

HOUSE BILL 1674

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 11,
Chapter 4, Part 3 and Section 11-4-409, relative to
the management of state forests.

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

SECTION 1. Tennessee Code Annotated, Section 11-4-301(d)(18), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 11-4-301(d), is amended by deleting subdivision (12) and substituting:

(12) Enter into agreements with third parties for the planning, provision, or administration of conservation or maintenance of, or recreational programs in, state forests, or to otherwise promote the use of state forests and their resources;

SECTION 3. Tennessee Code Annotated, Section 11-4-301, is amended by adding the following as a new subsection:

() In addition to other authority provided under this chapter, the commissioner may:

(1) Promulgate rules to effectuate the purposes of this chapter, including:

(A) Managing, controlling, and protecting state forests;

(B) Establishing services, permits, licenses, and other authorizations for the use of state forests; and

(C) Assessing fees for the use of state forests; and

(2) Request assistance from law enforcement agencies, and designate officers of those agencies as agents of the division for enforcement of this chapter and rules promulgated in accordance with this chapter.

SECTION 4. Tennessee Code Annotated, Title 11, Chapter 4, Part 3, is amended by adding the following as new sections:

11-4-30_. Violations of this chapter; enforcement.

(a) A violation of this chapter or a rule promulgated under this chapter is a Class C misdemeanor.

(b) In addition to the penalty provided in subsection (a), a person who commits one (1) or more of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(1) Damage or vandalism to a state forest;

(2) The intentional removal or destruction in a state forest of a threatened plant species or special concern plant species, as described on the list required under § 70-8-304(7), or endangered species of plant, as described on the list required under § 70-8-304(2), and in all rules promulgated pursuant to those subdivisions; or

(3) A violation of this chapter or a rule promulgated under this chapter.

(c) In assessing the civil penalty, the court must consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages resulting from harm to the state forest, including compensation for loss or destruction of a part of the state forest, expenses involved in enforcing this section, and the cost involved in rectifying harm caused by the violation;

(3) The cause of the violation; and

(4) The economic benefit gained by the violator.

(d) The commissioner, through the attorney general and reporter and on behalf of the department, may institute proceedings for assessment of a civil penalty, damages, and equitable relief in the chancery court of Davidson County or in the chancery court of the county in which all or part of the act or omission occurred. In an action brought pursuant to this section, the commissioner may:

(1) Recover damages for the harm to a state forest or the department that was the result of an act or omission described under subsection (b), in addition to the civil penalty assessed under subsections (b) and (c); or

(2) Seek injunctive relief to restrain continued and future violations.

(e) Civil penalties paid to this state pursuant to this section must be deposited in the state forest resources fund.

(f) This section does not restrict this state from recovering civil damages for harm to state property as otherwise provided by law.

11-4-30_. Tennessee state forest resources fund.

(a) There is created within the general fund a special account known as the Tennessee state forest resources fund, referred to in this section as "the fund."

(b) Notwithstanding another law to the contrary, all moneys collected pursuant to this chapter or rules promulgated under this chapter, including the payment of fees, civil penalties, or restitution, and all moneys collected for the purchase or lease of interests in state forest land or facilities, must be deposited into the fund.

(c) Any unencumbered moneys and unexpended balance of the fund remaining at the end of the fiscal year do not revert to the general fund, but are carried forward and maintained until expended in accordance with this section.

(d) The commissioner shall administer the fund.

(e) Moneys in the fund may be expended only in accordance with annual appropriations approved by the general assembly. Subject to the foregoing requirement, moneys in the fund may be expended at the direction of the commissioner only to defray costs associated with implementing and effectuating the purposes of this chapter.

SECTION 5. Tennessee Code Annotated, Section 11-4-409, is amended by deleting the section.

SECTION 6. This act takes effect July 1, 2024, the public welfare requiring it.