



Tennessee Conservation Voters (TCV) is a statewide non-partisan, non-profit organization dedicated to the protection of Tennessee's environment and preservation of the state's natural resources through effective legislation and administrative advocacy. TCV focuses its resources on making environmental protection a top priority for Tennessee's elected officials, political candidates and voters. One way we accomplish this purpose is by publishing this yearly legislative scorecard. The scorecard is a summary of state legislators' performance on environmental issues, i.e., how they voted on bills/resolutions that were particularly important to Tennessee's environment in the 2009 legislative session.

2009 was a surprisingly successful year given the unprecedented number of environmental-related bills before the General Assembly, many of which were harmful. In our key priority areas, the legislation we favored passed and legislation we opposed failed in most, but not all categories. This success was thanks in large measure to citizen advocates and a few legislative champions, including the indisputable environmental voice of this session, Rep. Mike McDonald. This year, the Governor's energy initiative was approved as part of the budget and his "Tennessee Clean Energy Future Act of 2009" legislation also passed. In an exceptionally tight year, \$6 M for specific state parks renovation and upkeep passed in the budget. Also a destructive bill related to selenium discharge by coal mining companies was stopped on the House floor.

Unfortunately, a dangerous water quality bill (SB632/HB1615) passed. The wet weather conveyance bill which TCV and most environmental groups strongly opposed essentially sets up a new system for those seeking to alter water courses. Among other provisions, the bill allows hydrologists paid by a developer to submit reports to determine what is a wet weather conveyance and what is a stream. These reports are presumed to be accurate unless TDEC specifically objects within 30 days. We believe this new reporting process which provides no notice and no appeal right by nearby landowners is a dangerous change. The bill became impossible to defeat or even amend once TDEC expressed its neutrality. TDEC negotiated with the "Water Allies", made up of developers, roadbuilders and other business organizations without the participation of the Tennessee Conservation Voters or any of its 23 member organizations.



In 2009, the budget process dominated the session. Every department, including TDEC, lost significant funding and personnel. There were disappointments including the fact that land acquisition dedicated funds were once again taken for general government use, the container deposit legislation did not pass, the important mountaintop removal bill did not pass and the issue of radioactive waste in landfills was not addressed.

We have been urged to include a scorecard of Administration actions. We have chosen not to at this time but may do so later in the year. We will note now that the Administration deserves good marks for energy efficiency efforts and less good marks for its water-related work and for its failure to endorse important mountaintop removal legislation.

A note on Tennessee's legislative process: Most scorecards are based on floor votes (entire House or Senate consideration) on selected bills. In the Tennessee legislature however, bills may be filed with no subsequent action or vote taken. Therefore, this scorecard evaluates legislators' work on environmental bills by giving positive and negative credit for 1) floor votes, 2) committee votes and/or 3) bill sponsorship.

Scoring system:
 Voting: Legislators who sponsored or voted for a pro-environment bill or voted against an anti-environment bill or amendment received a "+1." Legislators who voted for or sponsored an anti-environment bill or voted against a pro-environment bill received a "-1." The numbers in the columns "Positive Environmental Actions" and "Negative Environmental Actions" refer to the numbers we have assigned to the bills in the bill description section. Therefore, in order to note which bills your legislators had the chance to vote on, you must find the bills that are represented by the numbers in the columns. The bills that a legislator sponsored are noted by parentheses (). Legislators' net scores are the number of positive actions minus the number of negative actions. For every 2 net positive actions, legislators received a tree; for every 2 net negative actions, they received a stump. We have omitted some otherwise appropriate bills which were voted up or down without environmental concerns being the primary consideration.

The opportunities for getting positive or negative points varied because not all legislators were on committees that considered environmental bills. While the scorecard gives a good general sense of how legislators supported the environment, legislators' scores should not be directly compared unless they had an opportunity to vote on the same bills.

*To find the Legislators that represent your district, please visit the Legislative Contacts page at www.tnconservationvoters.org



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Member organizations:

- Boone Watershed Partnership
- Breathe Clean Air Action Team
- Cumberland Harpeth Chapter of the Audubon Society
- Harpeth River Watershed Association
- Kilowatt Ours/Trust for the Future
- League of Women Voters of Tennessee
- Scenic Tennessee
- Southern Alliance for Clean Energy
- Southeast Energy Efficiency Alliance
- Tennessee Association for Justice (formerly TTLA)
- Tennessee Chapter of the Sierra Club
- Tennessee Citizen Action
- Tennessee Citizens for Wilderness Planning
- Tennessee Clean Water Network
- Tennessee Environmental Council
- Tennessee Forests Council
- Tennessee Native Plants Society
- Tennessee Parks and Greenways Foundation
- Tennessee Preservation Trust
- Tennessee Recreation and Parks Association
- Tennessee Scenic Rivers Association
- Tennessee Trails Association
- Tennessee Urban Forestry Council

To receive updates on state environmental legislation, e-mail: steward@tncomcast.net



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- SB 46/HB 116 would allow alleged polluters to appeal violations (issued by TDEC) to chancery court. The appeal would be heard with no weight given to TDEC's prior decision. Bill filed, no committee action taken. *Negative points for sponsorship.*
- SB 255/HB 78 would allow more equitable representation on water, air and solid waste quality control boards - including environmental participation. Bill deferred to 2010 in House State Govt. Subcommittee. *Positive points for sponsorship.*
- SB 486/HB 1709 would require minimum efficiency standards for specified electrical appliances. Bill filed, no committee action taken. *Positive points for sponsorship.*
- SB 631/HB 1616 would clarify that bonded, publicly-funded projects will not be subject to standard water quality controls. Bill deferred to 2010. *Negative points for sponsorship and positive or negative points for Senate Environment vote.*
- SB 632/HB 1615 creates new permitting standards for altering a watercourse, and under some conditions allows privately paid hydrologists to make watercourse determinations. Enacted as Public Chapter 464 (effective 06/23/2009). *Negative points for sponsorship; positive or negative points for Senate Floor Vote and House floor vote on Amendment 2 by McDonald.*
- SB 634/HB 973 would prohibit TDEC investigations based on anonymous communications. Bill filed, no committee action taken. *Negative points for sponsorship.*
- SB 687/HB 790 would require TDEC permits for solid waste to specify the type of waste the landfill cannot receive including nuclear or radioactive materials. Bill deferred to 2010. *Positive points for sponsorship.*
- SB 976/HB 716 allows permit holders to possess handguns in parks, natural areas, campgrounds and similar public places; allows local governments to prohibit guns in local parks. Enacted as Public Chapter 0428 (effective 09/01/2009). *Negative points for sponsorship; positive or negative points for full Senate and original House floor vote.*
- SB 1167/HB 1162 would create sales tax exemption for specified Energy Star qualified washers, air conditioners, programmable thermostats, light fixtures and bulbs, and refrigerators. Bill filed, no committee action taken. *Positive points for sponsorship.*
- SB 1331/HB 1204 would prohibit any water quality criterion established for selenium release by coal companies from being stricter than the draft criterion published by the EPA in 2004. Senate passed 04/13/2009. Bill failed on House Floor. House Calendar committee deferred to first calendar of 2010. *Negative points for sponsorship; positive or negative points for Senate and House floor vote.*
- SB 1335/HB 0941 would require TDEC to give a public or private utility or municipality at least 24 hours notice before conducting an inspection, site visit, records review, sampling event, or other regulatory action. Bill filed, no committee action taken. *Negative points for sponsorship.*
- SB 1398/HB 455 & SB 1406/HB 899 would restrict coal mining operations within 100 feet of waters of the state and also restrict them from altering a ridge line above 2,000 feet. Known also as Scenic Vistas bill. Bills filed, no committee action taken. *Positive points for sponsorship.*
- SB 1404/HB 1167 would enact the TN Beverage Container Recycling Act (bottle bill) to reduce litter and increase recycling. Bill heard in Senate Environment committee but no committee action taken. *Positive points for sponsorship.*
- SB 1471/HB 1263 enables formation of Regional Transit Authorities to create dedicated funding streams to promote mass transit. Enacted as Public Chapter 0362 (effective 06/05/2009). *Positive points for sponsorship.*
- SB 1559/HB 1628 as originally filed, would revise rules for disposal of coal ash to require a liner and a ground water detection monitoring program. As passed, bill was weakened. Requires a liner and a final cap and makes provisions for coal ash to be used for fill, agricultural uses, feedstock and waste water treatment units. Enacted as Public Chapter 0255 (effective 05/20/2009). *Positive points for original sponsors.*
- SB 1671/HB 1198 & SB 1921/HB 1691 would promote use of Energy Star appliances by state agencies. Bills filed, no committee action taken. *Positive points for sponsorship.*
- SB 2154/HB 2154 would provide immunity to permit holders, including those found to be polluters, from nuisance claims and damages. House Civil Practice Subcommittee deferred to summer study. *Negative points for sponsorship.*
- SB 2294/HB 2248 restricts destructive rock harvesting practices on state-owned land. Enacted as Public Chapter 211 (effective 5/13/2009). *Positive points for sponsorship.*
- SB 2300/HB 2318 enacts the TN Clean Future Act of 2009 to create improved state energy efficiency standards, establish building codes, improve job creation in the clean energy technology sector and promote residential energy efficiency. Administration initiative. Enacted as Public Chapter 529. *Positive points for sponsorship; and positive or negative points for full Senate floor vote, final House floor vote and House floor vote on Amendment #22.*
- SJR 0327 declares that the TN Senate is officially opposed to participation in a federally mandated carbon cap-and-trade system that is financially punitive to those who emit carbon in excess of a federal allotment. Senate passed 06/03/2009. *Negative points for sponsorship and positive or negative points for Senate floor vote.*

	2009 Score		2009 Rating
	2009 (+) Positive Actions*	2009 (-) Negative Actions*	2009 Score
Senate			
Speaker Ramsey, R-2	19	5,8,10,20	-3
Barnes, D-22	(19),19,20	5,8,10	0
Beavers, R-17		5,(8),8,10,19,20	-6
Berke, D-10	8,10,(14),(16),(19),19,20	5	6
Black, R-18	19	5,8,10,(20),20	-4
Bunch, R-9		(1),5,8,10,20	-5
Burchett, R-7	(14),(15),(19),19	5,8,10,20	0
Burks, D-15	8,(18),19	5,10,20	0
Crowe, R-3		5,(8),8,10,20	-5
Faulk, R-4		4,5,(8),8,10,20	-6
Finney, D-2	(9),(16),(19),19,20	5,8,10,(17)	1
O. Ford, D-29	(19),19,20	10	2
Gresham, R-26	19	5,(8),8,10,(20),20	-5
Harper, D-19	5,8,(14),19,20	10	4
Haynes, D-20	8,10,(14),19,20	5	4
Henry, D-21	5,8,(14),(19),19,20	10	5
Herron, D-24	10,(19),19,20	5,8	2
Jackson, D-25	(12),(13),19,20	4,5,8	1
Johnson, R-23	(14),19	4,5,8,10,(20),20	-4
Ketron, R-13	(12),19	5,8,10,20	-2
Kyle, D-28	8,10,(18),(19),19,20		6
Marrero, D-30	(2),(3),5,(7),8,10,(13),(18),(19),19,20		11
McNally, R-5	(13),(14),(19),19	5,8,10,20	0
Norris, R-32	19	8,10,20	-2
Overbey, R-8	(19),19	5,8,10,20	-2
Southerland, R-1		(4),4,(5),5,(6),8,10	-7
Stanley, R-31	19	5,8,10,20	-3
E. Stewart, D-14	19,20	5*,8,10	-1
Tate, D-33	8,10,(14),(19),19,20		6
Tracy, R-16	19	5,8,10,20	-3
B. Watson, R-11	19	5,8,10,20	-3
Woodson, R-6	19	4,5,8,10,20	-4
Yager, R-12	(19),19	5,8,(10),10,(11),20	-4
House of Representatives			
Speaker Williams, CCR-4	19	5,8,19	-2
Armstrong, D-15	5,8,(19),19	10	3
Barke, D-77	10,19,19	5,8	
Bass, D-65	5,10,19	(8),8,19	0
Bell, R-23		(1),5,(8),8,10,19,19	-7
Bone, D-46	5,10,(14),(19),19,19	8	5
Borchert, D-75	10,(12),(19),19,19	5,8	3
H. Brooks, R-19	19	5,8,10,19	-3
K. Brooks, R-24	(19),19,19	5,8,10	0
Brown, D-28	5,8,10,(19),19,19		6
Camper, D-87	5,8,10,(19),19,19		6
Campfield, R-18		5,(8),8,10,19,19	-6
Carr, R-48	19	5,(8),8,19	-3
Casada, D-62	19	5,8,10,19	-3
C. Cobbs, D-62	5,10,(19),19,19	8	4
J. Cobb, R-31		5,(8),8,10,19,19	-6
Ty Cobb, D-64	5,10,19,19	8	3
Coleman, D-49	5,(7),10,(14),(19),19,19	8	6
Coley, R-97	(13),(19),19	5,8,19	0
Cooper, D-86	5,8,10,19	19	3
Curtiss, D-43	5,8,19	10,19	1
Dean, R-30	(14),(19),19	5,(8),8,10	-1
J. Deberry, D-90	5,(7),10,(19)	19	3
L. Deberry, D-91	5,8,19,19	10	3
Dennis, R-71		5,8,10,19,19	-5
Dunn, R-16	10,(12),19	8,19	1
Eldridge, R-73	(19),19,19	5,8,10	0
Evans, R-66	19	5,(8),8,10	-3
Faulkner, R-36		(5),5,(8),8,10,19,19	-7
Favors, D-29	5,10,(19),19,19		5
Ferguson, D-32	19,19	(5),5,8,10,(11)	-3
Fincher, D-42	5,(9),10,19,19	(8),8	3
Fitzhugh, D-82	5,8,10,(19),19,19		6
Floyd, R-27	(18)	5,8,10,19,19	-4
D. Ford, R-6	19	5,8,10,19	-3
Fraley, D-39	19,19	5,8,10	-1
Gilmore, D-54	(2),5,(7),8,10,(14),(19),19,19		9
Hackworth, D-33	5,10,(19),19,19	8	4
Halford, R-79	19	5,8,10,19	-3
Hardaway, D-92	5,8,10,(19),19	19	4
Harmon, D-37	5,8,10,19	19	3
Harrison, R-9	19	5,8,10,19	-3
Harwell, R-56	10,(14),19	5,8,19	0
Hawk, R-5	19	5,8,10,19	-3
Haynes, R-14	(14),19,19	5,8,10	0
Hensley, R-70		5,(8),8,10,19,19	-6
Hill, R-7		5,(8),8,10,19,19	-6
C. Johnson, R-68	19	5,(8),8,19	-3
P. Johnson, R-78	(19),19,19	5,8,10	0
S. Jones, D-59	5,8,10,(13),(14),(19),19,19		8
U. Jones, D-98	5,10,(14),(19),19		5
Kelsey, R-83	19	5,(8),8,10,19	-4
Kernell, D-93	5,8,10,(12),(13),19,19		7
Litz, D-10	19,19	(5),5,8,10	-2
Lollar, R-99	(19),19	5,(8),8,10,19	-3
Lundberg, R-1		8	-1
Lynn, R-57		5,8,10,19,19	-5
Maddox, D-76	10,(19),19,19	8	3
Maggart, R-45	19	5,8,10,19	-3
Matheny, R-47	19	5,8,10	-2
Matlock, R-21	19	5,8,10,19	-3
McCord, R-8	(15),(18),(19),19	(4),(5),5,(6),8,(10),10,(17)	-4
McCormick, R-26	(12),(18),19	5,(8),8,10,19	-2
McDaniel, R-72	19	5,8,10	-2
McDonald, D-44	5,10,(12),(13),(19),19,19	8	6
McManus, R-96	(19),19	5,8,19	-1
Miller, D-88	5,8,10,(19),19,19		6
Montgomery, R-12	19	5,8,10,19	-3
Moore, D-50	5,10,(14),19,19	8	4
Mumpower, R-3	19	5,8,10,19	-3
Naifeh, D-81	5,8,10,19,19		5
Niceley, R-17		(5),5,(8),8,10,(11),19,19	-8
Odom, D-55	5,10,(14),19,19	8	4
Pitts, D-67	5,10,(16),(19),19,19	8	5
Pruitt, D-58	5,8,10,(13),(14),(19),19,19		8
Ramsey, R-20	19	5,8,10	-2
Rick, R-94	19	5,(8),8,10,19	-4
Richardson, D-89	5,(7),8,10,(13),19,19		7
Roach, R-35	19	5,8,10,19	-3
Rowland, R-34	19	5,8,10,19	-3
Sargent, R-61	(14),19,19	5,8,10	0
Shaw, D-80	5,8,10,(19),19,19		6
Shepard, D-69	5,10,(19),19,19	8	4
Shipley R-2	19	5,8,10,19	-3
Sontany, D-53	5,8,10,(14),(19),19,19		7
M. Stewart, D-52	(3),5,8,10,(12),(13),(14),19,19		9
Swafford, R-25	19	5,(8),8,10,19	-4
Tidwell, D-74	19	(5),5,8,10,19	-4
Tindell, D-13	5,10,(19),19	8,19	2
Todd, R-95	19	5,(8),8,10,19	-4
Towns, D-84	5,8,10,19	19	3
L. Turner, D-85	(7),8		2
M. Turner, D-51	5,8,10,(12),(13),(14),(18),(19),19,19		10
E. Watson, R-22	(19),19	(8),8,10,19	-2
Weaver, R-40		5,(8),8,10,19,19	-6
West, D-60	10,(13),(19),19		4
Windle, D-41	5,10,19	8,19	1
Wilmington, D-38	5,(19),19,19	8	3
Yokley, D-11	5,10,(12),(16),(19),19,19	8	6

* Refers to the index of Actions; () denotes sponsorship; **Sen. Stewart worked to achieve a compromise that was ultimately not possible.