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# Private Acts of 1947 Chapter 37

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Sincerely,

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# Private Acts of 1947 Chapter 37

## SECTION 1.

(a) A county budget commission is hereby created for Hickman County, composed of six (6) members, together with the county executive, who shall serve as a member of the commission, but without the right to vote, except in case of ties. (b) The six (6) members shall be selected in the following manner:

(1) The county executive shall appoint four (4) members of the Hickman County Legislative Body, who shall then be subject to ratification by the Hickman County Legislative Body. The legislative body may approve all four (4) of the commissioners, or may approve less than four (4). Whenever the county legislative body does not approve one (1) of the commissioners so appointed by the county executive, then the county executive shall select another commissioner to so serve, and that commissioner shall be subject to ratification by the county legislative body. The county executive shall continue to appoint commissioners until such time as the county legislative body approves four (4) members. All these members shall be members of the county legislative body. (2) The Superintendent of Schools of Hickman County shall appoint a member who may be a member of the school board, but who does not have to be. That member shall, likewise, be approved by the county legislative body; and likewise, if the county legislative body does not approve such a member, then the superintendent of schools shall appoint another member and such other members until a member is appointed by the school superintendent who is ratified by the legislative body. (3) The Road Superintendent of Hickman County shall appoint a member who may be a member of the road commission, but who does not have to be. That member shall, likewise, be approved by the county legislative body; and, likewise, if the county legislative body does not approve such a member, then the road superintendent shall appoint another member and such other members until a member is appointed by the road superintendent who is ratified by the legislative body.

(c) The appointments provided herein shall be made at the January meeting of the Hickman County Legislative Body, and their ratification or rejection shall be accomplished at such January meeting.

(d) All references in this chapter to the "Hickman County Quarterly Court" or "quarterly court" shall be deemed references to the "Hickman County Legislative Body", "county legislative body", or "legislative body".

As amended by: Private Acts of 1985, Chapter 2

**SECTION 2.** Four (4) members of the Hickman County Budget Commission, together with the county executive, shall constitute a quorum.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 3.** That it shall be the duty of said Commission to meet at the courthouse at the county seat on the first Monday in May, 1947, for the purpose of making a careful investigation of the financial affairs, and financial needs of the county for the preparation of a budget and the computation of tax levies to be submitted to the County Court at its July quarterly term for the year 1947, and each year thereafter they shall meet on the first Monday of May and as often as called to meet by the Chairman.

Each department of the county government, and each division thereunder is required to submit an itemized statement of its needs for a period of twelve months beginning July 1st and ending June 30th, to said Commission at its annual meeting the first Monday in May. It shall be the duty of said Commission to make a thorough investigation of each department or branch, and each subdivision thereunder, of the county government, and for said purpose said Commission shall have the authority to examine the records and books of all county officials and to issue subpoena and compel the attendance of witnesses.

Said Commission shall, after a detailed investigation of the needs of each branch or department of the county government, prepare a budget which shall show in detail the exact financial condition of each branch or department of the county government showing the amount of money expended during the past year for each branch or department, and the purpose for which same was expended; the imperative needs of each branch or department of the county government for the current year; the total amount expended by the county government in the past year, and the total amount necessary for the current year, and the rate of taxation necessary in order to provide the amount of revenue necessary and actually needed to economically and efficiently administer the functions of each department of the county government. The said budget shall show the total tax rate necessary to levy and the rates for each particular purpose.

It shall be the duty of the Commission to examine the tax books and determine the aggregate of the assessment for the preceding year and to determine the probable aggregate of the assessment for the

current year, in order that an accurate computation of the rate of taxation necessary may be ascertained. For the purpose of determining these matters the Commission shall have the power to subpoena the Tax Assessor, or other informed person, as a witness. It shall be the duty of the Commission also to determine from the collections of the previous year the probable amount of revenue that will be collected from sources other than county taxes.

In addition to meeting in the courthouse, the commission may meet in any other place designated by the county executive.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 4.** [Deleted by Private Acts of 1985, Chapter 2].

**SECTION 5.** The commission shall report its budget and the tax rates recommended, to the Hickman County Legislative Commission at such time as to allow the Hickman County Legislative Body to consider the budget and pass on the budget at some period of time more than ten (10) days after it is first presented.

It shall be the duty of the commission in the event of an increase recommended in the expenditure of any branch or department of the county government over that expended by such branch or department for the previous year to set out in details the reasons which justify or necessitate the increase.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 6.** Each member of the Hickman County Legislative Body shall be furnished with a copy of the proposed budget and tax recommendations at such time as to allow them at least ten (10) days to consider the budget and tax recommendations prior to the budget being voted on by the county legislative body.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 7.** The county clerk shall read the report of the commissions in open session at the June term before the tax levy is made for the current and subsequent years, and the legislative body shall act upon the report and each separate item thereof that calls for expenditures of tax monies; provided, however, that this presentation may be made at some other time besides the June meeting, but must be made at a time more than ten (10) days prior to the July meeting of the Hickman County Legislative Body.

It shall be the duty of the Hickman County Legislative Body in fixing the tax rates for the current and subsequent years to do so with proper regard for the recommendation of the commission, but the commission is hereby declared to be advisory only, and no action taken by the commission shall preclude any action by the legislative body in the manner of making out and determining the budget, or for making the various tax levies, or from changing any action of the commission, whether in whole or in part, in any way the legislative body deems right and proper.

Ratification of any budget of the Hickman County Legislative Body may be made only after ten (10) days have elapsed from the time the county commissioners have had an opportunity to see the budget in full.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 8.** That there shall be included in each annual budget report the amount of bonded indebtedness of the county and the various departments thereof, and warrants outstanding, the amount of interest due on each issue to be paid the current or subsequent year, and the amount of bonds or warrants to be retired during said current or subsequent year and the amount available to meet said payments.

**SECTION 9.** Each member of the commission, except those from the county legislative body who are otherwise compensated, shall receive as compensation for their services such sums per day as may be fixed by the county legislative body at the term which elects them, to be paid for only such days as they actually serve, not to exceed ten (10) days per any one (1) year, and this amount shall be paid out of the general funds of the county. The county executive shall serve as secretary, or he may designate someone to serve as secretary to the commission. The county executive shall be responsible for all clerical duties of the commission, including public notices of the meetings and notification of the commission members as provided herein. All commissioners of the Hickman County Legislative Body shall be notified of the location and time of each meeting of the Hickman County Budget Commission.

As amended by: Private Acts of 1969, Chapter 41

Private Acts of 1985, Chapter 2

**SECTION 10.** That all purchases or contracts made in excess of the adopted budget shall be void and unenforceable against the county, either under the terms of the contract or otherwise, provided, however, the Quarterly County Court at either a regular or called session may amend the current budget by adopting, approving or ratifying such contract.

**SECTION 11.** That the Quarterly County Court of said county, after the adoption of a budget, may amend, change or modify same, either in whole or in part and to either increase or decrease it, at its

discretion by a majority vote.

**SECTION 12.** That the head of each department or branch of the county government, included herein after the adoption of a budget at the July term of the Quarterly County Court of said county, shall in a well bound book enter the amount set aside for said branch or department and each activity thereof, and shall keep a daily record showing the unused balance of the department and of each governmental activity and in case of any amendment or change of said budget by the Quarterly County Court shall note therein such change or amendment.

**SECTION 13.** That it shall be unlawful for any public official of said county after any such budget has been adopted as provided by the provisions of this Act to obligate or expend county funds in excess of said budget or any item thereof and any official or employee who exceeds the budget so provided for his department of the county government, shall be guilty of a misdemeanor and be punished as such, and in addition thereto shall be personally liable to the county for any such overage and be subject to removal from office at the suit of any taxpayer or county officer.

Nothing contained in this section shall be construed to prohibit a department head from transferring funds from one line item within his budget to another line item within his department's budget.

As amended by: Private Acts of 1985, Chapter 2

**SECTION 14.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, or so as applied to any person, then the remainder of this Act shall continue in full force and effect, it being the legislative intent thereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 15.** That this Act take effect from and after its passage, the public welfare requiring it. Passed: January 20, 1947.

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