

**TACIR Work Program
Calendar Year 2013
Amendment 1**

The work program is amended to add studies of bills assigned by the 108th General Assembly and requested by its committees. The bills are grouped by category and subcategory. This amended version includes the current status of projects included in the work program.

108th General Assembly Requests: 2013

MUNICIPAL BOUNDARY CHANGES AND COMPREHENSIVE GROWTH PLANS

STATUS: Research plan to be presented for Commission approval June 2013. Hearings scheduled for July and August 2013. Draft report to be presented for review and comment October 2013. Final report to be presented for Commission approval December 2013.

Comprehensive Review of Title 6, Chapters 51 and 58

- **Public Chapter 441, Acts of 2013:** The original version of this bill (Senate Bill 279 by Watson, House Bill 475 by Carter) would have required a majority vote of qualified voters in the territory proposed for annexation prior to a municipality annexing within its urban growth boundary. The final version charged the Commission with completing a comprehensive review and evaluation of the efficacy of state policies set forth in Title 6, Chapters 51 and 58, and placed a moratorium on unilateral annexations by ordinance of residential and agricultural property, effective April 15, 2013 through May 15, 2014.

Due Date: January 14, 2014

Annexation by Referendum

- **Senate Bill 731 by Watson [House Bill 230 by Carter]:** Requires all annexations within a municipality's urban growth boundaries under an amended growth plan to be by referendum only and not by ordinance.

Referred by the Senate State and Local Government Committee.

Due Date: January 14, 2014

- **House Bill 590 by Van Huss [Senate Bill 869 by Crowe]:** The original bill requires annexation ordinances to be approved by a vote of the majority of qualified voters residing in the territory proposed for annexation before it becomes operative. This requirement applies to annexations by ordinance initiated by municipalities and annexations by ordinance initiated at the request of a majority of the residents and property owners in a territory proposed for annexation. The bill further requires municipalities to send copies of proposed ordinances to the residents in the areas to be annexed 90 days prior to the referendum. The House Local Government Committee's amendment to the bill requires referenda before annexations by ordinance can become operative, but only for annexations initiated by municipalities and not for those initiated at the request of the residents and property owners. The amendment also

requires municipalities to send copies of proposed ordinances to the residents of areas to be annexed 180 days prior to referenda.

Referred by the House Finance, Ways and Means Subcommittee.

Due Date: January 14, 2014

Annexation of Agricultural Land

- **Senate Bill 1316 by Bowling, House Bill 1249 by Van Huss:** Prohibits a municipality from annexing any land within its urban growth boundary that is zoned for agricultural use until there is a change in use triggered by a request for a non-agricultural zoning designation or by sale of the territory for use other than agricultural purposes.

Referred by the Senate State and Local Government Committee and the House Finance, Ways and Means Subcommittee.

Due Date: January 14, 2014

Notice of Annexation

- **Senate Bill 1381 by Bowling, House Bill 1319 by Van Huss:** The Senate version and the original House version require municipalities to mail a copy of an annexation ordinance or resolution to each property owner within any territory proposed for annexation at least 90 days prior to a proposed annexation date. They also require any municipality annexing by ordinance to hold a minimum of three public informational meetings. The House Local Government Committee added two amendments, the first reducing the number of public informational meetings to one and requiring that property owners be sent notice of the time, date, and location of the public informational meeting, the second amendment requiring the notice to be sent by certified mail return receipt requested.

Referred by the Senate State and Local Government Committee and the House Finance, Ways and Means Subcommittee.

Due Date: January 14, 2014

Plan of Services

- **Public Chapter 462, Acts of 2013:** Public Chapter 462 requires municipalities whose annexations become effective by court order to send written notice to all newly-annexed property owners by first-class mail, and prohibits municipalities from assessing property within annexed territories unless the property was annexed prior to January 1 of the year in which the assessment is to be made. Sections 5 and 6 of the original bill (Senate Bill 1054 by Kelsey, House Bill 1263 by Carr, D.) were deleted from the final version of the bill. These sections would have simplified the plan of services requirement imposed on annexing municipalities, deleting provisions that have been in the law since the 1970s, thereby easing the annexation burden on cities. These bill sections are related to the annexation issues raised by the bills sent to the Commission for study.

Amending Growth Plans

- **Senate Bill 732 by Watson [House Bill 231 by Carter]:** Restricts the ability of the mayors of municipalities that have not annexed all territory within their urban growth boundaries to propose amendments to growth plans and to serve on coordinating committees reconvened or reestablished to amend growth plans.

Referred by the Senate State and Local Government Committee.

Due Date: January 14, 2014

- **Senate Bill 613 by Yager [House Bill 1035 by Keisling]:** The bill specifies that the mayor of a municipality may propose to amend only the urban growth boundary of that mayor's municipality and that a county mayor or county executive may propose to amend only the boundary between a planned growth area and a rural area. It also clarifies the procedures for the amendment of a growth plan. All other proposals to change growth plans are deemed revisions, which require resolutions by either the county legislative body or the governing bodies of municipalities containing at least half the population living in municipalities.

Referred by the Senate State and Local Government Committee.

Due Date: January 14, 2014

WATER RATES

STATUS: Research plan to be presented for Commission approval June 2013. Draft report to be presented for review and comment October 2013. Final report to be presented for Commission approval December 2013.

- **House Bill 600 by Hill, T. [Senate Bill 735 by Green]:** As introduced, prohibits Johnson City from raising water rates on consumers located outside the city limits within Sullivan County 50% or higher than the rate charged to consumers located within the city limits.

Referred by the House Local Government Committee.

Due Date: None specified.

INSURANCE IN LIEU OF SURETY BONDS

STATUS: Research plan to be presented for Commission approval June 2013. Draft report to be presented for review and comment August 2013. Final report to be presented for Commission approval October 2013.

- **Senate Bill 624 by Norris [House Bill 1004 by Todd]:** Authorizes any governmental entity to purchase insurance policies to protect against breach of fiduciary duty by public officials and employees. The Senate State and Local Government Committee amended the bill to direct the Commission to study "the issue of possible insurance policy coverage satisfying the requirement of an official surety bond."

Referred by the Senate State and Local Government Committee.

Due Date: January 31, 2014

107th General Assembly Requests: 2012

EMINENT DOMAIN

STATUS: COMPLETE. Final report approved by the Commission February 2013.

- **Senate Bill 1566 by Ketron [House Bill 1576 by Carr, Faison, Womick, Gotto]:** Revises present law regarding eminent domain of counties and municipalities and details the procedure by which counties and municipalities may take property by eminent domain.

Referred by Senate State & Local Government Committee.

- **House Bill 2877 by Gotto [Senate Bill 2745 by Johnson]:** Eliminates the power of eminent domain for housing authorities and permits governing bodies to institute eminent domain proceedings on behalf of housing authorities.

Referred by the House State & Local Government Subcommittee.

LAND USE REGULATION

STATUS: Draft report presented for review and comment February 2013; final report to be presented for Commission approval June 2013.

Subdivision Regulation

Regional Subdivision Authority

- **House Bill 3041 by Elam [Senate Bill 3119 by Yager]:** Allows municipal regional planning commission, in counties that have not adopted zoning, to exercise subdivision approval within the planning commission's region without the approval of the county legislative body.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **House Bill 125 by Sargent [Senate Bill 347 by Haynes]:** Deletes provision in the Comprehensive Growth Plan that allows a municipality and a county without county zoning to provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

Referred by the House State and Local Government Subcommittee in 2011. Preliminary analysis presented at December 2011 Commission meeting.

Due Date: None specified.

Defining a Subdivision

- **House Bill 2818 by Faison [Senate Bill 2878 by Southerland]:** Creates different requirements for subdivisions and development in counties in which countywide zoning has not been enacted.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **House Bill 3042 by Elam [Senate Bill 3167 by Haynes]:** Redefines subdivision in municipal county and regional regulations by expanding the maximum size allowed for the subdivided parcels from less than five to less than 25 acres.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

Subdivision Roads

- **House Bill 3105 by Faison [Senate Bill 2876 by Southerland]:** Prohibits local or regional planning commission from prohibiting private road maintenance agreements in residential developments.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **House Bill 3040 by Elam [Senate Bill 3171 by Haynes]:** Revises authority or responsibility with respect to street construction and acceptance of public streets located within a subdivision in certain circumstances.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

Nonconforming Uses

- **House Bill 3043 by Elam [Senate Bill 3118 by Yager]:** Specifies evidence of abandonment of non-conforming use, directs the governmental entity with jurisdiction to establish beginning and ending dates for the prescriptive period, and creates a rebuttable presumption of abandonment upon a governmental finding of credible evidence establishing a non-conforming use for the prescribed period.

Referred by the House State & Local Government Subcommittee. Incorporated into overall land-use-regulation report.

Due Date: None specified.

GOVERNMENT TRANSPARENCY

STATUS: Research plan presented June 2012. Draft report to be presented for Commission review and comment August 2013.

- **Senate Bill 2831 by Ketron [House Bill 3327 by Carr]:** Enacts the "Taxpayer Transparency Act"; requires the commissioner of finance and administration to create and maintain a searchable budget database web site detailing certain state budgetary information.

Referred by Senate, Finance Ways & Means.

Due Date: None specified.

- **House Bill 3328 by Carr [Senate Bill 2832 by Ketron]:** Creates the Local Government Transparency Act requiring each county, city, and school district to post certain information on their website by July 1, 2014.

Referred by the House State & Local Government Subcommittee

Due Date: None specified.

HOMEOWNERS ASSOCIATIONS

STATUS: Research plan presented June 2012. Draft report to be presented for Commission review and comment June 2014.

- **House Resolution 170 by Moore:** Directs TACIR to study the responsibility of homeowners associations to insure their obligations and homeowners associations' rules and regulations.

Resolution passed by House of Representatives.

Due Date: 108th General Assembly

107th General Assembly Requests: 2011

FIRE SERVICE

STATUS: Draft report presented for review and comment February 2013; final report to be presented for Commission approval June 2013.

- **House Joint Resolution 204 by Haynes:** Directs TACIR to study funding of fire service, both paid and volunteer, by local governments.

Due Date: None specified.

Recurring Mandates

- **Commission Meetings**

Conduct four commission meetings as required by T.C.A. § 4-10-105 and any other meetings of the commission or its committees, as necessary.

- **Education Fiscal Capacity**

Study the fiscal capacity of local governments to fund education; produce the fiscal year 2013-14 fiscal capacity model.

- **Public Infrastructure Needs Inventory**

Compile and maintain an inventory of needed infrastructure within the state; present inventory of statewide public infrastructure needs and cost for provision of adequate and essential public infrastructure to the General Assembly at its next regular annual session following completion of the inventory each year.

- **Public Chapter 1101, Acts of 1998**

Monitor implementation of Tennessee's Growth Policy Act and periodically report findings and recommendations to the General Assembly.

- **TVA Payments in Lieu of Taxes**

Monitor whether the current wholesale power supply arrangements between the TVA and municipal utilities and electric cooperatives are likely to change in a way that could affect PILOTs from the TVA to the state and to its local governments and report annually to (name the committees).

- **Basic Education Program Review Committee (BEPRC)**

Serve on the State Board of Education's BEPRC.

- **Strategic Planning and Performance Based Budgeting**

Maintain strategic plan and report performance in compliance with state requirements.

Research Support

- Provide research support based on TACIR initiative or requests from the General Assembly, the Executive Branch, and local government.

Note: It is difficult to anticipate the amount of research support that will be requested in any given year. TACIR normally receives numerous such requests each year, primarily from the General Assembly and other state agencies. Many of these requests require relatively little staff work, though some require extensive effort. It is the intent of the staff to record as many of these requests as practicable in the Summary of Major TACIR Achievements reported to the Commission at the summer meeting.

INTER-AGENCY COORDINATION

- Serve on TDEC's Water Resources Technical Advisory Committee.
- Participate with the development districts in a workshop to provide training at the TDDA annual conference. Current-year emphasis: our work with Tennessee State University and the development districts to meet with focus groups to help guide the sustainable competitiveness project discussed below.
- Work with representatives from other agencies assigned to the BEPRC, providing input, feedback, and research support as needed.

RESEARCH

- **Weekly Economic Updates**

Continue to provide Dr. Kyle's weekly economic summaries and analyses to Commission members.

- **Sustainable Competitiveness for Tennessee's Counties**

Continue collaboration with Tennessee State University studying strategies supporting local economic development and quality of life.

- **Rural Interstate Highway Congestion**

Complete analysis of strategies for addressing congestion on rural, intercity interstate highways.

- **County Profiles**

Continue to expand analysis of county profiles to better understand the policy implications of local fiscal and economic conditions across the state.

- **Tracking Tennessee's Economy**

Continue the partnership with Middle Tennessee State University's Business and Economic Research Center to provide a web site featuring key economic indicators for the state and its metropolitan statistical areas.

- **Foreclosure of Blighted Property**

Study the cost involved in foreclosing on blighted property and how that affects the sale and reuse of the property.

- **School Siting**

Complete study by the University of Memphis on the relationship between school siting and land use planning.

- **Education Finance Equity**

Update analysis of education finance equity in Tennessee.

- **Rurality**

Analyze existing measurements of rurality and develop comprehensive rurality measurement for Tennessee.

- **Growth Plans**

Review status of local governments' 20-year growth plans, determine status of plans at end of 20 years, and analyze potential improvements to planning process.

- **Fiscal Federalism**
Continue research on potential impacts of federal fiscal policies on state and local governments.
- **Local Government Fiscal Challenges**
Study the fiscal challenges facing local governments in a recovering economy.
- **Financing Water Infrastructure**
Study existing and potential alternatives for financing needed improvements to state and local water infrastructure.
- **County Status Indexes**
Update *Fast Fact* series on local economic activity and personal and family economic well-being indexes for Tennessee counties; develop companion indexes measuring human capital and quality of life.

TECHNOLOGY

- Continue to refine plan to maximize use of GIS in TACIR analyses.
- Expand and update Internet feature reports on pertinent topics.
- Provide web-based public access to tables and data from the Public Infrastructure Needs Inventory.
- Maintain a database of consolidated reference data to support research and analysis.

ADMINISTRATIVE

- Effectively manage budget preparation and implementation.
- Efficiently manage all contracts.
- Efficiently manage procurement process, ensuring fiscal responsibility as well as adequate oversight and controls.

PROFESSIONAL DEVELOPMENT

- Effectively utilize staff training opportunities.
- Attend Tennessee Municipal League and Tennessee County Services Association conferences and staff booths promoting TACIR's research.