



SPEAK OUT!

Legislative Issues Affecting
Oak Ridge and our
Business Community



March 18

Update: Bills Affecting Local Economic Development

In meetings of the Local Government Subcommittee of the House State and Local Committee, the bill requiring local chambers to have open meetings was stopped. Thank you for all your hard work and calls – your calls and contacts helped make the difference.

HB3852 by Rep. Nicely -- requiring that any meetings and records of a local chamber of commerce or similar organization receiving state or federal funding be open to the public – failed on a voice vote when the “no” votes prevailed.

There was split action on the other two bills impacting businesses.

HB 3032, also by Rep. Niceley, failed. It required that all contracts for goods or services being purchased by a county from an LLC include a requirement that the LLC shall disclose the name of each partner before the contract becomes effective and that those partner’s names be posted on the county’s web site. The bill failed on a voice vote, with the “no” votes prevailing.

The final bill, which prohibits any county designated as a non-attainment county from proposing planned growth areas that include certain agricultural property, passed and was sent to the full State and Local Government committee for consideration. The bill was amended to remove the requirement for both board involvement and rules and regulation involvement, making the bill more instantaneous and more sweeping. This bill will not only limit economic development opportunities, it can also devalue the land of individual property owners. The bill is on the full calendar for the State and Local Government meeting March 23. The bill is scheduled for full committee.

Action Delayed on Gun Bills Impacting Business

GUN BILLS: This week the House Criminal Practice Subcommittee, due to the significant number of bills scheduled, delayed hearings on the guns in parking lots bill. The bill will be calendared again this coming week. HB [HB 3141](#) by [*McDonald](#) ([*SB 3009](#) by [*Jackson](#)), if enacted, would prohibit employers from prohibiting employees from transporting a firearm onto company property. The bill would further prohibit an

employer from terminating, demoting, or other discrimination against such employees. It is important to [contact members](#) of the subcommittee and voice your opinion on the proposed bill.

House Committee Kills Bill to Increase Unemployment Benefits

[*HB 3108](#) by [*Jones S](#) ([SB 3105](#) by [*Marrero B](#)) proposed to increase unemployment security benefits by \$50.00 per week and was defeated in committee. Just last year businesses had to pay more to shore up the state's unemployment trust fund. A legislative mandate of this type would put even more financial pressure on the fund with employers picking up the tab. The federal government recently increased to over 90 weeks the time and individual can receive unemployment benefits.

Some Workers' Comp Bills Moved Forward – Other WC Bills Removed from Consideration

The [House Consumer and Employee Affairs](#) and [Senate Commerce Committee](#) this week advanced two Chamber-sponsored WC bills. These bills came from Chamber members who notified us of specific problem areas in Tennessee workers' compensation system. Specifically, the bills are [SB 2928](#) to deal with pain management abuse and [SB2943](#), which deals with economic downturns and resulting business operations and meaningful return to work. Two bills removed from consideration, SB [2559](#), redefining average weekly wage, and SB [3732](#), treatment of common carrier by motor vehicle, would have been costly. The 2 bills removed from consideration are as follows:

Legislative Activity for Week of March 22, 2010

SENATE ACTIVITY

EDUCATION COMMITTEE

MONDAY, MARCH 22, 2010 – LP 12 – 2:00 PM

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

As introduced, establishes additional grant of \$500 to entering freshman receiving HOPE scholarship or access grant for completion of Tennessee scholars program.

COMMERCE, LABOR & AGRICULTURE

MONDAY, MARCH 22, 2010 – LP 12 – 3:30 PM

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

Workers Compensation - As introduced, revises determination of meaningful return to work in cases of permanent partial disability by tying it to average weekly wage.

***SB2809 by *Norris. (HB3259 by *McCord, et al.) - [Status](#)**

As introduced, gives priority to perfected purchase-money security interests over any taxes assessed by the state, a county, or municipality, taxing district, or other local governmental entity.

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

Gas, Petroleum Products, Volatile Oils - As introduced, adds carbon dioxide as a pipeline product that is regulated by the Tennessee regulatory authority.

***SB3874 by *Kyle, *Barnes. (HB3789 by *Curtiss, *Turner M.) - [Status](#)**

Unemployment Compensation - As introduced, removes provisions regarding board and review and revises procedures governing review of claim

***SB3120 by *Berke, *Ketrone. (HB3654 by *Stewart, et al.) - [Status](#)**

As introduced, enacts the "Green Jobs Act."

***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.

SB2925 by *Johnson, *Tracy. (*HB2905 by *Sargent, *Rowland.) - [Status](#)

As introduced, specifies that when an employer provides certain evidence showing four or more complaints from customers concerning the employee's work performance, a discharge by an employer shall be deemed to be a discharge for misconduct, and thus, disqualify the claimant from unemployment benefits.

FINANCE, WAYS & MEANS COMMITTEE

TUESDAY, MARCH 23, 2010 – LP 12- 8:30 AM

SB3686 by *McNally. (*HB3607 by *Fitzhugh.) - [Status](#)

As introduced, clarifies that under present law regarding the classification and assessment of property taxes relating to public utilities, a motor bus and/or truck

company owning or leasing real or personal property located in the state would include those owner operators who operate under such motor bus and/or truck company's motor carrier authority.

ENVIRONMENT, CONSERVATION & TOURISM

TUESDAY, MARCH 23, 2010 – LP 12 – 10:30 AM

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

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

***SB3623 by *Burchett. (HB3853 by *Niceley.) - [Status](#)**

As introduced, prescribes measures to be taken to reduce soil erosion upon closure of a solid waste disposal site.

SB3634 by *Burchett. (*HB3695 by *Niceley, *Hawk.) - [Status](#)

As introduced, prohibits county designated as non-attainment county from proposing planned growth areas that include certain agricultural property.

SB2799 by *Burks, *Burchett. (*HB2828 by *Swafford.) - [Status](#)

As introduced, adds various requirements for issuance of permit to dispose of coal combustion waste in landfills.

SB1398 by *Jackson, *Barnes, *Stewart. (*HB0455 by *McDonald, et al.) - [Status](#)

As introduced, prohibits the department of environment and conservation from issuing permits related to surface mining activities under certain circumstances.

SB3469 by *Jackson, *McNally, *Marrero B. (*HB3429 by *McDonald, et al.) - [Status](#)

As introduced, enacts the "Tennessee Beverage Container Recycling Act," whereby certain procedures, processes, and fees are described for the recycling of such waste.

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

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

***SB2801 by *Marrero B. (HB2911 by *Gilmore.) - [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.

***SB3112 by *Marrero B. (HB3364 by *Gilmore, et al.) - [Status](#)**

As introduced, requires the solid waste disposal control board and department of environment and conservation to demonstrate specific compliance with Public Chapter 462 of 2007 before taking any action concerning solid waste regulation.

***SB3858 by *Kyle, *Stewart. (HB3843 by *Litz, *Turner M.) - [Status](#)**

As introduced, requires the department of environment and conservation to conduct, or have conducted, a study of dams in this state that are currently exempt from regulation under the Safe Dams Act because they are diversion weirs, farm ponds or wastewater impoundment barriers.

***SB3126 by *Woodson. (HB3245 by *McCord.) - [Status](#)**

As introduced, requires the department of environment and conservation to provide planning models for relocating, hauling, composting, or other processing of yard waste and food waste and to submit a report to the house conservation and environment committee and the senate environment, conservation, and tourism committee by December 1, 2011.

***SB2412 by *Southerland. (HB3214 by *Yokley.) - [Status](#)**

As introduced, establishes standards for drawing samples to test water quality of the Pigeon River and requires such samples be used as the primary data for analysis of the river's water quality.

COMMERCE, LABOR & AGRICULTURE

TUESDAY, MARCH 23, 2010 - LP 12 - 1:00 PM

SB3591 by *Ketron. (*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.

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.

***SB3084 by *Burchett, *Ketrn. (HB3186 by *Turner M.) - [Status](#)**

As introduced, requires owners of all types of rental property to have photo electric smoke detectors in areas of high customer occupancy or be subject to a \$1,500 fine.

***SB3890 by *Burchett. (HB3738 by *Niceley.) - [Status](#)**

As introduced, prohibits sale of seeds that have been genetically modified to render plant produced or second generation seeds sterile; enacts the Anti-Terminator Gene Act of 2010.

***SB0991 by *Burks. (HB2098 by *Towns.) - [Status](#)**

As introduced, enacts the "Genetically Engineered Food Labeling Act of 2009."

***SB2515 by *Johnson. (HB2664 by *Lundberg.) - [Status](#)**

As introduced, increases from 90 to 120 the number of days within which the administrator must waive repayment of overpaid unemployment compensation benefits.

***SB3095 by *Stewart. (HB3317 by *Matheny.) - [Status](#)**

As introduced, revises coverage requirements for autism spectrum disorders.

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.

***SB3896 by *Stewart. (HB3741 by *Matheny.) - [Status](#)**

As introduced, extends period in which person must hold a precious metal from 30 days to 60 days.

SB3105 by *Marrero B. (*HB3108 by *Jones S.) - [Status](#)

As introduced, increases unemployment security benefits by \$50.00 per week.

JUDICIARY COMMITTEE

TUESDAY, MARCH 23, 2010 – LP 12 – 3:00 PM

SB3136 by *McNally. (*HB3170 by *Curtiss.) - [Status](#)

As introduced, directs that an injunction, restraining order, declaratory judgment, and other types of orders and pleadings cannot be issued or filed in lawsuits challenging state taxes.

SB2917 by *Burchett. (*HB2951 by *Brooks H.) - [Status](#)

As introduced, clarifies that refusing to accept a legal writ or other process attempting to be served by a public employee or private process server constitutes obstruction of the service of process.

***SB3754 by *Bunch. (HB3905 by *McCord.) - [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.

STATE & LOCAL GOVERNMENT

WEDNESDAY, MARCH 24, 2010 - LP 12 – 10:00 AM

SB3361 by *Kyle, *Marrero B. (*HB2998 by *DeBerry J.) - [Status](#)

As introduced, allows a municipality to contract with another collecting official to outsource processing of property tax relief applications; permits waiver of the deadline of an application for good and reasonable cause.

GENERAL WELFARE, HEALTH AND HR

WEDNESDAY, MARCH 24, 2010 – LP 12 – 3:30 PM

SB3153 by *Overbey. (*HB3144 by *Cobb J.) - [Status](#)

As introduced, requires a radiologist assistant to work in the employment or direction of a radiologist.

HOUSE ACTIVITY

PROFESSIONAL OCCUPATIONS OF HHR

TUESDAY, MARCH 23, 2010 – HHR 31 – 8:30 AM

***HB3144 by *Cobb J. (SB3153 by *Overbey.) - [Status](#)**

As introduced, requires a radiologist assistant to work in the employment or direction of a radiologist.

CONSUMER AFFAIRS OF C&EA

TUESDAY, MARCH 23, 2010 – HHR 30 – 8:30 AM

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

As introduced, requires child protective restraints in shopping carts.

HB1612 by *Turner M. (*SB1119 by *Berke.) - [Status](#)

As introduced, requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

COMMERCE COMMITTEE

TUESDAY, MARCH 23, 2010 – HHR 16 – 9:15 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 Chamber is supportive of this bill

HB3654 by *Stewart, et al. (*SB3120 by *Berke, *Ketron.) - [Status](#)

As introduced, enacts the "Green Jobs Act."

UTILITIES & BANKING OF COM

TUESDAY, MARCH 23, 2010 - HHR 30 - 10:30 AM

***HB0057 by *Hardaway. (SB1351 by *Tate.) - [Status](#)**

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.

STATE AND LOCAL GOVERNMENT COMMITTEE

TUESDAY, MARCH 23, 2010 – HHR 16 - 12:00 PM

***HB3695 by *Niceley, *Hawk. (SB3634 by *Burchett.) - [Status](#)**

As introduced, prohibits county designated as non-attainment county from proposing planned growth areas that include certain agricultural property.

HB3853 by *Niceley. (*SB3623 by *Burchett.) - [Status](#)

As introduced, prescribes measures to be taken to reduce soil erosion upon closure of a solid waste disposal site.

HB3218 by *Hawk. (*SB2403 by *Southerland, et al.) - [Status](#)

As introduced, requires generators of mercury-added consumer products to remove such products from the stream of solid waste disposal.

HB3598 by *Fitzhugh, *Naifeh. (*SB3335 by *Herron.) - [Status](#)

As introduced, limits proximate but noncontiguous property added to a megasite to no more than 500 acres.

STATE GOVERNMENT OF S&LG

TUESDAY, MARCH 23, 2010 – HHR 30 – 2:00 PM

HB3245 by *McCord. (*SB3126 by *Woodson.) - [Status](#)

As introduced, requires the Department of Environment and Conservation to provide planning models for relocating, hauling, composting, or other processing of yard waste and food waste and to submit a report to the House Conservation

and Environment Committee and the Senate Environment, Conservation, and Tourism Committee by December 1, 2011.

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.

***HB3429 by *McDonald, et al. (SB3469 by *Jackson, et al.) - [Status](#)**

As introduced, enacts the "Tennessee Beverage Container Recycling Act," whereby certain procedures, processes, and fees are described for the recycling of such waste.

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

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

CONSERVATION & ENVIRONMENT COMMITTEE

TUESDAY, MARCH 23, 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.

FINANCE, WAYS & MEANS COMMITTEE

TUESDAY, MARCH 23, 2010 – HHR 16 – 2:00 PM

HB3789 by *Curtiss, *Turner M. (*SB3874 by *Kyle, *Barnes.) - [Status](#)

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

JUDICIARY COMMITTEE

TUESDAY, MARCH 23, 2010 – HHR – 31 3:30 PM

***HB2951 by *Brooks H. (SB2917 by *Burchett.) - [Status](#)**

As introduced, clarifies that refusing to accept a legal writ or other process attempting to be served by a public employee or private process server constitutes obstruction of the service of process.

CONSUMER & EMPLOYEES AFFAIRS COMMITTEE

WEDNESDAY, MARCH 24, 2010 – HHR 29 – 8:30 AM

HB3889 by *Harrison. (*SB2409 by *Faulk.) - [Status](#)

As introduced, excludes periods of temporary total disability under the workers compensation law from calculation of base period for purposes of unemployment compensation.

***HB3582 by *Coleman. (SB3731 by *Haynes.) - [Status](#)**

As introduced, establishes a procedure for handling disputes involving future medicals in a workers compensation case after judgment or settlement.

***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.

***HB3015 by *Sargent. (SB2928 by *Johnson.) - [Status](#)**

As introduced, establishes date for maximum medical improvement in cases involving pain management treatments.

HB3948 by *Matheny. (*SB3162 by *Johnson, et al.) - [Status](#)

As introduced, enacts the Rental and Assignment of PPO Network Rights.

***HB3157 by *Curtiss. (SB3605 by *Ketron.) - [Status](#)**

As introduced, allocates a sum sufficient from the premium tax collected for workers compensation insurance to pay for the staff of the advisory council on workers compensation instead of making retention of council's staff subject to budgetary approval in the general appropriations act.

HB2817 by *Sargent. (*SB2697 by *Ketron.) - [Status](#)

As introduced, imposes same liability as state employees upon special inspectors for boilers and unfired pressure vessels.

BUDGET OF FW&M

WEDNESDAY, MARCH 24, 2010 – HHR 29 - 11:00 AM

***HB3170 by *Curtiss. (SB3136 by *McNally.) - [Status](#)**

As introduced, directs that an injunction, restraining order, declaratory judgment, and other types of orders and pleadings cannot be issued or filed in lawsuits challenging state taxes.

EMPLOYEE AFFAIRS OF C&EA

WEDNESDAY, MARCH 24, 2010 – HHR 29 – 12:30 PM

***HB0776 by *Turner M. (SB1664 by *Harper.) - [Status](#)**

As introduced, enacts the "Pay Equity in the Workplace Act."

CIVIL PRACTICE AND PROCEDURE OF JUD

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.

***HB3164 by *Curtiss. (SB3134 by *McNally.) - [Status](#)**

As introduced, revises the tax on unauthorized substances based on the decision of the Tennessee Supreme Court in Waters v. Farr to impose the tax on the dealer of unauthorized substances.

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Millennium Partners

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TETRA TECH



HEI



Verizon Wireless



THE COWPERWOOD COMPANY



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Bronze

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 CDM Federal Programs
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