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SUMMARY OF

1970 PUBLIC ACTS

OF INTEREST TO MUNICIPAL OFFICIALS

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MUNICIPAL TECHNICAL ADVISORY SERVICE

Division of University Extension

The University of Tennessee

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F O R E W O R D

During the second session of the 86th General Assembly, 54 bills directly affecting municipal interest were passed and became law. Those bills are summarized in this report. Users of this summary are cautioned that any legal or advisory action should not be based on the material herein, but rather 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 1970 session will be available soon in a bound volume entitled "Public Acts of Tennessee, 1970," which may be purchased from the Rich Printing Company, Nashville. The purpose of this summary is simply to furnish very generalized information on the broad nature of the acts reviewed.

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May 1970

CHAPTER NO. 344

Education--Suspension of pupils. Amends TCA 49-1309 to make the commission of certain specified acts good and sufficient reason for suspension of the offending pupils.

CHAPTER NO. 345

Motor Vehicles--Crash bars on motor cycles. Amends TCA 59-933 to make an exception to the requirement of crash bars if the cycle engine has a displacement of less than or equal to 750 cubic centimeters or 45.75 cubic inches and the operator is 21 years of age or older.

CHAPTER NO. 356

Tennessee Hazardous Substances Act. A comprehensive Act to regulate the distribution and sale of hazardous substances intended or suitable for use by the public. The Act repeals TCA 53-3701 through 53-3711, which is known as the Tennessee Hazardous Substances Labeling Act.

CHAPTER NO. 359

Motor Vehicles--Headlights. Amends TCA 59-909 to require headlights to be displayed $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise and during fog, smoke, rain, or other similar conditions when visibility is limited to less than 200 feet.

CHAPTER NO. 362

Crime Prevention--Bureau of Criminal Identification. Amends TCA 38-502 to authorize investigations by the Bureau of Criminal Identification of all organized crime and that where any investigation is undertaken in a particular locality notification shall be given to local law enforcement authorities.

CHAPTER NO. 365

Motor Vehicles--Operator's or chauffeur's license. Act provides that every judge having jurisdiction over state and municipal laws regulating the operation of motor vehicles on highways can require any person brought before him for an alleged violation to submit to a re-examination by the Department of Safety if he has good reason to believe the person is a hazard to the driving public; however, the person's license cannot be withheld or suspended pending the re-examination.

CHAPTER NO. 368

Motor Vehicles--Mandatory revocation of license. Amends TCA 59-712 (5) to authorize the mandatory revocation of a person's license for the wilful making of a false statement as to the ownership or operation of a motor vehicle.

CHAPTER NO. 382

Wholesale Beer Tax--Authority to levy a smaller or no tax. Repeals TCA 57-304 so that local governments can no longer levy a wholesale beer tax of less than 17%.

CHAPTER NO. 385

Privilege Taxes--Restaurants. Amends TCA 67-4203, Item 92 to exempt persons who prepare and serve food in public or private schools from payment of a privilege tax.

CHAPTER NO. 390

Sales Tax--Definitions. Amends TCA 67-3002(c)4.(2) to exclude from the definition of "retail sale" the parking services provided by the state or its political subdivisions where charges are collected by parking meters so as to make such charges non-taxable.

CHAPTER NO. 391

Convicts--Prison work. Amends TCA 41-326 to provide for other work to be performed by convicts in connection with the operation of the state government or its political subdivisions.

CHAPTER NO. 402

Sales Tax--Collection and payment by retailers. Amends TCA 67-3020 to provide for the collection of the sales tax by the retailer so far as practical.

CHAPTER NO. 410

Purchasing. Act authorizes the Department of Standards and Purchases to purchase supplies and equipment for and upon request and at the cost of local government.

CHAPTER NO. 418

Education--General Education Act of 1969. Act amends the General Education Act of 1969, chapter 294, section 8, sub-section 2, to require that persons paid from public funds or employed in an equalizing city school system shall be recommended by the local superintendent of schools and elected by the local board of education.

CHAPTER NO. 426

Charters--Incorporation under the general law. Amends TCA 6-102 to require that a description of the proposed corporate boundaries be attached to an

application for incorporation. Amends TCA 6-115 to provide that the legality of the incorporation shall not be collaterally questioned. Amends TCA 6-122 to provide that the charter under the general law shall be contained in Title 6, chapters 1 to 17, inclusive, that an election to incorporate under the general law shall be held if requested by resolution of the governing body or by petition of 20% of the registered voters of the municipality, and that the resolution or petition may divide the municipality into wards. Amends TCA 6-128 to require that candidates for mayor or aldermen shall have resided within the municipality or ward for at least one year preceding the election and that residence within any area annexed in a year preceding an election shall be counted. Amends TCA 6-130 to provide that either an authorized officer or the mayor shall induct the aldermen into office. Amends TCA 6-131 to provide for a vice-mayor and for the filling of a vacancy in the office of alderman by majority voice vote on roll call of the aldermen and to provide for a run-off election of mayor or alderman in case of a tie in accordance with ordinance requirements. Amends TCA 6-132 to give the mayor a vote on all matters to come before the mayor and board of aldermen and to delete his veto and approval powers. Amends TCA 6-213 to require one publication of ordinances before their effective date and codification once every ten years. Amends TCA 6-214 by deleting maximum compensation for members of the governing body. Amends TCA 6-804 to omit requirement of publication of audits in a newspaper published in the corporation if there is one. Repeals TCA 6-119, 6-126, 6-503, 6-504, 6-506, 6-507, and 6-701.

CHAPTER NO. 427

Motor Vehicles--Driving under the influence of an intoxicant. Repeals TCA 59-1032 and 59-1033. Amends TCA 59-1044 through 59-1047 to make breath specimens acceptable chemical tests to determine the alcohol or drug content of the blood; to provide that any law enforcement officer may request a person arrested for driving under the influence to submit to a test for intoxication; to provide that the results of a test or the failure of a law enforcement officer to request a test shall be admissible as evidence in a criminal proceeding; and to provide for a presumption of intoxication if a chemical test shows ten hundredths of one per cent by weight of alcohol in defendant's blood.

CHAPTER NO. 429

Finance--Municipal bonds. Amends TCA 6-917 by repealing the 6% interest limit on general obligation bonds. Amends TCA 6-925 to provide for the sale of general obligation bonds at not less than 98% of par value and the notice of public sale shall set forth the maximum interest rate, the maximum discount, and the basis upon which the bonds will be issued. Amends TCA 6-1432 by repealing the 6% interest limit on water and sewer bonds. Amends TCA 6-1603(q) by repealing the 6% interest limit on refunding bonds. Amends TCA 6-1603(t)(1) by repealing the 6% interest limit on bond anticipation notes. Amends TCA 6-1617 by repealing the clause prohibiting the sale of bonds at less than par value and accrued interest. Amends TCA 9-1208 to provide that municipalities can sell refunding bonds publicly or privately at the discretion of the governing bodies.

CHAPTER NO. 433

Mobile Homes and House Trailers--Definition. Amends TCA 59-105(d) to allow a change in the definition of a mobile home or house trailer only when it becomes attached to the owner's land.

CHAPTER NO. 469

Intoxicating Liquors--Local option. Amends TCA 57-140 to authorize the location of liquor stores in shopping centers provided the main entrances to the stores open onto the parking areas. Amends TCA 57-142(5) and (6) to provide business hours of liquor stores between 8:00 A.M. and 11:00 P.M., Monday through Saturday, closed on Thanksgiving and Christmas Days and between 1:00 A.M. and 10:00 P.M. on municipal or special election days.

CHAPTER NO. 472

Public Works--Post war public works projects. Amends TCA 6-1602(e) to define "urban transit facilities" as being all property needed to provide public passenger transportation whether owned and operated or owned and leased by the municipality; also authorizes the contribution of municipal money, property, and services to any public agency engaged in urban renewal projects in the municipality.

CHAPTER NO. 473

Mobile Homes and House Trailers--Disposition of registration funds. Amends TCA 59-607 to provide that 95% of the registration taxes imposed by the state on mobile homes and house trailers will be allocated to the county and municipality where collected; however, all fees and penalties collected by the department of revenue as a result of assessments and/or citations shall be allocated to the state.

CHAPTER NO. 474

Education--Public schools. Act provides that no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin in order to obtain equality in attendance.

CHAPTER NO. 476

Elections--Absentee voting. Amends TCA 2-1610 to permit the county election commission or county primary election commission to serve as the absentee ballot counting board where it is determined that there are less than 100 absentee ballots to be counted.

CHAPTER NO. 482

Eminent Domain--Damages. Amends TCA 23-1414 to provide that damages where property is condemned shall include the cost of amortizing the principal

balance outstanding against the property at date of condemnation for the remaining term of the mortgage at an interest rate not to exceed 9%.

CHAPTER NO. 483

Taxes--Levy of ad valorem taxes. Act provides that where a municipality increases the ratio of assessment to actual value of property over the preceding year, then before the governing body can adopt an annual budget and tax rate, both the budget document and the resolution setting the tax rate shall state the rate which is necessary to raise approximately the same amount of dollars which would have been raised had the same ratio of assessment to actual value remained as in the preceding year, and in the event a higher rate is set, then this additional rate shall be set out indicating the intent to increase tax revenues from this source.

CHAPTER NO. 484

Public Buildings--Construction. Act requires that all public buildings be constructed so as to be accessible to and functional for persons who are physically handicapped.

CHAPTER NO. 489

Education--General Education Act of 1970. Act provides for the distribution of the "Minimum School Program" and other educational funds reported in the General Appropriations Act (See chapter 512). Operation and maintenance allowances remain at \$11 per pupil. The base salary for a beginning certificated teacher with a Bachelor's Degree is \$5,300 per year and for a certificated teacher, principal-teacher, or superintendent with a Bachelor's Degree and 15 or more years of experience is \$6,050 per year with a provision that in order for the county, municipality, or special school district to be eligible to receive State Equalizing Funds an additional \$500 per year must be paid from local funds to each certificated teacher, principal-teacher, or superintendent. Pupil transportation allowances are unchanged.

CHAPTER NO. 491

Education--Transportation of school children. Amends TCA 49-2201 to prohibit the use of school transportation facilities to achieve racial balance in schools.

CHAPTER NO. 497

Education--Consolidated Board of Education. Amends TCA 49-420 to provide for a five or seven member board of education.

CHAPTER NO. 498

Animals--Rabid dogs. Repeals TCA 39-417 which prohibited the keeping of a dog which has been bitten by a rabid dog and permitted the killing of such a dog within six hours after notification of the fact.

CHAPTER NO. 502

Education--Retirement annuity. Amends TCA 49-1542 to provide that where a municipality is prohibited from paying the State annuity to retired local members, then the State shall pay it directly to such members in addition to what they otherwise were entitled by law to receive.

CHAPTER NO. 511

Education--Joint educational facilities and services. Repeals TCA 49-410 through 49-414 and authorizes cooperation among local governmental units to provide educational facilities and services by agreement.

CHAPTER NO. 512

General Appropriations Bill--Highlights. Comparative appropriations of interest:

<u>ITEM</u>	<u>1968-69</u>	<u>1969-70</u>	<u>1970-71</u>
Office of Local Government	\$ 74,648	\$ 135,100	\$ 142,200
Division of Property Assessments	598,385	871,100	727,400
Reappraisal Program	2,000,000	5,400,000	1,250,000
*Office of Urban & Federal Affairs	80,328	134,100	152,200
*Law Enforcement Planning Commission	20,046	40,400	40,400
Law Enforcement Training Academy	137,221	169,200	172,200
*Planning Division (TSPC)	692,000	781,000	832,500
*Division of Parks	1,320,282	2,393,700	2,881,100
*Education, Grades 1-12			
Minimum Program	172,204,681	199,402,400	205,956,500
Capital Outlay	10,382,000	10,421,000	10,455,000
Textbooks	3,815,931	3,848,000	3,861,000
Driver Education	313,735	311,000	320,000
*Area Vocational & Technical Schools	2,530,000	3,746,800	4,336,400
*MTAS	154,000	164,000	164,000
*Regional Libraries	498,999	560,800	616,000
Public Libraries	51,821	56,600	59,700
Educational TV	1,074,000	1,220,500	1,285,900
*Community Mental Health Program	973,370	1,452,600	2,112,500
*Aid to Local Health Departments	2,413,099	2,696,400	2,872,900
*Medicaid	22,758	6,259,000	9,148,600
*Model Cities Coordination	---	20,000	20,000
State Industrial Access Roads	733,738	675,000	907,000
Local Interstate Connections	2,569,051	2,292,500	2,174,000
*Traffic Operation - Urban	---	1,666,500	1,666,000
Matching Federal-City Sewer Grants	---	2,280,000	2,280,000
Aeronautics Commission	986,586	1,032,000	1,040,000

*Federal funds or departmental revenues also available.

CHAPTER NO. 514

Public Works--Bonds for financing sewage treatment works. Implements TCA 53-2017 through 53-2022 by authorizing the state to issue and sell general obligation bonds not to exceed \$15,800,000 to provide financial assistance in the construction of sewage treatment works of counties, incorporated cities and towns and special districts.

CHAPTER NO. 515

Public Works--Public transportation systems. A comprehensive Act which amends the charters of every incorporated municipality so as to authorize them to issue general obligation bonds to establish or purchase public transportation facilities; it also authorizes the exercise of the powers of eminent domain and the power to subsidize existing privately owned public transportation systems.

CHAPTER NO. 516

Annexation--Quo Warranto to contest annexation ordinance. Amends TCA 6-310 to provide that during the time that an annexation is being contested the annexing municipality can enter into an agreement with a governmental entity of the annexed area to provide services and facilities and to provide for an equitable division of the cost and liabilities of capital expenditures upon final determination of the contested ordinance.

CHAPTER NO. 518

Intoxicating Liquors--Local option. Amends TCA 57-142 to prohibit the sale or giving away by a retailer any alcoholic beverages on Christmas, Thanksgiving, Labor Day, New Year's Day, and the Fourth of July.

CHAPTER NO. 519

Public Works--Public transportation systems. Authorizes municipalities to subsidize existing privately owned public transportation systems.

CHAPTER NO. 521

Public Works--Sewage treatment works. Amends Title 53, chapter 20 of TCA to authorize the State to make grants to any municipality to assist in the construction of sewage treatment works; to authorize the receiving municipality to require connection to the sewer system and the payment of a sewer user's fee; and to require the receiving municipality to pay such a fee into a State sinking fund to be used for payment of the financing bonds needed to make the grants available.

CHAPTER NO. 522

Education--Operating policy. Act provides that the governing body of every school system shall compile and publish an official operating policy

pamphlet by which schools are managed, operated, or controlled and such a pamphlet shall be updated annually.

CHAPTER NO. 545

Privilege Taxes--Antique dealers. Amends TCA 67-4203, Item 4, to impose a privilege tax on the owner, manager, or operator of a flea market.

CHAPTER NO. 552

State Information--Tourist promotion. Amends Title 11, chapter 6 of TCA to permit a municipality to appropriate funds for tourist promotion within its planning region, and the State is authorized to match such local contributions up to a maximum of \$15,000 annually.

CHAPTER NO. 558

Gas Public Utilities. Act authorizes the Tennessee Public Service Commission to require gas public utilities, which includes municipalities, to comply with certain standards of safety; and it also requires every gas public utility to pay a fee for the inspection and supervision of the standards of safety.

CHAPTER NO. 564

Public Planning and Housing--Bonds and finances of housing authorities. Amends TCA 13-1102 to allow all housing authorities created pursuant to public or private act to sell bonds at an interest rate not to exceed 8% per annum.

CHAPTER NO. 566

Taxes and Licenses--Assessment of property. Amends TCA 67-602 to provide that buildings or improvements to property shall be deemed to be completed when conveyed to a bona fide purchaser or have been occupied, and in no event will a building or improvement be considered incomplete for more than one calendar year immediately following the year in which such construction was commenced. Further, if improvements on real property are considered incomplete on January 10th of any year for county assessment purposes, then the improvements shall be assessed as personal property based on the fair market value of the materials.

CHAPTER NO. 571

Taxes and Licenses--Assessment of property. Amends TCA 67-605 to include private passenger motor vehicles as part of the personal property to be prima facie valued at less than \$1000.

CHAPTER NO. 575

Crime Prevention--Law enforcement planning commission. Act provides for the establishment of minimum employment qualifications for police officers, and the standards can be adopted by local governing bodies.

CHAPTER NO. 576

Taxes and Licenses--Property subject - exemptions. Amends Title 67, chapter 5 of TCA to add new section TCA 67-512 which exempts from taxation that property used for pollution control provided a certificate of its use has been issued from the Tennessee Department of Public Health.

CHAPTER NO. 580

Education--Suspension of pupils. Amends TCA 49-1309 to prescribe specified grounds for the suspension of pupils and establishes a procedure for re-admission of pupils and a procedure for appeal from any decision.

CHAPTER NO. 593

Police--Health impairment or disability. Act provides that in the event a municipality maintains a regular law enforcement department and provides a compensation plan for health impairment, injury, or death, then it shall be presumed that any officer who suffers health impairment, injury, or death as a result of hypertension or heart disease that such hypertension or heart disease shall have occurred during the course of employment. This presumption shall be establishment unless medical evidence to the contrary can be shown.

CHAPTER NO. 594

Elections--Copy of poll books filed with county court clerk. Amends TCA 2-1429 to provide that the county court clerk shall preserve one copy of the poll books used in any election for no longer than nine years.

CHAPTER NO. 598

Motor vehicles--Lighting devices. Amends TCA 59-905 to require motor vehicles to be equipped with two red tail lights with certain exceptions based on date of manufacture of certain vehicles. Amends TCA 59-908 (2) and (4) to require two appropriate tail lamps.

CHAPTER NO. 600

Juveniles--Juvenile courts. Repeals Title 37, chapter 2, Tennessee Code Annotated, and provides in lieu thereof a comprehensive act governing juvenile courts which permits jurisdiction of juvenile courts of municipalities where they are specially provided for by statute.

CHAPTER NO. 602

Juveniles--Rehabilitation of juveniles. Act provides for the creation of programs for the rehabilitation of juvenile offenders and is to be administered under the Department of Education in the Division of Vocational Rehabilitation.

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