



# RYAN SWINDELL

## GOVERNMENT RELATIONS

### Clean Water Professionals of Kentucky & Tennessee

Bill Report (5/7/21) - 47 bills

#### ECONOMIC DEVELOPMENT

##### **SB1080/HB1389 Development of strategies for improvements for non-fish and game recreational activities.**

*Sponsors:* Sen. Roberts, Kerry , Rep. Todd, Chris

*Summary:* Requires the department to review for possible funding resources and develop strategies for improvements for non-fish and game recreational activities, in conjunction with the Tennessee wildlife resources agency and the department of environment and conservation and report its findings to the governor and the general assembly by January 1, 2022. Broadly captioned.

*Amendment Summary:* Senate amendment 1 (005042) deletes all language after the enacting clause. Requires the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to study certain aspects of non-fish and game recreational activities as they relate to certain operations of the Department of Environment and Conservation and the Tennessee Wildlife Resources Agency and report its findings and recommendations to the General Assembly by December 31, 2022. Repeals the provisions of the proposed language January 1, 2023.

*Fiscal Note:* (Dated March 11, 2021) NOT SIGNIFICANT

*Senate Status:* 03/25/21 - Senate passed with amendment 1 (005042).

*House Status:* 05/04/21 - House passed.

*Executive Status:* 05/04/21 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 69 and Title 70, relative to recreational activities.

#### EDUCATION

##### **SB463/HB727 Water bottle filling stations in schools.**

*Sponsors:* Sen. Campbell, Heidi , Rep. Potts, Jason

*Summary:* Requires each public school to have at least one student-accessible water bottle filling station within the school.

*Senate Status:* 02/11/21 - Referred to Senate Education Committee.

*House Status:* 03/30/21 - Taken off notice in House K-12 Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to water bottle filling stations.

##### **SB789/HB861 Local board of education policy that incorporates biennial testing for lead levels in drinking water.**

*Sponsors:* Sen. Kyle, Sara , Rep. Hakeem, Yusuf

*Summary:* Changes the frequency requirements for local boards of education to test lead levels in drinking water from a maximum of biennial testing to a minimum of biennial testing.

*Amendment Summary:* House K-12 Subcommittee amendment 1 (005687) deletes all language of the original bill and reduces the maximum allowed lead level from 20 parts per billion to 15 parts per billion.

*Fiscal Note:* (Dated February 24, 2021) NOT SIGNIFICANT

*Senate Status:* 02/11/21 - Referred to Senate Education Committee.

*House Status:* 03/23/21 - Failed in House Education K-12 Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, Part 1, relative to lead-level tests.

##### **SB1001/HB984 Water bottle filling stations in schools.**

*Sponsors:* Sen. Massey, Becky , Rep. Hazlewood, Patsy

*Summary:* Requires LEAs and public charter schools to incorporate water bottle filling stations as part of new school constructions and major renovations. Requires at least one water bottle filling station for every 200 students and mandates specific locations where they should be. States that LEAs and public charter schools that incorporate water bottle filling stations must allow students to bring a clear water bottle to school.

*Senate Status:* 02/11/21 - Introduced in the Senate

*House Status:* 02/22/21 - Withdrawn in House.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, relative to water access in public schools.

##### **SB1410/HB46 Changes requirements in testing drinking water in public schools.**

*Sponsors:* Sen. Akbari, Raumesh , Rep. Lamar, London

*Summary:* Requires the department of education develop a water testing program to reduce potential lead contamination in drinking water in public schools instead of boards of education. Requires child care programs to implement the water testing program required for public schools. Changes the lead level that requires a school or child care program take certain steps under the program 20 to 15 parts per billion.

*Amendment Summary:* House K-12 Subcommittee amendment 1 (003703) adds state departments of health and education as entities that must be notified if lead tests are above 15 parts per billion.

*Fiscal Note:* (Dated February 5, 2021) NOT SIGNIFICANT

*Senate Status:* 04/07/21 - Senate Education Committee deferred to second calendar of 2022.

*House Status:* 04/06/21 - Returned to House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 2, relative to water quality.

## ENERGY & MINING

### SB742/HB90 **Time limit for notifying applicants under the Primacy and Reclamation Act of TN regarding approval of an application.**

*Sponsors:* Sen. Johnson, Jack , Rep. Lamberth, William

*Summary:* Clarifies that 60-day time limit for notifying applicants under the Primacy and Reclamation Act of Tennessee whether an application has been approved or disapproved applies to new applications rather than new amendments to existing applications. Broadly captioned.

*Amendment Summary:* Senate amendment 1 (004923) deletes all original language of the bill and retitles it the "Primacy and Reclamation Act of Tennessee." Assumes jurisdiction over the regulation of surface coal mining and reclamation operations within the state. Establishes mandates for the commissioner of environment and conservation. Establishes regulations for surface coal mining and reclamation (95 pp.)

*Fiscal Note:* (Dated January 12, 2021) NOT SIGNIFICANT

*Senate Status:* 04/28/21 - Senate passed with amendment 1 (004923).

*House Status:* 05/03/21 - House passed.

*Executive Status:* 05/03/21 - Sent to the speakers for signatures.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 10; Title 50; Title 59; Title 60; Title 67; Title 68; Title 69 and Chapter 839 of the Public Acts of 2018, relative to coal mining and reclamation.

*Comment:* TDEC Administration Bill

### SB849/HB729 **Membership of state energy policy council.**

*Sponsors:* Sen. Pody, Mark , Rep. Ragan, John

*Summary:* Increases the number of members on the state energy policy council from 14 members to 15 members and adds the Tennessee public utility commission chair or the chair's designee as a voting member of the council.

*Fiscal Note:* (Dated February 19, 2021) Increase State Expenditures \$200/FY21-22 and Subsequent Years/ State Energy Policy Council

*Senate Status:* 03/22/21 - Senate passed.

*House Status:* 04/27/21 - House passed.

*Executive Status:* 05/03/21 - Sent to governor.

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 68-204-104, relative to the state energy policy council.

### SB940/HB1435 **Annual reporting by persons engaged in mining, quarrying, production of minerals or gas.**

*Sponsors:* Sen. Kyle, Sara , Rep. Johnson, Gloria

*Summary:* Changes from February 15 to February 1 the due date for persons engaged in mining, quarrying, production of minerals or gas, manufacture of gas or pig iron, and similar businesses to annually report output to the department of labor and workforce development. Broadly captioned.

*Fiscal Note:* (Dated February 12, 2021) NOT SIGNIFICANT

*Senate Status:* 03/17/21 - Taken off notice in Senate Energy, Agriculture & Natural Resources Committee.

*House Status:* 02/25/21 - Caption bill held on House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 59; Title 67, Chapter 7; Section 68-105-120 and Title 69, Chapter 3, relative to mining.

## ENVIRONMENT & NATURE

### SB113/HB199 **Stormwater management - abatement of fees owed by property owner.**

*Sponsors:* Sen. Gardenhire, Todd , Rep. Carter, Mike

*Summary:* Requires a municipality to abate the storm water fees owed by a property owner until such fees equal the construction costs of any holding or retention ponds constructed by the property owner pursuant to the Clean Water Act.

*Amendment Summary:* Senate Energy, Agriculture & Natural Resources Committee amendment 1, House Agriculture and Natural Resources Subcommittee amendment 1 (004699) deletes and rewrites language of the original bill such that the substantive change limits applicability to 501(c)(3) tax-exempt nonprofit organizations.

*Fiscal Note:* (Dated March 8, 2021) Decrease Local Revenue Exceeds \$5,000,000/FY21-22 and Subsequent Years Other Fiscal Impact Local governments may increase storm water user fees charged to other customers to compensate, fully or partially, for recurring, mandatory, decreases in local revenue. The proposed language may result in mandatory increases in local government expenditures to maintain current operations, the extent and timing of which cannot reasonably be determined. \*

*Senate Status:* 03/17/21 - Senate Energy, Agriculture & Natural Resources Committee recommended with amendment 1 (004699). Sent to Senate Calendar Committee.

*House Status:* 03/23/21 - House Agriculture & Natural Resources Subcommittee deferred to summer study after adopting amendment 1 (004699).

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, relative to storm water management.

### SB152/HB174 **Tennessee Cleaner Landscapes for the Economy, Agriculture, and Nature (CLEAN) Act.**

*Sponsors:* Sen. Briggs, Richard , Rep. Faison, Jeremy

*Summary:* Establishes the Tennessee CLEAN Commission consisting of 13 members and specifies appointment process for members. Specifies that the purpose of the commission is to create and implement a program for plastic, glass, and aluminum beverage containers which utilizes a redemption deposit value to incentivize consumers to collect and deliver beverage containers to redemption centers in order to collect the redemption deposit value. Also requires the commission to develop and implement a statewide litter program to comprehensively address litter prevention and reduction.

*Fiscal Note:* (Dated March 11, 2021) Increase State Expenditures - \$17,200 Other Fiscal Impact Additional, unknown impacts may occur due to the recommendations made pursuant to TACIRs required study. Due to multiple unknown variables, which could include the hiring of staff, entrance into various HB 174 - SB 152 1 contracts, and additional appropriations, among others, an exact impact of this legislation cannot be determined with any reasonable certainty.

*Senate Status:* 03/17/21 - Taken off notice in Senate Government Operations Committee.

*House Status:* 02/01/21 - Referred to House Agriculture & Natural Resources Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 39; Title 57; Title 62; Title 68; Title 69 and Title 70, relative to the Tennessee CLEAN Act.

#### **SB276/HB517 Membership of the Chickasaw Basin Authority.**

*Sponsors:* Sen. Rose, Paul , Rep. Gant, Ron

*Summary:* Expands the scope of the Chickasaw Basin Authority to include all counties located within the drainage area of the authority.

*Fiscal Note:* (Dated January 26, 2021) Other Fiscal Impact The extent and timing of any shift in permissive local expenditures cannot reasonably be determined; however, the net fiscal impact to local government is considered not significant.

*Senate Status:* 03/15/21 - Senate passed.

*House Status:* 04/05/21 - House passed.

*Executive Status:* 04/26/21 - Enacted as Public Chapter 0165 effective April 20, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 64, Chapter 1, Part 2, relative to the membership of the Chickasaw Basin Authority.

#### **SB428/HB586 Loans from the wastewater facility revolving loan fund.**

*Sponsors:* Sen. Yager, Ken , Rep. Marsh, Pat

*Summary:* Expands the definition of "local government" for purposes of wastewater facilities to also mean a privately owned for-profit community wastewater treatment system subject to regulation by the Tennessee public utility commission. Authorizes loans from the wastewater facility revolving loan fund for privately owned for-profit community wastewater treatment systems that are subject to state regulation and meet certain financial qualifications, including having a debt service coverage ratio of 1.25.

*Amendment Summary:* Senate amendment 1 (004191) adds language to the original bill to establish the expanded eligibility applies only to the Wastewater Facilities Act of 1987 and remove reference to the for-profit status of such entities.

*Fiscal Note:* (Dated February 26, 2021) NOT SIGNIFICANT

*Senate Status:* 03/18/21 - Senate passed with amendment 1 (004191).

*House Status:* 03/25/21 - House passed.

*Executive Status:* 04/12/21 - Enacted as Public Chapter 0099 effective April 7, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, Part 10, relative to the wastewater facility revolving loan fund.

#### **SB495/HB398 Member of board of commissioners of a water and wastewater treatment authority - per diem.**

*Sponsors:* Sen. Pody, Mark , Rep. Boyd, Clark

*Summary:* Increases from \$100 to \$300 the maximum per diem payment to a member of the board of commissioners of a water and wastewater treatment authority for attending a board meeting, not to exceed six board meetings per calendar year.

*Fiscal Note:* (Dated February 3, 2021) NOT SIGNIFICANT

*Senate Status:* 03/08/21 - Senate passed.

*House Status:* 03/22/21 - House passed.

*Executive Status:* 04/16/21 - Enacted as Public Chapter 0126 effective April 13, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 68-221-618, relative to per diem payment for board members of water and wastewater treatment authorities.

#### **SB719/HB764 Rewrites Soil Conservation Districts Law.**

*Sponsors:* Sen. Johnson, Jack , Rep. Lamberth, William

*Summary:* Rewrites the Soil Conservation Districts Law to be the Soil and Water Conservation Districts Law. Establishes Tennessee soil and water conservation commission guidelines, duties, and powers. Requires commission to publish reports (28 pp.).

*Amendment Summary:* House amendment 1 (004852) establishes a minimum of two meetings of the commission per year and makes a clarifying change. House amendment 2 (004801) adds language to the original bill that establishes that a duly organized local soil conservation district in existence on the effective date of this legislation continues to exist as a soil and water conservation district, and supervisors of a district serving on such effective date continue to serve as supervisors until the expiration of their terms.

*Fiscal Note:* (Dated February 24, 2021) NOT SIGNIFICANT

*Senate Status:* 04/01/21 - Senate concurred in House amendment 1 (004852) and amendment 2 (004801).

*House Status:* 03/25/21 - House passed with amendment 1 (004852) and amendment 2 (004801).

*Executive Status:* 04/26/21 - Enacted as Public Chapter 0203 effective April 22, 2021 (14 pages).

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Section 5-9-106; Section 6-58-104; Title 43, Chapter 14; Title 43, Chapter 34; Title 64 and Title 69, Chapter 6, relative to soil and water conservation.

#### **SB790/HB1144 Incentives the TN board of energy and natural resources may adopt for alternatives to discharges to surface waters.**

*Sponsors:* Sen. Walley, Page , Rep. Grills, Rusty

*Summary:* Specifies that the board of energy may provide land application, credits to recognize increased environmental performance and beneficial reuse of wastewater as incentives for using alternatives to pollution discharge to surface waters. Broadly captioned.

*Amendment Summary:* Senate amendment 1 (004416) deletes and replaces language in the original bill such that the only substantive change clarifies that the system of incentives includes regulatory flexibility recognizing increased environmental performance and enhanced water quality under specified permitted activities through permit conditions pursuant to duly promulgated rules.

*Fiscal Note:* (Dated March 4, 2021) NOT SIGNIFICANT

*Senate Status:* 03/15/21 - Senate passed with amendment 1 (004416).

*House Status:* 04/14/21 - House passed.

*Executive Status:* 05/03/21 - Enacted as Public Chapter 0263 effective April 28, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 7, Chapter 35; Title 65; Title 68 and Title 69, relative to water quality.

#### **SB1043/HB707 System of incentives for alternatives to discharges to surface waters.**

*Sponsors:* Sen. Southerland, Steve , Rep. Zachary, Jason

*Summary:* Prohibits the department of environment and conservation from requiring a permit for the construction, installation or modification of a land application system as an alternative to discharge to surface waters.

*Fiscal Note:* (Dated April 12, 2021) Decrease State Revenue - \$160,000/FY21-22 and Subsequent Years/ Environmental Protection Fund Decrease State Expenditures - \$160,000/FY21-22 and Subsequent Years/ Environmental Protection Fund

*Senate Status:* 02/22/21 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

*House Status:* 02/20/21 - Referred to House Agriculture & Natural Resources Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 5; Title 7, Chapter 35; Title 65; Title 68 and Title 69, relative to water quality.

#### **SB1049/HB227 Water Quality Control Act - permits.**

*Sponsors:* Sen. Southerland, Steve , Rep. Vaughan, Kevin

*Summary:* Requires the department of environment and conservation to take certain actions to ensure that in-lie fee sponsors secure mitigation for permanent impacts to waters. Allows the commissioner to assess the liability of any polluter or violator for damages to the state resulting from any person's pollution or violation, failure, or neglect in complying with any rules or standards of water quality promulgated by the board or permits, including failure by an in-lieu fee sponsor to timely complete land acquisition and initial physical and biological improvements.

*Fiscal Note:* (Dated January 30, 2021) NOT SIGNIFICANT

*Senate Status:* 03/15/21 - Senate passed.

*House Status:* 04/05/21 - House passed.

*Executive Status:* 04/26/21 - Enacted as Public Chapter 0208 effective April 22, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1, relative to water quality.

#### **SB1051/HB1395 Membership of county solid waste authority board of directors.**

*Sponsors:* Sen. Southerland, Steve , Rep. Halford, Curtis

*Summary:* Increases the maximum number of people allowed to serve on a county solid waste authority's board of directors from 15 to 17. Broadly captioned.

*Fiscal Note:* (Dated April 22, 2021) NOT SIGNIFICANT

*Senate Status:* 02/22/21 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

*House Status:* 02/25/21 - Caption bill held on House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 55; Title 67 and Title 68, relative to solid waste.

#### **SB1137/HB584 Annual reports submitted by municipal solid waste regions to commissioner.**

*Sponsors:* Sen. White, Dawn , Rep. Terry, Bryan

*Summary:* Extends the deadline for municipal solid waste regions to submit their annual reports to the commissioner of environment and conservation from March 31 to April 15. Broadly captioned.

*Amendment Summary:* Senate Energy, Agriculture & Natural Resources Committee amendment 1 (005307) deletes all language after the enacting clause. Prohibits the Commissioner of the Department of Environment and Conservation (TDEC) from approving any application for waste evaluation or recertification of waste evaluation that is submitted on or after July 1, 2021, that would authorize the disposal of sewage sludge that has not undergone aerobic or anaerobic digestion as specified in "Environmental Regulations and Technology – Control of Pathogens and Vector Attraction in Sewage Sludge", EPA – 625/R-92/013, rev. July 2003, in a Class I landfill when the sewage sludge does not originate from the same county as the county where the landfill is located, unless approved by a two-thirds vote of the legislative body in which the landfill is located. Requires that any approval by such legislative body must specifically authorize disposal of undigested sewage sludge, which is imported from outside the county, in a Class I landfill located in the county. Establishes that a county or municipal legislative body's general authorization to locate a Class I landfill in the county is not sufficient to authorize the Commissioner of the TDEC to approve any application for waste evaluation or recertification of waste evaluation, as aforementioned. Establishes that this act only applies to Rutherford County House Agriculture & Natural Resources Subcommittee amendment 1 (005488) deletes all language after the enacting clause. Prohibits the Commissioner of the Department of Environment and Conservation (TDEC) from approving any application for waste evaluation or recertification of waste evaluation that is submitted on or after July 1, 2021, that would authorize the disposal of sewage sludge that has not undergone aerobic or anaerobic digestion as specified in "Environmental Regulations and Technology – Control of Pathogens and Vector Attraction in Sewage Sludge", EPA – 625/R-92/013, rev. July 2003, in a Class I landfill when the sewage sludge does not originate from the same county as the county where the landfill is located, unless approved by a two-thirds vote of the legislative body in which the landfill is located. Requires that any approval by such legislative body must specifically authorize disposal of undigested sewage sludge, which is imported from outside the county, in a Class I landfill located in the county. Establishes that a county or municipal legislative body's general authorization to locate a Class I landfill in the county is not sufficient to authorize the Commissioner of the TDEC to approve any application for waste evaluation or recertification of waste evaluation, as aforementioned. Establishes that this act only applies to Rutherford County.

*Fiscal Note:* (Dated February 5, 2021) NOT SIGNIFICANT

*Senate Status:* 03/17/21 - Senate Energy, Agriculture & Natural Resources Committee recommended with amendment 1 (005307). Sent to Senate Calendar Committee.

*House Status:* 03/31/21 - Taken off notice in House Agriculture & Natural Resources Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7 and Title 68, relative to environmental protection.

**SB1189/HB1138 West Tennessee River Basin Flood Resiliency Fund Act.**

*Sponsors:* Sen. Jackson, Ed , Rep. Grills, Rusty  
*Summary:* Enacts the "West Tennessee River Basin Flood Resiliency Fund Act," which creates the West Tennessee River basin authority flooding resiliency fund. Establishes regulations regarding sources for the fund. Specifies that the fund can be used for flood control, flood risk reduction, stream and wetland restoration, water resource education and other uses for flood resiliency. Authorizes county mayors to appoint a designee to serve on the West Tennessee River basin authority board of directors.  
*Fiscal Note:* (Dated March 14, 2021) NOT SIGNIFICANT  
*Senate Status:* 03/17/21 - Taken off notice in Senate Energy, Agriculture & Natural Resources Committee.  
*House Status:* 03/24/21 - Taken off notice in House Agriculture & Natural Resources Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 64, Chapter 1, Part 11, relative to the West Tennessee River Basin Authority.

**SB1214/HB1503 Report on implementation of a secure web portal for submittal of online permit applications under the Water Quality Control Act.**

*Sponsors:* Sen. Niceley, Frank , Rep. Eldridge, Rick  
*Summary:* Changes from January 31 to January 15 the deadline for the commissioner to submit the annual report on implementation of a secure web portal for the submittal of online permit applications under the Water Quality Control Act. Broadly captioned.  
*Fiscal Note:* (Dated February 12, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/22/21 - Referred to Senate Energy, Agriculture & Natural Resources Committee.  
*House Status:* 02/25/21 - Caption bill held on House clerk's desk.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 68 and Title 69, relative to the department of environment and conservation.

**SB1215/HB1411 Deadline for efficiency reports regarding permit applications.**

*Sponsors:* Sen. Niceley, Frank , Rep. Eldridge, Rick  
*Summary:* Changes from February 1 to January 15 the due date for the commissioner's report concerning the time within which permit applications are acted on during the first six months of each fiscal year. Broadly captioned.  
*Fiscal Note:* (Dated February 12, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/22/21 - Referred to Senate Energy, Agriculture & Natural Resources Committee.  
*House Status:* 02/25/21 - Caption bill held on House clerk's desk.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 68 and Title 69, relative to environmental conservation.

**SB1492/HB1136 Persons who withdraw 10,000 or more gallons of water per day.**

*Sponsors:* Sen. Akbari, Raumesh , Rep. Love Jr., Harold  
*Summary:* Requires those who withdraw 10,000 or more gallons of water per day to respond to an emergency to provide written notice to the director of the water resources division within 90 days of the withdraw. Broadly captioned.  
*Amendment Summary:* Senate Energy, Agriculture & Natural Resources Committee amendment 1 (005375) deletes all language after the enacting clause. Directs the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to conduct a study of the following: (1) Impacts on the hydrology and water volume of the Memphis Sands Aquifer, and any other impacts on the environment of the geographic area in which the aquifer is located, resulting from withdrawals of water from the aquifer made by persons who individually pump more than 200,000 gallons from the aquifer per day; (2) The economic cost of mitigating and/or eliminating any adverse impacts identified under the aforementioned; (3) The feasibility of Shelby County imposing a conservation fee on persons who individually pump more than 200,000 gallons from the aquifer per day to offset any costs identified under subdivision (a)(2), including an estimated fee amount based on the number of persons expected to pay the fee and a rate of aquifer water use; and (4) The feasibility and benefits of requiring that an aquifer impact study be conducted prior to the approval of any application for an aquatic resource alteration permit, or for modification of an existing aquatic resource alteration permit. Requires all state departments and agencies to assist TACIR with the study. Requires TACIR to submit a report disclosing the findings of the study and recommendations, including any proposed legislation or interim reports, to the General Assembly no later than December 31, 2022.  
*Fiscal Note:* (Dated February 24, 2021) NOT SIGNIFICANT  
*Senate Status:* 05/03/21 - Taken off notice in Senate Finance, Ways & Means Committee.  
*House Status:* 02/24/21 - Referred to House Agriculture & Natural Resources Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 65 and Title 69, relative to water resources.

**HB60 Rewrites the Soil Conservation Districts Law.**

*Sponsors:* Rep. Lamberth, William  
*Summary:* Deletes the Soil Conservation and Domestic Allotment Act, the duties of the trustees of university to the act, and the policy of the state. Rewrites act as Soil and Water Conservation Districts Law, establishes definitions and requirement for commission members, expands duties and powers of commission, establishes guidelines for additional territories. (28 pp).  
*Fiscal Note:* (Dated January 25, 2021) NOT SIGNIFICANT  
*House Status:* 02/08/21 - Withdrawn in House.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Section 5-9-106; Section 6-58-104; Title 43, Chapter 14; Title 43, Chapter 34; Title 64 and Title 69, Chapter 6, relative to soil and water conservation.

**HB147 Water quality - powers of department of environment and conservation.**

*Sponsors:* Rep. Zachary, Jason  
*Summary:* Prohibits the department of environment and conservation from requiring any permit, inspection, review, or approval of plans for the construction, installation, or modification of any land application system that the board of water quality, oil and gas is authorized to incentivize by rule as part of a system of incentives for alternatives to discharges to surface waters, including a land application system qualifying as a public sewerage system. Broadly captioned.  
*Fiscal Note:* (Dated January 12, 2021) NOT SIGNIFICANT  
*House Status:* 02/08/21 - Withdrawn in House.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 5; Title 7, Chapter 35; Title 65 and Title 69, relative to water quality.

## HEALTH CARE

### SB1253 **Disposal of controlled substances and prescription drugs.**

*Sponsors:* Sen. Reeves, Shane ,  
*Summary:* Requires the board of pharmacy and the board for licensing health care facilities to promulgate rules to establish certain guidelines for pharmacies and facilities to provide for disposal of unused controlled substances and prescription drugs.  
*Fiscal Note:* (Dated April 4, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/22/21 - Referred to Senate Health & Welfare Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 63 and Title 68, relative to the disposal of controlled substances and prescription drugs.

## JUDICIARY

### SB1108/HB1023 **Empanelment of juries for general sessions courts when sitting as an environmental court.**

*Sponsors:* Sen. Gilmore, Brenda , Rep. Potts, Jason  
*Summary:* Authorizes counties that have environmental courts to approve by a two-thirds vote of county legislative body the empanelment of juries for general sessions courts when sitting as an environmental court. Broadly captioned.  
*Fiscal Note:* (Dated March 18, 2021) Increase Local Expenditures \$396,000/FY21-22 and Subsequent Years/Permissive  
*Senate Status:* 04/13/21 - Taken off notice in Senate Judiciary Committee.  
*House Status:* 04/13/21 - Taken off notice in House Civil Justice Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 16; Title 17; Title 18; Title 19; Title 20; Title 22; Title 27; Title 29; Title 39 and Title 40, relative to environmental courts.

## LOCAL GOVERNMENT

### SB836/HB871 **Open pit mines and quarries - exemption from local regulations.**

*Sponsors:* Sen. Niceley, Frank , Rep. Campbell, Scotty  
*Summary:* Establishes that formerly operating pit mines or quarries that agree to receive fill or borrow material from state highway construction projects are exempt from local regulations that limit the operator's ability to fill the pit and reclaim and restore the site. Requires the fill work to comply with the Tennessee Water Pollution Control Act and the applicable state rules.  
*Amendment Summary:* Senate amendment 1 (004901) deletes and rewrites all language after the enacting clause such that the only substantive changes; replace "formerly operating pit mine or quarry" with "former surface mining operation" or "operation" as defined in Tenn. Code Ann. § 59-8-202; and specify that such applicable restrictions, rules, regulations, ordinances, and laws, include, but are not limited to, prohibitive zoning, limits on truck traffic, weight limits or distance limitations or other operational limitations. House Agriculture & Natural Resources Committee amendment 1 (006674) deletes and rewrites all language after the enacting clause such that the only substantive changes: replace "formerly operating pit mine or quarry" with "former surface mining operation" or "operation" as defined in Tenn. Code Ann. § 59-8-202(8); adds former borrow excavations and former quarrying operations to those sites agreeing to receive fill or borrow material from state highway construction projects; specify that such applicable restrictions, rules, regulations, ordinances, and laws, from which the aforementioned sites are excluded, include prohibitive zoning, limits on truck traffic, weight limits or distance limitations, or other operational limitations; for such exemption to apply, fill work must comply with the requirements of the Tennessee Water Quality Control Act of 1977; establishes that base zoning regulations in effect upon the effective date of this act continue to be applicable to the aforementioned backfilling and grading projects, as long as such regulations are base zoning regulations applicable to any such site and are not site-specific zoning regulations associated with a specific plan zone; and establishes that site-specific zoning regulations associated with a specific plan zone may not prohibit any such backfilling and grading projects.  
*Fiscal Note:* (Dated March 14, 2021) NOT SIGNIFICANT  
*Senate Status:* 03/22/21 - Senate passed with amendment 1 (004901).  
*House Status:* 04/15/21 - Re-referred to House Agriculture & Natural Resources Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 59, Chapter 8, relative to reclamation.

### SB1187/HB1140 **Compensation for board of directors of Reelfoot Lake regional utility and planning district.**

*Sponsors:* Sen. Jackson, Ed , Rep. Grills, Rusty  
*Summary:* Changes the compensation for the board of directors of the Reelfoot Lake regional utility and planning district from a maximum of \$1,000 annually to a maximum of \$200 monthly.  
*Fiscal Note:* (Dated February 19, 2021) Increase Local Expenditures \$7,000/FY21-22 and Subsequent Years/Permissive/ Reelfoot Lake Regional Utility and Planning District  
*Senate Status:* 04/21/21 - Senate passed.  
*House Status:* 05/03/21 - House passed.  
*Executive Status:* 05/03/21 - Sent to the speakers for signatures.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Chapter 222 of the Public Acts of 1983, and any other acts amendatory thereto, relative to Reelfoot Lake Regional Utility and Planning District.

## PUBLIC FINANCE

### SB534/HB652 **Requirements for annual budget of a local government.**

*Sponsors:* Sen. Haile, Ferrell , Rep. Hazlewood, Patsy

*Summary:* Establishes accounting requirements for the annual budget of local governments. Requires the comptroller of the treasury provide guidance to the form of that budget. Broadly captioned.

*Fiscal Note:* (Dated February 25, 2021) Decrease Local Expenditures Exceeds \$18,800/FY21-22 and Subsequent Years

*Senate Status:* 03/08/21 - Senate passed.

*House Status:* 04/12/21 - House passed.

*Executive Status:* 05/03/21 - Enacted as Public Chapter 0256 effective April 28, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Section 4- 3-305; Title 7; Title 9 and Title 68, relative to public finance.

**SB740/HB91 Time frame within which loans from the drinking water revolving loan fund must be amortized.**

*Sponsors:* Sen. Johnson, Jack , Rep. Lamberth, William

*Summary:* Increases from 20 to 30 years the amount of time within which loans from the drinking water revolving loan fund must be amortized. Also increases from 30 to 40 years the time within which such loans must be amortized when made to disadvantaged communities.

*Fiscal Note:* (Dated January 20, 2021) NOT SIGNIFICANT

*Senate Status:* 03/15/21 - Senate passed.

*House Status:* 03/08/21 - House passed.

*Executive Status:* 04/06/21 - Enacted as Public Chapter 0079 effective March 31, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, Part 12, relative to the drinking water revolving loan fund.

*Comment:* TDEC Administration Bill

## TAXES PROPERTY

**SB1532/HB854 Classification of land as agricultural, forest, or open space land.**

*Sponsors:* Sen. Roberts, Kerry , Rep. Helton, Esther

*Summary:* Extends, from March 1 to March 15, the deadline by which a landowner must file with the assessor of property an application for land to be classified as agricultural, forest, or open space land and removes the ability for the assessor to void the rollback assessment if it is determined that the assessment was imposed in error. Broadly captioned.

*Fiscal Note:* (Dated March 20, 2021) Other Fiscal Impact - Recurring decreases in local government revenue may occur; however, due to multiple unknown variables, the extent and timing of such decreases cannot be determined with reasonable certainty.

*Senate Status:* 04/12/21 - Senate passed.

*House Status:* 04/27/21 - House passed.

*Executive Status:* 05/03/21 - Sent to governor.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 67, relative to property taxes.

## TAXES SALES

**SB215/HB131 Definition of tangible personal property.**

*Sponsors:* Sen. Watson, Bo , Rep. Hazlewood, Patsy

*Summary:* Clarifies that the definition of "tangible personal property" does not include mains, pipes, pipelines, or tanks after they have become attached to a building, or other structure, or installed underground for conducting steam, heat, water, wastewater, oil, electricity, gas, or any property, substance, or product capable of transportation or conveyance therein or that is protected thereby, except for propane tanks for residential use and above ground storage tanks that can be moved without disassembly and are not affixed.

*Amendment Summary:* Senate amendment 1 (004857) adds language to the original bill such that the only substantive changes are to exclude railroad-related structures and improvements from the definition of "tangible personal property" and defines them as "realty" with regard to the sales and use tax.

*Fiscal Note:* (Dated February 23, 2021) NOT SIGNIFICANT

*Senate Status:* 03/18/21 - Senate passed with amendment 1 (004857).

*House Status:* 03/25/21 - House concurred in Senate amendment 1 (004857).

*Executive Status:* 04/12/21 - Enacted as Public Chapter 0086 effective July 1, 2021.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 67, relative to taxes.

## UTILITIES

**SB295/HB350 TPUC - electronic copies of minutes and official documents.**

*Sponsors:* Sen. Briggs, Richard , Rep. Marsh, Pat

*Summary:* Allows the Tennessee public utilities commission to keep electronic copies of minutes and official documents. Broadly captioned.

*Fiscal Note:* (Dated January 21, 2021) NOT SIGNIFICANT

*Senate Status:* 03/30/21 - Taken off notice in Senate Commerce & Labor Committee.

*House Status:* 02/10/21 - Caption bill held on House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 28; Title 64; Title 65; Title 67; Title 68 and Title 69, relative to utilities.

**SB366/HB554 Increases penalty for willfully destroying gas fixtures or property of gas company.**

*Sponsors:* Sen. Walley, Page , Rep. Johnson, Curtis

*Summary:* Increases, from \$500 to \$1,000, the penalty that a person is subject to when the person injures or destroys a portion of the gas fixtures or other property belonging to a gas company, or willfully opens a communication into the street or other gas pipes, or lets on gas after it has been stopped by the gas company. Broadly captioned.

*Fiscal Note:* (Dated February 2, 2021) NOT SIGNIFICANT

*Senate Status:* 02/10/21 - Referred to Senate State & Local Government Committee.

*House Status:* 02/10/21 - Referred to House Business & Utilities Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7 and Title 65, relative to utilities.

**SB508/HB509 Electronic participation by utilities board members.**

*Sponsors:* Sen. Lundberg, Jon , Rep. Boyd, Clark  
*Summary:* Authorizes board members of utility districts and water, wastewater, and natural gas utility authorities to participate in board meetings by electronic or other means of communication.  
*Amendment Summary:* House Public Service Subcommittee amendment 1 (006312) deletes all original language in the bill. Defines "utility governing body" as a governing body of utility districts, water, wastewater, energy and natural gas authorities and boards of public utility. Establishes that utility governing bodies may meet virtually and establishes requirements for them to do so.  
*Fiscal Note:* (Dated February 5, 2021) NOT SIGNIFICANT  
*Senate Status:* 04/14/21 - Taken off notice in Senate State & Local Government Committee.  
*House Status:* 04/20/21 - Taken off notice in House State Government Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 8- 44-108, relative to electronic participation by utilities board members.

**SB517/HB649 Utility management review board to approve mergers, consolidations.**

*Sponsors:* Sen. Briggs, Richard , Rep. Vaughan, Kevin  
*Summary:* Authorizes the utility management review board to approve mergers, as well as consolidations, involving financially distressed utility districts.  
*Amendment Summary:* House Business and Utilities Subcommittee amendment 1 (005256) allows the utility management review board to consider the acquisition of the financially distressed utility district by an investor-owned or cooperatively owned utility to restore the financial stability and ensure continued operations.  
*Fiscal Note:* (Dated February 23, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/11/21 - Referred to Senate State & Local Government Committee.  
*House Status:* 03/23/21 - Taken off notice in House Commerce Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, Part 7, relative to the utility management review board.

**SB533/HB651 Redefines "change in net position" for purposes of financially distressed utility districts and water or wastewater facilities.**

*Sponsors:* Sen. Reeves, Shane , Rep. Alexander, Rebecca  
*Summary:* Redefines "change in net position" for purposes of financially distressed utility districts and water or wastewater facilities. Removes excluded non-cash items from reduction. Corrects a reference that should be to a petition for a new utility system.  
*Fiscal Note:* (Dated March 4, 2021) NOT SIGNIFICANT  
*Senate Status:* 04/05/21 - Senate passed.  
*House Status:* 03/29/21 - House passed.  
*Executive Status:* 04/26/21 - Enacted as Public Chapter 0226 effective April 22, 2021.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Section 7- 82-401; Section 68-221-1017 and Section 68-221- 1010, relative to utilities.

**SB860 Increases membership of the board of commissioners for the Powell-Clinch River Utility District.**

*Sponsors:* Sen. Yager, Ken ,  
*Summary:* Increases the membership of the board of commissioners for the Powell-Clinch River Utility District from three to five members.  
*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, relative to boards of commissioners for utility districts.

**SB1009 Purchase of an electric cooperative's electric distribution properties and service rights.**

*Sponsors:* Sen. Bowling, Janice ,  
*Summary:* Increases from 90 days to 120 days after the receipt of an offer the time within which an electric cooperative shall signify in writing its acknowledgment of an offer by an annexing municipality to purchase an electric cooperative's electric distribution properties and service rights within an annexed area. Broadly captioned.  
*Fiscal Note:* (Dated February 13, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 6; Title 7; Title 10; Title 65; Title 67 and Title 68, relative to utility providers.

**SB1193/HB1223 Membership of board of commissioners for Powell-Clinch River Utility District.**

*Sponsors:* Sen. Yager, Ken , Rep. Powers, Dennis  
*Summary:* Increases the membership of the board of commissioners for the Powell-Clinch River Utility District from three to five members.  
*Fiscal Note:* (Dated March 10, 2021) Increase Local Expenditures Exceeds \$11,000/FY21-22\* Exceeds \$22,000/FY22-23 and Subsequent Years\*  
*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.  
*House Status:* 02/24/21 - Referred to House Business & Utilities Subcommittee.  
*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, relative to boards of commissioners for utility districts.

**SB1204/HB1439 Providing of services to unincorporated areas.**

*Sponsors:* Sen. Crowe, Rusty , Rep. Alexander, Rebecca  
*Summary:* Specifies that municipalities are not required to cease providing utility services to territory excluded from the municipality's corporate limits. Broadly captioned.  
*Fiscal Note:* (Dated March 12, 2021) NOT SIGNIFICANT  
*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.  
*House Status:* 02/25/21 - Caption bill held on House clerk's desk.



*Caption:* AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7, Chapter 34; Title 7, Chapter 36; Title 7, Chapter 52; Title 9 and Title 65, relative to utilities.

**SB1304/HB1328 Cutting off of service by a utility.**

*Sponsors:* Sen. Yarbro, Jeff , Rep. Harris, Torrey

*Summary:* Prohibits a utility from cutting off an existing service at an address to establish a new service at the same address without the utility first contacting the registered customer with the existing service at the address and confirms the utility has the correct address; this would apply to all counties. Broadly captioned.

*Fiscal Note:* (Dated February 19, 2021) NOT SIGNIFICANT

*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.

*House Status:* 03/31/21 - Taken off notice in House Business & Utilities Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7; Title 47, Chapter 18 and Title 65, relative to utilities.

**SB1305/HB390 Policies governing discontinuation of service for nonpayment.**

*Sponsors:* Sen. Yarbro, Jeff , Rep. Harris, Torrey

*Summary:* Prohibits a utility governing body from discontinuing service on a day on which reconnections cannot take place within 24 hours or on the day preceding or following a legal holiday. Makes statewide the requirement for utilities to establish a policy governing discontinuation of service for nonpayment. In current law, requirement only applies to Davidson County.

*Amendment Summary:* House Business and Utilities Subcommittee amendment 1 (005737) specifies that a utility governing body may not discontinue service on the days specified for the reason of nonpayment. Specifies that this bill does not limit a utility governing body's ability to discontinue service when necessary for safety-related reasons.

*Fiscal Note:* (Dated February 5, 2021) NOT SIGNIFICANT

*Senate Status:* 02/22/21 - Referred to Senate State & Local Government Committee.

*House Status:* 03/30/21 - Taken off notice in House Commerce Committee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 7 and Title 65, relative to utilities.

**SB1354/HB1525 TPUC annual report to general assembly.**

*Sponsors:* Sen. Yager, Ken , Rep. Calfee, Kent

*Summary:* Changes the date by which the public utility commission is required to submit its report to the governor and general assembly regarding matters from the preceding year from the first Monday in February to February 15 annually. Broadly captioned.

*Fiscal Note:* (Dated February 12, 2021) NOT SIGNIFICANT

*Senate Status:* 02/22/21 - Referred to Senate Commerce & Labor Committee.

*House Status:* 02/25/21 - Caption bill held on House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 6; Title 7 and Title 65, relative to utilities.

**SB1559/HB1468 Removes outdated pilot project reference.**

*Sponsors:* Sen. Bailey, Paul , Rep. Vaughan, Kevin

*Summary:* Removes reference to a pilot project regarding intrastate natural gas pipeline corporations that ran through 2003. Broadly captioned.

*Fiscal Note:* (Dated February 13, 2021) NOT SIGNIFICANT

*Senate Status:* 04/21/21 - Taken off notice in Senate Commerce & Labor Committee.

*House Status:* 02/25/21 - Caption bill held on House clerk's desk.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 47, Chapter 18; Title 64 and Title 65, relative to utilities.

**SB1572/HB1382 TPUC annual report to general assembly and governor.**

*Sponsors:* Sen. Bailey, Paul , Rep. Todd, Chris

*Summary:* Requires the public utility commission to make an electronic copy of its annual report to the general assembly and governor available on its website and accessible to the general public. Broadly captioned.

*Fiscal Note:* (Dated February 13, 2021) NOT SIGNIFICANT

*Senate Status:* 04/21/21 - Taken off notice in Senate Commerce & Labor Committee.

*House Status:* 03/24/21 - Taken off notice in House Business & Utilities Subcommittee.

*Caption:* AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 8; Title 13; Title 47, Chapter 18 and Title 65, relative to oversight of utility providers.