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FINAL REPORT/
OBSOLETE LAWS STUDY,
1962



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Legislative Council Committee

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Legislative Council Committee

State of Tennessee

STATE CAPITOL

NASHVILLE

November 10, 1962

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The study which is the subject of this report was authorized by action of the 1961 Legislature and any recommendations contained therein represent the opinion of the majority of the members of the Council. The information contained in this report was gathered over a period of many months under the direction of the Legislative Council and a subcommittee appointed to conduct the study.

It is the purpose of this report to supply certain fundamental data and knowledge that may make possible wise decisions on the subject under study. I hope that it will be beneficial to you in your official capacity.

On my own behalf and that of others who have worked on this study, I wish to express appreciation for the cooperation and assistance we have received from all levels of state government and from those individuals and organizations that appeared before the Council and the subcommittee which conducted this study.

Respectfully submitted,

William D. Baird
William D. Baird
Chairman

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OBSOLETE LAWS STUDY

1962

INTRODUCTION

The Legislative Council Committee was directed by Senate Joint Resolution No. 38 of the 82nd General Assembly,

... to study the Tennessee Code Annotated and to recommend for repeal those sections that appear so antiquated or obsolete as to be useless.

On May 20, 1961, by Council Order No. 4, Chairman Baird appointed the following Subcommittee to conduct this study: Rep. John L. Wallace, Chairman; Sen. William S. Cobb, Vice-Chairman; Sen. Jerry Flippin; Rep. Thomas G. Hull; and Rep. Harry Lee Senter.

FINDINGS

This study was commenced before the entire Council at its June 6, 1961 meeting at which time it was announced that invitations to offer recommendations in the study had been sent to all state judges and chancellors, the state attorney general and reporter, all district attorneys general, county attorneys, city attorneys, mayors, county judges, state constitutional officers, departmental commissioners, the Public Service Commission, the Tennessee Bar Association, and the Code Commission.

Mr. Harry Phillips, Secretary of the Code Commission, Mr. Herbert Bingham, Executive Secretary of the Tennessee Municipal League, and Mr. Arthur Shea, Assistant City Attorney of Memphis, spoke briefly on the study. At the time of this hearing reports were not in from those invited to offer recommendations.

On January 12, 1962 the Subcommittee met, at which time the staff had prepared a list of all sections of the Code that had been suggested by anyone as obsolete. The Subcommittee at this meeting reviewed all sections of the Code that had been proposed as of that date. Prior to its meeting these sections were submitted to Mr. Harry Phillips, Secretary of the Code Commission, for his comments.

The following are the sections of the Code that had been proposed as obsolete, and the source of the proposal:

<u>Code Section</u> 3-201 -- 3-206	<u>Suggested by</u> Staff Research
<u>Code Section</u> 3-501 -- 3-505	<u>Suggested by</u> Staff Research
<u>Code Section</u> 4-806	<u>Suggested by</u> Staff Research
<u>Code Section</u> 4-1105	<u>Suggested by</u> Joe Morgan, Comm. of Ed.
<u>Code Section</u> 6-118	<u>Suggested by</u> Victor Hobday MTAS
<u>Code Section</u> 6-301 -- 6-302	<u>Suggested by</u> Victor Hobday MTAS
<u>Code Section</u> 6-1904	<u>Suggested by</u> Victor Hobday MTAS
<u>Code Section</u> 6-2139	<u>Suggested by</u> Victor Hobday MTAS
<u>Code Sections</u> 7-1101 -- 7-1113 7-1117 -- 7-1123	<u>Suggested by</u> Gen. Harry Phillips
<u>Code Section</u> 8-1701	<u>Suggested by</u> Staff Research
<u>Code Section</u> 8-2501	<u>Suggested by</u> Staff Research
<u>Code Sections</u> 14-1101 -- 14-1116	<u>Suggested by</u> Staff Research
<u>Code Sections</u> 14-1301 -- 14-1307	<u>Suggested by</u> Staff Research
<u>Code Sections</u> 24-501 -- 24-502	<u>Suggested by</u> Staff Research
<u>Code Section</u> 28-113	<u>Suggested by</u> Staff Research
<u>Code Sections</u> 39-1004 -- 39-1005	<u>Suggested by</u> David W. Shield, Jr. Co. Judge, Coffee County

Code Section
39-1209

Suggested by
Staff Research

Code Sections
41-110 -- 41-111

Suggested by
Staff Research

Code Sections
43-301 -- 43-312

Suggested by
Staff Research

Code Sections
43-2008 -- 43-2009

Suggested by
Sen. Jerry Flippin

Code Sections
44-1501 -- 44-1527

Suggested by
Staff Research

Code Sections
48-820 -- 48-821

Suggested by
Staff Research

Code Section
49-1007

Suggested by
Staff Research

Code Section
49-105(11)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-105(18)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-111(1)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-111(2)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-111(5)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-112

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-206(6)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-218(5)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-224(17)

Suggested by
Joe Morgan, Comm. of Ed.

Code Section

49-224(18)

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-901

Suggested by

Joe Morgan, Comm. of Ed.

Code Sections

49-902 -- 49-904

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1002

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1003

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1007

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1008

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1009

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1110

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1114

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1115

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1116

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1308

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1533

Suggested by

Joe Morgan, Comm. of Ed.

Code Section

49-1740

Suggested by

Joe Morgan, Comm. of Ed.

Code Sections
49-1802 -- 49-1803

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-1805

Suggested by
Joe Morgan, Comm. of Ed.

Code Sections
49-1910 -- 49-1913

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-1914

Suggested by
Joe Morgan, Comm. of Ed.

Code Sections
49-1918 -- 49-1921

Suggested by
Joe Morgan, Comm. of Ed.

Code Sections
49-2101 -- 49-2111

Suggested by
Joe Morgan, Comm. of Ed.

Code Sections
49-2401 -- 49-2407

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-2903

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-2904

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-3012

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-3013

Suggested by
Joe Morgan, Comm. of Ed.

Code Sections
49-3101 -- 49-3103

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-3108

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-3331

Suggested by
Joe Morgan, Comm. of Ed.

Code Section
49-3332

Suggested by
Joe Morgan, Comm. of Ed.

Code Section

51-417

Suggested by

Fred Stanberry, Game & Fish Comm.

Code Sections

54-1001 -- 54-1046

Suggested by

Staff Research

Code Section

56-703

Suggested by

John Long, Comm., Insurance Dept.

Code Section

56-704

Suggested by

John Long, Comm., Insurance Dept.

Code Section

56-709

Suggested by

John Long, Comm., Insurance Dept.

Code Section

56-710

Suggested by

John Long, Comm., Insurance Dept.

Code Section

56-711

Suggested by

John Long, Comm., Insurance Dept.

Code Section

56-130

Suggested by

John Long, Comm., Insurance Dept.

Code Sections

56-1801 -- 56-1819

Suggested by

John Long, Comm., Insurance Dept.

Code Sections

56-2301 -- 56-2320

Suggested by

John Long, Comm., Insurance Dept.

Code Sections

56-2201 -- 56-2210

Suggested by

John Long, Comm., Insurance Dept.

Code Sections

56-1004 -- 56-1005

Suggested by

John Long, Comm., Insurance Dept.

Code Section

59-316

Suggested by

Earl Hicks, Revenue Dept.

Code Section

60-403

Suggested by

Earl Hicks, Revenue Dept.

Code Section

60-408

Suggested by

Earl Hicks, Revenue Dept.

Code Section

60-437

Suggested by

Earl Hicks, Revenue Dept.

Code Sections

67-401 -- 67-412

67-1310

Suggested by

Staff Research

Code Section

67-3205

Suggested by

Earl Hicks, Revenue Dept.

Code Section

67-3707

Suggested by

Earl Hicks, Revenue Dept.

CONCLUSIONS AND RECOMMENDATIONS

The Council concluded that all the proposed sections as recited in the findings above are so antiquated or obsolete as to be useless except for the following: (1) Sections 3-201 --3-206 which provides that the committees on enrolled bills of each house of the Legislature shall transmit all enacted bills from such respective house to the Governor, etc. There are no such committees now and this is done by the engrossing clerks. Since there is no statute authorizing the clerks to so act, it is felt that it would be best if such sections were amended so as to place this duty on such clerks. The Council Report on Legislative Procedures has recommended that this be done. (2) Those sections dealing with the poll tax; namely, Sections 67-401 through 67-412 and Section 67-1310 of the Code. While it was agreed that these sections have not been used since the Constitutional Amendment prohibiting the use of such tax as a prerequisite to voting, the Supreme Court in the case of *Biggs v. Beeler* 180TR198 has held the Legislature incapable of repealing such statutes which were enacted under a constitutional mandate. (3) The following sections submitted by the State Department of Education appear to us as being perhaps more in the nature of laws which it might be desirable to repeal, but which are not obsolete per se:

49-105(11) - This subsection requires the State Commissioner of Education to annually report to the State Comptroller the average pupil daily attendance, and biannually, the school census. The reason given by the Department was that school funds are no longer apportioned through the Comptroller's office. While this statement is true, and perhaps the primary purpose for the law no longer exists, it is still being observed and is therefore not obsolete as the Subcommittee has heretofore defined an obsolete law.

49-1116 - This section provides for the granting of high school and junior high school diplomas. Junior high school diplomas are no longer issued, and there is authorization in the General Education Bill for issuance of the high school diploma. However, high school diplomas are being issued so that, technically, it could not be said that such section is obsolete.

49-1802 and 49-1803 - These sections provide for the state flower, bird and arbor day, and for a civic program in the schools commemorating such event. While the Department points out that authority is given the State Board of Education to prescribe curricula, and the intent of this legislation could more effectively be carried out thereby, it remains a fact that such

event and the designation of such bird and flower are recognized and accepted. Technically, therefore, such laws are not obsolete.

49-1805 - Section 49-1804 sets the fourth Friday in October as "Francis E. Willard" day, and Section 49-1805 requires the State Commissioner of Education to prepare and furnish each school principal with a suitable program teaching the evils of intemperance. While we agree with the Department that a more meaningful program could be prepared locally, depending upon the local mores and customs, the Department does prepare such program and it is still being observed in many of the schools. Therefore, this law could not be classed as obsolete.

We recommend that the following sections of the Tennessee Code Annotated be repealed. A summary of the law and the reason for its obsolescence accompanies each such section.

3-501 through 3-505. LEGISLATIVE REFERENCE BUREAU. - These sections created the Legislative Reference Bureau and prescribed its duties, etc. The State Planning Commission and the Legislative Council Committee have absorbed these functions and the Reference Bureau no longer serves the purpose for which it was created.

4-806. STATE ARSENAL. - This section provides that the State Arsenal will be maintained in the north end of the basement of the State Capitol Building. This has not been enforced for years.

4-1105. HISTORICAL COMMISSION. - This section provides that the Historical Commission compile World War I records of Tennessee Veterans and preserve them in the Tennessee Archives. The Commission was reactivated in 1941 but does not perform such duties.

6-118. ELECTION LAWS. - This section provides that when an election has been held to incorporate a city under the general law, if 2/3 of the voters vote for "corporation" the Commissioners of Election shall so certify. A 1959 amendment to Section 6-117 waiving formalities under such elections makes this section obsolete or ineffective.

6-301 through 6-302. CITY ANNEXATION. - These sections provide a procedure for annexation by referendum for cities.

The 1955 annexation law which followed the Home Rule Amendment of 1953 to the State Constitution provides a more complete method for doing the same thing.

6-1904. WORKING ON CITY STREETS. - This section provided for the working of the city streets, etc. by all persons required to work the public roads and provided a method of commutation. This law has not been enforced for years.

6-2139. CITY MANAGER. - This section provided for the automatic transfer of all schools and school properties to the control of the City Manager whenever such city adopted the city manager form of government. The organization of schools has changed, making such requirement unnecessary.

7-1101 through 7-1113 & 7-1117 through 7-1123. CONFEDERATE PENSIONS. - These sections are all part of the chapter providing a pension for Confederate Veterans, providing for a pension board, the amount of the pension, etc. The remaining sections of that chapter apply to the widows of Confederate Veterans as well and are not yet obsolete.

8-1701. STATE COMMISSIONERS. - This section provided for the appointment by the Governor of "Commissioners of the State of Tennessee" from other states and countries to take acknowledgments, probate deeds, etc. Other methods for doing this have supplanted the need for this section and it is no longer used.

8-2501. EXPENSE ALLOWANCE FOR CONSTITUTIONAL OFFICERS. - This section provides for an expense allowance for the Secretary of State, Comptroller, and State Treasurer. The biennial appropriation bill makes provision for such payments.

14-1101 through 14-1116. AID TO MOTHERS OF DEPENDENT CHILDREN. - This is an entire chapter and was enacted in 1921 to provide support by the county of mothers of dependent children that are needy. Welfare programs established since then have made this chapter obsolete.

14-1301 through 14-1307. CHILDREN'S HOME SOCIETY. - This is the entire chapter enacted in 1919 providing for the Tennessee Children's Home Society and authorizing annual appropriation therefor. The Society no longer exists.

24-501 through 24-502. VALIDATING JUDICIAL SALES. -

These two sections were enacted in 1870 as aftermaths of the Civil War validating judicial sales and sheriff's deed made prior to 1861. The reason for such has long since terminated.

28-113. STATUTE OF LIMITATIONS SUSPENDED 1861-1867. -

This section suspending the running of all statutes of limitation during the Civil War. (May 1861 - Jan. 1867). Its purpose is accomplished.

39-1004 through 39-1005. SALE OF TOBACCO PRODUCTS TO MINORS. - These sections prohibited the sale of tobacco products to minors and prescribed penalties. Since the advent of vending machines it would be impossible to enforce such law.

39-1209. FEMALE SCHOOLS. - This section makes it unlawful to disturb or enter a female school without permission and prescribes a penalty therefor. This was enacted in 1855, and other actions can now be had if the situation warrants.

41-110 through 41-111. PRISON LIBRARY FUND. - These sections provide for a \$250.00 annual appropriation to the State Prison Library. Such fund as well as management of the library to be under the control of the State Librarian and Archivist. This law has been inoperative for many years.

43-301 through 43-312. AID TO IMMIGRANTS. - This is an entire chapter imposing upon the Department of Agriculture the execution of work usually devolved upon a bureau of immigration. Its purpose was to promote publicity of lands subject to immigration and aid and instruct immigrants in the settlement and use of such lands. Its purpose has long since expired.

43-2008 through 43-2009. COTTON SALES. - These sections prohibit the buying and selling of cotton after dark and prescribe a penalty therefor. Modern transportation and lighting facilities make this law impracticable, and it is unenforced.

44-1501 through 44-1527. ESTRAYS. - This is an entire chapter enacted in 1901 known as the estrays law. It provides for the taking up as strays livestock that are lost or abandoned, the procedure for holding the same and the dis-

position of such animals. This law was passed when there was considerable open range in this state and counties had active rangers. These conditions do not now exist and other more workable methods are available for handling stray animals.

48-820 through 48-821. CORPORATE MILITIA COMPANIES. - These two sections provide for assessment of dues and the restriction of the purposes of corporate militia companies. This act was passed in 1885, and there are no militia companies now organized under such corporate laws.

49-105(18). EDUCATION. - This subsection requires the State Commissioner of Education to administer the funds appropriated for school libraries. Funds are no longer especially appropriated for that purpose.

49-111(1). EDUCATION. - This subsection provides for a division of high school supervision in the Department of Education. This area is now being operated under the Division of Instruction.

49-111(2). EDUCATION. - This subsection provides for a division of elementary school supervision in the Department of Education. This also is now in the Division of Instruction.

49-111(5). EDUCATION. - This subsection provides for a division of professional registration in the Department of Education. These duties are now assigned to the respective professional board created for such purpose.

49-112. EDUCATION. - This section prescribes the compensation of the various supervisors of education. Such salaries are now established by the Department of Personnel.

49-206(6). EDUCATION. - This subsection requires the County Trustee to hold all high school funds in a separate account. Since 1947, public school funds have been known as funds for grades one through twelve, and since that time there has been no high school fund and no elementary school fund.

49-218(5). EDUCATION. - This subsection requires the chairman of the county board of education to serve on the teacher examination committee. Such examinations are no longer given.

49-224(17). EDUCATION. - This subsection requires the county school superintendents to conduct subscriptions for library purposes and make a report to the Commissioner of

Education thereon. Matching funds are no longer made available for library purposes, and library funds are otherwise provided.

49-224(18). EDUCATION. - This subsection requires the county superintendent of schools to serve as chairman of the teacher examination committee. Teachers' examinations are no longer given.

49-901 through 49-904. EDUCATION. - These sections provide for raising funds for school libraries and the matching thereof by the state. This is no longer done.

49-1002. EDUCATION. - This section provides for separate approval of elementary schools. The school program is now based on a grade 1-12 plan.

49-1003. EDUCATION. - This section provides that elementary schools operate on terms of at least 8 months. All schools are now operated on a 12-year program for at least 175 school days per year.

49-1007. EDUCATION. - This section provides for graduation from the 8th grade. Schools are now operated on a grade 1-12 plan.

49-1008 through 49-1009. EDUCATION. - These two sections provide for the employment qualifications, etc. of elementary school supervisors in the State Department of Education. The schools now operate on a grade 1-12 plan.

49-1110. EDUCATION. - This section provides for classification and grading of schools and certain courses of study. This was superseded by Section 49-108.

49-1114. EDUCATION. - This section provides for the operation of junior high schools from funds provided for both elementary and high schools. Schools are now on a 12-year plan and appropriations are for grades 1-12.

49-1115. EDUCATION. - This section implements the junior high school program provided for in 49-1114 above and is obsolete for the same reason.

49-1308. EDUCATION. - This section provides for holding county teacher institutes and/or other in-service training. These institutes are no longer held and other provisions are made for in-service training programs.

49-1533. EDUCATION. - This section provides for the administrative expenses of the teachers' retirement system. This is now handled through the office of the State Treasurer and expense funds for administering all the state retirement systems are handled thereunder.

49-1740. EDUCATION. - This section provides for expenses of administering the compulsory school attendance law and the taking of school census in the elementary schools. Schools are operated on a 12-year plan and such funds are appropriated to the State Department of Education.

49-1910 through 49-1913. EDUCATION. - These four sections provide for the teaching of physical education in elementary and high schools. Section 49-108 places the responsibility for the school curriculum on the State Board of Education.

49-1914. EDUCATION. - This section provides for training and licensing of physical education teachers by the State Board of Education and requires all state colleges to provide courses on such subjects. Sections 49-3213 and 49-1232 have superceded this section, vesting authority in the State Board of Education for prescribing curricula.

49-1918 through 49-1921. EDUCATION. - These sections require the teaching of forestry in all public schools. Authorization for determining curriculum is given the State Board of Education by Section 49-108 thereby superceding these sections.

49-2101 through 49-2111. EDUCATION. - This is an entire chapter providing for the furnishing of textbooks for elementary and high schools by the counties. Textbooks are now furnished by the state.

49-2401 through 49-2407. EDUCATION. - This is an entire chapter which provides for the establishment of part-time

schools for employed children over 14 years of age. Children are now required to attend school until age 17 and such schools are no longer operated or needed.

49-2903. EDUCATION. - This section authorizes the appointment of a supervisor of special education in the Department of Education. The Department has such authority without this statute.

49-2904. EDUCATION. - This section authorizes the Commissioner of Education to receive and expend funds available from the Federal Government or private sources for school purposes. Such authority is otherwise granted.

49-3012. EDUCATION. - This section provides for an allowance for indigent pupils in our state schools for the blind. This is now taken care of by the Welfare Department.

49-3013. EDUCATION. - This section provides for travel expenses for "poor students" in going to our blind schools. This is now handled by the Welfare Department.

49-3101 through 49-3103. EDUCATION. - These sections established the Tennessee Deaf School at Knoxville as a corporate body, capable of suing or being sued. Such school is now an agency of the state and no longer a corporate entity. (Note: the repeal of these 3 sections will require an amendment to Section 49-3104 identifying the school to which it and subsequent sections apply.)

49-3108. EDUCATION. - This section provides for a monthly increment in salary to teachers of the School for the Deaf after a stipulated number of years of teaching at such school. Such teachers are now paid under the state salary schedule and supplemented to compete with Knox County school teachers.

49-3331. EDUCATION. - This section provides for 275 students to be enrolled at the University of Tennessee, each state senator to appoint 2 and each house member 3 of such students. No such appointments have been made since 1909 when free tuition was granted all white Tennessee students.

49-3332. EDUCATION. - This section provides for the University of Tennessee's agricultural farm to be operated,

and the profits from the crops to be applied toward paying the expenses of indigent students. All students physically able are required to work on such farms not over 2 hours per day, except for punishment; longer hours may be prescribed. Conditions in the University and on the farms no longer require such labor.

51-417. GAME AND FISH. - This section makes it unlawful to hunt by fire and with a gun at night or to kill domestic animals. Sections 51-418; 51-421; 51-425; and 51-716 more adequately cover these violations.

54-1001 through 54-1046. WORKING COUNTY ROADS. - This is an entire chapter enacted in 1891 requiring all male citizens of the county between ages 21-45, except where disabled, to work the county roads a certain number of days each year. It further provides for road districts and commissioners for each district for the purpose of conducting such road work. It also provides for commutation through paying another to do such labor, etc. and otherwise provides for the administration of such road program. This has not been done for a number of years now, and road funds are otherwise available for working county roads.

56-130. INSURANCE DEPARTMENT. - This section prescribes the procedure for liquidation when an insurance company becomes insolvent. This was superceded by Section 56-1301 et seq. providing a different procedure.

56-703. INSURANCE AGENTS. - This section authorizes the Commissioner of Insurance and Banking to require a moral fitness report on persons applying for license as an insurance agent. This act was superceded by Sections 56-804(B), 56-807, and 56-903(D), all of which require such moral fitness test.

56-704. INSURANCE. - This section prohibits corporations or stock companies from acting as insurance agents. This section was repealed by implication by Section 56-801(F) which permits corporations, etc. to be agents by licensing such individually.

56-709. INSURANCE. - This section requires a non-resident to obtain a license before he can insure persons or property in this state. This act was declared unconstitutional in 1920 in the case of Hodgsdon v. Arrington and was superceded by Section 56-309 which contains a retaliatory provision requiring of insurance people outside this state the same

taxes, fees, licenses, etc. as are required of insurance people of this state by such other state.

56-710. INSURANCE AGENTS. - This act permits a resident insurance agent to write policies for an out-of-state agent and charge a 5% commission therefor. This act was also superceded by Section 56-309 as set out under 56-709 above.

56-711. INSURANCE AGENTS. - This act provides for the revocation of an agent's license for violating Sections 56-710 and 56-711. This would also be superceded by Section 56-309.

56-1004 through 56-1005. INSURANCE BROKERS. - These two sections regulate non-resident insurance brokers. They were enacted in 1933 and after a 1935 act was enacted, they were ruled superceded in an attorney general's opinion (Oct. 1935) and deleted from the Code. In 1955, upon the adoption of the new Tennessee Code, for some reason, these sections found their way back into the law but are not being used.

56-1801 through 56-1819. MUTUAL MARINE INSURANCE COMPANIES. - This is an entire chapter regulating Mutual Marine Insurance Companies. This act was passed in 1881, and was superceded by a 1935 act amending Section 56-202 et seq. which regulates all insurance businesses.

56-2201 through 56-2210. FOREIGN MUTUAL FIRE INSURANCE COMPANIES. - This is an entire chapter regulating such foreign companies. This was superceded by Section 56-202 et seq. regulating all the insurance industry.

56-2301 through 56-2320. LIFE ASSESSMENT INSURANCE. - This is almost a complete chapter regulating insurance companies which require periodic payments or assessments by the policyholders, by requiring certain deposits, etc. to insure solvency. These protections are now given policyholders elsewhere and such sections are useless and obsolete.

59-316. MOTOR VEHICLE TITLES. - This section requires the Title Division to keep a separate index of all certificates of titles and title cards issued as replacement for lost or damaged certificates and to maintain such index alphabetically. The new certificates are given the old number and such separate indexing is not necessary.

60-403 and 60-408. OIL AND GAS INSPECTORS - SALARIES. - These sections provide for such an inspector in all counties and cities of over 1000 population and fix his salary. These inspectors are appointed by the Governor. There are not that many appointed, and the pay is fixed by the Department of Personnel like that of other state employees.

60-437. GAS AND OIL INSPECTORS. - This section requires a monthly report of all inspections made by such inspectors. Reports are only made as need arises so this section is not enforced.

67-3205. GASOLINE TAX EXEMPTION. - This section exempts the gas tax on gas stored for export. Gas now coming into this state is not stored separately when stored for export, so instead of an exemption being allowed, a rebate is made after the tax is collected.

67-3707. GAS TAX REFUNDS. - This section provides for a refund of gas tax on gas used for industrial purposes. This section was superceded by a 1959 amendment to Section 67-3201 which excludes such gas products from the definition of gasoline for taxing purposes.

As can be seen from the foregoing, most of the laws recommended for repeal as obsolete were suggested by the various State Departments concerned with the administration of such laws. Staff research was responsible for a number of items in the area of general laws. Others may have been overlooked, particularly in the field of local governmental operations, as the response from local officials was poor. Such others as may be brought to the attention of the Council can be later passed on to the General Assembly for its consideration.