

Appendix A: Public Chapter 707



State of Tennessee

PUBLIC CHAPTER NO. 707

SENATE BILL NO. 2464

By **Watson, Crowe, Norris, Kelsey, McNally, Tate, Campfield, Massey, Gardenhire, Beavers, Bowling, Ketron, Tracy**

Substituted for: House Bill No. 2371

By **Carter, Joe Carr, Casada, Rogers, Van Huss, Spivey, Shipley, Hall, Matheny, Lynn, Timothy Hill, Bult, Matlock, Calfee, Mark White, Doss, Faison, Rich, Keisling, Holt, Dunn, Sanderson, Pody, Durham, Kent Williams, Todd, Sparks, Haynes, Ragau, Shepard, Dean, McCormick, Sexton, Bailey, Coley, Travis, Kane, Fogarty, Alexander, Lollar, Weaver, Matthew Hill, Halford, Hawk, Watson, Littleton, McManus, Floyd, Lamberth, Odom, Love, Dawn White, Moody, Dennis, Harry Brooks, John DeBerry, Powers, Kevin Brooks, Farmer, Womick, Evans, Towns, Sargent**

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to annexation.

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

SECTION 1. Tennessee Code Annotated, Section 6-51-122, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of this part or any other law to the contrary:

(1)(A) From April 15, 2013, through the effective date of Section 1 of this act, no municipality shall extend its corporate limits by means of annexation by ordinance upon the municipality's own initiative, pursuant to § 6-51-102, in order to annex territory being used primarily for residential or agricultural purposes; and no such ordinance to annex such territory shall become operative during such period, except as otherwise permitted pursuant to subdivision (a)(1)(B);

(B) If, prior to April 15, 2013, a municipality formally initiated an annexation ordinance restricted by subdivision (a)(1)(A); and if the municipality would suffer substantial and demonstrable financial injury if such ordinance does not become operative prior to the effective date of Section 1 of this act; then, upon petition by the municipality submitted prior to the effective date of Section 1 of this act, the county legislative body may, by a majority vote of its membership, waive the restrictions imposed on such ordinance by subdivision (a)(1)(A); and

(2)(A) From the effective date of Section 1 of this act through May 15, 2015, no municipality shall extend its corporate limits by means of annexation by ordinance, pursuant to § 6-51-102, or by resolution, pursuant to §§ 6-51-104 and 6-51-106; and no annexation shall become operative during such period, unless otherwise permitted pursuant to subdivision (a)(1)(B), (a)(2)(B), or Section 6, or unless the owner or owners of the property give written consent for the annexation;

(B) If, prior to the effective date of Section 1 of this act, a municipality formally acted upon an annexation ordinance or resolution restricted by subdivision (a)(2)(A); and if the municipality would suffer substantial and demonstrable financial injury if such ordinance or resolution does not become operative prior to May 15, 2015; then, upon petition by the municipality submitted prior to May 15, 2015, the county legislative body may, by a majority vote of its membership, waive the restrictions imposed on such ordinance or resolution by subdivision (a)(2)(A);

(b) On or before February 15, 2015, the Tennessee advisory commission on intergovernmental relations (TACIR) shall complete a comprehensive review and evaluation

of the efficacy of state policies set forth within title 6, chapters 51 and 58, and shall submit a written report of findings and recommendations, including any proposed legislation, to the speaker of the senate and the speaker of the house of representatives.

SECTION 2. (a) Tennessee Code Annotated, Section 6-51-102, is amended by deleting subsections (a), (c), and (d).

(b) Subsection (a) of this section prohibits any annexation by ordinance that is not both operative and effective prior to May 16, 2015.

SECTION 3. Tennessee Code Annotated, Section 6-51-102(e), is amended by deleting the language "(a)(1) or".

SECTION 4. Tennessee Code Annotated, Section 6-51-104(a), is amended by deleting the period "." and by substituting instead the following:

; provided, however, no such resolution shall propose annexation of any property being used primarily for agricultural purposes. Notwithstanding any provision of this part or any other law to the contrary, property being used primarily for agricultural purposes shall be annexed only with the written consent of the property owner or owners. A resolution to effectuate annexation of any property, with written consent of the property owner or owners, shall not require a referendum.

SECTION 5. Tennessee Code Annotated, Title 5, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

Notwithstanding any provision of this act, this part, or any other law to the contrary, any county having a metropolitan form of government may expand the area of its urban services district using any method authorized by its charter. Such expansion may also be accomplished using any method, identified by charter reference to general annexation law, that was applicable at the time the charter or amendment was approved by referendum held pursuant to Article XI, § 9 of the Tennessee Constitution and Tennessee Code Annotated, § 7-2-108(c) or § 7-2-108(a)(20).

SECTION 6. Tennessee Code Annotated, Title 6, Chapter 58, Part 1, is amended by adding the following language as a new, appropriately designated section:

A municipality may expand its urban growth boundaries to annex a tract of land without reconvening the coordinating committee or approval from the county or any other municipality if:

- (1) The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality;
- (2) The tract is being provided water and sewer services; and
- (3) The owner of the tract, by notarized petition, consents to being included within the urban growth boundaries of the municipality.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. Sections 2, 3 and 4 of this act shall take effect on May 16, 2015; and all other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2464

PASSED: April 2, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR