

HOUSE BILL 3003
By Roach

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to utility districts in any county having a population of not less than thirty-three thousand ten (33,010) nor greater than thirty-three thousand five hundred (33,500), according to the 1990 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:

(mm)

(1) Notwithstanding any provision of this chapter to the contrary, for any water utility district having at least one thousand one hundred (1,100) customers in any county having a population of not less than thirty-three thousand ten (33,010) nor greater than thirty-three thousand five hundred (33,500), according to the 1990 federal census or any subsequent federal census, each vacancy occurring on the board of commissioners of the utility district, after the effective date of this act, shall be filled by vote of the customers of the utility district at the first regular meeting of the district's board of commissioners occurring more than

forty (40) days after the vacancy arises. The board of commissioners shall schedule such meeting at seven o'clock p.m. (7:00 p.m.). No person may serve on the board unless the person is a customer of the utility district. As used in this subsection, "customer" means a person who:

(A) Is periodically billed for utility service rendered by the district,

and

(B) Resides or operates within the district.

(2) Each vacancy on the board, arising from expiration of term or for any other reason, shall be filled as follows:

(A) The incumbent commissioners shall select three (3) qualified nominees and shall prepare a ballot for such vacancy. Additional nominees may also be placed on the ballot by submission, at least twenty (20) days prior to the election, of a nominating petition signed by not less than ten (10) customers of the utility district. Write-in votes for unlisted candidates must also be considered. The vacancy shall be filled by a plurality of the votes cast for such vacant seat.

(B) At least thirty-five (35) days prior to the election, the incumbent commissioners of the utility district shall mail written notice of such meeting and election to all customers. If the commissioners fail to set the date for the meeting, or fail to mail notice of such meeting, or fail to hold such meeting, or fail to hold the election, then the county executive shall cause such things to be done upon receipt of a petition signed by not less than twenty (20) customers of the district.

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