

SENATE BILL 776

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 69, relative to aquifers.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-240(a), is amended by inserting the following as a new subdivision:

() Memphis sands aquifer regional management board, created by § 69-7-401;

SECTION 2. Tennessee Code Annotated, Title 69, Chapter 7, is amended by adding the following as a new part:

69-7-401.

(a)

(1) There is created the Memphis sands aquifer regional management board, referred to in this part as the "board."

(2) The board shall have all of the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the aquifer, and to increase the recharge of, and prevent the waste or pollution in, the aquifer.

(b) The board shall be composed of nine (9) members as follows:

(1) The county mayors of three (3) counties under which the Memphis sands aquifer is located, including the county having the largest population of any such counties, who shall serve as ex officio voting members of the board;

(2) Two (2) persons shall be appointed by the governor who represent agricultural interests;

(3) Two (2) persons shall be appointed by the governor who represent commercial interests, including one (1) from Shelby County and one (1) from outside Shelby County;

(4) One (1) person shall be appointed by the governor who represents environmental interests; and

(5) One (1) person shall be appointed by the governor who is an expert on university research on the Memphis sands aquifer.

(c) All members appointed pursuant to subdivisions (b)(2)-(5) shall be voting members of the board.

(d) The three (3) ex officio members shall hold their positions on the board throughout their respective terms and until their successors are appointed.

(e) Initial appointees to the board shall serve staggered terms as follows:

(1) The two (2) members appointed pursuant to subdivision (b)(2) shall serve initial terms of four (4) years;

(2) The two (2) members appointed pursuant to subdivision (b)(3) shall serve initial terms of three (3) years;

(3) The one (1) member appointed pursuant to subdivision (b)(4) shall serve an initial term of two (2) years; and

(4) The one (1) member appointed pursuant to subdivision (b)(5) shall serve an initial term of one (1) year.

(f)

(1) Following the expiration of members' initial terms as prescribed in subsection (e), appointments of such members to the board shall be for terms of four (4) years and shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) Members appointed pursuant to subdivisions (b)(2)-(5) shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) A vacancy occurring other than by expiration of a term shall be filled in the same manner as the original appointment but for the unexpired term only.

(4) Members appointed pursuant to subdivision (b)(1) shall be eligible for reappointment to the board following the expiration of their initial terms in office, but shall serve no more than two (2) consecutive terms that run commensurate with their terms in office.

(g) The board shall designate one (1) of its members to serve as chair for a one-year term. The chair may be reappointed to serve for one (1) additional one-year term. No member may serve as chair for more than two (2) consecutive terms.

(h)

(1) Any appointive member of the board who fails to attend or participate in more than fifty percent (50%) of the meetings in a calendar year shall be removed as a member.

(2) The chair of the board shall notify the appointing authority of any member who fails to satisfy the attendance requirement in subdivision (h)(1).

(i) Upon the death, resignation, or removal of any appointive member, the governor shall appoint a person who represents the same area of interest as the member whose position has been vacated to fill the unexpired term of such member.

69-7-402.

Board members shall receive no compensation, nor be entitled to be reimbursed for actual travel and other expenses incurred in attending any meeting and in performing any duties prescribed by this part.

69-7-403.

No person may commence the drilling of wells designed to pump more than ten thousand (10,000) gallons of water from the Memphis sands aquifer per day without the board's approval. The board shall utilize a cost-benefit analysis in its approval process.

69-7-404.

The chair of the board shall keep complete and accurate records of the proceedings of all meetings, copies of which shall be kept on file by the chair and be open for public inspection.

69-7-405.

All meetings of the board shall be public and shall comply with the open meetings laws, compiled in title 8, chapter 44.

SECTION 3. For the purpose of appointing members to the board, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2017, the public welfare requiring it.