

SENATE BILL 61

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 68, Chapter 211, Part 8, relative to the establishment of a plastic-free initiative program.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, Part 8, is amended by adding the following as a new section:

68-211-827.

(a) As used in this section:

- (1) "Council" means the plastic pollution advisory council; and
- (2) "Program" means the Tennessee plastic-free initiative program.

(b) There is established within the department a plastic-free Tennessee initiative program for the purpose of eliminating plastic waste that impacts native species and contributes to pollution in this state.

(c)

(1) There is created the plastic pollution advisory council, which is to administer the program.

(2) The council is to consist of thirteen (13) members as follows:

- (A) The commissioner of environment and conservation, or the commissioner's designee, who is to serve as the chair of the council;
- (B) The commissioner of health, or the commissioner's designee;
- (C) The chair of the energy, agriculture and natural resources committee of the senate and the chair of the agriculture and natural resources committee of the house of representatives;

(D) One (1) person from each of the three (3) grand divisions of the state, to be appointed by the governor;

(E) One (1) representative each from three (3) community organizations that focus on preventing plastic waste and cleaning up plastic in the environment, to be appointed by the chair of the council;

(F) One (1) representative from the office of cooperative marketing for recyclables, created by § 68-211-826, to be appointed by the commissioner; and

(G) Two (2) representatives from the business sector, to be appointed by the governor.

(3) The terms of the members appointed under subdivision (c)(2)(C) must coincide with their terms as chairs of their respective committees; provided, that such members shall continue to serve on the council until their successors are appointed.

(4)

(A) Initial appointees to the council under subdivisions (c)(2)(D)-(G) shall serve staggered terms as follows:

(1) Persons appointed under subdivision (c)(2)(D) shall each serve an initial term of two (2) years, beginning on July 1, 2019, and terminating on June 30, 2021;

(2) Persons appointed under subdivision (c)(2)(E) shall each serve an initial term of three (3) years, beginning on July 1, 2019, and terminating on June 30, 2022; and

(3) Persons appointed under subdivisions (c)(2)(F) and (G) shall each serve an initial term of four (4) years, beginning on July 1, 2019, and terminating on June 30, 2023.

(B) Following the expiration of members' initial terms as prescribed in subdivision (c)(4)(A), all appointments to the council must begin on July 1 and terminate on June 30, four (4) years thereafter;

(5) Vacancies must be filled in the same manner that original appointments are made but persons appointed to fill a vacancy shall serve for the duration of the unexpired term only.

(6)

(A) The chair of the council shall call the first meeting of the council, which shall meet at least quarterly and at other times as determined by the council.

(B) A member of the council who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the council.

(C) The chair of the council shall promptly notify the respective appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (c)(6)(B).

(7) Seven (7) voting members of the council shall constitute a quorum, which shall be required for all official action of the council.

(8) Members of the council shall serve without compensation, but shall be entitled to reimbursement for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(9) The council shall be administratively attached to the department, but for all other purposes, shall be an independent entity of state government.

(d) The council shall:

(1) Conduct an initial analysis of the baseline cost of plastic pollution to the state and its impact on Tennessee's environment, and any subsequent analysis deemed relevant by the council;

(2) Obtain from state and county agencies all relevant data on plastic pollution and any cleanup costs as the data relates to the mission of the initiative program;

(3) Assist with coordination between the department and other government agencies with the general public on the mission of the initiative program; and

(4) Submit a report to the general assembly on the council's progress in carrying out its mission, including any findings or recommendations to eliminate plastic waste pollution in the state. The report shall be submitted no later than January 15 of each year.

SECTION 2. For the purpose of appointing members to the council, this act shall take effect upon becoming a law, the public welfare requiring it. For all purposes, this act shall take effect July 1, 2019, the public welfare requiring it.