

## 107<sup>th</sup> General Assembly White Paper

<p><b>OPPOSE</b> SB291 / HB404</p>	<p><b>Government Contracts: Counties may give purchasing preference to local vendors.</b></p> <p><b>Sponsors</b> Sen. Mike Bell / Rep. Eric Watson</p> <p><b>Description</b> Permits county legislative bodies to adopt local preference purchasing policies which clearly define both local vendor and local area, establish criteria for vendors to qualify as local, and establish an amount of preference given with a maximum of one percent if based on price. County officials may give preference to local vendors but are not required to.</p> <p><b>Senate Status</b> 02/11/2011 - Referred to Senate State &amp; Local Government.</p> <p><b>House Status</b> 02/16/2011 - Referred to House General Subcommittee of State &amp; Local Government.</p>
<p><b>OPPOSE</b> SB359</p>	<p><b>Local Government: Preference given to local vendors in county purchasing.</b></p> <p><b>Description</b> Authorizes county governments to adopt local preference purchasing policies by resolution of the county legislative body.</p> <p><b>Senate Status</b> 03/14/2011 - Withdrawn in Senate.</p> <p><b>House Status</b> <i>None</i></p>
<p><b>OPPOSE</b> SB623 / HB480</p>	<p><b>Commercial Law: Waiver of lien rights violates the Consumer Protection Act.</b></p> <p><b>Sponsors</b> Sen. Bill Ketron / Rep. Charles Curtiss</p> <p><b>Description</b> Provides that a contractor who solicits a person to sign a contract containing a waiver of any right to a mechanics' or materialmen's lien is in violation of the Tennessee Consumer Protection Act of 1977. Declares it an unfair or deceptive act or practice in violation of the Consumer Protection Act for a general contractor to require a subcontractor to waive lien rights or to agree to be paid only if the general contractor is paid as a condition to being awarded the job.</p> <p><b>Senate Status</b> 02/16/2011 - Referred to Senate Commerce, Labor &amp; Agriculture.</p> <p><b>House Status</b> 02/16/2011 - Referred to House General Subcommittee of Commerce.</p>
<p><b>OPPOSE</b> SB1362 / HB818</p>	<p><b>Government Contracts: Allowances for businesses with health insurance programs.</b></p> <p><b>Sponsors</b> Sen. Lowe Finney / Rep. Mike Turner</p> <p><b>Description</b> Authorizes allowances for businesses for maintaining either comprehensive health insurance programs or defined benefit pension plans, or both, in the evaluation of bids and proposals for state contracts. - Amends TCA Title 12.</p> <p><b>Senate Status</b> 03/01/2011 - Referred to Senate State &amp; Local Government.</p> <p><b>House Status</b> 04/06/2011 - Failed in House General Subcommittee of State &amp; Local Government.</p>

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<p><b>OPPOSE</b> SB2016 / HB811</p>	<p><b>Government Contracts: Allowances for Tennessee businesses.</b>  <b>Sponsors</b> Sen. Eric Stewart / Rep. Mike Turner  <b>Description</b> Defines Tennessee businesses as for profit businesses that performs a commercially useful function with residence in Tennessee. Authorizes certain allowances for Tennessee businesses in the evaluation of bids and proposals for state contracts, including ten percent for contracts up to one million, seven-and-a-half percent for contracts up to ten million, five percent for contracts up to 25 million, and two-and-a-half percent for contracts exceeding 50 million.   <b>Senate Status</b> 05/10/2011 - Taken off notice in Senate State &amp; Local Government.  <b>House Status</b> 04/26/2011 - Taken off notice in House State &amp; Local Government.</p>
<p><b>SUPPORT</b> SB904 / HB1082</p>	<p><b>Construction: Local construction inspection services House Status</b>  <b>Sponsors</b> Sen. Bo Watson / Rep. Gerald McCormick  <b>Description</b> Requires local jurisdictions located in Davidson, Hamilton, Knox, and Shelby County who are approved by the state fire marshal to enforce and adopt specified codes to take on the responsibility of all required construction inspection services for buildings less than three stories high and requires all building plans be submitted to the local government for approval.   <b>Senate Status</b> 04/26/2011 - Taken off notice in Senate Commerce, Labor &amp; Agriculture.  <b>House Status</b> 04/20/2011 - House General Subcommittee of Commerce deferred to 2012.</p>
<p><b>OPPOSE</b> SB1353 / HB1521</p>	<p><b>Labor Law: Requires private employers to use E-Verify.</b>  <b>Sponsors</b> Sen. Lowe Finney / Rep. Mike Turner  <b>Description</b> Requires all private employers to be registered with the federal work authorization program, E-Verify, by January 1, 2012. Prohibits any private employer from hiring an illegal alien. Requires all private employers to check the work authorization status of each employee hired on or after January 1, 2012. Allows for public employers to either comply with the Immigration and Reform and Control Act of 1986 or to use E-Verify. Sets forth procedures for employers to follow if the federal work authorization program returns a tentative nonconfirmation for an employee, prohibiting the employer from taking any adverse action against the employee while the employee contests a tentative nonconfirmation. Requires employer to terminate an employee who receives a final nonconfirmation. Establishes penalties for employers who violate these requirements, and requires the commissioner of labor and workforce development to maintain on its web site a public database of private employers who violate these requirements and to post notice of public employers with violations. Requires contractors to submit to the general contractor E-Verify confirmation for any employee hired on or after January 1, 2012 and copies of two of the following documents for each contractor and independent contractor: TN driver license or photo license, a social security card or U.S. birth certificate. Broadly captioned. (11 pp.)   <b>Senate Status</b> 03/01/2011 - Referred to Senate Commerce, Labor &amp; Agriculture.  <b>House Status</b> 04/13/2011 - House General Subcommittee of State &amp; Local Government deferred to 2012.</p>

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<p><b>OPPOSE</b> SB1981 / HB2102</p>	<p><b>Government Contracts: Preference to Tennessee bidder.</b>  <b>Sponsors</b> Sen. Eric Stewart / Rep. Mike Turner  <b>Description</b> Requires preference to services by Tennessee bidder if cost of service is not 10 percent greater than cost of other similar services of similar expected quality that are not offered by a Tennessee bidder.  <b>Senate Status</b> 03/04/2011 - Referred to Senate State &amp; Local Government.  <b>House Status</b> 03/04/2011 - Referred to House State &amp; Local Government.</p>
<p><b>OPPOSE</b> <b>conflicts</b> <b>with 1672</b> SB1609 / HB1523</p>	<p><b>Taxes Business: Companies to offer health insurance to receive tax credit.</b>  <b>Sponsors</b> Sen. Beverly Marrero / Rep. Mike Turner  <b>Description</b> Requires private entities locating in this state to provide defined benefit and health insurance plans to its employees prior to receiving tax credits or any state funding as an incentive to establishing operations in the state.  <b>Senate Status</b> 03/01/2011 - Referred to Senate Finance, Ways &amp; Means.  <b>House Status</b> 04/13/2011 - House General Subcommittee of Commerce deferred to 04/20/2011.</p>
<p><b>OPPOSE</b> SB1385 / HB1676</p>	<p><b>Economic Development: Community development block grant for contractor.</b>  <b>Sponsors</b> Sen. Lowe Finney / Rep. Michael Ray McDonald  <b>Description</b> Requires the department of economic and community development to award a community development block grant to the Tennessee contractor with the lowest bid, unless such contractor's bid is more than 10 percent greater than the lowest bidder.  <b>Senate Status</b> 04/19/2011 - Taken off notice in Senate Commerce, Labor &amp; Agriculture.  <b>House Status</b> 04/13/2011 - Taken off notice in House General Subcommittee of Commerce.</p>
<p><b>SUPPORT</b> SB1479 / HB1744</p>	<p><b>Property &amp; Housing: Mechanics' and materialmen's liens - owner redefined.</b>  <b>Sponsors</b> Sen. Bo Watson / Rep. Gerald McCormick  <b>Description</b> Redefines owner for purposes of mechanics' and materialmen's liens to specify that an owner is an owner of real property that a lien claimant seeks to attach in addition to sell under process.  <b>Senate Status</b> 03/01/2011 - Referred to Senate Judiciary.  <b>House Status</b> 03/03/2011 - Referred to House Judiciary.</p>
<p><b>OPPOSE</b> SB1944 / HB2079</p>	<p><b>Government Contracts: Allowances for Tennessee businesses.</b>  <b>Sponsors</b> Sen. Lowe Finney / Rep. Craig Fitzhugh  <b>Description</b> Requires chief procurement officer to promulgate rules authorizing an allowance for Tennessee businesses in the evaluation of bids and proposals for state contracts. Specifies that the allowance to be given to a Tennessee business shall not exceed five percent of the lowest responsive, responsible bidder meeting specifications and shall be applied on a sliding scale.  <b>Senate Status</b> 02/24/2011 - Referred to Senate State &amp; Local Government.  <b>House Status</b> 04/13/2011 - House General Subcommittee of State &amp; Local Government deferred to summer study.</p>

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<p><b>OPPOSE</b> <b>SB1542 /</b> <b>HB1608</b></p>	<p><b>Professions &amp; Licensure: Contractor licensure exemptions.</b></p> <p><b>Sponsors</b> Sen. Andy Berke / Rep. Michael Ray McDonald</p> <p><b>Description</b> Exempts persons or entities from the requirement to obtain a license as a general contractor or home improvement contractor, if the person discloses that the person is not licensed, obtains other permits required by law, and does not submit or attempt to submit a bid to install any material, and the removal must not include delegations to any other person or entity or affect the building's structural integrity.</p> <p><b>Senate Status</b> 04/26/2011 - Taken off notice in Senate Commerce, Labor &amp; Agriculture.</p> <p><b>House Status</b> 04/26/2011 - Taken off notice in House Commerce.</p>
<p>Re-write of 62-6-103(b) <b>(b)</b> Any contractor required to be licensed under this part who is in violation of this part or the rules and regulations promulgated by the board shall not be permitted to recover any damages in any court other than actual documented expenses that can be shown by clear and convincing proof.</p> <p><b>Re-write</b></p> <p>Language changed in 2009 by PC 482 Sen. Ketron and Rep Black House bill 1249</p>	
<p>TCA 62-6-119 The failure of any bidder to comply with all of the provisions hereof shall automatically disqualify such bid. However, bids administered by the Tennessee department of general services shall require that the information be furnished within the bid or bid document only. When the bid is less than twenty-five thousand dollars (\$25,000), the name of the contractor <b>only may</b> appear on the outside of the envelope containing the bid or in the electronic bid document, and upon opening the envelope or review of the electronic bid, if such bid is in excess of twenty-five thousand dollars (\$25,000), the same shall automatically be disqualified.</p>	