State of Tennessee

PRIVATE CHAPTER NO. 20

HOUSE BILL NO. 1398

By Representative Faison

Substituted for: Senate Bill No. 1422

By Senator Southerland

AN ACT to amend Chapter 104 of the Acts of 1903; as amended and rewritten by Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, relative to the charter of the City of Newport.

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

SECTION 1. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding the following language at the end of Section 7:

Elected officials shall take office on the first Monday of December after the election.

SECTION 2. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding the following language at the end of Section 9:

The Mayor shall not vote except to break a tie.

SECTION 3. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the following language from paragraph one of Section 10:

> Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work, the city administrator must become a resident of the City of Newport.

and substituting instead the following:

> Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but the city administrator must become a resident of Cocke County, Tennessee, within ninety (90) days after reporting for work.

SECTION 4. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the following language from paragraph one of Section 18:

> The Board shall consist of seven (7) members each of whom shall be a qualified voter of Newport, Tennessee.

and substituting instead the following:

> The Board shall consist of seven (7) members, each of whom shall be a qualified voter of Newport, Tennessee. This Board shall be reduced to six (6) members in April of 2017 when a Board member's term is up and that position is not filled. The Board shall be reduced to five (5) members in April of 2019 when a Board member's term is up and that position is not filled.

SECTION 5. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting paragraph two of Section 18 that reads as follows:

At least one (1) member of the Newport Utilities Board elected by the board of mayor and aldermen of the City of Newport must be a current member of the board of mayor and aldermen, and such member is not precluded from voting on the matter of the member's election to the Board of Public Utilities. When the board member's elected term of office on the board of mayor and aldermen expires, such member's membership in the Newport Utilities Board likewise expires and the board position shall be vacant until filled by the board of mayor and aldermen for a period extending until the completion of the six-year term of office. At such time the board of mayor and aldermen may elect a new member from among their body or may reinstate the existing member for a new six-year term.

and substituting instead the following:

The Newport Utilities Board shall operate as a separate unit of municipal government. The Board shall be free from the jurisdiction, direction, and control of any city or county officers and of the board of mayor and aldermen, except through the powers of the election described in this section. No current or retired employee of Newport Utilities shall be eligible to serve as a Board Member. No member of the board of mayor and aldermen of the City of Newport or member of the Cocke County Legislative Body shall serve on the Newport Utilities Board while a member of either legislative body.

SECTION 6. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the following language from paragraph three of Section 18:

In meetings of the Board, four (4) members shall constitute a quorum and all actions of the board shall be approved by a majority vote of those members present at such meeting.

and substituting instead the following:

In the meetings of the Board, when the Board consists of seven (7) or six (6) members, four (4) members shall constitute a quorum and all actions of the board shall be approved by a majority vote of those members present at such meeting. When the Board consists of five (5) members, three (3) members shall constitute a quorum.

SECTION 7. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is further amended by deleting the following language from paragraph three of Section 18:

The treasurer of the City of Newport shall act as treasurer of the Newport Utilities Board in an ex officio capacity and shall not have a vote on the board.

SECTION 8. Chapter 104 of the Acts of 1903, as amended and rewritten by Chapter 76 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding the following language as a new, appropriately designated section:

Section 23. Duties of the Vice Mayor.

The position of vice mayor shall be filled by the alderman receiving the most votes in the general election. The vice mayor shall chair all meetings of the board of mayor and aldermen in the absence of the mayor. The vice mayor shall temporarily assume the duties of the mayor during any short-term absences due to incapacitation.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Newport within thirty (30) days of its signing by the governor of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 10. 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 9.

HOUSE BILL NO. 1398

PASSED: April 22, 2015

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2015

BILL HASLAM, GOVERNOR