

PUBLIC CHAPTER NO. 14

SENATE BILL NO. 1712

By Overbey, Yager

Substituted for: House Bill No. 1168

By Ramsey, McCord, Eldridge

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 5, Part 1, relative to the election of county officers and filling of vacancies by county legislative bodies.

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

SECTION 1. Tennessee Code Annotated, Section 5-5-111(b), is amended by deleting the language "position" wherever it occurs in such subsection and by substituting instead the language "office".

SECTION 2. Tennessee Code Annotated, Section 5-5-111(c), is amended by deleting such subsection in its entirety and substituting instead the following:

(c) Should a member of the county legislative body accept a nomination for an office or vacancy that is required by the Tennessee Constitution to be filled by the county legislative body, the member shall be prohibited from voting on the appointment or any motions or resolutions relative to making the appointment until the office or vacancy is filled. For the purposes of determining a majority, the membership of the county legislative body shall be reduced to reflect any member or members prohibited from voting on the appointment. If a member of the county legislative body is subsequently appointed to fill the office or vacancy, the member shall immediately resign from the county legislative body upon accepting the appointment. If the member does not receive the appointment, the member shall not be required to resign and may continue the member's duties on the county legislative body upon the conclusion of the vote on the appointment.

SECTION 3. The provisions of this act and Chapter 871 of the Public Acts of 2008 shall not be interpreted to require a member of a county legislative body to resign from the county legislative body after accepting an appointment if such member could have legally accepted such appointment prior to May 6, 2008, without resigning. Any action taken by any board, commission, or committee on or after May 6, 2008, shall not be invalidated due to any other interpretation of Chapter 871 of the Public Acts of 2008.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: March 19, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of March 2009



PHIL BREDESEN, GOVERNOR