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# Private Acts of 1937 Chapter 864

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

Sincerely,

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# Private Acts of 1937 Chapter 864

**SECTION 1.** Be it enacted by the General Assembly of the State of Tennessee, as follows:

- (A) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of McNairy County.
- (B) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of McNairy County, Tennessee.
- (C) The term "Sheriff" when used in this Act shall mean the Sheriff of McNairy County, Tennessee.
- (D) The term "Trustee" when used in this Act shall mean the Trustee of McNairy County, Tennessee.
- (E) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of McNairy County, Tennessee.
- (F) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of McNairy County, Tennessee.
- (G) The term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highways of McNairy County, Tennessee.
- (H) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of McNairy County, Tennessee.
- (I) The term "Commissioners" when used in this Act shall mean any superintendent or person appointed or elected by the Quarterly County Court over any department or institution of McNairy County, Tennessee.
- (J) The term "Quarterly County Court" when used in this Act shall mean any Justice of the Peace that is a member of the County Court of McNairy County, Tennessee.
- (K) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of McNairy County, Tennessee.
- (L) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of McNairy County, Tennessee.
- (M) The term "School Board" when used in this Act shall mean the County Board of Education of McNairy County.
- (N) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of McNairy County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.
- (O) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee, to draw from the County Treasury and expend money of McNairy County.
- (P) The term "Budget Committee" when used in this Act shall mean a committee of three members of the Quarterly County Court appointed by the Quarterly County Court of McNairy County, Tennessee, as hereinafter provided.
- (Q) The term "Expenditure or Expend" when used in this Act shall mean the act of committing McNairy County to expend monies then and there in the County Treasury or to come into the County Treasury of McNairy County.

**SECTION 2.** That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of McNairy County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditure and all estimated revenues by sources and borrowings for the county for the ensuing appropriation year, which shall begin on the first day of September each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate paralleled columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: A statement of the contemplated revenues and disbursements, liabilities, reserves, and surplus or deficit of McNairy County as of the date of the preparation of the budget.

Second: An itemized and complete financial balance sheet of each fund account of the said McNairy County at the close of the last preceding appropriation year.

**SECTION 3.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in McNairy County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said McNairy County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the county for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it is mandatory upon the Quarterly County Court to levy a tax rate, assuming that not more than 85% of the total tax aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the budget so adopted by the Quarterly County Court; provided, however, the requirements of this Act, relative to tax levies and disbursements of revenues therefrom, shall not be applicable to debt service requirements. (The necessary provisions in regard to debt service taxes and disbursements of revenues derived therefrom having been set out and detailed in that certain resolution passed by the Quarterly County Court assembled in adjourned session on May 12, 1937, whereunder there was authorized to be issued \$805,000.00 Refunding Bonds and \$150,000.00 Funding Bonds of McNairy County, Tennessee, Series of 1937).

**SECTION 4.** That the Budget Committee of McNairy County may require the heads of other responsible representatives of all departments, divisions, boards, commission, agencies, or offices of said county to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SECTION 5.** That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months period ending on the immediately preceding August 31st. A copy of such statement shall be posted at the front door of the Court House and published in one or more newspapers of the county.

**SECTION 6.** That it shall likewise be the duty of the school board on or before the first Monday of April of each year to prepare and file with the Budget Committee an itemized statement or budget as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement of budget.

**SECTION 7.** That the Quarterly County Court shall include in the county budget required by law and as a part thereof a budget for the schools of the county a brief synopsis of which shall be posted as required in Section 4, of this Act.

**SECTION 8.** That it shall be the duty of the County Judge or Chairman to install and maintain or to cause to be installed and maintained a set of accounts as prescribed by the Quarterly County Court or its representative, classified according to functions and activities, which will at all times reveal the amount appropriated, the amount expended to date chargeable against such appropriation, and the unexpended balance of such appropriation. Furthermore, it shall be the duty of each and every official of the county before making an expenditure for any purpose whatsoever, whether it be for personal services, contractual services, materials and supplies, equipment, bounties and claims, pensions and relief contributions, to issue or cause to be issued to the County Judge or Chairman a requisition and to receive from the County Judge or Chairman a purchase order which among other things shall show the unexpended balance of the appropriation against which such purchase order or requisition has been charged.

**SECTION 9.** That any official of McNairy County that has the power, right, or authority to expend County Funds from the Treasury of the county or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the county to the credit of his or her department of the County Government or in excess of the budget adopted by the Quarterly County Court of McNairy County covering that certain period of time as shown by the budget, such county official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of McNairy County, shall be personally liable, together with his sureties on his official bonds, to McNairy County for such over-drafts or over expenditures, and the county shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over

expenditure with interest from date.

**SECTION 10.** That it shall be unlawful and a misdemeanor in office for any official or employee of McNairy County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year which such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made. That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act, and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 11.** That it shall be a misdemeanor in office for any official of the county, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the county, to violate any provision of this Act, to fail or refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures, aids, or abets, in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00, nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court, provided further, that any County Official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 12.** That the Quarterly County Court shall at the July, 1937, regular session of such Court, and at the expiration of each second calendar year period thereafter, elect a Budget Committee consisting of three members of the Court, said Budget Committee to receive as compensation for their services a per diem fee of \$3.00 for each and every day spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of \$48.00.

**SECTION 13.** That the holding of any section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, sub-section, sentence, clause, and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 14.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 19, 1937.

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