

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 158

SENATE BILL NO. 653

**By Finney, Henry, Tate, Ford, Gresham, Norris, Berke, Marrero, Tracy,
Herron**

Substituted for: House Bill No. 1115

By Hackworth, Naifeh, Barker, Maddox, Eldridge, Rich, Halford, Dennis, Stewart,
Fitzhugh,
Ty Cobb, Shaw

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 16, Part 2 and Title 64,
Chapter 6, relative to regional megasite authorities.

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

SECTION 1. Tennessee Code Annotated, Section 64-6-101(b), is amended by adding the language, ", or may be created by the Commissioner of Economic and Community Development in accordance with § 64-6-111" at the end following the language "megasite".

SECTION 2. Tennessee Code Annotated, Section 64-6-102(3), is amended by deleting the language "64-12-103" and substituting instead the language "64-6-103".

SECTION 3. Tennessee Code Annotated, Section 64-6-103(a), is amended by adding after the first sentence the following language:

Provided, however, in addition to the one thousand (1,000) acres of contiguous property, other proximate but noncontiguous property may be a part of the megasite.

SECTION 4. Tennessee Code Annotated, Section 64-6-104(a), is amended by deleting the language ", or is an incorporated municipality within the county in which the megasite is wholly or partially located,".

SECTION 5. Tennessee Code Annotated, Section 64-6-104(a), is further amended by deleting from subdivision (2) the language "Is contiguous, or is within a county that is contiguous," and substituting instead the language "Is a county that is contiguous".

SECTION 6. Tennessee Code Annotated, Section 64-6-104(a), is further amended by deleting subdivision (3) in its entirety and substituting instead the following:

(3) Is the incorporated municipality with the largest population that elects to become a participating municipality in the county in which the megasite is wholly or partially located or is the incorporated municipality with the largest

population that elects to become a participating municipality in a county that is contiguous to the county in which the megasite is wholly or partially located.

SECTION 7. Tennessee Code Annotated, Section 64-6-104(c), is amended by deleting the last two sentences.

SECTION 8. Tennessee Code Annotated, Section 64-6-104(d), is amended by deleting subdivisions (3) and (4).

SECTION 9. Tennessee Code Annotated, Section 64-6-104(f), is amended by deleting the language "identify the United States representative as contemplated in § 64-6-105(a)(2)," and by deleting the language "ex officio members and".

SECTION 10. Tennessee Code Annotated, Section 64-6-105(a)(1), is amended by deleting subdivisions (A), (B) and (C) and substituting instead the following:

(A) For each county that chooses to be a participating municipality in accordance with § 64-6-104(a), the county mayor or a designee of the county mayor of such county; and

(B) The mayor or the designee of the mayor in an incorporated municipality that chooses to be a participating municipality in accordance with § 64-6-104(a).

SECTION 11. Tennessee Code Annotated, Section 64-6-105(a), is amended by deleting subdivision (2) and substituting instead the following:

(2)(A) The two (2) Speakers of the respective Houses acting jointly after consultation with the members whose districts lie within the participating counties, shall appoint one (1) member;

(B) The governor, after consultation with the mayors of the participating municipalities, shall appoint one (1) member; and

(C) The chancellor of the board of regents shall appoint one (1) member from the presidents of the community colleges which have a campus within the participating counties.

SECTION 12. Tennessee Code Annotated, Section 64-6-105(c), is amended by designating the existing language as subdivision (1) and adding the following new subdivision:

(2) The board may elect an executive committee from among its members which may act on behalf of the board between regular board meetings.

SECTION 13. Tennessee Code Annotated, Section 64-6-108(b), is amended by inserting after the third sentence the following language:

Such area may include one (1) or more portions that are not contiguous to the rest of the area.

SECTION 14. Tennessee Code Annotated, Section 64-6-108, is further amended by deleting subsection (j).

SECTION 15. Tennessee Code Annotated, Title 64, Chapter 6, is amended by adding the following language as a new section, as follows:

64-6-111.

(a) This section creates an alternative method of establishing and governing an authority instead of the provisions of §§ 64-6-104 and 64-6-105(a).

(b)(1) If the Commissioner of Economic and Community Development finds and determines that it is wise, expedient, necessary or advisable that the authority be formed, and approves the form of certificate of incorporation proposed to be used in organizing the authority, then the commissioner shall act as incorporator or designate a person as incorporator to execute, acknowledge and file a certificate of incorporation for the authority, which certificate shall set forth:

(A) The name of the authority;

(B) The number of voting directors;

(C) The name and residence of the incorporator;

(D) The location of the principal office of the corporation;

(E) The purpose for which the authority is created;

(F) The period, if any, for the duration of the authority; and

(G) Any other matter deemed appropriate and consistent with this chapter and the laws of this state.

(2) When executed and acknowledged by the incorporator, the certificate shall be filed with the secretary of state, and may be subsequently amended or the authority dissolved, all consistent with Title 7, Chapter 53. Within thirty (30) days of filing the certificate with the secretary of state, the incorporator shall adopt temporary bylaws.

(c) The authority formed pursuant to this section shall be governed by a board of directors in which all powers of the corporation shall be vested. The membership of the board shall include the following:

(1) The county mayor or a designee of the county mayor of the county in which the megasite is located, or if it is located in

more than one (1) county, the county in which the megasite is predominately located;

(2) The mayor or the designee of the mayor in the incorporated municipality with the largest population in a county in which the megasite is located, or if it is located in more than one (1) county, the county in which the megasite is predominately located;

(3) The two (2) Speakers of the respective Houses acting jointly after consultation with the members whose districts lie within the participating counties, shall appoint two (2) members;

(4) The governor shall appoint two (2) members; and

(5) The chancellor of the board of regents shall appoint one (1) member from the presidents of the community colleges which have a campus within a county in which the megasite is wholly or partially located, or within a county contiguous thereto.

(d) For purposes of authorities established and governed under this section, the term "participating municipality" means each incorporated municipality or county in which the megasite is wholly or partially located.

SECTION 16. Tennessee Code Annotated, Section 13-16-204(b), is amended by deleting the language of the subsection and substituting instead the following:

(b) Such powers may be delegated to an industrial development corporation created under Title 7, Chapter 53, to any existing port authority, to a regional megasite authority created under Title 64, Chapter 6, or to similar bodies available to act as an instrumentality of the municipality.

SECTION 17. Tennessee Code Annotated, Section 13-16-206, is amended by deleting the last sentence and substituting instead the following:

Such powers may also be delegated to an industrial development corporation created under Title 7, Chapter 53, to a port authority, to a regional megasite authority created under Title 64, Chapter 6, or to similar bodies available to act as instrumentalities of municipalities as specified in § 13-16-204.

SECTION 18. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 27, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of May 2009



PHIL BREDESEN, GOVERNOR