

## 2018 [Draft] TN Final Legislative Report

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### BAD BILLS THAT PASSED:

#### **SB 0686 Yager (HB 0571) by Powers, Ragan**

Mining and Quarrying - As introduced, creates special joint committee to study issues relative to Tennessee obtaining primacy over the regulation of surface coal mining and reclamation. - Amends TCA Title 4; Title 10; Title 50; Title 59; Title 60; Title 66; Title 67; Title 68; Title 69 and Title 70.

As amended in the House. Updated Fiscal Note on House bill. Senate version and Senate Fiscal Note.

#### **TENNESSEE PRIMACY OVER COAL SURFACE MINING PERMITS.**

*Placed on Senate Message Calendar calendar for 4/12/2018; Comp. SB subst. Passed H., as am.*

*(HA1106, Ayes 69, Nays 20, PNV 5. Transmitted to Governor on April 18. Signed by the Governor on 4/25/2018.*

#### **SB 2656 by Watson, Gardenhire (HB 1782) by Carter**

Motor Vehicles - As introduced, bans counties in attainment status from entering into or renewing contracts regarding vehicle inspection and maintenance programs to maintain compliance with national ambient air quality standards. - Amends TCA Title 55 and Title 68. Adds new subsection to Tenn. Code Ann. § 55-4-130. As Amended. Fiscal Note.

**BAD: Will make counties abandon vehicle testing subject to EPA approval unless they vote to continue. Does not allow increased Title V fees to make up for losses.**

*Passed Senate as amended, Ayes 29, Nays 1, PNV 2; H. concurred in S. am. no. 3 Ayes 92, Nays 0 PNV 0 HB1782*

#### **SB 1793 by Bailey (HB 1731) by Sexton C**

Energy - As introduced, urges the department of environment and conservation, in consultation with CTAS and MTAS, to study wind energy facility regulations adopted in local governments of this state; requires the department to submit a written summary of local regulations within 60 days from the conclusion of the study to the members of the agriculture and natural resources committee of the house of representatives and the energy, agriculture and natural resources committee of the senate. - Amends TCA Title 5; Title 6; Title 7; Title 65; Title 68 and Title 70. Adds new section to Tenn. Code Ann. § 65-17-101. Fiscal Note. As amended in the Senate. As amended in the House.

**Numerous onerous restrictions on wind power, better as amended but still very restrictive/problematic.**

*Companion House Bill substituted Passed Senate, Ayes 32, Nays 0; Passed H., as am., Ayes 63, Nays 23, PNV 1. Signed by Governor 4/24*

#### **SB 1832 by Southerland (HB 1683) by Alexander**

Motor Vehicles - As introduced, broadens the definitions of "all-terrain vehicle" and "Class 1 off-highway vehicle" to include vehicles less than 2,500 pounds, instead of 1,500 pounds; makes other related revisions. - Amends TCA Title 11; Title 47 and Title 55. Amends Tenn. Code Ann. § 55-8-101, Tenn. Code Ann. § 11-11-203 (adventure tourism), and Tenn. Code Ann. § 47-25-1902

Fiscal Note. **Allows jeeps and 4x4 pickups to use ATV trails.**

*Pub. Ch. 585, Effective date(s) 07/01/2018*

## **GOOD BILLS THAT PASSED:**

### **SB 1573 by Bell (HB 2437) by Gant, Faison**

Administrative Procedure (UAPA) - As introduced, requires agencies, when statutorily required to hold a public hearing as part of their rulemaking process, to make copies of the rule available in redline form to persons in attendance at the hearing. - Amends TCA Title 4, Chapter 5, Part 2. Tenn. Code Ann. § 4-5-203. Fiscal Note. **GOOD: Makes public participation easier.**

*Pub. Ch. 611; Effective date(s) 07/01/2018*

### **SB 1335 by Bailey (HB 0785) by Littleton**

Boats, Boating - As introduced, requires the executive director of the wildlife resources agency, in consultation with the department of environment and conversation, to conduct a study of the risks associated with the use of nonmotorized vessels at outdoor recreation areas located on waters of the state. - Amends TCA Title 4; Title 11, Chapter 3; Title 39; Title 47; Title 56; Title 67; Title 68; Title 69 and Title 70. As Amended. Fiscal Note. **Allows TWRA to regulate commercial liveries (canoe rentals).**

*Concurred, Ayes 32, Nays 0; Passed H., as am., Ayes 86, Nays 4, PNV 0*

### **SB 2217 by Bell (HB 2317) by Hawk**

Water Pollution - As introduced, repeals the provisions of Chapter 293 of the Public Acts of 2017 that would eliminate the department of environment and conservation's concentrated animal feeding operations (CAFO) operating permit program on March 1, 2018; creates a new operating permit program that is mandatory for certain animal feeding operations that use a liquid waste management system and optional for other animal feeding operations; and makes other changes concerning NPDES permits. - Amends TCA Title 69, Chapter 3, Part 1 and Chapter 293 of the Public Acts of 2017. Repeals Chapter 293 of Public Acts 2017 and amends Tenn. Code Ann. § 69-3-103(6). Amends Tenn. Code Ann. § 69-3-108. Fiscal Note. **KINDA GOOD: Repeals bad CAFOs deregulation bill from last year and institutes compromise that, sadly, deregulates chicken ranchers.**

*Pub. Ch. 523, Effective date(s) 02/28/2018*

### **SB 2240 by Norris (HB 1816) by Hawk (Administration Bill)**

Recreational Areas - As introduced, authorizes the commissioner of environment and conservation to expend funds from the Ocoee River recreation and economic development fund; gives the commissioner sole authority to make expenditures from the fund for certain management and administrative expenses. - Amends TCA Title 4, Chapter 29 and Title 11, Chapter 8. Deletes and substitutes Tenn. Code Ann. § 11-8-103. Fiscal Note. **Maintains recreational releases on the Ocoee.**

*Pub. Ch. 753 Effective date(s) 04/18/2018*

### **SB 1724 by Bell (HB 1608) by Matlock**

Public Records - As introduced, requires state governmental entities to promulgate rules, rather than adopt policies, to establish a process for making requests to inspect or receive copies of public records, for responding to requests for public records, and for the creation of a statement of any fees charged for copies of such records. - Amends TCA Title 10, Chapter 7, Part 5. Tenn. Code Ann. § 10-7-503. Fiscal Note. As amended. **GOOD: Makes Cities and Counties adopt records policies by rule.**

*Pub. Ch. 712 Effective date(s) 04/12/2018*

**SB 2239 by Norris, Watson, Bell, Harris (HB 1815) by Hawk** (Administration Bill)

Public Records - As introduced, narrows the public records exception for records of the department of environment and conservation concerning radioactive materials to those records that are confidential under federal law, regulation, or guidance, or nuclear regulatory commission regulatory issue summary; classifies as confidential records relating to the location of a historical site or artifact when necessary to prevent damage to the site, artifact, or private property. - Amends TCA Section 11-1-102. Amends Tenn. Code Ann. § 11-1-102(c). Fiscal Note. **GOOD: Administration bill addressing public access to information on low level radioactive waste disposal, allowing the public access.**

*Pub. Ch. 630, Effective date(s) 04/02/2018.*

**SB0619 by Harris (HB0631) by Staples**

Water Pollution - As introduced, requires the state board of education to promulgate rules for testing lead levels in drinking water sources at public schools built before June 19, 1986, when the federal lead ban took effect, and notification of parents and guardians of students at schools where high lead levels are confirmed by a retest. - Amends TCA Title 49; Title 68 and Title 69. Adds new section to Tenn. Code Ann. § 49-1 Part 3. As amended. Fiscal Note. **Requires adoption of lead in water policies.**

*Passed Senate as amended, Ayes 33, Nays 0; Passed H., Ayes 89, Nays 0, PNV 0*

**SB 2108 by Niceley (HB 2442) by Shaw**

Environment and Conservation, Department of - As introduced, requires the department to use existing knowledge and volunteer personnel to provide training to members of municipal solid waste management region boards. - Amends TCA Title 68, Chapter 211. Adds new subsections to Tenn. Code Ann. § 68-211-844. As Amended. Fiscal Note. **TDEC Support for Regional Waste Management Boards.**

*Passed Senate as amended, Ayes 27, Nays 0, PNV 1; Comp. SB subst. Passed H., Ayes 83, Nays 1, PNV 1*

**SB 2425 by Haile (HB 2362) by Wirgau**

Regional Authorities and Special Districts - As introduced, removes the requirement that each metropolitan planning organization's policy board ensures that the votes for any local government official be equally weighted and not based on population. - Amends TCA Section 64-8-301. Fiscal Note. **Applies only to Davidson County. Allows MPO votes to be weighted by population.**

*Pub. Ch. 659, Effective date(s) 04/09/2018*

**SB 1765 by Harris (HB 2549) by White D**

Education - As introduced, allows the energy efficient schools council to award grants or loans for energy efficient capital outlay projects to charter schools and the achievement school district in addition to LEAs. - Amends TCA Title 49, Chapter 17 and Section 49-4-940. Tenn. Code Ann. § 49-17-103, Tenn. Code Ann. § 49-17-104. Fiscal Note. **GOOD: Allows Charter schools access to energy efficient funding.**

*Passed Senate, Ayes 31, Nays 0 on 02/12/2018; Comp. SB subst. Passed H., Ayes 85, Nays 0, PNV 0*

**SB 1828 by Southerland (HB 1875) by Reedy** - "Animal Edibles Act"

Livestock - As introduced, specifies that the Tennessee Commercial Feed Law of 1972 does not prohibit feeding industrial hemp plants to livestock. - Amends TCA Title 39; Title 43; Title 44 and Title 63, Chapter 12. Adds new section to Tenn. Code Ann. § 44-6-1. As amended. Fiscal Note. **Allows barnyard animals to eat hemp.**

*Pub. Ch. 673 Effective date(s) 04/12/2018*

## **GOOD BILLS THAT FAILED:**

### **SB 2286 by Bell (HB 2538) by Howell**

Water Pollution - As introduced, requires persons who apply pesticides to waters of Tennessee pursuant to the issuance of a national pollutant discharge elimination system permit to post public notice at all affected public swimming areas, boat launches, and boat docks. - Amends TCA Title 4; Title 39; Title 40; Title 43; Title 68; Title 69 and Title 70. Adds new section to Tenn. Code Ann. § 69-3-108. Fiscal Note. **GOOD: TVA Lake Users Notice. SC will be working with Sen. Bell next session to move this forward.**

*Deferred to Summer Study; Def. to Summer Study in Agriculture and Natural Resources Subcommittee*

### **SB 2618 by Yarbro (HB 2614) by Mitchell, Clemmons**

Water Pollution - As introduced, requires the commissioner of environment and conservation to establish water quality-based effluent limits for facilities where certain municipally owned sewage treatment plant expansion projects may occur. - Amends TCA Title 68, Chapter 221 and Title 69. Adds new subsection to Tenn. Code Ann. § 69-3-108. **GOOD: Addresses problems on the Harpeth re: Franklin Wastewater treatment plant.**

*Assigned to General Subcommittee of Senate Energy, Ag., & Nat. Resources; Taken off notice for cal. in Agriculture and Natural Resources Committee*

### **SB 2123 by Kyle (HB 2075) by Cooper**

Food and Food Products - As introduced, creates a task force to study the developing of initiatives to reduce the waste of food in this state. - Amends TCA Title 53 and Title 68. As Amended. Fiscal Note. **GOOD: Why should we landfill so much good stuff?**

*refer to Senate Government Operations Committee; Held on desk.*

### **SB 2225 by Southerland (HB 1267) by Towns**

Solid Waste Disposal - As introduced, creates a process whereby industrial waste generators must demonstrate that their waste is not hazardous to dispose of in a particular landfill before obtaining permission to do so. - Amends TCA Title 68, Chapter 211. Adds new section to Tenn. Code Ann. § 68-211-105. **SIERRA CLUB BILL: Tightens Special Waste provisions by requiring notice to County/City administrators and legislators. We'll be back next year.**

*refer to Senate Energy, Ag., and Nat. Resources Committee; Assigned to House Agriculture and Natural Resources Subcommittee*

### **SB 2611 by Bailey (HB 2292) by Williams**

Solid Waste Disposal - As introduced, requires the department of environment and conservation and the department of revenue to jointly study expansion of the tire pre-disposal fee program to sales of used tires and report to certain committees of the general assembly by January 10, 2019. - Amends TCA Title 67, Chapter 4, Part 16 and Title 68, Chapter 211. Fiscal Note. **GOOD.**

*Assigned to General Subcommittee of Senate Energy, Ag., and Nat. Resources Committee; Assigned to House Agriculture and Natural Resources Subcommittee*

## **BAD BILLS THAT FAILED:**

### **SB 1753 by Gardenhire (HB 1737) by Daniel “Wanna Be Like Trump Deregulatory Act”**

Administrative Procedure (UAPA) - As introduced, requires an agency that promulgates a new permanent rule to identify and repeal two existing permanent rules. - Amends TCA Title 4, Chapter 5. Adds new section to Tenn. Code Ann. § 4-5 Part 2. Fiscal Note. **BAD: Would hamper regulation.** *Assigned to General Subcommittee of Senate Government Operations Committee; Taken off notice for cal. in Government Operations Committee*

### **SB 2652 by Watson (HB 1739) by Daniel (long list of House cosponsors)**

Administrative Procedure (UAPA) - As introduced, requires state agencies to conduct economic impact analyses of administrative rules on persons residing in or doing business in this state. - Amends TCA Title 4, Chapter 5. Adds new subdivision to Tenn. Code Ann. § 4-5-226(i)(1). As amended. Fiscal Note. **BAD: Would hamper good regulations.** *Recommended for passage with amendment/s, refer to Senate State and Local Government Committee Ayes 8, Nays 0 PNV 0; Taken off notice for cal in s/c Finance, Ways & Means Subcommittee of Finance, Ways & Means Committee*

### **SB 2715 by Bowling (HB 2555) by White D, Goins**

Fees - As introduced, requires that any proposed increase to an existing administrative fee that exceeds the lesser of 5 percent or the average annual rate of inflation for the immediately preceding calendar year be proposed in the form of a legislative bill or amendment to a legislative bill rather than an administrative rule. - Amends TCA Title 4; Title 62; Title 63; Title 68; Title 69 and Title 70. New section to Tenn. Code Ann. § 4-5 Part 2. As Amended. **BAD: Conflicts w/Self Sufficiency laws.** *Re-refer to Senate Calendar Committee; H. Taken off notice for cal. in Calendar & Rules Committee*

### **SB 2655 by Watson (HB 1946) by Casada**

General Assembly - As introduced, authorizes the speaker of the house of representatives and the speaker of the senate, jointly, or a majority of the members of both houses of the general assembly to intervene in any proceeding in which the constitutionality of a statute is challenged or to assert the general assembly's constitutional authority. - Amends TCA Title 8, Chapter 6. Adds new subsection to Tenn. Code Ann. § 8-6-109. Fiscal Note. **BAD: Would Vest Attorney General powers in legislature.** *Assigned to General Subcommittee of Senate State and Local Government Committee; Taken off notice for cal in s/c State Government Subcommittee of State Government Committee*

### **SB 2669 by Bailey (HB 1887) by Lollar**

Taxes, Exemption and Credits - As introduced, exempts water furnished by a utility district and used exclusively in a farming operation from sales and use tax. - Amends TCA Title 67. Adds a new section to Tenn. Code Ann. § 67-6 Part 3. Fiscal Note. **BAD: Why shouldn't they have to pay?** *Assigned to General Subcommittee of Senate Finance, Ways, and Means Committee; Taken off notice for cal in s/c Finance, Ways & Means Subcommittee of Finance, Ways & Means Committee*

SB 1143 by Hensley (HB 1249) by Terry, Byrd

Solid Waste Disposal - As introduced, extends the minimum period of time that must be allotted for public comment on a proposed new solid waste landfill between the time of public notice and a public hearing under the Jackson Law. - Amends TCA Title 68. Fiscal Note. **MIDDLEPOINT LANDFILL**. *Assigned to General Subcommittee of Senate Energy, Ag., and Nat. Resources Committee; Taken off notice for cal in s/c Agriculture and Natural Resources Subcommittee of Agriculture and Natural Resources Committee*

**SB 2114 by Niceley (HB 2495) by Towns**

Consumer Protection - As introduced, prohibits any person, governmental entity, or other legal entity, including a utility district, that offers goods or services to consumers from rounding up the consumer's bill for goods or services without obtaining the consumer's express, written permission to opt-in to such a billing procedure. - Amends TCA Title 5; Title 6; Title 7; Title 45; Title 47, Chapter 18; Title 62 and Title 65. Adds new subdivision to Tenn. Code Ann. § 47-18-104(b). Fiscal Note. **Anti "Pennies For Power"/"Round It Up" bill. Requires written opt-in as opposed to current option to opt-out.** *refer to Senate Commerce and Labor Committee; Taken off notice for cal in s/c Consumer and Human Resources Subcommittee*

## **PROTEST RESTRICTION LAWS THAT FAILED:**

### **SB 1713 by Niceley (HB 2394) by Rogers**

Law Enforcement - As introduced, clarifies that the primary duty of a conservator of the peace during unlawful assemblies by more than 10 people, riots, or other breaches of the peace is to protect the lives and property of citizens and prohibits a local governmental official from issuing any order or directive that would prevent or hinder a law enforcement officer from protecting property and lives during those times. - Amends TCA Title 29, Chapter 20, Part 2 and Title 38, Chapter 3, Part 1. Creates a new section under Tenn. Code Ann. § 38-3-101 and Tenn. Code Ann. § 29-20-201 **Anti-protest bill.**  
*refer to Senate Judiciary Committee; Taken off notice for cal in s/c Civil Justice Subcommittee of Civil Justice Committee*

### **SB 1752 by Gardenhire, Bowling (HB 1773) by Gravitt**

Criminal Offenses - As introduced, designates as a Class A misdemeanor aggravated assault a knowing act to cause physical injury to an employee of a utility; sets an enhanced maximum fine of \$15,000. - Amends TCA Title 39, Chapter 13, Part 1 and Title 65, Chapter 35. Tenn. Code Ann. § 39-13-102 **Anti-pipeline protest bill.**  
<https://www.alec.org/model-policy/critical-infrastructure-protection-act/>  
*Failed in Senate Judiciary Committee; Taken off notice for cal. in Criminal Justice Committee*

### **SB 2512 by Ketron (HB 2273) by Marsh**

Gas, Petroleum Products, Volatile Oils - As introduced, increases the civil penalties of persons who violate gas pipeline safety laws and regulations. - Amends TCA Section 65-28-108(a).  
Tenn. Code Ann. § 65-28-108. **Anti-pipeline protest bill.**  
<https://www.alec.org/model-policy/critical-infrastructure-protection-act/>  
*refer to Senate Transportation and Safety Committee; Taken off notice for cal in s/c Business and Utilities Subcommittee of Business and Utilities Committee*

## **UNKNOWN IMPACT:**

### **SB 2667 by Bailey (HB 2671) by Sexton C**

Tennessee Fish & Wildlife Commission - As introduced, authorizes the commission to promulgate rules to allow for the use of dogs in tracking and recovering injured or deceased deer. - Amends TCA Title 70, Chapter 4. Adds new subsection to Tenn. Code Ann. § 70-4-118. **Could result in better/more humane recovery of deer.**

*Passed Senate, Ayes 30, Nays 0 on 02/26/2018; H. Placed on Consent Calendar for 3/19/2018  
Pub. Ch. 641, Effective date(s) 04/02/2018.*

### **SB 2229 by Southerland (HB 2313) by Lollar**

Water Pollution - As introduced, prohibits the department of environment and conservation from enforcing an action against a person discharging pollutants into waters of the state if the department was aware of the discharge, or if the discharge was within the reasonable contemplation of the department prior to the issuance of a final permit. - Amends TCA Title 69, Chapter 3, Part 1. Adds a new subsection under Tenn. Code Ann. § 69-3-108. As Amended. Fiscal Note. **Permit Shield amended to the satisfaction of the Southern Environmental Law Center.**

*Passed Senate as amended, Ayes 31, Nays 0; Comp. SB subst. Passed H., Ayes 93, Nays 0, PNV 0*

### **SB 1914 by Niceley (HB 2241) by Faison**

Forests and Forest Products - As introduced, requires designation of free-use areas where residents can obtain dead timber from state forests for their personal use under certain circumstances. - Amends TCA Title 9, Chapter 8; Title 11, Chapter 4; Title 29, Chapter 20 and Title 43. Adds ne section to Tenn. Code Ann. § 11-4-8. As Amended. Fiscal Note. **ALLOWS HARVESTING OF DOWNED TIMBER FOR PERSONAL FIREWOOD--Rulemaking to come.**

*Pub. Ch. 730 Effective date(s) 04/18/2018; 07/01/2018*