



State of Tennessee

PUBLIC CHAPTER NO. 940

SENATE BILL NO. 2067

By Kelsey

Substituted for: House Bill No. 2098

By Casada, Wirgau

AN ACT to amend Tennessee Code Annotated, Title 7 and Title 13, relative to permitting.

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

SECTION 1. Tennessee Code Annotated, Section 13-7-208(m)(1), is amended by adding the language "or part 7" after the language "chapter 20, part 2" wherever it may appear.

SECTION 2. Tennessee Code Annotated, Section 13-7-208(m), is amended by deleting subdivisions (2) through (4) and substituting instead the following:

(2) Immediately preceding an initial adoption of the land use restrictions or an amendment of the restrictions, industrial, commercial, and other business establishments in operation and permitted to operate under land use restrictions imposed pursuant to a redevelopment plan undertaken by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, shall be allowed to replace facilities necessary to conduct the industry or business if the facilities are acquired by a governmental entity pursuant to the power of eminent domain, or under threat of the exercise of the power of eminent domain, or replace facilities required to be relocated as the result of the acquisition of property by a governmental entity pursuant to the power of eminent domain, or under threat of the exercise of the power of eminent domain, or to rebuild facilities if they are damaged by unplanned casualty or act of God; provided, that:

(A) The replacement facilities shall not be larger in size than the facilities in existence prior to the acquisition, relocation, or damage caused by unplanned casualty or act of God;

(B) The construction of the replacement facilities shall commence within thirty (30) months of the date of the taking or acquisition under threat of the exercise of the power of eminent domain or the date of the damage caused by unplanned casualty or act of God; and

(C) There is a reasonable amount of space for the replacement facilities on the property owned by the industry or business situated within the area that is affected by the adoption of the land use restrictions or an amendment of the restrictions, so as to avoid nuisances to adjoining landowners.

(3) Subdivision (m)(2) applies only to land owned and in use by the affected industrial, commercial, or other business establishment prior to acquisition or relocation resulting from the exercise of the power of eminent domain, or the threat of the exercise of the power of eminent domain, or the damage to facilities caused by unplanned casualty or act of God, and does not operate to permit the replacement of facilities necessary to the conduct of the industry or business through the acquisition of additional land.

(4) Subdivisions (m)(2) and (3) apply only to any acquisition or relocation of facilities within an area subject to land use restrictions imposed pursuant to a redevelopment plan undertaken on or after July 1, 2015, by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, or to damage to

facilities caused by casualty or act of God occurring on or after July 1, 2015, regardless of the redevelopment plan's date of enactment.

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

SENATE BILL NO. 2067

PASSED: April 18, 2018



RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of May 2018



BILL HASLAM, GOVERNOR