

Amendment No. 1 to HB0028

Crawford  
Signature of Sponsor

**AMEND Senate Bill No. 75**

**House Bill No. 28\***

by deleting all language after the caption and substituting:

WHEREAS, the General Assembly required each county to approve, by July 1, 2001, a comprehensive growth plan that established urban growth boundaries for purposes of annexation, described planned urban and rural growth areas, and addressed needs relating to land-use, transportation, public infrastructure, housing, and economic development; and

WHEREAS, the General Assembly reaffirms its intent when developing comprehensive growth policy in this State as a policy focused in part on eliminating annexation and incorporation by fear and minimizing urban sprawl; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 13-4-201, is amended by deleting the first sentence and substituting:

The commission shall make and adopt an official general plan for the physical development of the municipality, excluding areas outside of its boundaries.

SECTION 2. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following new subsection:

(d) A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries.

SECTION 3. Tennessee Code Annotated, Title 13, Chapter 7, Part 3, is amended by deleting the part and substituting:

(a) Notwithstanding chapters 3, 4, or 7 of this title, and except as provided in subsection (b), a municipal, county, or regional planning commission shall not adopt a development plan that authorizes a municipality to exercise jurisdiction over, zone, improve, or otherwise develop real property that is outside of the jurisdictional boundaries of the municipality until and unless such property is annexed by the municipality in accordance with title 6, chapter 51, part 1.

(b) If a development plan has been adopted prior to the effective date of this act, authorizing a municipality to exercise jurisdiction over, zone, improve, or otherwise develop real property that is outside of the jurisdictional boundaries of the municipality, the municipality shall strictly comply with the scope and parameters of the development plan, and shall not exercise any jurisdiction over such property that is not expressly incorporated into the development plan. Once the municipality has fulfilled its obligations under such development plan, the municipality's jurisdiction over territory subject to such development plan ceases to exist until and unless such property is annexed by the municipality in accordance with title 6, chapter 51, part 1.

SECTION 4. Tennessee Code Annotated, Section 6-51-104(b)(1)(A), is amended by deleting the period at the end of the first sentence and substituting ", and to the chair of the county legislative body of the county in which the territory proposed for annexation is located."; and by deleting the second sentence and substituting:

The resolution must be sent by first class mail to each such property owner and must be mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on such proposed annexation. The resolution must be sent by certified mail, return receipt requested, to the chair of the county legislative body no later than sixty (60) days prior to such hearing.

SECTION 5. Tennessee Code Annotated, Section 6-51-104(b)(1)(B), is amended by deleting the language "to each property owner of record"; and by adding the following new sentence to the end of the subdivision:

Failure of the chair of the applicable county legislative body to receive notice mailed pursuant to subdivision (b)(1)(A) tolls each period of time under this part applicable to the approval of the resolution for annexation until the chair receives such notice.

SECTION 6. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by adding the following new section:

(a) Notwithstanding another law to the contrary, a municipality shall not formally take action on a resolution proposing the annexation of unincorporated territory until the county legislative body of the county in which such territory proposed for annexation is located approves the annexation by resolution and an official copy of such resolution is received by the municipal governing body.

(b) If the county legislative body disapproves a proposed annexation by resolution, or if the municipal governing body does not receive a resolution from the county approving the proposed annexation in accordance with subsection (a) within sixty (60) days of the county receiving notice of the proposed annexation, the municipality shall not take action to approve the annexation.

(c) This section and § 6-51-104(b) and (d), as those provisions apply to the requirement that a municipality provide notice of a resolution for annexation to a county, and receive approval for such annexation by the county, apply only in counties that adopt such provisions by a resolution approved by a majority vote of the members of a county legislative body who are entitled to vote.

SECTION 7. Tennessee Code Annotated, Section 6-51-104(d)(2), is amended by deleting the subdivision and substituting:

(2) A resolution under this subsection (d) must be ratified only:

(A) After providing the county legislative body with notice in accordance with § 6-51-104(b)(1)(A) and receiving approval from such county legislative body in accordance with SECTION 6; and

(B) With the written consent of the property owner or owners.

SECTION 8. Tennessee Code Annotated, Section 6-51-105, is amended by deleting the language "At least thirty (30) days and not more than sixty (60) days" and substituting "At least sixty (60) days and not more than ninety (90) days".

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.