

VOTING RECORD

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

2007–2008 SESSION: Roll call votes by your state legislators on the following key small business issues during the last two sessions of the 105th Tennessee General Assembly are listed below. Although this *Voting Record* does not reflect every element considered by a lawmaker when voting, nor does it represent a complete profile of a legislator, it can be a guide in evaluating your legislator's attitude toward small business.

NFIB did not calculate a *Voting Record* percentage this cycle because many anti-small business bills were defeated in committee. Many issues that affect small businesses did not go to a roll call vote on either the House or Senate floors. For more information on important small business issues that were debated in committees, please refer to the legislative record at the end of this publication. Please thank those legislators who supported small business.

1. Small group health cooperatives (SB 4014/HB 4066): Authorizes the formation of a health group cooperative of small employers for the purpose of obtaining insurance. A health group cooperative must contain at least 1,000 eligible employees or have at least 10 participating employers. To be eligible, employers must have between two and 50 employees. Participation in a cooperative is voluntary, but an employer must commit to purchasing coverage through the cooperative for five years, unless allowed to terminate because of a financial hardship. A **“Yes” vote supports the NFIB position.** Passed the Senate 31–0. Passed the House 97–0.

2. Tort reform (SB 2001/HB 1993): Attempts to reduce frivolous lawsuits by requiring any person who asserts a claim for medical negligence to give written notice to each physician or health-care provider at least 60 days before filing suit. Enables all parties to obtain copies of the claimant's medical records within 30 days, upon written request. Requires a plaintiff to file a certificate of good faith within 90 days of filing, acknowledging consultation with at least one medical expert. A **“Yes” vote supports the NFIB position.** Passed the Senate 32–0. Passed the House 93–1–1.

3. Regulatory flexibility (SB 55/HB 1276): Requires state agencies to

report certain information prior to filing or adopting rules and regulations that may have an adverse impact on small businesses and licensees. Agencies must issue economic impact analysis and regulatory flexibility analysis statements. Prior to the adoption of any proposed regulation with a potential adverse impact, agencies must notify the Department of Economic and Community Development of its intent to adopt the proposed regulation. Codifies the governor's 2006 executive order on the matter. A **“Yes” vote supports the NFIB position.** Passed the Senate 29–0. Passed the House 97–0.

4. Minimum wage (SB 1668/HB 625): Would have adopted the federal minimum wage as the minimum wage within Tennessee and provided for an automatic increase of a certain amount whenever Congress fails to increase the minimum wage for five full calendar years. A **“No” vote supports the NFIB position.** Passed the House 59–37–1. Failed to advance in the Senate Commerce, Labor & Agriculture Committee.

Voting Key

E	=	Excused
PNV	=	Present, not voting
NV	=	Not Voting

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N

Armstrong, Joe	Y	Y	Y	Y
Baird, William	Y	Y	Y	N
Bass, Eddie	Y	Y	Y	Y

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N

Bell, Mike	Y	Y	Y	N
Bibb, Robert (Bob)	Y	Y	Y	PNV
Bone, Stratton	Y	Y	Y	Y

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N
Borchert, Willie Butch	Y	Y	Y	Y
Briley, Rob	Y	Y	Y	Y
Brooks, Harry	Y	Y	Y	N
Brooks, Kevin	Y	Y	Y	N
Brown, Tommie F.	Y	NV	Y	Y
Buck, Frank	Y	Y	Y	Y
Camper, Karen	Y	Y	**	**
Campfield, Stacey	Y	Y	Y	N
Casada, Glen	Y	Y	Y	N
Cobb, Curt	Y	Y	Y	Y
Cobb, Jim	Y	Y	Y	N
Coleman, Kent	Y	Y	Y	Y
Coley, Jim	Y	Y	Y	Y
Cooper, Barbara	Y	Y	Y	Y
Crider, Chris	E	Y	Y	N
Curtiss, Charles	Y	Y	Y	Y
Dean, Vince	Y	Y	Y	N
DeBerry, John Jr.	Y	Y	Y	Y
DeBerry, Lois	Y	NV	Y	Y
DuBois, Tom	Y	Y	Y	E
Dunn, Bill	Y	Y	Y	N
Eldridge, Jimmy	Y	Y	Y	N
Favors, Joanne	Y	Y	Y	Y
Ferguson, Dennis	Y	Y	Y	Y
Fincher, Henry	Y	N	Y	Y
Fitzhugh, Craig	Y	Y	Y	Y
Floyd, Richard	Y	Y	Y	N
Ford, Dale	Y	Y	Y	N
Fraleigh, George	Y	Y	Y	Y
Gilmore, Brenda	Y	Y	Y	Y
Gresham, Dolores	Y	E	Y	Y
Hackworth, Jim	Y	Y	Y	Y
Hardaway, G.A.	Y	Y	Y	Y
Harmon, Bill	Y	Y	Y	Y
Harrison, Michael	Y	Y	Y	Y

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N
Harwell, Beth	Y	Y	Y	N
Hawk, David	Y	Y	Y	N
Hensley, Joey	Y	Y	Y	N
Hill, Matthew	Y	Y	Y	N
Hood, John	Y	Y	Y	Y
Johnson, Curtis	Y	Y	Y	Y
Johnson, Phillip	Y	Y	Y	N
Jones, Sherry	Y	Y	Y	Y
Jones Jr., Ulysses	Y	Y	Y	Y
Kelsey, Brian	Y	Y	Y	N
Kernell, Mike	Y	Y	Y	Y
Litz, John	Y	Y	Y	Y
Lollar, Ron	Y	Y	Y	N
Lundberg, Jon	Y	Y	Y	N
Lynn, Susan	Y	Y	Y	N
Maddox, Mark	Y	Y	Y	Y
Maggart, Debra Young	Y	Y	Y	N
Matheny, Judd	Y	Y	Y	Y
Matlock, Jimmy	Y	Y	Y	N
McCord, Joe	Y	Y	Y	N
McCormick, Gerald	Y	Y	Y	N
McDaniel, Steve	Y	Y	Y	N
McDonald, Michael	Y	Y	Y	Y
McManus, Steve	Y	Y	Y	N
Miller, Larry J.	Y	E	Y	Y
Montgomery, Richard	Y	Y	Y	NV
Moore, Gary	Y	Y	Y	Y
Mumpower, Jason	Y	Y	Y	N
Naifeh, Jimmy (Speaker)	Y	Y	Y	Y
Niceley, Frank	Y	Y	Y	N
Odom, Gary	Y	Y	Y	Y
Overbey, Doug	Y	Y	Y	N
Pinion, Phillip	Y	Y	Y	Y
Pitts, Joe	Y	Y	Y	Y
Pruitt, Mary	Y	Y	Y	Y

** Rep. Camper was appointed to replace Rep. Rowe during the 2008 session.

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N
Richardson, Jeanne	Y	Y	****	****
Rinks, Randy	Y	Y	Y	Y
Roach, Dennis	Y	E	Y	Y
Rowe, Gary	*	*	E	Y
Rowland, Donna	Y	Y	Y	N
Sargent, Charles	Y	Y	Y	N
Shaw, Johnny	Y	Y	Y	Y
Shepard, David	Y	Y	Y	Y
Sontany, Janis	Y	Y	Y	Y
Strader, Park	E	Y	E	N
Swafford, Eric	Y	Y	Y	N
Tidwell, John	Y	Y	Y	Y
Tindell, Harry	Y	Y	Y	Y

* Rep. Rowe passed away during the 2008 session.
 **** Rep. Richardson served the 2008 term for District 92 after winning a special election.

TENNESSEE HOUSE OF REPRESENTATIVES

ISSUE NUMBER	1	2	3	4
NFIB/TENNESSEE POSITION	Y	Y	Y	N
Todd, Curry	Y	Y	Y	N
Towns Jr., Joe	Y	Y	Y	Y
Turner, Larry	Y	Y	Y	Y
Turner, Mike	Y	Y	Y	Y
Vaughn, Nathan	Y	Y	Y	Y
Watson, Eric	Y	Y	Y	Y
West, Ben	Y	Y	Y	Y
Wilder, Mary	***	***	Y	Y
Williams, Kent	Y	Y	Y	N
Windle, John Mark	Y	Y	Y	Y
Winningham, Les	Y	Y	Y	Y
Yokley, Eddie	Y	Y	Y	Y

*** Rep. Mary Wilder temporarily held the seat vacated by Beverly Marrero, who moved to the Senate during the 2007 session.

TENNESSEE SENATE

ISSUE NUMBER	1	2	3
NFIB/TENNESSEE POSITION	Y	Y	Y
Beavers, Mae	Y	Y	Y
Berke, Andy	Y	Y	**
Black, Diane	Y	Y	Y
Bunch, DeWayne	Y	Y	Y
Burchett, Tim	Y	Y	Y
Burks, Charlotte	Y	Y	Y
Crowe, Rusty	Y	Y	Y
Crutchfield, Ward	*	*	Y
Finney, Lowe	Y	Y	Y
Finney, Raymond	Y	Y	Y
Ford, Ophelia	Y	Y	E
Harper, Thelma	Y	Y	Y
Haynes, Joe	Y	Y	Y
Henry, Douglas	Y	Y	Y
Herron, Roy	Y	Y	Y
Jackson, Doug	NV	Y	NV
Johnson, Jack	Y	Y	Y

* Sen. Crutchfield served only District 10 during the 2007 session.
 ** Sen. Berke won a special election to serve District 10 in the 2008 session.

TENNESSEE SENATE

ISSUE NUMBER	1	2	3
NFIB/TENNESSEE POSITION	Y	Y	Y
Ketron, Bill	Y	Y	Y
Kilby, Tommy	Y	Y	Y
Kurita, Rosalind	Y	Y	Y
Kyle, James	Y	Y	Y
Marrero, Beverly	Y	Y	Y
McNally, Randy	Y	Y	Y
Norris, Mark	NV	Y	Y
Ramsey, Ron (Lt. Gov.)	Y	Y	Y
Roller, Steve	Y	Y	***
Southerland, Steve	Y	Y	Y
Stanley, Paul	Y	Y	E
Tate, Reginald	Y	Y	Y
Tracy, Jim	Y	Y	Y
Watson, Bo	Y	Y	Y
Wilder, John	Y	Y	Y
Williams, Micheal	Y	E	Y
Woodson, Jamie	Y	Y	Y

*** Sen. Roller won a special commission vote to serve District 14 in 2008, replacing Sen. Jerry Cooper.

LEGISLATIVE RECORD

NFIB FOUGHT HARD for your small business the last two sessions, achieving many victories in House and Senate committees and subcommittees. Small business is grateful to the many legislators in these committees who rejected the notion that government interference or adding to existing burdens helps your business. The following are a few of the many instances in which NFIB played a significant role at the state level in promoting and protecting your right to own, operate and grow your business.

- **Mandatory leave fails:** The Senate Commerce Labor & Agriculture Committee blocked Senate Bill 3773, which would have mandated paid sick and vacation leave in Tennessee for employers with 25 or more employees. This expensive legislation would have required covered employers to grant their employees paid sick and vacation leave based on the number of hours they work annually. The Senate Commerce Committee played a vital role the last two years in protecting free enterprise and keeping government out of your business.
- **Local tax audits halted; tax form simplicity sought:** Sponsors pulled the plug on SB 3099/HB 3517, which would have allowed city and county governments to retain agents to conduct audits of taxpayer records. We asserted that potential double audits of taxpayers by state authorities and local agents are unnecessary. We also argued that the bill would subject business owners to hired guns. Of note, several Senate and

House leaders agree business tax collection forms at the county level are too complex. A committee is expected to study the issue later in 2008.

- **Union bills pulled:** After an exhaustive game of cat-and-mouse, sponsors ended efforts to pass House Joint Resolution 765, which would have encouraged Congress to pass the poorly named Employee Free Choice Act (also known as “card check”). Sponsors also halted efforts to pass HB 3263, which would have taken away the right of an employer to conduct a mandatory employee meeting to discuss issues related to a union campaign. NFIB members are philosophically opposed to initiatives that strip them of the freedom they need to run their enterprises.
- **Pay measure stopped:** An effort to add stringent factors to gender equity pay differentials that would have opened a new avenue to compensatory and punitive damages stalled in the 2007–08 session. The bill (SB 3122/HB 2621) would have authorized class-action lawsuits.

CHALLENGES AND OPPORTUNITIES

Of course, opportunities and challenges at the state level remain. They include the following.

- **Healthcare tax credits:** NFIB will continue to work to advance SB 2659/HB 3100, which would establish much-needed tax credits for small businesses that provide at least 50 percent of health benefits to employees. The bill will save the state, hospitals and, eventually, taxpayers money by keeping more small business owners under

private health insurance and providing incentives for more startup businesses to provide it.

- **Workers' compensation:** NFIB continues to work to improve our state's workers' compensation system four years after the adoption of comprehensive reform, including looking for ways to minimize the impact of a surprising and recent Tennessee Supreme Court decision that essentially created a new workers' compensation system for injuries that occur during recreational activities. Our members believe the benefits of a proposed bill—healthier workers, lower healthcare costs and better worker productivity and morale—far outweigh any potential concerns.
- **Immigration:** NFIB continues to argue that employers who knowingly hire illegal immigrants should be punished, but should not be tasked as immigration police. We continue to argue for a comprehensive federal overhaul to address systemic issues, rather than pursue a state-by-state patchwork solution.
- **Tort reform:** NFIB continues to fight for a reasonable cap on non-economic damages and the establishment of a “loser pays” system and attorney fee scheduling as part of a comprehensive legal reform package.

What are your challenges? NFIB is working on many other issues that are important to our members. Don't see yours on the list? Please call Tennessee State Director Jim Brown at 615-874-5288 or e-mail jim.brown@nfib.org with your concerns.