

**TENNESSEE AUTOMATIC MERCHANDISING ASSOCIATION  
TENNESSEE LEGISLATIVE REPORT  
FRIDAY, FEBRUARY 22, 2013\**

**I. Week In Review**

While the pace was picking up at the legislature this week, much of the focus continued to be on two issues—guns-in-trunks and judicial selection. Legislation to allow those with a valid Tennessee handgun carry permit to be able to store a firearm in their vehicle on company property, even if the company posts “no weapons” passed the House Civil Justice and Calendar & Rules Committees this week. The full House is expected to vote on this measure on Thursday of next week.

The constitutional amendment, SJR 2, that would give voters the opportunity to decide if they want to implement a modified federal plan for selecting appellate judges made a significant move forward this week, passing the Senate by the required 2/3 majority vote (29-2) on Thursday. The House version, HJR 8, passed out of House Finance Ways & Means and Calendar & Rules and is scheduled to have its first reading on the House floor on Monday night. HB 796 to extend the current Judicial Nomination Commission through the 2014 elections passed the House by a vote of 87-7.

Several departments appeared before committees for budget hearings this week. On Wednesday, Commissioner Kevin Huffman presented the Department of Education’s budget to the Senate Education Committee, noting that it is the department’s goal to be the fastest improving state in the country for educational outcomes. The department’s base budget is \$5.4 billion with \$4 billion coming from state appropriations and \$1 billion from federal funding. 96% of the budget passes through to local school systems. Among the increases requested for this year’s budget is an additional \$43 million for the BEP annual adjustment, \$51 million for LEAs to upgrade technology infrastructure as well as \$35.8 million to fund the state share of a 1 ½% salary increase for teachers.

In Senate Transportation, Commissioner John Schroer presented the Department of Transportation’s budget. Schroer noted that for fiscal year 2012-2013, the department had issued \$900 million in contracts. Currently, there are 490 contracts under construction valued at \$2.7 billion and 800 projects in development, creating a \$10 billion backlog and only \$375 million in discretionary funding to address the needs. For this year’s \$1.8 billion budget, approximately 45% is from state dollars while 53% or \$965 million comes from the federal government. This budget reflects a 65.5% increase from the current year; however, the commissioner cautioned the committee that this trend is not expected to continue. Schroer said that he is very concerned about the national infrastructure, noting the US has gone from 2<sup>nd</sup> in infrastructure in 2002 to 25<sup>th</sup> in rankings today. Tennessee ranks 3<sup>rd</sup> behind Georgia and Florida in the quality of its roads and has the lowest per capita spending on roads of any state in the country. Schroer said the department would continue to focus on making the department more efficient, particularly in the expedited delivery of projects to communities.

## II. Bill List

### Environment & Nature

#### SB941 / HB945 Prohibits disposal of aluminum cans and plastic bottles in landfills.

**Category** Environment & Nature  
**Sponsors** Sen. Steve Southerland / Rep. Art Swann  
**Description** Prohibits a person from knowingly disposing of aluminum cans and plastic beverage bottles in landfills. Excludes accidental or "occasional" disposal of "small amounts". Authorizes the underground storage tanks and solid waste disposal control board to adopt rules that define "occasional" and "small" amounts. Allows a county or city to petition the commissioner for waiver from the prohibition.  
**Senate Status** 02/08/2013 - Referred to Senate Energy, Agriculture & Natural Resources Committee.  
**House Status** 02/13/2013 - Referred to House Agriculture & Natural Resources Subcommittee.

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#### SB1168 / HB538 Tennessee Beverage Container Recycling Refunds Act.

**Category** Environment & Nature  
**Sponsors** Sen. Reginald Tate / Rep. Jim Coley  
**Description** Enacts the "Tennessee Beverage Container Recycling Refunds Act." By September 1, 2013, requires all deposit beverage distributors operating within the state to register with the department of revenue. After September 1, 2013, requires any person who desires to conduct business in the state as a deposit beverage distributor to register with the department of revenue no later than one month prior to commencement of business. Requires all deposit beverage distributors to maintain records reflecting the manufacture and import of beverages in deposit beverage containers as well as in refillable beverage containers. Specifies that these records are to be made available, upon request, for inspection by the department of environment and conservation and the department of revenue. Beginning October 1, 2013, requires every deposit beverage distributor to pay to the department of revenue a container-recovery fee for each deposit beverage container manufactured in or imported into this state. Prohibits a local government from imposing or collecting any assessment or fee on deposit beverage containers for the same or similar purpose. Beginning March 1, 2015, requires every deposit beverage distributor to pay to the department of revenue a deposit on each deposit beverage container manufactured in or imported into the state. Beginning April 1, 2015, requires every deposit beverage distributor to charge the dealer or consumer a deposit equal to the refund value for each deposit beverage container sold in this state. Also beginning April 1, 2015, requires every dealer to charge the consumer at the point of sale a deposit equal to the refund value for each deposit beverage container sold in this state, except on beverages intended for on-premises consumption. Beginning April 1, 2015, specifies that every deposit beverage container sold in this state shall have a Tennessee refund value of five cents. The refund value is the amount of the deposit required. Establishes the deposit beverage container fund into which shall be deposited the container-recovery fee, the deposit beverage container deposit, and other specified moneys. Specifies how the moneys in the fund are to be used. Requires a sum sufficient to be allocated annually from the fund to reimburse the department of transportation for the loss of funding of the existing county litter grants program. Specifies that the deposit beverage container program is to be administered by the division of solid waste management within the department, with accounting functions performed by the department of revenue. (32 pp.)  
**Senate Status** 02/08/2013 - Referred to Senate Energy, Agriculture & Natural Resources Committee.  
**House Status** 02/06/2013 - Referred to House Agriculture & Natural Resources Subcommittee.

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### Health Care

#### SB840 / HB322 Scott Young Blind Vendors Act.

**Category** Health Care  
**Sponsors** Sen. Bill Ketron / Rep. Joe Carr  
**Description** Directs the Tennessee Code Commission to add a compiler's note at the end of TCA 71-4-502 that states the amendment to subdivision (4) by Chapter 976 of the Public Acts of 2012 shall be known as the "Scott Young Blind Vendors Act".  
**Senate Status** 02/21/2013 - Set for Senate Consent 2 02/25/13.  
**House Status** 02/21/2013 - Set for House Health Committee 02/27/13.

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