

HOUSE BILL 1295

By Hensley

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to commissioners of certain water utility districts located in any county having a population of not less than thirty-nine thousand (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census.

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

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

( )

(1) Notwithstanding the provisions of this section or any other law to the contrary, any water utility district having less than one thousand six hundred (1,600) customers in any county having a population of not less than thirty-nine thousand (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census, shall be governed by a five-member board of utility district commissioners to be elected by the customers of the utility district.

(2)

(A) The regular term of office of each utility district commissioner shall be four (4) years. All unscheduled vacancies arising after the effective date of this act shall be filled, for the remainder of the unexpired term, in accordance with the requirements and procedures set forth in this subsection.

(B) No person shall be elected as utility commissioner nor shall a person be eligible to vote in an election for utility commissioners unless the person is a customer of the utility and resides within the service area of the utility district. As used in this subsection "customer" means a person who is regularly billed for

utility service rendered by the district and pays money for such service for water that passes through the meter connection to the customer's dwelling or business on a monthly basis.

(3)

(A) On or after the effective date of this act, upon a vacancy occurring on any board of commissioners of such utility district, the board of commissioners of the utility district shall conduct an election within sixty (60) days of the vacancy.

(B) Only customers of the utility district shall be eligible to vote. Each customer has one (1) vote, regardless of the number of meters registered to such customer and the customer voting must present a utility bill to vote.

(4) The election shall be held at the community center or fire hall or utility district office within the utility district. The board of commissioners shall schedule such election on a Saturday with the polls being open from 9:00 a.m. to 3:00 p.m. No member of the utility district's board of commissioners that is seeking election or any person or persons seeking election as a utility district commissioner shall be within one hundred (100') feet of the polling place during the time the polls are open.

(5)

(A) The incumbent commissioners shall give notice to all customers of the vacated, or soon to be vacant, office by mail and by publication in a local newspaper of general circulation. Each candidate and any organization of customers interested in preserving the purity of the election and in guarding against abuse of the elective franchise may appoint poll watchers. Poll watchers are permitted within the polling place during the time the election is being conducted and at the close of the election the vote shall be counted and the poll watchers shall be present. The total votes cast in each vacancy must be signed

by the commissioners and the poll watcher or poll watchers in attendance. The votes shall be counted where the election was held by the commissioners in the sight and presence of such of the customers as choose to be present and observe such count and tally and in the presence of the poll watchers.

(B)

(i) The commissioners shall on the next Monday after the election forward to the chairman of the county legislative body of any county to which this subsection applies the results of the election to be entered of record in the office of the county clerk.

(ii) The nominee for a particular vacancy receiving the highest number of votes shall be declared to be elected.

(iii) In the event of a tie vote, the county legislative body shall cast the deciding vote.

(6) The notice shall state that such vacancy exists or will exist, shall state the qualifications for holding such office, shall indicate the date, place and time for the election to fill the vacancy, shall indicate the deadline for nominating petitions to be filed, and shall state that persons desiring to be placed on the ballot must submit a nominating petition signed by not less than ten (10) adults who are customers of the district and who also reside in the district. The petition shall be filed at the utility district office. This notice shall be published in a local newspaper of general circulation at least thirty (30) days prior to the election. Immediately after the qualifying deadline, the remaining commissioners shall prepare a paper ballot of the nominees for the vacancy, which ballot shall be published in a local newspaper of general circulation not less than five (5) nor more than fourteen (14) days prior to the date of the election. The vacancy shall be

filled by a plurality of the votes cast for the vacant position on the board. Write-in votes shall be counted.

(7) In implementing this subsection, the nominating and appointing authorities shall give due consideration to the need for racial, gender, age and ethnic minority diversity on the utility district board of commissioners.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.