



State of Tennessee

PUBLIC CHAPTER NO. 385

SENATE BILL NO. 338

By Niceley, Bowling

Substituted for: House Bill No. 1299

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 3, Part 1, relative to annexation.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) If a dispute arises between an individual property owner and a municipality as to whether a property has been annexed by the municipality, the individual property owner or the municipality may file a complaint against the opposing party with the secretary of state to determine whether the person's property has been annexed by a municipality. The burden of proof shall be on the municipality to prove annexation of the subject property by a preponderance of the evidence.

(b) Within ten (10) days of the filing of the complaint, the secretary of state shall appoint an administrative judge from the administrative procedures division of the secretary of state's office who shall set an administrative hearing to be held under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, within ninety (90) days of the date of filing the complaint, unless for good cause shown that a later time is deemed necessary. Notwithstanding other provisions of the law to the contrary, the secretary of state or the secretary of state's designee has the authority to render a final order following entry of an initial order by the administrative judge. Such order shall be appealable as provided by § 4-5-322.

(c) Once a complaint has been filed under subsection (a), the municipality shall file with the administrative procedures division within twenty (20) days of the filing of the complaint, all annexation ordinances of the municipality and all results of referendums on annexation held within the municipality that are specific to the annexation of the subject property.

(d) If the final order includes a finding that the subject property has not been annexed, any property taxes paid by the individual property owner to the municipality shall be reimbursed to the individual property owner, with interest.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 4, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2017


BILL HASLAM, GOVERNOR