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THE RESEARCH REVIEW

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(Pictured: Governor Bredesen delivering his State of the State Address on January 28th.)

For an overview of the administration's budget for FY 08-09, see this week's **Finance Committee Report** on **Page 12**.

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Chairman Bone

The **Agriculture Committee** met Tuesday to consider one bill and hear a presentation. **HB 1168** (Sontany) was referred to Finance, Ways and Means as amended. The bill as amended creates a certification and permit for animal chemical capture technicians through the Board of Veterinary Medical Examiners and creates a Class B misdemeanor for any person or entity that engages in

chemical capture of animals without the required certification and permit. The amendment specifies that dogs and cats are the animals to be sedated using these drugs and equipment. Each applicant will be required to complete a sixteen-hour chemical immobilization certification course. The committee also heard a presentation on “Improving Water Quality and Livestock with Cost-Share Programs” by John McClurkan, Administrator of Water Resources – Department of Agriculture.

children & family affairs

Amelia Mitchell

The **Children & Family Affairs Committee** held its first meeting on Wednesday, January 16. On January 23 the Committee held an organizational session. There have been no bills considered in full committee at this date.

Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Wednesday, February 5, to consider its calendar.

The following bill was deferred one week:

HB 1307 by Rep. West

The following bills were deferred two weeks:

HB 2961 by Rep. Hardaway
HB 2962 by Rep. Hardaway

Family Justice Subcommittee

The **Family Justice Subcommittee** meeting was canceled and the following bills were deferred one week:

HB 2643 by Rep. Hardaway

HB 3112 by Rep. DuBois

HB 3284 by Rep. Maddox

Full Committee

The **Commerce Committee** had no bills on notice and did not meet.

Status of HB 1421, the “Competitive Cable and Video Services Act”

On May 15, 2007, the Commerce Committee considered HB 1421 (McDaniel) and ADOPTED the following seven amendments:



Rep. McDaniel

1. This amendment by Rep. McDaniel rewrites the bill, enacting the “Competitive Cable and Video Services Act” and requiring an entity seeking to provide cable or video service over a cable system or video service network to file an application with the Tennessee Regulatory Authority for a state-issued certificate of franchise authority. (The original bill requires the application to be filed

with the Secretary of State.) The amendment contains the language of the original bill in addition to certain changes and additions having to do with right-of-way; public, educational, and governmental (PEG) access channels; consumer protection; the definition of “gross revenue;” and local government audit rights, among other changes.

The amendment also contains build-out provisions requiring a cable or video service provider that has more than 1 million telecommunication access lines in the state, and is using telecommunication facilities to provide cable or video service, to provide access to cable or video service to at least 25 percent of households in the service area within 3 years and at least 50 percent of households within 6 years. The provider would not be required to meet the 50 percent requirement until 2 years after at least 30 percent of households with access to the service actually subscribe for 6 consecutive months.

2. This amendment incorporates into one amendment all of those offered by Rep. Kelsey in subcommittee and adopted by the subcommittee. This amendment:

- requires a franchise holder to designate network capacity sufficient for PEG channels within 90 days, instead of 180 days, after written request by a municipality or county. The amendment removes the provision whereby a franchise holder could take away PEG channel capability if a municipality or county does not use it for at least 15 hours of nonduplicative original programming per month;
- requires the mediation award provisions to stand “whether or not the parties agree with that determination;”
- establishes that a PEG channel is deemed activated if the municipality or county simply certifies that it is being utilized for PEG programming within the municipality or county. The amendment deletes the language requiring the PEG channel to be utilized for at least 15 hours of nonduplicative original programming per month for it to be deemed activated; and
- requires every PEG channel to be provided to all subscribers of cable or video services in the municipality or county (new language not previously adopted by the subcommittee).

3. Rep. McDaniel – authorizes an additional PEG access support fee not to exceed one percent of gross revenues.

4. Rep. McDaniel – allows incumbent holders of local franchises to terminate such franchises and seek state franchises.

5. Rep. McDaniel – allows locals to select the mediator.

6. Rep. McDaniel – allows locals to adjust the location of video or cable boxes within the right-of-way if technically feasible.

7. Rep. McDaniel – allows locals to contract with third parties for the collection of franchise fees.

The committee ran out of time while discussing another amendment by Rep. McDaniel on low-income build-out. The committee rolled the bill one week as amended.

On Tuesday, May 22, the committee sorted through all of the 30-plus amendments that were filed with the committee on HB 1421. The committee adopted 5 amendments, voted down others and withdrew quite a few that either the sponsors of which no longer wished to pursue or that had no sponsor at all.

The five amendments ADOPTED by the committee that day are as follows:

1. Rep. Gilmore – prevents discrimination against residential subscribers by cable or video service providers because of race, income, gender, or ethnicity.
2. Rep. McDaniel – limits the TRA’s authority as being “ministerial in nature.” Allows the TRA to issue certificates of franchise authority but does not allow any form of regulatory proceeding regarding issuance of the certificates.
3. Rep. McDaniel – authorizes the Consumer Affairs Division of the Department of Commerce and Insurance to promulgate a uniform set of rules, which may include fines and penalties, so that an affected municipality or county may resolve subscriber complaints. Such rules are not subject to review by the TRA. The rules shall include a requirement for mandatory confidential mediation if the issue cannot be resolved by the provider and city or county.
4. Rep. Gilmore – requires certificate of franchise authority holders to file with the TRA a minority, women and disabled veteran-owned business participation plan once annually to demonstrate an intention to actively solicit bids from the identified businesses when establishing, providing or expanding cable or video services and related support facilities.
5. Rep. Cobb – allows a municipality or county to negotiate a reduced or rebated franchise fee with an incumbent cable service provider or entity or person providing cable service, or a holder of a state-issued certificate of franchise, who offers cable or video services to an area that currently does not have such service. Also allows for the negotiation of reduced rates for local privilege taxes.

The committee then, before running out of time, briefly discussed an amendment by Chairman Curtiss that would rewrite the bill to create the 15-member Tennessee Cable and Video Service Authority (TCVSA).

The Tennessee Municipal League and Tennessee County Services Association would each nominate 6 members from counties with varying populations. The commissioner of ECD or commissioner’s designee, the Comptroller or

comptroller’s designee, and the chair of the TRA would make up the other 3 members of the TCVSA.

Any person or entity desiring to provide cable or video service in Tennessee would have to secure a state or local franchise. Those desiring a state franchise would have to make application to the TCVSA, which would be an independent agency but would be able to call upon the TRA for assistance (but no oversight or other administrative responsibilities). The TCVSA would establish the term of statewide franchises, but they would not exceed 10 years.

The TCVSA would establish reasonable qualifications for franchisees, including reasonable capitalization, insurance, and bonding requirements to ensure the ability of the applicant to fulfill the franchise agreement and protect the consumer, local governments, and the state from the acts of the franchisee. The TCVSA would establish a non-refundable franchise fee not to exceed \$10,000 per application.

This amendment includes consumer protection standards, customer service requirements, and requirements for minority, women, and disabled-veteran participation. A franchisee would also not be able to deny access to service because of race or income.

On Wednesday morning, May 23, the Commerce Committee met jointly with the House State and Local Government Committee to hear HB 1421. The committee again took up for discussion purposes the amendment by Chairman Curtiss. After running out of time again, the committee planned to meet later that day to continue the discussions and vote the bill up or down. However, a stalemate occurred between AT&T and Chairman Curtiss on his amendment, so the committee did not meet again that day.



Chairman Curtiss

On Thursday morning, May 24, during an impromptu Commerce Committee meeting on the House floor, the bill was withdrawn from further consideration this year.

As it currently stands, HB 1421 has been amended by the 12 amendments mentioned above. The Curtiss amendment, as well as a few others, is still pending. Other bills related to cable

franchising have been filed as well but have not yet been heard.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday to hear testimony on **HB 2633 (Todd)**. This bill would basically serve the following three purposes: 1) legalize and regulate mixed martial arts professional events; 2) create a state athletic commission; and 3) update the state boxing code. Mark Ratner, former commissioner for the Nevada Athletic Commission and currently in government relations with the Ultimate Fighting Championship (UFC), and Mike Mersch, attorney for the UFC, spoke in favor of the bill, as they both also did on October 24, 2007, before the Special Joint Committee to Study Mixed Martial Arts. *[rolled two weeks]*

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday with five bills on calendar. Chairman Cobb mentioned to the subcommittee that Commissioner Greg Gonzalez, Department of Financial Institutions, plans to present the department's findings on lending issues in the near future. Chairman Cobb asked the subcommittee to consider having one meeting specifically for lending-related bills after hearing from the commissioner. All members agreed to the request. HBs 1984, 1358, and 2853 were taken off notice. HB 2624 was rolled two weeks.

HB 3274 (Cobb) requires auctioneer liens to be filed within 60 days after the auction instead of 30 days. *[passed to full committee]*

conservation & environment

Jeremy Maxwell

Conservation and Environment Committee

The Conservation and Environment Committee did not meet this week.

Wildlife Subcommittee

The Wildlife Subcommittee met Tuesday to consider two bills.

HB 1864 (Watson) was deferred three weeks.

HB 2670 (McDonald) was referred to Finance, Ways and Means as amended. The amended bill authorizes TWRA to issue sport fishing and hunting licenses with a one-time fee of \$10 to Tennessee residents who are 100 percent disabled and receive social security disability. The \$10 one-time fee is necessary to keep federal drawdown money.

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider three bills.

HB 2838 (Borchert) was deferred two weeks.

HB 348 (Buck) was referred to full committee as amended. The amendment rewrites the bill and requires the minimum energy conservation standards for any new residential building construction on or after January 1, 2008, be the 2003 International Energy Conservation Code published by the International Code Council. It also encourages builders of new residential construction to voluntarily utilize the 2006 International Conservation Code energy conservation standards for residential construction.

HB 2669 (McDonald) was referred to full committee. This bill enacts the "Drinking Water Access and Resources Planning Act of 2008". It also establishes a water management planning council in each county, and authorizes counties to form a multi-county water management planning council. Requires such councils, by December 31, 2009, to develop maps showing existing service areas, un-served areas, and underserved areas, and a priority list of infrastructure changes needed to bring running water to the residents of those un-served and underserved areas. This act will also create a dedicated fund in the state treasury administered by the Utility Management Review Board and the Water and

Wastewater financing board to fund the construction of these projects.

Parks and Tourism Subcommittee

The Parks and Tourism Subcommittee did not meet this week.

HB 2658 (Hackworth) was taken off notice.

consumer & employee affairs

Lucy Wilson

The **House Consumer & Employee Affairs Committee** will meet for the first time this year on February 12, 2008 to hear the two bills that have passed out of the subcommittees.

In the first three meetings of 2008 members of the **Employee Affairs Subcommittee** heard six bills. **HB 1073 by Turner M** provides for workers' compensation coverage for workers with an occupational disease covered by the federal Energy Employees Occupational Illness Compensation Program Act. The employee would be eligible only when the disease has developed to such an



Rep. Turner

extent that it can be diagnosed as an occupational disease (for example, beryllium disease, cancer, or silicosis). This bill was rolled twice. He later moved to present the bill directly to the House floor. The motion failed.

HB 2571 by Curtiss is a workers' compensation bill that defines the AMA guide for impairment ratings specifically as the fifth edition instead of the most recent edition. The sponsor brought an amendment that would rewrite the bill.

The amendment defines the fifth edition of the AMA Guides as the one to be used and stipulates the edition in effect on the date an employee is injured is the edition applicable to the claim. Further, any practitioner giving expert testimony shall use the AMA edition in effect at the time of the injury, or, when not covered by AMA guides, shall use an impairment rating accepted by the medical community

This bill was sent to the Workers' Compensation Advisory Council to be reviewed.

HBs 2490 and 2494 by Fincher are also workers' compensation bills and were sent to the Workers' Compensation Advisory Council to be reviewed. **HB 2490 by Fincher** stipulates that any claim that is timely filed or refilled against an employer will also be considered filed against the TN Second Injury Fund if the claim meets certain criteria.

HB 2494 by Fincher allows a claim to be filed before the benefit review board hears the claim. The claim will be held until the benefit review conference has concluded.

HB 2527 by Turner creates nine (9) investigator positions, 3 in each grand division of the state, to investigate employers allegedly hiring illegal aliens. These investigators will be in the Labor & Workforce Development Department. This bill passed to the full committee.

HB 2594 by Turner. Currently domestic violence is not an eligible claim for unemployment benefits. This bill adds an exception to present law. Any claimant who left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence would be allowed to file a claim for unemployment. A person would be treated as a victim of domestic violence for the purposes of qualifying for unemployment benefits if he/she provides some specific documentation as proof.

The employer's account would not be charged for the payment on this claim.

The sponsor took this bill off notice.

The **Consumer Affairs Subcommittee** met February 5th to hear two bills. The first of those two bills, **HB 2522 by Turner**, requiring gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value, was rolled by the sponsor two weeks.

HB 2762 by Jones S makes technical changes to the consumer credit files.

When a credit reporting agency changes a TN consumer's name, date of birth, federal social security number, or address on a consumer report while there is a security freeze in place, the agency must provide written confirmation of any such change not later than 30 days of the change being posted to the consumer's file. Presently, they cannot make these changes without 30 days' prior written notice. This bill passed to the full committee.

January 22-23, 2008

The **Education Committee** held its first meeting of 2008 on January 23. Chairman Winningham introduced committee staff to the members. Dr. Bennett Hutchinson, Dean of the College of Applied Sciences, David Lipscomb University, addressed the committee at the request of Rep. Harwell. Dr. Hutchinson presented the BEST program, a non-profit, volunteer-based organization with a mission to inspire students to pursue careers in engineering, science and technology. Students presented work they had created to the Committee.



The Pre-K supporters listen to discussion.

K-12 Subcommittee

The K-12 Subcommittee met to consider its calendar. Action follows:

Deferred 2 weeks, as amended:

HB 208 – (Hawk) as amended, requires child be the age of 5 by September 1 to attend kindergarten.

January 29-30, 2008

The Education Committee met on Wednesday. There was no legislation scheduled for consideration. At the request of Rep. Philip Johnson, the committee heard a presentation from T.E.S.T., The Etiquette School of Tennessee, concerning their program in the Cheatham County Schools.

February 5-6, 2008

The Education Committee met at its regular meeting time on Wednesday. There was no committee calendar to consider.

The Strategic Research Group (SRG) addressed the committee on “Assessing the Effectiveness of Tennessee’s Pre-Kindergarten Program: First Interim Report.” This is the first of a series of a three year evaluation studying multiple cohorts of students who participated in the Pre-K program since 1998-1999.

Dr. Steve Barnett, Board of Governors Professor, Rutgers University, next addressed the committee. Dr. Barnett cited other Pre-K studies done in other states, all of which

continue to show the extended high rate of return for the investment in Pre-K programs.

Ms. Stephanie Reuben, State Program Director of Pre-K Now, shared that Tennessee’s program is a model for other states.

Dr. Tim Webb, new acting Commissioner of the Department of Education, shared statistics on at-risk student population; numbers of existing Pre-K programs, and waiting list numbers for students for a Pre-K program. Dr. Webb shared the state’s goal for Pre-K as universal access on a volunteer basis with priority for at-risk.

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday to consider its calendar. Action follows:



K-12 Subcommittee

Referred to Full Committee:

HB 2972 – (Winningham) requires each director of schools to compile a personnel report to include all non-certified personnel, part-time or full-time, employed by a school system. The report shall be submitted annually to the department of education.

HB 3252 – (Coley) directs the state board of education to develop guidelines for LEA's to foster foreign language fluency.

Referred to Full Committee, if amended:

HB 2545 – (Brooks, H) grants the director of schools authority to determine fitness for reemployment of a tenured teacher as long as within board policy and any locally negotiated agreement.

HB 2584 – (Coley) encourages LEA's to seek free or reduced cost eye and hearing examinations for children unable to afford such tests.

Deferred 1 week:

HB 2919 – (West)

HB 2858 – (Winningham)

HB 2859 – (Winningham)

HB 2775 – (Brooks)

HB 3615 – (Maddox)

Deferred 2 weeks:

HB 3051 – (Coley)

HB 208 – (Hawk)

HB 3481 – (Hawk)

Higher Ed Subcommittee

The Higher Ed Subcommittee is scheduled to hold its first meeting of 2008 next week.

finance, ways & means

Julie Travis & Patrick Boggs

Finance, Ways & Means Committee



Chairman Tindell and Rep. Rinks

As of February 6, 2008, the Budget Subcommittee has had five calendars with bills to be considered by the subcommittee. The full Finance Committee has met on several occasions, and though it has considered no bills, is in the midst of budget presentations. The actions that the subcommittee has taken on these bills are as follows:

Bills Referred to the Full Committee:

HB 2341 (Lollar) – This bill extends the ability of the Tennessee Intercollegiate State Legislature to carry forward appropriated but unexpended funds to June 30, 2012.

Bills Rolled One Week:

HJR 553 (M. Turner) action deferred to 2/13/08

Bills Rolled Two Weeks:

HB 966 (Overbey) action deferred to 2/20/08

Bills Rolled Four Weeks:

HB 615 (M. Turner) action deferred to 2/20/08

Bills Placed Behind the Budget:

HB 65 (M. Turner)

HB 406 (Todd)

HB 407 (Todd)

HB 2672 (Matheny)

HB 2673 (Matheny)

HB 2091 (Maddox)

HB 3269 (Maddox)

HB 3287 (Maddox)

HB 2441 (Lundberg)

HB 2489 (Eldridge)

Bills Taken Off-Notice:

HB 1315 (West)

HB 3029 (Campfield)

Bills Referred to the Council on Pensions & Insurance:

HB 2427 (Hardaway)

HB 2438 (Kelsey)

Week of January 28, 2008:

The Budget Overview

By Julie Travis and Patrick Boggs

Finance and Administration Commissioner Dave Goetz presented a brief overview of the Governor's Budget for the fiscal year 2008-09 to the House Finance, Ways, and Means Committee on January 29, 2008.

Governor Bredesen and his administration continue to keep education as the state's top funding priority, making education the state's largest expenditure at 30% of the state's entire budget. This budget "sticks to the basics" as the state feels the effects of a national economy entering a period of sluggish economic times. The submitted budget is a balanced and fiscally conservative one with no new taxes



Commissioner Goetz

and is considered a “flat budget” with only a slight growth in state funds of 0.38% but negatively overall at -

BUDGET GROWTH
FY 09: 0.38% in state funds
-0.61% overall

0.61% when compared to the previous (this current year’s) budget.

The state also enjoys an improved

bond rating of AA+ from Fitch, as only nine other states have a bond rating considered better than ours. We have a record savings in the “Rainy Day” fund with \$750 million at the end of FY08; and if this budget is approved, an additional \$35 million will be added to the “Rainy Day” fund, bringing the total to \$785 million by the end of FY09. Also, we have made record investments in our children’s education since fiscal year 2003, with more than \$1.3 billion invested in pre-k through 12th grades and \$1.038 billion in higher education capital funds.

This budget has a little over \$129 million in base budget reductions, without having to change or cut the TennCare or Cover Tennessee programs.

Good management of the TennCare and Cover Tennessee programs helped to reduce the base budget for FY08-09.

BASE BUDGET CUTS
Total Reductions:
\$129.2 M
(includes \$43.4 M increase in over-appropriation)

Along with an increase in the over-appropriation, other budgetary cuts were made in the areas of Corrections,

by transferring unused monies appropriated last year for the sentencing act to be used for the cost of new prison beds and the additional operating expense in the building of the expansion of the prison in Morgan County; Human Services, from a reduced caseload; Children Services, a transfer to fund adoption support and foster care support rates for the Brian A. settlement; a rate reduction in the Retirement System (TCRS); and other miscellaneous cuts. Despite cuts in service-related departments, such as the base reduction in the Department of Human Services from the reduced caseload in the temporary assistance to needy families (TANF) program, the department is confident that the available funds are adequate to maintain services in the current slow economy.

The total state budget proposed for fiscal year 2008-09 is \$27.88 billion, with \$13.8 billion from state appropriations, \$9.6 billion from federal funds, and \$4.5 billion from other departmental revenues, higher education student tuition and fees, and bonds for highway projects and facilities revolving fund capital outlay.¹ Of the \$13.8 billion state dollars that would be spent to fund this budget, 42% would go toward education, 28% to health and social services, 10% to law, safety and corrections, 7% each to both transportation and local governments, 3% to resources and regulation, 2% to general government and 1% to business and economic development.

TOTAL FY 08-09 BUDGET
\$27.88 B

Major improvements included in this proposed budget for FY08-09, include \$287 million to education, \$37.6 million to job creation and rural development, \$20.7 million to home and community-based care, \$41.9 million for safe communities, and \$34.5 million toward energy and conservation. The governor has also included an investment in state personnel by including a 2% raise for state employees and higher education employees, and a 3.3% raise for teachers. Another improvement item in the budget is the ever-increasing costs of health insurance; the state picks up in this budget the additional costs for the state employees’ group health insurance plan which total \$34.8 million. Additional money would go towards an additional position in the Public Records Ombudsman office under the auspices of the Comptroller’s office; \$400,000 would go to the Internet Crimes Against Children Task Force; and \$4 million would go toward funding the 2nd year of the alternative fuels initiative that we started this past year.

Lottery reserve monies would be used in this proposed budget to expand the TSAC grants and allow more lower-income students to have access to those high-demand scholarships and the GPA required to retain a HOPE scholarship once in college would be dropped from a 3.0 to a 2.75 cumulative grade point average. The Governor also proposed using \$25 million of the over \$400 million lottery reserves to expand his pre-K initiative, thus adding an additional 245 new pre-Kindergarten classrooms. No new dollars have been added for any additional higher education operating expenses, keeping their budget the same as last year, as well as no additional dollars were added for the construction of new buildings on higher education campuses.

(Footnotes)

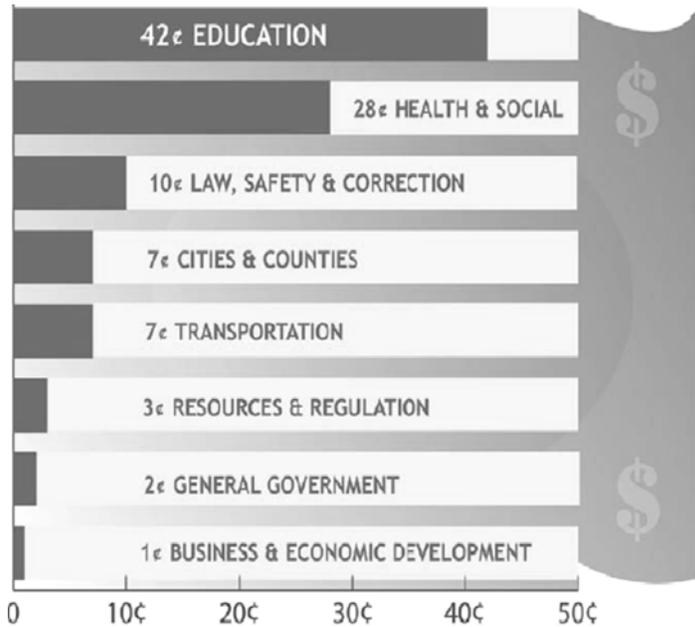
¹ State of Tennessee

's Budget Document FY08-09, p. xvii.

FY 08-09 TAXPAYERS' BUDGET (state dollars only)

SOURCE	RECOMMENDED FY08-09
Education	\$ 5.7 B
Health and Social Services	\$ 3.76 B
Law, Safety Correction	\$ 1.18 B
State Shared Taxes	\$ 864 M
Transportation	\$ 804.5 M
General Government	\$ 462 M
Resources and Regulation	\$ 174 M
Business and Economic Dev.	\$ 497 M
TOTAL	\$ 13.84 B

WHERE YOUR STATE TAX DOLLARS GO



The House **Government Operations**

Committee met on Wednesday morning to consider seventeen pieces of legislation. One bill on the calendar was before the committee for review and referral for another standing committee and the remaining sixteen bills were sunset bills. **HB 649** by Representative Mike Turner was rolled for one week, **HB 2704**, **HB 3548** and **HB 3231** by Representative Kernell were rolled for two weeks and **HB 3222** and **HB 3229** by Representative Kernell were rolled for one week. **HB 3234** by Representative Kernell was taken off notice pending a public hearing on the entity.

The remaining bills were approved by the committee and sent to Calendar and Rules:

HB 2691 by Kernell – Traumatic Brain Injury Advisory Council – extends until June 30, 2015.

HB 2703 by Kernell – Massage Licensure Board – extends until June 30, 2011.

HB 3217 by Kernell – Tennessee Tobacco Farmers Certifying Board – extends until June 30, 2012.

HB 3218 by Kernell – Tennessee Technology Development Corporation – extends until June 30, 2012.

HB 3223 by Kernell – Tennessee Council for Vocational –Technical Education – extends until June 30, 2012.

HB 3226 by Kernell – State Law Library Commission – extends until June 30, 2014.

HB 3228 by Kernell – Tennessee Aeronautics Commission – extends until June 30, 2015.

HB 3561 by Kernell – Tri-County Railroad Authority – extends until June 30, 2015.

HB 3562 by Kernell – Rail Service Authorities – extends until June 30, 2015.

HB 3563 by Kernell – South Central Tennessee Railroad Authority – extends until June 30, 2015.

health & human resources

Judy Narramore

Full Committee



Rep. Richardson and Rep. Jones

Chairman Armstrong called the first meeting of 2008 of the **Health & Human Resources Committee** to order on Tuesday, February 5, 2008. The Chairman welcomed returning committee members and introduced a new committee member, Rep. Jeanne Richardson, from Shelby

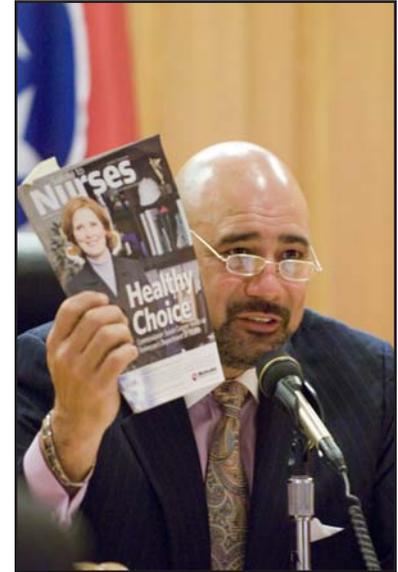


Commissioner Cooper

County. Chairman Armstrong encouraged all members of the Health Committee to put their bills on notice.

There were no bills on calendar today. Commissioner of Health Susan Cooper gave a power point presentation that covered the department's program highlights of FY 2008, including health rankings, tobacco, diabetes and obesity, physical activity and nutrition, GetFitTN (statewide awareness campaign aimed to address the rising epidemic of Type 2 diabetes and risk factors that lead to diabetes,

like obesity), and GOTRYBE ("go, try, be your best"; interactive online community at www.gotrybe.com promoting health and wellness among children, teens, families, and teachers by teaching fitness, nutrition, motivation and wellness). Committee members were given GetFitTN pedometers and instructions on how to create and access their own personal fitness tracker at the GetFitTN website, www.getfittn.com. Chairman Armstrong issued a 30-day "get fit challenge" to each committee member.



Chairman Armstrong

In earlier action, the House Health & Human Resources

Committee and Senate General Welfare, Health & Human Resources Committee held a joint meeting on Tuesday, January 22, 2008, to hear testimony on the epidemiology, prevention, and treatment of Methicillin Resistant Staphylococcus Aureus (MRSA). Speakers included Dr. Ken Marshall, Mountain States Health Alliance, Dr. Marion Kainer, TDH, Vicki Brinsko, Vanderbilt, and Chris Clarke, THA.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** meeting scheduled for February 5th was cancelled after both bills on calendar were rolled.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** meeting scheduled for Wednesday, February 6, 2008, was cancelled after both bills on calendar were rolled one week.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** did not have bills on calendar and was not scheduled to meet this week.

The Full Judiciary Committee

The Full Judiciary Committee met to consider four bills on its calendar. **House Bill 261** by Rep. Bibb, which raises the penalty for simple assault to a Class E felony if



Chairman Coleman

it is a second or subsequent assault on a healthcare worker, was rolled until March 19th. **House Bill 2765** by Chairman Coleman was approved for passage and sent to the Finance Committee. This bill increases the penalty for the death of a child under the age of 18 as a proximate result of a DUI violation from a Class C felony to a Class B felony punished as vehicular homicide.

The following bills were approved for passage and sent to Calendar and Rules:

- **HB 2419** by Rep. Overbey requires general sessions court process be served within sixty days.
- **HB 2497** by Rep. Fincher authorizes law enforcement to release information contained within an indictment for the purposes of apprehending the subject of the indictment.

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss six bills this week. Rep. Fincher announced that the committee will hear all bills regarding the Public Records Act on the 26th of February. **HB 721** by Rep. DuBois, which makes changes to the jurisdiction of municipal courts, was referred to the Judicial Council for comment. **HB 3134** by Rep. Fincher, which transfers the Putnam County juvenile court clerk's duties from the county clerk to the general sessions court clerk, was sent to the full committee.

Bills rolled 1 week:

HB 2222 by Rep. Maddox
HB 2797 by Rep. Buck

Rolled 2 weeks:

HB 1359 by Rep. L. Turner

Rolled 3 weeks:

HB 2421 by Rep. Moore

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee met to consider twenty-two bills. Rep. Sontany announced that on March 12th, the committee would hear all bills dealing with sex offender subject matter. Also, the committee will hear all gun bills on March 19th. **HB 436** by Rep. DuBois was taken off notice. **HB 3059** by Rep. Lundberg was re-referred to State and Local. **HB 2733** by Rep. Coleman failed.

Bills rolled 1 week:

HB 583 by Rep. DuBois
HB 2433 by Rep. McDonald
HB 2683 by Rep. Dunn
HB 3101 by Rep. Curtiss

The following bills were rolled to the Sex Offender Calendar (March 12th):

HB 412 by Rep. Todd
HB 414 by Rep. Todd
HB 1028 by Rep. Todd
HB 1029 by Rep. Todd
HB 2644 by Rep. Pitts
HB 2645 by Rep. Pitts
HB 2609 by Rep. Hardaway
HB 2646 by Rep. Pitts
HB 2847 by Rep. DuBois
HB 2647 by Rep. Pitts
HB 2585 by Rep. Overbey

Bills rolled to Gun Calendar (March 19th):

HB 2632 by Rep. J. DeBerry
HB 2589 by Rep. J. DeBerry

state & local government

Lawrence Hall, Jr.

This week in the **State and Local Government full committee**, the following bills were passed to Calendar and Rules or Finance, Ways and Means;

Calendar and Rules

HB 2639 by Fitzhugh – This bill increases the maximum aggregate principal amount of bonds and notes that the Tennessee housing development agency may have outstanding at any one time, from \$2,050,000,000 to \$2,930,000,000.

HB 2640 by Watson – This bill designates April 19 of each year as “Patriots’ Day” in Tennessee.

Finance, Ways and Means

HB 2426 by Hardaway – This bill provides that the annual income limit for purposes of tax relief for disabled homeowners be the same as that for elderly, low-income homeowners.

Rolled 1 week:

HB 495 by Fitzhugh

HB 2537 by Pitts

HB 2567 by Pitts

HB 1256 by Moore

HB 2428 by Moore

State Government Subcommittee

This week in State Government Subcommittee, four bills were passed to full committee.

HB 2990 by Fraley – Names Winchester Tennessee National Guard Armory in honor of Otis W. Bauer.

HB 2614 by Fincher – This bill clarifies that candidates and appointees to local public office are not required to file documents electronically with the ethics commission.

HB 2452 by Swafford – Designates March 29th as “Vietnam Veterans Day,” a day of special observance.

HB 3155 by McManus – This bill requires the governor to proclaim a day of mourning and to fly the state flag at half-staff over the state capitol whenever a Tennessee member of the armed services is killed in action or dies from combat-related wounds; the flag will be delivered to the deceased service member’s family.



Rep. McManus

Rolled Bills:

HJR 773 by Curtiss – 1 week

HB 2742 by Hardaway – 2 Weeks

HB 2562 by McDaniel – 2 weeks

HB 2796 by Overbey – Lottery Oversight

Local Government Subcommittee

Local Government Subcommittee heard 14 bills and passed two to full committee. The other bills were either rolled to a later calendar or taken off notice.

Full Committee

HB 2791 by Odom – This bill decreases the number of seating for persons required for certain facilities to be classified as premier type tourist resorts at which the serving of alcoholic beverages is allowed.

HB 3272 by Maddox – Authorizes counties using the County Financial Management System of 1981 to sell surplus property online.

Rolled Bills

HB 195 by Hensley – Last Calendar

HB 706 by McCord – 2 Weeks

HB 760 by Matheny – 1 Week

HB 2424 by Hardaway – 1 Week

HB 2474 by S. Jones – Off Notice

HB 3352 by Bass – 3 Weeks

HB 3262 by Moore – 1 Week

HB 2759 by Bibb – 2 Weeks

HB 2760 by Bibb – 2 Weeks

HB 1850 by Todd – 4 Weeks

Elections Subcommittee

There were three bills on the Elections subcommittee calendar. **HB 3377 by Odom** passed to full committee. This bill changes the qualifying deadline for the presidential preference primary from the second Thursday in December to the first Thursday in November. House bills 2872 and 2873, both by Moore, were rolled for 1 week.



Rep. Odom

Full Committee

The **House Transportation Committee** convened February 5, 2008 to consider six bills.

The following bills were referred to the **Finance, Ways and Means Committee**:

HB2486 (Floyd) – “Veterans Memorial Highway” highway signs on U.S. Highway 127 in Hamilton County.

HB2493 (Fincher) – “Lieutenant Governor Jared Maddux Memorial Interchange” highway signs at Exit 287 (State Route 136 / Jefferson Avenue) on Interstate 40 in Putnam County.

HB2515 (Harmon) – “Veterans Memorial Highway” highway signs on U.S. Highway 127 in Sequatchie County.

HB2535 (Pitts) – “Gander Memorial Bridge” highway signs on 101st Airborne Division Parkway (SR 374) at Wilma Rudolph Boulevard (U.S. 79).

HB2560 (Swafford) – “Veterans Memorial Highway” highway signs on U.S. Highway 127 in Bledsoe and Cumberland Counties.

HB2901 (Odom) – Removes one-year minimum period of issuance for temporary license or photo identification license issued to person legally admitted to U.S. for limited stay.

The calendar was followed by a presentation by the Tennessee Public Transportation Association (TPTA) on Coordinated Non-Emergency Transportation Plan and TennCare Transportation. Conducting the presentation were Rebecca Harris, President of TPTA, and its Executive Director, Greg Adkins.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met February 5, 2008 to consider fifteen bills. Action on **HB2916** (West) was deferred for three weeks. **HB2656** (Hackworth), **HB2548** (Sargent), **HB3114** (DuBois) and **HB2966** (Hardaway) were deferred for two weeks. **HB3290** (Maddox), **HB3152** (J. Cobb) and **HB2653** (Hackworth) were rolled for one week. **HB2531** (Sargent), **HB32** (DuBois) and **HB2488** (Fraleay) were taken off notice.

The following bills were referred to the full **Transportation Committee**:

HB2549 (Sargent) – Increases the minimum amount of property damage liability insurance for motor vehicle policies from \$10,000 to \$15,000 for proof required after December 31, 2008.

HB2848 (DuBois) – Increases the penalty for a driver who fails to yield the right of way to a pedestrian legally in a cross walk from a Class C to a Class B misdemeanor.

HJR780 (Matheny) – Designates May 2008 as “Motorcycle Safety and Awareness Month.”

HB2866 (Pinion) – Requires chief administrative officer of county highway department to designate interim successor, in writing, who shall fulfill office upon death, resignation, or removal of chief executive officer until qualified successor chosen by law.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on February 5, 2008 to consider twenty-three bills. **HB2740** (Hardaway), **HB2768** (Hardaway), **HB3030** (Pitts) were deferred two weeks. **HB2684** (Dunn) was rolled for one week. **HB2342** (S. Jones) was taken off notice.

The following bills were passed to the full **Transportation Committee**:

HB2613 (J. Cobb) – “Trey Lefler Memorial Highway” highway signs on a segment of U.S. Highway 11 in Loudon County.

HB2885 (Bone) – “Trey Lefler Memorial Highway” highway signs on a segment of U.S. Highway 11 in Loudon County.

HB2836 (Borchert) – Authorizes third pilot project permissible under the Tennessee Tollway Act as a major bridge project over the Tennessee River for purpose of connecting Benton and Houston counties.

HB2837 (Borchert) – “Blake Pafford Memorial Road” highway signs on a segment of SR 191

within Nathan Bedford Forrest State Park in Benton County.

HB2573 (Overbey) – Authorizes issuance of Share the Road new specialty license plate. The bill allocates 50 percent of proceeds produced from sale thereof to the Jeff Roth Cycling Foundation.

HB2627 (Overbey) – Authorizes issuance of new specialty earmarked plates to raise public awareness about autism. The bill allocates 50 percent of funds derived from sale of such plates to Autism Society of America, East Tennessee Chapter.

HB2453 (Swafford) – As amended, authorizes National Rifle Association new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale and renewal of such plates to TWRA for hunter education.

HB2749 (Dunn) – Authorizes issuance of Tennessee Urban Forestry Council new specialty earmarked license plates. The bill allocates 50 percent of the proceeds derived from the sale of such plates to the Tennessee Urban Forestry Council.

HB2900 (Dunn) – “Allan Gill Memorial Highway” highway signs on a segment of State Route 131 (Emory Road) in Knox County.

HB2616 (Williams) – Authorizes issuance of a new specialty earmarked license plate for the Appalachian Trail Conservancy.

HB2665 (West) – As amended, “Bob Sheehan Memorial Bridge” signs for a pedestrian bridge that spans U. S. Highway 70 (Lebanon Pike) and connects to the Stones River Greenway and Kohl’s Trailhead in Davidson County.

HB2445 (Litz) – As amended, “Anonymous Charitable Donor Underpass,” highway signs on a segment of bridge spanning Norfolk Southern Railroad on State Route 160 in Hamblen County.

HB2984 (Litz) – As amended, “John Porter Davis Underpass” highway signs on St. Paul Church Road under I-81 in Hamblen County.

HB2457 (McDaniel) – Authorizes issuance of special license plates for certified members of Tennessee State Guard.

HB2458 (McDaniel) – “Guy Stokes and Guy Stokes, Jr. Memorial Highway” highway signs on

a 4.21 mile segment of State Route 69 in Decatur County.

HB2459 (McDaniel) – Authorizes issuance of special license plates for certified members of U.S. Coast Guard Auxiliary.

HB2722 (Fincher) – “Jerry A. Jared Highway” highway signs on a segment of State Route 111 in Putnam County.

HB2792 (Dean) – “Officer Julie Jacks Memorial Highway” highway signs on a segment of Interstate 24 in City of Chattanooga.

about photos

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