

SENATE BILL 2754

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13; Title 29, Chapter 17; Title 65 and Title 68, relative to provision of certain utility services.

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_.

(a) As used in this section, "utility" means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act or general law to provide electricity, natural gas, water, sewer, waste water services, or any combination thereof, for sale to consumers in any particular service area

(b) Notwithstanding any other provision of law relative to eminent domain authority possessed by a utility, prior to initiating condemnation proceedings for constructing or extending a utility line, the utility shall make every reasonable effort to first utilize property for which eminent domain is not required for the construction, extension or connection of a utility line and only resort to traversing private property after all such efforts have been exhausted.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 17, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. With respect to the condemnation of land by eminent domain for the construction or extension of electric, sewer, gas or water lines, a legitimate public use does not arise until the utility, as this term is defined in Section 1 of this act, has made every reasonable effort to first utilize property for which eminent domain is not

required for the construction, extension or connection of a utility line and only resort to traversing private property after all such efforts have been exhausted.

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