

HOUSE BILL 2295

By Beck

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7; Title 59; Title 69, Chapter 11 and Title 69, Chapter 3, relative to activities involving the extraction of rock, stone, or other minerals.

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

SECTION 1. Tennessee Code Annotated, Section 59-8-202, is amended by deleting subdivision (7) and substituting the following:

(7)

(A) "Mineral" means, in any county having a population of more than six hundred thousand (600,000), according to the 1970 federal census or any subsequent federal census, clay, stone, gravel, sand, phosphate rock, limestone, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth, but does not include coal, marble, chert, or dimension stone;

(B) "Mineral" means, in any county having a population of six hundred thousand (600,000) or less, according to the 1970 federal census or any subsequent federal census, clay, stone, phosphate rock, limestone, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth, but does not include coal, marble, chert, gravel, sand, or dimension stone;

(C) "Mineral" means, on any land on which the state, or any department, agency, or other unit of state government, owns the surface interest, clay, stone, gravel, sand, phosphate rock, limestone, metallic ore, and any other solid

material or substance of commercial value found in natural deposits on or in the earth, but does not include coal;

SECTION 2. Tennessee Code Annotated, Section 59-8-205(a), is amended by adding the following as new subdivisions:

(10) The commissioner shall not issue a permit to conduct surface mining on any land that is within:

(A) Two thousand feet (2,000') of the property line of a park or community education facility;

(B) Five hundred feet (500') of any property line that is not subject to the setback requirement in subdivision (a)(10)(A); or

(C) One thousand two hundred (1,250') of any residential structure.

(11) The commissioner shall not issue a permit to conduct surface mining on any land that is located within a one mile radius of any dam that is operated by the United States army corps of engineers.

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