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Chapter XI - Libraries

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.

Sincerely,

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Chapter XI - Libraries

Chattanooga-Hamilton County Bicentennial Library

Private Acts of 1974 Chapter 364

WHEREAS, the Chattanooga Public Library has been operating under the provisions of Section 10-302, et seq., Tennessee Code Annotated, and Ordinance No. 5491 of the City of Chattanooga, dated April 14, 1964, now codified as Section 23-1, et seq., Part II, Chattanooga City Code; and

WHEREAS, both the city of Chattanooga and Hamilton County have recently been contributing jointly to the operating expenses of the Chattanooga Public Library; and

WHEREAS, the City of Chattanooga and Hamilton County have agreed to participate in the appropriation of capitol funds for the construction of a new main library to be located in the City of Chattanooga and two new branch libraries, one to be located in the City of Chattanooga, and the other to be located outside the city limits of the City of Chattanooga and in Hamilton County; and

WHEREAS, both the City of Chattanooga and Hamilton County have agreed to enlarge the composition of the existing Board of Directors of the Chattanooga Public Library from seven (7) members to fifteen (15) members; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The name of the existing Chattanooga Public Library is hereby changed to "Chattanooga-Hamilton County Bicentennial Library".

SECTION 2. The Board of Directors of the Chattanooga-Hamilton County Bicentennial Library shall consist of fifteen (15) members, eight (8) of whom shall be appointed by the Board of Commissioners of the City of Chattanooga, and seven (7) of whom shall be appointed by the County Council of Hamilton County.

SECTION 3. The members of the Board of Directors who have been appointed by the Board of Commissioners of the City of Chattanooga, and who presently are serving unexpired terms, shall serve until the expiration of their current terms. The additional member of the Board of Directors which is to be appointed by the Board of Commissioners of the City of Chattanooga shall serve a term ending July 1, 1977. All of the successors of said appointees shall serve for a term of three (3) years, or until his or her successor is appointed.

SECTION 4. The members of the Board of Directors appointed by the County Council of Hamilton County pursuant to this agreement shall serve for the following terms: two (2) until July 1, 1975; two (2) until July 1, 1976; and three (3) until July 1, 1977. Their successors shall serve for a term of three (3) years, or until his or her successor is appointed.

SECTION 5. The Chattanooga-Hamilton County Bicentennial Library shall contract for casualty insurance in a sufficient amount as determined by the Board of Directors. It shall also contract for public liability and vehicular insurance covering its operations against liabilities for bodily injury and property damage in minimum limits of \$100,000/\$300,000/\$25,000, and the expense thereof shall be paid from its operating budget. To the extent only of such insurance coverage governmental immunity is waived by the City of Chattanooga and Hamilton County, jointly and severally.

SECTION 6. Except as herein provided, the Chattanooga-Hamilton County Bicentennial Library henceforth shall be operated and maintained according to all of the provisions of Section 10-301, et seq., Tennessee Code Annotated.

SECTION 7. This Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the Hamilton County council on or before the next regular meeting of such governing body occurring more than sixty (60) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the Hamilton Council, and shall be certified by him to the Secretary of State.

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

Passed: March 28, 1974.

County Governmental Library Commission

Private Acts of 2021 Chapter 27

SECTION 1. Chapter 109 of the Private Acts of 1967, and any other acts amendatory thereto, is repealed.

SECTION 2. There shall be created a Committee to be known as the County Governmental Electronic Library Committee, said name to bear as a prefix the name of the county or counties thus affected. Said Committee shall be composed of as many members as there are existing judges at any time of the Circuit, Criminal, and Chancery Courts having jurisdiction in said county. The Committee members shall serve without salary and shall themselves elect a Chairman and Secretary from their members.

SECTION 3. The purpose of the Committee shall be to establish, acquire, maintain, and operate a County Governmental Electronic Library System. The Committee shall have full power and authority to establish by purchase, gift, rent, lease, loan, subscription, or otherwise electronic research services on subjects, including, but not limited to, law, government, medicine, literature or other subjects that the Committee may deem necessary or beneficial to the Courts, State, County, and Municipal Officials, members of the Bar, and the public, for research for use in the preparation, trial, or decisions of any matters that come or may come before the courts of the County and State, or of use by said Public Officials or the public, on questions of law or government.

SECTION 4. For the purpose of financing the Library there shall be taxed as cost on each civil, criminal, quasi civil, quasi criminal, or any other action at law, or suit in equity of any nature, including probate matters, hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit, Criminal, or Chancery Court of said County, including the Chancery Court sitting in probate, the sum of one dollar (\$1.00), and on each case of any nature hereafter filed or arising in the Courts of General Sessions, or other inferior Courts of said counties, except Municipal and Juvenile Courts, there shall be taxed the sum of fifty cents (50¢). The costs taxed in pursuance of this Section shall be collected as other costs in such cases are collected by the Clerks of such Courts, and the same shall be designated County Electronic Library Tax, and when any part of the costs in any case has been collected, after payment of any State litigation tax accrued thereon, the amount necessary for the payment of said County Electronic Library Tax shall be next applied thereto, before applying any of the amount collected as cost to any other funds or items of costs. On or before the last day of each month the Clerks of the respective Courts shall pay to the County Trustee all amounts collected as County Electronic Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated County Governmental Electronic Library Fund and used only for the purposes set out in this Act. On approval of a majority of the Committee, the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Committee, indicating on such warrant the fund against which they are drawn, and the County Trustee is hereby authorized and directed, upon all warrants signed by said Chairman and Secretary, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this Act.

SECTION 5. The Committee shall have full power and authority if necessary to provide sufficient operating funds, to assess lawyers and others, except Judges, Public Officials, and County employees acting within the scope of their employment, reasonable dues or charges for the use of said Library, and to make charges for the use, and any income from the dues or charges shall be paid by the Committee into the office of the County Trustee in a like manner and at like times as monies collected hereunder shall be paid by the Clerks of the various Courts to said County Trustee.

SECTION 6. The Committee shall keep written minutes of their meetings, at which meetings a majority of all members of said Committee then serving shall constitute a quorum for the transaction of business, and said Committee shall keep with reasonable accuracy a record of monies received and disbursed, and purchases made from said funds. All records of the Committee shall be maintained in the office of Clerk of the Circuit Court.

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

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

Passed: May 4, 2021.

Libraries - Historical Notes

State law pertaining to libraries is generally compiled under title 10, Tennessee Code Annotated.

Acts of 1909, Chapter 73, permitted the county courts of all counties of not less than 60,000 nor more than 100,000 inhabitants, according to the Federal Census of 1900, or subsequent census, to levy a tax and appropriate money each year to aid in the maintenance of any free public library and reading room which had been or might be established by any municipality within such counties.

Private Acts of 1935, Chapter 143, authorized Hamilton County and the City of Chattanooga to jointly construct, equip, maintain and operate a public library building in the City of Chattanooga, and to use the proceeds of bond funds authorized under Private Acts of 1929 (Ex. Sess.), Chapter 61, and Private Acts of 1935, Chapter 682, for the purpose of acquiring land for, constructing and equipping same.

Private Acts of 1951, Chapter 323, established in each county having a population of not less than 207,000 nor more than 208,000, according to the Federal Census of 1950, and any subsequent federal census, a county governmental library commission composed of the judges of the circuit, chancery and criminal courts having jurisdiction in said county, and the judges of the court of appeals and supreme court resident in each said county. The commission was to establish, operate, and maintain a county governmental library which would be financed by adding a \$1.00 tax as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law, or suit in equity of any nature filed in or brought by appeal to the circuit, chancery and criminal courts of said county, and a 25¢ tax as cost on each case of any nature filed or arising in the courts of general sessions and justices of the peace. Said taxes were to be designated as county library tax. Presumably, this act was intended to apply to Hamilton County (as it was introduced in the House by three Hamilton County Representatives), but the population range given in the act falls short of the population figure of 208,255 for Hamilton County from the Federal Census of 1950.

Private Acts of 1965, Chapter 230, purported to amend Private Acts of 1951, Chapter 323, but was rejected by the local quarterly court and did not become law.

Private Acts of 1977, Chapter 103, recited that §§ 10-301 and 10-302, Tennessee Code Annotated, superseded Private Acts of 1909, Chapter 73, which this act purported to repeal. Knox, Sullivan and Madison counties approved this repeal at the local level while Blount, Hamilton, Anderson, Washington, and Montgomery counties took no action on it.

Private Acts of 2021, Chapter 27, repealed the Private Acts of 1967, Chapter 109, which had created the Hamilton County Governmental Library Commission.

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