

**PUBLIC CHAPTER NO. 686**

**SENATE BILL NO. 2803**

**By Jackson**

Substituted for: House Bill No. 2910

By Tidwell

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 4 and Title 43, relative to enact the "Forest Product Fairness Act".

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

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding the following as a new chapter:

Section 43-40-101.

This part shall be known and may be cited as the "Forest Product Fairness Act".

Section 43-40-102.

The general assembly recognizes the enormous contribution that the Tennessee forest products industry makes to the state. The continued health of the industry is vital to Tennessee's economic well-being. A fair and equitable process for awarding state incentives to the forest products industry is necessary to maintain economic viability. The purpose of this part is to provide for a procedure that will ensure an open process for the awarding of incentives, that encourages the use of forest products but does not give an unfair advantage to one segment of the forest products industry over another, and that does not put existing businesses at a competitive disadvantage.

Section 43-40-103.

As used in this part, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Agriculture;

(2) "Forest products" include the following:

(A) Products that are derived from woody biomass;

(B) Forest wood waste, including residual tops and limbs of trees, unused cull trees, pre-commercial thinnings, and wood or debris from noncommercial tree species, slash or brush;

(C) Any wood chips or fibers or other organic substances and any inorganic substances recovered from forest wood waste or produced as byproducts of processing wood; and

(3) "Incentives" means any tax exemption, tax credit, tax exclusion, tax deduction, rebate, investment, contract, or grant made available by the state to directly support the purchase of forest products. "Incentives" shall not mean any such benefit available under statutorily provided programs.

Section 43-40-104.

Incentives to directly support the purchase of forest products shall be approved by the commissioner through a fair and equitable process prior to being awarded. The process shall be open to individuals and both new and existing partnerships, corporations, associations, or other legal entities.

Section 43-40-105.

The Commissioner of Agriculture is authorized to promulgate rules and regulations to effectuate the purposes of this act, after consulting with the Commissioner of Economic and Community Development. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

**PASSED: March 15, 2010**



RON RAMSEY  
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 31st day of March 2010**



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PHIL BREDESEN, GOVERNOR