

PUBLIC CHAPTER NO. 701**HOUSE BILL NO. 2712****By Representative Mike Turner**

Substituted for: Senate Bill No. 2580

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Section 13-4-102 and Section 13-3-103, relative to planning commission organization, rules, appointment of director and staff, and appropriation and disbursement of funds.

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

SECTION 1. Tennessee Code Annotated, Section 13-4-102, is amended by deleting the section in its entirety and by substituting instead the following language:

Each municipal planning commission shall elect its chair from among its appointed members. The term of the chair shall be one (1) year with eligibility for reelection. Each municipal planning commission shall adopt rules for the transaction of business which shall include but not be limited to the selection of additional officers from among its members it deems appropriate to fulfill the organizational needs of the municipal planning commission, the requirements for the municipal planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the municipal planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. Any existing provision relating to the appointment of a planning director contained in any municipal, city or town charter or private act must be used in appointing a planning director. In the absence of such a provision, the chief executive officer of the municipality shall have the power to appoint and fix the compensation, within the funds appropriated by the legislative body for this purpose, of a planning director, who shall be qualified by membership in the American Institute of Certified Planners, experience in city, regional or state planning or education in a related academic field. Any person serving as a planning director on the effective date of this act shall not be required to meet the aforementioned qualifications. For purposes of this Section, chief executive officer shall mean city manager or administrator, where one exists. In the absence of a city manager or administrator, chief executive officer shall mean mayor. Where allowed under the prevailing local authority, the planning director shall have the power and authority to hire and fix the compensation, within the funds appropriated by the legislative body for this purpose, of such other employees and staff as he or she may deem necessary for the work of the planning commission. Where allowed under the prevailing local authority, the municipal planning commission may also contract, within funds appropriated by the legislative body for this purpose, with planners or other experts for such services as it may require. In the absence of such authority, only the municipality

may contract for such services. The appropriate financial official of the municipality, city or town, within the funds appropriated by the legislative body for this purpose, will disperse funds for the salary or salaries of the planning director and staff and the operational expenses of the planning office and the contracted services of planners or other experts retained to provide assistance to and studies, plans, reviews and reports for the municipal planning commission. The municipal planning commission may also, through the legislative body, receive and expend funds from grants, gifts, contracts, fees, and appropriations from federal, state, other local governments or private sources for the purpose of carrying on its planning functions.

SECTION 2. Tennessee Code Annotated, Section 13-3-103, is amended by deleting the section in its entirety and by substituting instead the following language:

Each regional planning commission shall elect its chair from among its appointed members. The term of the chair shall be one (1) year with eligibility for reelection. Each regional planning commission shall adopt rules for the transaction of business which shall include but not be limited to the selection of additional officers from among its members it deems appropriate to fulfill the organizational needs of the regional planning commission, the requirements for the regional planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the regional planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. Any provision relating to the appointment of a planning director contained in any metropolitan or county charter or private act or interlocal agreement must be used in appointing a planning director. In the absence of such a provision, the county mayor, county executive or metropolitan mayor or executive shall, in accordance with T.C.A. § 5-6-106(c), have the authority to appoint a planning director, who shall be qualified by membership in the American Institute of Certified Planners, experience in city, regional or state planning or education in a related academic field. Any person serving as a planning director on the effective date of this act shall not be required to meet the aforementioned qualifications. The planning director shall have the power and authority to hire and fix the compensation, within the funds appropriated by the legislative body for this purpose, of such other employees and staff as he or she may deem necessary for the work of the planning commission. The regional planning commission may also contract with planners or other experts for such services as it may require within the funds appropriated by the legislative body for this purpose. The trustee or other appropriate financial official of the county or metropolitan government, within the funds appropriated by the legislative body for this purpose, will disperse funds for the salary or salaries of the planning director and staff and the operational expenses of the planning office and the contracted services of planners or other experts retained to provide assistance to and studies, plans, reviews and reports for the regional planning commission. A regional planning commission serving a single county may also receive and expend funds from grants, gifts, contracts, fees, and appropriations from federal, state, other local governments or private sources for the purpose of carrying on its planning functions, subject to appropriation of the county legislative body. A multi-jurisdictional regional planning commission may receive and expend funds from grants, gifts, contracts, fees, and appropriations from federal, state, other

local governments or private sources for the purpose of carrying on its planning functions in accordance with the provisions of the interlocal agreement which created the commission.

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

PASSED: March 22, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 31st day of March 2010



PHIL BREDESEN, GOVERNOR