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SUMMARY OF
1969 PUBLIC ACTS
OF INTEREST TO MUNICIPAL OFFICIALS

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MUNICIPAL TECHNICAL ADVISORY SERVICE

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FOREWORD

During the first session of the 86th General Assembly, 1,048 bills were introduced in the Senate and 1,137 were introduced in the House, of which 405 were of varying degrees of direct municipal interest. (Virtually all of these 405 had "companion", or identical, bills introduced in both Houses of the General Assembly so that, in terms of introductions, some 800 of the 2,185 bills introduced were of municipal interest, but companion bills, for purposes of this report, are considered as one bill.) Of these 405 bills, 112 passed and became law and are summarized in this report.

In unusual degree, however, the story of this session was one of bills not passed, not one of bills passed. Ten bills, for example, were introduced on the subject of annexation, four of which would have crippled the whole annexation by ordinance procedure. None of these four passed. Only two of the ten did, in fact, pass, and one of them was a local bill (applicable only to Knox County) while the other (Chapter 136) was a special situation bill which, for all practical purposes, makes it, too, a local bill. Similarly, 11 bills -- none of which passed -- were introduced on the subject of constitutional amendments, thus leaving the original Question 3, on the property tax, as the only one slated to come before the 1971 convention. Some 15 bills would have repealed present laws governing the possession, transportation, receipt or sale of alcoholic beverages, or would have lowered tax receipts from the sale of alcoholic beverages. None of these passed. Of the five alcoholic beverage bills that did pass, one was local (Shelby County), two will tend to increase the yield from the beer tax (Chapters 171 and 299), one (Chapter 87) fixes maximum liquor inspection fees by municipalities, and the fifth (Chapter 56) deals with procedural matters in the revocation of wholesale beer permits -- so that no general legislation passed which in any particular diminished local control in this subject area. Another bill failing of passage was Senate Bill 592 (House Bill 246) which would have abolished altogether the defense of governmental immunity in tort actions.

Of the laws that passed, perhaps the most far-reaching and important was the Local Government Platform's electric tax equivalent bill (Chapter 237), settling, finally, an issue that has been with us for a decade. Notable, too, is the item in the General Appropriations Bill (Chapter 256) which makes \$2,280,000 available for the purpose of matching federal-city sewer grants by the State, marking the first time the State has evidenced a willingness to participate in this program. Other items in the General Appropriations Bill add up to a total of \$35,000,000 in new revenues for the political subdivisions of the State, a figure attributable in large part to the \$20,000,000 made available to the public schools by the added tax on cigarettes (Chapter 250).

Two solid waste disposal acts passed. Chapter 295 permits the State Public Health Department to regulate all solid waste disposal activities. Chapter 201 authorizes counties to enter into the garbage and rubbish collection and disposal field.

One act -- Chapter 240 -- may well adversely affect the revenue position of some municipalities. It prohibits a municipality from levying

a privilege tax on motor vehicles registered outside the county in which the municipality is located for the privilege of using city streets.

Two unusual pairs of repeal-and-re-enact bills also marked the session, only one of which actually got re-enacted. Chapter 224 repealed a previous act regulating land surveying; Chapter 207 reestablished substantially the same regulatory mechanisms. Chapter 15 knocked out the code provisions dealing with the licensing and regulating of plumbers under a state board, but Senate Bill 810 (House Bill 440) which would have vested the Department of Public Health with powers to regulate plumbers and plumbing did not pass. Thus land surveying is still regulated at the state level; plumbing is not.

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 1969 session will be available soon in a bound volume entitled "Public Acts of Tennessee, 1969," 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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Consultant on Intergovernmental
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July, 1969

CHAPTER NO. 2

Sales Tax -- Exemptions. Amends TCA 67-3012 to exempt motor vehicles sold for out of state use from the sales tax.

CHAPTER NO. 3

Sales Tax -- Imposed on national banks. Amends TCA 67-3018, 3020, to impose same sales tax liabilities on national banks as now exist for state banks.

CHAPTER NO. 4

Elections -- Candidates' expenditures. Repeals TCA 2-2111 which, among other election expense limitations, fixed a ceiling of \$5,000 on the election expenditures a candidate for municipal office could make.

CHAPTER NO. 5

Elections -- Candidates' expenditures. Amends TCA 2-2101 to require candidates to file sworn statements of election expenses incurred by them or on their behalf with the officer with whom nominating papers were filed not more than thirty (30) days after the election. Amends TCA 2-2104 to provide that a campaign manager's expense report may be a copy of the candidate's report if the figures are the same.

CHAPTER NO. 6

Educational Radio -- Authorized. Amends TCA 49-3801 through 49-3806 to permit the State Board of Education to operate educational radio stations as well as educational TV stations.

CHAPTER NO. 8

State-owned Water -- Sale authorized. Amends TCA 12-228 to authorize the State to sell water from reservoirs owned by the State to local governments, utility districts, etc.

CHAPTER NO. 12

Annual State Budget. Amends Chapter 6, Title 9, TCA to substitute an annual for the heretofore biennial state budgets.

CHAPTER NO. 14

Retired Teachers -- Maximum employment. Amends TCA 49-1549(2) to allow retired school teachers to serve as substitute teachers up to ninety (90) school days without interfering with retirement allowances. Former limit was sixty (60) days.

CHAPTER NO. 15

State Plumbing Regulations -- Repealed. Repeals Chapter 346 of the Public Acts of 1967 (Chapter 12, Title 62, TCA) relative to the licensing of plumbers and regulation of plumbing.

CHAPTER NO. 18

Yield Signs -- Traffic movement regulated. Provides for the regulation of the movement of traffic at "yield" intersections or in "yield" lanes.

CHAPTER NO. 22

Open Patrol Wagons -- Prohibition, penalty repealed. Repeals TCA 6-618 and 6-619 which prohibited the use of open patrol wagons and prescribed the penalty therefor.

CHAPTER NO. 25

Moving Traffic Violation Penalty -- Redistributed. Amends TCA 49-115 to provide that the \$2.00 additional penalty imposed on drivers convicted of moving traffic violations (under TCA 59-1043) shall be distributed seventy-five (75%) per cent to the State Department of Education for driver training purposes and twenty-five (25%) per cent to the State Department of Safety (present distribution: 90/10).

CHAPTER NO. 37

Obscene Materials -- Removal of evidence prohibited. Amends TCA 39-3003 to authorize district attorneys to request courts to issue temporary injunctions against removal by dealers of obscene materials from the court's jurisdiction pending grand jury action. Removes minimum penalty; increases maximum.

CHAPTER NO. 39

Venereal Diseases -- Treatment of minors authorized. Amends TCA 53-1104 to permit public health officers to treat venereal diseases in minors without the knowledge or consent of parents without liability except for negligence.

CHAPTER NO. 40

School Busses -- Lights. Amends TCA 59-905 to include school busses among those vehicles authorized to show red lights in front.

CHAPTER NO. 43

Bond Limitations -- Modified city manager-council charter. Amends TCA 6-3412 to provide that bonds may be issued under other general laws of

the State without regard to the ten (10%) per cent of assessed valuation limit imposed by this section.

CHAPTER NO. 48

Elections -- Withdrawal of candidates. Amends TCA 2-1209 to provide, among other changes having to do with the withdrawal of candidates from other elections, that candidates for municipal office may withdraw by filing a written request to that effect to the official with whom he or she qualified at least thirty-five (35) days before the election.

CHAPTER NO. 50

Public Works Project -- Definition amended. Amends TCA 6-1602 to include "facilities for the handicapped, including the physically and mentally handicapped" among authorized projects for the Municipal Recovery and Post War Aid Act of 1945. (Chapter 51 does the same for counties.)

CHAPTER NO. 52

Child Labor -- Regulated. Repeals TCA 50-701 - 50-717 and sets up new regulations for the employment of children under eighteen (18). Permitted and prohibited types of employment are enumerated. School superintendents issue employment certificates to children lawfully excused from school (regular or vacation permits); the Department of Labor administers the act. Penalties for violations are provided.

CHAPTER NO. 54

Elections -- Information on nominating petitions. Requires any person signing a nominating or referendum petition to include the address of his residence.

CHAPTER NO. 55

Industrial Development Corporations -- Purposes expanded. Amends TCA 6-2801 to include non-profit medical-educational facilities among authorized projects; TCA 6-2802 to include such projects in the purposes of the chapter; and TCA 6-2811 to permit maximum interest rates on (tax-exempt) bonds issued by such corporations to be equal to rates paid on commercial instruments (7½%) according to the terms of TCA 47-14-106-A.

CHAPTER NO. 56

Beer Permits -- Wholesale, revocation procedure. Amends TCA 57-209 to provide that any revocation of any wholesale beer license shall not become effective until the Supreme Court of Tennessee has reviewed the case on appeal, unless no appeal is taken or perfected within the required time.

CHAPTER NO. 57

School Superintendents -- Qualifications. Amends TCA 49-220, 49-222 and 49-223 to provide that school superintendents, city and county, appointed or elected, shall be in possession of a certificate of qualification issued by the State Board of Education before they are appointed to, or file for, the job.

CHAPTER NO. 71

Rescue Squads -- Special license plates. Authorizes special license plates for members of the Tennessee Association of Rescue Squads upon payment of regular license fee (TCA 59-421) plus one dollar (\$1). (But see Chapter No. 334.)

CHAPTER NO. 73

Education -- Student teachers. Amends TCA 49-1301 to permit student teachers to teach without being certificated by the State Board of Education.

CHAPTER NO. 76

Elections -- Qualified voters. Amends TCA 1-305 by adding a definition: "Qualified voter" means a voter who is properly registered.

CHAPTER NO. 80

Elections -- Absentee voting. Amends TCA 2-1604 to require requests for applications for absentee ballots to be received by the County Election Commission at least eight (8) days before an election (instead of 5) but to provide that the request, itself, may serve as the application so long as it provides the necessary information. Also amends TCA 2-1604 to eliminate the oath requirement for medical certificates, substituting a perjury provision.

CHAPTER NO. 82

Tennessee Aeronautics Commission -- Independent. Amends TCA 42-202 to make the Tennessee Aeronautics Commission an independent agency (formerly part of the Highway Department). Increases Commission membership from three (3) to five (5), provides staggered five-year terms, requires at least one member to be from one of the five big-airport areas.

CHAPTER NO. 83

Civil Defense - Civil Air Patrol -- Special license plates. Amends TCA 59-445 to extend special license plate privilege for vehicles used in Civil Defense or Civil Air Patrol work to 1/2 ton or 3/4 ton trucks so used. Regular special license fees (TCA 59-423) plus additional fee (TCA 59-445) apply. (But see Chapter No. 334.)

CHAPTER NO. 85

Telephone Calls -- Lewdness, harassment prohibited. Amends TCA 39-2002 to make lewd, harassing, annoying telephone calls a misdemeanor.

CHAPTER NO. 87

Alcoholic Beverages -- Municipal inspection fees, maximum amounts. Amends TCA 57-165 to provide that municipalities shall have authority by ordinance to impose an inspection fee upon retailers of alcoholic beverages. The maximum fee is eight (8%) per cent of the wholesale price in municipalities located within counties of less than 60,000 population; five (5%) per cent in municipalities located in counties over 60,000 population.

CHAPTER NO. 88

Firemen -- Going armed authorized. Amends TCA 39-4902 to allow certain named firemen, trained in the use of firearms, to go armed for a period not to exceed thirty (30) days when the Fire Chief, the Police Chief and the Mayor agree an emergency exists requiring such authorization. Applies only to "municipal" fire departments, not to "volunteer" departments.

CHAPTER NO. 95

Sales Tax -- Exemptions. Amends TCA 67-3002 to broaden the definition of exempt livestock and poultry feeds.

CHAPTER NO. 98

Tennessee Historical Commission -- Restructured. Repeals TCA 4-1101 through 4-1106 and establishes a new Tennessee Historical Commission empowered to: develop criteria for the evaluation of historic sites; contract with cities, counties and private associations for state aid, operation, admission fees, etc.; establish advisory boards as needed; employ staff and administer funds made available to the Commission.

CHAPTER NO. 101

Privilege Tax -- Butchers. Repeals present Item 18, TCA 67-4203 and substitutes a new one which: bases retail license fees on county -- rather than city -- populations; establishes lower license rates for retailers (1/2 of schedule) and for wholesalers (1/4 of schedule) whose average inventories do not exceed \$100 and \$1,000 respectively; provides for licensing of chain warehouses at 1/4 wholesale rates; defines fresh meats.

CHAPTER NO. 106

Elections -- Filing of candidates petitions. Amends TCA 2-1208 to require that candidates' petitions in special (municipal) elections be filed by twelve, noon, on the fortieth day before the election, rather than "forty days" before the election.

CHAPTER NO. 111

Railroad Police. Authorizes the Governor, upon application of railroads, to appoint railroad police. City, county jails are required to accept their prisoners.

CHAPTER NO. 130

Education -- Teachers' qualifications. Requires all persons seeking employment as superintendents, teachers, etc., to disclose prior criminal records or dismissals for cause. Violation is a misdemeanor and results in forfeiture of the position held.

CHAPTER NO. 133

Courts -- Jurisdiction of Justices of the Peace. Amends TCA 19-301 to change the jurisdiction of Justices of the Peace in civil cases. New limits: \$3,000 in civil cases; unlimited in cases of forcible entry and detainer; \$50 in equity causes.

CHAPTER NO. 134

Municipal Elections -- Tie Votes. Amends Chapter 5, Title 6, TCA, to provide that the County Election Commission shall cast the tie-breaking vote in municipal elections.

CHAPTER NO. 136

Annexation -- Within a larger city by a smaller. Amends TCA 6-309 and TCA 6-317 to provide that, under certain expressed conditions, a smaller city may annex up to seventy-five (75) acres within a larger city. (The act was meant to apply to a peculiar Chattanooga-East Ridge situation. Whether the limiting conditions apply anywhere else is unknown.)

CHAPTER NO. 139

Elections -- Write-ins. Amends TCA 2-1207 to eliminate the provisions for the distribution of tickets and ballots of write-in candidates at the polls. This act has the effect of simply leaving one blank line after each office being voted upon for write-in purposes.

CHAPTER NO. 144

Tennessee Police Training Institute -- Eligible students. Amends TCA 38-801 to provide that college students majoring in law enforcement or police science shall be eligible for enrollment and training at the Tennessee Police Training Institute. Enrollment heretofore was limited to law enforcement officers.

CHAPTER NO. 148

Education -- Teachers' retirement. Amends TCA 49-1501 to redefine "average final compensation" to mean the five highest years of earnings, except for purposes of TCA 49-1548 which will be the last five years. Amends TCA 49-1561 to provide for annual increases in retirement allowances (1½%) until a thirty (30%) per cent maximum over the original retirement allowance is reached. Authorizes retired persons to suspend and reactivate retirement benefits at will.

CHAPTER NO. 149

Tennessee State Retirement System. Amends Chapters 34 and 35, Title 8, TCA, to make essentially the same changes in the general retirement system which Chapter 148, above, makes in the teachers' system. Other changes are non-municipal in nature.

CHAPTER NO. 152

Industrial Revenue Bonds -- Interest rate. Amends TCA 6-1706 and TCA 6-1711 to change the maximum interest rate authorized on industrial revenue bonds from six (6%) per cent to eight (8%) per cent.

CHAPTER 153

Education -- Teachers' retirement. Amends TCA 49-1311 to provide that teachers not covered by the teachers' retirement system shall receive \$4.34 times years of service with a \$130 monthly maximum.

CHAPTER NO. 157

Fire Prevention and Investigation. Amends several sections of Chapter 24, Title 53, TCA so as to: make the Commissioner of Banking and Insurance the State Fire Marshal; expand his staff; authorize his issuance of rules and regulations governing the construction and operation of hazardous enterprises (fuels, gas, explosives, fireworks, trailer parks, electrical systems, etc.); require his approval of fire alarms, extinguishers, etc., offered for sale in the state; eliminate the compensation paid to local assistants for filing reports (50 cents per report previously); require school fire drills twice, rather than once, a month; require school exit doors to be unlocked during building occupancy; and fix penalties for violations at \$10 to \$50 for each violation. (A LGP bill.)

CHAPTER NO. 159

Advisory Hospital Committee -- Members. Amends TCA 53-1205 to provide a limit of fifteen (15) members on this committee. Heretofore, no set number was prescribed.

CHAPTER NO. 165

Economic Development Districts -- State contributions. Amends TCA 13-1409 to increase the State's contribution to these districts from \$10,000 to \$25,000 per year, subject to local matching.

CHAPTER NO. 166

Holidays -- Official. Amends TCA 55-101, 203, 204, 205 to establish an official list of state holidays and "days of special observance". The latter are recognized but are not official holidays. After January 1, 1971, the legal holidays of Columbus Day, Washington Day, Memorial Day, and Veterans' Day will be observed on specified Mondays. Holidays: New Year's Day, Washington Day (February 22), Memorial Day (May 30), July 4th, Labor Day (first Monday in September), Veterans' Day (November 11), Thanksgiving, Christmas and Good Friday. Days of special observance: Robert E. Lee Day (January 19), Abraham Lincoln Day (February 12), Andrew Jackson Day (March 15), Confederate Memorial Day (June 3), Nathan Bedford Forrest Day (July 13).

CHAPTER NO. 169

Juvenile Traffic Violators -- Jurisdiction. Repeals TCA 37-250 and substitutes a new section giving juvenile court judges jurisdiction over all traffic violators under the age of eighteen (18), except that the juvenile judge may waive jurisdiction of traffic violators over sixteen (16). Adds optional dispositions of juvenile traffic cases at the discretion of the juvenile judge.

CHAPTER NO. 170

Malicious Minors -- Liability of parents. Amends TCA 37-1001 to increase the amount municipalities (among others) may recover from parents or guardians of minors who destroy property maliciously from \$300 to \$2,500. Also raises the applicable age of such minors from eighteen (18) to twenty-one (21).

CHAPTER NO. 171

Wholesale Beer Tax -- Protective measures. Amends TCA 57-302 to protect this tax by redefining beer as any beverage with an alcoholic content of less than five (5%) per cent, by making wholesale beer prices public records and by prohibiting volume discounts. Amends TCA 57-312 by adding five provisions: prohibiting quantity discounts, prohibiting price-cutting promotions, requiring genuine price cuts to remain in effect at least 180 days, authorizing lower case prices at warehouses during delivery emergencies and authorizing wholesalers to raise case prices. Amends TCA 57-316 to require local beer boards to suspend wholesale beer licenses for thirty (30) days for violations. This act prevails over others.

CHAPTER NO. 172

MTAS -- Appropriation increased. Amends TCA 67-3047 to increase the appropriation to MTAS (from the cities' share of the state sales tax) from \$13,667 to \$15,000 per month.

CHAPTER NO. 174

Metropolitan Airport Authorities -- Authorized. Authorizes the four big cities to create metropolitan airport authorities under independent boards. Such authorities own and operate airports including their own fire and police services, their own budgets, their own construction projects, their own bond issues, their own civil service regulations, their own flight path zoning (aviation obstructions and building heights only), etc. though the cities may contract with them to provide some of these services (fire, police, civil service, etc.).

CHAPTER NO. 179

Electric Departments -- Purchasing without bids. Amends TCA 6-1517, part of the Municipal Electric Plant Law of 1935, to increase the maximum amount of purchases that may be made by municipal electric plant superintendents without taking competitive bids from \$2,000 to \$20,000.

CHAPTER NO. 181

Deposits in Savings and Loan Associations -- Authorized. Authorizes municipalities and other public or quasi-public entities to invest or deposit funds held by them in federal savings and loan associations organized under the laws of the United States and operated under federal supervision.

CHAPTER NO. 185

Abandoned Motor Vehicles -- Disposal. Amends TCA 59-1608(e) to reduce from eight (8) to five (5) years the age of an abandoned and obviously inoperable motor vehicle which may be turned over to a demolisher (TCA 59-1605) without title or notification procedures being involved.

CHAPTER NO. 188

Civil Defense -- Organization. Amends Chapter 6, Title 7, TCA to provide an alternative method for the organization of local civil defense units. TCA 7-618 heretofore directed each political subdivision of the State to organize its own unit. This chapter provides for consolidated units functioning for two or more entire counties.

CHAPTER NO. 192

Revenue Bonds and G. O. Bond Anticipation Certificates -- Authorized interest rates. Amends TCA 6-1309 to increase the authorized maximum

interest rate on municipal utility revenue bonds from five (5) to six (6) per cent. Amends TCA 6-1603 to authorize cities to issue general obligation bond anticipation notes at six (6) per cent for up to a two-year term.

CHAPTER NO. 193

Industrial Park Act -- Procedures validated. Ratifies and validates all actions heretofore taken under TCA 13-1301 through 13-1307. Adds a new section to TCA 13-1307 which permits the required certificate of public purpose and necessity (obtained from the Building Finance Committee of the Tennessee Industrial Development Commission) to be issued before or after the bond referendum election is held.

CHAPTER NO. 199

Tennessee State Retirement System -- Prior service credit. Amends TCA 8-3421 to eliminate deadline dates for applying for prior service credit, thus making applications in order at any time.

CHAPTER NO. 201

Solid Waste Disposal -- Authorized as county service. Authorizes counties to provide garbage and rubbish collection and disposal services, either on their own or jointly with cities, utility districts, other counties, etc. Provides for overseeing of such operations by county sanitarians. Authorizes the Commissioner of Public Health to inspect local refuse disposal operations and to render advice, information and assistance for their betterment.

CHAPTER NO. 202

Tax Returns -- Timely mailing honored. Provides that timely mailing of any tax report, claim, return, statement, remittance or other tax document shall be considered as timely filing and payment by the State and all its political subdivisions. In cases of non-receipt of materials mailed, the tax materials will be deemed filed and received if the sender produces competent evidence it was mailed and if he supplies the State or political subdivision a duplicate within ten (10) days of written notice of the non-receipt of the documents. Certified, registered, etc. mail is proof of timely filing when backed up with competent evidence that the materials mailed were the originals of the duplicate.

CHAPTER NO. 203

Gasoline Purchases -- Exemption procedure changed. Repeals the old and substitutes a new TCA 67-3703 whereby the Commissioner of Revenue may prescribe how privilege-tax-and-inspection-fee-exempt sales of gasoline and petroleum products to political subdivisions may be handled (presumably without the awkward pay-and-claim-refund procedure). Provides for a refund procedure where these taxes are paid and the gasoline or other petroleum products are subsequently sold to such exempt customers.

CHAPTER NO. 204

Military Leave, National Guard -- Extended under certain conditions. Amends TCA 8-3310 to add additional days of military leave for calls to active duty under TCA 7-106 (riots, insurrections, disasters, etc.). This leave is to be unaffected by seniority and shall have no effect on other leaves provided by law, regulation, policy or practice.

CHAPTER NO. 207

Land Surveying -- Regulated. Creates a three-man (one from each Grand Division) State Board of Examiners for Land Surveyors with staggered six-year terms to examine and license land surveyors. Annual lists of registered land surveyors are to be published. Practicing land surveying without a valid and current certificate is a misdemeanor. Exceptions to that rule are permitted, including municipal land surveyors during their terms of office, registered Tennessee engineers and a "grandfather" stipulation.

CHAPTER NO. 208

Traffic Citations -- New procedure authorized. Provides a procedure in lieu of the arrest-warrant procedure for handling violations of traffic ordinances. The officer, either personally witnessing a violation or personally investigating a traffic accident scene, when he has reasonable grounds to believe a violation has occurred, issues a citation and the cited person signs an agreement to appear and be tried on the citation. If the person cited refuses to sign the agreement, the arrest-warrant procedure is followed. If, having signed, he fails to appear, a warrant is issued. Citation procedures do not apply to DWI or to non-residents of the State.

CHAPTER NO. 215

Vocational Rehabilitation -- Program changes. Amends TCA 49-2806 to expand federal-state cooperative functions of the Division of Vocational Rehabilitation. Amends TCA 49-2811 to relax standards for vocational eligibility. Amends TCA 49-2825 to make one dollar (\$1.00) available from the Division for each thirty cents (30¢) of local money for financing local training centers (previously \$1.00 for 40¢); to add "program costs including, but not limited to, case services to trainees" to the definition of activities eligible for state expense sharing; and to authorize extra payments to local centers of not over five (5%) per cent of amounts regularly authorized in hardship cases. Amends TCA 49-2827 to provide that the amount paid into the "training centers fund" by local training centers out of their gross income shall be "not more than", rather than "at least", twenty-five (25%) per cent of their gross income, the actual reasonable amount to be determined by the State Board, but removes the previous exemption of the first \$5,000 of income from this requirement.

CHAPTER NO. 223

Riot Control -- Non-students at schools. Makes it a felony for any non-student or non-employee to enter upon the property of any school to incite or participate in a riot.

CHAPTER NO. 224

Land Surveyors -- Regulatory act repealed. Repeals TCA 62-1801 through 62-1815 and 64-2418 (which are, substantially, Chapter 110, Acts of 1967).

CHAPTER NO. 237

Electric System Tax Equivalents. Provides a new tax equivalent formula and other regulations for payments in lieu of taxes by electric systems to cities and counties where private acts, consent decrees and contracts heretofore entered into do not govern the distribution of these funds. (Special bulletins have been distributed to the municipalities involved.)

CHAPTER NO. 240

Local Privilege Tax on Motor Vehicles -- Limited. Forbids any municipality or metropolitan government from levying a privilege tax or fee (for the privilege of using the municipality's streets) on any motor vehicle owned by a person who is not a resident of the county in which the municipality is located. This act prevails over all private acts and applies regardless of the legal description of any such fee or tax.

CHAPTER NO. 241

Use of Firearms During Felony -- Further felony. Makes it an additional felony to employ firearms in the commission of, or escaping from, a felony. Additional penalty: one (1) to five (5) years for first offense; five (5) to ten (10) for second.

CHAPTER NO. 244

Industrial Development Bonds -- Interest rates. Amends Chapter 55, Acts of 1969, to eliminate that portion of Section 3 which permitted commercial paper interest rates on industrial development bonds.

CHAPTER NO. 248

Weights and Measures -- Penalties for violations. Amends TCA 71-238 to raise the penalties for violations of the weights and measures law: from \$20 to \$200 to \$100 to \$500 for the first offense; from \$50 to \$500 to \$300 to \$1,000 for the second.

CHAPTER NO. 250

Cigarette Tax -- Increased for educational purposes. Amends TCA 67-3102 to increase the tax on cigarettes from 4 mills to 6 -1/2 mills, the proceeds from which go to grades 1 - 12 in accordance with the distribution formula governing public school systems. The rate reverts to 4 mills 6/30/71. (This added about \$20 million to the minimum school program -- about \$22 per pupil. See Chapter 256.)

CHAPTER NO. 252

Search Warrants -- Execution. Amends TCA 40-507 to provide that all search warrants may be executed either in the daytime or in the nighttime.

CHAPTER NO. 254

Tennessee Law Enforcement Planning Commission -- Established. Establishes the Tennessee Law Enforcement Planning Commission consisting of the governor and six other state officials plus nine people to be appointed by the governor at least one of whom shall be a mayor, one a county judge, one a sheriff and one a police chief to: develop a long-range statewide crime and delinquency prevention program; coordinate activities in this field of interest at the state level; advise and assist local governments and citizen groups; serve as a clearinghouse for topical information; receive federal funds for these purposes and to report annually to the legislature and to the people on the status of its activities.

CHAPTER NO. 256

General Appropriations Bill -- Highlights.

Comparative appropriations of interest:

<u>ITEM</u>	<u>1967-8</u>	<u>1968-9</u>	<u>1969-70</u>
APPROPRIATIONS:			
Office of Local Government	\$81,000	\$95,000	\$135,100
Division of Property Assessments	432,000	442,000	708,100
SB of E - Reappraisal Program	2,000,000	2,000,000	5,563,000
Staff Division for Industrial Development	650,000	675,000	711,300
Office of Urban & Federal Affairs	60,000*	65,000*	108,100
Tennessee Office of Economic Opportunity	143,000	145,000	96,000
Appalachian Development Program	152,000	154,000	188,200
Economic Development Administration	30,000	30,000	101,000
Highway Safety Program			40,100
Law Enforcement Planning Commission			40,400
Law Enforcement Training Commission	142,000	151,000	169,200
Tennessee State Planning Division	642,000	692,000	781,000
State Parks Division	1,586,000	1,712,000	2,393,700
Minimum School Program	166,469,000	175,263,000	199,202,400
Textbooks	3,867,000	3,913,000	3,848,000

(cont.)

<u>ITEM</u>	<u>1967-8</u>	<u>1968-9</u>	<u>1969-70</u>
APPROPRIATIONS: (cont.)			
Capital Outlay - Public Schools	10,294,000	10,382,000	10,421,000
Area Vocational & Technical Schools	2,273,000	2,530,000	3,746,800
MTAS	139,000	154,000	164,000
Regional Libraries	477,000	499,000	604,000
Educational TV	1,126,000	1,224,000	1,270,500
Community Mental Health Program	1,093,000	1,504,000	1,452,600
Aid to Local Health Departments	2,470,000	2,596,000	2,696,400
Stream Pollution Control	153,000	160,000	115,200
Medical Assistance - Medicaid	-	-	8,302,300

*"Administration--Federal Development Programs" in 1967-8, 1968-9

CAPITAL OUTLAY:			
Community Colleges	500,000		5,000,000
Match Federal-City Sewer Grants	-	-	2,280,000

HIGHWAYS:			
Urban Program	4,100,000	4,100,000	4,091,000
Appalachia Construction	8,000,000	7,965,000	3,550,000
Local Interstate Connectors	3,000,000	3,000,000	3,000,000
State Industrial Access	1,000,000	1,000,000	1,200,000
State Interstate Connectors	5,000,000	5,000,000	-
Traffic Operation - Urban	-	-	1,769,000

AERONAUTICS COMMISSION:			
(For Matching Airport Improvement Projects)	850,000		850,000

CHAPTER NO. 257

"Campus Control" -- Interference with school activities. Makes it a misdemeanor for a person interfering with the normal activities of a public school or college to refuse to leave when asked to do so by the chief administrative officer thereof, or for a person to block normal ingress or egress to or from public school buildings. Makes it a felony to enter upon public school property to incite or participate in a breach of the peace which could reasonably be expected to result in damage to property or injury to persons.

CHAPTER NO. 258

Watershed District Bonds -- Maximum term extended. Amends TCA 70-1837 to extend the maximum term of watershed district bonds from twenty (20) to thirty (30) years.

CHAPTER NO. 267

Motor Vehicles -- Disposition of wrecked, salvaged units. Requires the owner of a motor vehicle which has been disposed of as wreckage or salvage

to deliver the certificate of title therefor to the Commissioner of Revenue, together with the manufacturer's serial plate in the case of vehicles less than five years old. No new title shall issue on these vehicles except upon application to the Commissioner and supplying the information he requires.

CHAPTER NO. 269

Property Taxes -- Special school districts. Requires property owners in special school districts created by private act to pay the taxes levied by the act.

CHAPTER NO. 272

Reapportionment, Quarterly County Courts -- Four large counties. Reapportions quarterly county courts of Davidson, Hamilton, Knox and Shelby Counties.

CHAPTER NO. 273

Privilege Taxes -- Alcoholic beverages and setups. Amends Item U, TCA 67-4102 to provide that mixing bars, country clubs, night clubs, private clubs, etc. must pay the fifteen (15%) per cent state gross receipts tax on drinks or setups sold, whether or not such sales are the principal business of the organization and whether or not the sales are legal.

CHAPTER NO. 278

Obscenity -- Sale, exhibition of material harmful to minors prohibited. Makes it unlawful to sell, loan or exhibit material considered harmful to minors (under 18). Various harmful materials are defined. Movies adequately labeled are excepted. Penalties for violations are provided.

CHAPTER NO. 281

City Courts -- Appeal time extended. Amends TCA 27-501 to lengthen the time in which appeals may be taken from judgments rendered by Justices of the Peace and/or municipal officers from two to ten days. (See Chapter 287.)

CHAPTER NO. 284

Municipal Bonds -- Open interest rates. Amends TCA 6-1309, 6-1427, 6-1430, 6-1524, 6-1616, 6-1706, 6-1711, 6-2904 and 9-1205 to permit interest rates on municipal bond issues to be determined by the governing body involved and to remove the statutory limits heretofore applicable. (Chapter 283 does the same for counties. Chapter 282 raises the statutory limit for utility district bonds from six (6%) per cent to eight (8%) per cent.)

CHAPTER NO. 287

City Courts -- Appeal time extended. Amends TCA 6-2126 to lengthen the time in which appeals may be taken from judgments rendered by a City Judge from two to ten days. (See Chapter 281.)

CHAPTER NO. 288

Motor Carriers -- Painting, marking as school busses prohibited. Amends TCA 49-2210 to prohibit all other motor carriers, for hire or otherwise, from being painted and marked as the State Board of Education designates school busses to be painted and marked.

CHAPTER NO. 290

Property Tax Assessments -- Motor carriers. Amends TCA 67-906(B) to include motor carriers who lease realty or personalty in Tennessee among those who must report to the Public Utilities Commission for tax assessment purposes. (Formerly, only owners of such property reported.) (See Chapter 327.)

CHAPTER NO. 291

Carrying Dangerous Weapons -- Penalty increased. Amends TCA 39-4901 to increase the penalty for the unauthorized carrying of dangerous weapons from fifty dollars (\$50) to not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000).

CHAPTER NO. 292

Driving While Intoxicated -- Implied consent. Establishes the doctrine of implied consent to blood and urine tests in circumstances where the officer has reasonable grounds to believe the person was driving under the influence of intoxicants or drugs. An alcohol level of fifteen-hundredths (.15%) of one per cent in the blood creates a presumption of intoxication. If permission for tests is denied, the license is suspended. Procedures for hearings before the Commissioner of Safety are prescribed. Penalties: first offense, privilege of driving or operating a motor vehicle denied for six months; second, three years; third, ten years. (Consent is implied upon application for driver's license.)

CHAPTER NO. 294

General Education Act. Provides for the distribution of the "Minimum School Program" and other educational funds reported in the General Appropriations Act (See Chapter 256). Operation and maintenance allowances remain at \$11 per pupil. The base salary for a beginning certificated teacher with a Bachelor's Degree is \$5,100 with a new provision that at least an additional \$400 per year must come from local funds so that such a beginning teacher must be paid at least \$5,500 per year. Pupil transportation allowances are unchanged.

CHAPTER NO. 295

Solid Waste Disposal -- Plenary powers vested in Tennessee Department of Public Health. Vests plenary control of all solid waste disposal operations and facilities in the Tennessee Department of Public Health. Facilities (landfills, composters, incinerators, etc.) must be approved by the Department. Operators must be registered with and approved by the Department. Departmental rules and regulations must be observed in all solid waste disposal operations. Departmental orders are enforceable in the courts. Fines for violations are prescribed. Federal aid funds in this field are to be channeled through the Department which may approve or disapprove grant and loan requests. (Regulations governing the construction of new facilities and the alteration of existing facilities are not to be effective until July 1, 1970; regulations on operation and maintenance, July 1, 1971.)

CHAPTER NO. 299

Imported Beer -- Tax collection procedures tightened. A comprehensive bill designed to tighten procedures for the collection of state taxes on out-of-state produced beer products. Gives the Tennessee Commissioner of Revenue the same license suspension and revocation powers local beer boards have to enforce state laws and regulations in this area. Changes the applicable penalties to provide progressively higher penalties for repeated offenses.

CHAPTER NO. 303

Tax Payments -- Checks, money orders legal. Authorizes all state and local officials receiving payments for taxes, licenses, fees charged, etc., to accept checks and money orders in payment therefor. Prescribes penalties for instruments accepted and subsequently not honored.

CHAPTER NO. 304

Sex Education -- Prohibited, with exceptions. Prohibits sex education in primary and secondary public schools except for courses approved by the State Board of Education and by the local school board involved, and, then, only when taught by qualified instructors as determined by the local school board. Classes in biology, physiology, health, etc. are excepted.

CHAPTER NO. 305

Relocation Costs -- State and federal aid highway projects. Authorizes the State Highway Department to give technical assistance to, and pay the reasonable relocation expenses of, persons, businesses, etc., displaced by highway projects. The Department is to act through established local governmental agencies. Procedures are described. The act creates no new element of damage in eminent domain cases.

CHAPTER NO. 306

Motion Picture Review Boards -- Authorized. Authorizes the creation of municipal motion picture review boards in counties of 200,000, or more, population. The boards are empowered to classify films and to forbid the showing of films to minors (under 18) classified as unfit for minors. Circuit, chancery and criminal courts are authorized to enjoin the presentation to minors of any such films.

CHAPTER NO. 308

Industrial Park Roads -- Expenditure of local funds authorized. Amends TCA 54-551 to authorize cities and counties to use any industrial highway, road, or street funds available to them for the construction and maintenance of industrial access roads and, generally, to clarify and liberalize the provisions of the section.

CHAPTER NO. 318

Teachers' Retirement -- Transfers from local to state system authorized. Authorizes teachers to transfer from local to the Tennessee Teachers' Retirement System when the local plan provides for such transfers and application is made within five (5) years of eligibility date. Procedures prescribed.

CHAPTER NO. 322

Modified City Manager -- Council Form -- Charter change. Amends TCA 6-3101 to authorize private acts enabling the election of all councilmen at large in cities incorporated under this form.

CHAPTER NO. 323

Magistrates -- Definition expanded. Amends TCA 38-301 to expand the definition of "magistrate" to include city or municipal judges.

CHAPTER NO. 327

Property Tax Assessments -- Motor carriers. Amends TCA 67-901 to permit the Tennessee Public Service Commission to assess property of motor carriers leased in this state. (Formerly only owned property was assessed.) (See Chapter 290.)

CHAPTER NO. 331

Professional Services -- Contracts awarded on basis of competence. Provides that contracts let by political subdivisions of the State for professional services to be rendered to them (lawyers, fiscal agents, financial advisors, educational consultants, etc.) shall not be awarded

on a competitive bid basis, but on recognized competence and integrity. Copies of fiscal agent contracts, however, must be filed with the State Director of Local Finance as must be itemized statements of charges and costs incurred in connection with each bond issue made.

CHAPTER NO. 333

Health and Educational Facilities Corporations -- Authorized. Authorizes, upon petition approved by the local governing body, the creation of a Health and Educational Facilities Board which, in turn, would be authorized to finance and build health and educational facilities (evidently hospitals and medical schools) for lease to private hospitals and educational institutions. Revenue bonds would pay for the facilities which are declared to be for a public purpose. If and when all debt is paid off and the Board's purposes are accomplished, the Board is dissolved and the clear properties revert to the municipality involved. Corporate profits, if any, go to the city. The avowed purposes of the act are to provide training opportunities for youth, to provide additional means for preserving the public health, and to provide hospitals and educational institutions an alternative method of providing such facilities. Terms are defined. Procedures are prescribed.

CHAPTER NO. 334

Motor Vehicle Registration and Licensing -- Special registration plates. Amends TCA 59-403 (replacement of lost or mutilated license plates), TCA 59-441 (special license plates for auxiliary police and voluntary firemen), TCA 59-445 (special license plates for civilian defense personnel), among other sections amended, to change the additional fee required for special license plates from one dollar (\$1) to ten dollars (\$10). Also adds a section to Chapter 4 of Title 59, TCA, to read "All special registration plates issued by act, resolution, or tradition shall not be issued to any person for less than ten dollars (\$10)." (The Motor Vehicle Division of the Department of Revenue advises that "Governmental Service" license plates, either new or replacement, will not come under the restrictions of this last provision.)

CHAPTER NO. 335

Surplus Water Revenues -- Authorized uses. Amends TCA 6-1303 and 6-1315 to make it the policy of the chapter and to permit the use of surplus water system funds, once all indebtedness is discharged, to be used for any municipal purpose. Validates prior uses of such surplus funds for such purposes where no bond covenants or contractual obligations were violated.

CHAPTER NO. 337

Miscellaneous Appropriations Act. Appropriation of interest: fifty thousand dollars (\$50,000) for improvements at the Tennessee State Fire College at Murfreesboro (reduced by the Governor from \$100,000).

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SUMMARY OF
1971 PUBLIC ACTS
OF INTEREST TO MUNICIPAL OFFICIALS

By Robert Lovelace

MUNICIPAL TECHNICAL ADVISORY SERVICE
Institute for Public Service
The University of Tennessee

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

September 1971

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FOREWORD

During the first session of the 87th General Assembly, 2,229 bills were introduced of which 299 were of varying degrees of direct municipal interest. Of these 229, 137 became law and are summarized in this report.

Among the more significant acts are: Chapter 97 which makes an additional \$31 million available to the state's matching grant program for sewage treatment plants; Chapter 100 which authorizes a 75-cent per capita state solid waste grant assistance program (scheduled to begin 7/1/72, to which date Chapter 165 postpones state regulation of pre-existing solid waste disposal facilities so that both the grant program and the state regulations will have a common effective date); Chapter 148 which removes the prohibition against levying a local sales tax where the merchandise sold is to come to rest in a county which either has no local sales tax or has one at a lower rate than the county in which it was sold (this is estimated to yield up to \$2 million in additional local sales tax revenues); Chapter 199 which taxes trailers and mobile homes as real estate; Chapter 217 which delays the scheduled consolidation of city-county assessment offices until such time as personal property within the city is carried on the county books at a level at least equal to that carried on the city's books prior to the consolidation; Chapter 270 which reduces - to 500 gallons - the minimum delivery of gasoline qualifying for the municipal gas tax exemption; and Chapter 387 which inaugurates an entirely new system of levying and collecting privilege taxes.

One notable and major trend in this year's legislation is that marking the heightened role of the State Department of Public Health in the environmental control field. Chapters 84, 108, 109, 110, 127, 164, 205, 321, 327, 362, 365, 391, and 417 all strengthen the Department's hand in dealing with environmental problems, and, more particularly, in dealing with local governments in this field. In general, local ordinances now not only have to be equal or better than state regulations in the same area, but they also have to be enforced to state standards, else the state will move in to enforce the stricter of the state or local provisions. Sewage treatment plants require permits (Chapter 164). Water and wastewater plant operators are subject to compulsory certification (Chapter 205). Local health officers must approve subdivision plats before they are recorded (Chapter 327). And the Department may override local operations in such fields as air pollution control (Chapters 84 and 365), trailer court health regulations (Chapter 109), health regulations of sewage disposal systems (Chapter 110), organized camps (Chapter 127) and in in-plant noise and air pollution constituting health hazards (Chapter 391).

Three Chapters (253, 257 and 397) have to do with special retirement provisions for policemen and firemen.

Other acts of perhaps more than usual interest are: Chapter 126 which authorizes public building authorities; Chapter 163 which comprehensively revises drug and drug abuse control procedures; Chapter 191 which provides for reimbursement of utilities for relocations required in housing and redevelopment projects; Chapter 241 which sets up a procedure for establishing new communities; Chapter 268 which authorizes central business district improvement projects; and Chapter 357 which approves off-street parking facilities as a legitimate function of an industrial development project.

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 1971 session will be available soon in a bound volume entitled "Public Acts of Tennessee, 1971"; copies may be ordered from the printer but at this time the printer has not been selected. When selected the name of the printer and the price will be announced in Tennessee Town & City, or the information may be obtained by inquiry to the Office of the Secretary of State.

Robert Lovelace
Consultant on Intergovernmental Affairs

September 1971

CHAPTER NO. 8. Volunteer Fire Departments--County appropriations authorized. Amends TCA 5-901 to permit quarterly county courts to make appropriations for volunteer fire departments which do not charge for their services, upon such terms as may be agreed to by the county court.

CHAPTER NO. 11. Pensions and Retirement--Council created. Creates a "Council on Pensions and Retirement" (composed of the two Speakers of the General Assembly, finance committee chairmen of both houses, state fiscal and retirement chiefs) to which all retirement bills introduced in General Assembly must be referred for evaluation and report.

CHAPTER NO. 13. Dangerous Weapons--Delay in purchasing modified. Amends TCA 39-4904 to provide that the 15-day delay prescribed in the procedure for the legal purchase of dangerous weapons shall not apply to dealers or to law enforcement agencies or law enforcement personnel.

CHAPTER NO. 17. Auto Stickers--Further restrictions re non-resident motorists. Amends TCA 6-742 to provide that local governments, previously prohibited from levying any "license fee or tax" on non-resident motorists, now may not collect any "regulatory fee or tax" from such non-resident motorists either. Also expands the list of purposes for which such taxes or fees may not be collected.

CHAPTER NO. 19. Property Taxes--Disabled veterans' exemptions extended. Amends TCA 67-509 to provide that \$25,000 disabled veterans' homestead exemption shall apply as well to veterans disabled in time period between Korean and Viet Nam wars.

CHAPTER NO. 21. Alcoholic Beverages--Beer Tax collecting procedures strengthened. Amends TCA 57-213 and 57-303 to provide that beer boards may suspend license of any retailer found to possess beer on which state, local beer taxes have not been paid. Burden of proof of taxes paid is on retailer. Retailer may not store beer elsewhere than on retail premises except by written permission of beer board.

CHAPTER NO. 22. Teachers' Tenure--Limited tenure status requirements tightened. Amends TCA 49-1402 and 49-1404 to provide that limited tenure teachers must continuously maintain that status and complete two years of college by September 1, 1972, to continue eligibility for this status and that they cannot regain this status in any school system in the state once they have lost it.

CHAPTER NO. 30. Advisory Committee for Local Finance--Abolished. One of several acts repealing acts which created various boards and committees which have not been active. (Chapter 34 does same for Local Government Advisory Commission.)

CHAPTER NO. 39. Sales Tax--Exemptions. Amends TCA 67-3012 to add seedlings, or plants grown from seed when sold directly to the farmer, to the sales tax-exempt list.

CHAPTER NO. 40. Law Enforcement--Governor's reward authorized for anti-police acts. Amends TCA 40-901 to permit the Governor to offer up to \$10,000 for information leading to arrest and conviction of person(s) killing, maiming, kidnapping, etc., any law enforcement officer, or conspiring to do such, while officer is engaged in performance of duties.

CHAPTER NO. 41. Reproduced Records--Admissible evidence. This "Uniform Photographic Copies of Business and Public Records as Evidence Act" is a model for adoption by all states; it provides that enlargements, facsimiles, etc., of business and public records which have been reduced for storage photographically are admissible as evidence whether or not the original has been destroyed.

CHAPTER NO. 49. Teachers' Tenure--Notice of failure of reelection or of dismissal. Amends TCA 49-1306 to substitute April 15 for "at least thirty (30) days prior to the close of the school term" as the date when teachers must be notified that they are either dismissed or have failed to be reelected (reappointed) to teaching positions for the next succeeding school year. Does not apply to teachers who reach age 70 by July 1--who are prohibited from subsequent full-time teaching appointments.

CHAPTER NO. 59. Alcoholic Beverages--Consumption on premises referenda authorized--certain counties, cities. Amends TCA 57-164 to authorize referenda on liquor by drink in counties over 235,000 population and in cities over 110,000 population.

CHAPTER NO. 69. Modified City Manager-Council Charter--Election dates. Amends TCA 6-3102 to provide that cities under this charter may, by ordinance, change municipal election date to coincide with regular general election date--first Tuesday after first Monday in November.

CHAPTER NO. 70. Alcoholic Beverages--Exemptions from prohibitions; changes in local option ballot. Amends TCA 39-2506, 2507, 2509, 2510, 2511, 2513 to exempt properly stamped liquor in amounts not to exceed one gallon from statutes prohibiting receiving, possessing, transporting intoxicating liquor where purpose is not resale of liquor. Amends TCA 57-111 to rephrase ballots to show vote for or against "retail package stores" (where that is what is being voted on) rather than "legal sale of alcoholic beverages" as previously required.

CHAPTER NO. 72. Alcoholic Beverages--Transportation by wholesalers. Amends TCA 57-140 to permit transportation of intoxicating liquor sold by one wholesaler to another in vehicles owned or leased by either.

CHAPTER NO. 78. Sales Tax--Farm equipment and machinery. Amends TCA 67-3003 to make the sales tax rate--collected, reported and remitted--one per cent on farm equipment and machinery--thus abolishing higher collections and refunds.

CHAPTER NO. 83. Local Option Sales Tax--Frequency of referenda. Amends TCA 67-3053 to permit new election on local option sales tax six months after failing election (previously one year). Does not apply in counties between 700,000--750,000 population, or between 250,000--278,000 population.

CHAPTER NO. 84. Air Pollution--Powers of State Pollution Control Board. Amends TCA 53-3415 to permit Board to make local government exemptions from state regulations (where local regulations are equal or better) partial, or limited in time, or conditional where Board thinks this best. Also permits State Board to enforce local ordinances, regulations, etc., where local government fails to do so.

CHAPTER NO. 89. Property Taxes--Certain delinquent collections barred. Amends TCA 67-1326 to strike the proviso that this section, establishing 10-year limit on collection of delinquent property taxes, will not apply to property taxes delinquent prior to April 1, 1957 (the year this section became effective). This section now applies to all delinquent property taxes.

CHAPTER NO. 93. Local Interstate Connectors--Right-of-way phase established. Amends TCA 54-575 to interpose a "right-of-way phase" of such projects between the (previously provided) engineering and construction phases. Terms, 50/50, as in other phases.

CHAPTER NO. 97. Sewage Treatment--\$31,000,000 state bonds for matching grants authorized. Authorized issuance of \$31 million in state bonds to implement TCA 53-2017 through 53-2022, the state matching grant program.

CHAPTER NO. 99. State Armories Commission--Abolished. Amends TCA 7-515, 516, 517 to abolish State Armories Commission and to vest its powers and duties in the adjutant general, with approval of the Governor.

CHAPTER NO. 100. Solid Waste Disposal--State grant program authorized. Authorizes state to pay local governments operating approved solid waste disposal facilities or systems which are regulated and controlled by Tennessee Department of Public Health under terms of Chapter 295 of Public Acts of 1969 (the "Tennessee Solid Waste Disposal Act") the sum of seventy-five cents (75¢) per capita per year. Special payment provisions made for hardship cases. (Now scheduled to become effective July 1, 1972, actual payments will be dependent upon appropriations.)

CHAPTER NO. 106. Alcoholic Beverages--Consumption of beverages or disposition of empties on school property prohibited. Amends Chapter 12, Title 39, TCA, to make consumption of alcoholic beverages on elementary or high school grounds, or to dispose of empties thereon, a misdemeanor.

CHAPTER NO. 107. Mental Health--Transportation costs of juveniles ordered examined. Amends TCA 37-249 to provide that, when a child is ordered to undergo a mental examination by a juvenile judge, the state will pay transportation costs only in cases where an offense is involved which would be a felony if the child charged were an adult; otherwise the city or county involved will bear this cost.

CHAPTER NO. 108. Air Pollution--Hearing procedures before Control Board revised. Amends TCA 53-3411, 3415, 3417 to increase the power of hearing examiners (administer oaths, subpoena witnesses, compel attendance, cross-examine, etc.) and to require determinations to be furnished petitioner in writing. Ten day appeal period changed to start from time determination is received, rather than from date it was made. Board must also approve determinations of technical secretary in writing.

CHAPTER NO. 109. Trailer Courts--Public Health Department may enforce local ordinances. Amends TCA 53-3218 to provide that the Commissioner of Public Health may enforce local health ordinances applying to trailer courts when he finds they are not being enforced locally.

CHAPTER NO. 110. Sewage Disposal Systems--Public Health Department may enforce local regulations. Amends TCA 53-2013 to provide that the Commissioner of Public Health may enforce local health ordinances applying to sewage disposal systems when he finds they are not being enforced locally.

CHAPTER NO. 113. Sales Tax--Seed sold to nurserymen exempted. Amends TCA 67-3012 to add nurserymen to those (farmers) who can buy field and garden seed without paying sales tax.

CHAPTER NO. 117. Sales Tax--Rate increased, coverage extended, local maximum rate raised. Amends nine sections of Chapter 30, Title 67, TCA, to increase state rate from three to three and one half cents; to cover occasional (non-business) sales of automobiles, boats, aircraft; to increase maximum authorized local rate from one and one-half to one and three-quarters cents.

CHAPTER NO. 123. Litter Control--New act, old section repealed. This "Litter Control Law of 1971" prohibits disposing of garbage and trash anywhere but designated places; makes driver responsible for trash thrown from vehicles; makes identifiable litter the responsibility of person identified (as in cases of persons named on envelopes, etc.); increases possible fine from \$25 to \$50; changes possible county jail or workhouse term to from one to thirty days (instead of inflexible ten); authorizes peace officers or private persons to initiate prosecutions. Repeals TCA 39-4503.

CHAPTER NO. 126. Public Building Authorities--Authorized. Permits creation of Public Building Authorities in any county, city, town, or combination (Metropolitan government of Nashville-Davidson County excepted), which are authorized to develop public buildings and facilities financed by revenue bonds and leased to the town, city or county, or combination, or to other tenants if need be. Governing body must approve petition to organize. PBA is non-profit; excess earnings, if any, are paid to the municipality involved. Cooperative maintenance and service agreements between municipality--PBA authorized. Where revenue bonds are paid off, PBA may dissolve; turn facility over to municipality. Municipalities may acquire sites for projects which may be in or out of their corporate limits.

CHAPTER NO. 127. Organized Camps--Public Health Department may enforce local ordinances. Amends TCA 53-3805 to provide that the Commissioner of Public Health may enforce local ordinances applying to organized camps when he finds they are not being enforced locally.

CHAPTER NO. 128. Teachers' Sick Leave--Maximum accumulation increased. Amends TCA 49-1314 to increase to 120 (from 80) the maximum number of sick leave days a teacher may accumulate.

CHAPTER NO. 134. Workmen's Compensation--Increased benefits, other changes. Amends Chapters 10 and 11, Title 50, TCA, to provide that weekly maximum benefit is increased from \$47 to \$50 and total benefit from \$18,000 to \$22,000. Provides unlimited medical care for two years after injury and prescribes review and control procedures. Makes \$15/week minimum benefit, up from \$12, and adds brucellosis to list of occupational diseases.

CHAPTER NO. 135. Restricted Drivers' Licenses for DWI's. Amends TCA 59-713 and 59-1035 to permit trial judge, during trial and after conviction, to allow issuance of restricted licenses to drivers charged with operating under influence of alcoholic beverages or drugs that will permit them only to drive to and from work and home.

CHAPTER NO. 136. State Food Stamp Program Created. Vests in State Welfare Department administration of food stamp program. Counties may elect to participate in program; if they so elect and are found eligible, procedures are binding. State pays 40 per cent of non-federal costs, counties 60 per cent. County tax levy to produce county's share authorized. Procedures prescribed.

CHAPTER NO. 141. Register of Historic Places--Authorized and directed. Authorizes and directs the Tennessee Historical Commission to establish a Tennessee Register of Historic Places. Cites criteria but authorizes revisions by Commission. Register to be published annually.

CHAPTER NO. 143. Sales Solicitations by Deaf--Practices prohibited. Prohibits deaf persons, or persons pretending to be deaf and/or mute, from using finger alphabet cards or printed matter stating they are deaf and/or mute in soliciting sales. Prohibits state and local governments from issuing licenses authorizing peddling these materials.

CHAPTER NO. 148. Local Sales Tax--Non-collection provision repealed. Amends TCA 67-3050 to repeal the provision that the local sales tax would not be collected in cases where merchandise came to rest in county with no, or lower, local sales tax.

CHAPTER NO. 149. Sales Tax--Certain containers exempted. Amends TCA 67-3002(C)2 to exempt bags, bottles, sacks, etc. used one time to package merchandise sold to consumer.

CHAPTER NO. 151. Sales Tax--Installation charges subject to sales tax. Amends TCA 67-3002(c)4(6) to provide that installation charges are subject to sales tax.

CHAPTER NO. 154. Public Records--Microfilming imperfect records. Amends TCA 15-506 to provide that where a marginal release or other information on old public records has faded to the point where it will not photograph, the register may verify the same in the margin before microfilming.

CHAPTER NO. 157. Motor Vehicle Registration Plates--Expiration and renewal. Amends TCA 59-404, 405 and 59-416 to provide that plates shall expire March 1 and owners will have through April 15 to get new ones. No last quarter registration will be required after March 1 of each year.

CHAPTER NO. 158. Bonds and Notes--Facsimile signatures, seals authorized. Provides that where proceedings so authorize any municipal bonds, notes, securities, etc., may be signed with facsimile signature and sealed by facsimile seal.

CHAPTER NO. 159. Nursing Homes--Sprinkler systems required. Amends TCA 53-2531 by striking old subsection 1(e) and substituting new one which requires all nursing homes, except fireproof ones, to be equipped with sprinkler systems by 1976, according to a time schedule wherein larger ones are to be so equipped by July 1, 1972, other classes at six-month intervals thereafter.

CHAPTER NO. 160. Public Transportation Systems--Powers broadened, strikes prohibited. Amends several sections of Chapter 38, Title 6, TCA, to delete requirement that fares charged by public transportation systems must be sufficient to carry their expenses; to permit local governments to subsidize public (added) or private mass transit operations; to permit local governments to vest in transit authorities power to license and regulate all forms of public transportation; to permit the franchising of public transportation operations; to provide for the protection of employees of systems affected by changes from a worsening of their positions (as required by Section 13(c) of the U. S. Urban Mass Transportation Act); to permit collective bargaining between local governments or transit authorities and transportation unions; to forbid strikes of transportation personnel and to establish compulsory arbitration procedures for the resolution of disputes not settled by bargaining.

CHAPTER NO. 162. Legal Responsibility--At 18 rather than 21. This "Legal Responsibility Act of 1971" vests in persons 18 years of age the same rights, duties and responsibilities as were heretofore vested in persons 21 years of age. Amends TCA 2-902, 23-1201, 28-107, 39-1003, 39-3706 and 57-123.

CHAPTER NO. 163. Drugs and Drug Abuse--Controlled. A comprehensive amendment to Chapters 13 and 14, Title 52, TCA, whereby controlled drugs are defined and are regulated by the Commissioner of Mental Health with agreement of the Commissioner of Public Health. Procedures for legal manufacturing, distribution and dispensing of controlled drugs prescribed. Qualitative differences in drugs are recognized in schedules and illegal traffic in the classes is punishable according to the severity of the offense. Convicted users must undergo rehabilitation programs with the time credited toward sentence; second offenses incur double penalties, as does distribution of drugs by anyone over 18 to anyone at least three years younger. Procedures are prescribed for summary seizure by law enforcement officers and for the forfeiture of controlled drugs possessed illegally.

CHAPTER NO. 164. Water Quality Control Act of 1971. Creates Water Quality Control Board with duties of establishing water quality plan and standards; promulgating rules and regulations to effect them; hearing appeals from Commissioner's (Public Health) orders; and fostering research in water use and quality. Commissioner of Public Health is to administer water quality program; bring suits (injunctions in emergencies) against violators; cooperate with higher and lower level governments to achieve desired standards; administer federal and state grant programs; report annually to Governor and General Assembly on water quality program results. Permits are required to discharge pollutants into the waters of the state except through a sewerage system. All sewage treatment plants (including existing ones, additions, etc.) require permit. Temporary permits are possible where positive steps are being taken to Commissioner's satisfaction toward the correction of plant deficiencies. Commissioner may order corrective action--on emergency basis if need be. Procedures prescribed for petitions and hearings. Appeals from the Board go to Chancery Court for Davidson County. Chapter 3 of Title 70, TCA (Stream Pollution and the Stream Pollution Control Board) is repealed.

CHAPTER NO. 165. Solid Waste Regulations--Delayed. Amends TCA 53-4307 to delay the effective date of state regulation of solid waste disposal operations and facilities from July 1, 1971, to July 1, 1972.

CHAPTER NO. 169. Alcoholic Beverages--License permitted members of certain municipal boards and commissions. Amends TCA 57-123 to exempt uncompensated appointees to municipal boards and commissions, if such bodies have nothing to do with alcoholic beverages, from the prohibition against municipal officers and employees obtaining liquor licenses.

CHAPTER NO. 174. Mobile Homes--Not subject to motor vehicle registration when assessed as real property. Amends Chapter 4, Title 59, TCA, to provide that mobile homes, house trailers, etc., assessed as real property shall not be required to be registered under motor vehicle registration laws, and that, when a mobile home, etc., is registered as a motor vehicle, the county court clerk will furnish the assessor a copy of the registration.

CHAPTER NO. 179. County Election Commission--Method of appointment. Amends TCA 2-1009 to provide that county election commissioners for majority and minority parties will be appointed by members of state board of elections representing majority and minority parties respectively.

CHAPTER NO. 183. Violations Which Offend Both State and Municipal Law--Dual prosecutions prohibited. Provides that prosecution of an offense in either a state or a municipal court where an offense is a violation of the laws of both the state and the municipality shall bar prosecution for that offense in the other court.

CHAPTER NO. 187. National Guard--Annual training leave repealed. Repeals TCA 7-146 which provided for 20 days of leave from public employment without loss of pay, rights, etc., for members of National Guard during annual field training. (This section was enacted in 1970 and apparently was repealed because it conflicts with TCA 7-117--enacted in 1933--which grants leave "without loss of pay, time or efficiency rating on all days" engaged in annual field training and in actual service when called by the governor.)

CHAPTER NO. 190. State Sales Tax--Municipal transfers of realty, etc., exempted. Amends TCA 67-4102 to exempt from state sales tax recording, rerecording, etc., of transfers of realty from or to any governmental entity. Validates transfers made previously without payment of tax.

CHAPTER NO. 191. Utility Relocations--Cost reimbursed utilities as part of housing redevelopment project costs. Provides that when utilities need to be relocated in connection with any urban renewal or redevelopment project, the municipality or housing authority will reimburse full relocation costs. Exceptions where utilities are otherwise compensated.

CHAPTER NO. 199. Mobile Homes--Assessed as real property. Provides that mobile homes attached to land (by foundations, utility connections, etc.) shall be taxed as real estate--to the owner of the land if he owns the trailer, or to the owner of the trailer if someone else owns the land. Land owner must notify assessor within 10 days of mobile home so attached to his land.

CHAPTER NO. 204. Employment Security--New option. Extensively amends Chapter 13, Title 50, TCA, the Tennessee Employment Security Law, to conform to new federal requirements, but there is only one significant change affecting municipalities. Municipalities always have had the option of participating in employment security (unemployment compensation) program (only one city--Newport--ever did, and that was brief) as a regular employment security tax-paying employer. But participation had to cover all employees--all or none. Effective January 1, 1972, municipalities may single out one select group--all hospital employees--for special coverage. This limited coverage, if chosen, is on a reimbursement basis. That is, the municipality pays back only the sum actually paid out for benefits on its behalf by the Department of Employment Security (no overhead or administrative costs are charged to the municipality).

CHAPTER NO. 205. Water and Wastewater Plant Operators--Compulsory certification. Requires water and wastewater systems to be classified by the Commissioner of Public Health and requires the operator in direct responsible charge of the system to be certified in the appropriate class by May 14, 1972. Only the operator in charge is required to be certified, but other operators are encouraged to become so. One certified operator may operate two or more small systems where appropriate. Persons certified under the former voluntary system are to be furnished certificates in appropriate class without examination. The Board will certify one operator in direct responsible charge of a plant even though he is not certificated under volunteer program when asked to do so by letter of governing body. Board (two certificated operators, one municipal person, one sanitary engineering educator, one representing Public Health Department) oversees program; Commissioner of Public Health administers it.

CHAPTER NO. 207. Compulsory Attendance--Modified. Provides that no child refused admittance to a school nearer his home having equivalent grade levels and curriculum shall be required to attend one farther away, except this act shall not apply where there are official geographic school zones and the child is assigned to a school within his zone.

CHAPTER NO. 208. Health Planning Funds--Distribution. Amends Chapter 40, Title 53, TCA, to provide distribution formula for state funds appropriated to assist area Health Planning Councils: uniformly per capita up to 25 per cent of budget of Area Health Planning Council; surplus monies redistributed at discretion of State Health Planning Council. Area councils, to be eligible, must meet State Council standards and must have cooperative agreement with Development District where one exists.

CHAPTER NO. 215. Tax-exempt Gasoline--Colored. Amends TCA 67-3702 to provide that distributor must color gasoline to satisfaction of Department of Revenue upon delivery to governmental agency and makes any use of that colored gas for non-governmental purposes a misdemeanor.

CHAPTER NO. 216. Gambling--Certain games, organizations exempted. Amends TCA 39-2033 to exempt churches, private membership organizations, etc., from statutes prohibiting gaming where they conduct bingo, lotteries, etc., in which no professional gambler participates and where there is a bonafide social relationship between natural persons involved.

CHAPTER NO. 217. Consolidation of Assessment Offices--Made conditional. Amends TCA 67-317 to eliminate the fixed date of September 1, 1972, for consolidation of city-county assessment offices, and substitutes therefor: "As soon as practicable, and in no event later than January 10 next following completion of countywide reappraisal of property in a county and establishment of an effective plan of updating of assessments for that county certified by the State Board of Equalization." The act further provides that such consolidation shall not take place until the county assessment of personal property within a municipality is at least equal to the total municipal assessment of personal property, but the municipal assessment cannot exceed the ratio of actual value prescribed by law.

CHAPTER NO. 220. School Bond Levies--Special Districts. Provides that where tax rates fixed by General Assembly for debt service in special school districts are producing special fund balances equal to twice the required annual debt service, or more, the district board may certify to the county trustee on or before September 1 of any year that lesser rate which will maintain special fund at 200 per cent of annual debt service requirement and the trustee will collect special district tax only at that lesser rate.

CHAPTER NO. 222. State Retirement System--Former employees of political subdivisions authorized to participate. Amends TCA 8-3421, 8-3503, 8-3601 to provide that a former employee of a political subdivision may participate in Tennessee State Retirement System if he worked in a class of employees eligible for coverage and if the political subdivision, in its sole discretion, and the employee make the required prior service contributions.

CHAPTER NO. 223. Sewer Users' Fee--Clarified. Amends TCA 53-2024 to correct an error in last year's act by eliminating the graded schedule of fees and leaving the correct provision--that state sewer user fees (used to repay state grants) are to be one-tenth (1/10) of the municipal sewer service charge or, in the absence of

such a charge, one-tenth (1/10) of the water bill. Also provides that municipal sewer service charge and state sewer users' fee will appear as a single charge on the utility bill.

CHAPTER NO. 224. Alcoholic Beverages--Prohibited employees grace period. Amends TCA 57-156(h) to provide that employees of liquor dispensing establishments who may be barred from such employment by reason of conviction of violation of liquor laws or violation of laws involving moral turpitude may be employed for a five-day grace period pending approval and issuance of an employment permit by Alcoholic Beverage Commission.

CHAPTER NO. 234. Motor Vehicle Violations--Additional or in lieu penalty. Amends TCA 59-1023 to provide that, at discretion of court, any person convicted of a motor vehicle violation (Chapters 8 through 10, Title 59-TCA) may be required to attend a driver education course approved by Department of Safety. This penalty may be in addition to others prescribed, or in lieu of them.

CHAPTER NO. 241. New Communities--Certification by TSPC authorized. Authorizes Tennessee State Planning Commission, upon application, to certify proposed new communities which protects territory of proposed community for five years from annexations, other incorporations, etc. Proposed community must embrace 4,000 acres or more. Evidence submitted must show developer is capable of doing it. Community may not be within five miles of city of 100,000 or more, or within two miles of city of 5,000--100,000. Annual progress reports required. TSPC, in consultation with Tennessee Municipal League, Tennessee County Services Association, Municipal Technical Advisory Service, Legislative Council Committee, to make recommendations to Governor by January 30, 1973, on governmental form and operations, etc., of new communities. (This act was drafted by TVA especially for its planning of a new city--"Timberlake"--near Vonore.)

CHAPTER NO. 242. Public Records--State Archivist examines before destruction. Authorizes State Librarian and Archivist to examine public records proposed to be destroyed by County Public Records Commission and to take into his possession for state preservation those he deems of permanent value. CPRC must give archivist 90 days' notice of intent to destroy. (CPRC serves municipalities.)

CHAPTER NO. 243. Drivers' License--Suspended if fines, costs not paid. Amends TCA 59-713(a) to provide additional cause for suspension of driver's license: "8. Has been finally convicted of any driving offense in any court and has not paid or secured any fine or costs imposed for that offense."

CHAPTER NO. 252. Teachers' Retirement--Direct payment to members of local retirement fund. Amends TCA 49-1542(a) to provide that, other provisions of the section notwithstanding, the Teachers' Retirement System, on request of managers of local retirement fund, will pay the full state annuity directly to members of local fund.

CHAPTER NO. 253. State Retirement System--Police and Firemen. Amends TCA 8-3503, 3504, 3506 to provide that political subdivisions may, by paying special accrued liability, elect to have firemen-policemen: retire at 55 with 20 years service; retire with 25 years of service regardless of age; retire with a benefit equal to $2\frac{1}{2}$ per cent of average compensation times years of service; retire due to disability after five years (was 10) of creditable service and two years of consecutive service immediately preceding disability (was five).

CHAPTER NO. 254. Teachers' Rights--Protected when government changes. Amends Chapter 13, Title 49, TCA, to provide that teachers' rights, privileges, etc., will be protected when governmental structure changes (annexation, unification, consolidation, etc.). State Commissioner of Education to see that act is implemented prior to time governmental structural change takes effect. He has power to withhold state funds for enforcement purposes. Applies to structural changes not resolved on effective date of act (May 17, 1971).

CHAPTER NO. 256. Refunding Bonds--Excepted from below par sales proviso. Amends TCA 6-925 to provide that the prohibition against selling general obligation bonds below 95 per cent of par value shall not prevent sale of refunding bonds for equal or greater principal amount when average interest rate of refunding bonds from exchange to maturity does not exceed average interest rate of old bonds from date of exchange to maturity. (Chapter 255 does same for counties.)

CHAPTER NO. 257. State Retirement System--Policemen and Firemen. Amends TCA 8-3503 and 8-3601 to strike the last sentence from 8-3503 and to add to 8-3601 a paragraph which gives political subdivisions the option of treating policemen and firemen as regular "Class A" members. Thus, cities joining the state retirement system in the future will have a choice as to whether they want their policemen and firemen to retire at 65, the regular program, or at 55 under terms of the special provisions for policemen, firemen. (Background: A faulty amendment in 1969 was meant to give this same choice to all cities participating in the state system, but failed to do so. In fact, the amendment did the opposite of what it meant to do, and, in fact, made the early retirement program--at 55--for policemen and firemen mandatory upon all cities then participating in the state system. These cities still have no choice. They must continue the early retirement program for their policemen, firemen. This act applies only to cities joining the state system after June 30, 1971.)

CHAPTER NO. 258. Sales Tax--Exemptions. Amends TCA 67-3012 to exempt aircraft parts and supplies used exclusively on planes in interstate and international commerce.

CHAPTER NO. 259. Municipal Recovery and Post War Aid Act of 1945--Central business district improvement projects authorized. Amends TCA 6-1602 to add "improvements made pursuant to a plan of improvement for a central business improvement district created pursuant to the Central Business Improvement District Act of 1971" to the list of authorized projects. Also amends TCA 6-1626 to provide that, if the city issues any bonds in connection with such a CBD project and the bonds are not retired through revenues, the city may levy and collect assessments as authorized in the cited act to reimburse the city treasury for amounts paid out in principal and interest on such CBD improvement project bonds. (See Chapter 268).

CHAPTER NO. 260. Fringe Incorporations--Waiting period waived in certain cases. Amends TCA 6-105 and 6-1803 to provide that, when a new municipal incorporation is proposed which is within the distances (5 miles of an existing city of 100,000 or more; 2 miles of a city of 5,000--100,000) which call for a 15-month delay in the proceedings during which time the central city involved may annex enough of the people or territory involved to abort the new incorporation, but the central city disclaims any interest in the territory or the people by adopting a resolution to that effect by a two-thirds majority vote of its governing body, then the incorporation proceedings may go ahead without the prescribed waiting period.

CHAPTER NO. 262. Access Improvements--Funds from sales of surplus state land available. Puts funds derived from sales of surplus state lands in a special fund from which local governments may secure 20-year loans to implement access improvement projects servicing the lands sold. Department of Highways must approve projects. State treasurer notifies chief administrative officer of local government involved when such funds become available. Local official must signify intent to use funds within 120 days of receiving such notice; formal loan request must follow within 18 months. Required "access improvement plan" must complement state highway system and political subdivision must agree to "constructing a portion of the plan." Interest rate on loans one-half per cent higher than BOND BUYER'S 20 Bond Index.

CHAPTER NO. 266. Air Pollution--Control of certain pollution sources local. Amends TCA 53-3422 to give local governments exclusive jurisdiction over emission control programs relative to cotton gins, sawmills and lumber operations. (Became law without Governor's approval.)

CHAPTER NO. 267. Driver's Licenses--Acceptable in lieu of bail. Amends Chapter 7, Title 59, TCA, to provide that, when a municipality so provides by ordinance, a driver cited or arrested for a violation of a municipal traffic ordinance (except DWI or leaving scene) may deposit his driver's license to insure his appearance before court. Court issues receipt which serves as interim license. In case of non-appearance, license is forwarded to Department of Safety but is not returned until municipal case is settled.

CHAPTER NO. 268. Central Business Improvement Districts--Authorized. This "Central Business Improvement District Act of 1971" (the title, alone, is more than a page of fine print!) allows for the creation by ordinance of special downtown improvements districts the costs of which may be assessed, in whole or in part, against benefited properties. Projects may be initiated by petition of owners representing two-thirds of assessed value, or by governing body where its action is not opposed, in writing, by owners of a majority of the property affected. A "board of assessment commissioners"--none of whom has anything to do with the project--fixes individual assessments as well as damages to properties injured or taken. Public hearings prescribed on formation of district and on levying of assessment, and publication of damage schedules. Special service charges authorized, when necessary, within district. Bond issues to finance improvements authorized under "Municipal Recovery and Post War Aid Act of 1945." Governing body decides whether municipal properties affected are to be assessed and what part of costs, if any, general funds will bear. Special assessments levied limited to 15 per cent of assessed value (land and improvements) of property affected; city pays difference. District may be part of urban renewal project.

CHAPTER NO. 270. Gas Tax--Minimum delivery for municipal exemption reduced. Amends TCA 67-3701 to reduce from 5,000 gallons to 500 gallons the amount of gasoline a city must take delivery upon at one time to qualify for the municipal exemption.

CHAPTER NO. 273. Commission-Manager Charter--Election date. Amends TCA 6-2002 to permit board of commissioners to fix date of municipal elections, provided date fixed falls within 90 days of anniversary of first election.

CHAPTER NO. 274. Mobile Homes--Definition changed. Amends TCA 59-105 to delete reference to "owner's land" (so that trailers and mobile homes permanently attached to any land may be taxed as real property). See Chapter 199.

CHAPTER NO. 279. Teachers' Retirement System--Payment method in certain local funds. Amends TCA 49-1542 to require a local board of trustees to pay retired members directly whatever annuities are provided for them, in home rule municipalities where the board is not the board of education or does not include any member of the board of education (was drafted by persons representing retired teachers from the Knoxville school system, and probably applies only to Knoxville).

CHAPTER NO. 284. Law Enforcement--Governor's reward authorized for acts against firemen. Amends Chapter 40 of Public Acts of 1971 to authorize governor to offer reward for capture and conviction of anyone killing, etc., firemen in line of duty.

CHAPTER NO. 290. Rabies Control--Cats must be vaccinated. Amends TCA 53-902, 904 to provide that cats, too, must be vaccinated against rabies and that counties with a (dog) registration fee of over \$1 shall provide dog and cat vaccinations without charge.

CHAPTER NO. 292. County Equalization Boards--To furnish notice of decisions, appeal procedures to owners. Amends TCA 67-809 to provide that county equalization board shall notify each property owner heard of its final decision in his case and of procedure for appeal to State Board.

CHAPTER NO. 293. State Board of Equalization--Deadline for appeals. Amends TCA 67-821 to provide that appeals to State Board of Equalization shall be made on or before August 1.

CHAPTER NO. 304. Industrial Development Corporations, Projects--Pollution control facilities added. Amends TCA 6-2801, 2802 to define and include pollution control facilities (water, air, noise, general environment) among projects authorized for industrial development corporations. Also amends TCA 6-2811 to perfect and ratify actions taken, bonds sold.)

CHAPTER NO. 306. Withdrawal Deadline--Candidates for municipal office. Amends TCA 2-1209 to provide that candidate for municipal office must file withdrawal request by 12 noon, prevailing time, of seventh day after qualification, except that, where municipal election is held in conjunction with primary or general election, regulations governing withdrawals from those elections will prevail.

CHAPTER NO. 321. Air Pollution--State may join civil suits. Amends TCA 53-3412 to provide that "Tennessee Air Pollution Regulatory Agency" may join, at its discretion, any civil suit (relative to air pollution) brought by any party.

CHAPTER NO. 322. Air Pollution--Records of hearings available. Amends TCA 53-3415 to provide that anyone, upon payment of regular charges, can get copies of proceedings of hearings before State Air Pollution Control Board, except where record contains secret formulae, processes, methods.

CHAPTER NO. 326. Teachers' Retirement--Benefits increased yearly. Amends TCA 49-1561 to provide for annual increases in benefits up to stated maximum (30% of June, 1969, benefit). Adds disability retirements to this section.

CHAPTER NO. 327. Recording of Plats--Approval of health officer required. Amends TCA 53-2011 to require approval of local health officer or Commissioner of Public Health before county register can record subdivision plat.

CHAPTER NO. 328. Moving Traffic Violation--\$2 additional penalty upon plea of guilty. Amends TCA 59-1043 to make \$2 additional penalty apply as well to drivers who plead guilty or submit to fines for moving traffic violations. (Formerly applied only to convicted drivers.)

CHAPTER NO. 330. Teachers' Retirement System--Benefits in interrupted service. Amends TCA 49-1549 to provide that when a teacher over 50 comes out of disability retirement and then fails to complete three years of service after restoration, the annuity after subsequent retirement will not exceed annuity before restoration.

CHAPTER NO. 331. Teachers' Retirement System--Survivors' benefits. Amends TCA 49-1552 to provide that, where a teacher has elected options which benefit a survivor, and the teacher was drawing a supplement when he died, the beneficiary, in addition to benefits due, will also get 50 per cent of the supplement.

CHAPTER NO. 333. Courts, Boards, Commissions--Proceedings delayed when key people are members of General Assembly. Requires courts and boards and commissions authorized to hold hearings to delay such when attorney, party, or material witness involved is member of General Assembly and his appearance at court, etc., would require him to be absent from General Assembly session or session of legislative committee of which he is member.

CHAPTER NO. 334. General Audience Films--Protected against rated previews. Prohibits theatres showing previews of movies with restricted ratings within 30 minutes before or after showing film for general audience.

CHAPTER NO. 337. Recordation of Maps, Etc.--Must be clear, accurate. Amends TCA 64-2418 to provide that county register will not accept for recordation any map, plat, or survey unless words and figures and other information are clear enough for reduction and/or reproduction.

CHAPTER NO. 341. County Election Commissions--Location of offices. Amends TCA 2-306 to permit county election commissions to have offices in places other than the county courthouse as commissions may designate.

CHAPTER NO. 354. License Examinations--No limit on attempts to pass. Provides that no state agency which issues licenses or certifications shall limit the number of times an applicant, otherwise qualified, takes examination.

CHAPTER NO. 357. Industrial Development Corporations--"Projects" redefined. Amends TCA 6-2801 to include "off-street parking facilities" in list of authorized projects.

CHAPTER NO. 362. Air Pollution--Changes in state organization, duties. Amends Chapter 34, Title 53, TCA, in several particulars: changes name from "Tennessee Air Pollution Control Act" to "Tennessee Air Quality Act"; inserts the words "or Department" after the word "Board" in several sections--thus authorizing Commissioner of Public Health to take initiative himself in some fields which heretofore required Board action (as, for example, in initiating suits); redefines duties of Board and of Department, with Department to encourage political subdivisions to have their own programs and to extend technical assistance to them in their efforts along those lines; authorizes Commissioner to initiate alert and emergency action plan to implement it; authorizes Commissioner to use district attorneys in prosecuting suits; authorizes control of weight of materials entering process as additional

means of implementing emission standards for stationary sources and of insuring appropriate ambient air quality standard in area.

CHAPTER NO. 365. Air Pollution--Local versus state controls. Amends TCA 53-3422 to provide that cities or counties may have their own air pollution control ordinances, but they must be equal to state standards, and they must be enforced, and the local government must apply to the State Air Pollution Control Board for an exemption from state regulations. If standards are not met, exemption may be terminated. Exemptions already granted remain in effect until a determination is made that they do not equal state standards or are not being enforced. Repeals existing TCA 53-3422 which exempted local programs in effect May 24, 1967.

CHAPTER NO. 367. Obscene Material--Injunction, hearing procedure revised. Amends TCA 39-3003 to strike the provision for a hearing two days after joinder of issues when a temporary injunction is issued and rendering a decision on whether material is obscene at the hearing, and substitute the following: a person enjoined will answer within a period of not more than 60 days, as set by the court; adversary hearing will be held within two days after joinder of issues; court gives decision at conclusion of hearing or within two days thereafter whether or not material is obscene.

CHAPTER NO. 368. Obscene Material--Injunction, hearing procedure revised. Chapter 367, above, has to do with knowingly selling, distributing or exhibiting obscene material. Chapter 368 amends TCA 39-1015, having to do with loaning or selling pornographic material to children, to the same effect.

CHAPTER NO. 369. Junkyard Control--Administering department changed. Amends Chapter 23, Title 54, TCA, to vest responsibility for administering "The Junkyard Control Act of 1967" from the Department of Highways to the Department of Safety.

CHAPTER NO. 370. Apartment--Redefined. Amends TCA 64-2702 to redefine "apartment" to include several variations in current construction practice (e.g. rooms not necessarily all on one floor; structure may be separate free-standing building of one or more floors, etc.). Revises "Horizontal Property Act."

CHAPTER NO. 371. Interstate Library Compact--Adopted. Adopts "Interstate Library Compact" whereby Tennessee libraries, under contract approved by attorney general, may enter into library service agreements with libraries in other party states. Interstate library districts have own boards. Procedures prescribed.

CHAPTER NO. 374. Teachers' Retirement--Substitute service by retirees. Amends TCA 49-1549(2) to provide that state regulations (retired teacher under 70 may, under certain terms, teach as substitute up to 90 days without loss or discontinuance of benefits) shall also apply to local systems and, where two-thirds of local board of education approves, notwithstanding charter provisions to the contrary.

CHAPTER NO. 378. Municipal Elections--Time of filing qualifying petition. Amends TCA 2-1206 to provide that nominating petitions will be filed 60 days before election (instead of 45) except where municipal election is held in conjunction with primary or general election--when rules of those elections will apply.

CHAPTER NO. 385. Law Enforcement Planning Commission--Enlarged. Amends TCA 38-1001 to increase number of members of LEPC from nine to fourteen and to provide that one shall be a criminal court judge, one a juvenile court judge, and three private citizens.

CHAPTER NO. 387. Privilege Taxes--Comprehensive revision. Repeals extensive parts of Chapter 2, Title 57, and parts of Chapters 41, 42, 46, 47, 48, 49, 50 and 51, Title 67, TCA, and amends TCA 8-2126, to establish a new method of collecting privilege taxes (basically, a minimum charge plus a percentage of gross receipts). Merchandisers and businesses are classified into seven classes, the last three of which (banks and insurance companies, food wholesalers, other wholesalers) are taxable exclusively by the state; the others by cities and counties. Varying percentage rates of taxation apply to the different classes. Staggered schedules of tax due dates are specified, by class. Procedures prescribed. (Special information has already been furnished on this act.)

CHAPTER NO. 389. Safety Glass--Required in "hazardous locations." Requires that glass doors, sliding glass doors, fixed glazed panels adjacent to exits and entrances, shower doors, etc., in public, commercial, residential construction shall be safety glass (up to ANSI Standard 2-97.1-1966).

CHAPTER NO. 391. Air, Noise Pollution--In-plant hazards subject to control of Commissioner of Public Health. Amends TCA 50-403 to vest in Commissioner of Public Health power to regulate in-plant noise, air pollution constituting health hazards.

CHAPTER NO. 397. Fire, Police Retirement--Local systems may increase benefits. Provides that municipalities with retirement systems (not state) not tied in with Social Security may provide for increased benefits for firemen, policemen, and their survivors. Once adopted, benefits are permanent and may not be repealed. Establishes minimum retirement allowances for employees with 25 years of service and 50 years old at two per cent of highest monthly salary times years of service up to 30 years, and not less than 50 per cent nor more than 60 per cent of highest monthly salary. Also provides cost of living increase in benefits beginning two years after retirement, with increase based on consumer price index. Same benefits go to survivor or beneficiary.

CHAPTER NO. 403. Installment Bonds--Authorized in lieu of serial bonds. Authorizes political subdivisions to issue installment bonds, without coupons, payable in installments corresponding to the maturities of serial bonds. At request of holder, installment bonds may be exchanged for serial bonds with costs assessed to holder or municipality at municipality's option. Installment bond entitled to same benefits as serial bonds.

CHAPTER NO. 407. Mobile Homes--Unpaid taxes not lien on non-owner's land. Amends Chapter 199 of the Public Acts of 1971 (above) to provide that when mobile homes are assessed as real estate against the owner of the mobile home--and not against the owner of the land--any unpaid taxes shall not be a lien upon the land.

CHAPTER NO. 409. Teachers' Retirement System--Direct payment of state annuities to retired members of local funds authorized. Amends TCA 49-1542 to provide that, charter provisions or other laws notwithstanding, local governing bodies of political subdivisions having a local retirement system may, by ordinance or resolution, authorize the board of trustees to pay directly to retired members whatever state annuities are provided for them. Once adopted, this provision is permanent and may not be repealed to the detriment of any retired member.

CHAPTER NO. 415. Teachers' Retirement System--Members of local funds may choose optional retirement allowances. Amends TCA 49-1542, 1553 to provide that members of local systems may choose among state system's alternative retirement allowance provisions, other provisions notwithstanding.

CHAPTER NO. 417. Health Officers--May be indemnified. Amends Chapter 1, Title 53, TCA, to provide that State Commissioner of Finance and Administration, upon approval of Fiscal Review Committee, may procure indemnity insurance protecting state, county, municipal health officers against acts of commission or omission.

CHAPTER NO. 420. Annexation--supplemental procedures authorized. Initially drafted to apply to all municipalities over 100,000 in population, the final act was amended to exclude (by population categories) Shelby and Knox Counties, thus leaving it effective only as to Chattanooga and Nashville's urban services district. Supplemental procedure empowers the annexing municipality to allocate parts of the property tax rate to specific municipal services, and to levy in an annexed area only those parts of the tax rate which reflect municipal services actually provided in the annexed area. If this supplemental authority is used, the act requires that sanitary sewers be provided in the annexed area within 36 months after ad valorem taxes become due.

CHAPTER NO. 421. Teachers' Leave, Substitutes' Payment--Revised. Amends TCA 49-1314 to provide that State Board of Education shall adopt rules and regulations governing teachers' sick, personal, professional leave; prescribes one day of sick leave per month employed, up to 120 days maximum accumulation, and one day of personal, professional leave for each half-year employed (not cumulative). All substitutes are to be paid by board of education involved.

CHAPTER NO. 422. State Retirement System--Regional library employees eligible. Amends TCA 8-3601 to provide that regional library boards may bring their employees into state retirement system. Procedures prescribed.

CHAPTER NO. 424. Real Property Assessments--May be changed when ownership changes. Amends TCA 67-603 to strike the restriction that changes in assessed value of real estate shall not be made when ownership of entire real estate changes hands.

CHAPTER NO. 427. \$25,000,000 Highway Bonds--Authorized. Authorizes \$25 million highway bonds: \$5 million for interstates; \$8 million for Appalachia; \$2 million for urban construction system; \$10 million for state primary system.

CHAPTER NO. 431. Scenic Highways--System authorized. Authorizes General Assembly to designate system of Scenic Highways to be marked, maintained and provided refuse disposal service by Highway Department. Conservation Department and Planning Commission to promote, coordinate benefits of scenic system in tourism. Junkyards, advertising restricted along routes; existing structures or junkyards to be abated in three years. Applies to sections of state and federal thoroughfares "by-passed and essentially abandoned by the main flow of traffic." One section designated in Hamilton and Marion Counties. (Became law without Governor's signature.)

CHAPTER NO. 434. Real Property Assessments--Banks and other corporations. Amends TCA 67-717 to provide that realty and personalty of banks, etc., shall be assessed as other property, but that, when value of shares of assessable stock is computed, the value of realty and personalty directly assessed shall be deducted from value of shares and the difference shall be the assessed value of shares. Deduction applies to all directly assessed corporate property--realty and personalty --whether owned directly or indirectly through another entity or entities.

CHAPTER NO. 439. General Education Act. Provides for the distribution of the "Minimum School Program" and other educational funds reported in the General Appropriations Act (See Chapter 440, below). Operation and maintenance allowance

remains at \$11 per pupil. The base salary for a beginning certificated teacher with a bachelor's degree is \$5,500 (\$5,100 in 1969-70) and local systems must add to it at least \$500 (\$400 in 1969-70) so that such a beginning teacher must be paid at least \$6,000 per year. Authorized \$1.7 million for kindergartens (Governor recommended \$17 million). Pupil transportation allowances are unchanged.

CHAPTER NO. 440. General Appropriations Bill--Comparative appropriations of interest.

<u>ITEM</u>	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>
Office of Local Government	\$ 135,100	\$ 142,200	\$ 166,900
Division of Property Assessments	871,100	727,400	975,600
Reappraisal Program	5,400,000	1,250,000	4,500,000
*Office of Urban & Federal Affairs	134,100	152,200	167,700
*Law Enforcement Planning Commission	40,400	40,400	45,500
Law Enforcement Training Academy	169,200	172,200	175,500
*Planning Division (TSPC)	781,000	832,500	875,800
*Division of Parks	2,393,700	2,881,100	3,055,500
*Education, Grades 1-12			
Minimum Program	199,402,400	205,956,500	224,540,200
Capital Outlay	10,421,000	10,455,000	10,500,000
Textbooks	3,848,000	3,861,000	4,725,000
Driver Education	311,000	320,000	339,900
Kindergarten Program			1,681,900
*Area Vocational & Technical Schools	3,746,800	4,336,400	6,100,300
*MTAS	164,000	164,000	164,000
*Regional Libraries	560,800	616,000	1,172,500
Public Libraries	56,600	59,700	61,500
Educational TV	1,220,500	1,285,900	1,438,400
*Community Mental Health Program	1,452,600	2,112,500	2,657,000
*Aid to Local Health Departments	2,696,400	2,872,900	3,258,200
*Medicaid	6,259,000	9,148,600	11,380,600
*Model Cities Coordination	20,000	20,000	
State Industrial Access Roads	675,000	907,000	1,500,000
Local Interstate Connections	2,292,500	2,174,000	3,000,000
*Traffic Operation--Urban	1,666,500	1,666,000	865,000
Matching Federal-City Sewer Grants	2,280,000	15,800,000	31,000,000
Aeronautics Commission	1,032,000	1,040,000	1,145,100

*Federal funds or departmental revenues also available.

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