomic propelled vessels may be serviced and radioactive materials may be shipped. The Office is also charged with the administration of training programs relating to the handling of accidents, fires or disasters involving radioactive materials, and is to keep local governments, among others, informed of all qualified people residing in the state and of all available equipment which could be useful in such emergencies. Local governments, among others, must keep the Office informed of any activities in which they are engaged in the atomic energy field, and proposed ordinances must be cleared with the Office ninety (90) days in advance. State funds for reactors, etc., must be matched by non-state funds. Special funds are created for the establishment of facilities and for the disposition of radioactive by-products. A coordinating council representing agencies involved with atomic energy is created to coordinate atomic programs. An advisory committee representing the various interests in the field is also created to assist in policy formulation.

## CHAPTER NO. 541

Compensation of Mayor and Commissioners -- Commission-Manager form. Amends TCA 6-2015 to permit salaries of up to \$300/month for the mayor and up to \$250/month for commissioners in cities chartered under TCA 6-1801, et seq., which have a population of 1,500 or more.

## CHAPTER NO. 548

Fire Alarms and Extinguishing Systems -- Approval by State Fire Marshal required. Amends TCA 53-2413 to provide that fire alarm and/or extinguishment systems offered for sale in the State must be registered with and approved by the State Fire Marshal. Exempted are systems "offered by a public utility subject to the jurisdiction of, or regulation by, the Tennessee Public Service Commission or a comparable federal agency."

## CHAPTER NO. 554

Trespassing, Misbehaving on School Property. Makes it a misdemeanor to trespass upon school property and there to engage in disorderly conduct. Defines disorderly conduct as: defacing, damaging or destroying property; drinking intoxicating beverages or being drunk; breaching the peace; or refusing to comply with lawful directions of school personnel, including a request to leave the school premises.

## CHAPTER NO. 556

Industrial Machinery -- Redefined to include water and air pollution control equipment. Amends TCA 67-3002 to include water and air pollution control equipment used by manufacturers within the definition of industrial machinery, thus making the one per cent (1%) sales tax rate apply.

## CHAPTER NO. 557

Cemeteries -- Registered, regulated. Enacts a comprehensive "General Cemetery Act of 1968" which amends many sections of Title 46, TCA, and requires: registration of cemeteries (including municipal cemeteries except those whose sales of lots, crypts, perpetual care, etc., amount to less than \$2,500/year); the institution of perpetual care funds (secured by deposits ranging from \$10,000 to \$50,000 depending upon the population size of the county with the Commissioner of Insurance and Banking or in an approved improvement care trust fund); the maintenance of complete records; and annual financial reports to the Commissioner. Strikes TCA 46-302 in its entirety and substitutes a new section which authorizes cemetery owners to adopt and enforce comprehensive cemetery regulations. Existing cemeteries continue in full force, but their future operations are subject to the act.

## CHAPTER NO. 559

Compensation of Utility Board Members. Amends TCA 6-1510 to increase the authorized monthly allowance for board members from twenty-five dollars (\$25.00) to fifty dollars (\$50.00).

## CHAPTER NO. 562

Juvenile Courts -- Miscellaneous amendments. Amends TCA 37-242 to add children who wilfully fail to attend school to the definition of delinquents. Amends TCA 37-250 to prescribe that children under sixteen (16) charged with traffic violations shall be tried by juvenile courts and that, in addition to any juvenile procedures open to the court, the court may: prohibit the child from operating a motor vehicle for a fixed or indefinite period of time; and/or order the child to attend a traffic school or to take driving instructions; and/or impose up to a fifty dollar (\$50.00) fine. Other amendments are in the nature of changed legal procedures.

## CHAPTER NO. 563

Child Abuse -- Named prosecutor not required. Amends TCA 40-1705 to add child abuse to the list of offenses for which a prosecutor need not be named. Amends TCA 37-1201 to provide that the District Attorney General may prosecute such cases bound over to the Grand Jury.

## CHAPTER NO. 566

Privilege Tax -- Janitorial and custodial services. Amends Item 58(3), TCA 67-4203 to add a new fifty dollar (\$50.00) tax on janitorial and custodial services employing four (4) or more people.

## CHAPTER NO. 568

Truancy -- Urging, inciting a misdemeanor. Makes it a misdemeanor to urge or incite a child under eighteen (18) to leave school, or not to attend school, for the purpose of participating in a public protest demonstration or breach of the peace.

## CHAPTER NO. 573

Riot Control -- \$1,500,000 authorized and appropriated to Governor. Authorizes the Governor to spend and appropriate an amount not to exceed one and one-half million (\$1,500,000) dollars to defray costs of riot control.

## CHAPTER NO. 577

Local Interstate Connectors -- Construction by segments authorized. Amends TCA 54-570 to insert "or segment thereof" in the definition of "local interstate connector" -- thus making piecemeal projects possible. Amends TCA 54-474 to permit the Highway Department to administer segmented construction projects and set appropriate design standards for each (former standards were those for the federal aid system). Amends TCA 54-575 to eliminate the federal aid system standards requirement from the local agreement to maintain interstate connectors, or segments thereof, thus leaving determination of reasonable maintenance standards to the Department.

## CHAPTER NO. 579

Issuance of Citation -- Authorized at scene of traffic accidents. Provides that a police officer at the scene of an accident may issue a citation when, as a result of his investigation, he believes there is probable grounds that a violation of Chapters 8-10, Title 59, TCA (traffic laws), has occurred.

## CHAPTER NO. 581

Eminent Domain -- Authorized to acquire industrial buildings. Amends TCA 6-1704(1) to add eminent domain to the list of means whereby municipalities may acquire industrial buildings. Also amends Chapter 17, Title 6, TCA, to provide for access to such properties by municipalities or their agents for purposes of surveys, examinations, etc., with the city responsible for any damages occasioned by such entry.

## CHAPTER NO. 584

General Law Charters Validated. Validates all adoptions of all general law charters (Chapters 1 & 2, Chapters 18 through 23, and Chapters 30 through 36 of Title 6, TCA) where an election was held on the question and a majority of the votes cast was in favor of such adoption, whether the territory in question was previously incorporated or not. Validates certifications of such incorporations issued by the Secretary of State, by County Election Commissions, or by County Court Clerks, irregularities or defects in proceedings notwithstanding. Validates boundary descriptions on incorporation and in annexations pursuant to law effected since incorporation.

## CHAPTER NO. 597

Constitutional Convention. See Chapter No. 421.

## CHAPTER NO. 599

Reapportionment of County Courts. Requires the reapportionment of county courts on an equal population per district basis by January 1, 1972, and once each six years thereafter. The new districts are to have not more than two Justices of the Peace, each, except the county town district, which shall have three. Any affected citizen may file a chancery court suit against any apportionment made under the terms of this Act, and, if the court finds that the apportionment does not comply with the Act, or that no apportionment was made, the court shall make a decree ordering the apportionment. Present civil districts are preserved for record keeping purposes. Maps and boundary descriptions of districts must be filed with the County Court Clerk and with the Secretary of State. Sections 5-111, 5-112, and 19-101, TCA, are repealed, the last taking away the Justice of the Peace allocated to each incorporated town. Section 19-102, TCA, is also amended to take away the Justice of the Peace from incorporated towns in rural districts. Counties redistricted substantially according to population by the Eighty-Fifth General Assembly are exempted from this Act's redistricting requirements.

## CHAPTER NO. 601

Sales Tax -- Exemptions. Amends TCA 67-3002 to make coin-operated, dry cleaning and car-wash facilities exempt from the sales tax.

## CHAPTER NO. 604

Riot Control -- Property destruction, personal injury a felony. Makes it a felony (3-21 years and \$1,000-\$10,000) for anyone to destroy or damage any real or personal property, to maliciously injure another, or to incite others to commit such acts, within an area in which the Governor has proclaimed an emergency, during that emergency. Also guilty under this Act is anyone, who, "having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so." Certain legal defenses are denied persons prosecuted under this Act (the incompetence of another person involved, the acquittal of such other person,

his conviction on a lesser charge, etc.). Prosecution under other statutes or ordinances is expressly saved.

#### CHAPTER NO. 605

Safe Power and Fuels -- Exemptions. Amends TCA 53-2413 to provide that the penalty provisions (for delivering fuels to unsafe systems) shall not apply to sellers: (1) for sales made on the supplier's premises in containers supplied by the purchaser; (2) for sales to trailer park operators for resale to their customers.

#### CHAPTER NO. 606

Land Surveying -- Registration requirements eased. Amends Section 16, Public Chapter 110, 1967, to ease requirements for registration under the "grandfather clause" of the original section. The revised version goes back to pick up persons active in surveying within three (3) years of the effective date of the Act, whereas the original section limited that period to two (2) years; and the revised version also stipulates that such persons "shall" be registered, whereas the original said they "may" be.

#### CHAPTER NO. 610

Gas Tax -- Exemptions. Amends TCA 67-3702 to provide that motor vehicles which are used exclusively for driver education programs approved by the State Board of Education shall be considered as equipment owned by the governmental unit involved and shall be entitled to use tax-exempt gas.

#### CHAPTER NO. 613

Economic Development Districts -- Authorized contributions increased. Amends TCA 13-1409 to increase authorized contributions by counties to economic development districts from one thousand dollars (\$1,000) to two thousand dollars (\$2,000) in counties under 10,000 population and from two thousand dollars (\$2,000) to five thousand dollars (\$5,000) for counties over 10,000 population. (One-half of these sums, as before, may come from incorporated cities and towns.)

## CHAPTER NO. 614

Eminent Domain -- Housing authorities. Amends TCA 23-1510 to provide that a property owner whose property has been taken by a housing authority may, without prejudice, withdraw the amount deposited with the clerk of the court by the authority pending final judgment. If the ultimate judgment is a greater sum, interest accrues from the day of taking on the difference only. If the ultimate judgment is less than the deposit, the owner agrees to repay the difference, or agrees that a judgment may be entered against him for the difference. Methods of adjusting for use, income, etc., of or from the property are prescribed in cases where possession does not pass with the title.

## CHAPTER NO. 615

Eminent Domain -- Time limit on appeals. Amends TCA 23-1418 to fix a forty-five (45) day limit on appeals from the findings of a jury of view. The time runs from the date of entry of the court's order confirming the report of the jury of view.

## CHAPTER NO. 621

Municipal Bonds -- Rate increased for Municipal Recovery and Post War Aid Act issues. Amends TCA 6-1603 (9) to increase the authorized maximum interest rate to be paid from five per cent (5%) to six per cent (6%) on refunding bonds. (Chapter No. 620 does the same for counties.)

## CHAPTER NO. 625

Industrial Development Corporations -- Joint corporations among municipalities authorized. Amends TCA 6-2817 to authorize two or more municipalities to join together in forming an industrial development corporation. When this happens, all procedural requirements (e.g. referendum on bond issue) apply to each member city. Officers, but not employees, of the city may serve as directors of the corporation.

## CHAPTER NO. 627

Cemetery Operations -- Reasonable time allowed for correcting irregularities. Amends TCA 46-108 to provide that the Commissioner of Insurance and Banking may, at his discretion, allow a

reasonable time for the correction of any irregularity found in a cemetery corporation's required annual report before taking court action. (Chapter No. 557, herein, makes this chapter of this title applicable to some municipal cemeteries.)

#### CHAPTER NO. 628

Wholesale Beer Tax -- Breakage allowance limited. Amends TCA 57-311 to limit loss and breakage allowances for beer wholesalers to actual losses sustained during delivery or to one-half of one per cent of the wholesaler's total monthly beer purchases -- fire, storm, acts of God, or unavoidable accidents excepted. Excess losses must be substantiated by sworn statements and the testimony of at least two witnesses.

#### CHAPTER NO. 632

Tennessee State Retirement System -- Earlier retirement for fire and police personnel. Amends several sections of Chapters 34 & 35 of Title 8, TCA, to authorize retirement at fifty-five (55) years of age with twenty-five (25) years of creditable service, except that service may continue to sixty-five (65) upon application to, and approval by, the political subdivision. If the political subdivision elects not to have these special provisions apply to its fire and police forces, it may so state in the resolution authorizing participation of its employees in the TSRS, in which case the general retirement provisions of TSRS will apply. Procedures for computing benefits and for making contributions are prescribed, both for regular and for disability retirements.

#### CHAPTER NO. 633

Property Tax Assessments -- Effective date on transfers from tax-exempt to non-exempt status. Amends TCA 67-502 to provide that property which changes from a tax-exempt to a non-exempt status shall be liable for real estate taxes from the date of such transfer, the official January 1 assessment date notwithstanding (but Chapter 503, above, changed assessment date to January 10). Pro-rata taxes are to be collected for the current tax year.

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