


HOUSE BILL NO. 48

PASSED: March 9, 2023



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNELLY  
SPEAKER OF THE SENATE

APPROVED this 9<sup>th</sup> day of March 2023



BILL LEE, GOVERNOR



# State of Tennessee

## HOUSE BILL NO. 48

**By Representatives Lamberth, Mr. Speaker Sexton, Faison, Garrett, Moon, Cepicky, Littleton, Bricken, Richey, Bulso, Slater, Rudd, Crawford, Carr, Sherrell, McCalmon, Davis, Todd, Reedy, Eldridge, Moody, Zachary, Grills, Williams, Keisling**

**Substituted for: Senate Bill No. 87**

**By Senators Watson, Bowling, Yager**

AN ACT to amend Tennessee Code Annotated, Title 2; Title 5; Title 6 and Title 7, relative to local government.

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 1, is amended by adding the following new section:

(a) Notwithstanding a provision of a metropolitan government charter or § 7-2-108 to the contrary, the membership of a metropolitan council must not exceed twenty (20) voting members, as further provided in this section.

(b)

(1) If the membership of a metropolitan council is required to be reduced in order to comply with subsection (a), then:

(A) The metropolitan council reduction takes effect as of the next general metropolitan election after the effective date of this act. However, if the metropolitan council fails to take the necessary legislative action to effectuate this section prior to the qualifying date for the next general metropolitan election after the effective date of this act as set by the county election commission, then the terms of the current members of the metropolitan council are extended for one (1) year and the county election commission shall set a special general metropolitan election to be held the first Thursday in August 2024 to elect the councilmembers for a term of three (3) years with the terms to begin September 1, 2024. Thereafter, members of the metropolitan council shall serve terms of four (4) years;

(B) Within thirty (30) days of the effective date of this act, the metropolitan planning commission shall establish district boundaries using the most recent federal census to ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee constitutions and state and federal law;

(C) Upon approval of the council districts by the planning commission, the metropolitan council as currently constituted shall approve the new council district boundaries by resolution on or before May 1, 2023; and

(D) The metropolitan council shall take any legislative action required to effectuate this section by resolution receiving an affirmative majority vote of those present and voting, regardless of any provision of a charter or private act to the contrary.

(c) With respect to metropolitan governments formed after the effective date of this act, the metropolitan council must not be composed of more than twenty (20) voting members. The adopted charter of a newly formed metropolitan government may provide

for the initial election of the members of its governing body on a date as set by the charter; provided, that the initial terms do not exceed four (4) years and expire on August 31 after the next subsequent general election held.

(d) This section does not preempt a metropolitan government from specifying in its charter the manner in which to hold a special election to fill a vacancy on the metropolitan council.

(e) This section does not preempt a future change in the size of a metropolitan council through an amendment to the metropolitan charter; provided, that the size of a metropolitan council does not exceed twenty (20) members.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 53, is amended by adding the following new section:

(a)

(1) After the next general election for the governing body of a municipality held on or after the effective date of this act, the governing body must not be composed of more than twenty (20) voting members.

(2) With respect to municipalities formed after the effective date of this act, the governing body must not be composed of more than twenty (20) voting members.

(b)

(1) For purposes of complying with subsection (a), the governing body of a municipality shall dissolve, combine, or reapportion districts or wards, as necessary, so that the number of members elected to the governing body does not exceed twenty (20) voting members. Using the most recent federal census, the governing body shall ensure that a reapportionment maintains substantially equal representation based on population and otherwise complies with the United States and Tennessee Constitutions and state and federal law.

(2) The governing body of a municipality may take any action by majority vote of the governing body necessary to implement and facilitate this section, irrespective of any provision of a charter or private act.

(c) Notwithstanding a general law or charter provision to the contrary, and irrespective of whether a person has previously served on the governing body of a municipality:

(1) A person who is elected on or after the effective date of this act may seek as many terms in office, including those partially served, as are permissible under applicable provisions of the general law or the governing municipal charter; and

(2) After the reapportionment of districts under subsection (b), if any, a person may run for elected office to the governing body in any district or as an at-large candidate to the extent that the person is qualified to run in accordance with applicable provisions of the general law or the governing municipal charter.

(d) As used in this section, "governing body of a municipality" means that body, board, or council in which the general legislative powers of an incorporated city or town, including a home rule city, are vested. The term does not include the governing body of a metropolitan government.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.