



LEGISLATIVE SCORECARD

Tennessee Conservation Voters

2013



The Environmental Voice

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Member organizations:

- Breathe Clean Air Action Team
- Cumberland Harpeth Chapter of the Audubon Society
- Harpeth River Watershed Association
- League of Women Voters of Tennessee
- Scenic Tennessee
- Southern Alliance for Clean Energy
- Southern Environmental Law Center - Nashville
- Tennessee Association for Justice
- Tennessee Chapter of the Sierra Club
- Tennessee Citizens for Wilderness Planning
- Tennessee Environmental Council
- Tennessee Forest Council
- Tennessee Native Plant Society
- Tennessee Parks and Greenways Foundation
- Tennessee Preservation Trust
- Tennessee Recreation and Parks Association
- Tennessee Scenic Rivers Association



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Know the Score!

Tennessee Conservation Voters (TCV) is a statewide non-partisan, non-profit organization dedicated to protecting Tennessee's environment and preserving our natural resources through effective legislative and administrative advocacy.

TCV turns conservation values into Tennessee priorities by advocating for strong environmental policies and holding elected officials accountable. This annual Scorecard is one way we accomplish this goal – with factual, non-partisan information about how legislators voted on a range of issues. To compile this Scorecard, TCV works with environmental leaders to measure the year's most significant conservation actions.

2013 was not a banner year for the passage of "headline" environmental bills. And due to the lack of bills on key issues, many legislators do not have recorded votes. But that's just the surface story and there were unexpected victories. For example, legislators passed three good bills in the space of a week due to local citizen input. These bills provide incentives for local governments to reduce aluminum and plastics in landfills, improve public notice regarding landfill rezoning, and authorize courts to assess law enforcement and other costs for nuisance abatement against polluters.

We invite you to examine the scores of your Representative and Senator to find out where they stand on conservation and environmental issues.

2013 TCV Legislative Priorities

Here is some information on how our five major priorities fared for the 2013 session.



Maintaining dedicated state funds for state and local park land acquisition, protection of wetlands and agricultural conservation

Governor Haslam proposed full funding for this important item, as he has in previous years. The General Assembly agreed. *This does not always happen. In some past years all of these dedicated funds have been diverted from their intended use and transferred to different departments. Also related to the dedicated land funds, a bill was filed but stopped which would have permanently abolished this funding!*

Stopping destructive mountaintop mining

In spite of bills filed to ban mountaintop removal mining and in the face of extensive public support for a ban, this priority item failed to advance. In fact the bill failed in a Senate Committee for lack of a motion! Much work remains. Key areas for future progress include gaining the support of Governor Haslam and of legislators in traditional coal counties.

Resisting efforts to undermine necessary regulation of water and air quality

TCV sees much cause for concern here and a need for future scrutiny. TN Dept. of Environment & Conservation has fewer experienced staffers monitoring and enforcing our air and water laws. Also, proposed regulatory changes and funding reductions have raised concerns. Our state's Governor and General Assembly have systematically and successfully reduced revenue sources. Whatever your general political philosophy is about the size and role of government, our water and air quality protection efforts are not the place to reduce! On a happier budget note, the budget continues to provide helpful infrastructure funds for maintaining our award-winning state parks system.

Protecting against improperly regulated fracking

No legislation passed on this subject.

However, the General Assembly approved a new TDEC rule allowing for fracking without public notice. The new rules do not require notice for fracking operations using less than 200,000 gallons of water. Because of the shallowness of some Tennessee shale, this excludes many potential fracking operations from public notice.

Secretary of State Tre Hargett and State Treasurer David Lillard clarified at a State Building Commission meeting that they do not want state agencies to bring further proposals to the Commission that involve drilling for natural gas on state land. The comments came after the State Building Commission allowed UT to move forward with plans to drill on 8000 acres owned by the university. UT claims it is a research project (paid for by the drillers).

Promoting native plants while managing invasive species

The House and Senate passed resolutions urging study of the feasibility of re-establishing plant and animal species native to Tennessee's coalfield areas.

Other Significant Environmental Policy Developments:

- Attempts to micro-manage local planning and land use issues were defeated or at least delayed.
- A solar and wind tax compromise between the Comptroller's office and environmental groups and renewable energy businesses resulted in lower tax rates -- relative to non-renewable businesses. (Special credit to the Sierra Club on this item.)
- A surprise amendment to a sign bill would have allowed non-illuminated signs to be replaced with illuminated LED signs. The amendment failed in House committee due mostly to the efforts of Rep. Mitchell of Nashville and Rep. Dunn of Knoxville.

THANK YOU!

We are grateful to all who responded to our calls to action last year! No one can reasonably believe that our legislature is doing all we hope for regarding conservation and environmental protection, but our work is having a clear impact! Big issues remain, but we're stopping bad bills and passing some good ones. You are helping us turn conservation values into Tennessee priorities.

Reading the Scorecard:

Most national scorecards are based on entire House or Senate consideration of selected bills. In the Tennessee General Assembly however, most important legislative work and votes occur within the committee system. To have a more complete picture, this Scorecard also evaluates legislators' work on important and appropriate environmental bills by giving positive or negative credit for committee votes and bill sponsorship.

Opportunities for earning positive or negative points vary. Not all legislators serve on committees considering environmental bills. While the Scorecard gives a good general sense of the extent to which legislators supported the environment, legislators' scores should not be directly compared unless they had an opportunity to vote on the same bills. An additional consideration this year was the lack of substantive votes taken on environmental legislation. We had fewer items to rate legislators on this time, which is reflected in fewer "trees and stumps."

*To find the Legislators that represent your district, please visit www.legislature.state.tn.us

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1. **Mountain Top Removal Mining** (SB99/HB43) would have prohibited surface coal mining if it disturbed ridgelines above 2,000 feet. This bill was not heard in committee. **TCV supports this bill.** *Positive points for sponsorship. Negative points for the Senate Energy, Agriculture, and Natural Resources for failing to make a motion.*

2. **Community Gardens** (SB102/HB117) deletes prohibition on produce sales from community gardens. Enacted as Public Chapter Number 3. **TCV supports this bill.** *Positive points for sponsorship.*

3. **Department of Environment and Conservation Appeals Process** (SB159/HB153) improves the hearing process for contested environmental violations by giving more authority to unbiased administrative law judges. Enacted as Public Chapter Number 181. **TCV supports this bill.** *Positive points for sponsorship.*

4. **Utilities** (SB283/HB373) would have prohibited natural and gas utility companies from installing smart meters or establishing other environmentally sound procedures. **TCV opposes this bill.** This bill failed in House Business and Utilities. *Negative points for sponsorship and positive or negative votes for House Business and Utilities Subcommittee votes.*

5. **Community Gardens** (SB300/HB394) would have rewritten the Community Gardening Act by empowering local governments to establish community gardens as well as encourage participation in gardening and eating garden produce. This bill passed the House and awaits a vote in the Senate. *Positive points for sponsorship.*

6. **Green Energy** (SB507/HB115) would have established a green public schools task force. This bill passed House Subcommittee but was not heard in the Senate. **TCV supports this bill.** *Positive points for sponsorship*

7. **Water Quality and Fracking** (SB660/HB372) would have protected property owners in some instances from fracking taking place on their property without their permission. The bill was not heard in Committee. **TCV supports this bill.** *Positive points for sponsorship.*

8. **Solid Waste Disposal** (SB686/HB65) would have strengthened penalties for dumping solid waste. The bill failed to advance in the Finance Committees, although it passed other committees. **TCV supports this bill.** *Positive points for sponsorship and Committee votes in Senate Judiciary Committee and the House Criminal Justice Committee.*

9. **Deregulation** (SB843/HB311) would have required state departments to allow environmental violators to avoid civil penalties entirely in certain instances. This bill was taken off notice but is likely to return in 2014. **TCV opposes this bill.** *Negative points for sponsorship and negative points for votes in the House Business and Utilities Subcommittee.*

10. **Recycling** (SB941/HB945) creates incentive for local governments to recycle aluminum and plastic. Enacted as Public Chapter 421. **TCV supports this bill.** *Positive points for sponsorship.*

11. **Green Energy** (SB1000/HB62) reduces taxes on green energy production such as wind and solar in a way that solves a potential legal challenge. Enacted as Public Chapter Number 297. **TCV supports this bill as amended.** *Positive points for sponsorship.*

12. **Nuisance Protection** (SB1040/HB256) allows for assessing court costs including law enforcement costs against violators for abatement of environmental nuisances. Enacted as Public Chapter Number 463. **TCV supports this bill.** *Positive points for sponsorship.*

13. **Waste Disposal** (SB1160/HB952) increases landfill notification requirements if a classification change is sought. Establishes local legislative body approval procedure and public hearing. Enacted as Public Chapter Number 342. **TCV supports this bill.** *Positive points for sponsorship.*

14. **Mountain Top Removal Mining** (SB1386) would have established the Virgin Ridgeline Protection Act. No companion House bill was filed. **TCV supports this bill.** *Positive points for sponsorship.*

15. **Native Plants** (SJR111) urges study feasibility of re-establishing plant and animal species native to Tennessee's coalfield areas. **TCV supports this bill.** *Positive points for sponsorship.*

16. **Native Plants** (HJR132) urges study feasibility of re-establishing plant and animal species native to Tennessee's coalfield areas. **TCV supports this bill.** *Positive points for sponsorship.*

*For more information on individual bills go to www.legislature.state.tn.us

Reading the Scorecard:

Positive credit for floor votes, committee votes and / or sponsorships results in a "+1." Negative credit for floor votes, committee votes and / or sponsorship results in a "-1." For every two net positive actions, legislators received a tree; for every two net negative actions, they received a stump.

Bills that are included in the Scorecard are described in the Index of Actions. The bills are then noted in the columns "Positive Environmental Actions" and "Negative Environmental Actions" by number if a legislator had the opportunity to sponsor or vote on the bill.

To review the previous scorecards, go to www.tnconservationvoters.org

	2013 Score		2013 Score	108th General Assembly Rating
	2013 (+) Positive Actions*	2013 (-) Negative Actions*		
Senate				
Lt. Gov. Ramsey, R-2			0	
Beavers, R-17		1	-1	
Bell, R-9	8	1	0	
Bowling, R-16			0	
Burks, D-15		1	-1	
Campfield, R-7	8		1	
Crowe, R-3			0	
Dickerson, R-20			0	
Finney, D-27	(1), (7), 8, (11)		4	
O. Ford, D-29	(2), (11), 8		3	
Gardenhire, R-10	8		1	
Green, R-22	8		1	
Gresham, R-26		1	-1	
Haile, R-180			0	
Harper, D-19			0	
Henry, D-21	(7)		1	
Hensley, R-28			0	
Johnson, R-23			0	
Kelsey, R-31	8, (12), (13)		3	
Ketron, R-13		(4), (9)	-2	
Kyle, D-30			0	
Massey, R-6	(2)		1	
McNally, R-5	(11)		1	
Niceley, R-8	(5), (6)	1	1	
Norris, R-32	(3)		1	
Overbey, R-2	8, (10)		2	
Southerland, R-1	(3), (10), (15)	1	2	
Stevens, R-24	8, (13)		2	
Summerville, R-25	(14)		1	
Tate, D-33	(8)	1	0	
Tracy, R-14			0	
B. Watson, R-11			0	
Yager, R-12			0	
House of Representatives				
Speaker Harwell, R-56	(5)		1	
Alexander, R-39			0	
Armstrong, D-15			0	
H. Brooks, R-19	(5)		1	
K. Brooks, R-24			0	
Butt, R-64			0	
Calfee, R-32	4	9	0	
Camper, D-87	(5), 8		2	
J. Carr, R-48	(5)		1	
D. Carr, R-12	(5)		1	
Carter, R-29			0	
Casada, R-63	(5)		1	
Coley, R-97			0	
Cooper, D-86	(5)		1	
Curtiss, D-43		4, 9	-2	
Dean, R-30			0	
L. DeBerry, D-91	(5)		1	
J. DeBerry, D-90	(5), (8), (12)		3	
Dennis, R-71			0	
Doss, R-70	4, (5)	9	1	
Dunn, R-16	(1), (2), (5)		3	
Durham, R-65			0	
Eldridge, R-73	(5)		1	
Evans, R-66			0	
Faison, R-11	(5)	(9)	0	
Farmer, R-17	8		1	
Favors, D-29	(1), (5)		2	
Fitzhugh, D-82	(5)		1	
Floyd, R-27	(5)		1	
Forgety, R-23			0	
Gilmore, D-54	(1), (5), (6), (7), 8, (10)		6	
Goins, R-10			0	
Halford, R-79	(5), (16)		2	
Hall, R-18	(5)		1	
Hardaway, D-92	(2), (5), 8, (12)		4	
Harrison, R-9	(5)		1	
Hawk, R-5	(5), (11)		2	
Haynes, R-14			0	
M. Hill, R-7	(5)		1	
T. Hill, R-3			0	
Holt, R-76	(5), (16)		2	
Jernigan, D-60	(1), (5)		2	
C. Johnson, R-68			0	
G. Johnson, D-13	(1), (5)		2	
Jones, D-59	(5)		1	
Kane, R-89	(5)		1	
Keisling, R-38	(5), (16)		2	
Lamberth, R-44	(5), 8		2	
Littleton, R-78			0	
Lollar, R-99	(5), (16)		2	
Love, D-58	(5)		1	
Lundberg, R-1	(5)		1	
Lynn, R-57	(5)		1	
Marsh, R-62	4, (5)	9	1	
Matheny, R-47	(5), (10), (16)		3	
Matlock, R-21			0	
McCormick, R-26	(3), (5)		2	
McDaniel, R-72	(5)		1	
McManus, R-96	(5), (16)		2	
Miller, D-88			0	
Mitchell, D-50	(1), (5)		2	
Moody, R-81			0	
Odom, D-55	(5)		1	
Parkinson, D-98	(5), 8, (12)		3	
Pitts, D-67	(5)		1	
Pody, R-46			0	
Powell, D-53	(1), 4, (5), (10)	9	3	
Powers, R-36	(16)		1	
Ragan, R-33	(16)		1	
Ramsey, R-20	(1)		1	
Rich, R-94	(5), 8		2	
Roach, R-35			0	
Rogers, R-45	(3), 8	(4)	1	
Sanderson, R-77			0	
Sargent, R-61			0	
Sexton, R-25			0	
Shaw, D-80	(5)		1	
Shepard, D-69	(1)		1	
Shipley, R-2	8		1	
Sparks, R-49	(5)		1	
Spivey, R-92			0	
Stewart, D-52	(5), (12)		2	
Swann, R-8	4, (10), (16)	9	2	
Tidwell, D-74	(16)		1	
Todd, R-95	(5)	4, 9	-1	
Towns, D-84	(5), (12)		2	
Travis, R-31			0	
M. Turner, D-51	(1), (5)		2	
J. Turner, D-85	(5)		1	
Van Huss, R-6	(5)	8	0	
Watson, R-22	8		1	
Weaver, R-40	8		1	
M. White, R-83	(5)		1	
D. White, R-37			0	
K. Williams, I-4	(5)		1	
R. Williams, R-42	(5)		1	
Windle, D-41	(5)		1	
Wirgau, R-75	(13)	4	0	
Womick, R-34		(4), 9	-2	

* Refers to the index of Actions

() denotes sponsorship