



## SPEAK OUT!

Legislative Issues Affecting  
Oak Ridge and our  
Business Community



**March 31, 2009**

### **Governor Bredesen Revealed Budget Proposal This Week**

Talk of Governor Bredesen's budget was forefront on the minds of almost all around Legislative Plaza this week. On Monday, March 23<sup>rd</sup>, at 5:30 p.m. (CDT) Governor Bredesen presented his long awaited budget to the General Assembly. This no doubt is a result of severe Tennessee revenue shortfalls and \$4.5 billion Tennessee will receive over the next two years from the federal government as part of the stimulus package. The \$4.5 billion will reduce the amount of cuts Tennessee will have to make over the next several years. Bredesen has noted that in the fiscal year beginning July 1<sup>st</sup> the state will need approximately \$1 billion in cuts. Governor Bredesen has also said that the aid money will decrease the number of layoffs the government will have to make as well as help the state's higher education system. During our March 25th Oak Ridge Chamber trip to Nashville, our delegates were able to hear a full budget presentation.

### **Unemployment Fund Update: Administration Expected to Release Proposal This Week**

Last week, state administration officials worked to finalize a bill that will seek to shore up and stabilize the state's Unemployment Insurance Trust Fund. Without action, the fund will be in the red as early as the fourth quarter of 2009, forcing the state to borrow money to pay benefits.

The bill is expected to contain 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 when the money ends)
- 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 expected to be minimal and could be beneficial to employers because the 20-hour 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.

The administration noted that in considering UI federal stimulus dollars a major factor was the long-term effects those dollars would have on overall fund solvency. The administration further noted that \$141 million would benefit the short term viability of the fund and possibly help employers to come off the more expensive Table 1 sooner.

## Legislative Activity for Last Week

### SENATE ACTIVITY

#### SENATE S/C and Committees

#### Judiciary S/C On Firearms & Ammunitions Legislation

[SB 1724](#) by \*Bunch (\*HB 1395 by \*Evans) Firearms and Ammunition - As introduced, prohibits employers from prohibiting persons possessing a handgun carry permit from transporting and storing a firearm out of sight in a locked vehicle on any property set aside for vehicles. - Amends TCA Title 39, Chapter 17, Part 13.

#### State & Local Government Committee

\*[SB 0445](#) by \*Overbey (HB 0957 by \*McCord) Industrial Development - As introduced, expands the membership of the board of an industrial development corporation among two or more municipalities; expands the type of obligations for which the corporation may mortgage and pledge any or all of its projects as security for their payment. - Amends TCA Title 7, Chapter 53.

#### Environment, Conservation & Tourism Committee

\*[SB 0881](#) by \*Ketron (HB 1245 by \*Curtiss) Water Pollution - As introduced, expands the authority of the water quality control board concerning incentives for alternatives to discharges to surface waters. - Amends TCA Title 69, Chapter 3, Part 1.

\*[SB 1312](#) by \*Tracy (HB 1619 by \*McCord) Water Pollution - As introduced, clarifies the meaning of a CAFO as it is defined under federal law; provides that the operation of a CAFO is prohibited without a proper permit. - Amends TCA Title 69, Chapter 3, Part 1.

#### Commerce, Labor & Agriculture Committee

[SB 0247](#) by \*Marrero B (\*HB 0128 by \*Hardaway) Real Property - As introduced, requires a seller of real property to provide an energy audit of the property to potential buyers prior to the sale and include such audit in the deed of conveyance. - Amends TCA Title 66, Chapter 5.

\*[SB 1931](#) by \*Woodson, Burchett, Ketron (HB 1517 by \*Curtiss, Sargent, Williams) 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. - Amends TCA Title 47, Chapter

25.

## Finance, Ways & Means Committee

[SB 0873](#) by \*Ketron (\*HB 0889 by \*Hackworth) Taxes, Personal Property - As introduced, revises procedures for forced assessment and equalization of tangible personal property. - Amends TCA Section 67-5-1509 and Section 67-5-903. The Chamber **supports** this bill.

### HOUSE ACTIVITY

#### HOUSE S/C and Committees

#### Industrial Impact of COM

[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. - Amends TCA Title 56, Chapter 7, Part 1.

[HB 0128](#) by \*Hardaway (SB 0247 by \*Marrero B) Real Property - As introduced, requires a seller of real property to provide an energy audit of the property to potential buyers prior to the sale and include such audit in the deed of conveyance. - Amends TCA Title 66, Chapter 5.

[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. - Amends TCA Title 47, Chapter 25.

#### Utilities & Banking of COM

[HB 1698](#) by \*McCormick (\*SB 1954 by \*Stanley) Telecommunications - As introduced, enacts the "Market Regulation Act of 2009." - Amends TCA Section 65-5-109.

\*[HB 1349](#) by \*Sargent (SB 1375 by \*Johnson) Utilities, Utility Districts - As introduced, enacts the "Natural Gas Conservation and Annual Rate Review Act." - Amends TCA Title 65, Chapter 5.

\*[HB 0738](#) by \*Mumpower (SB 0819 by \*Norris) Energy - As introduced, enacts the "Tennessee Energy Conservation Endorsement Act of 2009." - Amends TCA Title 65.

\*[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. - Amends TCA Title 13.

#### Environment of CON

\*[HB 1204](#) by \*McCord (SB 1331 by \*Yager) Water Pollution - As introduced, clarifies certain water quality standards related to the presence of selenate. - Amends TCA Title 69, Chapter 3, Part 1.

[HB 0661](#) by \*Sargent (\*SB 0323 by \*Johnson) Motor Vehicles, Titling and Registration - As introduced, authorizes air pollution control board to provide inspection and maintenance program in certain counties using enhanced technology of remote sensing devices, and extend certain program contracts, to comply with air quality criteria. - Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1.

## Employee Affairs of C&EA

**\*HJR 0050** by **\*Cooper B** General Assembly, Statement of Intent or Position - Urges Congress to enact Employee Free Choice Act.

**\*HB 0776** by **\*Turner M** (SB 1664 by **\*Harper**) Employees, Employers - As introduced, enacts the "Pay Equity in the Workplace Act." - Amends TCA Title 50, Chapter 2, Part 2.

**\*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. - Amends TCA Title 4, Chapter 21, Part 4 and Title 50.

**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. - Amends TCA Title 50, Chapter 7.

## Budget of FW&M

**HB 0529** by **\*Hackworth** (\*SB 0403 by **\*Henry**) Business and Commerce - As introduced, extends the joint select committee to study business taxes from June 30, 2009, until June 30, 2013. - Amends TCA Title 3, Chapter 15, Part 6.

**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. - Amends TCA Section 67-1-202 and Section 67-5-1514.

**\*HJR 0032** by **\*West** General Assembly, Studies - Creates special joint committee to study Tennessee's gun laws.

## Civil Practice and Procedure of JUD

**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. - Amends TCA Title 29.

**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. - Amends TCA Title 29.

## Criminal Practice and Procedure of JUD

## 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. - Amends TCA Title 2, Chapter 10 and Title 2, Chapter 19, Part 1.

## Local Government of S&LG

[HB 1950](#) by \*Fitzhugh (\*SB 1162 by \*Finney L) Economic and Community Development - As introduced, requires the commissioner of community and economic development to study the effectiveness of municipal and regional planning activity for economic development and to report to the general assembly by January 15, 2010. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 13; Title 66 and Title 67.

\*[HB 2274](#) by \*Turner M (SB 2242 by \*Kyle) Industrial Development - As introduced, deletes authorization for Tennessee board for economic growth and Tennessee Tomorrow, Inc.; removes responsibility for administering institutional conservation program from energy division of department of economic and community development. - Amends TCA Section 4-3-708(4); Section 4-14-101; Section 4-14-102; and Title 4, Chapter 53.

[HB 2051](#) by \*McCord (\*SB 2083 by \*Burchett) Solid Waste Disposal - As introduced, enacts the "Tennessee Solid Waste Commodity Management and Community Recycling Enhancement Act of 2009."

## State Government of S&LG

[HB 2007](#) by \*McDonald (\*SB 1933 by \*Berke) Solid Waste Disposal - As introduced, requires the department of environment and conservation to promulgate rules regulating the disposal and use of coal combustion byproducts. - Amends TCA Title 68, Chapter 211.

[HB 1630](#) by \*McCord (\*SB 0876 by \*Ketron) Environmental Preservation - As introduced, enacts the "Tennessee Environmental Protection and Recycling Act." - Amends TCA Title 4; Title 49; Title 55; Title 67; Title 68 and Title 70.

[HB 1628](#) by \*McCord (\*SB 1559 by \*Burchett) Solid Waste Disposal - As introduced, requires the Solid Waste Disposal Control Board to promulgate revised rules relating to the disposal and recycling of coal ash. - Amends TCA Title 68, Chapter 211.

## Public Safety of TR

### Conservation & Environment Committee

[HB 1245](#) by \*Curtiss (\*SB 0881 by \*Ketron) Water Pollution - As introduced, expands the authority of the water quality control board concerning incentives for alternatives to discharges to surface waters. - Amends TCA Title 69, Chapter 3, Part 1.

\*[HB 1912](#) by \*Armstrong (SB 2066 by \*Overbey) Solid Waste Disposal - As introduced, amends the Landfill Methane Development Act to identify certain circumstances and purposes for which refined, landfill methane shall be deemed to be natural gas. - Amends TCA Title 65, Chapter 28, Part 2.

### Finance, Ways & Means Committee

Ø Budget Overview presentation by Commissioner Dave Goetz

### Government Operations Committee

**Wednesday, March 25, 2009 - HHR29 - 10:00 AM**

\*[HB 0062](#) by \*Fincher (SB 1822 by \*Herron) Immigrants - As introduced, enacts the "Tennessee Immigration Compliance Act." - Amends TCA Title 4; Title 12; Title 38; Title 39; Title 40; Title 67 and Title 71.

## State & Local Government Committee

\*[HB 0889](#) by \*Hackworth (SB 0873 by \*Ketron) Taxes, Personal Property - As introduced, revises procedures for forced assessment and equalization of tangible personal property. - Amends TCA Section 67-5-1509 and Section 67-5-903. **The Chamber supports this bill.**

[HB 0957](#) by \*McCord (\*SB 0445 by \*Overbey) Industrial Development - As introduced, expands the membership of the board of an industrial development corporation among two or more municipalities; expands the type of obligations for which the corporation may mortgage and pledge any or all of its projects as security for their payment. - Amends TCA Title 7, Chapter 53.

Ø Informational testimony will be heard in regards to the **Wine & Grocery Bill**.

For further information, please contact: [Deb Woolley](#), [Robert Gaskill](#), [Bradley Jackson](#), or [Wayne Scharber](#)

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