



# SPEAK OUT!

Legislative Issues Affecting  
Oak Ridge and our  
Business Community



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***April 20, 2009***

## **Administration Proposal to Stabilize UI Fund Faces Challenges in House; Advances in Senate**

**Summary of the Administration's UI Stabilization Proposal:** The bill contains provisions that will increase premium revenues into the fund and will allow the state to accept \$141 million in Federal Stimulus dollars. Premium revenue is expected to be increased by raising the wage base in Tennessee from \$7,000 to \$9,000 and by imposing a .06 stabilization surcharge on the table rates. The surcharge will end when the fund reaches \$650 million.

In accepting stimulus dollars, the state will be required to make several changes in current law.

It will move to using the most current 4 quarters in determining eligibility and benefits.

It will expand benefits for families with dependents up to \$15 dollars per dependent to a maximum of \$50.

It will expand weekly benefits by \$25 dollars per week (which is paid for completely by the federal government and ends with the federal stimulus dollars).

It will allow part-time workers to obtain unemployment benefits as long as they are working a minimum of 20 hours per week and are applying for part-time work of at least 20 hours. Part-time workers in Tennessee are currently eligible for benefits if they meet the earnings requirements, even if they work less than 20 hours. The fiscal impact of this provision is expect to be minimal and could be beneficial to employers because the 20-hours threshold has never been required in statute.

The Jobs Skills fund, enacted in 2000, will also be repealed, ensuring the fund is used only for the original purpose, paying benefits to qualified, unemployed Tennesseans.

**Capitol Update News:**

## Misc. Legislative Activity this Week:

### Survey: More business owners concerned about economy (Memphis Biz Journal)

54 percent of surveyed business owners say they are concerned about the state of the economy, up 40 percent from last year, according to a survey conducted by FedEx Corp. subsidiary FedEx Office. The survey, which polled 500 business with 5 to 100 employees and with more than \$100,000 in annual revenue, found that 75 percent of those polled were confident they will be open for business at this time next year and 46 percent said they would be willing to open another small business today if financing was available. The online survey, conducted in February, also found

### Tenn. moves to expand 'megasite' program, add industrial parks (Tennessean/Sisk)

The state is moving to expand an economic development program credited with landing two of the state's biggest industrial deals last year. State lawmakers are working on a bill that would give the state Department of Economic and Community Development more power to create the large industrial parks called megasites. The measure would let the state purchase, develop and turn land over to local authorities using proceeds from government bonds. The legislation also would allow a megasite authority to purchase land for new highway ramps, rail spurs and other improvements that are needed to make the site viable. Its provisions also could be used by other rural communities to put together megasites with the state's help, supporters said.

## 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.

**SB0161 by Ketron (HB 0057 by Todd)** State Government - As introduced, abolishes the Tennessee ethics commission, transfers the powers and duties of the Tennessee ethics commission to the registry of election finance, and renames the registry of election finance as the commission of ethics and election finance.

**\*SB 0162 by \*Ketron ( HB 0506 by \*Todd)** Sunset Laws - As introduced, transfers the duties of the ethics commission to the registry of election finance if the ethics commission automatically terminates and ceases to exist on June 30, 2009, pursuant to the provisions of the sunset law.

#### **Budget presentation by TN Department of Environment & Conservation.**

**SB 1404 by \*Jackson (\*HB 1167 by \*Turner M)** Recycling - As introduced, enacts the "Tennessee Deposit Beverage Container Recycling Act".

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

**\*SB 0687 by \*Marrero B (HB 0790 by \*Gilmore)** 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 of Commerce is monitoring this bill and call it to our members' attention.**

**\*SB 0876 by \*Southerland ( HB 1630 by \*McCord)** Environmental Preservation - As introduced, enacts the "Tennessee Environmental Protection and Recycling Act."

**\*SB 1107 by \*Stewart ( HB 1972 by \*Harmon , McCord)** Water Resources - As introduced, enacts "Tennessee Water Conservation and Drought Preparedness Act of 2009."

#### **General Welfare, Health & Human Resources Committee**

**SB 1092 by \*Stanley (\*HB 0950 by \*Lynn)** Hotels and Restaurants - As introduced, prohibits the commissioner of health, and any county or metropolitan board of health or political subdivision, from enacting an ordinance or issuing any rule or regulation pertaining to the provision of food nutritional information at food service establishments.

#### **Commerce, Labor & Agriculture Committee**

**\*SB 0991 by \*Burks (HB 2098 by \*Towns)** Food and Food Products - As introduced, enacts the "Genetically Engineered Food Labeling Act of 2009."

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

**SB 0920 by \*Burks ( \*HB 0065 by \*Fincher)** Insurance, Health, Accident - As introduced, revises and expands current laws requiring coverage of autism treatments.

**\*SB 1660 by \*Burks ( HB 1461 by \*DeBerry J)** Insurance, Health, Accident - As introduced, revises and expands statute governing health insurance coverage of autism.

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

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

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

## Tax Subcommittee Of Finance, Ways & Means Committee

**SB 2357 by \*Kyle (\*HB 2389 by \*Fitzhugh)** Taxes - As introduced, increases from 2 percent to 5.5 percent the tax that all HMOs doing business in this state must pay on the gross amount of all dollars collected from an enrollee or on an enrollee's behalf. The Chamber is monitoring this bill.

**\*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.

### HOUSE ACTIVITY

House S/C and Committees

Industrial Impact of COM

**HB 1461 by \*DeBerry J (\*SB 1660 by \*Burks)** Insurance, Health, Accident - As introduced, revises and expands statute governing health insurance coverage of autism.

### Utilities & Banking of COM

**\*HB 0057 by \*Hardaway (SB 1351 by \*Tate)** Energy - As introduced, requires each owner of a commercial building to have for that building a comprehensive energy audit conducted; notice of the results of such audit shall be displayed to all tenants and potential tenants of the building.

### Small Business of COM

**Tuesday, April 21, 2009 - HHR30 - 01:30 PM**

**HB 2085 by \*Sargent (\*SB 1203 by \*Overbey)** Business and Commerce - As introduced, enacts the "Tennessee Small Business Investment Company Credit Act."

**\*HJR 0323 by \*McDaniel** General Assembly, Statement of Intent or Position - Expresses sense that United States and Tennessee should combat global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for America, and maintains America's global competitiveness.

**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 of Commerce is monitoring this bill and calls it to our members' attention.**

**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.

### **Employee Affairs of C&EA**

**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 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.

### **Budget of FW&M**

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

**\*HB 2389 by \*Fitzhugh ( SB 2357 by \*Kyle)** Taxes - As introduced, increases from 2 percent to 5.5 percent the tax that all HMOs doing business in this state must pay on the gross amount of all dollars collected from an enrollee or on an enrollee's behalf.

**HB 1698 by \*McCormick ( \*SB 1954 by \*Stanley)** Telecommunications - As introduced, enacts the "Market Regulation Act of 2009."

### **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 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 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.

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

#### **Local Government of S&LG**

**HB 1740** by \*Kelsey ( \*SB 1829 by \*Kyle) Taxes, Personal Property - As introduced, tolls time period for taxpayer to file amended schedule of personal property when taxpayer's personal property account has been audited and the audit reveals that the assessment should be adjusted downward.

#### **State Government of S&LG**

**\*HB 1167 by \*McDonald ( SB 1404 by \*Jackson)** Recycling - As introduced, enacts the "Tennessee Deposit Beverage Container Recycling Act".

**HB 1630** by \*McCord ( \*SB 0876 by \*Southerland) Environmental Preservation - As introduced, enacts the "Tennessee Environmental Protection and Recycling Act."

#### **Agriculture Committee**

**HB 2098** by \*Towns ( \*SB 0991 by \*Burks) Food and Food Products - As introduced, enacts the "Genetically Engineered Food Labeling Act of 2009."

#### **Commerce Committee**

**HB 1517 by \*Curtiss (\*SB 1931 by \*Woodson, Burchett, Ketron, Overbey)** 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."

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

**HB 1518 by \*Fitzhugh ( \*SB 1089 by \*McNally)** Corporations, Not for Profit - As introduced, creates a new special purpose non-profit corporation for the purpose of owning and operating electric generation plants; modifies the state energy acquisition corporation statutes to permit representation on the board.

#### **Consumer & Employees Affairs Committee**

**HB 2092 by \*Towns (\*SB 1491 by \*Ford)** Unemployment Compensation - As introduced, prevents reduction or termination of unemployment benefits due to claimant's enrollment in an institution of higher education.

**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.

### **Education Committee**

**HB 0922** by \*Hawk ( \*SB 0099 by \*Berke) Education - As introduced, requires department of education to develop "College to Kids" program to raise awareness in public schools about benefits of attending college by having professional adults volunteer to visit schools across state.

### **Government Operations Committee**

**HB 1815** by \*Lynn ( \*SB 1388 by \*Johnson) Administrative Procedure (UAPA) - As introduced, revises various provisions of the Uniform Administrative Procedures Act.

### **Judiciary Committee**

\***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.

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

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

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