

Amendment No. 1 to HB0590

Hill M
Signature of Sponsor

AMEND Senate Bill No. 869

House Bill No. 590*

is amended by deleting everything after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 6-51-102, is amended by deleting subdivisions (a)(1) and (2) in their entirety and by substituting instead the following language:

(a)

(1) A municipality, when petitioned by a majority of the residents and property owners of the affected territory, after notice and public hearing, by ordinance, may extend its corporate limits by annexation of such territory adjoining its existing boundaries as may be deemed necessary for the welfare of the residents and property owners of the affected territory as well as the municipality as a whole; provided, that the ordinance shall not become operative until thirty (30) days after final passage thereof. During this thirty-day period, the municipality shall notify the county mayor in whose county the territory being annexed is located that territory located in the unincorporated part of the county is being annexed by the municipality. The notification shall include a copy of the annexation ordinance and a map of the area being annexed.

(2)

(A) A municipality, upon its own initiative when it appears that the prosperity of such municipality and territory will be materially retarded and the safety and welfare of the inhabitants and property endangered, after notice and public hearing, by ordinance, may extend its corporate limits by annexation of such territory adjoining its existing boundaries as may be deemed necessary for the welfare of the residents and property owners of the affected territory as well as the municipality as a whole; provided, that the ordinance shall not become

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operative until approval of such annexation by a majority of qualified voters who reside in the territory proposed for annexation.

(B) If a proposal to extend the corporate limits by the annexation of territory adjoining the existing boundaries of a municipality is proposed by the municipality upon its own initiative by ordinance, the ordinance shall not become operative until an election is held at the expense of the proposing municipality for approval or disapproval of such annexation by the qualified voters who reside in the territory proposed for annexation. The municipality shall give one hundred eighty (180) days notice to the residents of the territory proposed for annexation by sending the affected residents by registered mail, return receipt requested, the proposed ordinance. The operation of the ordinance shall be subject to approval of the voters who reside in such territory to be determined in an election pursuant to subdivision (a)(2)(C).

(C) The county election commission shall hold an election thereon at the next regularly scheduled election for the county, providing options to vote "For" or "Against" the ordinance. A majority vote of those voting in the election shall determine whether the ordinance is to be operative. A vote "For" the ordinance shall be a vote "For Annexation" and a vote "Against" the ordinance shall be a vote "Against Annexation". If the vote is for the ordinance, the ordinance shall become operative thirty (30) days after the date that the county election commission makes its official canvass of the election returns; such ordinance shall not become operative before the expiration of one hundred twenty (120) days following the final passage of the annexation ordinance. If the ordinance is

rejected, all relevant provisions in this chapter shall apply to the question of annexation in such county.

SECTION 2. Tennessee Code Annotated, Section 6-58-111(a), is amended by deleting the language "A municipality possesses exclusive authority to annex territory located within its approved urban growth boundaries" and by substituting instead the language "Except as provided in § 6-51-102(a), a municipality possesses exclusive authority to annex territory located within its approved urban growth boundaries".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.