

CHAPTER 100.

SENATE BILL NO. 563.

(By Mr. W. A. Johnson.)

A BILL to be entitled, An Act establishing a Highway Department, creating a State Highway Commission prescribing the powers and duties of the State Highway Commission, providing for the designation and adoption of a State Highway plan of the State, creating a highway fund, and apportioning the proceeds thereof to the respective counties and the Highway Department, and applying the proceeds of the registration of motor vehicles, amending Section 6, of Senate Bill 296 Chapter 8, of the Acts of the 59th General Assembly and acquiring rights of way therefor, by exercising of the power of eminent domain.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby created a State Highway Commission, and a State Highway Department, to be composed of six persons who shall be residents of Tennessee, three of which shall be appointed by the Governor, and three who shall be members ex-officio. The persons who shall, for the time being, act as ex officio members, shall be the State Geologist, the Dean of the Engineering Department of the University of Tennessee, and the Governor, not more than two members appointed by the Governor shall be of the same political party. The Governor shall designate the time each Commissioner shall hold office, and the appointment of each one of the three Commissioners appointed shall be from each Grand Division of the State, one for two years, one for four years, and one for six years, from July 1, 1915, and thereafter the term of members so appointed shall be for six years, although they shall continue to hold office until their successors are appointed and qualified. Appointments to vacancies arising during a term shall be only for the unexpired term. Commissioners may be removed for sufficient cause by the Governor. Each member of said Com-

Commission—
Appointment
and term of
office.

mission shall qualify by taking an oath to perform his duty faithfully, impartially, and for the best interests of the State.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SECTION 2. *Be it further enacted,* That the Commission shall have its office at the Capitol, and shall organize by electing from among its members a Chairman, who will hold office for two years, from July 1, 1915, or until his successor is elected and qualified, and by the election of a Secretary, qualified and experienced in road building and maintenance, to be known as Secretary of the State Highway Department, and who shall hold office for two years. The Chairman shall have power to call meetings of the Board whenever he may deem it expedient. Meetings shall be likewise held upon the written request of three members of the Commission. Notice of meetings shall be given each member two days in advance thereof. The appointed members of the Commission shall receive actual expenses incurred in the discharge of his duties and each member who attends a meeting of the Board shall be allowed his mileage to and from his home, at the rate of three cents per mile.

Chairman.

Secretary.

SECTION 3. *Be it further enacted,* That the Secretary of the State Highway Department, shall give his entire time to the duties of his office, and shall receive such compensation as the Board shall fix and determine upon, and that he shall be given such assistants and clerical help in his department as the Commission may deem necessary, and shall be named by the Secretary, but subject to the approval of the Commission.

Secretary—
Compensation
of.

SECTION 4. *Be it further enacted,* That the Secretary shall, before entering upon his duties of office, file with the Secretary of State, his oath of office, with Bond to the State of Tennessee for the faithful and honest performance of his duties in the sum of Ten thousand dollars, said Bonds to be approved by the Governor of the State.

Oath and Bond.

SECTION 5. *Be it further enacted*, That the State Highway Department shall be provided with suitable offices in the city of Nashville, said office shall be under the charge of the Secretary of the State Highway Commission, and shall be kept open at all times for business and the convenience of the public, and shall be the respository for all records of the department of State Highway.

Officers.

SECTION 6. *Be it further enacted*, That it shall be the duty of the State Highway Commission to hold meetings at such times, and for such periods as they may deem advisable for the proper carrying out of the provisions of this Act, and it shall be the duty of the Commission to consider and determine at such meetings, all questions relating to the general policy of the department of highways and the conduct of the work in general.

Meetings.

SECTION 7. *Be it further enacted*, That the Secretary of the Department of State Highways, shall have charge of all records, of the Department, shall keep a Book of Record of all proceedings and orders pertaining to the business of the Department and shall keep on file copies of all plans, specifications and estimates prepared by the department. The Commission shall cause to be made and kept by this Department, Blue prints and Maps, showing a general highway plan of the State, such plan to consist of the main traveled roads, as will when improved, show and provide a connected system of improved highways throughout the State, and collect information and statistics with reference to the mileage, character and condition of highways and bridges, in the different counties of the State, and shall investigate and determine the method of road construction best adapted to the various sections of the State, and shall establish standards for the construction and maintenance of Highways in the various counties, giving due regard to topography, natural conditions, availability of road material, prevailing traffic conditions, and ways and means of the Counties to meet their portion of the cost of building and maintaining roads under the provisions of this Act. The

Proceedings—
Record of.

Highway plan
of State.

Commission may at all times be consulted by the county and district officers having authority over highways and bridges and in like manner call on such county and district officials for information relative to highways and bridges within their county or district, in order to determine the character and have the general supervision of the construction, repair and maintenance of all roads improved under the provisions of this Act. That the County Court of each county shall be informed semi-annually or at any time by request from any member of any County Court by the Highway Commission relative to the price of all bridges, culverts, road material, tools, implements or machinery. The Highway Commission shall at all times keep the prices of said bridges, culverts, road material, tools, implements or machinery from reliable firms, companys or corporations. The Highway Commission shall also keep blue prints of different standard bridges to distribute as required by this Section.

Cost of
Bridges, etc.

SECTION 8. *Be it further enacted*, That after the taking the effect of this Act, The State Highway Commission, shall, proceed to designate in each County of the State, main traveled roads which will connect all county Seats, and which are deemed of sufficient importance to come under the provisions of this Act, and receive "Federal" aid for their improvement, which road, so designated, shall be embodied in the general "Highway Plan" of the State, and all additional roads designated from time to time, as a part of the highway plan, shall be subject to the of State Highway Commission.

SECTION 9. *Be it further enacted*, That all Counties and Municipal Corporations of the State, expressing a desire to the "Department of State Highways" to be entitled to receive "Federal" aid and the co-operation of the Highway Department in the improvement and maintenance of any road or Highway in their respective county when complying with the provisions of this Act governing the same shall have the co-operation desired by the State Highway Department.

Federal aid.

SECTION 10. *Be it further enacted*, That whenever the State Highway Commission, finds it necessary, it shall have the power to alter the course or grade, or otherwise improve any road selected, adopted or accepted for Federal Aid, and taken over and improved as a State Highway, the Counties or cities wherein such roads lie shall have the authority to acquire rights of way therefor, either by donation by the owners of the land through which highways shall run, or by agreement between such owners and the County Court, or County Commissioners, or legislative bodies of such cities or towns or by the exercise of the power of the eminent domain, in the same manner as provided for acquiring property for other public uses, *provided*, the entire cost of securing rights of way shall be paid by the Counties or towns.

To change or improve.

SECTION 11. *Be it further enacted*, That the "Federal" aid roads under the provisions of this Act, shall be marked with suitable signs, carrying the word "State Highway" and mile posts giving directions and distances to villages shall be erected at the cross or intersection of roads, the same to be paid for as part of the cost of the Highway.

"State Highways."

SECTION 12. *Be it further enacted*, That all moneys accruing from the annual registration and licensing of automobiles in the State, under any law now in existence, or that may be hereafter enacted, over and above the necessary expense incident to the collection of same, and all penalties paid for the violation of such laws, which are paid into the State Treasury, shall be set aside as Highway funds, and shall be available for the purposes of this Act, and expended under the direction of the State Highway Department for the maintenance of public roads in the respective counties of the State, in the same proportion as collected from the said respective counties, after deducting ten per cent of same for the maintenance of the State Highway Department.

Highway Fund.

SECTION 13. *Be it further enacted*, That the State Highway Commission may execute any highway work or part thereof, under this Act, by means of

the labor of State or County convicts, *provided* that such convicts at the time shall be available by law and satisfactory arrangements can be made by which they may be used. When such work is executed by means of the labor of State convicts, the State Highway Commission shall pay for such labor so used on such highway work according to rules and regulations prescribed by the State authorities, who may furnish such convicts, and if the convicts so used are County convicts, the county authorities controlling such convicts shall receive pay for same at the price to be agreed on by the State Highway Commissioners and the respective County officials authorized to furnish such labor.

State or County Convicts—pay for.

SECTION 14. *Be it further enacted*, That said Highway Commission shall have full power and lawful authority to make any and all necessary and proper arrangements, contracts and agreements, to receive aid and assistance from the Federal Government in constructing, repairing and maintaining roads provided for and contemplated in this Act. All contracts and agreements in this respect shall be approved by the Attorney General of the State, as herein provided.

Contracts for Federal aid.

SECTION 15. *Be it further enacted*, That the word "road" or "highway" shall be construed to include all bridges upon, or which form, or shall form a part of the road or highway to be maintained or constructed as Federal Aid Highway, under the provisions of this Act.

Road or highway includes.

SECTION 16. *Be it further enacted*, That all checks, vouchers or warrants drawn or given for the payment of any and all expenses pertaining to the department of State Highways, shall be signed by the Chairman of the highway Commission and countersigned by the Secretary, and that all traveling expenses incurred by the Commissioners in the discharge of their duties must be itemized and acknowledged before payment can be made by this department and that an annual report of this department shall be made to the Governor.

Expenses—Vouchers and warrants for.

SECTION 17. *Be it further enacted*, That each section of this Act, is hereby declared to be separate and independent from all other sections thereof and the invalidity of any section, shall not be held to effect the validity of the remaining sections, as such sections will have been passed and enacted by the General Assembly, if the invalid sections, if any, had not been incorporated in this Act.

SECTION 18. *Be it further enacted*, that Section 6, of Senate Bill 296, passed by the 59th General Assembly be amended to read, as follows:

That after deducting the necessary expenses incident to the collection of these fees including cost of number tags the Secretary of State shall on the first day of each month pay the amount so collected in the State Treasury, said funds to be set aside and designated as "Highway Funds."

SECTION 19. *Be it further enacted* that all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

SECTION 20. *Be it further enacted*, That this Act take effect from and after July 1, 1915 the public welfare requiring it.

Passed May 11, 1915.

ALBERT E. HILL,
Speaker of the Senate.

WM. P. COOPER,
Speaker of the House of Representatives.

Approved May 15, 1915.

TOM C. RYE,
Governor.

CHAPTER 101.

HOUSE BILL No. 1195.

(By Messrs. Stewart, McDade, Hauk.)

AN ACT to provide Revenue for the State of Tennessee and the Counties and municipalities thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the taxes on every \$100 worth of property shall be 50 cents for the year 1915 and for every subsequent year thereafter, 35 cents of which shall be for the State purposes and 15 cents for school purposes; that there shall be levied and collected a collateral inheritance tax as provided for in Chapter 174 of the Acts of 1893 and Acts amendatory thereof.

SEC. 2. *Be it further enacted*, That the several County Courts of this State be, and they are hereby, authorized and empowered to levy an annual County tax on every \$100 of taxable property not exceeding 30 cents, upon the \$100 worth of property, and exclusive of the tax for public roads and pikes and schools and interest on County debts and other special purposes, and each County and municipality in this State is hereby authorized and empowered to levy a privilege tax upon merchants and such other vocations, occupations, or business as are named in this Act and declared to be privileges, not exceeding in amount that levied by the State for State purposes.

The imposition of a privilege tax under this Act shall not be construed as a release or exemption from an ad valorem tax unless otherwise expressly provided; nor shall this act be construed as repealing any special Act heretofore passed imposing a privilege tax; provided, that any indigent ex-confederate or ex-Federal soldier of the war of 1860-64 doing a privilege business, with a capital not exceeding \$250

PUBLIC ACTS

OF THE

State of Tennessee

PASSED BY THE

FIFTY-NINTH GENERAL ASSEMBLY

1915

PUBLISHED BY AUTHORITY


MC COWAT-MERCER, JACKSON, TENN. 52906
1915