

Senate State and Local Government Committee 1

Amendment No. 1 to SB0749

**Yager
Signature of Sponsor**

AMEND Senate Bill No. 749

House Bill No. 779*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-4-203, is amended by adding the following subsection:

(d)

(1) With respect to any streets or roads deannexed by a municipality on or after May 1, 1998, the municipality shall submit a map of the deannexed streets or roads to the commissioner of finance and administration within six (6) months of the effective date of this act. Within one (1) year of the submission, in order to equitably reflect those changes to the municipality's boundaries, the commissioner shall appropriately revise and reallocate any funding distributed to the municipality or county for improvement or maintenance of streets or roads.

(2) Prior to any reallocation of funds pursuant to subdivision (d)(1), a municipality may by a two-thirds (2/3) vote of its legislative body rescind the deannexation of the street or road; provided, however, such rescindment must be accomplished within six (6) months of the effective date of this act.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 51, Part 2, is amended by adding the following language as a new section:

No municipality shall, pursuant to § 6-51-201, deannex territory containing a street, highway, avenue, boulevard, publicly-owned right-of-way, bridge, tunnel, public parking area, or any other public way dedicated to public use and maintained for general public travel without approval by a two-thirds (2/3) vote of the county legislative body.

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SECTION 3. Tennessee Code Annotated, Section 6-51-201, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any incorporated municipality, whether it was incorporated by general or special act, may contract its limits within any given territory; provided, that it is approved by a majority of the qualified voters in an election held in accordance with § 6-51-202.

(b)

(1) Ten percent (10%) of the qualified voters who reside in a territory previously annexed by ordinance upon the initiative of the municipality may petition the county election commission to hold an election to deannex the territory. The petition shall include a copy of the ordinance, which includes the map of the plat seeking deannexation. The map shall be the same map the municipality used to annex the territory. No additions or deletions from the original map used by the municipality is permitted.

(2) Upon receipt of the petition, the county election commission shall notify the municipality and hold an election to coincide with the next citywide or countywide election, primary, or referendum that is held not less than forty-five (45) days after the petition for deannexation is filed. The election commission shall hold an election only for the qualified voters residing within the plat set forth in the map submitted to the election commission pursuant to subdivision (b)(1). The election commission shall submit to the voters the question of "For Deannexation" or "Against Deannexation." If a majority of voters approve the deannexation, the deannexation of the territory shall become operative thirty (30)

days after the date that the county election commission makes its official canvass of the election returns. If a majority of the voters fail to approve the deannexation, the election commission shall file the certificate of the result with the county clerk, and no further election may be held on the issue for sixty (60) months.

SECTION 4. Tennessee Code Annotated, Section 6-51-202, is amended by deleting the section in its entirety and substituting instead:

The election provided for in § 6-51-201, shall be held under the provisions of a resolution to be passed for that purpose. A full report of the election shall be spread upon the minutes of the board, if a majority of the voters assent to the contraction, and in the report the metes and bounds of the territory to be excluded must be fully set forth.

SECTION 5. Tennessee Code Annotated, Section 6-51-204(a), is amended by deleting the subsection and substituting instead:

(a) Except for responsibility for any debt contracted prior to the surrender of jurisdiction, all municipal jurisdiction shall cease over the territory excluded from the municipality's corporate limits on the date of the certification of the results of the election. The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of any debt contracted prior to the exclusion upon a showing that the debt arises out of public improvements made to the deannexed territory.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.