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Legislative Issues Affecting
Oak Ridge and our
Business Community



April 12, 2010

Technical Corrections Budget Proposal Hearings Begin: Legislative Committees Closing Down

In a true sign of springtime and adjournment, the legislature this week began closing major committees, and the Senate Finance Tax Subcommittee began discussions on the 2010 technical corrections bill. The technical corrections bill is an annual bill that addresses targeted changes in Tennessee's tax code. Often provisions in the bill deal with revenue "loopholes" in tax law affecting a variety of businesses. The bill this year contains substantial provisions that increase revenues related to REIT's, cable taxes, long distance call taxes and other business taxes. If you want a current amendment and a section by section description of the amendment, please email wayne.scharber@tnchamber.org to request a copy or check our [website](#) for a posted copy.

Elected Superintendent Bill Passes House K-12 Subcommittee

The House Education K-12 subcommittee passed, on a 7-3 vote, a bill allowing for the election of director of schools opposed by the Oak Ridge Chamber. [HB 15](#) by Rep. Dennis Ferguson (D-Midtown) would change current law which establishes the director of schools as an appointed position. This bill would authorize a county or municipality to vote to establish an elected superintendent of schools, instead of having a director of schools appointed by the board of education, upon two-thirds vote of the local legislative body and approval of the voters in a referendum. The Tennessee Chamber and Oak Ridge Chamber are opposed to the bill because it injects unnecessary politics into the administration of local school systems. The current law should remain, where elected school boards are tasked with selecting a qualified professional to administer a local school system. Members voting for the measure include Rep. Bill Dunn (R-Knoxville), Rep. Beth Harwell (R-Nashville), Rep. Ulysses Jones (D-Memphis), Rep. Joey Hensley (R-Hohenwald), Rep. Ron Lollar (R-Bartlett), Rep. Terri Lynn Weaver (R-Lancaster) and Rep. Les Winningham (D-Huntsville). Members voting against the measure were

Rep. Judy Barker (D-Union City) Rep. Mark Maddox (D-Martin) and Rep. Johnnie Turner (D-Memphis)

Legislative Activity for Week of April 12, 2010

SENATE ACTIVITY

FINANCE, WAYS & MEANS COMMITTEE
TUESDAY, APRIL 13, 2010 – LP 12 – 1:30 PM

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 3874 by *Kyle, Barnes (HB 3789 by *Curtiss, Turner M) - [Status](#)**

As introduced, removes provisions regarding board of review and revises procedures governing review of claims.

TAX SUBCOMMITTEE OF FINANCE, WAYS & MEANS
TUESDAY, APRIL 13, 2010 – LP 12 – 3:30 PM

***SB 3901 by *Kyle (HB 3787 by *Turner M) - [Status](#)**

As introduced, modifies various tax provisions concerning video programming services, telecommunications services, sales of property for use in business of selling, and determination of net earnings for real estate investment trusts. This is one of the Administration's Technical Corrections' bills. If you desire to see a current amendment as a section by section description for the amendment, please email wayne.scharber@tnchamber.org and I will send you a copy or check our website for a posted copy.

***SB 3911 by *Kyle (HB 3781 by *Turner M) - [Status](#)**

As introduced, establishes general requirement that gift tax be paid on or before April 15 of each year; requires that taxpayer be provided six-month extension to file gift tax return upon written request. This is one of the Administration's Technical Corrections' bills. No amendment language has been made available at this time.

***SB2054 by *Tate. (HB2182 by *Turner J.) - [Status](#)**

As introduced, enacts the "Tennessee Modernization and Economic Stimulus Act."

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

As introduced, enacts the "Food, Sales and Franchise Tax Cut and Job Creation Act of 2010."

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

As introduced, enacts the "Tax Cut and Job Creation Act."

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

As introduced, enacts the "Tax Cut and Job Creation Act."

COMMERCE, LABOR & AGRICULTURE
WEDNESDAY, APRIL 14, 2010 – LP 12 – 8:30 AM

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.

SB3378 by *Marrero B. (*HB2774 by *Hardaway.) - [Status](#)

As introduced, requires child protective restraints in shopping carts.

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.

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

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

SB3608 by *Ketron. (*HB3167 by *Curtiss.) - [Status](#)

As introduced, requires blasters to file a notice with commerce and insurance prior to the blast occurring.

SB3463 by *Stewart. (*HB3372 by *Swafford.) - [Status](#)

As introduced, requires a sufficient number of photographs of a building be taken, if requested by the owner or occupant of the building, as a part of the pre-blast survey, to document the structural integrity of the interior, exterior, foundation, and roof of the building prior to the blast.

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.

***SB 3629 by *Beavers (HB 3752 by *Harwell) - [Status](#)**

As introduced, enacts the “Interstate Health-Care Choice Act.”

GOVERNMENT OPERATIONS COMMITTEE
WEDNESDAY, APRIL 14, 2010 – LP 12 – 1:00 PM

SB 2949 by *Watson, et al. (*HB 2862 by *Lynn) - [Status](#)

As introduced, extends the air pollution control board, June 30, 2012. An amendment has been placed on this bill in this Senate Committee. The House has passed the bill without any amendments. The amendment would change the process in the current law of recommending technical and experienced qualified persons, who will be willing and able to attend meetings of this very critical board.

SB2472 by *Watson, *Johnson. (*HB2454 by *Lynn.) - [Status](#)

As introduced, continues certain permanent rules filed with secretary of state after January 1, 2009.

The following Senate Committees are not meeting week of April 12th

ENVIRONMENT, CONSERVATION & TOURISM COMMITTEE
STATE & LOCAL GOVERNMENT COMMITTEE
TRANSPORTATION COMMITTEE

HOUSE ACTIVITY

COMMERCE COMMITTEE
TUESDAY, APRIL 13, 2010 – HHR 16 – 9:15 AM

HB3433 by *Bell, et al. (SB3498 by *Beavers, et al) – [Status](#)

As introduced, enacts "Tennessee Health Freedom Act." - Amends TCA Title 8;

Title 56; Title 63; Title 68 and Title 71.

HB2622 by *Lynn, *Maggart, *Swafford. (SB2560 by *Black.) - [Status](#)

As introduced, prohibits the legislature from requiring any person to participate in any health care system or plan. - Amends TCA Title 56; Title 63; Title 68 and Title 71.

HJR0745 by *Lynn, *Maggart, *Swafford, *Hawk, *Shipley, *Niceley, *Eldridge. - [Status](#)

Constitutional Amendments - Prohibits laws or rules that would compel any person, employer, or health care provider to participate in any health care system.

CONSERVATION & ENVIRONMENT COMMITTEE
TUESDAY, APRIL 13, 2010 – HHR 29 – 2:00 PM

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 & LOCAL GOVERNMENT COMMITTEE
TUESDAY, APRIL 13, 2010 – HHR 16 - 12:00 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.

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.

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. This HB 2826 failed by a vote of 3 to 3 in the state government subcommittee; however, the companion SB 2735 is on calendar for Senate Floor action on Wednesday, April 14th. The Oak Ridge Chamber opposes this bill.

CIVIL PRACTICE & PROCEDURE OF JUDICIARY
TUESDAY, APRIL 13, 2010 – HHR 31- 3:30 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. This bill doesn't support economic development and has had an amendment proposed to it.

CONSUMER & EMPLOYEES AFFAIRS COMMITTEE
WEDNESDAY, APRIL 14, 2010 – HHR 29 – 8:30 AM

***HB2774 by *Hardaway. (SB3378 by *Marrero B.) - [Status](#)**

As introduced, requires child protective restraints in shopping carts.

***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.

***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.

***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.

INDUSTRIAL IMPACT OF COMMERCE
WEDNESDAY, APRIL 14, 2010 – HHR 31 - 10:00 AM

***HB0128 by *Hardaway. (SB0247 by *Marrero B.) - [Status](#)**

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.

***HB2875 by *Curtiss. (SB3586 by *Ketron.) - [Status](#)**

As introduced, authorizes use of red flags made from plastic materials instead of cloth to mark a projecting load on a motor vehicle, subject to commissioner's approval.

***HB3167 by *Curtiss, *Moore. (SB3608 by *Ketron.) - [Status](#)**

As introduced, requires blasters to file a notice with commerce and insurance prior to the blast occurring.

TRANSPORTATION COMMITTEE
TUESDAY, APRIL 14, 2010 – HHR 16 – 3:30 PM

***HB1312 by *Harmon. (SB1325 by *Berke.) - [Status](#)**

As introduced, requires that all trailers, semi-trailers, and pole trailers having a gross vehicle weight rating of 10,000 pounds or more must comply with safety rules and regulations of the department of safety.

GOVERNMENT OPERATIONS COMMITTEE
TUESDAY, APRIL 14, 2010 – HHR 30 – 10:00 AM

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

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

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