**STATE OF TENNESSEE**

**PUBLIC CHAPTER NO. 371**

## SENATE BILL NO. 2192

**By Kyle**

Substituted for: House Bill No. 2194

By Harmon, Kelsey, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 7 and Title 49, relative to special school districts affected by local government consolidation.

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

SECTION 1. Tennessee Code Annotated, Section 7-2-108(a), is amended by deleting subdivision (18) in its entirety and by substituting instead the following:

(18) For the consolidation of the existing school systems with the county and city or cities, including the creation of a metropolitan board of education, which board may be vested with power to appoint a director of schools, if there are no special school districts operating in the county. If one (1) or more special school districts operate within the county, then the metropolitan charter need not provide for the consolidation of the existing school systems. If the school districts are not consolidated, then any special school district shall continue to exist as a separate entity.

SECTION 2. Tennessee Code Annotated, Section 7-3-302, is amended by deleting subdivision (1) and by substituting instead the following:

(1) Assume and take over all public functions, rights, duties, property, assets and liabilities of any utility district, sanitary district, school district or other public service district, all of whose public functions, services or duties are performed within the geographical jurisdiction of such metropolitan government, notwithstanding § 7-82-301, or any other statute; except, that if the metropolitan charter did not provide for the consolidation of the existing school systems, then such metropolitan government shall not have the power or authority to assume any public function, right, duty, property, asset or liability of any special school district that was not included in the consolidation of the local governments; and

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 20, 2009**

RON RAMSEY
SPEAKER OF THE SENATE

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

**APPROVED this 5th day of June 2009**

PHIL BREDESEN, GOVERNOR