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# Board of Public Utilities

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Board of Public Utilities

## Private Acts of 1949 Chapter 856

**SECTION 1.** That in all Counties in Tennessee having a population of not less than 51,600, nor more than 51,700, according to the Federal Census for 1940 or any subsequent Federal Census, in which any one incorporated City or Town has acquired and is now operating an "electric plant", as defined in Section 2 of Chapter 32 of the Public Acts of 1935, (commonly known as the "Municipal Electric Plant Act"), and which "electric plant" was acquired and is now being operated under the provisions of said "Municipal Electric Plant Act," together with any other pertinent Act or Acts of Tennessee, in furnishing "electric service", as defined by said "Municipal Electric Plant Act" not wholly within the corporate limits of such incorporated City or Town, but also to persons residing outside thereof, within the County limits of such Counties and also within the corporate limits of any other incorporated City or Town within such Counties, the operation, management, improvement, and maintenance of such "electric plants" shall be in charge of a "supervisory body" or agency to be known as, the Board of Public Utilities of said Counties; and no discretionary power shall exist in the governing body or chief executive officer of such incorporated City or Town to operate such "electric plant" or supervise the same except by and through such Board of Public Utilities; and in the event such Board has been appointed and set up under the provisions of said "Municipal Electric Plant Act" or any similar provisions of law, such Board shall be continued under the provisions of Section 13 of Chapter 32 of the Acts of 1935, as aforesaid, or any similar provision of law, except as herein provided and if operating now under an established name, such Board may continue to function under such name, as enlarged under the provisions hereof.

**SEC. 2.** That in addition to the members of said Board of Public Utilities so appointed as aforesaid, under present or future provisions of law, and as now or hereafter constituted, said Board shall consist of two members to be appointed as members thereof by the governing body of such Counties; and also one member to be appointed by each incorporated City or Town within such Counties being furnished electric service by said "electric plant." The two original appointees to said Board to be named by the governing body of such Counties, shall serve for two and four years, respectively from and after their appointment or election thereto, and thereafter, one member shall be appointed or elected each two years to serve for a term of four years next after the date of appointment or election by such governing body; or until their successors have been named and appointed; and which appointments shall be made at any regular or special meeting of the governing body of such Counties occurring next after the passage of this Act, or at any subsequent sessions thereof as such governing body may elect. And such appointees shall have been residents of such Counties for not less than one year next preceding the date of appointment, and shall continue to be residents of such Counties while serving on said Board; and may or may not be members of the governing body for such Counties as it may elect. The appointees of any incorporated City or Town having the right to make such appointment under the provisions hereof within such Counties shall serve for a term of four years, and shall have been a resident of such incorporated City or Town not less than one year next before the date of appointment and shall continue to be a resident of such municipality while serving on said Board. Any vacancies occurring in said Board for any cause shall be supplied by the appointing power for the unexpired term of appointment; likewise, any member of said Board may be removed from said office by the appointing authority under the provisions of Section 13 of Chapter 32 of the Acts of 1935. And all members shall be compensated in the way and manner as now provided under the provisions of said "Municipal Electric Plant Act."

**SEC. 3.** That the declared intention and purpose of this Act is that of giving fair representation in the supervision and control of the "electric plant" and service to those persons not residing within the corporate limits of such incorporated City or Town as may have acquired an "electric plant" which serves persons residing outside the corporate limits of such incorporated City or Town and who, by virtue of charges and fees for such service, now considered vital to the growth and development of both urban and suburban areas, should have some representation in the management of the affairs thereof.

**SEC. 4.** That in all such Counties of this State as aforesaid, in which electric service is furnished from "electric plants" to persons residing outside the corporate limits of any incorporated City or Town which may have acquired such "electric plant" as herein set forth, such acquisition and holding shall be deemed to be in its "governmental" status rather than in its "proprietary" status.

**SEC. 5.** That in the event any section, paragraph, sentence, phrase, word or words of this Act be held unconstitutional or invalid for any reason by any Court or competent jurisdiction, such holding shall not affect the remaining portions of this Act. All laws or parts of law in conflict with this Act being hereby expressly repealed. And this Act shall take effect from and after its passage, the public welfare so requiring it.

Passed: April 15, 1949.

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