



May 19, 2024

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# Madison

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Madison



Madison County Courthouse

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# Chapter I - Administration

## Budget System

### Private Acts of 1986 Chapter 163

**SECTION 1.** For the purposes of administration, the funds of Madison County shall be structured into a school fund, highway fund, county general fund, debt service fund, juvenile court services fund, revenue sharing fund, general purpose bond fund (other than school and highway) and such other funds as required by law or as deemed appropriate by the county legislative body.

**SECTION 2.**

(a) The County Mayor may employ a director of accounts and budgets to set up and maintain in the accounting office a system to account for the above funds that are under the administrative control and direction of the County Mayor.

As amended by: Private Acts of 1993, Chapter 50

(b) The accounting office shall establish a system of fiscal procedure, control, budgeting and accounting of said funds. Such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the County Mayor as fiscal agent of the County.

As amended by: Private Acts of 1993, Chapter 50

(c) The system of fiscal procedure, control, budgeting and accounting shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the National Council of Governmental Accounting and the rules and regulations established by the state comptroller of the treasury.

(d) The director shall install a uniform chart of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting representing all county funds, offices, agencies and activities of the county government, with the exception of school funds administered by the County Board of Education.

As amended by: Private Acts of 2001, Chapter 39

**SECTION 3.**

(a) It shall be the duty of the County Mayor with the approval and confirmation of the county legislative body, at its January term each year, to appoint a committee of three persons who shall be and constitute the budget committee. One of said persons so appointed shall reside outside the city limits of Jackson, Tennessee; one shall be a resident and citizen of the City of Jackson; and only one shall be a member of the county legislative body. That the county legislative [sic] may allow the non-county legislative body members of said committee such compensation for their services as the county legislative body may deem right and proper. That said compensation shall be paid from the county general fund.

As amended by: Private Acts of 1993, Chapter 50

(b) Said budget committee shall organize by electing a chairman and two members of said committee shall constitute a quorum for the transaction of business. The county mayor shall serve as a nonvoting ex-officio member of the budget committee. The director of accounts and budgets shall act as the nonvoting ex-officio secretary to the budget committee. That the duties of the secretary shall be to keep all records of the committee's proceedings, assist in compiling the necessary data, assist in the preparation of said budget, publish newspaper notices and perform such other duties as shall be prescribed by the committee chairman.

As amended by: Private Acts of 1993, Chapter 50

(c) The budget committee, in conjunction with the director shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary process. Each department or office of county government shall submit on request a proposed budget for the succeeding fiscal year and such other budgetary information as needed. The fiscal year for each office, department, institution, activity and agency shall begin on July 1st of each year and shall end on June 30th next following. Said fiscal year shall constitute the budget year.

**SECTION 4.**

(a) The county highway commissioners or superintendent shall, on or before the 15th day of April of each year, file with the director of accounts and budgets an itemized statement of the funds

estimated to be required for the operation of the county highway department for the ensuing fiscal year, together with an estimate of the highway and road funds expected to be received during the next fiscal year.

(b) The county board of education shall, on or before the 15th day of April of each year file with the director of accounts and budgets an itemized statement of the funds estimated to be required for the operation of the county school department for the ensuing fiscal year, together with an estimate of the school funds expected to be received during the next fiscal year.

(c) The county mayor and director shall, on or before the 15th day of April of each year, prepare an itemized statement estimating amounts necessary to be expended from the county general fund, the debt service fund and all other funds (excluding highway and school funds) together with an estimate of the revenue to be received during the next fiscal year for each fund.

As amended by: Private Acts of 1993, Chapter 50

(d) Each of the other operating departments, offices and agencies shall file with the director of accounts and budgets on or before the 15th day of April of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing fiscal year, together with an estimate of any county revenues to be received by such agency, office or department.

(e) The director of accounts and budgets shall, on or before May 15th of each year, file a consolidated budget document with the budget committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from all funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered cash balance of each of said funds at the beginning of said fiscal year.

## **SECTION 5.**

(a) The proposed budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year and shall conform to the uniform classification of accounts established by the comptroller of the treasury. It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose, administered by the county board of education, shall conform in all respects to the classification of accounts as prescribed by the state commissioner of education.

(b) The budget document shall contain and prescribe, but not be limited, to the following format:

Opposite each item of estimated revenue, the budget shall show in opposite parallel columns a revised estimated amount for the current fiscal year and the estimated amount for the ensuing fiscal year. Likewise opposite each item of proposed expenditure the budget document shall show the probable amount which will be spent during the current fiscal year and the proposed appropriation or expenditure estimate for the ensuing fiscal year.

(c) In preparing the budget, the budget committee may revise, as it deems necessary, the estimates or requests made by the various departments, officials, offices, institutions and agencies of the county, but any county official shall be entitled to a hearing before the budget committee with reference to his or her budget requests or estimates.

(d) The budget committee shall fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year and shall propose a tentative tax rate for the current calendar year.

## **SECTION 6.**

(a) On or before June 15th of each year the budget committee shall hold public hearings to be conducted by said budget committee at which time county officials and department heads shall have the right to appear and state his or her views on their particular budget request. Notice of such public hearings shall be given to county officials, department heads and a newspaper having general circulation in such county five (5) days prior to the public hearings.

(b) Following such public hearings, the budget committee shall make the final revision of the budget document and prepare copies for presentation to the county legislative body. The proposed budget document shall be mailed to the county legislative body and the local news media ten (10) days prior to the meeting jointly agreed to by the county major and the county legislative body for the purpose of adopting the tentative budget.

As amended by: Private Acts of 1993, Chapter 50

## **SECTION 7.**

(a) The budget committee shall present the budget to the county legislative body on the date jointly

agreed to by the county major and the county legislative body for the purpose of adopting the tentative budget. With the proposed budget, the budget committee shall include a budget appropriation resolution and a tax levy resolution.

As amended by: Private Acts of 1993, Chapter 50

(b) The county legislative body may alter or revise the proposed budget except as to the provision for debt service requirements and for other expenditures required by law. The final adoption of the budget shall be made by the county legislative body on or before the third Monday in July of each year. Pending such final adoption the county mayor, school superintendent and highway superintendent are hereby authorized to make temporary allotments for expenditures for essential county services, in amounts not in excess of the comparable allotment for an average month of the preceding fiscal year. The budget, the appropriation resolution and the tax levy resolution, as adopted, shall be spread upon the minutes of the county legislative body.

As amended by: Private Acts of 1993, Chapter 50

## **SECTION 8.**

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution and no expenditure shall be made or obligation created in excess of such limitation.

(b) The county mayor as chief financial officer of the county shall countersign all warrants drawn by any and every official, against any and every fund of the county. No warrant drawn against any such fund shall be valid and binding on or against the county unless the same shall have been countersigned by the county mayor.

As amended by: Private Acts of 1993, Chapter 50

(c) In performing his duties as chief financial officer of the county and in directing the budget of the county, the county mayor shall require quarterly reports on the condition of all funds during the budget year. Said report shall show for each item of appropriation the total expenditures for the month and the year to date and the amount of the unencumbered balance. Said reports shall also show for each fund an itemized statement of the revenues and receipts estimated for each year, the amount of the collections of each item for the month and year to date and the unrealized portion of the estimate. Also included in said reports shall be the amount of the current unappropriated fund balance of each fund. Said reports shall be due in the office of the county mayor on or before the 15th of the following month from which quarter such report covers. The due dates for said reports shall be the 15th of October, January, April and July of each year.

As amended by: Private Acts of 1993, Chapter 50

(d) That if at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the administrative officer of such fund to immediately inform the county mayor of the possible budget deficit. At such time the county mayor, along with the budget committee, shall review the data and if they deem necessary, shall present their findings to the county legislative body at any regular or special called session. At such time they shall advise the county legislative body of the condition of the budget and of any adjustment or reduction of appropriations which should be made and shall recommend any other action which, in their opinion, the county legislative body should take in order that the budget shall be kept in balance.

As amended by: Private Acts of 1993, Chapter 50

(e) In addition to the required quarterly reports from the administrative officer of the above stated funds, each officer, official, department, office, agency, board, committee or commission of the county shall furnish such information and make such reports as may be required to properly maintain the accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the county mayor or the director of accounts and budgets.

As amended by: Private Acts of 1993, Chapter 50

(f) If the need shall arise, the county legislative body may grant, by resolution, authority to the county finance committee created in Tennessee Code Annotated, Title 5, Chapter 8, Part 2, to recommend, with the approval of any official, head of any department or division which may be affected, all transfers or adjustments within any major appropriation category to the county legislative body. For transfers between major appropriation categories within the same fund, the county legislative body may grant, by resolution, authority to the county finance committee created by Tennessee Code Annotated, Title 5, Chapter 8, Part 2, to recommend all transfers or adjustments to the county legislative body. Major appropriation category means major categories of

summary accounts in the latest uniform chart of accounts as prescribed by the Comptroller of the Treasury. The school superintendent must obtain the approval of the board of education for all school department transfers.

As amended by: Private Acts of 1992, Chapter 146

**SECTION 9.** If any provision of this Act or the application thereof to any person or circumstances 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 10.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Madison county legislative body. 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.

Passed: April 2, 1986.

## Building Regulations

## Building Permit Fee

## Private Acts of 2005 Chapter 16

**SECTION 1.** Where the Madison County legislative body has appointed a county building commissioner in accordance with Tennessee Code Annotated, Section 13-7-110, the building commissioner is authorized and directed to collect a building permit fee as set by resolution of the county legislative body for each building permit issued. The building commissioner shall collect the fee from the person, firm, or corporation to whom the building permit is issued and shall immediately remit the fee to the county trustee for general fund purposes.

**SECTION 2.** Chapter 166 of the Private Acts of 1963 is hereby repealed.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Madison County at the next regular meeting of the legislative body occurring more than thirty (30) days after the approval of this act by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 4.** 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 as provided in Section 3.

Passed: March 17, 2005.

## Private Acts of 1973 Chapter 116

**SECTION 1.** That Madison County is hereby authorized and empowered in all unincorporated areas in said County to prevent the erection, maintenance or occupancy of buildings, structures or premises dangerous to persons or property and to remove them when erected without their consent; to regulate the manner of building buildings, structures, signs, or parts thereof, whether of a permanent or temporary nature; to regulate the construction, repair and maintenance of stove pipes, flues, gas pipes and other like works in all buildings, and on all premises, for the purpose of preventing fires and the spread thereof; to regulate and prohibit the accumulation of junk cars, abandoned appliances and other debris; to regulate business of electricians and electrical work, and to enforce efficiency [sic] in the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated; to regulate waterworks and water systems whether publicly or privately owned; to regulate the disposition of sewage and waste so as to preserve the public health; to regulate and control plumbers and plumbing works, and to enforce the efficiency of the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated.

As amended by:

Private Acts of 1981 Chapter 94

**SECTION 2.** For the purpose of enforcement of such regulations, Madison County is hereby empowered to create the offices of Building Commissioner, Electrical Inspector and Plumbing Inspector; to provide for the appointment of such inspectors, and to fix their duties and compensation, and if it chooses, to contract with incorporated cities and towns in such county, or any agency thereof, for the services of such City Inspectors having special skill in the inspection of buildings, electrical, plumbing and water works under such conditions as may be agreed upon between the public officials of such county and cities, to the end



that City Inspectors may be made ex-officio or otherwise county inspectors.

**SECTION 3.** All regulations adopted pursuant to the authority hereby conferred shall affect only the unincorporated areas of said county, and shall not be held to abrogate or abolish any general or special Act of the General Assembly authorizing incorporated cities or towns to regulate such works, nor to affect any regulations enacted in any incorporated cities or towns lawfully enacted touching the subject matter of this Act.

**SECTION 4.** The regulations herein provided for shall be adopted by the Madison County Quarterly County Court by resolution, and may be adopted at any regular or special meeting of such Quarterly County Court. In order to carry out the provisions of this Act, the Madison County Quarterly County Court is hereby authorized and empowered to appropriate monies to carry out the provisions of this Act, and to provide for the compensation of the inspectors and other offices [sic] whose duty it shall be to enforce the provisions thereof.

**SECTION 5.** Any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00), for each offense; and each day that any violation of any such provision or regulations shall continue shall be deemed a separate offense.

**SECTION 6.** In case any building or structure, works or instrumentality is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of the provisions of this Act or of any regulation or provisions enacted or adopted by the Madison County Quarterly Court under the authority granted by this Act, such body, the county attorney, the county inspector of such works or any other officer or board of the county, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction reconstruction, alteration maintenance, or use.

**SECTION 7.** Neither this Act, nor any regulation promulgated hereunder, shall modify, alter or repeal or in any way affect the applicability to said County of any of the provisions of Chapter 25 and 48, Title 53, Tennessee Code Annotated, and the provisions of same are incorporated herein by reference.

**SECTION 8.** This Act shall have no effect unless the same shall be approved by a twothirds (2/3) vote of the Quarterly County Court of Madison County, such approval to be within one hundred twenty (120) days after the passage of this Act. The action of the Quarterly County Court shall be proclaimed by the presiding officer of such governing body and shall be certified by him to the Secretary of State.

**SECTION 9.** This Act, for the purpose of action thereon by the Quarterly County Court as provided in Section 8, shall take effect from and after its passage, and for all other purposes shall take effect from and after its approval by the Quarterly County Court as above provided, the public welfare requiring it.

Passed: May 1, 1973.

## County Attorney

### Private Acts of 1986 Chapter 162

**SECTION 1.** Chapter 433 of the Private Acts of 1929, Chapter 484 of the Private Acts of 1941, as amended by Chapter 218 of the Private Acts of 1943, Chapter 434 of the Private Acts of 1951 and Chapter 251 of the Private Acts of 1965, and any other acts amendatory thereto are hereby repealed.

**SECTION 2.** The office of County Attorney is hereby established in Madison County. The County Attorney shall be elected by the county legislative body and shall serve for a term of two (2) years or until a successor County Attorney is elected. In the event of a vacancy in the office of County Attorney, the same shall be filled by the county legislative body.

**SECTION 3.** The County Attorney shall be a resident of Madison County and shall be licensed to practice law in the state of Tennessee.

**SECTION 4.** It shall be the duty of the County Attorney to advise the County Executive and all other county officials upon legal matters pertaining to their respective offices, and shall prepare and render written legal opinions to all county officers pertaining to the performance of their official duties. The County Attorney shall give legal advice to the County Executive and to the county legislative body in regard to the issuance and sale of county bonds, and shall (execute and) prepare all necessary legal papers pertaining thereto when requested to do so by the County Executive or by the county legislative

body.

The County Attorney shall also represent the County in all litigation in which the County is a party, whether as plaintiff or defendant, and in all the Courts. The County Attorney will be responsible for the prosecution or defense of all civil suits in which the County is a party, and the County Executive shall not have the authority to employ additional counsel to assist the said County Attorney, but should the County Attorney feel the need of assistance in the handling of any suit, such County Attorney shall present a petition before the county legislative body in regular, or called session, setting out reasons for requesting additional Attorney or Attorneys, and the county legislative body shall pass upon the petition as in other motions, and either grant or refuse said petition.

When any extra or special Attorney is so appointed by the county legislative body, the fees to be paid for such attorney's services, shall be fixed by the county legislative body.

**SECTION 5.** That upon an election of the County Attorney by the county legislative body, the said county legislative body shall fix his compensation at an amount not less than \$20,000 per year, which may be raised or may be lowered at the end of the appointed term, and which shall be payable in the same manner as other county employees.

**SECTION 6.** The county Attorney elected by the county legislative body as above provided shall take and subscribe to the following oath: "I do solemnly swear that I will perform with fidelity the duties of the office of County Attorney to which I am elected and which I am about to assume."

**SECTION 7.** The enactment of this Act shall have no effect upon the person presently serving as County Attorney, who shall continue to serve for the remainder of his term.

**SECTION 8.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the 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 9.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Madison County Legislative Body and certified by him to the Secretary of State.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this Act, It [sic] 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 9.

Passed: April 2, 1986

## Joint Operations with City of Jackson

### Private Acts of 1973 Chapter 12

**SECTION 1.** In all public operations wherein the City of Jackson and Madison County jointly share in the operation or expenses of operation, or both, the city and county may by contract agree upon a division of costs and any such contract now in existence or which may hereinafter be agreed upon is hereby ratified and approved.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Madison County and by a two-thirds (2/3) vote of the Board of Commissioners of the City of Jackson, such approval to be within sixty (60) days following the approval of this act by the Governor. Such approval or disapproval of the respective bodies shall be certified to the Secretary of State within ten (10) days following such action.

**SECTION 3.** For the purpose of the action hereon by the Quarterly County Court and the Board of Commissioners as provided in Section 2, this act shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved by the Quarterly County Court of Madison County and the Board of Commissioners of the City of Jackson, as provided in Section 2.

Passed: March 13, 1973.

## Obion and Forked Deer River

### Flood Control and Drainage Improvements

# Public Acts of 1959 Chapter 129

WHEREAS, Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, authorized the construction of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries in Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison Counties, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session; and

WHEREAS, The construction of such flood control and drainage improvements at federal expense cannot be undertaken by the Corps of Engineers, United States Army, until a responsible sponsoring agency furnished the United States of America written assurances that it will perform the local cooperation required by law:

**SECTION 1.** That, in consideration of the construction at federal expense by the Corps of Engineers, United States Army, of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries, in the Counties of Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session, as authorized by Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, the State of Tennessee, through its Obion-Forked Deer Basin Authority, be authorized and empowered to defray the cost of the alteration of existing highway bridges in Dyer and Lauderdale Counties required by such improvements, to acquire and furnish without cost to the United States of America all lands, easements, and rights of way required for construction of such improvements, and to maintain all such works after completion; and to execute and furnish to the United States of America written assurances that it will perform the aforesaid acts of local cooperation; and that the State of Tennessee, acting by and through the Governor and the Obion- Forked Deer River Basin Authority, be authorized and empowered to execute and furnish to the United States of America written assurances that it will hold and save the United States of America free from any damages that may result from any special construction, without cost to the Tennessee Game and Fish Commission, by way of continuous spoil banks, culverts, locks and/or other structures under contracts let by the Corps of Engineers, United States Army, along the improved channels of the Obion and Forked Deer Rivers and/or the tributaries thereof over, across or along the boundary of any tract of land owned by or leased to the Tennessee Game and Fish Commission designed to permit the control and/or regulation of the water level on said land in its use as a public hunting area and/or a game refuge or sanctuary.

As amended by:

Public Acts of 1963, Chapter 149

Public Acts of 1974, Chapter 415

**SECTION 2.** That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves. The state shall be primarily liable for the purchase price of such lands as may be needed for such improvements but suits by property owners for any taking without compensation shall be brought against the county, and the state's Obion-Forked Deer River Basin Authority shall reimburse the county for any final judgment rendered against it. In addition, it shall be the duty of the counties to defend such suits, but the commissioner may defend such suits if the counties fail or refuse to defend them, and the counties shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by:

Public Acts of 1974, Chapter 415

**COMPILER'S NOTE:** The 1974 amendment deleted references to the state department of highways, but the reference to the "commissioner" contained in the second paragraph of Section 2 remains, probably in error.

**SECTION 3.** That drainage and levee districts which presently own any property interests or rights of way required for such improvements are hereby authorized, empowered and directed to transfer and convey such property interests or rights of way to the State of Tennessee for the purposes of this Chapter upon the request of the Obion-Forked Deer Basin Authority.

As amended by: Public Acts of 1974, Chapter 415

**SECTION 4.** That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is hereby authorized, empowered and directed to maintain all such works upon completion, in which maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415

**SECTION 5.** That the Obion-Forked Deer Basin Authority and the counties affected be and they are hereby authorized to expend their funds for the acquisition of the necessary rights of way for such channel improvement and to properly maintain the completed improvements.

As amended by: Public Acts of 1974, Chapter 415

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

## Payment of Bond Premiums

### Private Acts of 1937 Chapter 338

**SECTION 1.** That in counties of the State of Tennessee having a population of not less than 51,050 and not more than 51,064, by the Federal Census of 1930 or any subsequent Federal Census, the county shall pay the premium on the bonds of such officials of the county, viz; Sheriff, Clerk of the Circuit Court, Clerk of the County Court, County Register, Trustee, Clerk & Master of the Chancery Court, tax assessor, Clerk of General Sessions Court, and their deputies, and County Judge, when and where the official bonds are executed by such officials with a bonding company as surety.

As amended by: Private Acts of 1941, Chapter 38  
Private Acts of 1945, Chapter 283

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1937.

## Purchasing

### Purchasing Agent

### Private Acts of 1947 Chapter 102

**SECTION 1.** That the office of Purchasing Agent is hereby created in all Counties of the State of Tennessee having a population of not less than 54,110 nor more than 54,120 according to the Federal Census of 1940, or any subsequent Federal Census. The Purchasing Agent shall be elected by the county legislative body of such Counties at its regular April, 1947, term and shall serve from April 10, 1947, for a term of two years, or until his successor is elected and qualified; the compensation of such Purchasing Agent shall be fixed annually by the Board of County Commissioners of Madison County but shall not be less than thirteen thousand nine hundred and ten dollars (\$13,910) per annum, to be payable in equal amounts monthly upon warrants drawn on the General Fund of the County. In the event of a vacancy in the said office of Purchasing Agent, the same shall be filled by the county legislative body.

As amended by: Private Acts of 1967-68, Chapter 145  
Private Acts of 1972, Chapter 306  
Private Acts of 1975, Chapter 93  
Private Acts of 1978, Chapter 213

Private Acts of 1979, Chapter 105  
 Private Acts of 1980, Chapter 323  
 Private Acts of 1990, Chapter 220

**SECTION 2.** That said Purchasing Agent shall be familiar with and qualified to purchase office, highway and school equipment and supplies, automobiles and heavy road equipment and parts therefor.

**SECTION 3.** That the Purchasing Agent elected under the terms of this Act shall serve at the pleasure of the county legislative body, but he shall not be discharged without thirty days' notice and without a hearing before the said county legislative body in regular or duly called special session.

As amended by: Private Acts of 1990, Chapter 220

**SECTION 4.** The Purchasing Agent shall have the sole power and authority to contract for and purchase all materials, supplies, and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of, or under the control of, the County government, and no other official, employee or agent of the County or of any of its departments or agencies shall have the right to contract for or purchase any of such materials or supplies. The Purchasing Agent shall also have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rents are to be paid out of any funds belonging to or under the control of Madison County or any department, institution or agency thereof and no other official, employee or agent of Madison County shall have the right or power to make or arrange for such purchase or rental.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of Madison County with an estimated value five thousand dollars (\$5,000) or some greater amount, shall, except in emergencies as hereinafter provided, be executed by the Purchasing Agent only after he or she shall have advertised in a daily newspaper published in Madison County, or radio or television within Madison County, that sealed bids will be received by the Purchasing Agent at the time fixed in the advertisement, which time shall not be less than ten (10) days after the publication of the advertisement. The sealed bids shall be opened publicly at the place, hour and date advertised. The advertisement shall describe requirements by general classifications and state that detailed descriptions of the supplies, materials, or equipment desired may be obtained from the Purchasing Agent upon application. Proposals will be considered from manufacturers, producers, dealers, etc., or their duly authorized selling agents, or any other appropriate available source. Bids received after the hour designated for opening of bids will not be considered. Tabulations of bids will be effected as promptly as possible and awards will be made to the lowest and best bidder or bidders. The Purchasing Agent shall in all matters have the right to reject any or all bids in whole or in part, and may waive technical defects in bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, materials or equipment to be purchased, the Purchasing Agent (in his or her discretion) may award the contract or contracts to either of such bidders, or may apportion the requirements between or among the bidders, or may elect to reject all such bids and advertise for additional bids. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other appropriate and feasible means.

When the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, purchases may be made as outlined in this paragraph without the necessity of newspaper, radio or television advertisement or sealed bids. Notwithstanding the provision requiring all purchases and contracts be made by the Purchasing Agent, when the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, but more than two thousand dollars (\$2,000), the Purchasing Agent may adopt a written procedure or policy to allow any department head or official of the county to make purchases or let contracts with the prior approval of Purchasing Agent to make the purchase. Further, when the estimated value of such materials, supplies or equipment is two thousand dollars (\$2,000) or less, officials or department heads designated by the Purchasing Agent are authorized to purchase supplies, materials or equipment required for the essential functions of their offices or departments. In making such purchases, the purchasing officials and department heads under the authority of this act shall be diligent in securing the lowest price possible; and in no instance shall supplies, materials or equipment purchased under the authority of this paragraph be purchased at a higher price than the prevailing current market for such supplies, materials or equipment.

When in the opinion of the Purchasing Agent and an official or agent of the County needing or desiring supplies, materials or equipment, an emergency requires their immediate purchase, the Purchasing Agent may purchase or contract for the purchase of such materials, supplies or equipment without the necessity of advertisement or competitive bids, purchasing them on the most advantageous basis possible.

Subject to all other requirements herein set out, the purchase of supplies, equipment, etc., for the County and its agencies may be for long or short term contracts, contracts or orders to be executed or filed at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

The Purchasing Agent shall keep a complete record of all purchases made by him, with copies of descriptive advertising, original bids when submitted in writing, and the names of all bidders, together with the amount of their several bids, which records shall at all times be open to inspection by any taxpayer of the County or other interested party.

Neither the Purchasing Agent nor any assistant or employee working under his direction shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the County, nor in any firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment; nor shall the Purchasing Agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation. The said Purchasing Agent may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials and equipment;; [sic] govern the method and procedure whereby the departments, agencies, or officials of the County shall inform him of the need or necessity for the purchase of supplies, materials, equipment, etc.; prescribe forms for estimates, requisitions, orders, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess, and unsuitable supplies, equipment, and salvage, or transfer them to other using agencies of the County; provide for hearings on complaints with regard to the quality, grade or brands of goods; and waive such rules in special or emergency cases. The Purchasing Agent is not only required to make all purchases for the County, but is also required to make a check and inspection of all purchases made for the County.

As amended by:

Private Acts of 1963, Chapter 164

Private Acts of 1979, Chapter 15

Private Acts of 1990, Chapter 220

Private Acts of 2001, Chapter 12

**SECTION 5.** That the bond required of said Purchasing Agent shall be in the amount of \$25,000.00, and the premium on said bond shall be paid from the General Fund of such County.

**SECTION 6.** That the said Purchasing Agent shall devote his full time to carrying out the duties of his office as created and outlined herein, and shall not, during his term of office as Purchasing Agent, hold any other public or private office, position or job for profit; nor shall he, during his term of office as said Purchasing Agent, engage in the practice of any profession for profit or otherwise; nor shall he, during his term of office, engage in any other occupation for profit, such as farming.

**SECTION 7.** The Purchasing Agent shall furnish the Director of Budgets information showing purchases made for any office or department of Madison County, a description of such purchases, from whom purchased and the prices paid upon request of the Director of Budgets.

As amended by:

Private Acts of 1990, Chapter 220

**SECTION 8.** That in the event of any section, sentence, or part of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the Act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this bill as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted.

**SECTION 9.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 10.** That this Act shall take effect from and after April 10, 1947, the public welfare requiring it.

Passed: January 27, 1947

## Retirement System

### Private Acts of 1971 Chapter 183

**SECTION 1.** That Madison County be, and it is, authorized in the discretion of the Quarterly County Court of Madison County, and by proper resolution of said Court, to establish a retirement or pension system for its employees and to do so by contract with a reputable insurance company, bank or other similar institution and said County, through its Quarterly Court, it further authorized and empowered, where the inclusion of any employee of Madison County in said retirement system or pension is not feasible on account of the age of such employee, to provide for the payment of benefits to such employee after his or her retirement; and said County, through its Quarterly Court, is further authorized and empowered to do all things else necessary or incidental to the establishment of a retirement or pension system for its

employees.

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a (2/3) vote of the Quarterly County Court of Madison County, such approval to be within 180 days from and after the approval of this Act by the Governor of Tennessee. The action of the Quarterly County Court shall be proclaimed by its presiding officer and shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act, for the purpose of action hereon by the Quarterly County Court, shall take effect from and after its passage, and for all other purposes shall take effect from and after its approval by the Quarterly County Court of Madison County, the public welfare requiring it.

Passed: May 13, 1971.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Madison County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 456, created a County Budget Commission of five members and set forth their duties and compensation. This act was repealed by Private Acts of 1925, Chapter 174.
2. Private Acts of 1933, Chapter 123, governed the budget system in Madison County. A three-person budget committee was created which prepared and filed the county budget, recommended property tax rates, and otherwise provided recommendations to the Quarterly County Court on budget matters.
3. Private Acts of 1937, Chapter 14, amended Private Acts of 1933, Chapter 123, to make the County Judge the ex-officio budget director of Madison County, to be paid \$1,600 per year.
4. Private Acts of 1947, Chapter 76, amended Private Acts of 1937, Chapter 14, to increase the salary of the County Judge for his services as budget director from \$1,600 to \$3,200 per year.
5. Private Acts of 1977, Chapter 67, provided for a system of fiscal procedure for Madison County. A Director of Accounts and Budgets, appointed by the County Judge, controlled and directed the county's finances under a central accounting system.
6. Private Acts of 1986, Chapter 165, repealed Private Acts of 1933, Chapter 123, Private Acts of 1937, Chapter 14, Private Acts of 1947, Chapter 76, and Private Acts of 1977, Chapter 67

### **County Attorney**

The following acts once affected the appointment, election, or office of the County Attorney in Madison County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 433, created the office of County Attorney who would be paid an annual salary of \$1,200 per year. This act was repealed by implication by Private Acts of 1941, Chapter 484, and was expressly repealed by Private Acts of 1986, Chapter 162.
2. Private Acts of 1941, Chapter 484, created the office of County Attorney in Madison County, to be elected by the quarterly county court to a 2-year term and to be compensated at not less than \$150 nor more than \$200 per month. This act was repealed by Private Acts of 1986, Chapter 162.
3. Private Acts of 1943, Chapter 218, amended Private Acts of 1941, Chapter 484, to add a requirement that the county attorney represent the county in all litigation, and extra or special attorneys to assist the county attorney could be appointed only by petition to quarterly county court. The county attorney's maximum salary was raised to \$250 per month. This act was repealed by Private Acts of 1986, Chapter 162.
4. Private Acts of 1951, Chapter 434, amended Private Acts of 1941, Chapter 484, to raise the county attorney's maximum salary to \$300 per month. This act was repealed by Private Acts of 1986, Chapter 162.
5. Private Acts of 1965, Chapter 251, amended Private Acts of 1941, Chapter 484, to authorize the county attorney to employ assistants for collection of delinquent taxes without petitioning the quarterly county court, and to authorize the county attorney to retain all attorneys' fees collected by him in delinquent tax suits. This act was repealed by Private Acts of 1986, Chapter 162.

### **County Clerk**

The following act once affected the office of county clerk in Madison County, but is no longer operative.

1. Acts of 1855-56, Chapter 170, authorized the County Court Clerk in Madison County to appoint a deputy clerk.

### **County Legislative Body**

The following acts once applied to the Quarterly Court or the county legislative body of Madison County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1822, Chapter 199, provided that the land laid off the general plan at the main fork of the Forked Deer River for a new County which might be created be attached to the County Court of Madison County for jurisdictional purposes.
2. Private Acts of 1822, Chapter 210, directed the county courts of Madison, Henry, Henderson and Carroll Counties to appropriate funds to pay Molton Dixon \$3 per day for fixing the sites for the seats of justice for those counties.
3. Private Acts of 1824, Chapter 102, set the times for holding county court in Madison County.
4. Private Acts of 1825, Chapter 318, set the times for holding county court in Madison County.
5. Private Acts of 1826, Chapter 78, regulated county court in Madison County.
6. Public Acts of 1827, Chapter 44, authorized a majority of the acting Justices of the Peace in Madison, Haywood, Fayette, Tipton and Shelby Counties to select three of their number to hold their county courts for the year. These courts were known as Quorum Courts.
7. Acts of 1837-38, Chapter 28, empowered the county court to lay out and expend the Internal Improvement Fund.
8. Acts of 1843-44, Chapter 180, authorized the election of an additional Justice of the Peace in the 15th Civil District of Madison County.
9. Public Acts of 1867-68, Chapter 65, established a Board of County Commissioners to replace the county court in Madison County. This act was repealed by Public Acts of 1869-70, Chapter 5, and by Public Acts of 1869-70, Chapter 49, which expressly revived the law as it was prior to the passage of Chapter 65, and again by Public Acts of 1869-70, Chapter 119, which also revived prior law.
10. Public Acts of 1889, Chapter 49, authorized the county court of Madison County to pay over to the city of Jackson the taxes assessed and collected for county purposes on the Tennessee Midland Railway Company.
11. Private Acts of 1923, Chapter 494, changed the time of quarterly court meeting from the first Monday to the second Monday in January, April, July and October. This act was repealed by Private Acts of 1925, Chapter 175.
12. Private Acts of 1925, Chapter 439, set the salary of quarterly county court members at \$5 per day for each day the Court was in session. This was amended by Private Acts of 1963, Chapter 165. The salary of members of the county legislative body is now controlled by general law.
13. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
14. Private Acts of 1947, Chapter 16, authorized the quarterly county court to appropriate funds for the improvement of barracks and other buildings adjacent to McKellar Field Airport.

### **County Mayor**

The references below are of acts which once applied to the office of County Judge, or County Executive in Madison County. They are included herein for historical purposes only.

1. Acts of 1905, Chapter 14, created the office of County Judge in Madison County. The Judge was required to be learned in the law and would hold office for a term of eight years. The salary was to be \$800 per annum.
2. Private Acts of 1915, Chapter 405, gave the County Judge concurrent jurisdiction with the chancery court to permit encroachment on the corpus of estates by guardians for minors, lunatics and others under a disability, in estates valued at \$1,200 or less.
3. Private Acts of 1917, Chapter 614, gave the County Judge jurisdiction and power to grant writs of attachment, injunction, and habeas corpus.
4. Private Acts of 1927, Chapter 21, provided that the County Judge could authorize a guardian to expend any part of the principal of an estate to support the ward when the income became insufficient.



5. Private Acts of 1937, Chapter 15, amended Acts of 1905, Chapter 14, to provide that the County Judge would be the Purchasing Agent for Madison County and would receive an additional salary of \$1,600. This act was repealed by Private Acts of 1947, Chapter 103.
6. Private Acts of 1951, Chapter 239, authorized the Quarterly Court to pay the County Judge an additional \$2,500 per year for his services as Financial Agent for Madison County.

### **County Register**

The following acts once affected the office of County Register in Madison County, but are no longer operative.

1. Public Acts of 1825, Chapter 11, created a Register of the Land Office in Jackson, to be known as the Register of the Western District.
2. Private Acts of 1827, Chapter 152, authorized the Register of the Western District to maintain his office at his home, which was not more than 300 yards from Jackson.
3. Public Acts of 1865-66, Chapter 7, consolidated the land office at Jackson with the entry taker's office in Madison County.
4. Private Acts of 1866-67, Chapter 41, directing the Register of the Land Office of West Tennessee to make an index to all the books in the office, to be paid 10¢ per entry indexed. The register was also named ex-officio entry taker for Madison County.

### **County Trustee**

The following acts once affected the office of County Trustee in Madison County, but are no longer operative.

1. Private Acts of 1824, Chapter 119, required the Madison County Trustee to pay over to the Trustees of Hardeman and Haywood Counties the amount of county taxes collected in those counties by Madison County in the year 1823.
2. Private Acts of 1915, Chapter 102, required that the Madison County Trustee enter into a bond in an amount not less than 1/4 the state taxes to be collected by him, and a bond in an amount not less than 1/4 the county taxes to be collected by him.
3. Private Acts of 1933, Chapter 509, required that the Madison County Trustee enter into a bond in the amount of state taxes to be collected for the ensuing year, and a bond in the amount of \$100,000 for county taxes to be collected by him. Although this act has not been repealed, bonds for collection of taxes are governed by general law found at T.C.A. § 67-5-1901, which requires bonds in the full amount of state and county taxes to be collected.

### **Obion and Forked Deer River - Flood Control and Drainage Improvements**

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the Department of Agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the Department of Highways and Public Works to the Department of Agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

### **Purchasing**

The following acts once affected the purchasing procedures of Madison County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
2. Private Acts of 1982, Chapter 294, would have given the County Purchasing Agent the authority to make the purchases for the Jackson-Madison County Ambulance Authority but the act was disapproved by the county legislative body and never became effective.
3. Private Acts of 1983, Chapter 46, would have allowed the Purchasing Agent of Madison County to hold other administrative, non-elected positions. This act was disapproved by the county

legislative body and is therefore ineffective.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Madison County but are today no longer operative because 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 1841-42, Chapter 72, directed the Comptroller of the Treasury to issue warrants to Madison County residents William Croom (enumeration of voters), Grant & Love (\$13 tax overpayment), and Samuel Lancaster (\$21.60 tax overpayment).
2. Acts of 1853-54, Chapter 180, gave certain counties, including Madison, the authority to buy stock in railroads and to issue bonds for that stock.
3. Public Acts of 1895, Chapter 58, authorized Madison County to subscribe to the capital stock of manufacturing companies.
4. Acts of 1909, Chapter 350, established an experimental farm station in Madison County.
5. Private Acts of 1919, Chapter 281, authorized the Madison County Court to employ a person living outside the county to serve as county surveyor.
6. Private Acts of 1923, Chapter 498, amended the general law to provide that the county surveyor would be paid \$8 per day for his services in Madison County.
7. Public Acts of 1929, Chapter 108, appropriated up to \$75,000 to construct a National Guard Armory in Madison County, provided that Madison County and/or the City of Jackson furnished an equivalent sum in money or property for that purpose.
8. Private Acts of 1933, Chapter 603, amended the general law fixing the compensation of county officers in counties with a population between 50,000 and 75,000 (which included Madison County). County Trustees, Registers, Sheriffs, Clerks and Masters of Chancery Courts, Clerks of County and Probate Courts, Clerks of Circuit Courts, and Clerks of Criminal Courts each would be paid \$3,600 per year.
9. Private Acts of 1961, Chapter 34, created the position of Director of Industrial Development in Madison County. This act was repealed by Private Acts of 1967-68, Chapter 416.
10. Private Acts of 1963, Chapter 166, authorized the building commissioners in Madison County to collect a building permit fee. This act was repealed by Private Acts of 2005, Chapter 16.

## **Chapter II - Animals and Fish**

### **Animals and Fish - Historical Notes**

The following listing is of acts which do not appear to have any effect on hunting, fishing or animal control in Madison County. They are included herein for reference purposes.

1. Private Acts of 1897, Chapter 250, made it unlawful to ship quail or partridges from Madison County or to destroy the nest or eggs of quail.
2. Acts of 1901, Chapter 303, made it unlawful to kill partridges or quail or to molest their eggs or nests, for a period of five years. This act was repealed by Acts of 1903, Chapter 24.
3. Acts of 1903, Chapter 44, prohibited stock running at large in Madison County.
4. Private Acts of 1923, Chapter 70, amended Public Acts of 1915, Chapter 152, Section 36, to set open season for partridge in Madison County from December 1 to February 1.
5. Private Acts of 1925, Chapter 539, was an act to protect fur-bearing animals from capture by means of box trap, snare, steel trap, dead fall or any other device.
6. Private Acts of 1927, Chapter 137, set open season for hunting opossum in Madison County.
7. Private Acts of 1927, Chapter 186, made it unlawful to capture rabbits in Madison County by means of a spotlight or any other light device at night.
8. Private Acts of 1927, Chapter 257, set a year-round open season on rabbits and hares, but exempted Madison County from its provisions.
9. Private Acts of 1927, Chapter 495, set open season for the hunting of quail and rabbits.
10. Private Acts of 1963, Chapter 189, would have allowed the training and running of raccoon dogs,

but the act was not approved by the Quarterly County Court and never became effective.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Madison County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Airport**

1. Private Acts of 1943, Chapter 262, authorized the issuance of bonds in the amount of \$25,000, at 3% per annum, to mature not more than 10 years from date of issuance, for McKellar Airport.

#### **Buildings - Memorials**

1. Private Acts of 1925, Chapter 650, as amended by Private Acts of 1929, Chapter 450, authorized municipalities in Madison County to issue bonds for municipal auditoriums, payable within 30 years from date of issue at a maximum interest rate of 6% per year, subject to voter approval; and to issue bonds not exceeding \$75,000 to be applied in conjunction with the state for the construction of a National Guard Armory.
2. Private Acts of 1929, Chapter 663, authorized a bond issue of \$750,000 for building, equipping and furnishing a courthouse in Jackson, maximum interest of 5% per year, payable semi-annually, due not more than 30 years after issuance.
3. Private Acts of 1945, Chapter 597, authorized Madison County and City of Jackson, jointly or separately, to construct "The War Veterans Memorial Building" and to issue bonds of \$60,000 with a maximum interest rate of 5% payable in 20 years.
4. Private Acts of 1947, Chapter 57, authorized the issuance of coupon bonds for \$500,000 for construction of a City-County General Hospital, at a maximum interest rate of 4%, payable at the time set by the quarterly court.

#### **Debts**

1. Public Acts of 1881, Chapter 46, authorized the County Court to fund its outstanding debt by issuing bonds in the sums of \$20, \$50, \$100 and \$500 to the holders of county warrants, payable in 10 years with a maximum interest rate of 6%.
2. Private Acts of 1915, Chapter 7, authorized a bond issue of \$100,000 to discharge indebtedness for school purposes, with a maximum interest rate of 5½% per year, due within 12 years.
3. Private Acts of 1921, Chapter 86, authorized a bond issue of \$125,000 with a maximum interest rate of 6% per annum, payable in 12 years, for the sole purpose of discharging debts of the county for roads and other general purposes.
4. Private Acts of 1931, Chapter 27, validated \$20,000 negotiable interest-bearing notes with interest rate of 6% per annum, dated January 1, 1931, to mature within three years, to discharge indebtedness for the acquisition of land for highway purposes.
5. Private Acts of 1931 (2nd Ex. Sess.), Chapter 77, authorized a bond issue of \$40,000 for the sole purpose of refunding \$40,000 of the \$200,000 of negotiable coupon notes of Madison County, dated January 1, 1931 and due January 1, 1932. These refunding bonds had an interest rate of 6%.
6. Private Acts of 1933, Chapter 1, validated bonds of \$65,000 for refunding purposes, bearing interest at a rate of 6% per annum, maturing on March 1, 1934.
7. Private Acts of 1933, Chapter 509, provided for certain general bonds to be executed by the County Trustee.
8. Private Acts of 1935, Chapter 35, validated refunding bonds for \$95,000 maturing annually at \$5,000 on January 1st of each year of 1936 to 1954, inclusive, with an interest rate of 4¼% per annum.
9. Private Acts of 1935, Chapter 58, validated \$27,000 of negotiable coupon notes, maturing on April 1, 1936, with an annual interest rate of 4¼%.
10. Private Acts of 1935, Chapter 177, validated the issuance of \$45,000 bonds with an interest rate of 4¼% per annum, with \$5,000 of the bonds maturing on January 1 each year from 1941 to 1949, inclusive.

11. Private Acts of 1941, Chapter 351, validated \$100,000 refunding bonds dated January 1, 1941, and due January 1, 1949.
12. Private Acts of 1947, Chapter 48, authorized the issuance of refunding bonds of \$271,000 with an interest rate of 4% per year, maturing not more than 20 years from date of issuance.

### **Roads - Bridges**

1. Acts of 1903, Chapter 415, as amended by Acts of 1905, Chapter 581, authorized the issuance of \$300,000 coupon bonds bearing interest not exceeding 4%, payable within 40 years of issuance, to build good roads in Madison County.
2. Acts of 1907, Chapter 491, authorized County Court to issue coupon bonds of \$200,000 with a maximum interest rate of 4% per annum, maturing within 30 years for the purpose of extending gravel roads and improving roads in existence, known as the "Good Roads" Bonds.
3. Private Acts of 1917, Chapter 47, authorized Madison County to issue notes of \$25,000 bearing interest at 5% per annum to mature within 3 years of issuance for the improvement of bridges.
4. Private Acts of 1919, Chapter 559, authorized a bond issue of \$100,000 at a maximum interest rate of 2½% per year, to mature within 12 years and to be used for the purpose of constructing and maintaining bridges.
5. Private Acts of 1921, Chapter 129, authorized a bond issue of \$300,000 at a maximum interest rate of 6% per year due in annual installments for 25 years, for the sole purpose of paying the County's pro rata share of the cost of construction of State and Federal Aid Highways.
6. Private Acts of 1921, Chapter 714, authorized the issuance of \$100,000 bonds for the purpose of repairing hard surface roads to be known as the "Madison County Road Improvement Bond of 1921" with a maximum interest rate of 6% for 10 years.
7. Private Acts of 1929, Chapter 782, authorized a bond issue of \$300,000 for road building purposes, maximum interest rate of 5% per annum, date of maturity to be set by the County Court.
8. Private Acts of 1931, Chapter 83, authorized a bond issue of \$300,000 for the purpose of building roads. These bonds had a maximum interest rate of 6% per year with the County Court to set the date of maturity.
9. Private Acts of 1945, Chapter 282, authorized bonds of \$100,000 with a maximum interest rate of 3%, for the purposes of building and maintaining county highways.
10. Private Acts of 1947, Chapter 24, authorized a bond issue of \$2,500,000 for acquiring right-of-ways and improving county roads, maximum interest rate of 3% per year.

### **Schools**

1. Private Acts of 1927, Chapter 7, validated Madison County school bonds of \$150,000 bearing interest at 4-3/4% per year, due on December 1 of each year from 1928 to 1951, inclusive.
2. Private Acts of 1935, Chapter 169, validated the issuance of \$55,000 of "1934 High School Bonds" issued by the City of Jackson.
3. Private Acts of 1945, Chapter 567, authorized issuance of coupon bonds of \$32,000 for the purpose of completing North Side High School. These bonds had a maximum interest rate of 2½% per year, to mature within 25 years.
4. Private Acts of 1947, Chapter 46, authorized bond issue of \$30,000 for the purpose of constructing a gymnasium at Denmark High School and a new elementary school at Center Grove, with a maximum interest rate of 3% per year. This act was amended by Private Acts of 1947, Chapter 227, to provide for approval of the proration of bond proceeds between the city and the county by the superintendent of the city schools as well as the county school superintendent.
5. Private Acts of 1947, Chapter 47, authorized a bond issue of \$12,100 with maximum interest rate of 3%, for the purpose of paying supplemental salaries to school bus drivers and janitors. This act specifically did not require voter approval. This act was amended by Private Acts of 1947, Chapter 226, to pledge the full faith and credit of the county and to authorize the Quarterly County Court to levy a sufficient property tax to pay the principal and interest on the bonds.
6. Private Acts of 1947, Chapter 50, authorized the County Court to issue bonds of \$67,000 with a maximum interest rate of 3%. This act specifically did not require voter approval and its purpose was to pay additional salaries to Madison County teachers.

### **Referendum - When Required**

1. Private Acts of 1972, Chapter 305, would have required a referendum before any bonds could be

issued in excess of \$50,000 which were payable from ad valorem taxes, but the act was rejected by the Quarterly County Court.

2. Private Acts of 1973, Chapter 79, provided that no bonds of Madison County in an amount over \$100,000 would be issued unless first approved by the people in a referendum election if the bonds were to be amortized through ad valorem taxes. This act was repealed by Private Acts of 1979, Chapter 7.

## Chapter IV - Boundaries

### Creation of the County

#### Public Acts of 1821 Chapter 32

**COMPILER'S NOTE:** This act established Henry, Carroll, Madison, Henderson and other counties west of the Tennessee River. Only those sections of the act which apply to Madison County have been included in this compilation.

**SECTION 5.** That all the territory included in the lines hereafter mentioned shall constitute a county to be called and known by the name of Madison county; Beginning two miles and a half south of the north east corner of range 2, section 11, in the 9th district, running thence west parallel with the sectional line to the 3d range line in the 10th district; thence south on said range line to a point two miles and a half south of the sixth sectional line in said district; thence east parallel with said sectional line to the second range line in the 9th district; thence north on said range line to the beginning.

**SECTION 10.** That for the due administration of justice, the Courts of Pleas and Quarter Sessions in said counties shall be held at the following places & times: For the county of Henry, at the house of Henry Wall, on the first Monday in December, March, June and September; for the county of Carroll, on the second Monday in December, March, June and September, at the house of R. E. C. Doherty; for the county of Madison, at the house of Adam R. Alexander, on the third Monday in December, March, June and September; for the county of Henderson, at the house of Samuel Wilson, on the fourth Monday in December, March, June and September; at which places the said courts shall be holden until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts in other counties of this state.

**SECTION 11.** That the sheriffs of the counties of Henry, Carroll, Madison and Henderson shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in March next, for the purpose of electing field officers of the militia for said counties, under the same rules, regulations and restrictions as are pointed out by law in similar cases; and the militia of the county of Henry shall compose the \_\_\_ Regiment, and shall be attached to the \_\_\_ Brigade; and the militia of the county of Carroll shall compose the \_\_\_ Regiment and be attached as aforesaid; and the militia of the county of Madison shall compose the \_\_\_ Regiment, and be attached as aforesaid; and the militia of the county of Henderson shall compose the \_\_\_ Regiment, and be attached as aforesaid.

**SECTION 12.** That it shall be duty of the commandants of said \_\_\_\_\_ and \_\_\_\_\_ Regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies as they shall think best for the convenience of said companies and it shall be the duty of each of said commandants to issue writs of election for company officers according to law.

November 7, 1821.

### County Seat

### Change of Name

#### Private Acts of 1822 Chapter 99

**SECTION 1.** That the town heretofore laid off for the seat of justice in the county of Madison, by the name of Alexandria, shall be known and distinguished by the name of Jackson, and that Stokely D. Hays, William E. Butler, Herndon Harrolson, Vincent Harrolson, William Stoddard, Daniel Horton, William Arnold and Adam Huntsman are hereby appointed commissioners for the town of Jackson, in addition to the commissioners appointed by the county court of Madison, under the authority of an act passed by the

General Assembly on the 16th November, 1821, for the purpose of establishing the permanent seat of justice in Madison and other counties, and that the said last mentioned commissioners shall have and possess equal powers in all respects with the commissioners appointed by said county court of Madison.

August 17, 1822.

## Private Acts of 1821 Chapter 201

**SECTION 1.** That Sterling Brewer, James Fentress and Abram Murry, Esquires, be and they are hereby appointed commissioners, who or a majority of them shall on or before the first Monday in May next, proceed to fix on a place, as near the center of the respective counties as an eligible site can be procured, at least within three miles of the center of each of said counties, at which site the commissioners shall procure by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by a general warranty, and the said commissioners shall report and return all their proceedings relative to and concerning the county of Henry to the county court thereof, and all their proceedings relative to and concerning the county of Carroll, to the county court thereof, and all their proceedings relative to and concerning the county of Henderson to the county court thereof, and all their proceedings relative to and concerning the county of Madison, to the county court thereof, and it shall be the duty of the clerk of each of the several counties to record the same.

**SECTION 2.** That it shall be the duty of the respective county courts aforesaid to appoint five commissioners, to whom the commissioners appointed by this act, shall convey the lands acquired for county purposes, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off in their respective counties with their necessary streets, at least ninety feet wide, reserving at least four acres for a public square, on which shall be built a court house and stocks, also reserving a public lot sufficient to contain a jail.

**SECTION 3.** That the commissioners of each of the respective counties shall sell the lots of the town of their county at public sale, on a credit of twelve months, giving due notice thereof, in one or more of the public newspapers printed in Nashville, and shall take bond with sufficient securities from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple as commissioners to the respective purchasers of said lots.

**SECTION 4.** That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the respective commissioners, for defraying the expenses incurred in the purchase of the tract of land in their county, on which the town is directed to be laid off, also for defraying the expenses of building thereon a court house, prison and stocks.

**SECTION 5.** That the said commissioners shall superintend the building of the court house, prison and stocks, in their respective counties and shall let all of the said public buildings to the lowest bidder, advertising the same sixty days in one or more of the newspapers printed in Nashville, setting forth their dimensions and the materials of which they are to be built, and shall take bond with sufficient securities from the person or persons to whom the court house, prison or stocks, is let, payable to themselves and successors in office, in the sum of at least ten thousand dollars, conditioned for the faithful performance of his or their contract or contracts, and if the proceeds of the sale of said lots is not sufficient for the purposes above mentioned, it shall be the duty of the county court of the county or counties where such deficiencies may happen, to lay a tax, not exceeding the amount of the state tax levied in the said county, to be applied to the objects aforesaid and to be continued until all arrearages are paid off.

**SECTION 6.** That the commissioners appointed by the county courts, before they enter on the duties of their appointments shall give bonds and approved securities, in the sum of five thousand dollars each, payable to the chairman of the county court of their county, and his successors in office, for the use of the county, conditioned for the faithful performance of the trust reposed in them, and the said bond shall be filed in the clerk's office of the county, and shall not be so construed as to make any one of the commissioners securities for another.

**SECTION 7.** That a majority of the commissioners shall in all cases be competent to perform the duties by this act assigned them, and if any one of the commissioners appointed by the county court neglects or refuses to act, a majority of the justices of the county, where such vacancies may happen, shall appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before their respective county courts a full statement of all their proceedings, and the county court shall make them a reasonable compensation for their services.

**SECTION 8.** That the first mentioned three commissioners shall be entitled to and receive as compensation for their services --- dollars for each day they may be absent from home, and necessarily employed in performing the duties required of them by this act, to be paid by the counties aforesaid, in

such proportion as the said commissioners may deem just and equitable.

**SECTION 9.** That when either of the towns above mentioned is laid off, the courts of the county shall be adjourned to, and held therein, any law to the contrary notwithstanding; and that this act shall not be so construed as to make either of the aforesaid counties liable for any part of the expenses which the other may incur or take from either of the counties any of the monies which may accrue to it from the sale of town lots or otherwise.

And whereas a manifest mistake appears in the second call or line establishing Carroll county, by an act of the present General Assembly, for remedy whereof,

**SECTION 10.** That the lines of said county shall run as follows, to wit: Beginning at the south east corner of Henry county, running thence west with the south boundary to the south west corner thereof, thence south two miles and a half to the fourth sectional line in the 12th district, thence west on said sectional line to a point four miles west of the first range line in said district, thence south parallel with said range line to a point two miles and a half south of the line separating the 9th and 12 districts, thence east as mentioned in the above recited act.

November 16, 1821.

## Change of Boundary Lines

### Public Acts of 1868-69 Chapter 39

**COMPILER'S NOTE:** Sections 1 and 3-14 do not pertain to Madison County. Therefore, they were omitted.

**SECTION 2.** That the county line of Henderson be so changed as to attach the portions of said county Southwest of the Forked Deer River to Madison County, beginning at the Southwest corner of Henderson County, running east with the McNairy County line to the Forked Deer River; thence with said river to the county line between Henderson and Madison counties. The taxes in the portions of said county due shall be paid to the Tax Collector of Henderson County.

Passed: February 25, 1869

### Public Acts of 1879 Chapter 42

**COMPILER'S NOTE:** Sections 3 and 6-12 have been omitted, because they do not pertain to Madison County.

**SECTION 1.** That a new county be, and the same is hereby established, out of fractions of Madison, Henderson, McNairy and Hardeman counties, to be known as Chester County.

**SECTION 2.** That the county of Chester shall be bounded as follows: Beginning at a stake on the south bank of the middle fork of the Forked Deer River, where the Henderson and Madison county line crosses said river, at a beech and two hickory pointers, thence east with the meanderings of said river to a stake, hickory, elm and hornbeam pointers on the land of Dr. W. E. Tucker; thence with the arc of a circle with the radius of 11 miles; from the town of Lexington 12°93 miles; thence east 1 mile; thence in a southern direction to the northwest corner of Hardin County; thence with said line to the northeast corner of McNairy county; thence south with the McNairy and Hardin county line 1°52 miles; thence west 1°39 miles; thence south to the corner of the old survey of Wisdom County, made under the Act, this to repeal, on the lands of Thomas Wilkerson; thence west 8 miles; thence with the arc of a circle, with the radius of 11 miles, from the town of Purdy 14 miles; thence west 2°53 miles; thence with the arc of a circle with the radius of 11 miles from the town of Bolivar, 8°75 miles; thence north to the Madison county line; thence east with the Madison and Hardeman county line to a stake 10 poles east of the house of Rev. Robert Rainey; thence north 61½ degrees east 9 miles; thence north 26½° east to the Henderson and Madison county line; thence north with said line to the beginning. 278°77 square miles.

**SECTION 4.** That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one or more places in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of, or opposed to, the formation of said new county of Chester, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said elections, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Chester, shall have on his ticket, "Old County," and after counting the vote cast in said election, if it shall appear that there are two-thirds of the legal voters in

each of said fractions in favor of the new county, then in that case, the county of Chester shall be, and is hereby declared a county, with all the privileges and advantages, and subject to all the liabilities and duties with other counties in this State.

**SECTION 5.** That in order to carry into effect, and make certain and accurate, the provisions in the fourth section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, and if for any cause the election as herein provided shall not be held in any of said fractions, on the day appointed, said Commissioners shall provide for another election as herein provided in such fractions.

**SECTION 13.** That the citizens of Chester county in all elections for Governor, Members of the General Assembly, Representatives in Congress and Electors for President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the Tenth Article of the Constitution of the State.

**SECTION 14.** That the fractions composing the said county of Chester shall be liable for their pro rata of the debts contracted and owing by the counties from which they were taken, and shall also receive their proportion of any stock or credits belonging to said old counties.

**SECTION 15.** That an Act passed March 19, 1875, entitled, "An Act to create a new county off of Madison, Henderson, McNairy, and Hardeman counties, in the State of Tennessee," and all other Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed.

**SECTION 16.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1879.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Madison County.

1. Public Acts of 1887, Chapter 119, changed the line between Gibson and Madison Counties to place in Madison County all the lands of J. M. Simpson and R. H. Simpson, and in Gibson county all the lands of J. G. Fulghum.
2. Acts of 1903, Chapter 183, changed the boundary line between Madison and Henderson Counties to include the farm of C. N. Matlock in Madison County.
3. Acts of 1907, Chapter 570, changed the boundary lines between Madison and Hardeman Counties to include the land of Robert B. Swint in Madison County.
4. Private Acts of 1911, Chapter 97, changed the Madison County-Crockett County line to place the land owned by Robert B. Griggs in Crockett County.
5. Private Acts of 1921, Chapter 796, placed land of R. H. Simpson in Madison County from Gibson County. This act was repealed by Private Acts of 1937, Chapter 740, which changed the boundary line to return Simpson's land to Crockett County.
6. Private Acts of 1921, Chapter 848, placed certain lands of R. T. Lewis in Gibson County and other lands of R. T. Lewis in Madison County, in an attempt to "straighten the line" between Madison and Gibson Counties.
7. Private Acts of 1931, Chapter 726, changed boundary lines to remove certain property from Hardeman County into the First Civil District of Madison County. This act was repealed by Private Acts of 1957, Chapter 152.
8. Private Acts of 1937, Chapter 740, changed the line between Gibson and Madison counties to place in Gibson county the lands acquired by W. A. Birdsong from R. H. Simpson, being the same lands placed in Madison County by Private Acts of 1921, Chapter 796.

## Chapter V - Court System

### General Sessions Court

### Private Acts of 1941 Chapter 50

**SECTION 1.** That there is hereby created and established a Court in and for Madison County, Tennessee, which shall be designated "Court of General Sessions of Madison County, Tennessee."



The Court of General Sessions of Madison County shall consist of two divisions. One such division shall be designated as "Division I" and the other division shall be designated as "Division II." There shall be two full-time judges of the court. One such judge shall preside over Division I, and the other such judge shall preside over Division II.

Court rooms and adequate facilities for the court and its judges shall be provided in the court house at Jackson or elsewhere in the city of Jackson; and it shall be the duty of the county executive to make provisions therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of the court. The expenses of the court shall be paid from the general fund of the county.

As amended by: Private Acts of 1982, Chapter 243

**SECTION 2.** That the Court of General Sessions of Madison County is hereby vested with all jurisdiction and shall exercise the authority conferred by general law upon courts of general sessions in civil and criminal cases. The court shall also be vested with all jurisdiction, powers, duties, and authority relating to the probate of wills and the administration of estates and related matters. The court shall also be vested with all juvenile jurisdiction, and related powers, duties, and authority previously vested in the county judge or in any other local official pursuant to the provisions of any general or local act.

The court of general sessions is hereby expressly vested with the following jurisdiction and power: the power to appoint and remove conservators; the appointment and removal of guardians for minors and persons of unsound mind, and under the Uniform Guardianship Law and all controversies as to the rights of guardianships, and conservatorships and the settlement of conservator and guardian accounts; to have concurrent jurisdiction with chancery court to order the sale of personal or real property by guardians or conservators in the estates of minors, and incompetents and to order changing of names; and to have concurrent jurisdiction with the chancery court in the administration of insolvent estates and to authorize and approve the sale of real and personal property in order to pay debts and claims against decedent's estates.

The Court of General Sessions has concurrent jurisdiction with the Chancery Court of proceedings to set up lost wills; of proceedings for the construction of wills; of proceedings in all other cases involving probate jurisdiction not specifically set out in this act; and proceedings involving the partition and sale of real property. The Rules of Civil Procedure shall apply to all such proceedings.

The court of appeals shall have jurisdiction of all appeals from the decisions of the General Sessions Court, Division II (Probate Division) relative to probate matters and the matters above set out.

Civil and criminal cases and related matters within the general jurisdiction of the courts of general sessions of the state shall be tried or heard in Division I. Juvenile and Probate cases and related matters shall be tried or heard in Division II. Provided, however, nothing contained within the provisions of this act shall be construed to prohibit either of the judges of the court from hearing cases in either of the divisions of the court at the designation of the presiding judge. The Court of General Sessions is hereby vested with concurrent jurisdiction with trial courts of record to grant fiats for the issuance of restraining orders, injunctions, and attachment.

As amended by: Private Acts of 1982, Chapter 243  
Private Acts of 1986, Chapter 156  
Private Acts of 1989, Chapter 101

**SECTION 3.** That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees for the issuance of the warrant or writ, rendition of the judgment, docketing, and the fees of the officers for serving the process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay the clerk the fees for the issuance and service thereof. Such payment made for court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the services of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, the plaintiff or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the state may commence and prosecute an action, who shall take and subscribe to the oath provided for poor persons, under Tennessee Code Annotated, Section 20-12-127.

As amended by: Private Acts of 1982, Chapter 243

**SECTION 4.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 5.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 6.** That the Court of General Sessions for Madison County, Tennessee is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a

Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such court may be appealed to the Circuit Court of Madison County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

**SECTION 7.** That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such courts may proceed to hear and determine said case as is provided in Section 6 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a Jury of his peers. \_\_\_\_\_ **SECTION 8.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 9.** That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk, showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets and other records of said Court of General Sessions shall be available to the District Attorney- General for any legal purpose.

**SECTION 10.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Circuit Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 11.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his deputies, constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 12.** That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the Civil Docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his deputies, constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 9 of this Act.

The Judge of the Court of General Sessions shall have the power to and may adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 13.** Both of the judges of the Court of General Sessions shall possess the qualifications and shall serve the same term of office as provided by the Constitution of the State of Tennessee, and by general law, for judges of Circuit and Chancery Courts. The oath of office shall be the same as that prescribed for trial judges of courts of record. The judge presiding over Division I shall be the presiding judge of the Court of General Sessions of Madison County, Tennessee for the one year period beginning on September 1, 1982. Thereafter, the office of presiding judge of the court shall annually alternate between the judges of the two divisions with each such term of office as presiding judge of the court to begin on September 1.

The presiding judge of the court shall be responsible for the general oversight and administration of the court. He shall be responsible for scheduling the work assignments of the judges and for coordinating such

interchange between the judges as may be necessitated by the volume of the case load in either or both of the divisions or by the sickness or absence of either of the judges. The presiding judge shall exercise such other administrative duties as may be appropriate and necessary for the orderly and efficient operation of the court.

In the event of the unavailability of the presiding judge at a time when an administrative action is required, the other judge of the court shall be authorized to take such action.

As amended by: Private Acts of 1982, Chapter 243

**SECTION 14.** That the compensation for each of the judges of the court of general sessions shall be forty-two thousand dollars (\$42,000.00) per annum and shall be paid in equal monthly installments from the general fund of the county. Such compensation shall be adjusted each year in accordance with the formula established by general law for determining annual salary adjustments for judges of trial courts. In addition, the county legislative body may provide such secretarial, office, and other expense allowances for the judges as is deemed necessary and proper.

As amended by: Private Acts of 1982, Chapter 243

**SECTION 15.** That the judges of the Court of General Sessions shall be elected by the qualified voters of Madison County at the regular August General Election of 1982, and every eight years thereafter, and shall take office on September 1, 1982. In the 1982 election, and in each succeeding election, the candidates for judge of the court shall designate and qualify to run either for Judge of the Court of General Sessions, Division I or for Judge of the Court of General Sessions, Division II. During no election shall any candidate designate and qualify to run for judge of Division I and for judge of Division II.

As amended by: Private Acts of 1982, Chapter 243

**SECTION 16.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a judge, and when elected shall have the same authority as a regular judge to hold the court for the occasion, and the County Judge or Circuit Judges or Chancellor shall preside by interchange.

**SECTION 17.** That the Clerk of the Circuit Court of Madison County, Tennessee, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Madison County, Tennessee". Said Clerk is hereby authorized to perform the duties of said Court. The fees, commissions and emoluments of said Clerk of Court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of Madison County, Tennessee, subject to the provisions of Section 11 of this Act. Said clerk, with the approval of the Judge of the Court of General Sessions, may appoint such deputies and assistants as may be necessary for the proper operation and administration of the duties of said office, who shall be compensated in the same manner as now provided for the compensation of deputy Circuit Court Clerks of Madison County as provided by law.

The Clerk of said Court and his deputies assigned thereto shall have concurrent authority with the Judge to issue warrants and other process and writs, other than those which the law required shall be issued only by a judicial officer.

The County Clerk of Madison County shall act as Clerk of the Court of General Sessions for all matters involving probate cases and proceedings. The Juvenile Court Clerk of Madison County shall act as Clerk of the Court of General Sessions for all matters involving juvenile cases and proceedings. The fees, commissions, emoluments, duties, authority and responsibilities of the clerks of the Court of General Sessions shall be the same as provided by general law for a clerk of a Court of General Sessions, a clerk of a Juvenile Court, and a clerk of a Probate Court.

Nothing contained in this Act shall be construed to affect or alter the duties, responsibilities, fees, and jurisdictions of the office of clerk of the Probate, Juvenile, or General Sessions Courts of Madison County. The County Clerk shall continue to serve as clerk for all Probate matters. The Juvenile Court Clerk shall continue to serve as the clerk for all juvenile matters. The Circuit Court Clerk shall continue to serve as clerk in all other matters within the jurisdiction of the General Sessions Court.

As amended by: Private Acts of 1982, Chapter 243.

**SECTION 18.** That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as heretofore provided by law.

**SECTION 19.** [Deleted by Private Acts of 1983, Chapter 53]

**SECTION 20.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 21.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 22.** [Deleted by Private Acts of 1982, Chapter 243]

**SECTION 23.** That the Legislature expressly declares that each section, sub-section, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 24.** That all laws and parts of laws in conflict with this Act which apply to Madison County, Tennessee, be and the same are hereby repealed.

**SECTION 25.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 23, 1941.

## Juvenile Court

### Clerk

## Private Acts of 1990 Chapter 212

### SECTION 1.

(a) There is created for Madison County an office to be known as the Madison County Juvenile Court Clerk. The Juvenile Court Clerk for Madison County shall be elected by the qualified voters of the county in the August, 1990, General Election and every four (4) years thereafter. Each candidate for the office shall be a resident of Madison County and shall possess the qualifications, powers, duties, and liabilities of the Juvenile Court Clerk as established in this act and by law for clerks of court and shall provide for child support offices for the court or courts having juvenile jurisdiction in Madison County, Tennessee.

(b) The term of office of the Juvenile Court Clerk shall be four (4) years, and until a successor is elected and qualified, with each term beginning on September 1 of the year of the election for a period of four (4) years, ending August 31. Any vacancy occurring in the office shall be filled as provided by law for other clerks of court.

(c) The Juvenile Court Clerk shall execute an official bond in the same amount and in the same manner as provided by law for clerks of circuit court, except that such bond shall be approved by a judge exercising juvenile court jurisdiction in Madison County. Such judge may require an additional bond of the Juvenile Court Clerk.

(d) The Juvenile Court Clerk shall be entitled to the same compensation as is provided by law for the circuit court clerk.

(e) The Juvenile Court Clerk shall be entitled to have the number of deputies and assistants established by using the procedure set forth in Tennessee Code Annotated, Title 8, Chapter 20, Part 1, except that a judge exercising juvenile court jurisdiction shall hear such petition and jurisdiction of such case shall be in juvenile court.

(f) The clerk shall be allowed to demand and receive those fees for services as prescribed by and set out in Tennessee Code Annotated, Title 8, Chapter 21, and such other fees as prescribed and authorized by law. Such monies derived from fees, fines and costs collected by the clerk shall be paid to the Madison County trustee or as otherwise designated by the county commission of Madison County.

**SECTION 2.** Prior to September 1, 1990, the clerk currently serving the juvenile court of Madison County shall transfer all files, records and other documents pertaining to juvenile matters in Madison County to the juvenile clerk elected pursuant to this act.

**SECTION 3.** 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 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County by May 31, 1990. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

**SECTION 5.** For the purpose of approving or rejecting the provisions of this act, it shall become 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 4.

Passed: April 11, 1990.

## Juvenile Court Services

### Private Acts of 1982 Chapter 309

**SECTION 1.** There is hereby created for the County of Madison an office to be known as the Madison County Office of Juvenile Court Services.

**SECTION 2.** It is the purpose of this act to:

- (a) Provide for supervision, care, and, when warranted, detention for those children who, as defined by the general laws of the State of Tennessee, are delinquent, unruly, dependent, neglected or abused. Such supervision and care may include preventive and protective services not prohibited by the laws of the State of Tennessee. Provision of such services shall be under the policies set forth by the County Commission of Madison County;
- (b) Provide for administration and management of a regional or national training center for professional workers of juvenile justice and other groups whenever funds are made available and such use of facilities is within policies as defined by the County Commission of Madison County;
- (c) Provide for the management of respective properties and buildings of the former Union University campus which are owned by Madison County and utilized for juvenile justice purposes under the policies set forth by the County Commission of Madison County.

As amended by: Private Acts of 1990, Chapter 217

**SECTION 3.** The Director of the Office of Juvenile Court Services shall be appointed by the County Commission of Madison County. Said appointment shall be made at the regular September, 1982, session of the County Commission of Madison County to serve a one (1) year term until September of 1983. The appointment made by the County Commission in September, 1983, shall be for a term of two (2) years from the date of appointment or until a successor qualifies for each succeeding odd number year. In the event of a vacancy before the expiration of the term, the vacancy shall be filled for the remainder of the original term only. In the event of an interim period of time after vacancy and before an appointment by the County Commission of Madison County, the county executive shall appoint an Acting Director of Juvenile Court Services to serve until a successor qualifies. It is the expressed intent of this act that the county executive at the time of the approval of this act shall appoint an Acting Director of Juvenile Court Services to serve until a Director of Juvenile Court Services qualifies as prescribed above.

**SECTION 4.** The qualifications of the Director of the Office of Juvenile Court Services would preferably include three (3) or more years of managerial experience in a related area of juvenile justice and a masters degree from an accredited college or university.

**SECTION 5.** The Director of the Office of Juvenile Court Services elected under the terms of this act shall serve at the pleasure of the County Commission and be subject to discharge with notice of thirty (30) days and a hearing before the said commission in regular or duly called special session.

**SECTION 6.** Management and service personnel shall be appointed and designated by the director of juvenile court services pursuant to the laws and regulations of Madison County. The financial officers shall be properly bonded for the faithful performance of their duties in the amount to be fixed by the county executive of Madison county.

As amended by:

Private Acts of 1990, Chapter 217

**COMPILER'S NOTE:** Private Acts of 1990, Chapter 217 deleted Sections 7 and 8 of Private Acts of 1982, Chapter 309, and the Act renumbered the remaining sections.

**SECTION 7.** The County Commission of Madison County shall continue to have authority to appropriate funds for said office and the budget, including revenues, expenditures and reserve accounts, shall be designated within the Juvenile Court Services fund budget as adopted annually. All revenues, expenditures and purchases shall be subject to adopted policies and procedures of the general fund budget.

As amended by:

Private Acts of 1985, Chapter 44

**SECTION 8.** The Juvenile Court Services Office is hereby authorized to enter into contractual agreement [sic] subject to approval of the County Commission of Madison County with any other county or municipality for the provision of services which would entitle reimbursement from the respective county, municipality or the State of Tennessee.

**SECTION 9.** All other acts governing the organization and management of juvenile court service which

are not in conflict with this act, shall remain in full force and effect, and all acts in conflict with this act be and the same are hereby repealed.

**SECTION 10.** 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 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Commission of Madison County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified by him to the Secretary of State.

**SECTION 12.** 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 11.

Passed: April 8, 1982

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Madison County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 115, created a Board of Jury Commissioners for a number of counties including counties having a population of "not less than 39,500 nor more than 39,600...according to the Federal Census of 1910." This was intended to apply to Madison County but the population statistics were incorrect.
2. Private Acts of 1911, Chapter 502, created a Board of Jury Commissioners for Madison County. This act was repealed by Private Acts of 1915, Chapter 400.
3. Private Acts of 1937, Chapter 762, created a Board of Jury Commissioners in Madison County. This act was amended by Private Acts of 1953, Chapter 355, to change the time within which special jurors could be empaneled.
4. Private Acts of 1945, Chapter 277, set the compensation for jurors at \$3 per day.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Madison 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1824, Chapter 14, provided that the Supreme Court Justices were to preside over a court of chancery in Jackson for "all the other counties" (which included Madison) west of the Tennessee River on the second Monday in April and October of each year.
2. Public Acts of 1827, Chapter 79, repealed prior laws granting original chancery jurisdiction to the judges of the Supreme Court of Errors and Appeals, and divided the state into two chancery divisions. Madison County was placed in the Western Division, composed of the courts at Franklin, Columbia, Charlotte, Jackson and Paris.
3. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions. Madison County was placed in the 5th district of the Western Division, with court to be held at Jackson on the second Mondays of March and September.
4. Acts of 1837-38, Chapter 14, placed the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson and Madison in the Western Division. Court was to be held at Huntingdon in Carroll County on the first Mondays in February and August. The chancery courts at Lexington, Paris, Jackson, Dresden, Trenton and Bolivar were abolished.
5. Acts of 1843-44, Chapter 182, gave the citizens of Madison County the right to file bills of chancery in either Brownsville or Huntingdon.
6. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.

7. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into 11 chancery divisions and placed Madison County in the 9th Chancery Division, along with Hardeman, McNairy, Chester, Crockett, Carroll, Henry and Henderson Counties.
8. Public Acts of 1899, Chapter 427, divided the state into 10 chancery divisions, placing Madison County in the 8th Chancery Division along with Henderson, Decatur, Hardin, Chester, Benton, McNairy, Crockett, Carroll, Henry and Perry Counties.
9. The time for holding chancery court was changed in Acts of 1851, Chapter 52; Public Acts of 1866-67, Chapter 33; Public Acts of 1870-71, Chapter 39; Acts of 1903, Chapter 36; Public Acts of 1931, Chapter 80, and Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.

### **Circuit Court**

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

1. Public Acts of 1821, Chapter 42, placed Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry Counties in the 8th Judicial Circuit, and created the 14th Solicitorial District to be composed of Henderson, Madison and Shelby Counties.
2. The time for holding circuit court was changed by Public Acts of 1823, Chapter 41; Private Acts of 1824, Chapter 102; Private Acts of 1825, Chapter 318; Acts of 1837-38, Chapter 116; Acts of 1841-42, Chapter 1; Acts of 1845-46, Chapter 124; Acts of 1851-52, Chapter 52; Public Acts of 1865-66, Chapter 14; and Public Acts of 1965, Chapter 204.
3. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.
4. Public Acts of 1899, Chapter 409, split Madison County circuit court jurisdiction, placing civil jurisdiction in the 11th Judicial Circuit and criminal jurisdiction in the 18th Judicial Circuit.
5. Public Acts of 1899, Chapter 427, placed Madison County in the 12th Judicial Circuit and set the terms of court.
6. Acts of 1905, Chapter 57, removed Madison County civil jurisdiction from the 12th Circuit to the 16th Circuit, leaving criminal jurisdiction in the 12th Circuit.
7. Private Acts of 1929, Chapter 332, set fees for offices authorized to take depositions at \$1 for each deposition not exceeding 1,000 words and 10¢ for each additional 100 words.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Madison County criminal jurisdiction in the 12th Judicial Circuit and civil jurisdiction in the 16th Judicial Circuit.
9. Public Acts of 1974, Chapter 526, was a public act of local application which provided that the circuit court for the 12th Judicial Circuit (Henderson, Madison and Chester Counties) would be divided into two parts or divisions designated as Part I and Part II, with a Circuit Judge for each Part who could sit interchangeably in all counties. The judge with the most service seniority would serve as senior judge, and if both judges had equal service the judge who received the most votes in the last election would be senior judge. Circuit court in Madison County was scheduled on the first Mondays in January, May and September, and the third Mondays in February, June and October. This act was repealed by Public Acts of 1984, Chapter 931, except insofar as the act divided the court into Part I and Part II.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Madison County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 463, provided that the compensation of the Circuit Court Clerk would be \$2,400 per year, payable in installments of \$800. This act was repealed by Private Acts of 1929, Chapter 454.
2. Private Acts of 1933, Chapter 601, set the compensation of Circuit and Criminal Court Clerks at \$3,600 per year. If the total of their fees, costs, or commissions was less than \$3,600, their compensation would be the total of such fees.

### **Criminal Court**

The following acts once pertained to the Madison County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, which included the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton. The Attorney General of the 11th Judicial Circuit would prosecute all cases in the name of the state, and the Circuit Court Clerk would serve as clerk of the criminal court. This act was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the dates for holding criminal court in the 11th Judicial Circuit. This act was repealed by Public Acts of 1899, Chapter 155.
3. Public Acts of 1899, Chapter 155, abolished the separate criminal courts in the 11th Judicial Circuit, repealing Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
4. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which previously had been given to the criminal courts of the 11th Judicial Circuit.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the dates for holding criminal court in Madison County on the first Mondays in January, May and September.
6. Private Acts of 1977, Chapter 118, would have created the Office of Public Defender of Chester, Henderson and Madison Counties, which composed the 12th Judicial Circuit. Although the act received local approval in Henderson County, it was not acted upon in Chester County and was disapproved by the Quarterly County Court in Madison County, and therefore never went into effect.

#### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Madison County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1899, Chapter 199, provided that the district attorney general for the 11th Judicial Circuit would be responsible for the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.
2. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, to specify that the district attorney for the 11th Judicial Circuit would attend to the circuit courts in Madison County which were held by the judge for the 18th Judicial Circuit, and to remove the district attorney's responsibility for Benton County.
3. Public Acts of 1974, Chapter 565, an uncodified public act of local application, authorized the District Attorney General of the 12th Judicial Circuit to appoint an additional assistant district attorney, whose duties included criminal investigation. This act has been superseded by general law found at T.C.A. § 16-2-506(26)(B).

#### **General Sessions Court**

The following acts once affected the General Sessions Court of Madison County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1943, Chapter 338, amended Private Acts of 1941, Chapter 50, to raise the salary of the General Sessions bailiff from \$1,200 to \$1,500 annually. This act was repealed by Private Acts of 1983, Chapter 53.
2. Private Acts of 1955, Chapter 181, increased the salary of the General Sessions Judge to \$6,500 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
3. Private Acts of 1971, Chapter 91, raised the bailiff's salary to \$5,400. This act was repealed by Private Acts of 1983, Chapter 53.
4. Private Acts of 1972, Chapter 387, raised the Judge's salary to \$18,000 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
5. Private Acts of 1974, Chapter 188, would have amended the salary provisions of the General Sessions Judge to provide for adjustments based on the Consumer Price Index. This act was not approved by the quarterly county court.
6. Private Acts of 1975, Chapter 92, raised the bailiff's salary to \$7,800. This act was repealed by Private Acts of 1983, Chapter 53.
7. Private Acts of 1978, Chapter 216, raised the bailiff's salary to \$8,500. This act was repealed by Private Acts of 1983, Chapter 53.
8. Private Acts of 1979, Chapter 106, raised the bailiff's salary to \$9,600. This act was repealed by Private Acts of 1983, Chapter 53.
9. Private Acts of 1980, Chapter 322, amended Private Acts of 1941, Chapter 50, to allow the county legislative body to make adjustments to the bailiff's salary, but not to reduce it below \$9,600.



This act was repealed by Private Acts of 1983, Chapter 53.

10. Private Acts of 1982, Chapter 244, would have increased the salary of the General Sessions Judge to \$42,000. No action was taken by the county legislative body, and this act never went into effect.
11. Private Acts of 1982, Chapter 382, would have amended Private Acts of 1982, Chapter 244, to change the effective date, but no action was taken by the county legislative body.
12. Private Acts of 1983, Chapter 108, changed the effective date to July 1, 1983 of the amendments to Private Acts of 1941, Chapter 50, made by Private Acts of 1983, Chapter 53.

### **Juvenile Court**

The following acts once affecting Juvenile Courts in Madison County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 243, amended general law to provide additional compensation for the judge presiding over cases involving dependent, neglected and delinquent children in Madison County.
2. Private Acts of 1957, Chapter 318, would have created the position of probation officer for the Juvenile Court of Madison County, but the act was not approved by the Quarterly County Court of Madison County and never became effective.
3. Private Acts of 1963, Chapter 286, created the Juvenile Court for Madison County. The General Sessions Judge would receive an additional \$1,800 annually for presiding over the Juvenile Court. This act was amended by Private Acts of 1982, Chapter 243, to retitle the court as Division II of General Sessions, with all jurisdiction over juvenile matters formerly vested in the County Judge. This act would have been amended by Private Acts of 1982, Chapter 233, to repeal the additional \$1,800 paid to the judge, but the act was not approved locally. Private Acts of 1963, Chapter 286, was repealed by Private Acts of 1983, Chapter 53.

## **Chapter VI - Education/Schools**

### **Education/Schools - Historical Notes**

#### **Board of Education**

The following act once affected the Board of Education in Madison County, but is no longer operative.

1. Acts of 1907, Chapter 236, created a County Board of Education and District Advisory Board in each county of the state.

#### **Superintendent or Director of Schools**

The acts referenced below once affected the office of Superintendent of Education in Madison County, but are no longer operative.

1. Public Acts of 1895, Chapter 155, prohibited Superintendents of Public Instruction from teaching in public schools in counties of over 30,000 population, which included Madison County.
2. Private Acts of 1923, Chapter 323, established the office of county superintendent of public instruction in counties of the state with a population of not less than 43,800 nor more than 43,850 inhabitants according to the federal census of 1920. The superintendent was elected by the qualified voters for a term of four (4) years.

## **Chapter VII - Elections**

### **Elections - Historical Notes**

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Madison County, but are no longer operative regarding elections.

1. Private Acts of 1917, Chapter 380, abolished the 2nd, 3rd, 5th, 6th, 7th, 8th, 9th, 11th and 19th civil districts of Madison County and attached the territory to the 1st, 4th, 10th and 12th districts.
2. Private Acts of 1919, Chapter 690, amended Private Acts of 1917, Chapter 380, to authorize the County Court in Madison County to redistrict the county when necessary.

3. Private Acts of 1925, Chapter 33, amended Private Acts of 1917, Chapter 380, to create the 9th Civil District in Madison County.
4. Private Acts of 1931, Chapter 31, amended Private Acts of 1917, Chapter 380, to create the 10th Civil District in Madison County.
5. Private Acts of 1947, Chapter 292, amended Private Acts of 1917, Chapter 380, to change the line between the 1st and 10th districts of Madison County.
6. Private Acts of 1965, Chapter 250, amended Private Acts of 1917, Chapter 380, to provide that the City of Jackson would have 8 civil divisions and elect 8 justices of the peace.

### **Elections**

The following is a listing of acts for Madison County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Private Acts of 1857-58, Chapter 122, changed the voting precinct of the 17th Civil District from Mt. Peirson to the house of R. M. May.
2. Private Acts of 1915, Chapter 230, amended Public Acts of 1890 (2nd Sess.), Chapter 25, to make the act applicable to Madison County. Public Acts of 1890 (2nd Sess.), Chapter 25, provided for the registration of voters in counties of 70,000 or over and cities of 2,500 or over, and was amended by Public Acts of 1895, Chapter 3, and by Private Acts of 1919, Chapter 251, to require only one general registration every two and four years and to set the compensation of Registrars at \$3 per day in Madison County. Private Acts of 1915, Chapter 230, was repealed by Private Acts of 1917, Chapter 736.
3. Private Acts of 1915, Chapter 297, amended Public Acts of 1890 (2nd Sess.), Chapter 24, to include Madison County. This act provided regulations for insuring the "purity of elections," including ballots, instructions for voting, duties of Registrar, regulations for voting at polling places, conduct of voters, spoiled ballots, assistance to handicapped, and other matters. This act has been superseded by general law.
4. Private Acts of 1919, Chapter 181, provided that no registration of voters would be required in Madison County outside incorporated towns. This act was repealed by Private Acts of 1949, Chapter 878.
5. Private Acts of 1931, Chapter 365, provided that no registration would be required of voters in the rural districts of Madison County.
6. Private Acts of 1935 (Ex. Sess.), Chapter 152, set the compensation of election officials at \$2 per day. Private Acts of 1945, Chapter 276, raised the compensation of election officials to \$3 per day, for one day only, and was amended by Private Acts of 1949, Chapter 141, to raise the compensation to \$5 per day. These acts have been superseded by general law.
7. Private Acts of 1935, Chapter 161, set the closing hour for polling places in any district which is located partially within an incorporated town and partially without at 7:00 p.m. This act has been superseded by general law.
8. Private Acts of 1949, Chapter 140, set the compensation of all Registrars appointed by the Commissioners of Elections at \$6 per day. This act has been superseded by general law.
9. Private Acts of 1949, Chapter 878, repealed Private Acts of 1919, Chapter 181, and all other conflicting laws, and declared that the general voter registration laws would apply in Madison County.
10. Private Acts of 1967-68, Chapter 6, would have amended Private Acts of 1947, Chapter 111, to provide that of a total of 57 members on the County Executive Committee, 33 would be allocated to the City of Jackson, but this act failed to gain local approval.
11. Private Acts of 1993, Chapter 59, repealed Private Acts of 1947, Chapter 111, as amended by Private Acts of 1944, Chapter 415, Private Acts of 1963, Chapter 163, Private Acts of 1967, Chapter 6, Private Acts of 1975, Chapter 147, Private Acts of 1984, Chapter 243 and any other acts amendatory thereto relative to the county executive committee of the majority party in Madison County, and provided that all supplies, property, and other assets and all debts and other liabilities be transferred to its successor entity to be established in October, 1993

## Chapter VIII - Health

### Hospital District

# Private Acts of 1949 Chapter 686

**SECTION 1.** That a joint, non-profit Hospital District, to be known as the Jackson- Madison County General Hospital District, is hereby created and established for and in behalf of the City of Jackson, Tennessee, and Madison County, Tennessee. The mission and purpose of the Jackson-Madison County General Hospital District shall be for the benefit of the City of Jackson, Tennessee and Madison County, Tennessee, to provide, on a fee-for-service basis with due regard for the needs of low-income and indigent patients, the full range of health care (including mental health), illness prevention and allied and incidental services and operations. Each nonprofit corporation of which such hospital district is the sole member, existing when this amendment becomes law or thereafter created, shall be deemed a subsidiary entity of such hospital district created by this act and shall be a governmental entity for purposes of the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated, Title 29, Chapter 20.

As amended by: Private Acts of 1992, Chapter 165

**SECTION 2.** The Hospital District shall be composed of those tracts or parcels of land, together with all buildings and other improvements thereon and all appurtenances thereto, necessary and appropriate for the health care services provided by the hospital district.

As amended by: Private Acts of 1983, Chapter 47

Private Acts of 1989, Chapter 26

**SECTION 3.** That said Hospital District shall be operated and controlled by a Board of Trustees, five (5) in number, who shall serve without compensation and who shall be elected in the manner and for the terms hereinafter provided.

**SECTION 4.** That the initial members of the Board of Trustees shall be M. C. Plunk, who shall serve for a term of two (2) years, James Lawrence, who shall serve for a term of three (3) years, Mrs. Walter Cockrell, who shall serve for a term of four years, Hugh Hicks, who shall serve for a term of five (5) years, and James Matthews, Jr., who shall serve for a term of six years (6) years. The terms of said initial members shall begin on the 1st day of April, 1949.

**SECTION 5.** That upon the expiration of the two (2) year term of M. C. Plunk, his successor shall be elected for a term of five (5) years by the City Council of the City of Jackson in the manner hereinafter provided; upon the expiration of the three (3) years term of James Lawrence, his successor shall be elected for a term of five (5) years by the County Legislative Body of Madison County in the manner hereinafter provided; thereafter, the City Council and County Legislative Body, alternating annually, shall elect for a five (5) year term, in the manner hereinafter provided, a successor to that member of the Board of Trustees whose term shall have expired.

As amended by: Private Acts of 1992, Chapter 165

**SECTION 6.** That the City Council and the County Legislative Body shall be required to elect the successor Trustee from among three (3) nominees for the office, whose names shall be submitted to the Commissioners or to the Court by the remaining Trustees not less than 30 days prior to the expiration of the term of that Trustee whose successor is to be elected; provided, however, that the City Council by a majority vote, or the County Legislative Body by a majority vote, may elect a successor Trustee not nominated by the remaining Trustees.

As amended by: Private Acts of 1961, Chapter 355

Private Acts of 1992, Chapter 165

**COMPILER'S NOTE:** Private Acts of 1992, Chapter 165, deleted the words "County Commissioners" and "Quarterly County Court", but did not delete the references to "the Commissioners" or "the Court" in Section 6 above.

**SECTION 7.** That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner herein provided. In the event of the death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retiring Trustee was elected. Any Trustee shall be eligible for re-election. The Board of Trustees shall elect a Chairman and Secretary from among its members; shall meet at least monthly, or more often, if necessary; and shall keep complete, permanent and public records and minutes reflecting all business and transactions of the Board.

**SECTION 8.** That the Board of Trustees shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Hospital District herein created, which business and affairs may include without limitation the provision of health care services for persons in their homes; such operation, management, conduct and control, however, shall not be inconsistent with existing contractual [sic] obligations of said City and County. Said authority and responsibility shall include, but shall not be limited to, the establishment, promulgation and enforcement of the rules, regulations, and policies of the District, the upkeep and maintenance of all property, the administration of all financial affairs of the District, the execution of all contracts,

agreements and other instruments, and the employment, compensation, discharge and supervision of all personnel.

As amended by: Private Acts of 1989, Chapter 26

**SECTION 9.** That the Board of Trustees shall have authority to employ and fix the compensation of a Hospital Administrator, whose duties and responsibilities shall be determined and prescribed by the Board of Trustees.

**SECTION 10.** That said Board of Trustees shall annually prepare and submit to the City Council and County Legislative Body a budget reflecting in detail all estimated receipts and disbursements of the Hospital District. Said Budget shall be for the fiscal year September 1st to August 31st, and shall be submitted by the Board not later than June 1st prior to the commencement of the fiscal year. The initial Board shall prepare and submit such budget as soon after the effective date of this Act as may be practical, but, in any event, not more than sixty (60) days after the commencement of the terms of the members of said initial Board.

As amended by: Private Acts of 1992, Chapter 165

**SECTION 11.** That the Board of Trustees shall prepare and submit to the City Council and the County Legislative Body during each quarter of each fiscal year a complete financial statement and report which, among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements as of the dates of such financial statements.

As amended by: Private Acts of 1992, Chapter 165

**SECTION 12.** That the City Council of the City of Jackson are hereby authorized to appropriate to the Hospital District from the General Fund of the City one-half of such sums as may be required to commence the operation of said District, and thereafter one-half of such sums as may be required to pay any deficits arising in the operation and maintenance of said District; and are authorized and empowered, also, to levy a tax sufficient for this purpose upon all taxable property within the said City. The City of Jackson and Madison County may agree by contract upon another distribution of the operating expenses of the Jackson-Madison County Hospital District notwithstanding the foregoing authorization.

As amended by: Private Acts of 1973, Chapter 11  
Private Acts of 1992, Chapter 165

**SECTION 13.** That the County Legislative Body of Madison County is hereby authorized to appropriate to the Hospital District from the General Fund of the County one-half of such sums as may be required to commence the operation of said District, and thereafter one-half of such sums as may be required to pay any deficits arising in the operation and maintenance of said District; and are authorized and empowered, also, to levy a tax sufficient for this purpose upon all taxable property within the said County. The City of Jackson and Madison County may agree by contract upon another distribution of the operating expenses of the Jackson-Madison County Hospital District notwithstanding the foregoing authorization.

As amended by: Private Acts of 1973, Chapter 11  
Private Acts of 1992, Chapter 165

**SECTION 14.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 7, 1949

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1967-68, Chapter 39, created the Jackson-Madison County Ambulance Authority to provide ambulance service to the public. This act was amended by Private Acts of 1973, Chapter 17, to authorize the City of Jackson and Madison County to make an agreement between themselves for the division of operating expenses. This act would have been amended by Private Acts of 1982, Chapter 294, to authorize the county purchasing agent to make purchases for the ambulance authority, but the act was rejected locally and never become law. Private Acts of 1967-68, Chapter 39, as amended, was repealed by Private Acts of 1991, Chapter 59.
2. Private Acts of 1967-68, Chapter 458, would have amended Private Acts of 1949, Chapter 686, to increase the board of trustees of the Jackson-Madison County General Hospital Authority to 9 members and to change the terms and method of election of trustees, but this act was rejected locally and never became effective.
3. Private Acts of 1982, Chapter 287, would have amended Private Acts of 1949, Chapter 686, to change the method of election of successor trustees for the Jackson-Madison County General Hospital Authority, but this act was rejected by the county legislative body of Madison County.

## Chapter IX - Highways and Roads

### Advertising Signs

#### Private Acts of 1917 Chapter 569

**SECTION 1.** That hereafter it shall be unlawful for any person, firm or corporation to post any kind of advertising signs within fifty feet of the center of any public highway in any county in this State having a population of not less than 39,200 and not more than 39,500 inhabitants by the Federal Census of 1910 or that may have that number of inhabitants by any subsequent Federal Census.

**SECTION 2.** That the violation of Sec. 1 of this Act shall be a misdemeanor and shall be punishable by a fine of not less than \$10.00 nor more than \$50.00 in the discretion of the Court.

**SECTION 3.** That all laws and parts of laws in conflict with this Act shall be and are hereby repealed.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1917.

### Highway Engineer

#### Private Acts of 1995 Chapter 39

**SECTION 1.** The office of Highway Engineer of Madison County is hereby reestablished. The person holding the office of Highway Engineer of Madison County on the effective date of this act shall continue to hold office for the remainder of the term to which such officer was elected or appointed. The Madison County Highway Engineer shall be the Chief Administrative Officer of the County Highway Department as such office is defined in the County Uniform Highway Law codified in Tennessee Code Annotated, Title 54, Chapter 7, and shall exercise the powers and perform all of the duties imposed on such office by general law.

**SECTION 2.** The county legislative body of Madison County shall elect a highway engineer at an election to be held in August, 1995, and every four (4) years thereafter. The highway engineer shall serve a term of four (4) years beginning on the first day of September after his or her election and shall serve until a successor is elected and qualified. The county legislative body shall fill a vacancy in the office of highway engineer in accordance with the general law.

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

**SECTION 4.** For the purposes 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 3.

Passed: April 6, 1995.

### Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Madison County, but which are no longer operative.

1. Private Acts of 1824, Chapter 58, appropriated the funds remaining after the City of Jackson had been established to build a road through the low ground, or swamp, of the Forked Deer River, crossing the river at the bridge at Shannon's Landing.
2. Private Acts of 1827, Chapter 10, named commissioners for the building of a bridge across the Forked Deer River at Jackson and set forth their duties, and set rates of toll and exemptions from toll rates.
3. Private Acts of 1829, Chapter 282, declared the middle fork of the Forked Deer River to be navigable and regulated the height of bridges built across it.
4. Private Acts of 1832, Chapter 73, made it lawful for Sugars McLemore to receive a specified toll for crossing his bridge over the Forked Deer River, but authorized the county court to take control of the bridge if it became impassable. The bridge could be kept as long as it in no way obstructed navigation. Private Acts of 1832, Chapter 4, contains provisions identical to those in Chapter 73.

5. Private Acts of 1833, Chapter 255, authorized a turnpike and bridge to be built across the north fork of the Forked Deer River.
6. Private Acts of 1833, Chapter 299, declared Alexander's Fork of the Forked Deer River to be navigable as far upstream as Hibbet's and Sharpe's mill, thus requiring bridges to be built a specified height.
7. Public Acts of 1881, Chapter 118, gave the county court power to own and manage turnpike roads.
8. Acts of 1901, Chapter 136, regulated the working and construction of public roads in Madison County, providing for Road Commissioners, ad valorem taxes, classification of roads, etc. This act was amended by Acts of 1905, Chapter 478.
9. Acts of 1905, Chapter 403, provided that all male residents between the ages of 21-45 were subject to road duty in Madison County.
10. Acts of 1907, Chapter 545, authorized the appointment of a County Engineer for Madison County.
11. Acts of 1909, Chapter 351, was a general road law which established a system of county roads and created various officers, agencies, etc. for that purpose.
12. Private Acts of 1917, Chapter 230, created a County Board of Highway Commissioners in Madison County and provided for the regulation of the roads in Madison County. This act was amended by Private Acts of 1917, Chapter 536, Private Acts of 1919, Chapter 433, Private Acts of 1937, Chapter 337, Private Acts of 1939, Chapter 203, and Private Acts of 1945, Chapter 58 (the 1945 act was expressly repealed by Private Acts of 1970, Chapter 225). This 1917 act has never been expressly repealed, although it probably was repealed by implication by Private Acts of 1970, Chapter 225.
13. Private Acts of 1945, Chapter 58, amended Private Acts of 1917, Chapter 230, to abolish the County Board of Highway Commissioners and vest all of its rights, powers and duties in a County Engineer. This act was amended by Private Acts of 1951, Chapter 229, Private Acts of 1955, Chapter 67 (as amended by Private Acts of 1955, Chapter 180), and Private Acts of 1965, Chapter 198. The 1945 act, as amended, was repealed by Private Acts of 1970, Chapter 225.
14. Private Acts of 1970, Chapter 225, indicated in its caption that it amended Private Acts of 1917, Chapter 230, but the body of the act made no reference to the 1917 act. The 1970 act effectively constituted a new road law for Madison County, presumably repealing the 1917 act by implication. The 1970 act expressly repealed Private Acts of 1945, Chapter 58, which had substituted a County Engineer for the Board of Highway Commissioners. The 1970 act was amended by Private Acts of 1987, Chapter 92, and the 1970 act, as amended, was repealed by Private Acts of 1991, Chapter 2

## Chapter X - Law Enforcement

### Madison County Penal Farm

#### Private Acts of 1973 Chapter 121

**SECTION 1.** That the workhouse facility in Madison County is officially named the "Madison County Penal Farm" and authority is given to keep the necessary records as well as taking any other action deemed necessary for Madison County to make claim against the State of Tennessee for keeping State Prisoners in said Madison County Penal Farm, and in the amount as is set out in Section 41-1143 [§ 41-4-139], Tennessee Code Annotated.

**SECTION 2.** This Act shall have no effect unless it is approved by two-thirds (2/3) vote of the Quarterly County Court of Madison County, and, that said vote shall be taken within forty (40) days from the enactment of this Act. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court, and shall be certified by him to the Secretary of State.

**SECTION 3.** 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 2.

Passed: April 27, 1973.

## Offenses

# Fireworks

## Private Acts of 1949 Chapter 479

**SECTION 1.** That in all counties having a population of not less than 54,110, nor more than 54,120, according to the Federal Census of 1940, or any subsequent Federal Census, it shall be unlawful for any person, firm, or corporation to possess, store, use, manufacture, or sell pyrotechnics, as hereinafter defined.

The term "pyrotechnics" as used in this Act shall be held to mean sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks and other similar compositions used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics", as defined in this Act, are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of said counties, and it shall be the duty of Sheriffs and Peace Officers of said counties to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by confinement in the county jail or workhouse for not less than thirty days nor more than eleven months and twenty-nine days, or by both fine and imprisonment, in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms or corporations conducting displays or pyrotechnics at any State, District, or County Fair in said counties, or at any patriotic assembly or other public function, who acquire the articles used in such pyrotechnic displays from points outside said counties, keep possession of such articles at all times during the public gathering, and transport the same out of said counties at the conclusion of the public display.

**SECTION 5.** That nothing in this Act shall be construed as prohibiting the possession and use of pyrotechnics by common carriers, or other persons, firms or corporations, as a traffic or safety device.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1949.

## Sheriff

## Civil Service Law

## Private Acts of 1983 Chapter 54

**SECTION 1.** There is created a Madison County Sheriff's Department Civil Service Commission (the commission), which shall consist of three (3) members. One (1) member shall be appointed by the county legislative body of Madison County. One (1) member shall be selected by a majority vote of the classified employees of the Madison County Sheriff's Department (the department). The third member shall be selected by the two (2) members whose method of selection is provided above.

A member shall be at least thirty (30) years of age and shall have been a resident of Madison County for at least five (5) years. A member shall serve for a term of six (6) years; provided, however, for the initial selections the member appointed by the county legislative body of Madison County shall serve a two (2) year term; the member selected by classified employees of the department shall serve a six (6) year term; the third member who is selected by the other two members shall serve a four (4) year term.

Each member shall have equal power, and a majority vote of the members is necessary to authorize any commission action or decision. Two (2) members shall constitute a quorum for the transaction of business. No member of the commission shall be employed in any manner by a municipal, county, state or federal government. No member shall hold any elected or appointed position in any governing body and no member shall be a member of the immediate family of any employee of the department. Any vacancy in the commission shall immediately be filled for the remainder of the unexpired term in the same manner as the position was originally filled.

**SECTION 2.** Each member of the commission shall receive a salary of seventeen dollars and fifty cents (\$17.50) per meeting. Each member shall be reimbursed his necessary expenses incurred in the discharge of official duties. The county legislative body of Madison County shall make adequate financial provision

including stenographic services for the commission in the performance of its duties. The commission shall hold no more than ten (10) meetings a year.

**SECTION 3.** The commission shall elect a chairman who shall preside over all meetings, a vice chairman to serve in the absence of the chairman, and a secretary.

The secretary shall keep complete and accurate records of all proceedings held by the commission in a minute book to be provided for this purpose. The secretary shall likewise keep a complete and accurate record of employment lists as provided in Section 5.

**SECTION 4.** All full-time employees of the department, holding a classified position, as set out hereafter, on the payroll of the department on the date this Act is ratified by the county legislative body of Madison County as required in Section 18, shall be covered by the provisions of this Act except as noted, and shall not be required to take an examination to continue in their presently classified positions.

**SECTION 5.** After this Act is ratified as required in Section 18, any person seeking employment with the department for any classified position as hereinafter defined, with the exception noted below, shall first be examined and declared qualified by the commission. All other classified positions in the department shall be filled as provided below.

The examination may be written or practical and shall be prepared by the commission on advice of the sheriff, and shall be a comprehensive examination related to the field which it covers. The commission shall regularly hold competitive examinations for classified positions; such examinations shall be offered annually to any applicant and more often as necessary. The commission shall cause a notice to appear not less than thirty (30) days prior to the date set for such examination, and the notice shall contain a brief statement of classified position or positions for which examinations will be held, a brief statement of the subjects upon which the applicants will be examined, the time and place of the examination and the duties required by such classified position. The commission shall prepare a list of those persons declared qualified for each classified position, in the order of their excellence as determined by the examination. If a vacancy occurs in a classified position, and upon the request from the sheriff, the commission shall certify to the sheriff the names of those persons qualified for such vacancy. The sheriff may select any one (1) of those persons for the classified position. Each classified position in the department, except detention specialist and deputy shall be filled by a promotion by the sheriff from a holder of a classified position. Deputized clerical and office staff shall be appointed by the sheriff.

As amended by: Private Acts of 1995, Chapter 42

Every February, a new classified position list shall be established by examination and any applicant shall take such examination before he or she can be eligible for listing as an applicant for a classified position. This paragraph applies whether a person was listed on a former classified position or not.

As amended by: Private Acts of 1986, Chapter 185

**SECTION 6.** No person holding any classified position of employment shall be discharged from the service of the department or demoted except for just cause and it is expressly intended that engaging in any political activity or refusing to engage in any political activity shall not be just cause for discharge, suspension or demotion of any employee holding a classified position. All persons discharged or demoted shall have the right to be heard by the commission in his own defense, in person or by counsel, and the action of the sheriff in discharging or demoting such person shall be subject to the approval or disapproval of the commission. If the commission approves the discharge or demotion, the decision shall be final. If such discharge or demotion be disapproved the employee shall be reinstated to such position with full pay and rights from the day of discharge or demotion. The sheriff shall have the authority to suspend any classified position holder in the department for a period not exceeding one (1) consecutive fifteen (15) day period without approval of the commission; provided, however, where the suspension exceeds one (1) consecutive three (3) day period the classified position holder shall have the right to request an appeal and review by the commission. Written request for hearing must be made within five (5) days from date of discharge, demotion or suspension. No employee holding a classified position shall be discharged or suspended for any act not involving moral turpitude which occurred more than six (6) months prior to the date of discharge.

Any person holding a classified position in the department may be reduced in rank for cause, but such action shall likewise be subject to the approval or disapproval of the commission upon appeal duly perfected.

None of the provisions of this section shall apply to any classified position during the first twelve (12) months of employment; such period is hereby declared to be a probationary period.

None of the provisions of this section shall apply to prevent the discharge of the holder of a classified position who was employed as the result of the resignation of the holder of a classified position to enter



the armed forces, but upon the return of such holder from the armed forces, the holder of the position with the least seniority may be discharged, in which case such holder would revert to the classified position list.

**SECTION 7.** The following positions within the department are hereby declared to be classified positions within the meaning of this act: 1) captains, 2) lieutenants, 3) sergeants, 4) investigators, 5) deputies, 6) deputized clerical and office staff, 7) communications officer and 8) assistant chief deputy and 9) detention specialists.

As amended by: Private Acts of 1994, Chapter 152

All positions not classified herein as classified positions are unclassified positions and such unclassified positions are not covered by the provisions of this act.

As amended by: Private Acts of 1986, Chapter 185  
Private Acts of 1991, Chapter 27  
Private Acts of 1991, Chapter 107

**SECTION 8.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this Act and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the county attorney except in cases wherein the county attorney may be an interested party. In such event their [sic] commission may employ special counsel, and the expense shall be borne by the county.

**SECTION 9.** In any investigation conducted by the commission, the commission shall have the power to subpoena and require the attendance of witnesses and the production by them of books and papers, pertinent to the investigation and to administer oaths to such witnesses.

**SECTION 10.** Any person who obstructs or deceives any person in respect to his or her rights under this Act, makes a false report or certificate, or bribe, or attempt to bribe any employee of the commission or in any other way fraudulently conduct themselves to gain favor for any person or persons, shall be punishable by a civil penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000.00).

**SECTION 11.** Immediate reports in writing shall be given to the commission by the head of the sheriff's department of all occurrences which affect the status of classified positions or the performance of duties of all persons holding classified positions.

**SECTION 12.** The working day for any employee of the department shall be eight (8) hours of duty in any twenty-four (24) hour period. The working week shall consist of five (5) eight (8) hour days. Each employee of the department shall receive two (2) days off each week. Each employee of the department shall receive compensatory time for each hour worked in excess of eight (8) hours per twenty-four (24) hour period and in excess of forty (40) hours per week at the rate of one (1) compensatory hour to be taken at a later time in return for each hour worked overtime.

No compensatory time shall be granted for attendance in court unless the officer is duly subpoenaed to attend in state or federal courts and duly claims his witness fee for such attendance. Such attendance fee shall be paid to Madison County.

**COMPILER'S NOTE:** This is to the extent that the provisions do not conflict with the Federal Fair Labor Standards Act (FLSA).

**SECTION 13.** All members of the department shall be entitled to retirement benefits as provided by the general law.

**SECTION 14.** The sheriff shall designate the specific days which employees shall receive as paid holidays.

**SECTION 15.** Each member of the department shall be entitled and allowed to receive all hospital, medical, and surgical expenses which were incurred as a result of an injury received by an employee in the performance of his departmental duty as a member of the department.

**SECTION 16.**

(a) It is the policy of the county to promote employee efficiency, health and morale through periodic interruption from one's duties. Paid leave is provided based on length of service as follows:

(1) Any employee who has less than five (5) years of full time service shall accrue annual leave at the rate of ten (10) days for each year of service. Such an employee shall be credited with five (5) days of annual leave at the end of each six (6) month period.

(2) Any employee who has five (5) years and less than ten (10) years of full time service shall accrue annual leave at the rate of one (1) day per month.

(3) Any employee who has more than ten (10) years of full time service shall accrue annual leave at the rate of one and one-fourth (1 1/4) days per month.

(b) Annual leave may be used only at times approved in advance by an immediate supervisor.

(c) An employee may accumulate a maximum of thirty (30) work days of annual leave. Any greater amount of annual leave shall be forfeited.

(d) Accrued annual leave may be used for maternity leave.

#### **SECTION 17.**

(a) An employee of the department shall receive full pay during incapacity caused by illness, subject to the guidelines of subsection (b).

(b) Any employee shall become eligible for sick leave if:

(1) Employees are incapacitated by sickness or injury; for medical, dental, or optical diagnosis and treatment.

(2) For necessary care and attendance of a member of the employee's immediate family when approved by department head or his appointed representative.

(3) After exposure to a contagious disease, when certified by a qualified doctor's certificate, that the employee may jeopardize the health of others.

(4) Each permanent employee will accrue sick leave at the rate of one (1) work day per month with the maximum accumulation of one hundred twenty (120) work days.

(5) Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains.

(6) To prevent abuse of the sick leave privilege, the department head is required to satisfy himself that the employee is genuinely ill before paying sick leave.

(7) Any absence may require a doctor's certificate, and any absence in excess of three work days shall require a doctor's certificate to return to work, if in the opinion of the immediate supervisor, such action is deemed appropriate.

(8) Accumulated sick leave has no value except for the purpose granted, and in the event of retirement or separation, all unused sick leave shall be forfeited.

(9) Accrued sick leave may be used as maternity leave.

(10) For leave purposes, the service an individual has to his credit, includes all time spent as a permanent employee of the county.

(11) Each day deducted from an employee's sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days.

(12) Employees claiming sick leave while on annual leave must support their claim by a doctor's statement or other satisfactory proof.

**SECTION 18.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County before August 1, 1983. 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 19.** 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 18.

Passed: April 6, 1983.

## **Private Acts of 2021 Chapter 7**

SECTION 1. Chapter 54 of the Private Acts of 1983; as amended by Chapter 185 of the Private Acts of 1986; Chapter 107 of the Private Acts of 1991; Chapter 27 of the Private Acts of 1991; Chapter 152 of the Private Acts of 1994; Chapter 42 of the Private Acts of 1995; Chapter 6 of the Private Acts of 2015, and any other acts amendatory thereto, that being the Madison County Sheriff Department's Civil Service Commission system, is amended by deleting Chapter 54 as amended and substituting instead the following:

Section 1. This Act shall be known as the "Madison County Sheriffs Civil Service Law of 2021."

Section 2. Classified Service.

For purposes of this act, "classified service" includes all fulltime employees in the Madison County Sheriff's Office, except for: the sheriff; the sheriff's personal secretary; the chief deputy sheriff; each assistant chief deputy sheriff; each major; each colonel; each inspector; each employee who holds a rank higher than the rank of captain; and any administrative employee who reports directly to the sheriff.

### Section 3. Civil Service Board.

There is created a civil service board composed of three (3) members, one (1) of whom shall be selected by the Madison County Legislative Body, one (1) of whom shall be selected by the Madison County Sheriff, and one (1) of whom shall be selected by the Madison County Deputy Sheriffs Association.

### Section 4. Terms.

The terms of the members of the Civil Service Board shall be three (3) years; provided, that the initial appointments shall be as follows: one (1) member selected by the Madison County Legislative Body for one (1) year; one (1) member selected by the Madison County Sheriff for two (2) years; and one (1) member selected by the Madison County Deputy Sheriffs Association for three (3) years.

### Section 5. Civil Service Board Standards.

Each member of the board shall be over thirty (30) years of age, of good moral character, a citizen of the United States and the state of Tennessee, shall be a resident of Madison County and shall have been a resident of Madison County for at least five (5) years, and each member shall not hold any other elected or appointed office within Madison County, nor be employed by Madison County. Each member shall have equal power, and a majority vote of the members is necessary to authorize any Board action or decision. No member shall be a member of the immediate family of any employee of the department. Any vacancy on the Civil Service Board shall immediately be filled for the remainder of the unexpired term in the same manner as the position was originally filled.

### Section 6. Civil Service Board Salary.

The members of the Civil Service Board shall receive such salary, if any, as determined by the Madison County legislative body in its sound discretion.

### Section 7. Civil Service Board Administration.

The county mayor shall designate, from the three (3) members thus selected, a chair of the Civil Service Board. The sheriff shall appoint from among the sheriff's employees a personnel officer, who shall be the keeper of the sheriff's departmental records and shall serve as secretary of the Civil Service Board.

### Section 8. Duties and Responsibilities of Civil Service Board.

The Civil Service Board as a body shall:

(a) Conduct hearings to determine whether the sheriff had just cause for employment decisions made regarding:

(1) Suspensions that exceed the maximum allowable limit;

(2) Demotions; and

(3) Terminations of the classified employees as defined in this act; provided, the employee is off the established probationary period.

(b) For purposes of this Act, "just cause" includes, but is not limited to, the following actions or inactions of the employee:

(1) Failure to maintain Peace Officers Standards Training Commission standards;

(2) Failure to maintain Tennessee Corrections Institute Standards;

(3) Violation of a disciplinary rule of the sheriff's office; and

(4) Violation of state or federal law.

(c) Upon request made to the sheriff's office, be provided a roster of all employees of the classified service in the office of the sheriff showing their position, rank, compensation, and county of residence.

### Section 9. Grandfathered Employees.

All non-probationary employees in the employ of the office of the sheriff or classified service positions at the time this act becomes operative shall be retained without preliminary or performance tests, but shall thereafter be subject in all other respects to the provisions of this act.

### Section 10. Classification Plan.

The Madison County Sheriff's Office shall, as soon as practical after this act becomes operative, adopt a

classification plan and make rules for its administration. The position classification plan may, if desired, create different classes of positions within each position in the classified service. The position classification plan shall show the duties, authorities, responsibilities, and character of work required of each position and each class thereof. The Madison County Sheriff's Office shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge, and skill. As far as practical, the probable lines of promotion to and from the classes of positions shall be indicated.

#### Section 11. Abolishing Positions.

If a classified position is abolished, the classified employee shall be reassigned to another classified position in the same class.

#### Section 12. Civil Service Exam and Promotion Test.

(a) The Madison County Sheriff's Office shall, as often as necessary, hold tests to establish lists of persons eligible for the various positions in the classified service. The test may be conducted through the use of a computer or written exams at a location designated by the sheriff.

(b) Such tests shall be public, competitive, and open to all persons who may be lawfully eligible. The sheriff may set limitations as to residence, age, health, habits, moral character, education, experience, and other necessary prerequisites for the performance of the duties of the position for which examination is designated.

(c) Promotion tests shall be available to all classified employees within that class who are eligible. A classified employee is eligible for promotion within a class if that person has 1) at least three (3) years of active service in the Madison County Sheriff's Office; and 2) at least one (1) year of service in the position from which they are being promoted.

(d) All tests shall be practical and shall consist only of subjects that will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No question in any test shall relate to religious or political opinions or affiliation.

(e) Upon successful completion and passing of tests, applicants and candidates for promotion will be interviewed and their record reviewed by the Madison County Sheriff's Office administration and hired or promoted at the discretion and consent of the sheriff. This interview and review shall be part of the evaluation in the promotion and hiring process.

(f) Once a civil service exam is adopted, the Civil Service Board shall review the exam and determine whether or not to approve the exam.

#### Section 13. Probationary Periods.

(a) An employee who is still on the twenty-four-month probationary status is defined as a "newly hired employee." No appointment for any position in the classified service shall be deemed complete until after the expiration of twenty-four (24) months of probationary service, during which time the sheriff may determine the effectiveness of the employee and if, in the sheriff's judgment, the employee does not meet the standards of the sheriff, the sheriff may terminate the employment of that person, who will hold no right of appeal to the Civil Service Board.

(b) Whenever a position of the classified service is filled by promotion, and the services of the person promoted are terminated by the sheriff during a probationary period of twelve (12) months from the hire of the appointment, the person shall be returned to the person's former rank in the classified service; provided, the person held that former rank for a period of at least one (1) year, unless such person's conduct during the probationary period has given grounds for dismissal for cause under this act.

(c) A person certified to the sheriff, who does not report for duty at the time so designated and who does not explain in writing within five (5) days such failure to report, may be rejected by the sheriff, who shall notify the Civil Service Board of the action taken and the reason for it. The person's name will then be stricken from the eligible list.

#### Section 14. Transfers.

(a) Employees in the classified service may be transferred from one position to another in the same class. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

(b) A non-POST certified employee is eligible to request transfer to a POST certified position after a twelve-month service.

(c) If a transfer from a non-POST certified position to a POST certified position takes place, the probationary rules remain in effect; however, the employee will undergo a twelve-month probationary period in the POST certified position.

(d) The sheriff shall not transfer a POST certified employee from a POST certified position/class into a non-POST certified position within the department without written request by the employee, or for just cause. If such occurrence takes place, the employee may appeal the transfer to the Civil Service Board for a hearing; provided, that employee has completed the established probationary status.

(e) If a POST certified employee is operating in a non-active law enforcement position, it shall be the responsibility of the department to provide the necessary training for that employee to maintain their POST certification.

#### Section 15. Civil Service Investigations and Hearings.

The Civil Service Board, when conducting any investigations or hearings authorized by this act, shall have the power to take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. If any person fails to comply with the orders of the Civil Service Board or a subpoena issued by the Civil Service Board or any of its members, or if a witness refuses to testify on any matter on which the witness may be lawfully interrogated, the judge in any court of record within the county, on application of any member of the Civil Service Board, shall compel obedience by proceedings as for contempt. The sheriff or the sheriff's legal deputy shall serve such subpoenas as issued by the Civil Service Board.

#### Section 16. Suspensions.

(a) The sheriff may suspend any employee for not more than ten (10) working days for cause, and there shall be no right of appeal for such suspension. The sheriff does not have the authority to suspend any employee for more than one (1) suspension of ten (10) working days within any given six-month period without a right of appeal.

(b) If the sheriff suspends any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges. The suspended employee shall thereafter have ten (10) days to request a hearing before the Civil Service Board. Upon receiving the request, the Civil Service Board, not more than thirty (30) days from the date of the receipt of the request, shall set a hearing date.

#### Section 17. Political Activity.

All political activity by employees will be governed by state and federal law. Engaging in any political activity or refusing to engage in any political activity shall not be just cause for discharge, suspension, or demotion of any employee holding a classified position, except where prohibited by state or federal law.

#### Section 18. Demotion and Termination for Just Cause.

(a) No person holding any classified position of employment shall be discharged from the service of the department, suspended, or demoted except for just cause, as set forth in Section 8 above.

(b) Any classified employee discharged or demoted shall have the right to request a hearing in person before the Civil Service Board in his or her own defense. A written request for a hearing must be submitted by the appellant to the sheriff, with a copy submitted to the county mayor, within five (5) business days from the date of discharge or demotion.

(c) At the hearing before the Civil Service Board, the action of the sheriff in discharging or demoting the employee shall be reviewed by the Civil Service Board to determine whether or not the sheriff's decision was supported by just cause, as set forth in Section 8 above. Review by the Civil Service Board is not a de novo consideration of the employment decision made by the sheriff.

(d) Both the sheriff and the employee who has requested a hearing before the Civil Service Board may be represented by counsel during the hearing process and at the hearing.

(e) At the hearing before the Civil Service Board, the employee shall have the burden of proving by a preponderance of the evidence that the sheriff's decision was not supported by just cause. The employee shall present his or her case first, to be followed by the sheriff's presentation. The Civil Service Board shall have the discretion to permit the parties to make opening statements and/or closing arguments.

(f) The Civil Service Board shall issue a written decision no more than sixty (60) days from the date of the hearing. Either the employee or the sheriff may seek judicial review of the decision of the Civil Service Board. If the Civil Service Board finds that the sheriff's decision was not supported by just cause, and the sheriff does not seek judicial review of that decision, the employee shall be reinstated to the position with full pay and rights from the day of discharge or demotion.

#### Section 19. Scope and Construction.

The section headings in this act are for reference purposes only and do not constitute a part of the act enacted hereby.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative

body of Madison County before August 1, 2021. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 3. 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 as provided in Section 2.

Passed: April 20, 2021

## Law Enforcement - Historical Notes

### **Militia**

Those acts once affecting Madison County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1824, Chapter 43, established a new regiment of militia for Madison County, attached it to the 14th Brigade, and provided for the election of officers at the home of David and William Sanders.
2. Private Acts of 1832, Chapter 49, Section 6, gave the Jackson Guards, a volunteer company in Madison, certain rights and privileges and attached them to the 75th Regiment of the Tennessee militia.

### **Offenses**

The act briefly summarized below fell into this category in Madison County.

1. Private Acts of 2005, Chapter 19, was an act to repeal Private Acts of 1949, Chapter 479, and to regulate pyrotechnics in certain parts of Madison County. This act did not receive local approval.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Madison County Sheriff's office.

1. Private Acts of 1857-58, Chapter 153, authorized the Sheriff of Madison County to appoint an additional deputy.
2. Public Acts of 1873, Chapter 29, provided that the state would no longer pay county jail physicians except in Madison, Davidson and Knox Counties, where the state would continue to pay only for prisoners awaiting trial in the Supreme Court. The county sheriff's department would be responsible for providing medical care for all other prisoners.
3. Private Acts of 1983, Chapter 54, which established a Civil Service Commission in Madison County, was repealed by Private Acts of 2015, Chapter 6, establishing the Madison County Sheriff's Civil Service Law.
4. Private Acts of 2015, Chapter 6, which established the Madison County Sheriffs Civil Service Law of 2015, was repealed by Private Acts of 2021, Chapter 7, establishing the Madison County Sheriffs Civil Service Law of 2021.

## Chapter XI - Taxation

### Assessor of Property

### Private Acts of 1947 Chapter 110

**SECTION 1.** That the County Register of the County of Madison, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 2.** That it shall be the duty of the Tax Assessor of Madison County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of Madison County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners

thereof. Failure of the tax Assessor of Madison County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 30, 1947.

## Hotel - Motel Tax

### Private Acts of 1980 Chapter 324

**SECTION 1.** Definitions. For the purpose of this Act:

- (a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) Hotel. "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.
- (c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (e) Consideration. "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.
- (f) City. "City" means the City of Jackson, Tennessee.
- (g) County. "County" means Madison County, Tennessee.
- (h) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (i) Economic Development Commission. "Economic Development Commission" means a five (5) person body established as hereinafter provided for in said Chapter.

**SECTION 2.** Authority to Levy Tax. That the City of Jackson and Madison County shall be authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount of five (5%) percent to [sic] the rate charged by the operator.

**SECTION 3.** Tax Added to Room Invoice. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the City of Jackson and Madison County, Tennessee.

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

**SECTION 4.** Remittance to Trustee.

- (a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the city and county, to the County Trustee or such other officer as may by ordinance or resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is arranged by the operator to the transient, then the obligation to the city and 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

these sections the operator shall be allowed two (2%) percent of the amount of the tax due and accounted for and remitted to the trustee in the form of a deduction in submitting his report and paying the amount due by him, provided the amount due was not delinquent at the time of payment.

**SECTION 5.** Rules and Regulations. The Trustee or other authorized collector of the tax authorized by this Act shall be responsible for the collection of said tax and shall place the proceeds of such tax in such accounts as provided in this Act. A monthly tax return under oath shall be filed with the Trustee by the operator with such number of copies thereof as the Trustee 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 Trustee and approved by the City Commission and Board of County Commissioners prior to use. The Trustee shall audit each operator in the city and county at least once per year and shall report on the audits made on a quarterly basis to the City Commission and the Board of County Commissioners.

The City Commission of Jackson and the Board of County Commissioners are hereby authorized to adopt ordinances and resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act, including the form for such reports.

**SECTION 6.** Offer to Absorb Tax Prohibited. No operator of a hotel should 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 7.** Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Trustee 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 (12%) percent per annum, and in addition for penalty of one (1%) percent 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 a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

**SECTION 8.** Records. It shall be the duty of every operator liable for the collection and payment to the city and 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 may have been liable for the collection of and payment to the city and county, which records the County Trustee shall have the right to inspect at all reasonable times.

**SECTION 9.** Administration. The County Trustee in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the County Clerks.

For his services in administering and enforcing the provisions of this Act, the County Trustee shall be entitled to retain as a commission one (1%) percent of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-3033, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this Act; provided further, the County Trustee shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks.

With respect to the adjustment and settlement with taxpayers, all errors of city and county taxes collected by the County Trustee under authority of this Act shall be refunded by him. Notice of any tax paid under protest shall be given to the County Trustee and the ordinance and resolution authorizing levy of the tax shall designate a City Commissioner and County Officer against whom suit may be brought for recovery.

**SECTION 10.** That a joint Commission, to be known as the "Community Economic Development Commission", is hereby created and established for and on behalf, and as an agency, of the City of Jackson, Tennessee and Madison County, Tennessee.

That the Commission shall be composed of five (5) persons in number, who shall serve without compensation and shall be elected in the manner and for the terms hereinafter provided. That the initial terms of the members of the Commission shall be for a term of one year, two years, three years, four years and five years, respectively. The Board of County Commissioners of Madison County shall select and appoint the original members for the onethree- and [sic] five-year terms. The City Commission of the City of Jackson shall select the members for the two- and four-year terms. The terms of said initial members being as of July 1, 1980. Upon the expiration of the one year term, his successor shall be elected for a term of five years by the Commissioners of the City of Jackson; upon the expiration of the two year term, his successor shall be elected for a term of five years by the Board of County Commissioners of Madison County; thereafter, the City Commissioners and the County Commissioners, alternating annually, shall



elect for a five year term a successor to that member of the Commission whose term shall have expired.

A Commissioner whose term has expired shall continue to serve until his successor shall have been elected. In the event of the death or resignation of a Commissioner prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retired Commissioner was elected. Any Commissioner shall be eligible for reelection.

The Commissioner of Parks and Recreation of the City of Jackson and the County Executive of Madison County shall be ex-officio members of said Commission. The Commission shall elect a Chairman and a Secretary from among its members, and shall keep complete and permanent records and minutes reflecting all business and transactions of the business. The Commission shall be vested with full and complete power, authority and responsibility for the operation, management, conduct and control of the business and affairs of the Commission herein created. Such authority and responsibility shall include the purpose of promoting community economic development, conventions, industrial advertising, tourism and recreational activity.

As relates to budgeting and fiscal matters and expenditures, the Commission shall be subject to the same provisions of law as other boards and commissions established by the City of Jackson and Madison County and said Commission shall be responsible for preparing and submitting a programmed budget for all funds to be expended, pursuant to the provisions of Section 11 of this Act for approval by the Commissioners of the City of Jackson and the Board of Commissioners of Madison County. The Community Economic Development Commission shall be responsible for the expenditure of all funds derived from the tax authorized by this Act and allocated to the Community Economic Development Commission.

Without limiting the foregoing, the Commission is authorized and empowered to utilize any and all funds allocated to the Commission to make economic development grants to other governmental entities and public corporations, including, but not limited to, any industrial development corporation created by the City, the County, or both the City and the County, in order to accomplish its purpose of promoting community economic development, conventions, industrial advertising, tourism, and recreational activity. In furtherance of the foregoing, the Commission is authorized to enter into binding grant agreements for a term not in excess of twenty (20) years pursuant to which the Commission agrees to grant all, a portion, or a percentage of the funds allocated to the Commission upon such terms as the Commission deems appropriate, which grant agreement may be enforced by the beneficiary thereof and by any third-party beneficiary identified in such grant agreement.

As amended by: Private Acts of 2020, Chapter 54.

**SECTION 11.** Application and allocation of revenue. The proceeds of the tax authorized by this Act shall be appropriated by the County Trustee as follows:

A. Beginning the 1st day of the second calendar month next following the date when a single tourism attraction project (within the meaning of Tenn. Code Ann. § 7-53-101(15)(E)), located within the County, as designated by the Community Economic Development Commission created and established elsewhere in this Act, is determined by the Community Economic Development Commission to be substantially completed and eligible for issuance by the local governmental authority of an unconditional occupancy permit, and continuing thereafter for a period of twenty (20) years, there shall be allocated to the Community Economic Development Commission one hundred percent (100%) of all net taxes collected by the County Trustee from such tourism attraction project, to be used by said Commission in accordance with the purposes set forth in Section 10 of this Act.

B. If no tourism attraction project, as defined in subsection A, is under construction in the County by December 31, 2023, as determined by the Community Economic Development Commission, then the tax allocation to the Community Economic Development Commission, as defined in subsection A, shall be null and void.

C. The remaining proceeds of the taxes, including all proceeds received or allocable to periods prior to and subsequent to the twenty-year period set forth in subsection A or the December 31, 2023, date set forth in subsection B, whichever is applicable, shall be allocated and paid by the County Trustee as follows:

- (1) Forty percent (40%) of the proceeds shall be allocated to and placed in the general fund of the City of Jackson;
- (2) Forty percent (40%) of the proceeds shall be allocated to and placed in the general fund of Madison County; and
- (3) Twenty percent (20%) of the proceeds shall be allocated and placed in a fund to be administered by the Community Economic Development Commission created and established elsewhere in this Act, to be used by said Commission in accordance with the purposes as set forth

in Section 10 of this Act.

As amended by: Private Acts of 1985, Chapter 34

Private Acts of 2005, Chapter 65

Private Acts of 2020, Chapter 54

**SECTION 12.** Severability Clause. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this Act shall continue to be 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 herein.

**SECTION 13.** That this Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Commissioners of the City of Jackson and by a two-thirds (2/3) vote of the Board of County Commissioners of Madison County, both of said approvals to be within six (6) months of the approval of this Act by the Governor of Tennessee. The action of the City Commission and the Board of County Commissioners hereon that [sic] be proclaimed by the respective presiding officers of such governing bodies, and shall be certified by them to the Secretary of State.

**SECTION 14.** That this Act, for the purpose of action hereon by the City Commissioners and the Board of County Commissioners, as above provided, shall take effect from and after its passage, and for all other purposes shall take effect after its approval by said City Commissioners and Board of County Commissioners as above provided, the public welfare requiring it.

Passed: April 17, 1980.

## Taxation - Historical Notes

### Assessor of Property

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 Madison County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 206, set the compensation of the Madison County Tax Assessor at \$2,500 per year, out of which the assessor was required to pay his assistants.
2. Private Acts of 1933, Chapter 62, set (again) the compensation of the assessor at \$2,500 per year, out of which the assessor was required to pay his assistants.
3. Private Acts of 1939, Chapter 533, set the Madison County assessor's compensation at \$3,600 per year, and provided for a stenographer to be paid \$900 per year. This act was amended by Private Acts of 1947, Chapter 831, to raise the stenographer's salary to \$1,500 per year. This act was further amended by Private Acts of 1949, Chapter 94, to raise the assessor's salary to \$5,000 per year. The 1939 act and its amendments were repealed by Private Acts of 1986, Chapter 166.
4. Private Acts of 1957, Chapter 174, provided for reimbursement of the assessor's automobile travel expenses at 10¢ per mile, not to exceed \$150 per month. This act was repealed by Private Acts of 1986, Chapter 164.

### Taxation

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

1. Acts of 1903, Chapter 456, gave the County Court power to levy a special tax of 12¢ per \$100 property valuation to pay interest on the Good Roads Bonds. This tax was raised to 24¢ by Acts of 1905, Chapter 473.
2. Private Acts of 1939, Chapter 556, as amended by Private Acts of 1945, Chapter 122, established a Board of Equalization for Madison County. Its provisions were similar to those of general law.
3. Private Acts of 1977, Chapter 103, repealed Acts of 1909, Chapter 73, which was the authority for the Quarterly Courts of counties with a population between 60,000 and 100,000 to levy taxes to build, operate and maintain public libraries, because the act had been superseded by general law.
4. Private Acts of 1985, Chapter 66, was identical to Private Acts of 1985, Chapter 34, which amended Private Acts of 1980, Chapter 324, reproduced hereinabove, and it was not acted upon by local authorities

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