

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2107*

House Bill No. 2223

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 69-9-204, is amended by adding the following as new subdivisions:

() "Wakeboarding" means:

(A) To use a board with or without foot bindings on which a rider is towed by a motorboat across a wake; or

(B) To operate a motorboat in a manner that creates a wake while towing a person using a board with or without foot bindings to be towed by the motorboat across the boat's wake;

() "Wakesurfing" means:

(A) To surf a motorboat's wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake; or

(B) To operate a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person;

SECTION 2. Tennessee Code Annotated, Title 69, Chapter 9, Part 2, is amended by adding the following as a new section:

(a) Except as provided in subsection (c), a person shall not engage in wakeboarding or wakesurfing in the waters of Tennessee:

(1) Between sunset and sunrise;

(2) On a body of water that is less than fifty (50) acres in size;



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(3) On a portion of a body of water with a width, measured from the nearest shoreline to the second nearest shoreline, of less than four hundred feet (400');

(4) Within two hundred feet (200') of a shoreline, or a dock, pier, boathouse, or other structure located completely or partly on the water; and

(5) Without wearing a personal flotation device approved by the United States coast guard.

(b) Except as provided in subsection (c), a person shall not engage in wakesurfing in the waters of Tennessee using a motorboat that has a propulsion system that extends beyond the motorboat's boarding or swim platform.

(c) Subsections (a) and (b) do not apply to a regatta, race, trail run, parade, tournament, or exhibition on the waters of Tennessee for which an aquatic event application has been submitted to and approved by the executive director pursuant to § 69-9-211.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2121

House Bill No. 1842*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-814(b), is amended by deleting subdivision (2) and substituting:

(2)

(A) An applicant for a permit for construction or expansion of a solid waste disposal facility or incinerator shall submit a copy of the application to the region at or before the time the application is submitted to the commissioner. The region shall review the application for compliance with this section, and shall conduct a public hearing after public notice has been given in accordance with title 8, chapter 44, prior to making the determination provided for in this subdivision (b)(2). The hearing must afford all interested persons an opportunity to submit written and oral comments, and the proceeding must be recorded and transcribed. The region shall render a decision on the application within ninety (90) days after receipt of a complete application. The region shall immediately notify the commissioner of its acceptance or rejection of an application. If no decision is rendered by the region on the application within ninety (90) days after receipt of a complete application, then the commissioner may continue processing of the application.

(B) The region may reject an application for a new solid waste disposal facility or incinerator or expansion of an existing solid waste disposal facility or incinerator within the region only upon determining that the application is



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inconsistent with the solid waste management plan adopted by the county or region and approved by the department, and the region shall document in writing the specific grounds on which the application is inconsistent with such plan.

(C)

(i) Appeal of a final action of the region under this subdivision (b)(2) must be made by an aggrieved person within thirty (30) days to the chancery court of Davidson County. The court shall exercise the same review as it would in a case arising under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. For the purposes of this section, an "aggrieved person" is limited to a person applying for permits, a person who owns property or lives within a three-mile radius of the facility or site that is proposed for permitting, or cities or counties in which the proposed facility is located.

(ii) A permit that is the subject of an appeal made to the chancery court of Davidson County within the time prescribed in subdivision (b)(2)(C) must not be:

(a) Processed by the commissioner until there is a final adjudication of the appeal on the merits; or

(b) Issued in contravention of the final adjudication on the merits.

(D) If an aggrieved party does not appeal a final action of the region in accordance with subdivision (b)(2)(C), then the commissioner may issue the permit unless the commissioner finds that the decision of the region to reject the application is arbitrary and capricious and unsupported in the record developed before the region.

(E) The region shall provide for reasonable public notice of meetings.

The region is subject to title 10, chapter 7, part 5, and shall act in accordance with title 8, chapter 44.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 2747

House Bill No. 2558*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, Part 8, is amended by adding the following as a new section:

(a) Except as provided in subsection (e), a county within which a Class I landfill is located that is operated by a private entity, and each municipality within the county that is located within one (1) mile of the landfill, may impose a tipping fee upon each ton of solid waste or its volume equivalent received at the landfill.

(b)

(1) The tipping fee must be established by ordinance or resolution of the county or municipal legislative body adopted by a two-thirds (2/3) majority vote. The tipping fee must be structured to offset the estimated cost of providing solid waste management services on a per ton or volume equivalent. The estimated cost must be determined pursuant to the uniform solid waste accounting system developed by the comptroller of the treasury. Prior to estimating the cost, the county or municipal legislative body shall provide the comptroller of the treasury with a report outlining the solid waste management services that the county or municipal legislative body believes are necessary to ensure the protection of the health, safety, and welfare of the county's residents.

(2) A county or municipal legislative body may reevaluate the solid waste management services necessary to protect the health, safety, and welfare of its residents from time to time as the legislative body deems appropriate and submit



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a new report to the comptroller of the treasury for a reevaluation of the costs necessary to provide such services, and after an assessment of the report by the comptroller, may adjust the tipping fee accordingly.

(c) The operator of the Class I landfill shall collect the tipping fee upon deposit of the waste at the solid waste disposal facility or incinerator and shall remit the fees to the county or municipal treasurer to be deposited in a separate fund to be used in accordance with subsection (d).

(d) Each county and municipality that establishes a tipping fee under this section shall use fees collected under subsection (c) only for purposes of solid waste management, and shall prioritize the use of such fees to develop methods and construct facilities, or both, for purposes of facilitating the aerobic and anaerobic digestion of sewage sludge, as specified in "Environmental Regulations and Technology - Control of Pathogens and Vector Attraction in Sewage Sludge," EPA - 625/R-92/013, rev. July 2003, prior to its disposal in a Class I landfill.

(e) If a county or municipality described in subsection (a) approves the expansion of a Class I landfill, then the county or municipality, respectively, shall not impose a tipping fee in accordance with this section.

(f) As used in this section:

(1) "County" means a county that meets one (1) or more of the following criteria:

(A) The county experienced a growth rate of twenty percent (20%) or more in total population from the 2010 federal census to the 2020 federal census, or the county experiences a growth rate of twenty percent (20%) or more between two (2) subsequent federal decennial censuses; or

(B) The county experienced a nine percent (9%) or more increase in population over the period from 2016 to 2020, or over a subsequent

four-year period, according to United States census bureau population estimates;

(2) "Municipality" means an incorporated city or town, or a metropolitan form of government; and

(3) "Solid waste management" means mitigating the impact of the operation of a Class I landfill within a county or municipality, including, but not limited to:

(A) Maintenance of highways, roads, bridges, sidewalks, and other transportation infrastructure;

(B) Mitigation of odorous and noxious fumes;

(C) Maintenance of water, soil, and air quality standards;

(D) Reuse and recycling programs to reduce the amount of solid waste within the county;

(E) Mitigation of spillage, runoffs, or contamination;

(F) Operational inefficiencies of services;

(G) Development of sustainable solid waste management solutions; and

(H) The development of methods and the construction of facilities, or both, for purposes of facilitating the aerobic and anaerobic digestion of sewage sludge prior to its disposal in a Class I landfill.

(g) This section is repealed on January 1, 2030.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

House Agriculture & Natural Resources Subcommittee Am. #1

Amendment No. _____

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AMEND Senate Bill No. 2736

House Bill No. 2270*

by deleting SECTION 9 and SECTION 10 and substituting:

SECTION 9. This act takes effect July 1, 2022, the public welfare requiring it.



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AMEND Senate Bill No. 1953*

House Bill No. 2328

by deleting subsection (e) in Section 1 and substituting instead the following:

(e)

(1) For purposes of this subsection (e):

(A) "Reclaim" means to fill a previously excavated area; and

(B) "Site" means a borrow excavation area or pit; mine; quarry, including a limestone quarry; or other previously excavated area.

(2) Notwithstanding any other law, local or regional zoning or planning regulations or other local laws, restrictions, rules, or regulations, that explicitly or implicitly limit the owner's or operator's ability to reclaim a site do not apply to a site that agrees to receive fill or borrow material from state highway construction projects; provided, that the fill work:

(A) Complies with the requirements of the Water Quality Control Act of 1977, compiled in title 69, chapter 3, part 1, and any other state law applicable to the fill activity; and

(B) Is not located on a street or road currently operating below level of service "C," or is located on a street or road that would be reduced below level of service "C" by traffic generated by the operation.

(3)

(A) This subsection (e) does not supersede local or regional zoning or planning regulations, or local laws, restrictions, rules, or regulations pertaining to the operation of borrow excavation, surface



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mining operation, or quarry use, that were in effect at the time an application for a required permit under the Water Quality Control Act of 1977 was filed with the department of environment and conservation.

(B) Local permitting, licensing, or other approval requirements, laws, regulations, rules, or restrictions applicable to borrow excavation, surface mining operation, or quarry use, including excavation limitations, street standards, weight limits, or the use of streets by vehicles, that were not in effect at the time of the filing of an application for any required permit under the Water Quality Control Act of 1977 with the department of environment and conservation do not apply to the owner or operator of the borrow excavation, surface mining operation, or quarry use for the duration of the permits, including any applicable permit extension periods.

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AMEND Senate Bill No. 2402

House Bill No. 2149*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 64, Chapter 1, Part 8, is amended by adding the following as a new section:

64-1-810. Carroll County 1,000 Acre Lake.

(a) Notwithstanding this part to the contrary, this section is applicable to Carroll County 1,000 Acre Lake, a lake located in Carroll County.

(b) The responsibility for the administration of Carroll County 1,000 Acre Lake under this part is transferred from the authority to the Tennessee wildlife resources agency.

(c) All powers and duties of the authority under this part, with respect to Carroll County 1,000 Acre Lake, are transferred to and must be exercised and performed by the Tennessee wildlife resources agency.

(d) All powers and duties of the executive secretary under this part, with respect to Carroll County 1,000 Acre Lake, are transferred to and must be exercised by the executive director of the Tennessee wildlife resources agency.

(e)

(1) The general assembly finds and declares that it is in the general interests of the people of Tennessee to establish a partnership between this state and private, nonprofit corporations, qualifying under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), for the purpose of implementing the expeditious acquisition of interests in lands at Carroll County 1,000 Acre Lake.



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(2)

(A) The executive director of the wildlife resources agency shall identify appropriate private, nonprofit corporations to assist with the acquisition of interests in lands at Carroll County 1,000 Acre Lake. The corporations must have the protection of charters of incorporation.

(B) The executive director may, with the approval of the commissioner of finance and administration and the state building commission:

(i) Enter into agreements with corporations identified under subdivision (e)(2)(A) to permit the corporations to purchase surveys, appraisals, title work, and other services required for the acquisition of interests in lands at Carroll County 1,000 Acre Lake; provided, that contractors selected by the corporations for such purposes must be licensed in this state to perform the services for which they are contracted;

(ii) Accept, on behalf of this state, surveys, appraisals, title work, and services provided pursuant to contracts entered under subdivision (e)(2)(B)(i);

(iii) Enter into agreements with corporations identified under subdivision (e)(2)(A) to acquire options and to pre-acquire on behalf of this state interests in lands at Carroll County 1,000 Acre Lake; and

(iv) Acquire conservation easements from corporations identified under subdivision (e)(2)(A) whereby the corporations may retain the fee title; provided, that the executive director shall not purchase a conservation easement under such circumstances for more than its appraised value.

(C) The executive director may, through agreements made under subdivision (e)(2)(B), commit this state to reimburse corporations identified under subdivision (e)(2)(A) for their costs of acquisition and for their costs of capital.

(D) The commissioner of finance and administration and the state building commission shall establish a form for agreements authorized by this subdivision (e)(2).

SECTION 2. Tennessee Code Annotated, Section 70-1-302, is amended by adding the following as a new subsection:

(I) The agency shall administer Carroll County 1,000 Acre Lake, as provided in title 64, chapter 1, part 8.

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