State of Tennessee

PRIVATE CHAPTER NO. 2

HOUSE BILL NO. 18

By Representatives Halford, Holt

Substituted for: Senate Bill No. 37

By Senator Stevens

AN ACT to amend Chapter 148 of the Private Acts of 1986; and any other acts amendatory thereto, relative to the Carroll County Highway Commission.

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

SECTION 1. Section 1 of Chapter 148 of the Private Acts of 1986, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

> Section 1. There is hereby created and established a County Highway Commission for Carroll County. The Commission shall be composed of two (2) members who shall be called Road Supervisors, together with the County Mayor who shall, in his official capacity as the financial agent of Carroll County, serve as chairman of the County Highway Commission and preside over the meetings of the Commission. The Road Supervisors shall function as the chief administrative officers of the Highway Department for purposes of the County Uniform Highway Law, codified at Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2. The County Mayor, acting as chairman of the Commission, shall not be entitled or empowered to cast a vote in the deliberations of the Commission except for the purpose of breaking a tie vote. The chairman shall have the authority to call special meetings.

For the purpose of this Act, Carroll County shall be divided into two (2) Road Districts, based upon voting precincts in the County of Carroll, as follows:

ROAD DISTRICT No. 1 shall be composed of the following voting precincts:

1 Lavinia
2 Trezevant
5 Cedar Grove
6 Clarksburg
11 Buena Vista
16 Atwood
19 Concord
20 Westport

ROAD DISTRICT No. 2 shall be composed of the following voting precincts:

4 McLemoresville
7 Macedonia
8 Civic Center
9 Huntingdon City Hall
12 Bruceton
13 Hollow Rock
14 Vale
17 McKenzie Senior Citizens
18 Cannon
21 Bethel
22 McKenzie City Hall

In order to qualify for the office of Road Supervisor, who shall also function as chief administrative officer in either of the above road districts, 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 (a)(1) or (a)(2), as evidenced by affidavits flied with the Tennessee Highway Officials Certification Board ("Board").

In no event shall the Road Supervisor have less than a high school education or a general equivalency diploma ("GED").

Incumbent Road Supervisors in office on December 31, 2012, who have met the qualifications for the office of Road Supervisor 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 Road Supervisor, such incumbent shall then be subject to the qualifications set forth in this section.

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 Road Supervisor 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.

Carroll County shall send a copy of this Act to the Board, which Board has and shall exercise the power to review the qualifications of all candidates for elected positions as chief administrative officer of the highway department pursuant to Tennessee Code Annotated, Section 54-7-104. Candidates for the office of Road Supervisor 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 convention 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.

At the regular general election to be held on the first Thursday in August 2014, and every four (4) years thereafter, the people qualified to vote within a Road District shall elect from qualified candidates who reside in that Road District, a Road Supervisor to serve a term of four (4) years or until a successor has been elected and qualified. The persons who presently serve as Highway Commissioners shall serve as such until September 1, 2014 or until the Road Supervisors to be elected in the general election on the first Thursday in August of 2014 have been elected and qualified. No person shall be eligible to be elected as a Road Supervisor of a Road District unless he is a resident of such Road District. No member of the County Legislative Body shall be eligible to be elected as a Road Supervisor. Candidates for Road Supervisor shall be nominated in the same manner as candidates for other county offices.

Road Supervisors are expressly prohibited from being interested, either directly or indirectly, financially or otherwise, in the letting or acceptance of any contract, the sale of any material, or in the purchase of any tools, machinery, equipment, supplies, or appliances of any kind by the County Highway Commission and are subject to the prohibitions and penalties set forth in Tennessee Code Annotated, Section 54-7-203. If a Road Supervisor violates these prohibitions against conflict of interest, he shall be removed from office by the County

Legislative Body in the manner required by the ouster provisions codified at Tennessee Code Annotated, Title 8, Chapter 47.

If a Road Supervisor ceases to be a resident of the Road District for which he is elected, moves out of the County, vacates his office for any other reason, or becomes disqualified to serve, the County Legislative Body shall declare his office to be vacant and shall elect in its first meeting, after such vacancy occurs, a Road Supervisor to fill the office until the expiration of the term.

SECTION 2. Section 2 of Chapter 148 of the Private Acts of 1986, and any other acts amendatory thereto, is amended by adding the following paragraph at the end of the section:

It shall be the duty of the Road Supervisor to 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 assistance program.

SECTION 3. Section 7 of Chapter 148 of the Private Acts of 1986, and any other acts amendatory thereto, is amended in the fifth paragraph by deleting the following language:

Not more than thirty percent (30%), nor less than twenty percent (20%) of the County Highway Revenues received from the gasoline tax fund can be spent in any one of the four road districts in any fiscal year.

and by substituting instead the following new language:

Not more than fifty-five percent (55%), nor less than forty percent (40%) of the County Highway Revenues received from the gasoline tax fund can be spent in any one of the two road districts in any fiscal year.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carroll County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. 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 4.

HOUSE BILL NO. 18

PASSED: FEBRUARY 25, 2013

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 7th day of March 2013

BILL HASLAM, GOVERNOR