

SENATE BILL 2807

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 7, relative to the Tennessee County
Uniform Highway Law.

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

SECTION 1. Tennessee Code Annotated, Section 54-7-102, is amended by deleting such section in its entirety and replacing it with the following:

54-7-102. This chapter applies to all counties of the state, except for those excluded by Chapter 801 of the Public Acts of 1976, and counties with a charter or a metropolitan form of government, unless the charter of such county provides for the application of this chapter.

SECTION 2. Tennessee Code Annotated, Section 54-7-104, is amended by deleting such section in its entirety and replacing it with the following:

54-7-104.

(a) There is created and established the Tennessee highway officials certification board, referred to as the "board," which shall be composed of five (5) members as follows:

- (1) One (1) member appointed by the secretary of state;
- (2) One (1) member appointed by the director of the Tennessee chapter of the American Public Works Association;
- (3) One (1) member appointed by the governor from a list of nominees submitted by the representative professional engineering society of the state;
- (4) One (1) member appointed by the comptroller of the treasury; and
- (5) One (1) member appointed by the executive director of the Tennessee County Services Association.

(b) The board has and shall exercise the power to review the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the highway department. Candidates for this office in counties where the position is filled by popular election shall file affidavits and other evidence the board requires with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the applicable qualifications and standards, the board shall certify to the coordinator of elections that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. The coordinator of elections shall forward the certification to the appropriate county election commission. A certificate of qualification from the board shall be filed with the candidate's qualifying petition prior to the qualifying deadline. Notwithstanding any law to the contrary, votes for write-in candidates, whether in a primary or general election, shall only be counted for an individual who has been certified by the board prior to the date of the election. Persons wishing to receive a party nomination or to be elected by write-in ballot must file with the board affidavits and other evidence the board requires not later than sixty-four (64) days prior to the election. Candidates for chief administrative officer of the highway department in counties where the position is appointed shall, prior to their appointment to the office, file with the board evidence satisfactorily demonstrating that they meet the qualifications to hold the office.

(c) Members of the board shall serve for a term of four (4) years beginning with the term commencing on July 1, 2013. The appointee representing the secretary of state shall serve as chair of the board. Upon the death, resignation, or removal of any appointive member, a replacement shall be appointed by the party representing the

same area of interest as the member whose position has been vacated to fill the unexpired term of the member.

(d) No chief administrative officer of a highway department shall be appointed to the board if that person may become subject to reelection or reappointment as a chief administrative officer during that person's term of service on the board.

(e) The board shall only meet as is necessary to fulfill its duties. All materials or correspondence submitted to the board shall be received through the office of the coordinator of elections, who shall forward the materials or correspondence to the board. The board shall keep complete and accurate records of the proceedings of all its meetings. A copy of records of all proceedings shall be kept on file in the office of the coordinator of elections and open to public inspection.

(f) Subject to the approval of the secretary of state, the board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of the chief administrative officer of the highway department. The board shall submit any promulgated rules pertaining to the qualifications for the office of chief administrative officer to the administrator of elections of each affected county election commission. The county election commission shall publish such rules in a local newspaper with general circulation in the county at least sixty (60) days before the qualifying deadline for either the primary or general election, or appointment by the legislative body of the county.

(g) In each county of the state, in order to qualify for the office of the chief administrative officer of the highway department, a person shall:

- (1) Be a graduate of an accredited school of engineering, with at least two
- (2) years of experience in highway construction or maintenance;
- (2) Be licensed to practice engineering in Tennessee; or

(3) Have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to subdivision (g)(1) or (g)(2), as evidenced by affidavits filed with the board.

(h) In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED). A county may, by private act, require more stringent qualifications and standards than those set forth in subsection (g) for persons to qualify for the office of the chief administrative officer of such highway department.

(h) Incumbent chief administrative officers in office on December 31, 2011, who have met the qualifications for the office of chief administrative officer applicable to them in effect at the time of their last election shall be able to succeed themselves in office without meeting the qualifications set forth in this section for as long as such incumbents continuously hold office. If such incumbent leaves office for any reason and then subsequently is elected or appointed to the office of chief administrative officer, such incumbent shall then be subject to the qualifications set forth in this section.

(i) Satisfactory evidence of graduation from an accredited school of engineering shall be in the form of a diploma, transcript or other official documentation. Evidence of a candidate's engineering licensure shall only be deemed to be satisfied if the candidate can provide the board with a copy of the candidate's engineering license, including the candidate's license number. Any provision in this section requiring a chief administrative officer to have a high school diploma or GED shall only be deemed to be satisfied if the candidate can demonstrate that the candidate has obtained a high school diploma or its equivalent in educational training as recognized by the state board of education by

providing the board with the candidate's diploma, GED certificate or other official documentation.

SECTION 3. Tennessee Code Annotated, Section 54-7-105, is amended by deleting such section in its entirety and by substituting instead the following:

54-7-105. Elected or appointed chief administrative officers shall serve a term of four (4) years. Elected chief administrative officers shall take office on the September 1 following their election.

SECTION 4. Tennessee Code Annotated, Section 54-7-109, is amended by deleting such section in its entirety and by substituting instead the following:

54-7-109.

(a) The chief administrative officer shall be the head of the highway department and shall have general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads under § 13-3-406 and including bridges and ferries, but not including roads and bridges under the supervision of the department of transportation or a municipality.

(b) It is the duty of the chief administrative officer to employ qualified administrative personnel as required to handle all administrative functions, including maintenance of financial records, inventory of equipment, supplies, and materials, preservation of maintenance records, maintenance of the official county road list, and all other functions necessary for the operation of the highway department.

(c) The chief administrative officer is authorized to determine the total number of employees of the highway department, to determine personnel policies, hours of work, to establish job classifications, and to establish policies and wages within the classifications. The compensation established by the chief administrative officer should

be in keeping with the compensation paid for similar services in the county and surrounding area.

SECTION 5. Tennessee Code Annotated, Section 54-7-110, is amended by deleting subsection (b) in its entirety.

SECTION 6. Tennessee Code Annotated Section 54-7-111 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The chief administrative officer shall prepare and submit to the county legislative body and to the department of transportation an annual work program to be financed under the state-aid highway system program.

SECTION 7. Tennessee Code Annotated, Section 54-7-113(c)(3), is amended by deleting the language "This subsection (c) shall apply to all counties of the state except counties of population of two hundred thousand (200,000) or more according to the 1970 federal census, whether or not excluded from this chapter."

SECTION 8. Tennessee Code Annotated, Section 54-7-114, is amended by deleting such section in its entirety.

SECTION 9. Tennessee Code Annotated, Section 54-7-201, is amended by adding the following new subsections thereto:

(d) Any person who injures or damages a bridge, highway, highway facility, highway structure or right-of-way shall be guilty of a Class C misdemeanor. Any such person shall also be liable in a civil action for the cost of such injury or damage.

(e) Notwithstanding any law to the contrary, this section shall apply to all counties of the state.

SECTION 10. Tennessee Code Annotated, Section 54-7-202(g), is amended by deleting subdivision (3) in its entirety.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it