

HOUSE BILL 779

By Carter

AN ACT to amend Tennessee Code Annotated, Title 6,
Chapter 51 and Title 54, relative to the alteration
of municipal boundaries.

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

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

() In the case of any street deannexed by a municipality on or after May 1, 1998, the municipality shall submit a map of the deannexed area to the commissioner of finance and administration. The commissioner shall have the duty to revise and reallocate any funds to the appropriate municipality or county for the purposes of street improvements in the deannexed area.

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.

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.

(b) Whenever ten percent (10%) or more of the registered voters of any incorporated municipality petition the county election commission of the county in which the municipality is located that an election be held of the qualified voters, submitting to them the question of “deannexation” or “no deannexation,” the county election commission shall cause to be held an election in the municipality to ascertain the will of the municipality as to deannexation from the municipality. The election shall be scheduled to coincide with the next citywide or countywide election, primary, or referendum that is held at least forty-five (45) days after the petitions for deannexation are filed with the election commission. If a majority of the voters fail to approve the deannexation referendum, 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 thirty-six (36) months.

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

SECTION 5. Tennessee Code Annotated, Section 6-51-204(a), is amended by deleting the language “on the effective date of the ordinance if the contraction is done by ordinance, or” and the language “if the contraction is done by election”.

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