

Amendment No. 2 to SB0087

Briggs
Signature of Sponsor

AMEND Senate Bill No. 87

House Bill No. 48*

by deleting Section 1 and substituting:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 1, is amended by adding the following new section:

(a) Notwithstanding a provision of a metropolitan government charter or § 7-2-108 to the contrary, the membership of a metropolitan council must not exceed twenty (20) voting members, as further provided in this section.

(b)

(1) If the membership of a metropolitan council is required to be reduced in order to comply with subsection (a), then:

(A) The metropolitan council reduction takes effect as of the next general metropolitan election after the effective date of this act. However, if the metropolitan council fails to take the necessary legislative action to effectuate this section prior to the qualifying date for the next general metropolitan election after the effective date of this act as set by the county election commission, then the terms of the current members of the metropolitan council are extended for one (1) year and the county election commission shall set a special general metropolitan election to be held the first Thursday in August 2024 to elect the councilmembers for a term of three (3) years with the terms to begin September 1, 2024. Thereafter, members of the metropolitan council shall serve terms of four (4) years;

(B) Within thirty (30) days of the effective date of this act, the metropolitan planning commission shall establish district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law;

(C) Upon approval of the council districts by the planning commission, the metropolitan council as currently constituted shall approve the new council district boundaries by resolution on or before May 1, 2023; and

(D) The metropolitan council shall take any legislative action required to effectuate this section by resolution receiving an affirmative majority vote of those present and voting, regardless of any provision of a charter or private act to the contrary.

(c) With respect to metropolitan governments formed after the effective date of this act, the metropolitan council must not be composed of more than twenty (20) voting members. The adopted charter of a newly formed metropolitan government may provide for the initial election of the members of its governing body on a date as set by the charter; provided, that the initial terms do not exceed four (4) years and expire on August 31 after the next subsequent general election held.

(d) This section does not preempt a metropolitan government from specifying in its charter the manner in which to hold a special election to fill a vacancy on the metropolitan council.

(e) This section does not preempt a future change in the size of a metropolitan council through an amendment to the metropolitan charter; provided, that the size of a metropolitan council does not exceed twenty (20) members.

AND FURTHER AMEND by designating SECTION 2(b) as SECTION 2(b)(1) and by adding the following new subdivision (2):

(2) The governing body of a municipality may take any action by majority vote of the governing body necessary to implement and facilitate this section, irrespective of any provision of a charter or private act.

AND FURTHER AMEND by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.