

HOUSE BILL 2512

By Powell

AN ACT to amend Tennessee Code Annotated, Title 5;  
Title 68, Chapter 221 and Title 69, relative to the  
Water and Wastewater Treatment Authority Act.

WHEREAS, the Water and Wastewater Treatment Authority Act, created at Tennessee Code Annotated, Title 68, Chapter 221, Part 6, authorizes local governments operating municipal water and wastewater systems to create a water and wastewater treatment authority to acquire and operate the systems; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1107 authorizes municipalities constructing, operating, or maintaining storm water or flood control facilities to create a storm water utility with the authority to establish a graduated storm water user's fee to be assessed and collected from each user of the storm water facilities provided by the municipality; and

WHEREAS, the Metropolitan Government of Nashville and Davidson County ("Metro"), through its Department of Water and Sewerage Services ("MWS"), currently operates a municipal water and wastewater utility funded by ratepayers and a storm water utility funded through a storm water user's fee; and

WHEREAS, Metro is considering the creation of a new water and wastewater treatment authority to assume the assets and operations of MWS; and

WHEREAS, a change in state law is needed to allow a Metro water and wastewater treatment authority to also operate a storm water utility; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 11, is amended by adding the following as a new section:

Notwithstanding this chapter to the contrary, the county legislative body of any county with a metropolitan government and a population not less than five hundred thousand (500,000), according to the 2010 federal census, or any subsequent federal census, that constructs, operates, or maintains storm water or flood control facilities under this chapter is authorized to construct, operate, and maintain a storm water utility, to be funded through graduated storm water user fees. The authority granted under this section must first be approved by a two-thirds (2/3) vote of the legislative body of the metropolitan government.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.