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# Private Acts of 1943 Chapter 121

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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 1943 Chapter 121

**COMPILERS' NOTE:** This act contains broad amendments to Private Acts of 1939, Chapter 557, and should be read in conjunction with that act.

**SECTION 1.** That Chapter No. 557 of the Private Acts of Tennessee for the year 1939, entitled as set out in the caption hereof, and any and all amendatory acts thereof, be, and the same are, hereby amended so as to repeal and strike from said legislation all provisions providing for a pension, or other benefits, for officers of Hamilton County elected by the people or appointed to fill any vacancy in any county office where the people of the county had elected the one who had vacated the same. It is further provided that all such elected county officers who had contributed to the pension fund provided for in said legislation shall, upon application to the Pension Commission hereinafter provided for, be refunded, and fully reimbursed for all the payments each has paid into said pension fund; and *provided further*, if additional claim for interest on such payments is made, the said Pension Commission is hereby given the discretion to pay or refuse to pay the same, after taking into consideration the services rendered by the applicant to the County.

**SECTION. 2.** [The amendments from this section, which changed the age limit figures from 65 to 60, have been added to the acts outlined in Section 1 of this act and is therefore not printed here in full].

**SECTION. 3.** [The amendments from this section, which affected Section 9 of Chapter 557 of the Private Acts of 1939, has been added to that act and is therefore not printed here in full].

**SECTION. 4.** That there is hereby created a Pension Commission to administer and enforce this legislation, to consist of six (6) members, one of whom shall be the County Judge, who shall be chairman of the Pension Commission, and one of whom shall be the Director of Accounts and Budgets, who shall serve as Secretary of the Pension Commission, and one of whom shall be the County Auditor, and the other three (3) members to be elected by ballot of the county employee participating in said Pension Fund, each employee being entitled to vote for three (3) members of the Pension Fund, and those members so elected are to county employees participating in said Pension Fund, to serve terms as hereinafter provided; and the County Judge in order to ascertain the choice of members by the employees, shall give due notice to the employees, by letter; or notices duly posted on county bulletin boards thirty days prior to elections, advising time and place of such election.

As amended by: Private Acts of 1974, Chapter 356

**SECTION. 5.** That the first election held to elect (3) members of the Pension Commission shall be held between the hours of nine o'clock A.M. and seven o'clock P.M. at a date within sixty (60) days after acceptance of this bill by the Hamilton County Council, and at locations to be announced in the notice of election, and said election to be held under the supervision of a committee of employees appointed by the existing Pension Commission.

For such election ballot boxes shall be provided, and at the close of the balloting the committee selected to hold the election shall openly, and in the presence of all employees who desire to attend, count the ballots and announce the results, and the three (3) employees receiving the highest number of votes shall be elected members of the Pension Commission and shall before entering upon their duties, make and file an oath that they will faithfully perform their duties as Commissioners and aid in fairly administering the duties of the Pension Commission.

In case of a tie, the County Judge shall determine which of those tying shall be declared elected.

As amended by: Private Acts of 1974, Chapter 356

**SECTION. 6.** That the employees elected as herein provided shall serve for a term of four (4) years.

Future elections will be held at four year intervals, the date and time of election to be determined by the then existing Pension Commission. If a vacancy shall occur in said Commission for any reason, such vacancy shall be filled by the remaining members of said Commission for the unexpired term, but such member so appointed shall be an employee of the County, and participating in said Pension Fund.

As amended by: Private Acts of 1974, Chapter 356

**SECTION. 7.** That immediately after the election is held and the three members have been elected, the Commission shall meet and organize, and shall have authority to adopt its own rules and regulations, and require the Secretary to keep a minute record of all its proceeding, and any necessary expenses for the operation of the said Commission shall be paid out of the Pension Fund. Four members of said Pension Commission shall constitute a quorum to transact business, but all action shall require at least [sic] three affirmative votes to become effective. Attendance by more than four members shall require a majority vote for the transaction of business.

As amended by: Private Acts of 1974, Chapter 356

**SECTION. 8.** That any County employee who participates in said Pension Fund, desiring to be retired under the provisions of this Act shall file a verified petition with the Pension Commission, setting forth in detail his employment record, with a prayer to be retired, accompanied by certification of the County Auditor or produce other satisfactory evidence as to the correctness of his or her employment record.

The Pension Commission shall then determine whether such person is entitled to draw compensation and the amount thereof, which petition, auditor's certificate or other proof heard by the Commission shall be noted upon the minutes of the County Council of Hamilton County, and the decision of said Commission shall be final and conclusive, except anyone who may feel aggrieved by the action of the Commission may have such action reviewed in the manner provided by Sections 9008 to 9018 of the Code of Tennessee, 1932.

**SECTION. 9.** That upon the death of an employee participating in said Pension Fund, who has been killed in line of duty, there shall be paid to his beneficiary or beneficiaries from the Pension Fund the sum of Two Hundred Fifty (\$250.00) Dollars for burial expenses.

**SECTION. 10.** That all laws and parts of laws in conflict with this legislation shall be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 27, 1943.

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