



SPEAK OUT!

Legislative Issues Affecting
Oak Ridge and our
Business Community



April 13, 2009

Bredesen Announces Tennessee Clean Energy Future Act of 2009

Governor Bredesen has invited members of his Energy Task Force along with a bi-partisan group of legislators, to announce the Tennessee Clean Energy Future Act of 2009. The bill is the product of the Governor's Task Force on Energy Policy, which began work about a year ago. The bill will require that the state upgrade buildings with energy-efficient technology and exchange approximately ¼ of its vehicle fleet to hybrid or compact cars. The bill also provides that businesses in the clean energy technology sector be made eligible for emerging industry tax credits. The government plans to pay for the energy proposal by issuing bonds, which will be paid back with the savings created by the bill.

Highlights of the Governor's Energy proposal.

- There will be a five-year accelerated program to improve energy efficiency in state buildings through cost-saving improvements such as lighting and controls with more advanced technology. Improvements will be financed with state bonds and paid back with energy savings. Use of Energy Star equipment and appliances will be mandated for state agencies, an initiative jump-started last year by an Executive Order. A goal of 100% energy-efficient cars in the state passenger fleet is established with a requirement that 25% of newly purchased vehicles be hybrid electric or compact fuel-efficient cars.
- The bill encourages job creation in the clean energy technology sector by making qualified businesses eligible for Tennessee's existing emerging industry tax credit. Additionally, firms involved with energy efficiency or producing energy from sources such as solar, wind, biomass, advanced coal and nuclear can qualify for moderate rebates on sales and use taxes and expanded eligibility for job-creation tax credits.
- Promotes energy efficiency in newly constructed homes by enforcing the International Residential Code in local areas that do currently enforce a residential building code. Eligibility also will be expanded for qualifying homeowners to

- utilize federal funds for “weatherizing” existing homes in low-income areas through qualified contractors.
- Key items, such as funding for a new solar research institute at the University of Tennessee and the Oak Ridge National Laboratory, and related items such as the clean energy workforce development initiatives, electric vehicle infrastructure and public energy-efficiency programs are included in the 2009-2010 budget.

Washington Alert:

U.S. Chamber EFCA Update and Model Letter: TAKE ACTION

The Employee Free Choice Act – “Card Check” bill continues to be a hot button issue. As you know, the bill has been introduced in both the House and Senate, and both sides of the issue are continuing its efforts to influence the bill’s final outcome.

Legislative Activity for Last Week

SENATE ACTIVITY

Senate S/C and Committees

State & Local Government Committee

[SB 2300](#) by ***Kyle** (***HB 2318** by ***Winningham**) Energy - As introduced, requires department of finance and administration to develop a plan for ensuring state-owned facilities have individual energy meters by 2010; includes an electric vehicle in the definition of "energy-efficient vehicle" for purposes of provisions governing energy-efficient state-owned vehicles; requires that statewide building construction safety standards include provisions for energy efficiency. This is Administration’s bill as addressed in the opening paragraph.

***[SB 0653](#)** by ***Finney L** (**HB 1115** by ***Hackworth**)

Regional Authorities and Special Districts - As introduced, revises various provisions relative to the formation and governance of regional megasite authorities.

Environment, Conservation & Tourism Committee

[SB 0819](#) by ***Norris** (***HB 0738** by ***Mumpower**) Energy - As introduced, enacts the "Tennessee Energy Conservation Endorsement Act of 2009."

[SB 1331](#) by ***Yager** (***HB 1204** by ***McCord**) Water Pollution - As introduced, clarifies certain water quality standards related to the presence of selenate. This is a bill by the TN Mining Association.

SB 1335 by *Yager (***HB 0941** by *Ferguson) Environment and Conservation, Department of - As introduced, requires department to give operator in charge or general manager of a public or private utility or municipality at least 24 hours notice prior to conducting an inspection, site visit, records review, sampling event, or other regulatory action.

SB 1404 by *Jackson (***HB 1167** by *Turner M) Recycling - As introduced, enacts the "Tennessee Deposit Beverage Container Recycling Act"; repeals funding of existing county litter grants by ending such taxes June 30, 2009, as extended in Chapter 86 of the Public Acts of 2005.

Commerce, Labor & Agriculture Committee

SB 2315 by *Kyle (***HB 2324** by *Curtiss) Unemployment Compensation - As introduced, revises the penalties and punishments imposed on any person or employing unit that knowingly violates or attempts to violate the provisions governing experience ratings for employers, or knowingly advises another person or employing unit to violate the provisions.

***SB 0973** by *Tracy (**HB 1673** by *Matlock) Utilities, Utility Districts - As introduced, authorizes utility districts to own and operate natural gas vehicle fueling stations.

SB 1375 by *Johnson (***HB 1349** by *Sargent) Utilities, Utility Districts - As introduced, enacts the "Natural Gas Conservation and Annual Rate Review Act."

***SB 0154** by *Ketrone (**HB 1670** by *Lynn) Business and Commerce - As introduced, enacts "Tennessee Economic Civil Rights Act." –

***SB 0155** by *Ketrone (**HB 1671** by *Lynn) Business and Commerce - As introduced, enacts the "Tennessee Business Ombudsman Act."

Finance, Ways & Means Committee

***SB 1931** by *Woodson (**HB 1517** by *Curtiss) Trade Regulation - As introduced, requires suppliers of gasoline products to make such products available to wholesalers in a condition that allows the wholesaler to blend it with ethanol or other biological products.

SB 2305 by *Kyle (***HB 2294** by *Litz) Environment and Conservation, Department of - As introduced, authorizes the department to receive funds appropriated by Congress for subsidization of loans made through the drinking water revolving loan fund and the program for low-cost loans to local governments for wastewater facilities, through such mechanisms as forgiveness of principal, negative interest rates, or grants.

Tax Sub-Committee Of Finance, Ways & Means Committee

[*SB 0502](#) by ***Burchett (HB 1350 by *Sargent)** Taxes - As introduced, enacts the "Food and Business Tax Fairness Act" to require combined reporting for franchise and excise tax purposes; reduces sales tax on food from 5.5 percent to 4.5 percent.

[*SB 1741](#) by ***Marrero B (HB 1947 by *Shaw)** Taxes, Internet and e-Commerce - As introduced, creates presumption that person making sale of tangible personal property to persons in this state that have been solicited by independent contractors or other representatives in Tennessee is responsible for sales tax on such sale.

[SB 2290](#) by ***Kyle (*HB 2264 by *Turner M)** Taxes, Excise - As introduced, revises the excise tax exemption for certain family-owned non-corporate entities (FONCEs).

[*SB 2054](#) by ***Tate (HB 2182 by *Turner L)** Taxes - As introduced, enacts the "Tennessee Modernization and Economic Stimulus Act."

HOUSE ACTIVITY

House S/C and Committees

Industrial Impact of COM

[HB 1671](#) by ***Lynn (*SB 0155 by *Ketron)**

Business and Commerce - As introduced, enacts the "Tennessee Business Ombudsman Act."

[HB 0793](#) by ***Harwell (*SB 0549 by *Norris)**

Insurance, Health, Accident - As introduced, authorizes health insurance entity to deny claim by provider where entity learns after date of service that another entity provided coverage for insured on same date of service; clarifies that provider contract with other entity begins on either the date claim is denied or date original entity recoups payment.

[*HB 1359](#) by ***Niceley (SB 1700 by *Overbey)**

Insurance, Health, Accident - As introduced, requires health care plans to include or offer coverage for prosthetic devices.

[HB 1991](#) by ***Shepard (*SB 0871 by *Marrero B)**

Insurance, Health, Accident - As introduced, permits children of insured to continue health insurance coverage until age 30 in certain circumstances.

[HB 2339](#) by ***Shepard (*SB 2177 by *Jackson)**

Divorce, Annulment and Alimony - As introduced, permits notice to dependent spouse in a divorce action of termination of health insurance coverage to occur by some method other than service under the rules of procedure provided the dependent spouse signs written acknowledgement of receipt of the notice.

Utilities & Banking of COM

***[HB 0738](#) by *Mumpower (SB 0819 by *Norris)**

Energy - As introduced, enacts the "Tennessee Energy Conservation Endorsement Act of 2009."

**Environment of CON
Tuesday, April 7, 2009 - HHR29 - 12:00 PM**

***[HB 0455](#) by *McDonald (SB 1398 by *Jackson)** Water Pollution - As introduced, prohibits the department of environment and conservation from issuing permits related to surface mining activities under certain circumstances.

[HB 0790](#) by *Gilmore (*SB 0687 by *Marrero B) Atomic Energy and Nuclear Material - 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. The Oak Ridge Chamber is watching this bill.

***[HB 2248](#) by *Turner M (SB 2294 by *Kyle)** Mining and Quarrying - As introduced, revises provisions regarding required bond under the Tennessee Mineral Surface Mining Law of 1972; includes in the definition of "mineral" under the Act certain minerals on land on which any unit of state government owns the surface interests. This is an Administration bill and is to regulate "rock harvesting" on state properties.

Consumer Affairs of C&EA

***[HB 0764](#) by *Turner M (SB 1737 by *Marrero B)** Consumer Protection - As introduced, requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

[HB 1876](#) by *Matheny (*SB 1623 by *Beavers) Consumer Protection - As introduced, excludes prepaid cards that are usable with multiple, unaffiliated sellers of goods or services and/or ATM machines from the gift certificate statute.

Employee Affairs of C&EA

***[HB 0397](#) by *Fincher (SB 1731 by *Burks)** Employees, Employers - As introduced, prohibits employers from requiring employees to use vacation time while on family or medical leave.

[HB 1916](#) by *Lynn (*SB 1674 by *Johnson) Labor - As introduced, enacts the "Secret Ballot Protection Act of 2009".

HB 1760 by *Curtiss (*SB 1201 by *Tracy) Unemployment Compensation - As introduced, revises benefit provisions concerning seeking work, dishonesty and absenteeism, and also revises hearing procedures, and penalties for fraud.

***HB 2324** by *Curtiss (SB 2315 by *Kyle, Henry) Unemployment Compensation - As introduced, revises the penalties and punishments imposed on any person or employing unit that knowingly violates or attempts to violate the provisions governing experience ratings for employers, or knowingly advises another person or employing unit to violate the provisions.

HB 1161 by *Haynes (*SB 0682 by *Woodson) Employees, Employers - As introduced, clarifies that the civil cause of action for the retaliatory discharge of an employee for reporting illegal activities applies to state employees, private employees, and certain persons paid by the federal government.

***HB 0480** by *Hill (SB 0469 by *Johnson) Employees, Employers - As introduced, clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity.

***HB 2162** by *Kelsey (SB 2148 by *Bunch) Unemployment Compensation - As introduced, prohibits expenditure of funds by the department of labor and workforce development under unemployment law for any benefits under any policy or statute authorized by the American Recovery and Reinvestment Act of 2009 that requires expenditure of state funds under the unemployment law after June 30, 2011.

***HB 0820** by *Campfield (SB 1251 by *Bunch) Labor - As introduced, requires certain political activities by labor organizations be funded separately through voluntary donations of members and not through regularly collected dues.

***HB 1355** by *Carr (SB 1311 by *Tracy) Employees, Employers - As introduced, conforms Tennessee's law relative to drug-free workplace testing to U.S. department of transportation rules pertaining to workplace drug and alcohol testing.

Budget of FW&M

***HB 1287** by *Casada (SB 1282 by *Bunch) Taxes - As introduced, clarifies those provisions of law which control challenges for collection of state taxes collected or administered by the commissioner of revenue and those which control the challenges for collection of other state taxes as well as local governmental entities.

***HB 0889** by *Hackworth (SB 0873 by *Ketrone) Taxes, Personal Property - As introduced, revises procedures for forced assessment and equalization of tangible personal property.

Civil Practice and Procedure of JUD

[*HB 0026](#) by ***Hardaway (SB 1839 by *Kyle)** Judges and Chancellors - As introduced, adds one nonlawyer to judicial selection commission; increases membership of commission from 17 to 18 persons.

[*HB 1137](#) by ***Shipley (SB 1683 by *Ketron)** Immigrants - As introduced, enacts the "Comprehensive Illegal Immigration Act."

[*HB 0841](#) by ***Weaver (SB 0990 by *Beavers)** Immigrants - As introduced, enacts the "Tennessee Taxpayer and Citizen Protection Act."

[HB 1771](#) by ***Dunn (*SB 0521 by *McNally)** Eminent Domain - As introduced, requires county and municipal legislative bodies to approve the exercise of eminent domain by two-thirds vote prior to any property being condemned and taken by such bodies.

[HB 1772](#) by ***Dunn (*SB 0522 by *McNally)** Eminent Domain - As introduced, grants property owner whose land is taken by eminent domain the right to repurchase such property if the condemning entity does not use the property for the purpose for which it was condemned or if the entity sells the property within 10 years of condemnation.

[*HB 2377](#) by ***DeBerry J (SB 2330 by *Norris)** Courts - As introduced, revises the membership of the judicial selection commission and the judicial evaluation commission; decreases term of commission members from six to four years; requires senate confirmation of governor's nominee to fill a vacancy for any state court judge; increases the vote from a majority vote to 60 percent vote that a judge must receive in a retention election; extends the sunset provision for the judicial selection and evaluation commissions to June 30, 2011.

[HB 1892](#) by ***Coleman (*SB 1715 by *Overbey)** Judges and Chancellors - As introduced, rewrites various provisions of the judicial selection and judicial evaluation provisions.

[HB 2232](#) by ***Coleman (*SB 2130 by *McNally)** Judges and Chancellors - As introduced, changes composition of the judicial selection commission; makes all meetings and records of the commission open to the public; requires judicial applicants to submit to work and credit history checks and to submit to criminal record checks; requires that certain judges be elected by voters within the respective grand divisions of the state.

[HB 2236](#) by ***Coleman (*SB 1806 by *Herron)** Judges and Chancellors - As introduced, requires judicial selection committee to hold selection meetings in public; requires committee to rate all applicants rather than submit three nominees to governor.

[HB 2237](#) by *Coleman (*SB 1807 by *Herron) Judges and Chancellors - As introduced, removes authorization for the judicial selection commission to meet in private.

*[HB 2315](#) by *Coleman (SB 2306 by *Kyle) Judges and Chancellors - As introduced, requires that meetings of judicial selection commission be open to public; requires governor to select candidate from first or second panel; makes certain other changes to the Tennessee Plan.

*[HB 2141](#) by *Lundberg (SB 2114 by *Norris) Courts - As introduced, revises the membership of the judicial selection commission and the judicial evaluation commission; decreases term of commission members from six to four years; requires senate confirmation of governor's nominee to fill a vacancy for any state court judge; increases the vote from a majority vote to 60 percent vote that a judge must receive in a retention election; extends the sunset provision for the judicial selection and evaluation commissions to June 30, 2011.

*[HJR 0103](#) by *Kelsey Constitutional Amendments - Proposes a constitutional amendment to provide for popular election of Tennessee's attorney general.

Criminal Practice and Procedure of JUD

*[HB 0435](#) by *Shipley (SB 2184 by *Ramsey) Litter Control - As introduced, requires county mayors to administer certain funds for litter control programs.

Elections of S&LG

*[HB 0105](#) by *McCormick (SB 0728 by *Watson) Campaigns and Campaign Finance - As introduced, allows corporations to make campaign contributions up to the same limits as individuals, LLCs, or partnerships can contribute.

[HB 1719](#) by *McCormick (*SB 1423 by *Stanley) Campaigns and Campaign Finance - As introduced, allows trade and professional associations to fund PACs. The Chamber **supports** this bill.

Local Government of S&LG

*[HB 0647](#) by *Montgomery (SB 0677 by *Overbey) Solid Waste Disposal - As introduced, requires department of environment and conservation to promulgate rules for public notice of hearings related to bulk survey for release applications.

*[HB 2216](#) by *Gilmore (SB 2180 by *Harper) Solid Waste Disposal - As introduced, requires the department of environment and conservation to either work with Middle Tennessee State University and Tennessee State University in the study of solid waste management and fund such study or account for all unused funds within the department's budget.

State Government of S&LG

[HB 1115](#) by *Hackworth (*SB 0653 by *Finney L) Regional Authorities and Special Districts - As introduced, revises various provisions relative to the formation and governance of regional megasite authorities.

[HB 1980](#) by *Fitzhugh (*SB 2048 by *McNally) State Government - As introduced, adds the governor, secretary of state, state treasurer, comptroller, and commissioner of finance and administration as ex officio members of the Tennessee local development authority.

***[HB 2318](#)** by *Winningham (SB 2300 by *Kyle) Energy - As introduced, requires department of finance and administration to develop a plan for ensuring state-owned facilities have individual energy meters by 2010; includes an electric vehicle in the definition of "energy-efficient vehicle" for purposes of provisions governing energy-efficient state-owned vehicles; requires that statewide building construction safety standards include provisions for energy efficiency. This is Administration's bill as addressed in the opening paragraph.

Agriculture Committee

***[HB 0789](#)** by *Cobb T (SB 0882 by *Ketron) Pesticides - As introduced, establishes certification category of limited herbicide applicator.

Commerce Committee

[HB 1517](#) by *Curtiss (*SB 1931 by *Woodson) Trade Regulation - As introduced, requires suppliers of gasoline products to make such products available to wholesalers in a condition that allows the wholesaler to blend it with ethanol or other biological products.

***[HB 1349](#)** by *Sargent (SB 1375 by *Johnson) Utilities, Utility Districts - As introduced, enacts the "Natural Gas Conservation and Annual Rate Review Act."

Conservation & Environment Committee

***[HB 1204](#)** by *McCord (SB 1331 by *Yager) Water Pollution - As introduced, clarifies certain water quality standards related to the presence of selenate. This is a bill by the TN Mining Association.

Finance, Ways & Means Committee

[HB 1667](#) by *Winningham (*SB 1086 by *McNally) Taxes, Severance - As introduced, increases the tax on coal products severed from the ground in this state and increases the amount of tax revenue collected that is allocated to the county from which the coal products were severed.

State & Local Government Committee

HB 1535 by *McCormick (*SB 1570 by *Ketrone) Tax Assessors and Collectors - As introduced, specifies that division of property assessments has right to intervene in contested cases before the state board of equalization; specifies persons who are authorized to represent the assessor.

Speak Out! is produced in cooperation with the Tennessee Chamber of Commerce

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