



# State of Tennessee

## PUBLIC CHAPTER NO. 235

HOUSE BILL NO. 407

By Representatives Reedy, Faison

Substituted for: Senate Bill No. 639

By Senator Niceley

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 11; Title 69, Chapter 9 and Title 70, relative to nonmotorized vessels.

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

SECTION 1. Tennessee Code Annotated, Section 69-9-227(a), is amended by adding the following subdivision:

( ) "In the aggregate" means the number of nonmotorized vessels by type rented in each water body;

SECTION 2. Tennessee Code Annotated, Section 69-9-227(b)(1), is amended by deleting the subdivision and substituting the following:

(1) The commission is authorized to establish rules, permits, and procedures regulating commercial operations that:

(A) Lease or rent nonmotorized vessels for noncommercial use by the public on the waters of Tennessee; and

(B) Utilize vessel launches or ramps, or other property, owned or managed by the agency.

SECTION 3. Tennessee Code Annotated, Section 69-9-227(b)(2), is amended by deleting the word "or" at the end of subdivision (b)(2)(A), adding the following as a new subdivision (b)(2)(B), and redesignating the existing subdivision (b)(2)(B) accordingly:

(B) Apply to commercial operations permitted by the department of environment and conservation pursuant to a commercial use authorization under § 11-1-118, or other law; or

SECTION 4. Tennessee Code Annotated, Section 69-9-227(c)(2), is amended by deleting the subdivision and substituting:

(2) No later than October 31, 2023, and every October 31 thereafter, an outfitter shall submit an annual report providing the agency-required records for activities that occurred since the last report. An outfitter shall supplement its report by December 30 for activity occurring subsequent to the outfitter's October 31 report. If a report is incomplete and the agency has provided notice that the outfitter has provided incomplete information, the outfitter has thirty (30) days from the date of notification to submit additional information to the agency.

SECTION 5. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(34)

(A) All records provided to the wildlife resources agency pursuant to § 69-9-227(c)(2) by an outfitter who leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee are confidential and are not to be open for inspection by members of the public, including, but not

limited to, information on the number and type of nonmotorized vessels leased each day and daily ridership data.

(B) Subdivision (a)(34)(A) does not limit:

(i) Access to information made confidential pursuant to subdivision (a)(34)(A):

(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or

(b) When an outfitter expressly authorizes the release of the information;

(ii) The release of a record made confidential pursuant to subdivision (a)(34)(A) to persons identified within the record, unless the record is subject to a legal privilege against disclosure; or

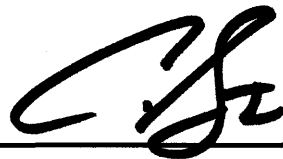
(iii) The use of a record otherwise made confidential pursuant to subdivision (a)(34)(A) by the wildlife resources agency or fish and wildlife commission, so long as the record is only used in the aggregate in agency reports and records as defined in § 69-9-227(a), including in the administration of authority granted under § 69-9-227(b)(1).

(C) This subdivision (a)(34) is repealed effective July 1, 2028.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 407

PASSED: April 3, 2023



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 25<sup>th</sup> day of April 2023



BILL LEE, GOVERNOR