



SPEAK OUT!
Legislative Issues Affecting
Oak Ridge and our
Business Community



March 28, 2010

Chamber Action Alert: Bills Targeting Waste Industry Approved by Senate Committee

Three bills -- [**SB 2801**](#) by Senator Marrero ([**HB 2911**](#) by Rep. Gilmore) and [**SB 2735**](#) by Senator Berke ([**HB 2826**](#) by Rep. Cobb) and [**SB 3221**](#) by Senator Herron ([**HB 3402**](#) by Rep. Mike Turner) – are all designed to ban Tennessee companies from using scientifically approved and safe processing or disposal of waste containing low levels of radioactivity. Not only will it impact the companies that do the processing and disposal, it will impact manufacturers, medical facilities, power companies, water companies that rely on the services provided for the low-level wastes. **The Oak Ridge Chamber and Tennessee Chamber oppose these bills and encourage our members to advocate their defeat.**

Tennessee is fortunate to have experienced and licensed industries which properly process and handle wastes containing safe low levels of radioactivity. All companies in Tennessee are processing, packaging, and treating in compliance with state laws. These wastes are then disposed in properly designed and permitted landfills in the state or shipped out-of-state for approved disposal. The state of Tennessee is responsible for monitoring and enforcing the laws to assure compliance for safety and protection of our citizens and our environment. The Tennessee Solid Waste Advisory Committee and the Solid Waste Disposal Control Board have reviewed extensively the types of wastes which can be properly and safely disposed in Tennessee landfills. Legislation prohibiting these safe practices is unnecessary and harmful to the Tennessee's economy.

SB 2801 (HB 2911), in its current form, prohibits the disposal of BSFR (Bulk Survey for Disposal) processed wastes in Tennessee approved landfills. SB 3221 (HB 3402) would make it illegal to accept, process or dispose of any radioactive wastes material in any landfill. SB 2735 (HB 2926) was amended in committee to prohibit a particular type of processing (blending) from being conducted at any properly and fully licensed processing facility in Tennessee. **The prohibition will prevent Tennessee industries from using a process which is permitted by the federal Nuclear Regulatory Commission (NRC) and duly licensed by the state Division of Radiological Health. Such a prohibition should not be enacted into law.**

Tennessee's processing industries provide very vital, technical, and highly scientific services for our power and water utilities and medical facilities in the state as well as across the nation. These processing industries have demonstrated their expertise and commitment to comply with the law and their respective licenses as the state Division of Radiological Health and the federal NRC provide responsible oversight and enforcement. Oak Ridge has a particular interest in this issue, with a number of our local companies affected.

For the above facts, the Tennessee Chamber of Commerce & Industry **urges a vote of "NO"** on each of these bills as they are presented before committees this week or in the balance of the session.

Update: Bills Affecting Local Economic Development

Three more bills that are negative to business and economic recruitment in Tennessee were dealt significant defeats last week in various House committees. The House State and Local Government Committee effectively killed two of the bills last week:

- [HB 3695](#) by [Niceley](#) ([SB 3634](#) by [Burchett](#)), which would have prohibited counties designated as EPA non-attainment areas from proposing planned growth areas that include certain agricultural property, was taken off notice which effectively renders the bill dead for the session.
- [HB 3061](#) by [Niceley](#) ([SB 3089](#) by [Burchett](#)) would have required all contracts for goods or services being purchased that are entered into between the state or a county and an LLC include a requirement that the LLC shall disclose the name of each partner before the contract becomes effective. This bill failed in full committee with [Rep. Josh Evans](#) (R-Greenbrier) the only "yes" vote.

In other news, [HB 3058](#) by [Niceley](#) ([SB 3090](#) by [Burchett](#)) was moved to the last calendar of House Civil Practice subcommittee. The bill causes much concern for local economic development as it would require the fair market value of property taken by eminent domain to be based on the highest and best use of such property. This would be a substantial and costly burden for state and local governments and local development.

House Committee Votes Down Pay Equity Bill

[HB 0776](#) by [Turner M](#) ([SB 1664](#) by [Harper](#)), the "Pay Equity in the Workplace Act," failed in subcommittee this week. The bill, supposedly addressing wage discrimination, would have subjected employers to substantial administrative impediments. Specific provisions of the bill would have burdened employers beyond federal law as well. The Committee also defeated [*HB 3621](#) by [*Richardson](#) ([SB 3370](#) by [*Marrero B](#)) which would have subject all employers to punitive damages in wage discrimination violations.

Healthcare Update: Reconciliation Process Begins

Four days after the U.S. House passed a sweeping healthcare bill by a close vote of 219-212, there is still uncertainty about the bill, its contents and its eventual implementation. Tennessee Reps. Bart Gordon, Jim Cooper and Steve Cohen supported the bill while all other Tennessee representatives voted "No."

There is concern that this new law will impose a significant cost burden upon states, as well as businesses.

Legislative Activity for Week of March 29, 2010

SENATE ACTIVITY

COMMERCE, LABOR & AGRICULTURE
MONDAY, MARCH 29, 2010 – LP 12 – 3:30 PM

SB3591 by *Ketrone. (*HB3163 by *Curtiss, *Pitts.) - [Status](#)

As introduced, creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers compensation insurance to cover themselves. The Chamber is monitoring this bill. This bill is expected to be a compromise measure on the PC 1041 issue.

SB3500 by *Beavers. (*HB3628 by *Weaver.) - [Status](#)

As introduced, makes permanent the exemption that sole proprietors and partners engaged in the construction industry do not have to carry workers compensation insurance on themselves.

SB3750 by *Bunch. (*HB3557 by *Rowland.) - [Status](#)

As introduced, establishes certain presumptions and conclusive determinations regarding the determination of whether a person is an "employee" or an "independent contractor" for purposes of the workers compensation law. The Tennessee Chamber is supportive of this bill.

SB3336 by *Herron. (*HB3525 by *Maddox.) - [Status](#)

As introduced, makes permanent the temporary suspension imposed by HB7/SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers compensation insurance.

HOUSE ACTIVITY

ENVIRONMENT OF CONSERVATION
TUESDAY, MARCH 30, 2010 – HHR 29 – 10:30 AM

***HB3287 by *Lynn. (SB3159 by *Johnson.) - [Status](#)**

As introduced, requires legislative approval prior to adoption of regulatory programs concerning greenhouse gas or motor vehicle fuel economy.

CONSERVATION & ENVIRONMENT COMMITTEE
TUESDAY, MARCH 30, 2010 – HHR 29 – 2:00 PM

HB3718 by *Armstrong. (*SB3675 by *Burchett.) - [Status](#)

As introduced, requires that, for the purpose of ad valorem property taxation, the value of certain facilities that extract, purify, dehydrate, or otherwise treat landfill methane be assessed at the same percentage as a qualified pollution control facility.

HB3842 by *Maddox, *Turner M. (*SB3854 by *Kyle, et al.) - [Status](#)

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

HB2837 by *Floyd, et al. (*SB2717 by *Watson.) - [Status](#)

As introduced, includes all minerals under provision clarifying interpretation of property conveyances and requires permitting for rock harvesting.

STATE GOVERNMENT OF SL&G
TUESDAY, MARCH 30, 2010 – HHR 30 - 2:00 PM

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. See the earlier article.

HB3402 by *Turner M. (*SB3221 by *Herron.) - [Status](#)

As introduced, prohibits the acceptance, processing, or disposal of radioactive waste material in any landfill located in the state. See the earlier article.

HB3591 by *Miller L, et al. (*SB3086 by *Burchett.) - [Status](#)

As introduced, revises provisions concerning state contracting with small, minority owned and women owned businesses; establishes Tennessee small business preference.

HB2826 by *Cobb T. (*SB2735 by *Berke, et al.) - [Status](#)

As introduced, prohibits the acceptance and storage of radioactive waste at landfills or commercial facilities in this state. See the earlier article.

CONSUMER & EMPLOYEES AFFAIRS COMMITTEE
WEDNESDAY, MARCH 31, 2010 – HHR 29 – 8:30 AM

***HB2928 by *Sargent. (SB2943 by *Norris.) - [Status](#)**

As introduced, revises determination of meaningful return to work in cases of permanent partial disability by tying it to average weekly wage. The Tennessee Chamber is supportive.

HB2420 by *Weaver. (*SB2383 by *Beavers.) - [Status](#)

As introduced, removes requirement that certain sole proprietors and certain partnerships engaged in the construction industry carry workers' compensation coverage.

HB2428 by *Weaver. (*SB2384 by *Beavers.) - [Status](#)

As introduced, removes requirement that certain sole proprietors and certain partnerships engaged in the construction industry carry workers compensation coverage.

***HB2844 by *Matheny. (SB2840 by *Stewart.) - [Status](#)**

As introduced, lengthens suspension of requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

***HB2845 by *Matheny. (SB2841 by *Stewart.) - [Status](#)**

As introduced, lengthens suspension of requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

***HB3162 by *Curtiss, *Pitts. (SB3603 by *Ketron.) - [Status](#)**

As introduced, lengthens suspension of requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until June 30, 2011.

***HB3163 by *Curtiss, *Pitts. (SB3591 by *Ketron.) - [Status](#)**

As introduced, creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers compensation insurance to cover themselves.

***HB3525 by *Maddox. (SB3336 by *Herron.) - [Status](#)**

As introduced, makes permanent the temporary suspension imposed by HB7/SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers compensation insurance.

***HB3557 by *Rowland. (SB3750 by *Bunch.) - [Status](#)**

As introduced, establishes certain presumptions and conclusive determinations regarding the determination of whether a person is an "employee" or an "independent contractor" for purposes of the workers compensation law.

***HB3628 by *Weaver. (SB3500 by *Beavers.) - [Status](#)**

As introduced, makes permanent the exemption that sole proprietors and partners engaged in the construction industry do not have to carry workers compensation insurance on themselves.

GOVERNMENT OPERATIONS WEDNESDAY, MARCH 31, 2010 – HHR 30 – 10:00 AM

HB3596 by *Turner J, et al. (*SB3236 by *Tate.) - [Status](#)

As introduced, enacts the "Tax Cut and Job Creation Act." Establishes a graduated income tax, repeals the tax on grocery foods, as well as the local-option sales tax.

HB3597 by *Turner J, et al. (*SB3235 by *Tate.) - [Status](#)

As introduced, enacts the "Tax Cut and Job Creation Act." Very similar to HB3236, above.

HB3934 by *Turner J. (*SB2978 by *Tate.) - [Status](#)

As introduced, enacts the "Food, Sales and Franchise Tax Cut and Job Creation Act of 2010." Very similar to HB3236 and HB3235, above.

BUDGET OF FW&M
WEDNESDAY, MARCH 31, 2010 – HHR 29 - 11:00 AM

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

As introduced, adds carbon dioxide as a pipeline product that is regulated by the Tennessee regulatory authority. The Tennessee Chamber **SUPPORTS** this bill.

EDUCATION COMMITTEE
WEDNESDAY, MARCH 31, 2010 – HHR 16 – 11:00 AM

***HB2130 by *Mumpower, *Ford . (SB2185 by *Ramsey.) - [Status](#)**

As introduced, establishes additional grant of \$500 to entering freshman receiving HOPE scholarship or access grant for completion of Tennessee scholars program. This bill will be deferred to the week of April 5 in both this House committee and in the Senate Education Committee. The Chamber **SUPPORTS** this bill.

CIVIL PRACTICE AND PROCEDURE OF JUDICIARY
WEDNESDAY, MARCH 24, 2010 – HHR 29 – 12:30 PM

***HB3058 by *Niceley. (SB3090 by *Burchett.) - [Status](#)**

As introduced, requires fair market value of property to be taken by eminent domain be based on the highest and best use of such property.

HB3905 by *McCord. (*SB3754 by *Bunch.) - [Status](#)

As introduced, clarifies that an owner, lessee, or occupant of land does not owe a duty of care to a trespasser on such land and is not liable for any injury to a trespasser on such land.

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