



# The Research Review



PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

February 15, 2007



In the coming weeks of this legislative session, the House Research Division will summarize all full and subcommittee activity, following proposed legislation as it moves through the committee process. *The Research Review* is compiled by division analysts each Wednesday evening for the benefit of all members of the House of Representatives.

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## Photo of the week:



Education Commissioner Lana Seivers greeted young students from Hardeman County during the joint Finance/Education committee meeting this week. The students were visiting as part of “NAACP Day on the Hill” on Tuesday.

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## Agriculture

Jeremy Maxwell

Agriculture met Feb. 13 with no bills on notice, but the committee did hear two presentations. Dr. Jerry D. Gresham, Professor and Chair of the University of Tennessee at Martin Department of Agriculture and Natural Resources, spoke about the department's valued undergraduate programs. Boyd Barker, TN Department of Agriculture, went into detail about the successful Boll Weevil Eradication/Agriculture Resources Programs and the measures needed to ensure their continued progress.



Chairman Bone



## Children & Family Affairs

Amelia Mitchell

The **Children & Family Affairs Committee** met and heard from Commissioner Virginia Lodge from the Department of Human Services.

The **Domestic Relations Subcommittee** and the **Family Justice Subcommittee** did not meet this week.



## **Full Committee**

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

## **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** had two bills on calendar, but they were both taken off notice. The subcommittee did not meet.

## **Utilities and Banking Subcommittee**

The **Utilities and Banking Subcommittee** had no bills on calendar and did not meet.



# Conservation & Environment

Jeremy Maxwell

## **Conservation and Environment Committee**

Conservation and Environment met Feb. 14 with no bills to consider. Steve Scott, Tennessee's State Forester, and Mike Black, Chair of the Tennessee Forestry Commission, presented the "Annual Report of the State Forestry Commission."

## **Wildlife Subcommittee**

Wildlife Sub met Feb. 13 to take up one bill. HB 61 (Turner, M.) was deferred until the heel of the last calendar. The bill requires land managed by TWRA to be open to access and use for recreational hunting, and that agency land management actions relative to such land not result in any net loss of available acreage for hunting opportunities.

## **Parks and Tourism Subcommittee**

Parks & Tourism had no bills on notice. The committee did not meet.

## **Environment Subcommittee**

Environment Sub met Feb. 14 to consider one bill. HB 64 (Turner, M.) was rolled one week. It exempts hybrid vehicles from the state sales tax until June 30, 2017.



# Consumer & Employee Affairs

**Lucy Wilson**

The Consumer & Employee Affairs Committee, the Employee Affairs Subcommittee, and the Consumer Affairs Subcommittee did not meet for the week of February 12, 2007.



## Education

Pam Mason

The House Education Committee met on Wednesday to hear a presentation by Mrs. Ethel Detch, Director of the Office of Education Accountability in the Comptroller's office. Various studies done by their office during the period of 2000-2006 were reviewed for the members. An overview of recommendations given and actions taken as a result was presented. Studies presented included:

- Zero Tolerance: An Update (2006)
- A Look at Tennessee's Charter Schools (2006)
- Educating Tennessee's Children in Custody (2006)
- Teaching Kids Math: Is Tennessee Doing Enough (2005)
- Teaching Tennessee Adults (2004)
- Teaching to Empty Desks: The Effects of Truancy in Tennessee Schools (2004)
- Funding Public Schools: Is the BEP Adequate? (2003)
- School Capital Funding: Tennessee in a National Context (2002)
- National Board Certified Teachers: Questions and Answers (2001)
- Teaching Tennessee's Kids to Read: Is Tennessee Doing Enough? (2000)

These and all other studies done by the OEA can be found on the State Comptroller's website.

### **K-12 Subcommittee**

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

### **Referred to Full Committee**

**HB 101** – (Winningham) requires that 2 hours of teachers' in-service training be devoted to suicide prevention.



# Finance, Ways & Means

Julie Travis

## Week of February 12<sup>th</sup>-2007:

### The Full Committee

Over the past two weeks the House Finance, Ways, and Means Committee has jointly met with the House Education Committee to gain a better understanding of the BEP and learn more about the Governor's education initiative. The committee questioned how the increase of educational funding would affect each district, the at-risk funding and eligibility of school systems, including the numbers of ELL and Disadvantaged students, the funding for systems experiencing rapid growth, and the accountability thereof of those monies to make sure

that the proposed increase would have a direct impact on the classroom itself. In our meetings we have heard from speakers from the Departments of Finance and Administration and Education, including Commissioners Goetz and Seivers, respectively.



Commissioner Goetz

Commissioner Goetz also educated the committee with the revenue numbers for the month of January 2007 and the 2006 year-to-date collections. Revenue collections for January 2007 exceeded the projected growth estimates that were recommended by the State's Funding Board. January is the sixth month of the fiscal year and so far, the year-to-date collections for the six months are \$85.5 million more than the conservatively, budgeted estimate. The general fund was over collected by \$73 million and the four other funds were over collected by \$12.5 million.



Chairmen Fitzhugh & Winningham

We look forward to the Departmental Budget Hearings beginning soon, with Commissioner Goetz scheduled to give the Overview of the Governor's Budget next week. As in the past, extra seating will be reserved in the audience for legislators who are non-committee members and who wish to attend. The House budget hearings may also be observed through live video streaming on the internet through the legislature's website, <http://www.legislature.state.tn.us>.

### The Budget Subcommittee

The Budget Subcommittee did not meet.



Speaker Naifeh and Secretary Shaw attend the joint Finance/Education meeting.



# Government Operations

**Kristina Ryan**

The Government Operations committee met this week but had no bills to consider. The committee met to continue discussing organization and committee functions.



# Health & Human Resources

Judy Narramore

## Full Committee



The **Health & Human Resources Committee** held its *organizational meeting* of the 105<sup>th</sup> General Assembly on **Tuesday, January 30, 2007**. Chairman Armstrong welcomed returning committee members and staff and introduced two new committee members, Rep. J. Cobb and Rep. K. Williams.

Chairman Armstrong remarked that most legislation referred to the Health Committee is relevant to four main areas: public health, mental health, health occupations, and human services. Further, Chairman Armstrong noted some of the sub-categories of legislation that have been before the Health Committee in recent years, including TennCare, adult health, children's health, health disparities, long term care, Families First, among others.

Chairman Armstrong advised the committee members that resolutions and bills that are reoccurring and non-controversial may be referred to full committee without review by a subcommittee. This policy is being implemented in an effort to assist the committee in completing its business in a timely manner.

Chairman Armstrong noted the committee will be taking one or two field trips during committee meeting time. Plans for a trip to the Vanderbilt Trauma Center are already in process. Additionally, Commissioners will be invited to present their department budgets to the Health Committee.

Lastly, Chairman Armstrong announced the Health subcommittee assignments and chairs, as follows:

- Public Health & Family Assistance, Rep. Pruitt, Chair
- Professional Occupations, Rep. Favors, Chair
- Health Care Facilities, Rep. Overbey, Chair

Chairman Armstrong noted that subcommittees may occasionally, and with prior notice, meet during full committee time, as available and appropriate to facilitate

committee business. A complete listing of the subcommittees and their members was announced and distributed to the committee. Copies of the subcommittee assignments were made available in the Health Committee office.

The **Health & Human Resources Committee** met on **Tuesday, February 6, 2007**. Chairman Armstrong introduced and recognized Susan Cooper, the new Commissioner of the Department of Health.

Two presentations were on the committee calendar this morning. First, representatives from the YMCA of Middle TN gave an overview of YMCA services and facilities that are available in the 12 middle TN counties, with a particular emphasis on offerings at the Downtown YMCA and the Uptown YMCA. Members of the General Assembly were invited to stop by the Downtown YMCA, the Uptown YMCA, or any other Middle TN YMCA facility for complimentary visits anytime between now and March 1, 2007. The second presenter, Chris Clark, RN, with the Tennessee Hospital Association, gave a power point presentation on Tennessee Nursing Partners Collaborative, a partnership committed to improving the safety, reliability, and quality of care received by patients in healthcare facilities. The key partner organizations of the Collaborative include the TN Hospital Association, TN Organization of Nurse Executives, TN Nurses Association, TN Center for Nursing, TN Health Care Association, and TN Society for Healthcare and Human Resources.

The **Health & Human Resources Committee** did not have bills on notice and did not meet on **Tuesday, February 13, 2007**. One Health subcommittee held its organizational meeting this week; the remaining two subcommittees did not have bills on notice and did not meet.

## Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** held its first meeting of the 105<sup>th</sup> General Assembly on Wednesday, February 14, 2007.



## Health & Human Resources

Judy Narramore

Chairman Overbey recognized new and returning subcommittee members and staff.

Judy Eads, Assistant Commissioner with the Department of Health, was first on the calendar with a presentation on the status of sprinkler system installations for nursing homes (7 of 336 are currently not sprinklered), assisted care living facilities (3 of 192 are currently not sprinklered), and homes for the aged (12 of 136 are currently not sprinklered). Handouts that detail each of the facilities which are not in compliance with mandates of the law, as well as comments about each of these facilities, are available in Chairman Overbey's office. Next, Rep. Mike Turner presented **HB 0063** concerning requirements and reimbursement for motorized wheelchairs. After discussion and testimony from a provider and TennCare, the bill was rolled two weeks for further discussion and review by TennCare Oversight.



Chairman Overbey



# Judiciary

Jamie Wyatt

## The Full Judiciary Committee

On Wednesday, the **Full Judiciary Committee** met to discuss **HB 0005** by Representative Odom, which codifies the acts of the 2006 legislative session. It was sent to Calendar and Rules.

Also, the Full Judiciary Committee heard from the Attorney General of Tennessee, Bob Cooper. General Cooper gave an informative presentation regarding the duties of his office, jurisdictional areas, and priorities. He discussed the types of matters handled by his office such as the enforcement of the Tennessee Consumer Protection Act, not-for-profit laws, unauthorized practice of law statutes, and the rendering of formal legal opinions to both state departments and agencies as well as to the members of the Tennessee General Assembly.

General Cooper also discussed a major challenge facing his staff, which is the need for up to date technology in his office. He discussed the strong efforts being made by state courts to have court filings done electronically along with the existing electronic filing requirement by federal courts. General Cooper believes that updating the technology in his office will assist his staff's efficiency in filings as well as allow his office to remain competitive in litigation matters. Lastly, General Cooper listed the priorities of his term: increased enforcement and efforts dealing with consumer protection issues; conservation in the environment, particularly, the enforcement of water runoff permits; and TennCare fraud issues.

## Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee did not meet this week.

## Criminal Practice & Procedure Subcommittee

On Wednesday, the Criminal Practice & Procedure Subcommittee met to discuss two bills. HB 71 by Rep. Mike Turner, which creates the Tennessee Human Trafficking Act of 2007, was rolled one week. HB 8 by Rep. Curtiss was approved for passage to full committee. This bill requires an out of state sex offender, who is required to register in another state, to register in Tennessee if the offender would be required to do so under Tennessee law regardless of the date of conviction or discharge from supervision.



# State & Local Government

Lawrence Hall, Jr.

## **State and Local Government**

This week in the State and Local Government full committee, the members heard testimony from Dr. Harry Green, Executive Director of TACIR (Tennessee Advisory Commission on Intergovernmental Relations). Dr. Green presented information regarding a study that will be conducted later this summer on elections and voting methods in the State of Tennessee.

### *The goals of the study are:*

- To increase public confidence in election methods and results by safeguarding voting machines, verifying voter eligibility, and examining other states.
- Controlling election costs
- Ensuring voter access to polls

## **State Government Subcommittee**

State Government subcommittee considered three bills.

-HB 207 by Hawk was passed to full committee. This bill designates August 8 as “Emancipation Day” a day of special observance.

-HB 219 by Odom was rolled for two weeks. This bill prohibits smoking in any state owned, leased, or operated motor vehicle.

-HJR 41 by Lynn was sent to TACIR for study. This bill creates a joint committee to study offsite early voting locations.

## **Local Government Subcommittee**

*Did not meet*

## **Elections Subcommittee**

*Did not meet*



Brook Thompson, State Coordinator of Elections, at left.  
Dr. Harry Green of TACIR at right.



## Transportation

Jeremy L. Elrod

The **House Transportation Committee** convened on February 13, 2007. Commissioner David Mitchell of the Department of Safety gave a presentation on the progress of the department. Commissioner Mitchell was appointed head of the department in January 2007. Three reports have been completed to look for ways to improve different parts of the department: the Kroll Report, the FedEx Report and a Department of Finance and Administration Study. Commissioner Mitchell reported that nearly all recommendations have been completed or are currently in the process of being completed.

Chairman Pinion also gave a report on a meeting he attended with Senator Tracey and Transportation Committee Chairmen from across the country in Washington, D.C. The meeting was at the White House and hosted by Secretary of Transportation Mary Peters. He reported that because transportation moneys are being stretching thin on the federal and state levels, the federal government is encouraging states to become more innovative in funding transportation needs.

## About Photos:

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