

SENATE BILL 2707
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 5 and Title 6, Chapter 5, relative to creating the annexation plan of service review commission and to amend TCA, Title 6, Chapter 51.

WHEREAS, Tennessee Code Annotated, Section 6-51-102, requires that any municipality seeking to annex by ordinance any territory or territories in excess of one quarter square mile in area, or with a population of more than 500 persons must first adopt a plan of service setting forth the identification and projected timing of municipal services proposed to be extended into the territory or territories to be annexed; and

WHEREAS, The plan of services, to be identified, shall include, but not be limited to: police protection, fire protection, water services, electrical service, sanitary sewage system, solid waste disposal, road and street construction and repair, recreational facilities and zoning services; and

WHEREAS, In most counties, the annexing city must have submitted the plan of service to the local planning commission, if such exists, before adoption, and must hold a public hearing with seven days notice which includes the location of at least three copies of the plan of service and the hours they may be accessed by the public; and

WHEREAS, The statutory language setting forth the requirements for plans of service lack suitable and effective enforcement provisions; and

WHEREAS, In many instances annexed areas have waited months and years after the promised date of service extension; now, therefore,

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

SECTION 1. Tennessee code annotated, title 6, chapter 51 is amended by creating a new part as follows:

(a) There is hereby created a seven-member commission called the annexation plan of service review commission.

(b) The commission shall be composed of two city officials, one from a city with a population of 150,000 or more, and one from a city of fewer than 150,000 persons, to be appointed by the governor from a list submitted by the Tennessee municipal league; two county officials, one from a county with a population of 280,000 or more and one from a city with a population of less than 280,000, to be appointed by the governor from a list submitted by the Tennessee county officials association; the executive director of the Tennessee advisory commission on intergovernmental relations; the comptroller of the treasury or his designee; the state treasurer or his designee; and the attorney general or his designee. The appointed members shall be appointed to a four year term or until they are no longer in office in their respective jurisdictions.

(c) The commission shall convene in Nashville and develop proposals for legislation to further refine the appropriate contents of plans of service, and define circumstances governing the appropriate time frame for reasonable provision of such services to annexed areas. The commission shall also develop recommendations for legislation to afford residents of annexed areas an effective means of redress when services outlined in plans of service are not timely provided.

(d) After its initial meetings and submission of proposals, the commission shall meet at least annually in Nashville or one of the other metropolitan areas in the state, where the commission shall serve as a forum in which annexing cities, the counties in which the annexing cities and annexed areas are located, and the citizens of areas proposed for annexation by ordinance may present testimony concerning plans of

service in their areas and issues otherwise arising from interpretation of the implementation of plans of service.

SECTION 2. This act shall take effect on July 1, 1998, the public welfare requiring it.