

PARKS AND TOURISM SUBCOMMITTEE

Amendment No. 1 to HB1374

**Garrett
Signature of Sponsor**

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Comm. Amdt. _____

AMEND Senate Bill No. 1651

House Bill No. 1374*

by adding the following clauses before the enacting clause:

WHEREAS, The General Assembly finds that the scenic rivers program has been plagued by controversy over the impact of scenic river designation and the establishment of scenic river boundaries on property rights of landowners of riparian property; and

WHEREAS, no scenic river boundaries have been established at least in part because of this controversy; and

WHEREAS, as a result the Scenic Rivers Act has not provided the intended preservation of state scenic rivers; and

WHEREAS, the general assembly finds that the establishment of a pilot program is necessary to determine whether a voluntary approach will provide a better balance between the competing goals of protecting the state's scenic rivers and avoiding hostility to the program from property owners; now, therefore;

AND FURTHER AMEND by deleting section 3 in its entirety and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 11-13-108, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) A pilot program is hereby created for the establishment of boundaries on the two (2) new scenic rivers created by this act, segments of the Duck River and the Caney Fork River. As soon as practicable, the commissioner of environment and conservation shall engage in a program of outreach and education of the local community and the property owners in the area of these river segments to explain the scenic river designation program and the environmental and economic benefits it affords. The commissioner shall then, using sound

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discretion and considering all relevant circumstances, establish a perpetual boundary of the scenic river area associated with the river or river segment. If the proposed boundary of the scenic river area includes private property the state shall obtain the notarized consent of the private landowner before establishing the boundary.

AND FURTHER AMEND by redesignating Section 4 as Section 5 and adding the following language as the new Section 4:

SECTION 4. Tennessee Code Annotated, Section 11-13-108, is amended by adding the following language as subsection (c):

(c) No later than July 31, 2004, the commissioner shall submit a report to the chairs of the senate environment, conservation and tourism committee and the house conservation and environment committee on this pilot program. The report shall include a description of the outreach and educational efforts of the department, a description of the areas for which landowner consent for scenic river boundaries was obtained, a description of the areas of which scenic river boundaries were established or are in the process of being established, and recommendations for or against expanding this pilot program to all scenic rivers and any suggested modifications.