

**PRIVATE ACTS
OF
HOUSTON COUNTY, TENNESSEE**

REVISED EDITION

**COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
NASHVILLE, TENNESSEE**

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PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Houston County will provide a useful reference for county administration in Houston County.

We are indebted to the Houston County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

HOW TO USE THE PRIVATE ACTS OF HOUSTON COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984), it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

This compilation is updated through the 1996 Session of the Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 1, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county executive is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

ADMINISTRATION

COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is regulated by T.C.A. §§ 8-24-102 and 8-24-104. The old minimum and maximum variation in salary ended on September 1, 1993. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-407.

The following act once affected the office of county clerk in Houston County. It is included herein for historical purposes.

1. Private Acts of 1947, Chapter 733, set the salary of the County Court Clerk at \$200.00 per annum plus all of the fees collected by his office.

ADMINISTRATION

COUNTY MAYOR

PRIVATE ACTS OF 1939

CHAPTER 220

SECTION 1. That the office of County Judge of Houston County be, and the same is hereby created and established in and for said County.

SECTION 2. That the term of office of said County Judge shall be eight years, and he shall receive a salary of six hundred dollars (\$600.00) per year, payable monthly out of the county funds of said county, upon warrants, drawn as hereinafter provided.

SECTION 3. That said County Judge shall be elected at the regular election to be held in said County in August, 1940; that he shall be commissioned in the same manner as other judges of the State, and, before entering upon the duties of his office, he shall take an oath to support the Constitution and the laws of the United States, and the Constitution and laws of the State of Tennessee, and faithfully to discharge the duties of his office; and he shall enter into bond in the sum of ten thousand dollars (\$10,000.00), conditioned faithfully to discharge the duties of his office and account for all monies and county property that shall come into his hands as such County Judge.

SECTION 4. That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said County, to serve from the time this Act becomes effective, until the regular election in August, 1940, and until his successor is elected and qualified. Said County Judge shall enter upon the discharge of his duties immediately upon his appointment by the Governor and upon taking said oath and executing said bond as above required. At the regular general election for county officers to be held in August, 1940, a County Judge shall be elected to fill said office until the general election in August, 1942, or until his successor is elected and qualified.

SECTION 5. That said County Judge shall be a resident citizen of Houston County, who, before his election, shall have been a resident citizen of the State of Tennessee for five years. He shall not be required to be a licensed lawyer.

SECTION 6. That said County Judge shall have and exercise all the powers and jurisdiction heretofore vested in the Chairman of the County Court of said County, and shall perform all of the duties heretofore performed by said Chairman. Said County Judge shall be the accounting officer and agent for said County, and as such shall have the power, and it shall be his duty:

1. To have the care and custody of all county property.
2. To control all books, papers, documents, and records pertaining to his office and to the fiscal affairs of the County.
3. To audit all claims of whatever character against the county; and when approved by him, he shall certify the same to the Clerk of the County Court, who shall issue a warrant therefor on the County Treasury, to be signed by the County Court Clerk and countersigned by said County Judge. This provision shall not interfere with or abridge the power or jurisdiction of the Quarterly Court to determine what claims against the county shall be paid, which under the existing law, are required to be approved by said Quarterly Court.

4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk, upon the County Treasury, and no warrant shall be paid that is not so countersigned.

5. Said County Judge shall audit and settle the accounts of the County Trustee and those of all other officers collecting or receiving county revenue, and all officers and other persons interested with receiving or expending any money of the County.

6. He shall cause all warrants to be entered in a well-bound book, to be kept by the Clerk of the County Court, to be known as the "Warrant Book"; and all warrants shall be entered in the order in which they are issued, giving the number, date and amount, and for what purpose and to whom given.

SECTION 7. That said County Judge shall have the power and authority to grant fiats, or writs of attachment or injunction, certiorari and supersedeas and all other extraordinary writs that the Chancellor and Circuit Judges of this State have the power to grant, and also to hear and determine cases of writs of Habeas Corpus and in proper cases to appoint receivers, and he shall have concurrent jurisdiction with the Chancery Court to allow guardians to encroach upon the corpus of the estates of their wards, the same as may be done under the orders and decrees of the Chancery Courts of Tennessee, and to approve previous expenditures out of the corpus of the estates by the guardians and to allow credits for settlements in said matters in the same manner, and to the same extent as Chancery Courts may do. Said County Judge shall have all the powers, duties and jurisdiction of a Justice of the Peace, except a vote as such in the Quarterly Court of said County.

SECTION 8. That the County Court to be held by the County Judge, under the provisions of this Act, shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the power to preserve order, and impose and collect fines and imprisonment for contempt as other Judges in Tennessee.

SECTION 9. That the Quarterly County Court of Houston County, composed of the Justices of the Peace of said county, shall meet as heretofore, on the first Mondays in January, April, July, and October, of each year; that said County Judge shall preside over the same, and that they shall have such jurisdiction as heretofore vested in them by law.

SECTION 10. That the duties of said County Judge, shall not interfere with the duties of the County Court Clerk of said County, as now provided by law; that said Clerk shall be and continue to be Clerk of said Court to be held by said County Judge, under the provisions of this Act; that he shall have all the power heretofore vested in him by law and shall perform all of the duties heretofore performed.

SECTION 11. That said County Judge, if an Attorney, shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Houston County, and in cases appealed from his decision.

SECTION 12. That said County Judge shall have all the powers, duties and jurisdiction conferred upon County Judges and Chairman by the general laws of Tennessee, except insofar as same may be inconsistent with the provisions of this Act.

SECTION 13. That whenever said County Judge is unable from sickness or other causes to attend and hold his Court, then the Governor shall appoint some suitable person to hold said Court until the disability is removed. Said appointment to be made by the Governor upon certificate of said County Judge, stating that he is unable to attend or hold his court; that in case of a vacancy in said office of County Judge, by reason of death, resignation or other cause, the vacancy shall be filled by appointment of the Governor, said appointee to hold said office until the next regular county election, and until his successor is elected and qualified.

SECTION 14. That said County Judge shall have the power to solemnize the rites of matrimony.

SECTION 15. That all laws or parts of laws affecting Houston County, in conflict with this Act, be and the same hereby are repealed.

SECTION 16. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 17. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1939.

ADMINISTRATION

COUNTY MAYOR

(COUNTY JUDGE)

CHAIRMAN OF HIGHWAY COMMISSION

PRIVATE ACTS OF 1953

CHAPTER 147

SECTION 1. That the Private Acts of 1945, Chapter 366 as amended by the Private Acts of 1947, Chapter 180 be and the same is hereby amended so as to provide that the County Judge shall serve as Chairman of the County Highway Commission.

SECTION 2. That the County Judge shall receive for his services as Chairman of the County Highway Commission a salary of Six Hundred (\$600.00) Dollars per annum, payable in monthly installments of Fifty (\$50.00) Dollars each, said sum to be payable out of the County Highway Funds.

SECTION 3. That the aforesaid sum of Six Hundred (\$600.00) Dollars shall be in addition to the regular salary of the County Judge, but shall be included as a part of any salary which may at the present or any future time be fixed at Twelve Hundred (\$1,200.00) Dollars or more per year by any Public or Private Act enacted by the Legislature.

SECTION 4. That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1953.

ADMINISTRATION

COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 et seq. The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the quarterly court or the county legislative body of Houston County and are included herein for historical purposes.

1. Private Acts of 1937, Chapter 17, validated the Houston Quarterly County Court's resolution transferring the city's interest in Ross Vaughn's Tobacco Warehouse and lot of land to the City of Erin.
2. Private Acts of 1943, Chapter 183, provided that the County Court was to meet quarterly rather than semi-annually.
3. Private Acts of 1953, Chapter 146, set the per diem compensation of Justices of the Peace at \$5.00. This is now set by general law found in T.C.A. 5-5-107.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is set by T.C.A. §§ 8-24-102 and 8-24-104. The end of the old minimum/maximum variation in salary is effective from September 1, 1993.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

ADMINISTRATION

COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee".

The salary of the county trustee is set by T.C.A. §§ 8-24-102 and 8-24-104. The old minimum/maximum variation in salary ended on September 1, 1993.

ADMINISTRATION

PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 et seq. Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$5,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$5,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 et seq.

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103.

Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$5,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$5,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$5,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.

ADMINISTRATION

GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the County Government Handbook, a CTAS publication.

The following private or local acts constitute part of the administrative and political history of Houston County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1875, Chapter 56, authorized a number of Tennessee counties, including Houston, to borrow money and to issue bonds for the relief of the poor. This Act was necessitated because of widespread destitution due to crop failure.
2. Private Acts of 1915, Chapter 57, made women over the age of twenty-one eligible to be notaries public in Houston County.
3. Private Acts of 1927, Chapter 215, set the salary of the Registrar of Houston County at \$100 per month plus the fees of the office.
4. Private Acts of 1929, Chapter 330, authorized the Houston Quarterly County Court to borrow money to pay floating indebtedness and outstanding warrants.
5. Private Acts of 1929, Chapter 378, was an Act regulating county finance in Houston County. It had provisions dealing with the funding of floating indebtedness, and the issuance and sale of county bonds.
6. Private Acts of 1931, Chapter 784, validated the resolution of the Houston County Court giving the County Trustee 1% of the proceeds of county bonds as his compensation for his services in the collection and disbursement of those bonds. The Supreme Court of Tennessee in Dreaden v. Halliburton, 166 Tenn. 331, 61 S.W.2d 670 (1933), held that this act was unconstitutional since it superseded a general law for the benefit of an individual, in violation of Article 11, Section 8 of the Constitution of Tennessee.
7. Private Acts of 1937, Chapter 531, allowed H. C. Hagler to file a Workmen's Compensation claim for the loss of an eye in the course of his duties.
8. Private Acts of 1939, Chapter 171, abolished the office of Chairman of the County Court in Houston County.
9. Public Acts of 1974, Chapter 724, Page 941, amended Section 8-2204, Tennessee Code Annotated, by requiring that the county officials listed in Section 8-2201, T.C.A. to file certain reports concerning the fees and commissions collected in their respective offices. Houston County was among the counties which exempted themselves from the effects of this amendment.
10. Private Acts of 1979, Chapter 16, approved by the Mayor and Aldermen on April 3, 1979, amended Private Acts of 1951, Chapter 403, the city Charter of Erin, by inserting a new

paragraph after Section 308 of the Charter giving the Mayor the authority to suspend any employee for cause until the next regular meeting of the Mayor and Aldermen following the suspension. The employee's salary could be reduced or eliminated during the suspension period. Final action would be taken at the subsequent meeting of the Board.

11. Private Acts of 1979, Chapter 34, also approved on April 3, 1979, by the Mayor and Aldermen of Erin, amended the City Charter relative to the qualifications of and the length of the term of the Mayor and Aldermen of the City.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

DOG LAW

PRIVATE ACTS OF 1921

CHAPTER 866

SECTION 1. That any person or persons owning, controlling or harboring any dog or dogs that shall chase, maim, worry or kill any sheep, goats, hogs, cattle or other animals, shall be absolutely liable for all damages caused or done by his or their dog, or dogs, and such claim for damages may be enforced as any other claim for damages is enforced in this State. A lien is also hereby declared to exist on any dog or dogs that shall chase, worry, main or kill any sheep, goats, hogs, cattle or other animal and in favor of the owner of such animal so chased, worried, maimed or killed for all damages sustained; and such lien may be enforced by attachment or judgment and execution.

SECTION 2. That any dog that is known to have chased, worried, maimed or killed any sheep, hogs, cattle or other animals unless accompanied by his master, or some other person having reasonable control over him, is hereby declared to be a public nuisance, and may be killed by any person without civil or criminal liabilities therefor; and any person who shall own, keep, or harbor any dog after he knows that such dog has chased, worried, maimed, or killed any sheep, goats, hogs, cattle or other animal, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars and not more than fifty dollars, by any Court having competent jurisdiction thereof.

SECTION 3. That it is hereby declared a misdemeanor for any person owning, controlling or harboring any female dog to permit such female dog to run at large during any period of rutting or when in heat, after he knows such dog to be in heat, and upon conviction thereof shall be fined not less than Ten Dollars and not more than Fifty Dollars by any Court having competent jurisdiction thereof.

SECTION 4. That if any clause, section or part of this Act shall be declared unconstitutional or unauthorized by law, by any court, such decision shall not effect the remaining clauses, sections and parts of this Act, but same shall remain in full force and effect.

SECTION 5. That this Act shall apply to and within all counties of the State of Tennessee which, according to the Federal Census of 1920 or any subsequent Federal Census, have a population of not less than 10,000 inhabitants and not more than 10,070 inhabitants, also a population of not less than 6,200 inhabitants and not more than 6,225 inhabitants.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1921.

ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Houston County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 358, made it a misdemeanor for any person to allow hogs to run at large after January 1, 1904. This Act was repealed by Acts of 1905, Chapter 362.
2. Acts of 1905, Chapter 335, made it lawful for any "bona fide" citizen of Houston County to catch fish in any manner, except explosives, seines or nets.
3. Acts of 1909, Chapter 502, was a fence law for Houston County. It defined a lawful fence and made owners of trespassing livestock liable for the damage done by them. This Act was repealed by Private Acts of 1911, Chapter 363.
4. Private Acts of 1911, Chapter 625, was another fence law for Houston County. It defined a lawful fence and was applicable to sheep, hogs, goats, swine, geese and ducks.
5. Private Acts of 1917, Chapter 580, exempted Houston County from the general law requiring resident hunters to have hunting licenses.
6. Private Acts of 1921, Chapter 286, authorized an election to ascertain the will of the voters of Houston County on a "no fence" law.
7. Private Acts of 1921, Chapter 405, exempted Houston County from the general law regulating the harboring of dogs.
8. Private Acts of 1921, Chapter 503, set the hunting season on quail, partridge, doves, squirrels, rabbits, wild duck, wild geese, and other migrating birds. It required hunters to obtain the written permission of the landowner before hunting on private property.
9. Private Acts of 1921, Chapter 951, exempted Houston County from the 1909 general law which had created a State Department of Game, Fish and Forestry.
10. Private Acts of 1923, Chapter 128, provided for another election to ascertain the will of Houston County voters on a stock law.
11. Private Acts of 1925, Chapter 337, also called for Houston County voters to express their preference on the question of a stock law in the general election in August, 1926.
12. Private Acts of 1927, Chapter 52, was a stock law for Houston County. It made owners of livestock running at large liable for damages and gave the damaged landowners payment of

damages, but specified that this act in no way affected the liability of railroads for damage to livestock.

13. Private Acts of 1927, Chapter 134, made the killing or capturing of foxes during any season of the year a misdemeanor in Houston County.
14. Private Acts of 1931, Chapter 728, made it lawful for landowners in Houston County to catch fish in streams on their land by means of a split basket, but only for personal use - not for sale.
15. Private Acts of 1931, Chapter 822, made it unlawful to fish in Houston County from December 1st to June 15th of each year. Private Acts of 1935, Chapter 800, was an Act to amend the Private Act (no chapter or year was specified) setting the open season on fishing in Houston County. This Act shortened the closed season, substituting June 1st for June 15th.
16. Private Acts of 1955, Chapter 274, closed the season on hunting coons in Houston County. Hunters were prohibited from chasing, trapping or killing coons from January 16th to September 14th; and from killing or trapping from September 15th to October 15th; though chasing was permissible during that month. This Act was repealed by Private Acts of 1963, Chapter 126.

CHAPTER III - BOND ISSUES

BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Houston County is included below for reference purposes, although these acts are no longer current.

1. Private Acts of 1931, Chapter 112, was a bond issue of \$31,000 to fund outstanding indebtedness. These bonds had an annual interest rate of 5½% and were to mature serially, from 1936 to 1945.
2. Private Acts of 1935, Chapter 70, validated the issuance of bonds in the amount of \$25,000 for outstanding indebtedness. These bonds had an interest rate of 5% per annum and were to mature within twenty years.
3. Private Acts of 1937, Chapter 454, authorized a bond issue of \$35,000, annual interest rate of 4%, for outstanding indebtedness. These bonds were to mature semi-annually, from 1948 to 1953.
4. Private Acts of 1943, Chapter 220, validated a bond issue of \$17,000, also for indebtedness. These bonds were tax exempt and had an annual interest rate of 4%.
5. Private Acts of 1947, Chapter 786, was a bond issue of \$75,000 to provide funds for constructing a courthouse. These bonds were tax exempt, their date of maturity was to be set by the Houston County Quarterly Court and their interest rate could not exceed 5% per annum.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF COUNTY

ACTS OF 1870-71

CHAPTER 46

SECTION 1. That a new county be, and the same is hereby established out of the fractions of the territory composing the counties of Stewart, Humphreys, Montgomery and Dickson, to be known and designated by the name of the county of Houston, and shall be bounded as hereinafter provided.

SECTION 2. That the general boundaries of said county shall be as follows, to-wit: Beginning at a mulberry about six poles below the mouth of White Oak Creek, on Tennessee river; running east eleven miles, with the old Stewart and Humphreys county line, to a point due north from Waverly, eleven miles; thence east with a circle, keeping eleven miles from Waverly, seven miles; thence east six miles to the Dickson county line; thence north 21° east, by Norris' Mills, three and a half miles, to a sycamore on the right bank of Bear Creek, about three hundred and fifty yards from Maj. Shelton's residence; thence north seven miles, to the Montgomery county line; thence west with said county line, four miles to the south-west corner of Montgomery county; thence north 19° west, with said county line to the Cumberland river; thence with said river and its meanders, seven miles, to the residence of Capt. Naylor, on the bank of said river, opposite the "Checkered House," and about eleven miles from Dover, to a stake eleven miles due south of Dover, and about one quarter of a mile west of the last residence of John Barnes, deceased; thence north 73° west, with the same circle, six and one-half miles to Leatherwood Creek; thence down said creek, with its meanders, to the Tennessee river; thence up the said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred and forty square miles.

SECTION 3. That for the purpose of organizing said county of Houston, the following named persons are appointed Commissioners, to-wit: John Brown, M. W. Blake and J. W. Lewis, of the county of Humphreys; Abner Skelton, A. J. Parrish and Dudley Clyner, of the county of Dickson; and Ransom Dudley, John L. McMillan and J. J. Pollard, of the county of Stewart, on the part of the several fractions in which they reside, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such Commissioners; and in case of vacancy from any cause, or refusal to act on the part of any Commissioner, his place shall be filled by the other Commissioners, who shall elect his successor from the fraction of the county in which the vacancy occurred. A majority of said Commissioners shall constitute a Board, competent to do all things enjoined on them as such Commissioners; and they shall elect a chairman and secretary, and keep a record of all their proceedings as Commissioners, which shall be returned by them to the County Court of said county of Houston at its first session, and the same shall be recorded by the clerk thereof, on the records of said court; and a certified copy thereof shall be evidence in the various courts of this State.

SECTION 4. That it shall be the duty of the said commissioners to designate three voting places in the Stewart County fraction; two in the Humphreys County fractions, and at least one in the Dickson County fraction; and shall give ten days' notice by written or printed circulars posted in five or more public places in each fraction taken from the respective counties of Stewart, Humphreys and Dickson, that an election will be held, in which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off, for six months immediately preceding said election, shall be entitled to vote; and each voter, who desires to vote for the establishment of the new county, shall have on his ticket the words "new county;" and those desiring to vote against the new county, shall have on their tickets "old county"

and if, upon the counting of all the votes cast at said election, in that part of each of the counties of Stewart, Humphreys and Dickson, it shall appear that two-thirds of the qualified voters in each of the parts so taken off, vote in favor of being attached to the new county, then that part shall be a part of the county of Houston, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State; Provided, however, that if there should not be a two-thirds vote in any one of the said fractions in favor of the said new county, the fractions of the other two old counties, shall constitute the county of Houston when the consent of two-thirds of the qualified voters residing in the part so taken off has been legally given; and provided, also, that the new county so formed, contains the requisite number of square miles; that said commissioners shall appoint Judges and Clerks to hold in each place designated in each fraction, who shall have all the powers and perform all the duties imposed by law upon other officers holding elections under the laws of this State; and who shall, after the polls are closed, and the votes counted, make out and certify the result and return the same with a copy of the poll books, to the Chairman of the Board of Commissioners, who shall, when the returns are all received, in the presence of said Board, proceed to compare the vote and certify the result; and the election therein provided for shall be held on the same day in each of said fractions; and if, for any cause, the election as herein provided, shall not be held in any of said fractions, on the day appointed, the said Board shall provide for another election as herein provided in such fraction. The commissioners are hereby empowered immediately, and it shall be their duty, to mark the boundary line of said County of Houston, guided by the marks and bearings set forth in the second section of this Act; and it shall be their duty to divide the said county into such number of civil districts as the convenience of the inhabitants may require, as provided by the general laws of this State, designating the boundaries of, and giving the places of holding the elections in said districts, and they shall perform such other duties as may be necessary to carry out the provisions of this Act.

SECTION 5. That said commissioners shall open and hold an election in each civil district in said county, first giving twenty days' notice of said election, for the purpose of fixing upon an eligible site for the seat of justice in said county of Houston, and all the qualified voters for members of the General Assembly shall be entitled to vote in selecting said site. Should there be two or more places put in nomination, and voted for, the place receiving the majority of the votes cast shall thereupon be declared by said commissioners the seat of justice of Houston County; Provided, That said commissioners shall have the right to hold elections from time to time, dropping the place receiving the lowest number of votes, until one place shall receive a majority of those voting.

SECTION 6. That said commissioners, before said election shall be held, shall ascertain upon what terms a suitable lot of ground can be procured for the county site, from the several persons owning the places put in nomination, and, if necessary, make a conditioned purchase or arrangement for the same; and when the county site shall have been located, as provide in section fifth of this Act, shall proceed to close the trade and acquire, by purchase or otherwise, such grounds as may be necessary for the use of said county; and said commissioner shall cause a town to be laid off, thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings.

SECTION 7. That the commissioners of said county shall sell the lots with the right to reserve alternate lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, of the time and place of said sale, and shall take bond with security from the purchasers of said lots, payable to themselves or their successors in office, and shall make title in the fee simple as commissioners, to the respective purchasers of said lots.

SECTION 8. That the proceeds of the sale of said lots shall be a fund in the hands of said commissioners for defraying of the expenses incurred in the purchase of said tract of land, on which the said county site shall be located, and also for defraying the expenses of erecting the public buildings for said county of Houston.

SECTION 9. That said commissioners shall have the power to designate a suitable place for holding courts of said county of Houston, until a permanent county site shall have been selected, as provided in section fifth of this Act.

SECTION 10. That at the same time and places in which the election shall be held under said section fifth of this Act, to select a county site for said county, the said commissioners shall open and hold an election, giving the notice required in said section, for one Sheriff, one clerk for the County Court, one clerk for the Circuit Court, one County Trustee, one Revenue Collector, one Register; and also two Justices of the Peace, and one Constable, for each civil district of said county; Provided, That all the Justices of the Peace and Constables that may be in office in either of said fractions, shall hold their office and exercise the functions thereof, until their successors are elected and qualified as herein provided, and the returns of said election shall be made to the Chairman of the Board of Commissioners, who shall proceed to compare the vote in the presence of said Board, and shall certify the result, and make return thereof according to law; and thereupon the Governor shall proceed to issue commissions to such of said officers as are required to be commissioned by him according to existing laws.

SECTION 11. That the different fractions of the several counties embraced in the county of Houston, shall vote with the several counties to which they now belong, in all elections for Governor, Representatives in Congress, President and Vice-President, and members of the General Assembly of the State of Tennessee, until the next apportionment, agreeable to the provisions of the fourth Section of the second Article of the Constitution.

SECTION 12. That the said fractions shall remain subject to the jurisdiction of the several counties from which they were stricken off, until the organization of the courts of law and equity in said county of Houston.

SECTION 13. That there shall be organized for said county of Houston, one Chancery Court and one Circuit Court, and also a County Court, having all the powers and jurisdiction now exercised by said courts in other counties of this State; that the county of Houston shall constitute a part of the Sixth Chancery Division and Tenth Judicial Circuit of Tennessee; and the Chancery Court shall be held by the Chancellor thereof, on the third Mondays in May and November; and the Circuit Court shall be held on the first Mondays in April, August and December.

SECTION 14. That when said courts shall have been organized as provided in the thirteenth Section of this Act, all causes which may have originated in the limits of said new county, shall be transferred to the appropriate courts thereof; and the clerks of the several courts in which said suits are now pending, shall, on application of either party, unless the defendant reside out of Houston county, and is not a non-resident of the State, shall furnish a certified copy of the proceedings already therein had, together with all the papers pertaining to said causes, and their fees for the same shall be taxed in the bill of costs, and await the final proceedings to be held therein.

SECTION 15. That the fractions of Stewart, Humphreys, and Dickson, formed by this Act into the county of Houston, shall continue liable for their pro rata of all debts heretofore contracted and owing by said counties of Stewart, Humphreys and Dickson, as well as entitled to any portion of any stocks, credits and choses in action belonging to said counties; and the County Courts of the old counties, respectively, and also the County Court of Houston county, shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870; and in making such apportionment, the aggregate value of all taxable property and polls in each, shall be taken as a basis of said apportionment; and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect as fair and equitable apportionment of the debts owing, stocks owned, and revenue collected by each; provided, that the

Revenue Collector for the county of Houston shall collect all the taxes remaining unpaid in said fractions, after the organization of said county.

SECTION 16. That the commissioners aforesaid, are hereby authorized to exercise such other and further powers as may be necessary to complete the organization of the county of Houston, and make any change in the lines of said new county, if found necessary, so as to conform to the requirements of the Constitution of the State of Tennessee.

SECTION 17. That for the purpose of building a Court-house and Jail, the County Court of Houston County, shall have power to issue bonds bearing eight per cent interest, running not less than ten years and for an amount not exceeding twenty thousand dollars, interest payable semi-annually, with coupons attached, and the same shall have power to assess and levy a tax to meet the interest and provide a sinking fund to meet the payment of said bonds. The bonds shall bear upon their face the object and purpose for which they were issued.

SECTION 18. That the part of Montgomery County embraced in the following boundaries, to-wit: Beginning at the point where the east boundary line of Houston County strikes the south boundary line of Montgomery County, four miles from the south-west corner of Montgomery County; running thence due north to Cumberland River; thence down said river with its meanders to the point where the west boundary line of Montgomery County crosses Cumberland River; thence south nineteen degrees east, with said line, to the southwest corner of Montgomery County to the beginning, containing about thirty-two square miles, be, and the same is hereby attached to Houston County and made part, on the following terms and conditions, to-wit:

SECTION 19. That J. H. Marable, Wm. C. Jackson and Barney Powers be, and the same are hereby appointed commissioners on the part of the fraction of Montgomery aforesaid, to act in concert with those already designated in section two of this Act, and shall have all the powers and privileges, and discharge all the duties and obligations imposed upon said Board of Commissioners, and shall constitute part of the same.

SECTION 20. That at the time and places designated in section 4 of this Act, said Board of Commissioners shall also, after giving the notice required in said section, in two or more public places in said fraction of Montgomery County, cause an election also to be held therein as provided in said section for the other fractions; and if a majority of two-thirds of the qualified voters therein shall vote in favor of the new county, the said fractions of Montgomery shall thereupon become a part of Houston County, and shall have and be invested with all the further rights and privileges and subject to all the duties of citizens of said county, as provided in this Act; Provided, That Montgomery County shall not thereby be reduced below the number of square miles which the constitution requires.

SECTION 21. That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed: January 21, 1871.

BOUNDARIES

CHANGE COUNTY LINES

ACTS OF 1909

CHAPTER 126

WHEREAS for a number of years doubts have existed as to the true locality of portions of the line between the counties of Stewart and Houston running from the Tennessee River to the Montgomery County line; therefore, in remedy thereof,

SECTION 1. That the line between the counties of Stewart and Houston be, and the same is hereby, settled and fixed as follows--to wit:

Beginning on the Tennessee River at the Lagrange Metal Landing, the northwest corner of Houston County, as established by the Commissioners of said county; running thence east one and five-eighths miles 526 poles to Station 79 in an old field near a ridge road between Leatherwood and Hurricane Creeks, known as the "Cotton Patch;" thence with said road north 57' east 22 poles to Station 80; thence north 70' east 54 poles to Station 81; thence north 50' east 22 poles to Station 82, a point on said ridge road eleven miles from Dover; thence with the arc of a circle, keeping the distance of eleven miles from Dover, south 60' east 86 poles to Station 83; thence south 66' one mile to Station 84; thence south 72' east one mile to Station 85; thence south 78' east one mile to Station 86; thence south 84' east one mile to Station 87; thence south 87' east one mile to Station 88, a point due south of Dover, eleven miles from Dover; thence north 87' east one mile to Station 89; thence north 84' east one mile to Station 90; thence north 78' east one mile to Station 91; thence north 72' east, crossing Hurricane Creek about 200 yards south of Samuel French's, at 144 poles, in all one mile to Station 92; thence north 66' east one mile to Station 93; thence north 60' east one mile to Station 94; thence north 54' east one mile to Station 95; thence north 48' east one mile to Station 96; thence north 42' east 180 poles to Station 97, a small black oak and several black oak pointers on a high ridge in the Bryan Forge Coaling about one-half miles north 4' east from George Hornberger's; thence north 86' east, crossing Wells' Creek at mouth of Dr. Carter's land at three and one-half miles, crossing Grice Creek near Auther Powers at five and three-quarter miles, in all seven miles to Montgomery County line, to Station 98 in Montgomery County line, this being the line called for and established between the counties of Stewart and Houston by the Supreme Court of Tennessee in the case of W. L. Dunbar et al. vs. N. McKinnon et al. on the twenty-ninth day of March, 1896.

SECTION 2. That all territory lying south of said line shall be included in Houston County, and all territory lying north of said line shall be included in Stewart County.

SECTION 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1909.

BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Houston County.

1. Acts of 1885, Chapter 69, changed the boundary between Dickson and Houston Counties to include all of the land of Joel N. Boze in Houston County.
2. Acts of 1909, Chapter 57, placed all the land of L. J. Browning in Dickson County, taking a part of it from Houston County.
3. Private Acts of 1937, Chapter 403, changed the boundaries between Houston and Dickson Counties, by placing the nineteen acre tract of J. M. Cooksey in the Tenth Civil District of Dickson County and the one-hundred-fifty acre tract belonging to J. R. Cooksey, Jr. in the Sixth Civil District of Houston County.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

The following acts once affected jurors or boards of jury commissioners in Houston County, but are no longer operative.

1. Private Acts of 1939, Chapter 433, established a grand jury system for Houston County. It was abolished by the Private Acts of 1941, Chapter 382.
2. Private Acts of 1953, Chapter 161, created a Board of Jury Commissioners in Houston County.

COURT SYSTEM

CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Houston County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Houston County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1903, Chapter 277, set the time for holding Chancery Court on the second Mondays in January and July.
2. Acts of 1905, Chapter 286, changed the time for holding Chancery Court to the first Mondays in June and December.
3. Private Acts of 1919, Chapter 455, set the time for holding Chancery Court to the third Mondays in April and October.
4. Private Acts of 1927, Chapter 729, set the salary of the Clerk and Master of the Chancery Court at \$500 per year and required that an annual statement be filed with the County Judge, listing all the fees paid into that office during the year. This was amended by Private Acts of 1947, Chapter 732, to raise the annual salary to \$850 per year.
5. Private Acts of 1941, Chapter 27, created the office of County Judge in Houston county and provided for his duties, compensation and tenure of office.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is regulated by T.C.A. §§ 8-24-102 and 8-24-104. The old minimum and maximum variation in salary ended on September 1, 1993.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

COURT SYSTEM

CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Houston County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the circuit court of Houston County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1870-71, Chapter 75, provided that the Criminal Court Judge of Montgomery County was to hold Circuit Court in Houston County.
2. Acts of 1877, Chapter 166, authorized the Judge of the Tenth Judicial Circuit to hold court in Houston County.
3. Acts of 1903, Chapter 29, set the time for holding Circuit Court in Houston County on the third Mondays in March, July and November. This was amended by Acts of 1909, Chapter 329, to change the time to the fourth Mondays in March, July and November.
4. Private Acts of 1947, Chapter 731, set the salary of the Circuit Court Clerk between \$900.00 and \$1,200.00 per year.
5. Public Acts of 1971, Chapter 56, created the office of Assistant District Attorney General for the Twenty-first Judicial Circuit.
6. Public Acts of 1971, Chapter 277, empowered the judge of the Twenty-first judicial circuit to employ and appoint a suitable and qualified person as secretary.
7. Public Acts of 1972, Chapter 781, created an additional office of full-time Assistant District Attorney General for the Twenty-first Judicial Circuit.
8. Public Acts of 1974, Chapter 527, created an additional Assistant District Attorney General to the District Attorney General for the Twenty-first Judicial Circuit of the State of Tennessee.
9. Public Acts of 1976, Chapter 519, created an additional office of full-time Assistant District Attorney General for the Twenty-first Judicial Circuit.
10. Public Acts of 1976, Chapter 655, created the office of an additional Circuit Judge for the Twenty-first Judicial Circuit. This act was amended by Public Acts of 1978, Chapter 800.

COURT SYSTEM

CIRCUIT COURT

CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set by T.C.A. §§ 8-24-102 and 8-24-104. The old minimum and maximum variation in salary ended on September 1, 1993. The basic fee schedule for clerks of court is found at T.C.A. § 8-41-401.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Houston County is in the 23rd judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive secretary to the district attorney general's conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

COURT SYSTEM

GENERAL SESSIONS COURT

JUVENILE JURISDICTION

PRIVATE ACTS OF 1982

CHAPTER 240

SECTION 1. Effective September 1, 1982, the Court of General Sessions of Houston County shall exercise, in addition to the same jurisdiction as is conferred by law upon the courts of general sessions, exclusive juvenile jurisdiction. When exercising such jurisdiction, the general sessions judge shall have all jurisdiction, authority, powers and duties conferred or imposed by Tennessee Code Annotated, Title 37 or any other law relating to the disposition of juveniles.

SECTION 2. Effective September 1, 1982, any person or court exercising jurisdiction conferred upon the Court of General Sessions by the provisions of this act shall be divested of such jurisdiction. All matters within the jurisdiction of the General Sessions Court created by this act, except those matters which have been heard and taken under advisement, shall be transferred to such General Sessions Court at the close of business on the day preceding the day such court is created. On such date, all official books, records and other documents pertaining to a matter within the jurisdiction of the General Sessions Court shall be delivered to such court.

SECTION 3. At the August general election in 1982, and every eight (8) years thereafter, a person shall be elected as General Sessions judge for a term of eight years by the qualified voters of Houston County. Such person shall possess all of the qualifications required for judges of inferior courts and shall be licensed to practice law in this state. Such Judge shall have the same authority, powers and duties provided by law for judges of Courts of General Sessions.

SECTION 4. (a) The compensation of the judge of the Court of General Sessions of Houston County shall be in the same amount as provided by law and a supplement of four thousand seven hundred dollars (\$4,700) a year for compensation for service as the judge exercising juvenile jurisdiction. The compensation shall be payable in equal monthly installments from county funds appropriated for such purpose.

(b) Beginning September 1, 1982, the compensation supplement of such judge shall be the amount fixed in subsection (a) of this section adjusted to reflect the percentage of change in the consumer price index between that of the calendar year 1981 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1983, and on September 1 of every year thereafter for the ensuing year commencing September 1. As used in this subsection "consumer price index" shall mean the consumer price index (all items--United States city average) as published by the United States Department of Labor, Bureau of Labor Statistics. Provided, however, the amount of adjustment authorized by this subsection shall not exceed seven percent (7%) for a given year.

As amended by: Private Acts of 1982, Chapter 365.

SECTION 5. This act shall not be construed to prohibit the judge of the Court of General Sessions of Houston County from the private practice of law except that the judge shall be prohibited from practicing law in any matter over which the Court of General Sessions of Houston County may exercise jurisdiction.

SECTION 6. The Circuit Court Clerk shall be the Clerk of the General Sessions Court as established by this act. Such clerk shall keep separate records, dockets, minutes books and rule dockets for all general sessions matters and all juvenile matters within the jurisdiction of the sessions court. The Circuit Court Clerk shall be empowered to designate one (1) or more employees as deputies from time to time to be deputy clerk for juvenile matters. The Circuit Court Clerk shall also be authorized to issue warrants, petitions, and other process and notices, as necessary.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Houston County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 11, 1982.

COURT SYSTEM

GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The base salary of the general sessions judge is set by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. §§ 8-24-102 and 8-24-104.

COURT SYSTEM

JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a child, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

COURT SYSTEM

SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1947

CHAPTER 26

SECTION 1. That Section 6, Chapter 115, of the Acts of the General Assembly of the year 1925, known as the General Educational Law, whose caption is set forth in the caption hereof, be, and the same is, hereby amended so as to insert at the end of the first paragraph on page 323 of the printed Public Acts of said General Assembly and just preceding the sentence appearing on said page which reads, "it shall be the duty of the County Board of Education" and to provide the following: "Provided, that in all counties of the State having a population of not less than 6,420 and nor more than 6,450, according to the Federal Census of 1940, or any subsequent Federal Census, the following shall obtain with respect to the compensation, number, and method of selecting the County Board of Education and the members thereof.

1. The County Board of Education shall consist of one member from each of the nine civil districts in said counties to be elected by the qualified voters of the civil districts, respectively. The term of office of each of said members of the County Board of Education shall be for a period of two years. The term of two years of each member, however, shall begin with their election as hereinafter prescribed.

2. The present County Board of Education shall consist of the present members now serving as such Board of Education, and now in office, and those hereinafter provided for, the names of the present members are as follows: Harlan Beasley from the Second District, D. B. Walker from the Third District, Mrs. Hattie Harris from the Fourth District, Lester Brooks from the Fifth District, E. T. Stanfill from the Sixth District, Ryan Ellis from the Seventh District, and DeWitt Felts from the Eighth District. The Election Commissioners of said counties shall call and hold a special election in the First and Ninth Districts of said counties for the purpose of electing a member from each of said districts, respectively, in the manner prescribed by the Election Laws of the State of Tennessee, as soon after the passage of this Act as is practical. The County Court at its regular quarterly sessions shall fill any vacancy or vacancies that may occur in the membership of said Board of Education by reason of death, resignation or removal from the county or district of any of such members or by operation of law. The said Board shall also consist of one member from the Town of Erin living within the corporate limits of said Town, and said member shall be Ray L. Cleghorn, the present member of the Board from the Town of Erin, and all of which members hereinabove mentioned are to be elected as hereinbefore provided, shall serve as members of the Board of Education until the first Monday in September, 1948, and at the regular August election in 1948, there shall be elected by the qualified voters of the nine civil districts respectively and by the qualified voters within the corporate limits of the Town of Erin one member, the said members from each of the said civil districts and the one member from within the corporate limits of the said Town of Erin shall compose the Board of Education, who shall serve for a term of two years, and there shall be elected a member from each of said nine civil districts and a member from within the corporate limits of said Town of Erin by the qualified voters within the corporate limits of said Town, respectively, at the August election two years thereafter.

SECTION 3. That the Superintendent of Public Instruction in all counties of this State to which this Act shall apply be and he is hereby made an ex officio member and Secretary of said Board of Education, with all the duties and powers as now provided by law, Chapter 115 of the Public Acts of 1925, and said Superintendent shall have the sole authority to recommend and

nominate the teachers in all the schools of said counties to which this Act shall apply, said teachers to be elected by the Board of Education.

SECTION 4. That the member of said Board hereinbefore provided for from the Town of Erin shall have the power and it shall be his duty to look after, care for and repair and insure and keep insured the school buildings within the said corporate limits of the Town of Erin, and to have all the other powers and authority of a member of the said County Board of Education.

SECTION 5. That the Election Commissioners of any county affected by this Act shall, in the manner provided by the General Election Laws of the State of Tennessee, call and hold an election in the various voting precincts of any county affected by this Act and shall call and hold an election within the corporate limits of the Town of Erin on the first Thursdays in August, 1948, for the purpose of electing from each of said educational districts or civil districts one member of said County Board of Education, and one member within the corporate limits of said Town of Erin, and persons desiring to become a candidate for said office shall qualify in the manner required by the General Laws of the State, and after said election the Board of Election Commissioners shall canvass the returns and issue certificates of election to the successful candidate in each of the various districts and within the corporate limits of the Town of Erin. The said requirements as now or as may hereinafter be provided by law for members of the County Board of Education shall be conducted in the manner and under the same requirements of law as are required for the election of members of the General Assembly and the restriction, requirements and qualification of voters and the person so elected shall hold the respective offices from the first Monday of September, 1948, to the first Monday of September, 1950, and until their successors shall be elected and qualified, and their successors shall be elected biennially after the first election shall be held by the qualified voters in any county affected by this Act the persons making up the membership of the Board of Education shall be as hereinbefore provided and said Board shall discharge the duties imposed upon it by existing laws, and any vacancy on said Board shall be filled as hereinbefore provided for and any vacancy on said Board of the member from the Town of Erin shall be filled by the Mayor and Board of Aldermen of the Town of Erin at any regular meeting.

SECTION 6. That the several districts and City School Board members shall in each county to which this Act applies compose the County Board of Education for that county, and the Board for the present, with its present organization, shall continue and exist as now organized with the addition of a member from the First Civil District and a member from the Ninth Civil District to be added, and any vacancy to be filled as hereinbefore provided, but they shall meet at the courthouse in their respective counties on the first Monday in September, following their election, and organize in the manner hereinafter provided, and shall elect one of their members as Chairman of said Board. The Chairman shall preside over all meetings of said Board, and in his absence a Chairman pro tem. may be elected by the members present from one of their Board, a majority of the members of said Board shall constitute a quorum for the transaction of all business of said Board. Each member of said Board shall take and subscribe to an oath before some [some] officer authorized to administer oaths to the effect that he will honestly, faithfully and impartially discharge the duties of his office and faithfully and honestly account for and pay over all monies and deliver all property belonging to the county coming into his hands. Said Board shall meet in regular session on the second Thursday in March, June, September, and December of each year, and at any other time special meetings on call of the Chairman may deem it necessary to have a meeting for the proper performance of the duties of such Board and the transaction of its business, but no member shall receive compensation for more than fifteen days in any one year. The Chairman shall call a meeting of said Board when requested in writing to do so by a majority of the other members of said Board.

As amended by: Private Acts of 1955, Chapter 381.

SECTION 7. That the County Superintendent of Public Instruction in each county to which this Act applies shall be ex officio member and Secretary of the County Board of Education, but he shall have no vote at any meeting of said Board. Said Secretary shall attend all meetings of said

Board, keep a correct and complete record of all the minutes and accounts of said Board at each meeting, and such other records shall be kept by him as is now or may be hereafter provided by law. Said Secretary shall meet with the Chairman at such times as may be necessary and proper, and he shall perform all the duties now imposed on him by law as such Secretary of Board.

SECTION 8. That the County Board of Education in each county to which this Act applies shall have the supervision and control of all the public schools in said county, both elementary and high school (except the member from the Town of Erin shall have the exclusive rights and powers hereinbefore delegated to him by this Act), and all other maintained in whole or in part by public fund, and they shall elect all teachers and supervisors of said schools upon the recommendation and nomination of said teachers by the County Superintendent of Public Instruction and fix their salaries and make necessary contracts with all teachers for their services, and said Board shall have power and authority to erect, repair and maintain suitable school buildings, equipment and to acquire and hold real estate for school purposes, purchase equipment and supplies which may be necessary for carrying on the school system in the county and within said corporate limits of said Town of Erin. No one member of the said Board shall have the right to make any purchase except as herein provided.

Said Board shall in all things perform the duties required by law or by the State Department of Education as now provided by the general statutes of the State or as may hereafter be; provided, future legislation affecting the administration of the public school affairs of any county to which this Act applies. The County Board of Education created by this Act, and the member from the Town of Erin shall have the exclusive possession and control of all public school property, both real and personal, now belonging to or in the custody and control of any Board or Association in their respective county, or that may be hereafter acquired, but the building now known as the Erin Grammar School Building shall be under the exclusive control of the member elected within the corporate limits of the Town of Erin, and the title of said building shall not in any way be affected or changed by this Act.

SECTION 9. That the County Board of Education hereby created shall have power and authority to enter into contracts and agreements necessary for the erection, purchase, preservation and maintenance of its buildings, property or equipment and for any other purpose by the Board deemed necessary to carry out the provisions of all laws applying to public affairs or in the proper discharge of their duties upon their members imposed by this Act.

SECTION 10. That each member of said Board shall receive the sum of \$3.00 per day for each day in attendance upon the meetings of said Board, not exceeding fifteen days in any one year, including the member from the Town of Erin, to be paid out of the general funds of the county on the certificate of the Secretary of the Board or upon warrant drawn by the Secretary and Chairman of the said Board to the County Judge showing the names of the members present and the number of days attended by each, and upon receipt of such certificate or warrant the County Judge shall issue to each member a warrant upon the general fund of the county for the same. No member of the County Board of Education shall become the owner or holder of any warrant issued for any purpose upon any of the public school funds in his respective county, but the Secretary may issue such warrant upon his salary as Superintendent of Public Instruction.

SECTION 11. That the Board of Education hereby created in all counties to which this Act applies are hereby constituted the Board of Education of said counties in the room and stead of the seven members as now provided by law, and the said Board of Education of said county shall perform all the duties of said Board of Education as now provided by Chapter 115 of the Public Acts of the General Assembly for the year 1925.

SECTION 12. That the Charter of the Town of Erin is hereby amended as to its Board of Education so as to conform to the provisions of this Act and the Board of Education created by ordinance of the Board of Mayor and Aldermen of the Town of Erin is hereby abolished and the

member of said Board from and within the corporate limits of the Town of Erin shall serve as a member of the Board of Education of the counties to which this Act applies, constituting and making the Board of Education of the county consist of ten members, and the same member from the Town of Erin shall perform all the duties of any other member and is hereby clothed with all the powers of the City Board of Education consistent with the provisions of this Act.

SECTION 13. That all laws and parts of laws in conflict with this Act are hereby repealed, modified and amended, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 14, 1947.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. Public Acts of 1992, Chapter 535, the Education Improvement Act of 1991, substantially revised many aspects of the education statutes. County boards of education are mandated to be popularly elected, but the time for implementation can vary from county to county. The county legislative bodies, from July 1, 1992, were given authority to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. The new education general law provides for board members to be elected to staggered four-year terms.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

EDUCATION - SCHOOLS
ELECTION OF SUPERINTENDENT

PRIVATE ACTS OF 1935

CHAPTER 378

SECTION 1. That in all Counties of this State having a population of not less than 5,550 and nor more than 5,560 according to the Federal Census of 1930, or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by the qualified voters of said County at the regular August election by ballot under the general election laws of the State.

SECTION 2. That the first election held under this Act shall be on the first Thursday in August, 1936, and every two years thereafter, and the person elected at said first election shall hold office from the first Monday in January, 1937, to the first day of September, 1938, or until his successor is elected and qualified.

SECTION 3. That in addition to the qualifications now required by the election laws of this State for candidates for County offices all candidates for the office of County Superintendent under this Act shall file with the Chairman of the Board of County Election Commissioners a certificate of qualification from the proper authorities not less than 30 days before said election.

SECTION 4. That all laws and parts of laws in conflict with this Act be, and the same are repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1935.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

Public Acts of 1992, Chapter 535, known as the Education Improvement Act of 1991, mandates a phasing out of the office of superintendent of public instruction (county superintendent of education) over the decade of the 1990s. Counties with superintendents may by two-thirds (2/3) vote of the county legislative body extend the office of superintendent and the existing method of election or appointment, but this authority will end with the 1996 elections. Replacing the superintendent will be a director of schools, who will be an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools may be employed under a written contract of up to four years duration. The duties of the superintendent or director of schools are enumerated in T.C.A. § 49-2-301(f).

EDUCATION - SCHOOLS

GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following acts constitute part of the administrative and political heritage of the educational structure of Houston County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1905, Chapter 276, created a new Special School District, known as School District No. 9, out of parts of the Fourth and Fifth Civil Districts.
2. Acts of 1909, Chapter 327, amended the general law to provide a County Board of Education for Houston County. It was to be composed of a member elected from each civil district, the County Judge and the County Superintendent of Public Instruction.
3. Private Acts of 1917, Chapter 799, established the Union School District out of parts of the counties of Houston and Dickson. The legislation creating these special school districts was superseded by the Acts creating a general county-wide Board of Education.
4. Private Acts of 1931, Chapter 627, created a Board of Education for Houston County. It was to have eight members, one elected from each Civil District to serve a two year term and the Superintendent of Public Instruction was an ex-officio member. This was amended by Private Acts of 1937, Chapter 631, to provide that the Board of Education could not let school bus contracts for more than three years. Private Acts of 1941, Chapter 380, amended this act so as to allow for the letting of such contracts not more than five years. These Acts were repealed by Private Acts of 1945, Chapter 368, but that Act was repealed by Private Acts of 1947, Chapter 27.
5. Private Acts of 1945, Chapter 367, provided for the election to the Board of Education of a member from all incorporated towns in Houston County. This was repealed by Private Acts of 1947, Chapter 18.
6. Private Acts of 1953, Chapter 145, set the salary of each member of the Board of Education at \$5 for each day's meeting.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must meet at least every ten years to make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: County clerk, the county election commission, the state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of Registrars-at-Large and clerical assistants by the county election commission is authorized by T.C.A. § 2-12-201. Section 2-12-208 sets a minimum salary for certified Registrars-at-Large based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified registrar's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Houston County in the 22nd state senatorial district (along with Dickson, Humphreys, Montgomery, and Stewart counties), while T.C.A. § 3-1-103 places it in the 74th representative district. Houston County is part of the 7th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Houston County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 621, allowed election officers or judges in Houston County to mark the ballot for any voter who declared himself unable to do so, due to blindness or other physical disability.
2. Private Acts of 1939, Chapter 563, established the Eleventh Voting Precinct at Arlington, to be referred to as the "Hunter's Box." Private Acts of 1941, Chapter 36, repealed this act.
3. Private Acts of 1941, Chapter 36, created the Ninth Civil District of Houston County, defining its boundaries and providing for the election of officials. This Civil District was to be known as the "Black Bottom Voting Precinct".
4. Private Acts of 1953, Chapter 148, fixed the voting places in the Fourth Civil District of Houston County.
5. Private Acts of 1955, Chapter 212, fixed the voting places in the Third and Fifth Civil District of Houston County.

CHAPTER VIII - HEALTH

HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summaries are included herein for reference purposes.

1. Private Acts of 1937, Chapter 303, permitted J. G. Cantwell of Erin to practice veterinary surgery; this Act being the only license he would need to practice.
2. Private Acts of 1945, Chapter 245, permitted D. R. Lewis of Houston County to practice veterinary surgery without meeting any further licensing requirements.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS
HIGHWAY ORGANIZATION

PRIVATE ACTS OF 1945

CHAPTER 366

SECTION 1. There is hereby created a County Highway Commission for Houston County. The highway commission shall be composed of an elected road superintendent, who shall be the chief administrative officer for purposes of the county uniform highway law, the county executive who shall be the chairman of the highway commission and three (3) members of the board of county commissioners appointed by the board of county commissioners each year at its January meeting.

The County Road Superintendent shall be elected to a four (4) year term at the August General Election in 1982 and every four (4) years thereafter, and shall take office on September 1, next following his election and shall hold office until his successor is elected and qualified. Before taking office, the Road Superintendent shall execute a bond in the sum of one hundred thousand dollars (\$100,000) for the faithful performance of his duties. Persons seeking to be elected to the position of Road Superintendent must meet the qualifications established under the County Uniform Highway Law.

The Road superintendent created by this Act shall be subject to the supervision of the Highway Commission, which shall have charge of the working and maintenance of public roads in the county, excluding all state and federal roads and highways. The Road Superintendent shall have the authority to employ such personnel as is necessary for road work and maintenance and the efficient operation of his office, and to set the rate of their compensation in accordance with the provisions of the County Uniform Highway Act. The salary of the Road Superintendent shall be set by the Board of County Commissioners at a rate not less than the salary of the County Clerk. Said salary shall be paid in twelve (12) equal monthly installments. Any vacancy in the office of Road Superintendent shall be filled by the Board of County Commissioners at their next regular sessions after the vacancy occurs. A person so appointed shall serve until a successor shall be elected to serve the remainder of the unexpired term, at the next countywide election occurring after the vacancy.

The Road Superintendent shall have the authority to make purchases where the amount expended does not exceed \$500, but the Highway Commission shall make all purchases where the amount to be expended exceeds \$500.

As amended by: Private Acts of 1947, Chapter 180
 Private Acts of 1955, Chapter 213
 Private Acts of 1965, Chapter 219
 Private Acts of 1974, Chapter 259
 Private Acts of 1982, Chapter 239
 Private Acts of 1988, Chapter 123.

SECTION 2. The Road Superintendent shall sign all warrants or vouchers issued by the Highway Commission. Such warrants or vouchers shall also be signed by the County Executive and by the bookkeeper for the highway department, who shall attest to the availability of sufficient funds to pay such warrants or vouchers. Invoices of each and every purchase and all paid bills shall be maintained and kept on file in the office of the Houston County Road Superintendent.

All material and supplies of every kind, with the exception of labor, shall be purchased by the Highway Commission upon sealed bids where the amount to be expended is in excess of \$2,000. Advertisements for bids may be, but are not required to be, made by publication in any county newspaper. Such advertisements for bids shall be posted in some prominent place at the Houston County Courthouse, for a period of five (5) days or more prior to the date upon which said bids shall be received. However, should an emergency arise, the Highway Commission shall have the power to proclaim such emergency by resolution duly entered upon their records, which resolution shall state the nature of such emergency. In case of a declaration of such emergency, the Highway Commission shall have, for a period of ten (10) days next following the date of proclamation, authority to make necessary purchases in excess of \$2,000 without competitive bids, but their authority to do so shall expire after ten (10) days.

As amended by: Private Acts of 1947, Chapter 180
Private Acts of 1974, Chapter 259
Private Acts of 1982, Chapter 239.

SECTION 3. That the Board of County Commissioners be and is hereby authorized and empowered, if necessary, to levy for each year an ad valorem on all property outside of the incorporated towns or cities and taxing districts for road purposes, not exceeding twenty-five (25¢) cents on each One Hundred (\$100.00) Dollars worth of property, and if and when levied to be collected by the County Trustee and to be disbursed by him on warrants of the commissioner approved by the County Executive of the Board of County Commissioners, and countersigned by him, and for which the Trustee shall receive compensation the same as on State and County Taxes.

As amended by: Private Acts of 1982, Chapter 239.

SECTION 4. That in order to open, change, close or restore to public use any and all public roads in said County, the County Highway Commission, after five (5) days written notice given to the land owners to be affected by said change, of the beginning point and the time and place, and shall go upon the premises and lay out said roads by metes and bounds and shall assess the damage to the land owner or owners for the land to be taken, and in the event satisfactory settlement and agreement as to the amount of damage cannot be reached by the County Highway Commission with said land owner or owners, then it shall be the duty of the said County Highway Commission to cause to be filed in the name of the County a petition in the Circuit Court for condemnation of the lands to be taken stating the metes and bounds thereof, and upon the filing of such petition and entering into bond in a sum sufficient to cover all damages, may thereupon take such land and proceed to construct the road without awaiting the termination of such litigation. The County Executive will issue his warrant upon the Trustee of the County for payment of any damages for the taking of any land for public road purposes and which sum shall be paid out of the General County Road Fund. The right of eminent domain is hereby granted to the said Road Organization for the condemnation of any lands necessary for road and bridge purposes.

As amended by: Private Acts of 1947, Chapter 180
Private Acts of 1982, Chapter 239.

SECTION 5. That the said County Highway Commission have the following powers and authority among others set out in this Act and under the limitations and conditions hereof, to wit:

(1) General Supervision, control and management of all public roads and bridges of the County, and of all laying out, building, and construction of roads, bridges and culverts or other work and construction necessary.

(2) To make all contracts necessary for the building and working of roads, the building and repairing of bridges and culverts and any and all requirements in maintaining roads.

(3) To assign road hands, teams and wagons to work the respective roads and to appoint foremen necessary to look after the labor and construction of said roads.

(4) To open, change, widen, close or restore roads of the County to public use, and to condemn land for road purposes as in this Act provided.

(5) To make or cause to be made all plans and specifications necessary for the work or construction of roads and bridges, and to make and cause to be made all necessary surveys.

(6) To make any classification necessary of any and all roads of the County.

(7) To take any action necessary to prevent the obstruction of roads, or injury thereto (sic), or bridges and other highway property of the County.

(8) To designate the location of any telephone poles or other poles along the highway, and to require the removal of such poles so as the same will not obstruct the free travel of the road or interfere with the drainage thereof.

(9) To take any action necessary to prevent injury or obstruction to any of the roads, bridges and drainage thereof, and to regulate the load limit on said bridges of the County.

(10) To do and perform such other and further necessary acts to maintain roads and bridges whether the same be specifically and generally set out and specified herein or not.

(11) To purchase and repair equipment, employ labor, buy lumber and all other road material and supplies necessary in the construction, repairing and maintaining roads and bridges in the County.

As amended by: Private Acts of 1947, Chapter 180.

SECTION 6. That said County Highway Commission shall faithfully perform all the duties imposed by this Act, impartially and fairly and without prejudice against or favor to any section in the County, or any individual, and before entering upon the duties of the offices shall take and subscribe to an oath to faithfully perform the duties required under this Act and as directed herein, and that neither of said Members of said Highway Organization shall have or receive directly or indirectly any interest or profit arising from any contract made under this Act, nor receive any gift, gratuity or any other benefit other than the salaries and compensation herein provided, and any violation of this section shall be deemed a misdemeanor and punishable by fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

As amended by: Private Acts of 1947, Chapter 180.

SECTION 7. That the Road Organization created by this Act shall have all the power and authority necessary for the proper administration of the Highway System in all counties to which this Act applies, to the end that all roads and bridges may be worked and repaired for the public use and benefit.

SECTION 8. That in the event any Section, Clause or Paragraph of this Act should be for any reason held invalid it shall not affect the remaining Sections, Clauses or Paragraphs in this Act, but it is hereby declared that said remaining Sections, Clauses and Paragraphs would have been enacted without those so held invalid.

SECTION 9. That all laws or parts of laws in conflict with this Act be and the same is hereby repealed and especially Chapter No. 238 of the Private Published Acts of 1943, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 21, 1945.

HIGHWAYS - ROADS

ROAD LAW

PRIVATE ACTS OF 1953

CHAPTER 147

SECTION 1. That Chapter 366 of the Private Acts of 1945 as amended by Chapter 180 of the Private Acts of 1947 be and the same is hereby amended so as to provide that the County Judge shall serve as Chairman of the County Highway Commission.

SECTION 2. That the County Judge shall receive for his services as Chairman of the County Highway Commission a salary of Six Hundred (\$600.00) Dollars per annum, payable in monthly installments of Fifty (\$50.00) Dollars each, said sum to be payable out of the County Highway Funds.

SECTION 3. That the aforesaid sum of Six Hundred (\$600.00) Dollars shall be in addition to the regular salary of the County Judge, but shall be included as a part of any salary which may at the present or any future time be fixed at Twelve Hundred (\$1,200.00) Dollars or more per year by any Public or Private Act enacted by the Legislature.

SECTION 4. That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1953.

COMPILER'S NOTE: T.C.A. 8-24-112 now sets the minimum salary of a County Judge for his combined services as county judge - fiscal agent of a county.

HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. Public Acts of 1989, Chapter 77, amended T.C.A. § 54-7-104(a)(1), to provide that the state coordinator of elections, rather than the highway committee of the county legislative body, shall certify a candidate's qualifications to be elected chief administrative officer of the county highway department in those counties where this officer is popularly elected.

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer must be ten percent (10%) greater than the salary of the county trustee under T.C.A. § 54-7-106. The bond of the chief administrative officer is now set at \$100,000 by T.C.A. § 54-7-108.

The duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

The following is a listing of acts which once had some effect upon the county road system in Houston County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913 (1st Ex. Sess.), Chapter 18, was a general road law which created a three-member Board of Public Road Commissioners, to be elected by the Houston County Quarterly Court. It authorized a tax levy for the improvement of public roads and had road duty requirements for all able-bodied men between 21 and 45 years. This was repealed by Private Acts of 1915, Chapter 23.
2. Private Acts of 1915, Chapter 19, was another general road law for Houston County. It provided for one road overseer from each road district, to be elected for a one year term. This Act also contained provisions for road duty and a tax levy for road purposes.

3. Private Acts of 1921, Chapter 19, was the next general road law for Houston County. Its provisions were similar to those of the 1915 road law.
4. Private Acts of 1929, Chapter 673, created a Highway Commission for Houston County, composed of a Highway Commissioner and the Chairman of the County Court. It gave the Commission control of the county roads and the purchase of all materials. This was amended by Private Acts of 1933, Chapter 209, to provide that the Road Commissioner would be elected by the voters, and was also amended by Private Acts of 1941, Chapter 71, to set the salary of the Highway Commissioner at \$1,200 per year.
5. Private Acts of 1943, Chapter 238, was the next road law for Houston County, with provisions similar to those of the 1929 law. It was repealed by Private Acts of 1945, Chapter 366, which was amended by Private Acts of 1947, Chapter 180.
6. Private Acts of 1953, Chapter 147, amended Private Acts of 1947, Chapter 180, so as to provide that the County Judge would serve as Chairman of the County Highway Commission. This act was subsequently amended by Private Acts of 1955, Chapter 213, Private Acts of 1965, Chapter 219, and Private Acts of 1974, Chapter 259.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106.

LAW ENFORCEMENT

MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

LAW ENFORCEMENT

OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

LAW ENFORCEMENT

SHERIFF

EX-OFFICIO FEES

PRIVATE ACTS OF 1925

CHAPTER 322

SECTION 1. That in all counties of this State having a population mentioned in the caption of this Act, by the Federal Census of 1920, or any subsequent Federal Census shall allow the Sheriffs the sum of not less than \$600.00 nor more than \$1,200.00 per annum as ex-officio fees.

As amended by: Private Acts of 1949, Chapter 788.

SECTION 2. That the Quarterly County Court of Counties to which this Act applies shall fix the amount to be paid between the amounts set out in Section 1 of this Act and shall be paid in monthly payments or installments on the first day of each month, same to be part of the quarterly appropriation of said County Court at said Court's quarterly sessions. But the sum herein allowed shall not deprive the Sheriff of the fees now allowed by law.

As amended by: Private Acts of 1949, Chapter 788.

SECTION 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 24, 1925.

COMPILER'S NOTE: Although this Act gives the Houston County Sheriff additional compensation for ex-officio duties, no ex-officio duties are specified. The maximum compensation of county sheriffs is now set by T.C.A. 8-24-102. See Title 8, Chapter 8 for general law on that office.

LAW ENFORCEMENT

SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is now set by T.C.A. §§ 8-24-102 and 8-24-108. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement.

CHAPTER XI - TAXATION

TAXATION

ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The minimum salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary of the county trustee under T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Houston County Assessor.

1. Private Acts of 1911, Chapter 411, amended the general law to provide that the Houston County Tax Assessor would be paid \$300 per annum.
2. Private Acts of 1943, Chapter 422, set the Tax Assessor's salary at \$600 per year. This was amended by Private Acts of 1949, Chapter 787, to provide that the salary would be set by the Quarterly County Court, provided that it was not less than \$600 nor more than \$1,200 per year.

TAXATION

HOTEL/MOTEL TAX

PRIVATE ACTS OF 2000

CHAPTER 144

SECTION 1. For the purposes of this act:

(a) "Clerk" means the county clerk of Houston County, Tennessee.

(b) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(c) "County" means Houston County, Tennessee.

(d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.

(g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days.

SECTION 2. The legislative body of Houston County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator.

SECTION 3. The proceeds received by the county from the hotel tax shall be for general county purposes for the benefit of the citizens of Houston County.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Houston County.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 5. (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the county clerk or such other officer as may by resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect such tax from the transient at the time of the presentation of the invoice for occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by this act the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 8. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is a violation of this act and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 9. It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the county clerk shall have the right to inspect at all reasonable times.

SECTION 10. The county clerk in administering and enforcing the provisions of the act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67, Tennessee Code Annotated, or otherwise provided by law for the county clerks.

For services in administering and enforcing the provisions of this act, the county clerk is entitled to retain as a commission five percent (5%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the county clerk under the authority of this act shall be refunded by the county clerk.

Notice of any tax paid under protest shall be given to the county clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 11. The proceeds of the tax authorized by this act shall be allocated to and placed in the General Fund (or other fund) of Houston County to be used for the purposes stated in Section 3 of this act.

SECTION 12. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-5-1425.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Houston County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: May 22, 2000.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1981

CHAPTER 65

SECTION 1. There is hereby imposed a litigation tax on the privilege of litigating a civil or criminal action in the Circuit, Criminal or Chancery Courts, and the Court of General Sessions, in Houston County, in the amount of ten dollars (\$10) to be levied on each cause of action disposed of in such courts.

SECTION 2. The clerks of the respective courts shall collect such litigation tax and report and pay the same over to the county general account.

SECTION 3. The collected sum paid to the county general account shall be used for the purpose of funding court services and improvements in Houston County.

SECTION 4. The litigation taxes collected under this Act shall be considered suspended when the court having jurisdiction over the cause of action suspends the costs of such cause of action.

SECTION 5. As used in this Act, unless the context requires otherwise, "cause of action" or "action" includes, but is not limited to, all ex parte hearings, advisory hearings and adversary proceedings.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Houston County before September 6, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Houston County and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: April 8, 1981.

TAXATION

MOTOR VEHICLE TAX

PRIVATE ACTS OF 1976

CHAPTER 211

SECTION 1. As used in this act, unless the context otherwise requires:

(a) "Public roads" means the public roads, streets, and highways in Houston County but does not include state maintained roads.

(b) "Motor vehicle" means any vehicle which is self-propelled but does not include any motor vehicle owned by any government agent or instrumentality or any farm tractor and any self-propelled farm machine not usually used for operation upon a public road.

(c) "Wheel tax" means the privilege tax levied by Section 2 of this act on each motor vehicle.

(d) "Decal" means an emblem which signifies payment of the privilege tax levied by Section 2 of this act.

(e) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a farm tractor or other farm motorcycle, or a motorcycle owned by a government agency or instrumentality.

SECTION 2. For the privilege of using the public roads in Houston County, there is levied upon each motor vehicle and its operation a special privilege tax of forty-five dollars (\$45.00) and ten dollars (\$10.00) for each motorcycle. Such tax is in addition to other taxes.

The tax applies to motor vehicles, whose owner is a resident of Houston County or whose owner is a non-resident of Houston County and operates such vehicle on the public roads for a period of not less than thirty (30) days in any tax year.

The payment of such tax and the display of the decal entitles the owner of such motor vehicle to operate it over the public roads from March 1 of each year to midnight on the last day of February of the next succeeding year.

When a motor vehicle becomes taxable under the provisions of the act at a later date than March 1, the same proportionate reduction shall be made as to the cost of the wheel tax as is now provided for the issuance of motor vehicle registration and license for the State of Tennessee under Tennessee Code Annotated, Title 5, Chapter 47.

As amended by: Private Acts of 2000, Chapter 78.

SECTION 3. The wheel tax shall be collected by the County Court Clerk of Houston County. Upon payment of the wheel tax, the Clerk shall issue a receipt in duplicate and a decal.

The County Court Clerk shall not issue a state of Tennessee automobile license plate, sticker, decal or emblem to a resident of Houston County unless, at the same time, such resident purchases the appropriate Houston County Wheel Tax decal in accordance with this chapter.

All expenses of the County Court Clerk in providing the decal, the receipts and other records of such wheel tax shall be paid from the general fund of Houston County.

The design of the decal shall be determined by the Clerk. For his services in collecting the tax, the Clerk shall receive a fee of fifty cents (\$.50).

Each month, the Clerk shall report the amount of wheel tax collected and pay such amount to the Trustee of Houston County.

As amended by: Private Acts of 1978, Chapter 304.

SECTION 4. Upon payment of the wheel tax, the owner of the motor vehicle shall receive the original receipt and a decal. The decal shall be affixed to the windshield of the motor vehicle in the lower right hand corner. The decal for motorcycles shall be affixed on the top portion of the gasoline tank, but if such tank is not visible then the decal shall be placed on any prominent and visible portion of said vehicle. The decal for motorcycles shall be of a different color than the decal issued for motor vehicles.

SECTION 5. Upon application to the County Court Clerk and the payment of a fee of fifty cents (\$.50), a duplicate receipt and a duplicate decal shall be issued to the owner when:

- (a) The motor vehicle or motorcycle on which the tax is paid becomes unusable or is destroyed or damaged and cannot be operated and the owner destroys the decal;
- (b) The owner transfers the title to the motor vehicle or motorcycle on which the tax is paid and destroys the decal;
- (c) The motor vehicle or motorcycle on which the tax is paid ceases to be operated on the public roads and the destroyed; or
- (d) A decal becomes obliterated, defaced or illegible.

SECTION 6. The proceeds from the wheel tax shall be placed by the Trustee into a special account, designated as the "Growth and Building Fund," to fund existing debt as well as various growth and development projects in and for Houston County and the public debt associated with such projects. The Legislative Body of Houston County shall designate by resolution the manner in which such funds shall be expended.

As amended by: Private Acts of 1977, Chapter 2,
Private Acts of 2000, Chapter 78.

SECTION 7. The tax levied under this chapter shall be collected for the tax year beginning March 1, 1977, and every year thereafter.

As amended by: Private Acts of 1977, Chapter 2.

SECTION 8. It is a misdemeanor to operate, drive or impel a motor vehicle or motorcycle taxable under this act on the public roads of Houston County without the payment of such wheel tax and without the decal being displayed in accordance with this act.

Any person violating the provisions of this act shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

As amended by: Private Acts of 1987, Chapter 19.

SECTION 9. It is the intent of the General Assembly that this act be construed as a measure providing for additional revenue for Houston County.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Houston County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 10.

Passed: February 25, 1976.

TAXATION

MOTOR VEHICLE TAX

Section 5-802, Tennessee Code Annotated, provides that the Quarterly Court of a county may levy a motor vehicle tax by resolution of the court provided it is subsequently approved by the people in a referendum.

The private acts listed below are no longer in effect in Houston County.

1. Private Acts of 1975, Chapter 53, Page 195, levied a \$15 motor vehicle tax on the residents of Houston County and all non-residents using the county roads at least 30 days in each tax year. The County Court Clerk would collect the tax and issue a decal signifying payment of the same, for all of which the Clerk could charge a fee of fifty cents (\$.50) for each decal issued. Provisions were included to transfer decals from one vehicle to another and to replace those which might be lost, stolen, or destroyed. The proceeds of the tax would be used as the County Court decided but could be used, if desired, to pay school bonds or be deposited in the regular sinking fund. The terms of this act had to be approved by the people in a referendum before taking effect. Anyone not complying with the provisions of this act could be fined as in misdemeanor cases. This act was rejected by the Houston County Quarterly Court and never took effect. Further, it was specifically repealed by the act following.
2. Private Acts of 1975, Chapter 163, Page 601, expressly repealed Private Acts of 1975, Chapter 53, above, in its entirety.

TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

The following is a listing of acts pertaining to taxation in Houston County which are no longer effective.

1. Private Acts of 1931, Chapter 817, authorized a tax levy of not more than \$.31 per \$100 assessed valuation, for general county purposes.
2. Private Acts of 1955, Chapter 214, authorized a tax levy of \$.75 per \$100 assessed value, for general county purposes.

PARALLEL REFERENCE TABLE

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