

HOUSE BILL 795

By Shaw

AN ACT to amend Tennessee Code Annotated, Section 12-8-101 and Section 54-7-202, relative to hot mix asphalt facilities.

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

SECTION 1. Tennessee Code Annotated, Section 12-8-101, is amended by deleting subsection (i) in its entirety and substituting the following:

(i)

(1) Except as provided in subdivision (i)(2), asphalt produced in a facility operated by any local government, pursuant to the authority granted in this section, shall be used exclusively for paving of public streets, roads or highways under the discretion and control of that unit of local government. Each unit of local government operating a facility, pursuant to the authority granted in this section, shall keep a detailed inventory and record that complies with generally acceptable governmental accounting standards, of where all asphalt products produced by the facility are used.

(2) Notwithstanding any other law, rule or regulation to the contrary, in any county having a population of not less than twenty-eight thousand one hundred (28,100) nor more than twenty-eight thousand two hundred (28,200), according to the 2000 federal census or any subsequent federal census, asphalt produced in a facility operated by any local government, pursuant to the authority granted in this section, shall be used exclusively for paving and repairing public streets, roads, highways, and parking areas under the discretion and control of that government or any local governmental entity located within it.

SECTION 2. Tennessee Code Annotated, Section 54-7-202, is amended by adding the following language as a new subsection thereto:

(h) Nothing in this section shall be construed to prohibit a local government that owns or operates a hot mix asphalt facility, as permitted by § 12-8-101, from providing hot mix asphalt to any local government entity that is located within it.

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