

# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations

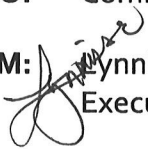


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## MEMORANDUM

**TO:** Commission Members

**FROM:**  Lynnisse Roehrich-Patrick  
Executive Director

**DATE:** 11 December 2013

**SUBJECT:** Municipal Boundary Changes and Growth Planning in Tennessee—Discussion of Alternatives to Current Law

Considerable discussion has occurred since the October 24 meeting in an effort to develop a set of recommendations for the Commission's final report on **Public Chapter 441, Acts of 2013**, and related bills listed below that were referred for study during the 108<sup>th</sup> General Assembly. Attachment A captures the ideas offered and provides a jumping off point for further discussion toward a consensus on a set of recommendations for the final report. *The ideas presented in Attachment A are intended to represent neither the consensus of the Commission as a whole nor the views of its staff.* Attachment B is a reference document that includes the legislation sent to the Commission for this study, summaries of related legislation introduced over the last two decades, as well as laws in other states, and a table listing "hold harmless" amounts provided by Tennessee's Growth Policy Act by county and by expiration date. An updated version of the discussion section of the draft report presented in October will be distributed at the meeting.

### ***Bills Related to Public Chapter 441 Sent to the Commission for Study***

- **Senate Bill 731 by Watson [House Bill 230 by Carter]** was referred by the Senate State and Local Government Committee. This bill would require all annexations within a city's urban growth boundary under an amended growth plan to be by referendum only and not by ordinance.
- **House Bill 590 by Van Huss [Senate Bill 86g by Crowe]** was referred by the House Finance, Ways and Means Subcommittee. The bill would require, prior to a city annexing within its urban growth boundary, the approval of a majority vote of qualified voters in the territory proposed for annexation. It would also require "go days' notice"

of the annexation. The House Local Government Committee amended the bill, changing 90 days to 180 days.

- **Senate Bill 1381 by Bowling, House Bill 1319 by Van Huss**, was referred by the Senate State and Local Government Committee and the House Finance, Ways and Means Subcommittee. This bill would require any city proposing to annex territory within the city's UGB to mail notice to any property owners within that UGB 90 days before "the proposed date of annexation" and hold three informational meetings before annexing by ordinance. The House Local Government Committee amended the bill, reducing the number of informational meetings to one and requiring notice be sent by certified mail.
- **Senate Bill 1316 by Bowling, House Bill 1249 by Van Huss**, was referred by the Senate State and Local Government Committee and the House Finance, Ways and Means Subcommittee. This bill would prohibit annexation of land in urban growth boundaries that is zoned for agricultural use until a change in use is triggered by a request for a non-agricultural zoning designation or by sale of the land for a different use.
- **Senate Bill 613 by Yager [House Bill 135 by Keisling]** was referred by the Senate State and Local Government Committee. This bill would revise the procedure for amending growth plans, providing a detailed, step-by-step process.
- **Senate Bill 732 by Watson [House Bill 231 by Carter]** was referred by the Senate State and Local Government Committee. This bill would prohibit a municipality that has not annexed all territory within its urban growth boundary to propose an amendment to the growth plan and to serve on the coordinating committee.

Discussion of **Senate Bill 1054 by Kelsey, House Bill 1263 by Carr, D.**, which was not referred for study, is also included in the report. The original version of the bill, which was amended before it passed, had sections that would have added some requirements for the plan of services including standards for delivering the services and information on the financial ability of the city.