



## **SPEAK OUT!**

Legislative Issues Affecting  
Oak Ridge and our  
Business Community



**March 8, 2010**

---

## **Tennessee Finalist in Race to Top Funding**

Last week the Governor's Office announced that Tennessee has been selected by the U.S. Department of Education as a finalist in the Race to the Top competition, the result of passage earlier this session of the Governor's K-12 education proposals. Stay tuned for more information on Tennessee's Race to the Top Grant.

## **Guns Bills to Be Heard This Week**

The [House Criminal Practice Subcommittee](#) is scheduled to hear gun legislation on March 10 at 11:00 CST. The current listing of bills can be found by clicking [here](#) and scrolling to the subcommittee on page 37. It is important to note that many gun bills dealing with workplaces have not been put on notice for this week. There is, however, speculation that members supporting guns in the workplace bills will try to put the bills up for an approval vote at some time. These measures limit the private property rights of business owners.

## **UPDATE Senate Delays Effort to End Trade Association Recommendations to Regulatory Boards**

This week the Senate Government Operations Committee continued discussions on legislation that would remove the ability of trade associations to make recommendations to the Governor for a number of boards, including environmental regulatory boards (Solid Waste Disposal Control Board, Underground Storage Tank Board, Water Pollution Control Board, Ground Water Management Board, and Air Pollution Control Board).

Business would face very difficult circumstances with board appointees who did not have knowledge of complex regulatory areas allowing regulators more opportunity to adopt harmful regulations. Business representatives have for more than 30 years served without compensation on these boards, and the process has worked with little to no problems.

Several listed organizations noted in the [TCA 68-201-104](#) are working together to keep the law as it presently provides for us to submit lists of qualified persons to the Governor and that he/she shall appoint persons from those lists.

## **Legislative Activity for Week of March 8, 2010**

### **SENATE ACTIVITY**

FINANCE, WAYS & MEANS COMMITTEE  
TUESDAY, MARCH 9, 2010 – LP 12- 8:30 AM

**\*SR 0200 by \*Johnson - [Status](#)**

Urges postponement of Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act authority.

**\*SB 2814 by \*Black (HB 2894 by \*Maggart) - [Status](#)**

As introduced, authorizes utility districts to enforce payment of garbage collection and disposal service fees by filing a lien.

TAX SUBCOMMITTEE OF FINANCE, WAYS & MEANS COMMITTEE  
TUESDAY, MARCH 9, 2010 – LP 12 –  
FOLLOWING FINANCE, WAYS & MEANS

**SB 2730 by \*Berke (\*HB 2804 by \*McDonald, Pitts) - [Status](#)**

As introduced, changes sales tax holiday from the first Friday in August through the following Sunday to the last Friday in July through the following Sunday.

**SB 2830 by \*Berke (\*HB 2825 by \*Cobb T, Barker) - [Status](#)**

As introduced, changes the day on which the sales tax holiday begins from the first Friday of August to the third Friday of July.

**SB 3703 by \*Black (\*HB 2525 by \*Casada) - [Status](#)**

As introduced, allows franchise and excise tax credit for donations to certain charitable organizations that provide scholarships to Tennessee residents to attend Tennessee nonpublic elementary and secondary schools.

**\*SB 3778 by \*Bunch (HB 3856 by \*West) - [Status](#)**

As introduced, requires commissioner of revenue to comply with tax amnesty agreements made before July 1, 2009, between a taxpayer and a county or incorporated municipality.

**SB 3678 by \*Burchett (\*HB 3509 by \*Niceley) - [Status](#)**

As introduced, provides for Tennessee opting out of federal aid highway program and electing instead to retain state's contributions to federal highway trust fund each fiscal year, if and when Congress enacts legislation to permit such action.

**SB 2765 by \*Ford, O. (\*HB 2646 by \*Cooper B) - [Status](#)**

As introduced, provides an exemption from the sales and use tax for certain wind or solar energy systems.

**SB 2824 by \*Johnson, et al. (\*HB 2906 by \*Harwell, Fitzhugh) - [Status](#)**

As introduced, under certain conditions, allows a job tax credit to be applied against the franchise and excise liability of a small business that fills at least one new full-time position and meets the required investment in a tax year.

**\*SB 2924 by \*Johnson (HB 3209 by \*Casada) - [Status](#)**

As introduced, allows franchise and excise tax credit for donations to certain charitable organizations that provide scholarships to Tennessee residents to attend Tennessee nonpublic elementary and secondary schools.

**SB 3601 by \*Ketrone (\*HB 3331 by \*Brooks H) - [Status](#)**

As introduced, sets the incentive amount for biodiesel manufacturers paid from the biodiesel manufacturers' incentive fund for fiscal year 2010-2011 at \$0.40 per gallon. - Amends TCA Title 67, Chapter 3.

**SB 3351 by \*Kyle (\*HB 2979 by \*Fitzhugh) - [Status](#)**

As introduced, reduces from 90 to 60 days period in which dealer via signed statement can deduct on a return sales tax collected but not yet remitted to commissioner for refunded items. - Amends TCA Title 67.

**SB 3360 by \*Kyle (\*HB 3513 by \*DeBerry L, Miller L, Jones U) - [Status](#)**

As introduced, permits the commissioner to deduct the reasonable costs of an audit of a taxpayer before any money

**SB 3371 by \*Marrero B (\*HB 3184 by \*Turner M) - [Status](#)**

Taxes, Exemption and Credits - As introduced, adopts the "Tennessee Taxpayer Equality Act of 2010."

**\*SB 3372 by \*Marrero B (HB 3657 by \*Stewart) - [Status](#)**

Taxes, Excise - As introduced, extends temporary tax on bottles of soft drinks and barrels of beer until June 30, 2015, or sooner upon state or federal law enacted imposing mandatory deposits on beverage containers.

**SB 2616 by \*McNally, Ketrone (\*HB 2556 by \*Fitzhugh) - [Status](#)**

Taxes, Sales - As enacted, reduces retail sales tax on food from 5.5 percent to 5 percent for tax year 2011 and thereafter.

**SB 3134 by \*McNally (\*HB 3164 by \*Curtiss) - [Status](#)**

As introduced, revises the tax on unauthorized substances based on the decision of the Tennessee Supreme Court in Waters v. Farr to impose the tax on the dealer of unauthorized substances.

**\*SB 3340 by \*McNally, Ketrone (HB 3551 by \*Maddox) - [Status](#)**

As introduced, eliminates the limitation on the local option sales tax for sales of single articles; removes the additional state tax on single articles.

**SB 3686 by \*McNally (\*HB 3607 by \*Fitzhugh) - [Status](#)**

As introduced, clarifies that under present law regarding the classification and assessment of property taxes relating to public utilities, a motor bus and/or truck company owning or leasing real or personal property located in the state would include those owner operators who operate under such motor bus and/or truck company's motor carrier authority.

**\*SB 2835 by \*Southerland (HB 3216 by \*Yokley) - [Status](#)**

As introduced, authorizes the allocation of state sales tax revenues to enhancement counties in which commercial development zones are located.

ENVIRONMENT, CONSERVATION & TOURISM  
TUESDAY, MARCH 9, 2010 – LP 12 – 10:30 AM

Presentation on Mountaintop Removal

Dr. Dennis Lemly and Dr. Orie Loucks

**\*SB 3854 by \*Kyle, Barnes (HB 3842 by \*Maddox, Turner M) - [Status](#)**

As introduced, revises various present law provisions regarding petroleum underground storage tanks.

**\*SB 3858 by \*Kyle, Stewart (HB 3843 by \*Litz, Turner M) - [Status](#)**

As introduced, requires the Department of Environment and Conservation to conduct, or have conducted, a study of dams in this state that are currently exempt from regulation under the Safe Dams Act because they are diversion weirs, farm ponds or wastewater impoundment barriers.

COMMERCE, LABOR & AGRICULTURE  
TUESDAY, MARCH 9, 2010 - LP 12 - 1:00 PM

**SB 3192 by \*Barnes (\*HB 3215 by \*Yokley) - [Status](#)**

As introduced, sets ASHRAE Standard 90.1-2007 as the minimum requirements for energy use in new buildings other than one-family and two-family dwellings and townhouses.

**\*SB 2409 by \*Faulk (HB 3889 by \*Harrison) - [Status](#)**

As introduced, excludes periods of temporary total disability under the workers compensation law from calculation of base period for purposes of unemployment compensation.

**\*SB 2912 by \*Gresham (HB 3046 by \*Fitzhugh) - [Status](#)**

As introduced, adds carbon dioxide as a pipeline product that is regulated by the Tennessee regulatory authority.

**\*SB 3806 by \*Johnson, Ketron (HB 3940 by \*Sargent) - [Status](#)**

As introduced, enacts the "Tennessee Health Carrier Grievance and External Review Procedure Act."

**SB 2925 by \*Johnson, Tracy (\*HB 2905 by \*Sargent, Rowland) - [Status](#)**

As introduced, specifies that when an employer provides certain evidence showing four or more complaints from customers concerning the employee's work performance, a discharge by an employer shall be deemed to be a discharge for misconduct, and thus, disqualify the claimant from unemployment benefits.

STATE & LOCAL GOVERNMENT  
WEDNESDAY, MARCH 10, 2010 - LP 12 – 10:00 AM

**SB 0135 by \*Ketron (\*HB 0187 by \*Marsh) - [Status](#)**

As introduced, increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit.

**SB 3198 by \*Finney L (\*HB 3182 by \*Turner M) - [Status](#)**

As introduced, prohibits foreign corporations from using funds to aid either in the election or defeat of any candidate for office.

**SB 2760 by \*Norris (\*HB 2812 by \*Odom, et al.) - [Status](#)**

As introduced, revises filing deadlines for employer disclosure reports from within 45 days of March 31 and September 30 to within 45 days of June 30 and December 31.

## **HOUSE ACTIVITY**

### **PROFESSIONAL OCCUPATIONS OF HHR TUESDAY, MARCH 9, 2010 – HHR 31 – 8:30 AM**

**HB1656 by \*Armstrong. (\*SB1553 by \*Black.) - [Status](#)**

As introduced, removes prohibition on corporations employing certain licensed physicians.

**\*HB3144 by \*Cobb J. (SB3153 by \*Overbey.) - [Status](#)**

As introduced, requires a radiologist assistant to work in the employment or direction of a radiologist.

### **COMMERCE COMMITTEE TUESDAY, MARCH 9, 2010 – HHR 16 – 9:15 AM**

**HB3823 by \*Pruitt, \*Turner M. (\*SB3840 by \*Kyle, \*Haynes.) - [Status](#)**

As introduced, makes various technical changes to the Tennessee Securities Act of 1980 concerning disciplinary hearings, securities registration depository systems, the IDEA system, and certain other subjects.

**HB3046 by \*Fitzhugh. (\*SB2912 by \*Gresham.) - [Status](#)**

As introduced, adds carbon dioxide as a pipeline product that is regulated by the Tennessee regulatory authority.

### **UTILITIES & BANKING OF COM TUESDAY, MARCH 9, 2010 - HHR 30 - 10:30 AM**

**HB3824 by \*Stewart, \*Coleman. (\*SB3841 by \*Kyle, \*Haynes.) - [Status](#)**

As introduced, defines "investment-related" under the Tennessee Securities Act; authorizes a civil penalty for violations of Act; revises other various provisions of Act.

### **STATE AND LOCAL GOVERNMENT COMMITTEE TUESDAY, MARCH 9, 2010 – HHR 16 - 12:00 PM**

**\*HB0187 by \*Marsh. (SB0135 by \*Ketron.) - [Status](#)**

As introduced, increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit.

**\*HB3182 by \*Turner M. (SB3198 by \*Finney L.) - [Status](#)**

As introduced, prohibits foreign corporations from using funds to aid either in the election or defeat of any candidate for office.

**\*HB3610 by \*Fitzhugh. (SB3683 by \*McNally.) - [Status](#)**

As introduced, removes the requirement that the comptroller devise standard procedures to assist the county legislative body in the disposition of funds that are appropriated by the body for the financial aid of any nonprofit charitable organization, any chamber of commerce exempt from taxation, or any nonprofit civic organization, as authorized in present law.

## STATE GOVERNMENT OF S&LG TUESDAY, MARCH 9, 2010 – HHR 30 – 2:00 PM

**HB3364 by \*Gilmore, et al. (\*SB3112 by \*Marrero B.) - [Status](#)**

As introduced, requires the Solid Waste Disposal Control Board and Department of Environment and Conservation to demonstrate specific compliance with Public Chapter 462 of 2007 before taking any action concerning solid waste regulation.

**\*HB3429 by \*McDonald et al. (SB3469 by \*Jackson, et al.) - [Status](#)**

As introduced, enacts the "Tennessee Beverage Container Recycling Act," whereby certain procedures, processes, and fees are described for the recycling of such waste.

**HB2911 by \*Gilmore. (\*SB2801 by \*Marrero B.) - [Status](#)**

As introduced, requires any permit issued by the Department of Environment and Conservation to specify the types of waste a facility is prohibited from receiving for disposal or processing; prohibits any person from knowingly accepting for disposal or processing certain nuclear or radioactive materials in any landfill.

## CONSERVATION & ENVIRONMENT COMMITTEE TUESDAY, MARCH 9, 2010 – HHR 29 – 2:00 PM

**\*HB2991 by \*McManus. (SB3295 by \*Kelsey, et al.) - [Status](#)**

As introduced, changes word "tax" to "fee" in statement appearing on bill for storm water fees.

## TRANSPORTATION COMMITTEE TUESDAY, MARCH 9, 2010 - HHR 16 – 3:30 PM

**\*HB3331 by \*Brooks H. (SB3601 by \*Ketron.) - [Status](#)**

As introduced, sets the incentive amount for biodiesel manufacturers paid from the biodiesel manufacturers' incentive fund for fiscal year 2010-2011 at \$0.40 per gallon.

## LOCAL GOVERNMENT OF S&LG WEDNESDAY, MARCH 10, 2010 – HHR 31 – 8:30 AM

**HB2894 by \*Maggart. (\*SB2814 by \*Black.) - [Status](#)**

As introduced, authorizes utility districts to enforce payment of garbage collection and disposal service fees by filing a lien.

**HB3854 by \*Faulkner. (\*SB3401 by \*Faulk.) - [Status](#)**

Regional Authorities and Special Districts - As introduced, enacts the "Regional Utility Authority Act of

2010."

**HB3878 by \*Litz. (\*SB2493 by \*Kyle.) - [Status](#)**

As introduced, defines "lawful charges" by a purchaser of property sold for taxes to include reasonable payments for maintenance and insurance for purposes of determining amount to be paid to redeem the property.

**\*HB3603 by \*Fitzhugh. (SB3690 by \*McNally.) - [Status](#)**

As introduced, specifies that the failure of a water system or utility district operating a public water system to include in the annual audit the utility district's annual average unaccounted for water loss percentage, as required under present law, constitutes excessive water loss and the system or utility district would be referred to the appropriate board.

**CONSUMER & EMPLOYEES AFFAIRS COMMITTEE  
WEDNESDAY, MARCH 10, 2010 – HHR 29 – 8:30 AM**

**\*HB2685 by \*Hill. (SB2753 by \*Johnson.) - [Status](#)**

As introduced, authorizes employers to require English be spoken in the workplace if necessary to conduct the employer's business.

**GOVERNMENT OPERATIONS  
WEDNESDAY, MARCH 10, 2010 – HHR 29 – 10:00 AM**

**\*HB3164 by \*Curtiss. (SB3134 by \*McNally.) - [Status](#)**

As introduced, revises the tax on unauthorized substances based on the decision of the Tennessee Supreme Court in *Waters v. Farr* to impose the tax on the dealer of unauthorized substances.

**HB3218 by \*Hawk. (\*SB2403 by \*Southerland, \*Crowe.) - [Status](#)**

As introduced, requires generators of mercury-added consumer products to remove such products from the stream of solid waste disposal. This bill is to be amended to provide for it to be voluntary program with an alternative way of handling the mercury containing devices.

**\*HB2446 by \*Lynn. (SB2418 by \*Watson, \*Johnson.) - [Status](#)**

As introduced, removes authority of the Government Operations Committees to stay the running of the period between the time a rule is filed with the secretary and the rule's effective date.

**\*HB2456 by \*Lynn. (SB2471 by \*Watson, \*Johnson.) - [Status](#)**

As introduced, extends the Advisory Council on Workers Compensation, June 30, 2010.

**INDUSTRIAL IMPACT OF COM  
WEDNESDAY, MARCH 10, 2010 – HHR 30 - 10:00 AM**

**HB3654 by \*Stewart, \*Gilmore. (\*SB3120 by \*Burke, \*Ketron.) - [Status](#)**

As introduced, enacts the "Green Jobs Act."

**BUDGET OF FW&M  
WEDNESDAY, MARCH 10, 2010 – HHR 29 - 11:00 AM**

**\*HB3170 by \*Curtiss. (SB3136 by \*McNally.) - [Status](#)**

As introduced, directs that an injunction, restraining order, declaratory judgment, and other types of orders and pleadings cannot be issued or filed in lawsuits challenging state taxes.

**\*HB2766 by \*Tindell, \*Armstrong. (SB2688 by \*Tracy, \*Ketron.) - [Status](#)**

As introduced, limits term of municipal contracts entered into to stabilize the purchase price of fuel to maximum of 24 months; removes requirement that such contracts must terminate by June 30, 2011.

CRIMINAL PRACTICE AND PROCEDURE OF JUD  
WEDNESDAY, MARCH 10, 2010 - HHR 31 - 11:00 AM

**HB1801 by \*West. (\*SB1615 by \*Beavers.) - [Status](#)**

As introduced, provides that "handgun carry permit" may be used interchangeably with "weapon carry permit" where applicable, thereby imposing any rights or duties that apply to persons with a handgun carry permit to persons who carry a lawful weapon.

**HB1805 by \*West. (\*SB1619 by \*Beavers.) - [Status](#)**

As introduced, exempts holder of handgun carry permit from prohibition against carrying a firearm in any public park, playground, civic center, or other public recreational area or facility.

**HB1806 by \*West. (\*SB1622 by \*Beavers.) - [Status](#)**

As introduced, allows non-student adult who has a permit to carry a handgun to carry gun onto school grounds if gun remains within private vehicle and is not handled by the adult or a person acting with the adult's consent.

**HB1807 by \*West. (\*SB0576 by \*Jackson.) - [Status](#)**

As introduced, allows person who has permit to carry a handgun to carry gun in place where alcohol is served for consumption on premises if person is not consuming alcohol or is not otherwise prohibited by posting provisions.

**HB1808 by \*West, \*Fincher. (\*SB1620 by \*Beavers.) - [Status](#)**

As introduced, extends from 60 to 90 days the amount of time that a permit holder has to notify the department of safety that the holder's address has changed.

**HB1809 by \*West, \*Fincher. (\*SB1621 by \*Beavers.) - [Status](#)**

As introduced, clarifies that rules concerning weapons shall be subject to review by the House and Senate Government Operations Committees.

**\*HB2951 by \*Brooks H. (SB2917 by \*Burchett.) - [Status](#)**

As introduced, clarifies that refusing to accept a legal writ or other process attempting to be served by a public employee or private process server constitutes obstruction of the service of process.

**HB3857 by \*Tidwell. (\*SB3476 by \*Jackson.) - [Status](#)**

As introduced, applies the limit on the amount of methamphetamine precursor that can be sold to the same person in a 30-day period to all pharmacies in a chain of pharmacies that are owned by the same parent company.

**HB2567 by \*Fincher. (\*SB2390 by \*Jackson, \*Gresham.) - [Status](#)**

As introduced, allows person without handgun carry permit to transport rifle or shotgun in privately-owned motor vehicle provided there is no ammunition in the chamber or cylinder and no loaded clip or magazine in the weapon or in close proximity to the weapon.

**\*HB3712 by \*Odom. (SB3714 by \*Haynes.) - [Status](#)**

As introduced, allows restaurants to post signs at public entrances permitting people with handgun carry permits to carry in restaurant as long as they are not consuming; provides restaurant owner incurs no civil liability for gun-related injury caused by permit holder.

**HB3741 by \*Matheny. (\*SB3896 by \*Stewart.) - [Status](#)**

As introduced, extends period in which person must hold a precious metal from 30 days to 60 days.

CIVIL PRACTICE AND PROCEDURE OF JUD  
WEDNESDAY, MARCH 10, 2010 – HHR 29 – 12:30 PM

**\*HB3338 by \*Carr. (SB3609 by \*Ketron.) - [Status](#)**

As introduced, entitles property owner to recoup certain costs incurred in contesting eminent domain action from the condemning authority.

EMPLOYEE AFFAIRS OF C&EA  
WEDNESDAY, MARCH 10, 2010 – HHR 29 - 12:30 PM

**\*HB3421 by \*Litz. (SB3518 by \*Overbey.) - [Status](#)**

As introduced, requires the weekly benefit amount to be paid by electronic transfer to a specific bank account if requested by the claimant; revises certain amounts concerning benefits paid by check.

**HB3889 by \*Harrison. (\*SB2409 by \*Faulk.) - [Status](#)**

As introduced, excludes periods of temporary total disability under the workers compensation law from calculation of base period for purposes of unemployment compensation.

**HB3299 by \*McCormick. (\*SB2977 by \*Berke.) - [Status](#)**

As introduced, permits association captive insurance companies to insure obligations under certain federal legislation that provides compensation and benefits to workers for job-related injuries, and further allows association captive insurance companies to hold any interest in qualified headquarters property.

# Millennium Partners

## Titanium



## Gold



## Copper



TETRA TECH



HEI COMPANY



THE COPPERWOOD COMPANY



SAIC



atat



## Silver

## Bronze

Chuck's Car Care Center  
 CDM Federal Programs  
 NHC Oak Ridge  
 Bacon Howard & Company  
 Kramer Rayson, LLP  
 Thermocopy

Proforma  
 Blaine Construction Company  
 Oak Ridge Gastroenterology Associates  
 Endoscopy Center of Oak Ridge  
 Coldwell Banker Wallace & Wallace  
 Akins Crisp Public Strategies  
 C&C Advertising

Herron Connell Insurance  
 CH2MHILL  
 Advanced Management, Inc.  
 Oak Ridge Pediatric Clinic  
 Avisco  
 Shaw E & I