

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 608

HOUSE BILL NO. 1749

**By Representatives Fitzhugh, Moore, Hardaway, Yokley, Ty Cobb, Brown,
Favors, Stewart, Camper and Mr. Speaker Williams**

Substituted for: Senate Bill No. 517

By Senators McNally, Yager

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 4, Chapter 3, Part 7, is amended by adding the following language as a new section:

Section 4-3-736. The state delegates to the department of economic and community development the authority to allocate on behalf of the state the portions of the "national recovery zone economic development bond limitation" and the "national recovery zone facility bond limitation", as such phrases are defined in Section 1400U-1 of the Internal Revenue Code of 1986, as amended, that are allocated to the state pursuant to Section 1400U-1(a)(1) of the Internal Revenue Code of 1986, as amended, among the counties and "large municipalities", as defined in Section 1400U-1(a)(3)(B) of the Internal Revenue Code of 1986, as amended, in the manner provided in Section 1400U-1(a)(3) of the Internal Revenue Code of 1986, as amended.

SECTION 2. Tennessee Code Annotated, Section 9-21-105(22), is amended by deleting subdivision (B)(vi) in its entirety and by substituting instead the following:

(vi) Facilities or capital expenditures paid or incurred with respect to property located in a "recovery zone", as such term is defined in Section 1400U-1(b) of the Internal Revenue Code of 1986, as amended, that are made for a "qualified economic development purpose", as such term is defined in Section 1400U-2(c) of the Internal Revenue Code of 1986, as amended;

(vii) Facilities or expenditures paid or incurred for "qualified conservation purposes," as defined in Section 54D(f) of the Internal Revenue Code of 1986, as amended, in connection with the issuance of "qualified energy conservation bonds", as defined in Section 54D of the internal Revenue Code of 1986, as amended; and

(viii) All property real and personal, appurtenant thereto or connected with any public works project, work or undertaking and the existing public works project, work or undertaking, if any, to which such public works project, work or undertaking is an extension, addition, betterment, or improvement.

SECTION 3. Tennessee Code Annotated Section 9-21-107, is amended by deleting subdivision (21) in its entirety and by substituting instead the following:

(21) Designate one (1) or more areas that meet the requirements of Section 1400U-1(b) of the Internal Revenue Code of 1986, as amended, as a "recovery zone" for purposes of that section; and

(22) Do all things necessary or convenient to carry out the powers expressly given in this chapter.

SECTION 4. Tennessee Code Annotated, Section 7-54-101, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) "Energy production facility" means a facility for the production, conversion, or transmission of energy from the controlled processing of fossil or other fuels or other sources of energy and the production of electricity, steam, or other forms of energy for heating, cooling, manufacturing processes, and other uses, and includes "energy recovery facilities" as defined in § 68-211-501 and includes "qualified renewable energy facilities" as defined in Section 54C(d)(1) of the Internal Revenue Code of 1986, as amended, provided that the Municipality proposing to provide the financing for the qualified renewable energy facility constitutes a "qualified issuer" under Section 54C(d)(6) of the Internal Revenue Code of 1986, as amended, and may include "resource recovery facilities" as defined in § 68-211-501 to the extent that such resource recovery facilities are constructed in connection with energy recovery facilities;

SECTION 5. Tennessee Code Annotated, Section 7-53-101(13)(A), is amended by adding the following language as new subdivisions:

(xii) Any land, buildings, structures and facilities including the site of the building, structure and facilities, machinery, equipment and furnishings which constitute "recovery zone property" as such term is defined in Section 1400U-3(c) of the Internal Revenue Code of 1986, as amended;

(xiii) Facilities or expenditures paid or incurred for "qualified conservation purposes" as defined in Section 54D of the Internal Revenue Code of 1986, as amended, in connection with the issuance of "qualified energy conservation bonds", as defined in Section 54D of the Internal Revenue Code of 1986, as amended.

SECTION 6. Tennessee Code Annotated Title 4, Chapter 31, Part 1, is amended by adding the following language as a new section:

Section 4-31-119. The state delegates to the Tennessee local development authority the authority to allocate on behalf of the state the portion of the "national qualified energy conservation bond limitation", as defined in

Section 54D of the Internal Revenue Code of 1986, as amended, which is allocated to the state pursuant to such Section 54D, in a manner consistent therewith. The authority may make such allocations from a list of recommended allocations presented to it by the division of energy of the department of economic and community development. The division of energy of the department of economic and community development shall serve as the coordinator and administrator of such allocation programs, establishing the terms and provisions of the programs, and adopting such procedures with respect to such programs as shall be necessary or appropriate.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of July 2009


PHIL BREDESEN, GOVERNOR