

march 06, 2008

THE RESEARCH REVIEW

published by the Research Division of the Tennessee House of Representatives



The Commerce Committee

THE HOUSE RESEARCH DIVISION
320 6th AVE N. • RACHEL JACKSON BUILDING, 7th FLOOR • NASHVILLE, TN 37243



HOUSE RESEARCH DIVISION STAFF

DIRECTOR

Denise Sims

AGRICULTURE

Jeremy Maxwell

CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

COMMERCE

Todd A. Staley

CONSERVATION & ENVIRONMENT

Jeremy Maxwell

CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

EDUCATION

Pam Mason

FINANCE, WAYS & MEANS

Julie Travis, lead analyst

Patrick Boggs

GOVERNMENT OPERATIONS

Kristina Ryan

HEALTH & HUMAN RESOURCES

Judy Narramore

JUDICIARY

Jamie Wyatt, lead analyst

STATE & LOCAL GOVERNMENT

Lawrence Hall, Jr.

TRANSPORTATION

Jeremy L. Elrod

PHOTOGRAPHY

Jed DeKalb

Theresa Montogery

GRAPHIC DESIGN & LAYOUT

John Newman

PRINTING SERVICES

Capitol Print Shop

HOUSE RESEARCH DIVISION

320 6th Avenue North

Rachel Jackson Building, 7th Floor

Nashville, TN 37243

615.741.3025 -or-

615.741.1100, ext. 44982

03 | AGRICULTURE

04 | CHILDREN & FAMILY AFFAIRS

06 | COMMERCE

09 | CONSERVATION & ENVIRONMENT

11 | CONSUMER & EMPLOYEE AFFAIRS

12 | EDUCATION

15 | FINANCE, WAYS & MEANS

17 | GOVERNMENT OPERATIONS

19 | HEALTH & HUMAN RESOURCES

21 | JUDICIARY

24 | STATE & LOCAL GOVERNMENT

27 | TRANSPORTATION



Chairman Bone

The **Agriculture Committee** met on Tuesday with eight bills on calendar.

HB 2808 (Sontany), as amended, requires antifreeze with at least ten percent ethylene glycol, and sold on or after January 1 of next year, to contain and be labeled with a bittering agent (denatonium

benzoate). Violation would be a Class C misdemeanor punishable by a \$50 fine per occurrence. The committee approved Amendment 1 to Amendment 1 which would correct a typo and name the act the “Haley Ham Law.” Haley Ham was present at the meeting with her parents. Several committee members had questions about the bill including its non-application to large drums of antifreeze, and the environmental and health impact of the bittering agent. An antifreeze product representative also spoke to the panel. *The bill passed and was sent to Government Operations.*

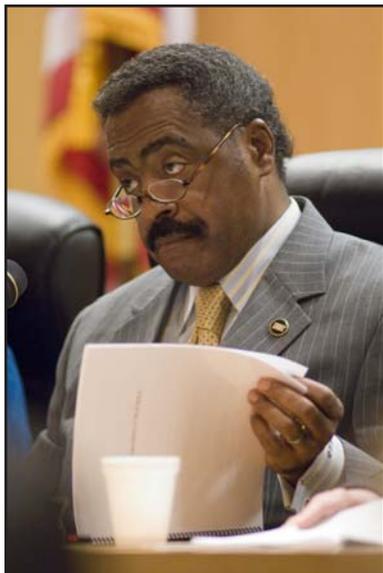
HB 3519 (Rowland), relative to domestic kitchens, exempts from Agriculture Department regulation home-based kitchens where non-potentially hazardous foods are prepared and the sale of such foods at farmers’ markets. Non-potentially hazardous foods include jams, jellies, candy and baked goods that do not meet the definition of potentially hazardous foods. There was testimony from the Department of Agriculture and two citizens who operate commercial kitchens. *The bill was rolled one week.*

HB 3776 (Windle) exempts from sales and use tax the retail sale of livestock and poultry feeds. *The bill passed and was sent to the Budget Subcommittee.*

HB 3456 (Litz) and **HB 0926 (DuBois)** were rolled one week. **HB 3176 (Gilmore)** was rolled to

the last two seeks of the committee. **HB 3300 (Vaughn)** was sent to the committee’s subcommittee and **HB 3446 (Rinks)** was taken off notice.

(Summary by Denise Sims)



Chairman DeBerry

The **Children & Family Affairs Committee** met on Wednesday, March 5th and considered the following legislation:

Referred to Calendar & Rules:

HB 2719 by Rep. Fincher adds aggravated sexual battery and aggravated sexual battery of a child

to the offenses that a school must be notified by the court if a child is an adjudicated delinquent for such offenses. The bill was amended by adding § 33-3-109; this section of the code deals with the release of information to family members and other designated persons. The bill was passed as amended and sent to the Calendar & Rules Committee.

The following bills were rolled one week:

HB 399 by Rep. S. Jones clarifies that social security numbers that are held by DHS are not public record, for purposes of child support enforcement. This bill also deals with determining a party's income by the most recently filed federal income tax return. When the gross annual income of a party changes, that person has 15 days to notify the department.

HB 3122 by Rep. DuBois specifies that in addition to regular costs of an action, a court may award attorney's fees and reasonable costs incurred by a party to establish martial fault (including court reporter's fees, investigator fees, expert witness fees and deposition costs).

HB 3143 by Chairman J. DeBerry requires a child's attendance at his or her permanency hearing. It also requires the Juvenile Court to review and ratify an independent living plan for children 16 years or

older. It requires the court to ensure that a child 17 years or older to be informed and knowledgeable of the post-custody services available and attends a permanency hearing three months prior to the release from custody to review the child's plan to transition into independent living.

HB 3144 by Chairman J. DeBerry gives foster parents, prospective parents adoptive parents and relatives of a child notice of the right to be heard at a hearing regarding the child and provide that juvenile-family crisis intervention must certify that court intervention is necessary either through sworn testimony or in writing.

HB 3145 by Chairman J. DeBerry changes the requirements of the termination of parental rights in certain circumstances. This bill also creates an additional venue for which the petition may be filed and requires that proof of legal grounds and the best interest of the child are presented in default judgments for the termination of parental rights.

HB 3147 by Chairman J. DeBerry expands the stages in which a juvenile has a right to counsel to be at any delinquency proceeding or in any proceeding alleging unruly conduct in which the child is in jeopardy of being removed from the home. This bill also requires that in certain proceedings involving a child, an adult is entitled to legal counsel; and this bill establishes that if a juvenile or adult has a right to counsel and is indigent, the court shall provide counsel for such person.

HB 179 by B. Cooper authorizes a juvenile court to extend foster care services to a 17 year old child in foster care on petition by the child in certain circumstances.

Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, March 4, 2008, to consider its calendar and the following bills were passed to full committee:

HB 2622 by Rep. S. Jones was amended to rewrite the bill in order to restate the focus of DCS from

preserving the relationship between child and family to serving the best interest of the child.

HB 2720 by Rep. Fincher expands the offenses for which notice must be given to schools when a juvenile offender is sent back into a regular school setting. The bill was amended in committee by adding the section § 33-3-109 which deals with the release of information to family members and other designated persons.

HB 3044 by Rep. Sontany creates an exception to mediation requirements in irreconcilable differences divorce proceedings if the court approves the filed marital dissolution agreement and parenting plan. This bill also grants the court to approve child support for disabled children over the age of 18 and requires the 30-day notice of termination of a



Rep. Sontany

spouse's health insurance as a result of divorce be filed with the court which is hearing the divorce. The bill was amended in sub-committee to correct a typographical error by deleting § 36-3-604(8) and instead substituting that with § 36-3-604 (7), (10) or (11).

The following bills were deferred one week:

- HB 2961 by Rep. Hardaway**
- HB 2962 by Rep. Hardaway**
- HB 2970 by Rep. Hardaway**
- HB 3154 by Rep. B. Cooper**
- HB 3936 by Rep. S. Jones**

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, March 4, 2008, to consider its calendar and the following bills were passed to full committee:

HB 2563 by Rep. Fincher requires DCS to inform all foster parents of a child's past delinquency charges, criminal charges, and hospitalizations prior to the time of placement.

HB 2472 by Rep. Sherry Jones extends the Select Committee on Children and Youth to the adjournment of the General Assembly convened in 2011.

The following bills were deferred one week:

- HB 3717 by Rep. Gilmore**
- HB 2819 by Rep. S. Jones**
- HB 3447 by Rep. Rinks**

The following bills were deferred two weeks:

- HB 2540 by Rep. Fincher**
- HB 3070 by McCord**
- HB 2969 by Hardaway**
- HB 2602 by Rep. Hardaway**
- HB 3284 by Rep. Maddox**

Commerce passed three bills out on Tuesday during its full committee meeting.

HR 227 (Shaw) is a statement of intent to inform Tennesseans of the changeover from analog to digital television broadcasts.

[passed to Calendar and Rules]

HB 2546 (Brooks H) increases the number of modular buildings from one to five that can be built and sold by vocational-technical students per school per school year.

[passed to Calendar and Rules]

HB 3105 (Curtiss) makes changes to contractor retainage funds. It applies to all prime contracts of \$500,000 or greater, and retainage is only held one time. Also, an amendment was adopted that would make it illegal to hold more than 5% retainage, and a violation would be a Class E felony punishable by a \$3,000 fine per day per infraction.

[passed to Calendar and Rules]

The following bills *were rolled*:

HB 2633 (Todd), better known as the “Mixed Martial Arts” bill, serves the three main purposes: 1) legalize and regulate mixed martial arts professional events; 2) create a state athletic commission; and 3) update the state boxing code. An amendment was adopted that rewrites the bill. There was also an amendment to the amendment that was adopted to clean up some language and fix typographical errors in the first amendment. Rep. Todd moved to roll the bill because the Department of Commerce & Insurance is working on an amendment to present next week.

[rolled for one week]

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday immediately after full Commerce Committee and its regular time. Five bills were moved to the full committee.

HB 3959 (Curtiss). This legislation is a different approach to the statewide franchising of cable



television services. It is very similar to the legislation he sponsored last session that creates a franchise authority. This authority is to be made up of 12 members appointed by the Speaker of the House and the Speaker of the Senate. The appointments are individuals from the cities and counties with each population size having equal representation. The authority also includes the Comptroller of the Treasury, the chair of the Tennessee Regulatory Authority, and the Commissioner of the Department of Economic & Community Development. The scope of the franchise authority is limited to rule making, and the Tennessee Regulatory Authority will enforce the rules. Chairman Curtiss assured the members that this bill would remain in the full committee as a contingency option if the other cable television services legislation does not move forward.

[passed to full committee]

HB 2809 (Sontany) increases the amount of the surety bond from \$25,000 to \$50,000 for new and renewed motor vehicle dealer licenses, and it removes the ability to use a letter of credit in lieu of a bond. An amendment was adopted to change the effective date to July 1, 2008.

[passed to full committee]

HB 2853 (Turner M) requires a purchaser of a motor vehicle for salvage to verify the seller’s ownership by viewing the title and keeping a copy of the title.

[passed to full committee]

HB 3351 (Windle) requires the Commissioner of Economic & Community Development to survey rural areas to better match new employers to opportunities in those areas. An oral amendment was adopted to change the “requires” to “requests”.
[passed to full committee]

HB 3613 (Cobb C) allows the sale of abandoned property in a safe deposit box. An amendment was adopted to remove a method approved by the state treasurer. As amended, the method used would be



Utilities Chairman Cobb

approved by the Commissioner of Financial Institutions or under the Uniform Commercial Code.
[passed to full committee]

The following bills were rolled:

HB 4180 (Mumpower) makes changes to the law as it relates to TRA regulation of incumbent local exchange telecommunications companies. The bill eliminates TRA regulation over products and services by such companies under certain market conditions. [rolled for one week] **HB 3102 (Curtiss)** modifies certain provisions regarding mechanic’s and materialmen’s liens. [rolled for two weeks] **HB 2624 (Hardaway)** makes trustees of cemetery companies personally liable, in addition to being jointly liable, if perpetual care trust funds are insufficient to fund such care. It also specifies that the purchaser of a burial plot has the right to record a copy of the proof of ownership of a burial plot with the register of deeds. The Department of Commerce & Insurance is working on an amendment. [rolled for two weeks] **HB 3611 (Turner L)** changes the definition of trustee under the “Tennessee Prepaid Funeral Benefits Act” to include certified public accountants. [rolled for one week]

The following bills were taken off notice:

HB 3188, HB 3778, & HB 3785 (Hardaway) are all in regards to mortgage lenders. Rep. Cobb is the sponsor of a comprehensive bill from the Department of Financial Institutions that addresses the issues in these three bills. The Commissioner is expected to make a presentation to the committee in the coming weeks.

Industrial Impact Subcommittee

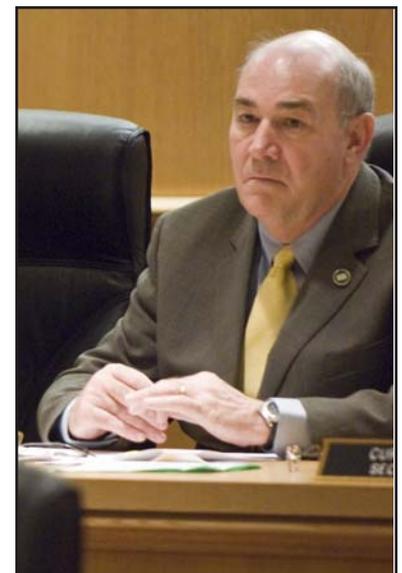
The **Industrial Impact Subcommittee** met Wednesday and passed four bills to the full committee.

HB 2753 (Pruitt) requires hospitals to administer hearing tests to all newborns before being discharged from the hospital. An amendment was adopted that makes the bill. In addition to the hearing tests, the results will be shared with the Department of Health & the Department of Education to follow up. Insurance companies must provide coverage for these tests, and the cost will be subject to any co-pays and deductibles.
[passed to full committee]

HB 705 (McCord) as amended will add geothermal heating and cooling to the TCA under the provisions for contractors and the required disclosures by bidders. The amendment makes the bill and was adopted.
[passed to full committee]

HB 3370 (Cobb C) permits a dental service plan corporation to keep some or all of its business records in an acceptable electronic form.
[passed to full committee]

HB 3671 (Shepard) establishes a framework for the issuance and regulation of guaranteed asset protection waivers. A “GAP” waiver is an agreement where a creditor agrees, for a separate charge, to cancel or waive all or parts of the amounts due on the borrower’s finance agreement in the



Rep. Shepard

event of a total physical damage loss or unrecovered theft. Tracey Harney with Guaranteed Asset Protection Alliance addressed the committee. An amendment that makes the bill was adopted.
[passed to full committee]

The following bills *were rolled*:

HB 2528 (Turner M) calls for statutorily mandated smoke detectors installed after January 1st of next year to be photo-electric (includes nursing homes, assisted-care living facilities, foster care dwellings, one-family or two-family rental units and residential buildings). An amendment would apply the legislation to all new construction and any renovations to an existing building. The detectors must be photo electric or a combination of photo electric and non-photo electric, except in the kitchen area which must have just photo electric detectors. Also, renovation projects would not require a changeover to photoelectric detectors if they could not be integrated into an existing central system. The bill was rolled for two weeks so that the committee could hear testimony from manufacturers and the Fire Chiefs Association.
[rolled for two weeks]

HB 2519 (Turner M) defines “durable medical equipment” within the TennCare program as equipment that can stand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of an illness or injury, and is related to the person’s physical disorder. It also establishes that an institution can be considered a patient’s or member’s home if it does not meet the definition of a hospital or skilled facility.
[rolled till the last committee meeting]

HB 360 (Rowland) requires any subdivision or deed restrictions and homeowners’ association information to be attached to the residential property condition disclosure form.
[rolled one week]

HB 2752 (Coleman) is referred to as the “Tennessee Condominium Act of 2008.” This legislation is a comprehensive update to the current laws on condominiums. The bill has four main parts: 1) general provisions & definitions, 2) creation, alteration, & termination of condos, 3) management of condos, and 4) protection of purchasers. An amendment was adopted that makes some clarifications and addresses the concerns of the many interested parties.
[rolled one week]

HB 3888 (Maggart) clarifies that the consumer member of the state licensing board for contractors does not have any ties to the construction industry. An amendment was offered that defines “significant financial interest” as more than 10% of the person’s gross income or 50% if the person is over the age of 60 and is receiving retirement benefits. This amendment is identical to the Senate amendment.
[rolled one week]

HB 2734 (Todd) revises the current regulation of the sale, possession, or use of consumer fireworks by local governments. The local governments would submit a permit procedure to the state fire marshal’s office. A verbal amendment was offered to only allow the sale of fireworks during the times that the discharge of fireworks is permitted.
[rolled one week]

HB 2340 (Shaw) was taken *off notice*.

conservation & environment

Jeremy Maxwell



Chairman Buck

The **Conservation and Environment Committee** sent two bills out to Calendar and Rules and one to Finance this week.

HB 3209 (Fitzhugh) clarifies that statutorily, the Cane Creek Watershed in Lauderdale County is included in the West Tennessee River

Basin Authority's scope of authority. *Passed and sent to Calendar and Rules.*

HR 0234 (M. Turner) urges the President and Congress to enact legislation to reduce greenhouse gas emissions, improve energy efficiency and mitigate global warming.

Passed and sent to Calendar and Rules.

HB 2615 (Williams) creates a special joint committee to study improvement to the TWRA. *Passed and sent to Finance, Ways & Means.*

HB 3213 (L. Turner) was rolled one week.

Wildlife Subcommittee March 4, 2008



Rep. Watson

The **Wildlife Subcommittee** had three bills on Tuesday's calendar.

HB 1864 (Watson) permits in season hunting, with written permission, of deer or wild boar using #1-0, 00 or 000 buckshot on private property in Polk County. *The bill was rolled three weeks.*

HB 3339 (Matheny) moves jurisdiction of the Off-Highway Vehicle Act from TWRA to the Department of Environment and Conservation. An amendment was placed on the bill – a hold harmless provision with the intent of holding money in existing TWRA programs. The sponsor asked that the bill be rolled to discuss the new amendment with the department. *The bill was rolled for two weeks.*

HB 3080 (McCord), as amended, removes the buckshot exemption and now prohibits the taking of deer, bear, wild elk or wild boar with any shotgun using ammunition with more than one solid ball or rifled slug or with any rifle using rim-fire cartridges. The sponsor said the amendment was a clean-up provision since there are some acts that would be affected by this legislation. *Passed and sent to full committee, as amended.*

Parks & Tourism Subcommittee March 4, 2008

The **Parks and Tourism Subcommittee** sent two bills to full committee in action on Tuesday.

HB 4108 (Fraleley) adds Morrison Meadow in Warren County, and Wilson School Road Forest and Cedar Glades in Marshall County as natural-scientific areas. The bill also revises acreage descriptions for other scenic-recreation and natural-scientific areas. *Passed and sent to full committee.*

HB 2761 (Tidwell) creates a criminal offense of leaving the scene of a boating accident.



Parks Chairman Tidwell

Violation is a Class A misdemeanor when injury results from an accident and a Class E felony when death results. *Passed and sent to full committee.*

HB 2786 (Cooper) on a feasibility study on a building in T. O. Fuller State Park, and **HB 2508 (Mumpower)** authorizing the driving of golf carts (where there is a valid driver license) in state parks, campgrounds and designated areas in state parks, were rolled.

Environment Subcommittee March 5, 2008

The **Environment Subcommittee** met on Wednesday with ten bills on calendar. The following were discussed:

HB 3772 (McCord) adopts a Bill of Rights for Permit Applicants. Under the bill, the Commissioner of TDEC is required to afford each applicant under water pollution control laws certain rights including assistance in understanding regulatory and permit requirements, timely determinations of completeness of an application, notification when applications are deficient in information, knowledge of projected fees and determination of costs, and other matters. The department was asked to bring a flow chart to the full committee next week on applications submitted and completed, and more information on the time needed to complete such applications. *Passed and sent to full committee.*

HB 4184 (McCord) requires the Commissioner of TDEC to report each year to the House and Senate Environment Committees to keep committee members current on enforcement orders, consent orders, contested cases, final decisions, permit applications, etc. *Passed and sent to full committee.*

HB 4185 (McCord), as amended, adds a factor to be considered by the water quality control board in preparing the classification of waters and the standards of quality. It defines “limited resource waters” as a new definition under the Water Quality Control Act. According to the sponsor, the amendment has the same intent as the bill but protects those federal dollars being received. The committee will hear from the department and others on the bill next week. *Rolled one week.*

HB 3940 (Lynn) exempts public utilities regulated by the TRA and subject to a specific TRA rule from the definition of “nontraditional sewage disposal systems”

for which the law now authorizes water and wastewater treatment authorities to adopt rules of operation in certain circumstances. The bill was rolled one week for preparation of an amendment and to look at the performance and maintenance bonds issue. *Rolled one week.*

All other bills were rolled.
HB 3977 (Hackworth) - two weeks.
HB 2764 (Floyd) - one week.
HB 4198 (McDonald) - one week.
HB 2511 (Mumpower) – one week.
HB 3521 (Buck) – two weeks.
HB 3956 (Buck) – two weeks.

(Summary by Denise Sims)

consumer & employee affairs

Lucy Wilson



Rep. M. Turner

HB 2522 by Turner M would require retailers to redeem in cash for cash value gift certificates with a monetary value of less than \$10.00. An amendment was presented that would remove cash cards from this legislation. The bill was rolled one week giving committee members time to review the amendment before

voting on the bill. Legal staff will modify the directory language to ensure the language is clear. The bill with the amendment was rolled one week to allow committee members to review the bill as amended.

HB 3107 by Curtiss prohibits the sale or giving away of any disposable cigarette lighter or novelty cigarette lighter in Tennessee, unless the lighter is equipped with a safety device that prevents accidental operation of the lighter. Rep. Curtiss brought a new amendment that would prohibit selling or giving away a novelty lighter that is operable.

Jeff Huddleston, the Public Education Information Officer with the TN State Fire Marshall's Office distributed novelty lighters that looked like toys along with the toys they resembled. Mr. Huddleston said there represent a "huge threat to children, lighters that look like toys."

The committee removed the amendment they adopted last week in committee and adopted the new amendment Rep. Curtiss presented. The bill was sent to Government Operations Committee.

Consumer Affairs Subcommittee

HB 3834 by Johnson P prohibits a business from misrepresenting the business's geographic location in the telephone directory or directory assistance

database and creates a civil penalty of \$5,000 to \$25,000. The sponsor rolled the bill two weeks to March 18, 2008.

Employee Affairs Subcommittee

HB 3892 by Rowland makes several additions and changes to present law regarding employment security.

The bill creates an incentive program to report individuals fraudulently receiving unemployment benefits. The Department of Labor and Workforce Development would pay cash for any convictions, substantially similar to the incentive program for reporting TennCare fraud.

Additionally, the bill mandates loss of benefits for fraudulent conduct; classifies fraud in same manner as theft for determining class of criminal offense; and it establishes limits on number of unexcused absences or incidences of tardiness.

The bill was rolled two weeks to March 18, 2008.

HB 2594 by Turner M would enable individuals who stop working due to domestic violence to receive unemployment benefits. This bill was taken off notice.

On Tuesday, March 11, 2008 Sue Ann Head, with the Department of Labor & Workforce Development and Michael Shinnick, with the Department of Commerce & Insurance will present an early look at the impact of the 2004 Workers' Compensation Reform.



Rep. P. Johnson

The House Education Committee met on Wednesday and started its meeting with recognition of the “Read Across America Program.” The calendar was then considered. Action follows.

Referred to Calendar & Rules:

HB 3942 – (Lynn) allows principles to give students up to 10 days excused absence if a parent or legal guardian, stationed overseas, is granted home leave by the military.

HB 2894 – (Winningham) requires LEAs to submit any new policy regarding bullying, harassment, or intimidation to the department of education.



Chairman Winningham

and TEA’s “Read Across America” program.

Referred to Calendar & Rules, if amended:

HB 3615 – (Maddox) as amended, school boards are exempted from this bill’s notice requirement of ten (10) days when allegations of criminal or professional misconduct by a director are alleged.

Referred to Finance, Ways & Means:

HB 3511 – (Jones, U.) creates a special committee to study time management of Tennessee teachers in public elementary and secondary schools. The committee made up of three (3) senators and three (3) representatives, appointed by the speakers of each house, is to look into teaching duties and non-teaching

obligations. Findings are to be reported to the 106th General Assembly by February 1, 2009.

HB 4083 – (Maddox) provides tuition discount at state operated institutions of higher education for spouses of full-time state employees.



Rep. Maddox

HB 4086 – (Maddox) waives out-of-state tuition waivers to out-of-state students who are the children or grandchildren of retired public higher education employees with five or more years of service.

HB 2500 – (Odom) retired state employees with at least 30 years of service are authorized to take one free course per term at state institutions of higher education.

Referred to Finance, Ways & Means, if amended:

HB 3943 – (Lynn) as amended, in Section 1 after military duty adds “out of the country.” Creates a new Section 2 that leave to visit a spouse, child, or parent deployed for military duty out of the country and on rest and recuperation leave shall be granted for no longer than ten (10) days.

HB 2944 – (McCormick) as amended, rewrites the bill to extend the civic education commission to July 1, 2009 and directs the commission to make a final report to the Governor and education committees of both houses by that date.

HB 2943 – (McCormick) requires the department of education to develop and implement the “General Assembly civic education scholarship program” to recognize one high school student in each senatorial district and one high school student in each district of

the house of representatives. As amended the maximum amount of the scholarship is \$750.



Reps. Gresham, McCormick, Coley

Deferred 1 week:

- HB 3301 – (Winningham)**
- HB 2755 – (Pruitt)**
- HB 4084 – (Maddox)**
- HB 3614 – (Maddox)**

Deferred 2 weeks:

- HB 4003 – (Jones, U.)**
- HB 3458 – (Litz)**
- HB3278 – (Maddox)**
- HB 3685 – (Brooks, H.)**

These four bills all make some changes to the school support organization bill passed in 2007. Chairman Winningham asked Representatives Ulysses Jones and Maddox to meet with the other sponsors and with the comptroller’s office to find a solution to the concerns of these bills.

Deferred 3 weeks:

- HB 3483 – (Yokley)**

Taken off Notice:

- HB 3911 – (Maddox)**
- HB 2971 – (Winningham)**
- HB 2973 – (Winningham)**

Higher Ed Subcommittee

The Higher Education Subcommittee met on Wednesday. The first part of the meeting was devoted to lottery bills introduced this session. Sponsors of these bills and representatives of THEC and TSAC were available for comments on the

legislation. All the lottery bills, with the exception of two, will be on the Higher Ed calendar next week for action.

Taken off Notice:

- HB 2446 – (Litz)**
- HB 2887 – (Coleman)**

The Subcommittee next considered the other items on the calendar.

Referred to Full Committee:

HB 4037 – (Armstrong) requires THEC include in its annual report the number of students whose diplomas, certificates of credit, or grade reports are withheld due to unsatisfied debt obligations to an institution or state government entity.

HB 4096 – (Winningham) requires THEC annual report regarding full articulation between all public institutions include the degree to which community colleges and universities require the same freshman and sophomore courses to satisfy baccalaureate major degree requirements.

HB 3319 – (Brown) adds two at-large members, who do not reside in Tennessee, to the University of Tennessee board and to the Tennessee Board of Regents.

Deferred 1 week:

- HB 4088 – (Maddox)**

Deferred 2 weeks:

- HB 3915 – (Rinks)**
- HB 4016 – (Armstrong)**
- HB 3318 – (Brown)**

Deferred 3 weeks:

- HB 3603 Sontany**

Deferred to Last Calendar:

- HB 4135 – (Ferguson)**

Taken off Notice:

- HB 2896 – (Winningham)**

K-12 Subcommittee

The Higher Ed Subcommittee met on Tuesday. Action in subcommittee follows.

First action was a roll-call vote on **HB 2997 (Campfield)**. The original voice vote to refer the bill

to the department of education for study was confirmed by the roll-call vote. Representative Ulysses Jones asked that the department of education look into allegations presented regarding HB 2997 and curriculum.

Referred to Full Committee, if amended:

HB 2482 – (McDonald) as amended, allows local boards of education to lease or sell unused or unneeded buildings in a manner in the best interest of the system and community.

HB 2790 – (Cooper) as amended, rewrites the bill to urge the department of education to look into the area of instruction on nonviolence as it applies to conflict resolution in the character education curriculum.

HB 3640 – (Johnson, P.) as amended, sets criteria for students whose home crosses through county boundary lines. Eligibility to attend school in the county other than where the residence is taxed is to be based on local board of education policy and availability of space. Attendance shall be subject to payment of tuition to the same extent as students not residing in such county. An LEA shall not be required to provide transportation to such students.

Deferred 1 week:

HB 2779 – (Cooper)
HB 3123 – (Cooper)
HB 3322 – (Brown)
HB 2610 – (Hardaway)

Deferred 2 weeks:

HB 3125 – (Montgomery)
HB 3982 – (Matheny)
HB 2651 – (Hackworth)
HB 3740 – (Winningham)
HB 3076 – (McCord)

Deferred 3 weeks:

HB 3481 – (Hawk)
HB 3210 – (Gilmore)
HB 2652 – (Hackworth)
HB 4095 – (Coley)

Taken off Notice:

HB 4019 – (Bibb)
HB 4148 – (Odom)
HB 4148 – (Odom)

Special Initiatives Subcommittee

The Special Initiatives Subcommittee met on Wednesday and took the following actions on the calendar.

Referred to Full Committee:

HB 2976 – (Winningham) establishes a system of grants outside the BEP for funding for career and technical education.

HB 3399 – (Coley) sets up system for LEAs and law enforcement agencies to determine if there is a need for increased patrols in school areas before and after classes.

Deferred 1 week:

HB 2524 – (Turner, M.)
HB 2525 – (Turner, M.)
HB 3418 – (Shaw)

Deferred 2 weeks:

HB 3057 – (Winningham)

Taken off Notice:

HB 2777 – (Baird)
HB 3430 – (Odom)
HB 3431 – (Odom)
HB 3967 – (Winningham)
HB 3425 – (Odom)
HB 3426 – (Odom)
HB 3427 – (Odom)
HB 3428 – (Odom)
HB 3429 – (Odom)

Chairman Winningham asked Representatives Brown, Windle and Lollar to study all bills dealing with proprietary schools and, with the sponsors of these items, attempt to bring a consensus bill to the committee.

finance, ways & means

Julie Travis & Patrick Boggs



Chairman Fitzhugh

This week, the House Finance, Ways and Means Committee met to consider thirteen pieces of legislation and hold budget hearings. Tuesday, the committee heard from the Department of Economic and Community Development and the Department of Labor and Workforce Development.

Wednesday, the committee heard from the Division of Mental Retardation Services within the Department of Finance and Administration, and also from the Bureau of TennCare within the same department. Today, further consideration will be given to the budget of the Department of Labor and Workforce Development since time ran out on Tuesday before their presentation was concluded.

Bills Referred to Calendar & Rules:

HB 2458 (McDaniel) – This bill names a section of S.R. 69 in Decatur County the “Guy Stokes and Guy Stokes, Jr. Memorial Highway.” It will be paid for with highway fund dollars as Mr. Stokes Jr. died in the line of duty while serving in Vietnam.

HB 2489 (Eldridge) – This bill names the section of U.S. 45 in Madison, Chester, and McNairy counties the “Rockabilly Highway.” An amendment was added by the committee to designate that Madison County must pay for the signs to be manufactured and installed.

HB 2505 (Mumpower) – This bill names Exit 66 (S.R. 126/Memorial Blvd.) on I-81 in Sullivan County the “Emory ‘Cumbo’ Sykes Interchange.” The committee amended the bill to specify that Sullivan County must pay for the signage.

HB 2506 (Mumpower) – This bill names a bridge on S.R. 44 in Sullivan County the “PFC Eugene H. Stepp Memorial Bridge.” The naming of the bridge will be paid with state highway funds as PFC Stepp was killed in the line of duty.

HB 2885 (Bone) – This bill names a section of U.S. 70 in Wilson County the “Pvt. Billy Edward Stevenson Memorial Parkway.” Pvt. Stevenson died in the line of duty and thus the signage will be paid with state funds.

HB 2915 (Maggart) – This bill forbids county election commissions from placing social security numbers on voter registration cards.

HB 3167 (C. Johnson) – This bill removes the limit that localities may spend at their discretion on tourism advertising.

HB 3349 (Fraleay) – This bill creates a one cent per ton (1¢/ton) inspection fee for distillers’ wet grains and other distillers’ by-products when such grains or byproducts contain more than 75% moisture and are distributed without further processing.

HB 3360 (Fitzhugh) – This bill makes various changes to the Tennessee Consolidated Retirement System. Among the changes are an added availability of a transportation benefit under the cafeteria plan of benefits offered to state employees; and, it expands the ability to match an employee’s 401(k) deferred comp. contribution.

HJR 826 (M. Turner) – This resolution encourages the President and Congress to refrain from borrowing money from or selling our country’s national debt to foreign entities to support the federal budget. It also expresses our urge to reduce the national debt.

HB 2837 (Borchert) – This bill names a segment of S.R. 191 within the Nathan Bedford Forrest State Park as the “Blake Pafford Memorial Road.” The costs for such signage must be paid with non-state funds.

Deferred for One Week:

HB 3784 (Bone)

Deferred for Two Weeks:

HB 348 (Buck)

Budget Subcommittee

The Budget Subcommittee met on Wednesday, March 5th, 2008, and considered twenty-one bills. The results of those actions are as follows:

Bills Referred to the Full Committee:



Budget Chairman Tindell

assessment applies to all state government entities. Under current law, such controls must be performed every four years, this bill makes it annually. This bill also clarifies that such procedures apply to institutions of higher education.

HB 2870 (Moore) – This bill exempts Shelby and Davidson counties from the provisions of the Uniform Administrative Procedures Act regarding contested case hearings that come in front of county or municipal benefit boards.

HB 2487 (Fraleley) – This bill designates the retired teacher member that is currently a part of the Tennessee Consolidated Retirement System Board of Trustees as a voting member. Such person had previously been a non-voting member of the board.

HB 3723 (Fitzhugh) – This bill delays by one year the requirement that all municipalities must hire a certified municipal financial officer (CMFO). Such localities now have until January 1, 2011, January 1, 2012, or January 1, 2013, depending on revenue derived from the municipality.

HB 3121 (Cooper)

– This bill adds a certain facility in Shelby County as an eligible headquarters facility that is exempt from ad valorem taxation. Such owner must make payments in lieu of taxes to be exempt from the ad valorem taxes.

Bills Rolled One Week:

HB 3862 (Tindell) – the subcommittee adopted an amendment prior to deferring this bill
HB 2587 (Overbey) – the subcommittee adopted an amendment prior to deferring this bill
HB 3408 (Matlock)

Bills Rolled Two Weeks:

HB 132 (Bell) – the subcommittee adopted three amendments prior to deferring this bill
HB 17 (Shepard)
HB 3837 (Shaw)
HB 2729 (Favors)
HB 3970 (Armstrong)

Bills Rolled to the Last Calendar:

HB 3020 (Campfield)
HB 3021 (Campfield)
HB 3023 (Campfield)

Bills Placed Behind the Budget:

HB 3448 (Rinks)
HB 2811 (Harmon)
HB 2486 (Floyd) placed on the Behind the Budget road sign calendar

Bills Referred to the Government Operations Committee:

HB 4041 (Moore)



Rep. Cooper

government operations

Kristina Ryan



Chairman Kernell

The **House Government Operations Committee** convened on Wednesday morning to deliberate the calendar. Of the nineteen bills up for consideration, nine bills were in committee for review and referral for other standing committees, nine bills were sunset bills and one bill

was in committee as its standing committee. **HB 2965 by Representative Hardaway** was taken off notice, **HB 3235 by Representative Kernell** was rolled for one week and **HB 3191 by Representative Hardaway** was rolled for two weeks.

HB 3672 by Representative Shepard was reviewed and referred to the Finance, Ways and Means Committee. This legislation passed the Health and Human Resources Committee and extends the terms of the Massage Licensure Board from three years to five years. In addition, the Board is authorized under this legislation to set fees for continuing education courses that are submitted to the board for approval.

The committee reviewed and referred **HB 4015 by Representative Armstrong** to the Calendar and Rules Committee. This legislation originated in the Health and Human Resources Committee and renames the “Black Health Care Commission” the “Health Equity Commission”. An amendment that was placed on the bill removed the sunset extension clause from the bill, since the Black Health Care Commission is up for re-authorization this year.

After winning approval from the Judiciary Committee, **HB 2433 by Representative**

McDonald was reviewed and referred to the Finance, Ways and Means Committee. Known as the “Copper Theft” legislation, this bill requires all scrap metal dealers to register with the Department of Commerce and Insurance. The bill also establishes guidelines for buying and selling scrap metal. The Department of Commerce and Insurance is responsible for promulgating rules in order to enforce the provisions of this legislation.



Rep. McDonald

HB 3626 by Representative Tindell was reviewed and referred to the Finance, Ways and Means Committee. This legislation was approved in the Commerce Committee. Under this bill, public automobile auctioneers will be licensed and regulated by the Tennessee Auctioneer Commission. In addition, the legislation sets out the requirements to obtain a license as well as making it a Class C misdemeanor for persons unlawfully advertising or claiming to be a public automobile auctioneer unless properly licensed by the state. The Tennessee Auctioneer Commission is delegated rulemaking authority in order to implement this legislation.

The committee reviewed and referred **HB 2124 by Representative Montgomery** to the Finance, Ways and Means committee. Originating in the Consumer and Employee Affairs Committee, this bill renames the “Elevator Safety Board” the “Elevator and Amusement Device Safety Board”. This board would be under the jurisdiction of the Department of Labor and Workforce Development. The Elevator and Amusement Device Safety Board would comprise of seven members appointed by the Governor. Five of the members’ expertise will be elevator safety and the remaining two members will

be specialists of amusement device safety. The Commissioner of Labor and Workforce Development would be authorized to promulgate rules in order to carry out the provisions of this legislation.

HB 3301 by Representative Vaughn was reviewed and referred to the Finance, Ways and Means Committee. Known as the “Tennessee Advanced Placement Incentive Program Act of 2008”, this legislation allows the Department of Education to establish a program for advanced placement programs for postsecondary students. This legislation was amended in the Education Committee and sent to Government Operations for rulemaking. The State Board of Education is designated rulemaking authority necessary to implement the provisions of this legislation.

HB 2343 by Representative Moore was reviewed and referred to the Finance, Ways and Means Committee. Originating from the Agriculture Committee, this bill enacts the “Fire Safety Standard



Rep. Moore

and Firefighter Protection Act”, which requires that all cigarettes sold in Tennessee to meet certain ignition and flame standards that would help reduce the risk of fire resulting from cigarettes. In addition, this bill would require the State Fire Marshal to review the effectiveness of the provisions of this bill and report back to the House

and Senate every three years regarding the progress of this program. The State Fire Marshal is responsible for promulgating rules and regulations in order to properly enforce this program.

HB 3307 by Representative Lynn was approved by the committee and sent to the Calendar and Rules Committee. This legislation would require that all amendments to existing executive agency rules be filed with the Secretary of State in redline form. An amendment placed on the bill would stipulate that there would be clear indication of the changes to the

existing rules and also would add brackets or underlining to changes to a rule.

Sunset Bills

The following sunset bills were approved by the committee and sent to the Calendar and Rules Committee:

HB 3548 (Kernell) – Commission on Aging and Disability – re-authorized to June 30, 2012.

HB 2704 (Kernell) – Medical Board of Tennessee Consolidated Retirement System – re-authorized until to June 30, 2015.

HB 3231 (Kernell) – Tennessee Consolidated Retirements System, Board of Trustees – re-authorized to June 30, 2015.

HB 3554 (Kernell) – Domestic Violence State Coordinating Council – re-authorized to June 30, 2014.

HB 3586 (Kernell) – Tennessee Life and Health Insurance Guaranty Association – re-authorized to June 30, 2012.

HB 3557 (Kernell) – Office of Business Enterprise – re-authorized to June 30, 2015.

HB 2699 (Kernell) – Commission on Children and Youth – re-authorized to June 30, 2011.

HB 3564 (Kernell) – Terminates the Commission on Indian Affairs.

* An amendment placed on the bill extends the Commission on Indian Affairs for one year.

The **Health & Human Resources Committee** met Tuesday morning, March 4, 2008, to consider three bills. **HB 2825 (Shepard)** that authorizes the county medical examiner to investigate and certify a death certificate under certain conditions and provides immunity from civil damages to a physician acting in good faith relative to certificates of death was referred to C&R. **HB 3678 (S. Jones)** that requires the Department of Human Services to promulgate rules that address the education of parents of children in day care regarding the benefits of immunizing their children against influenza was referred to Government Operations. **HB 2945 (Lynn)** was rolled one week at the request of the sponsor.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met immediately following adjournment of the full committee on March 4th to consider five bills. **Rep. Vaughn** presented **HB 3298** concerning labeling of prescription drugs for persons 60 years of age or older and offered an amendment that rewrites the bill; the bill was rolled one week for review of the proposed amendment. **HB 3629 (Fincher)** was rolled three weeks at the request of the sponsor. **Chairlady Favors** presented **HB 3633** concerning *level II office-based surgery* and offered an amendment that rewrites the bill; the amendment was adopted, and the bill was rolled one week for review of the amendment. **HB 3985 (Windle)** was rolled two weeks at the request of the sponsor. **Rep. Armstrong** rolled **HB 4011** one week for review of a proposed amendment that rewrites the bill.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 5, 2008, to consider five bills; three were referred to full committee. **HB 3364 (Fitzhugh)** requires a critical access hospital to obtain a certificate of need prior to closing or substantially reducing services. **HB 4156 (Richardson, Odom)** decreases the gross receipts tax on intermediate care facilities for the mentally retarded (ICFMR) from 6 percent to 5.5 percent, retroactive to January 1, 2008. **HB 4109 (Shepard, Odom)** authorizes an inpatient

mental health facility to test a patient's blood for hepatitis B or HIV/AIDS if an employee, student, or other care provider at the facility is exposed to the blood or other body fluid of a patient. After discussion and testimony from the Department of Health on **HB 3378 (Odom)**, the bill was rolled two weeks at the request of the sponsor. **Rep. Windle** rolled **HB 2938** one week.



Rep. Odom

Public Health & Family Assistance Subcommittee

Chairman Armstrong chaired the **Public Health & Family Assistance Subcommittee** Wednesday afternoon, March 5th, with 17 bills on calendar. After discussion and testimony from Dr. Tom Ketron, Director of the Governor's Office of Children's Care Coordination, **HB 1419 (Harwell)** as amended failed 3-3-1 on a roll call vote. **HB 3332 (Brown)** that increases the amount of reimbursement from the Department of Health to the residential homes for the aged from \$19 to \$25 per day for each resident whose total income does not exceed \$600 per month and whose income is limited to payments made under the Social Security Act was referred to full committee. **HB 2564 (Fincher)** as amended that revises the penalty for tattooing a person under the age of 18 from a Class C to a Class A misdemeanor, and requires a parent or legal guardian to present proof of guardianship or custody prior to a minor receiving a body piercing or a minor, 16 or older, receiving a tattoo to cover up an existing tattoo was referred to full committee. Amendment 1 to **HB 2564** narrows the Department's rulemaking authority in the printed bill, and Amendment 2 corrects a typographical error in the printed bill. **HB 0941 (Maggart)** was rolled



Chairman Armstrong, Rep. Maggart

by Chairman Armstrong to the subcommittee's long-term care calendar. **HB 3264 (Moore)** as amended that revises criminal background check requirements for anyone who is employed by or volunteers with a child care agency, or who is 15 years of age or older and resides in a child care agency was referred to full committee. The amendment corrects a typographical error in the bill as introduced. **HB 2964 (Hardaway)** was rolled two weeks at the request of Rep. Richardson. **Rep. Fincher** took **HB 2496** off notice. **HB 3297 (Vaughn)** that requires the Division of Mental Retardation Services to make available home and community-based services for persons on the waiting list, offer assistance to increase provider capacity in the community, and expand a comprehensive service delivery system was referred to full committee. **HB 3621 (Matheny)** was rolled two weeks at the request of the sponsor. **HB 1883 (Overbey)** was rolled one week at the request of the sponsor. **Rep. Floyd** rolled **HB 3367** one week at the request of the subcommittee; the bill appears to be identical to **HB 3264 (Moore)** that was referred to full committee earlier in this meeting. **HB 3617 (Maddox)** that redefines *home medical equipment services* to include shipments by a provider to a consumer's residence or to a predetermined location to be picked up by the consumer or the consumer's representative was referred to full committee. **HB 2784 (Cooper)** was rolled two weeks at the request of the sponsor. The remaining bills on calendar were rolled one week: **HB 3197 (S. Jones)**, **HB 1444 (Rowland)**, **HB 2785 (Cooper)**, and **HB 3083 (McCord)**.

The Full Judiciary Committee met to consider twelve bills. House Bill 583 by Rep. DuBois was rolled for one week. House Bill 3963 by Rep. Curtiss was rolled two weeks. House Bill 3101 by Rep. Curtis was taken off notice.

The following is a list of bills approved for passage to Calendar & Rules:

- **HB 2558 by Rep. Hackworth** authorizes the Anderson County Chancery Court child support referee to also serve the juvenile court.
- **HB 3438 by Rep. Rinks** expands the types of authorized investments fiduciaries can make to include investments in the form of securities or other interests in an open end or closed end management type investment company or investment trust registered under the Federal Investment Company Act of 1940.



Rep. Rinks

- **HB 3600 by Rep. McManus** requires creditor's claims to be filed against an estate within the earlier of four (4) months from the date of the first publication of the notice to creditors or twelve (12) months from the decedent's date of death. Currently, the law requires claims to be filed within four (4) months from the date of the first publication of the notice to creditors.
- **HB 3734 by Rep. Fincher** modifies and clarifies the requirements for providing a debtor's name in a financing statement filed in

accordance with the U.C.C. for perfection purposes.

- **HB 3748 by Rep. Curtiss**, as amended, requires the notice sent to a debtor in any sale of land to foreclose a deed of trust, mortgage, or other lien securing the payment of money or other thing of value to the mailing address of the property and the last known mailing address of the debtor or other mailing address of the debtor specifically designated for receiving notices provided at least thirty (30) days prior to the first publication date in written correspondence with the loan agreement if the last known address differs from the mailing address of the property.
- **HB 3798 by Rep. Bass** makes the definition of a domestic abuse victim regarding orders of protections contained in T.C.A §36-3-601 consistent with the same definition in T.C.A. §39-13-111, entitled Domestic assault.

List of bills approved for passage to the Finance Committee:

- **HB 2456 by Rep. McDaniel** authorizes Wayne County to levy a privilege tax on litigation in all civil or criminal cases not to exceed twenty-five (\$25.00) per case to be used for equipment and personnel costs of the county sheriff's department.



Rep. McDaniel

- **HB 3031 by Rep. Hawk**, as amended, revises the method for calculating the amount of wages withheld in a garnishment. The amendment makes a technical correction.
- **HB 4162 by Rep. Fincher** authorizes funeral or burial expenses for crime victims to be paid from the Criminal Injuries Compensation Fund to the legal representative of the victim's estate, or if no estate, to a relative of the victim who paid these expenses.

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss twenty-four bills this week. House Bill 3365 by Rep. Todd was rolled to the last calendar.

The following house bills were approved for passage to the Full Judiciary Committee:

- **HB 3201 by Rep. Coleman** provides that on and after July 1, 2008, the base salaries of child support referees are to be annually adjusted to reflect any actual percentage pay increases provided to all state employees by the general appropriations act.
- **HB 3638 by Rep. Coleman** establishes uniform procedures for all counties regarding the selection of jurors. It eliminates the current occupational exemptions for jury duty. However, it allows any person to be excused from serving if the person is incapable of serving due to a mental, physical, or financial hardship. Certain documentation is to be provided to the judge in order for an individual's request to be granted.
- **HB 3709 by Rep. Coleman** changes from twenty (20) to thirty (30) days the time period for filing a financing statement with respect to a purchase-money security for priority purposes.
- **HB 3060 by Rep. Fincher** extends statutes of limitation and statutes of repose in any county in which a disaster is declared by a duly authorized member of the appellate court.

- **HB 3846 by Rep. Mumpower** authorizes Sullivan County, upon the adoption of a resolution by two-thirds majority vote of the county legislative body, to levy a privilege tax on all civil and criminal litigation not to exceed twenty-five (\$25.00) dollars to be used for court house security.

The following is a list of bills rolled 1 week:

- HB 2499 by Rep. Odom (open records bill)
- HB 3040 by Rep. Bell (open records bill)
- HB 3850 by Rep. Montgomery (open records bill)
- HB 3962 by Rep. Curtiss
- HB 1108 by Rep. Buck
- HB 2797 by Rep. Buck
- HB 2469 by Rep. S. Jones
- HB 2721 by Rep. Fincher
- HB 3736 by Rep. Pitts
- HB 2668 by Rep. Hackworth
- HB 3866 by Rep. Overbey
- HB 1993 by Rep. Overbey

Rolled 2 weeks:

- HB 2421 by Rep. Moore (open records bill)

Rolled 3 weeks:

- HB 2492 by Rep. Fincher
- HB 758 by Rep. Matheny

Off notice:

- HB 3062 by Rep. P. Johnson
- HB 3806 by Rep. Coleman

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee met to consider twenty-one bills. The committee will have special calendars for the next three weeks, in which it will only hear specific subject matter. On March 12th, all sex offender bills will be heard. On Wednesday, March 19th, gun bills will be heard. Also, all bills dealing with the DUI law will be heard on March 26th.

The following is a list of bills that were approved for passage to the Full Judiciary Committee:

- **HB 2803 by Rep. Sontany** creates the Tennessee Animal Abuser Registration,

Tracking and Verification Act of 2008. Offenders convicted of animal abuse defined as aggravated animal cruelty, animal fighting which constitutes a felony, and bestiality will be required to register with this registry. The TBI would maintain this registry.

- **HB 3873 by Rep. Fitzhugh** revises standardized booking procedures relative to fingerprinting of arrestees. It requires a booking agency that maintains fingerprints manually to mail two sets of fingerprint cards to the TBI. If the fingerprints are transmitted electronically, only one hard copy of the fingerprints is required with the arrest report along with an acknowledgment that the TBI received and accepted the fingerprints. Currently, two sets of fingerprint cards are to be completed and mailed to the TBI.
- **HB 2804 by Rep. Sontany** makes it an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent. A violation of this will be punishable as theft of property. This bill removes the current element of intent to deprive the owner of the right to the animal's life.
- **HB 3991 by Rep. DuBois** creates a Class E felony for the assault of a law enforcement officer while he or she is acting in the performance of such duties while in uniform or exhibiting evidence of the officer's status as a law enforcement officer. It also makes it a Class E felony to remove or cause to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex cuffs from the officer's possession or deprives officer of its use. The bill creates a Class D felony for removing or causing to be removed a firearm or stun weapon from the possession of the law enforcement officer or deprives the officer of its use. The bill creates a Class B felony offense for aggravated assault on a law enforcement officer.

Bills rolled 4 weeks due to the special calendars:

HB 2604 by Rep. Hardaway
HB 2625 by Rep. Hardaway
HB 2683 by Rep. Dunn
HB 2728 by Rep. Favors
HB 2860 by Rep. Floyd

HB 2967 by Rep. Hardaway
HB 3509 by Rep. U. Jones
HB 3512 by Rep. U. Jones
HB 3513 by Rep. U. Jones
HB 3514 by Rep. U. Jones
HB 3650 by Rep. M. Turner
HB 3606 by Rep. Todd
HB 3203 by Rep. Coleman
HB 3902 by Rep. Shaw
HB 4098 by Rep. S. Jones

Off notice:

HB 2968 by Rep. Hardaway
HB 2787 by Rep. Cooper

state & local government

Lawrence Hall, Jr.

This week in the State and Local Government full committee there were 17 bills on the calendar for consideration. The committee passed 11 bills to Calendar and Rules and 4 to Finance, Ways and Means. Three bills were rolled for later consideration.

To Calendar and Rules:

- HJR 0919 by Odom – This bill refuses participation in the Tennessee-Georgia Boundary Line Commission purportedly established by Georgia General Assembly; expresses sense that Tennessee-Georgia boundary has been properly established since 1818.

- HB 3787 by Odom - Replaces arts commission executive director with commission chairman as employing authority for state museum director, experts, and other employees.

- HB 3728 by Fitzhugh – This bill authorizes the use of sales comparison approach in assessing mineral interests and all other interests, not defined as products of the



Rep. Fitzhugh

soil, in real property, including the interest that a lessee may have in and to improvements erected upon land where the fee, reversion, or remainder therein is exempt to the owner, and which interest or interests is or are owned separately from the general freehold.

- HB 3729 by Fitzhugh – This bill revises property tax provisions in regard to remedies and assessments under appeal; places restrictions on judicial review of certain exemptions.

- HB 0649 by Turner M - Requires the state fire marshal to develop guidelines concerning vehicular gates surrounding gated communities, apartments, and condominiums to ensure access to all emergency vehicles.

- HJR 0838 by Brooks K – This resolution urges the governor to establish goal of reducing fuel consumption by at least 15 percent in state’s vehicle fleet by June 30, 2010.

- HB 3115 by DuBois - Requires state and local governments to create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by such governmental entity.

- HB 3858 by McCord – This bill specifies certain types of construction that do not constitute utility construction for purposes of determining when subdivision plats must be submitted to municipal or regional planning commissions for approval.

- HB 3470 by Dean - Designates “Towing and Recovery Week” in Tennessee as week including third Saturday in September.

- HB 3508 by Jones U - Revises the procedures for electing county



Chairman Jones

officers and filling of vacancies by county legislative bodies.

- HB 4054 by Jones U - Designates October 9 as “Firefighters’ Memorial Day,” a day of special observance.

To Finance, Ways and Means:

- HB 1256 by Moore - Requires any voting system purchased after the effective date of this act to provide the ballot of record be a paper ballot marked by the voter with appropriate accommodation for persons with disabilities; requires such ballot to be available to voter to verify the vote; requires that secrecy of the voter’s choice be maintained.

- HB 2517 by Fitzhugh - Increases from \$20,000 to \$24,000 the maximum allowable income for determining eligibility to participate in the state’s tax relief program for homeowners who are totally and permanently disabled.

- HB 3731 by Fitzhugh - Increases from 22.5 cents to 30 cents the amount per person in a county that each county must annually pay to the comptroller to help with the expenses and compensation of auditors.

- HB 3033 by Watson - Requires state treasurer to make certified public administrator’s educational incentive payments to sheriffs without regard to other supplements received for in-service training or professional development.

Rolled Bills:

- HB 2949 by Lynn – 1 Week
- HB 1918 by Rinks – 2 Weeks
- HB 3155 by McManus – 1 Week

State Government Subcommittee

This week in the State Government Subcommittee 12 bills were considered. The committee passed 9 bills to full committee and the others were set for future meetings of the subcommittee.

Sent to full committee:

- HJR 0803 by Shepard - Designates the Dickson Fiddler’s Contest and Family Fun Festival as a “Tennessee State Championship Barbecue Cook-Off.”

- HB 2778 by Cooper B - Requires the director of the Tennessee State Museum to report to the house and senate government operations committee by January 12, 2009, concerning the operation of the National Civil Rights Museum in Memphis.

- HJR 0831 by Cooper B - “National Church School Day,” June 1, 2008, and “Back to Church School Crusade Months,” June and July of 2008

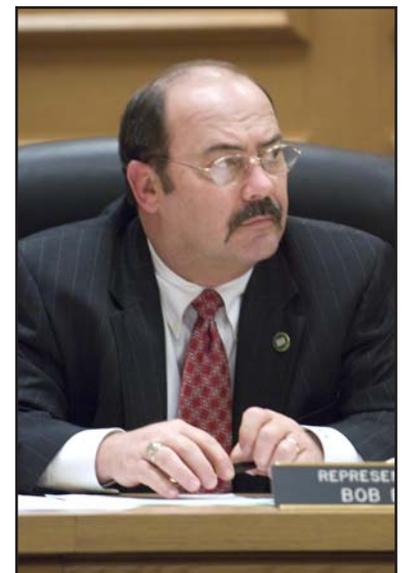
- HJR 0889 by Windle – Names the Armory in Livingston the “Sgt. Robert Wesley Tucker National Guard Armory.”

- HB 2815 by McDonald – This bill clarifies the responsibilities of the department of finance and administration and the department of general services relative to energy management activities.

- HB 2816 by McDonald - Requires the inclusion of an environmental impact statement on fiscal notes for general bills and resolutions having a direct significant impact on energy conservation within the state.

- HB 2817 by McDonald – This bill mandates participation in the energy management program by state departments and agencies and all state colleges and universities operated by the board of trustees of the University of Tennessee or the state board of regents.

- HB 4126 by Bibb
- Requires, in regard to bids and the bid process, a protesting party to file a protest bond in order for a



Rep. Bibb

protest or stay of award to proceed; bond to be 5 percent of the lowest bid evaluated.

- HB 3504 by Jones U - Exempts marketing strategies and strategic plans including feasibility studies of certain hospitals from open meetings law and public records law until adopted by the hospital board.

Rolled Bills:

- HB 2742 by Hardaway – 1 Week
- HB 2963 by Hardaway – 1 Week
- HB 4188 by McDaniel – 1 Week

Local Government Subcommittee

This week in Local Government subcommittee there were 19 bills on the calendar to be heard. Seven bills passed on to full committee for next week and all other bills were rolled to a later date.

Sent to full committee:

- HB 3722 by Fitzhugh – This bill requires that county jails have at least one certified jail administrator or an exempt individual as jail administrator, chief deputy jailer, chief deputy, or other official or employee who has daily administrative oversight responsibilities; establishes requirements for certification and provides annual education incentive of \$600.

- HB 3870 by Fitzhugh - Redefines “financially distressed utility district” under the Utility District Law of 1937 to include the systems of a utility district; removes provision whereby failure to comply with requirement that a utility district’s rates be sufficient to make the district self-sufficient is grounds for the utility district to be considered financially distressed; specifies that public utility districts may operate water and sewer systems as individual or combined entities.

- HB 3840 by Turner M – This bill provides for the establishment of an economic impact plan.

- HB 3265 by Moore - Removes sunset provision on requiring presenting a photo

identification prior to purchasing beer for off-premise consumption.

- HB 3861 by Tindell – This bill directs the ABC to deposit any fine it collects from a person whose license or permit was revoked or suspended with the state treasurer for the general fund.

- HB 3863 by Tindell - Establishes the county revenue partnership fund to consist of funds appropriated by the general assembly for distribution to counties and metropolitan governments.

- HB 2759 by Bibb – This bill lowers the number of days within which regional planning commission must approve or disapprove plat before plat is deemed approved from 60 days to 35 days.

Rolled Bills:

- HB 2824 by Shepard – Last Calendar
- HB 3702 by Floyd – 1 Week
- HB 2750 by Dunn – 1 Week
- HB 3002 by Pinion – 1 Week
- HB 3343 by Matheny – Off Notice
- HB 3302 by Vaughn – Annexation Special Calendar
- HB 3059 by Lundberg – 1 Week
- HB 3266 by Moore – 2 Week
- HB 3262 by Moore – Defeated
- HB 2612 by Todd – 3 Weeks
- HB 1850 by Todd – Off Notice
- HB 2760 by Bibb – 1 Week

Elections Subcommittee’s time expired prior to completing any bills on the calendar for this week. All bills will be on next week’s calendar.



Chairman Pinion

The House Transportation Committee

convened March 4, 2008 to consider twenty bills.

HB3164 (Bibb) was deferred for two weeks.

The following bills were referred to the **Calendar and Rules**

Committee:

HB3975

(Armstrong) – Exempts buildings

of UT Medical Center in Knoxville from 35 foot height limitations otherwise imposed along designated scenic highways.

HB398 (S. Jones) – Authorizes Davidson County police to investigate motor vehicle theft and violations of motor vehicle registration laws in addition to department of safety's officers. An amendment was adopted to clarify that nothing in the bill is to be construed as relieve any

duties to report theft or recoveries of stolen vehicles to the Department of Safety.

HB2547

(Sargent) – Prohibits a local government or any person from assessing an accident response service fee on an insurance company, the



Rep. Sargent

driver or owner of a motor vehicle, or any other person for the response or investigation by a law enforcement agency of a motor vehicle accident. An amendment was adopted to clarify that the bill does not prevent a local government from billing for ambulance services if they are for an emergency response to an accident.

HB2813 (Harmon) – Requires persons or business entities operating a tollway facility to be American or be majority owned by Americans.

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

HB3999 (McDonald) – “Johnny Hayes Highway” highway signs on a segment of U.S. Highway 31E in Sumner County. An amendment was adopted to clarify the segment of highway being named and for Sumner County to pay for the signs.

HB3092 (Hill) – “Richard “Rick” L. Edens Sr. Memorial Bridge” highway signs on a segment of SR 353 in Washington County.

An amendment was adopted for funding for the signs to come from Washington County.

HB3701 (Shaw) – “Gunnery Sgt. Terry J. Elliot Memorial Bridge” highway signs on a bridge spanning Porters Creek on State Route 125 in Hardeman County.

HB3681 (Lundberg) – As amended, allows municipalities located in Sullivan County to select the color scheme of the municipality's ambulances, provided the color scheme is the same used for the municipality's fire department vehicles.

HB4137 (Borchert) – Provides for signs for Tennessee River and Kentucky Lake on Interstate 40 in Benton and Humphreys counties.

HB3833 (Vaughn) – Requires persons under 18 at the time of a motor vehicle crash or traffic violation to show proof of financial responsibility before such person's driver license is reinstated.

HB2835 (Shepard) – Requires motor vehicles to move over or reduce speed when approaching a stationary motor vehicle on a

shoulder with persons working on such vehicle or within the vicinity of such motor vehicle. An amendment was adopted to require the a stationary motor vehicle on the shoulder to use emergency flashing lights.

HB2687 (Hensley) – “Robert V. Gafford Highway” highway signs on a segment of U.S. Highway 412 in Lewis County.

Amendments were adopted to fix a typo in the bill and for the signs to be paid for by the Highway Funds.

HB2889 (Hensley) – “Fred Couch Memorial Bridge” highway signs on a bridge spanning Little Buffalo River on State Route 99 in Lewis County. An amendment was adopted for Lewis County to pay for the signs.

HB2890 (Hensley) – “Luther M. and Marvin Patton Memorial Highway” highway signs on a segment of State Route 99 in Lewis County. An amendment was adopted for Lewis County to pay for the signs.

HB3659 (Williams) – Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Stephen R. Maddies, Tennessee National Guard.

HB2994 (Overbey) – As amended, raises the minimum age from 14 years old to 15 years old for a M-limited license which allow minors to operate motor-drive cycles or motorized bicycles.

HB2740 (Hardaway) – As amended, designates a segment of I-240 in Shelby County as “Musician Memorial Highway.” Memphis will pay for the signs.

The following bills were passed by the committee and will be placed in the **Omnibus License Plate Bill**:

HB3720 (Bell) – Authorizes issuance of Veterans of Foreign Wars (VFW) new specialty earmarked license plates. The bill allocates proceeds from sales of such plates to VFW department of Tennessee for scholarships and teachers’ award to promote citizenship. An amendment was adopted to fix a typo in the bill.

HB2627 (Overbey) – Authorizes issuance of new specialty earmarked plates to raise public awareness about autism. As amended, the bill allocates 50-percent of funds derived from sale of such plates to the department of mental health and developmental disabilities for distribution to tax exempt non-profit

organizations that serve individuals with autism.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 4, 2008 to consider eight bills. **HB2916** (West) was rolled for three weeks. **HB3610** (L. Turner) and **HB2656** (Hackworth) were deferred for two weeks. **HB2626** (Hardaway) was rolled for one week. **HB2941** (Windle) was taken off notice.

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

HB2653 (Hackworth) – As amended last week, prohibits motor vehicles in a marked school zone, when warning flashers are in operation, from crossing a roadway with a crosswalk when a pedestrian is in such crosswalk.

HB2966 (Hardaway) – Names U.S. Highway 78 in Memphis the “Rosa Parks Memorial Highway.”

HB4117 (Frale) – Removes provisions whereby information on automobile liability insurance in motor vehicle accident reports is excluded from public inspection.



Rep. Hackworth

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 4, 2008 to consider nine bills. **HB3106** (Curtiss) was taken off notice.

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

HB2794 (Harwell) – Authorizes the use of inherently low-emission vehicles (ILEV) and low-emission and energy efficient vehicles (LEEEV) in High Occupancy Vehicle (HOV) lanes provided that such authorization does not violate federal guidelines or jeopardize federal funds to the state. The bill requires the Department of Revenue to provide owners of qualified vehicles with an identifying decal upon documentation. The Department of Transportation (TDOT) and local authorities are to provide information via traffic control devices and signage that such vehicles may be driven in HOV lanes, and it requires TDOT, in conjunction with local authorities, to perform a level-of-service examination concerning the use of HOV lanes by these vehicles. If the study determines that the use of HOV lanes by these vehicles causes a significant decrease in the level of service for other users, the authorization for the use of such lanes by ILEV and LEEEV vehicles may be restricted or terminated.

HB3476 (Matlock) – Authorizes the commissioner of transportation to paint markings on interstate and multilane divided highways that are three or more lanes in each



Rep. Matlock

direction to indicate that truck tractors and semitrailers should travel in the right lanes except to pass. The bill states priority is to be given to highway segments of steep ascension, limited visibility due to weather conditions, or such other areas the commissioner deems appropriate.

HB2768 (Hardaway) –

Authorizes a third pilot toll project as a public-private partnership for a major bridge project crossing the Mississippi River under the Tennessee Tollway Act, and authorizes private construction, improvement, or operation of such project.

HJR736 (Shepard) – “Trooper Jamie Hassell Barnett Memorial Highway” highway signs on a portion of State Highway 230 East in Hickman County

HB2839 (Sargent) – Distributes all of the taxes from the registration and licensing of motor vehicles to department of transportation instead of only 98 percent. The bill deletes administration deductions from amounts of the gasoline tax otherwise dedicated to counties, cities, and the highway fund.

HB2736 (Tidwell) – Allows Perry County, subject to local approval, to increase the severance tax on minerals from five cents per ton to ten cents per ton. An amendment was adopted requiring that all current or future revenues from the tax will be placed in the Perry County highway fund.

HB3004 (Pinion) – Redistributes funds from sale of Masons license plates.

HB2868 (Pinion) – Deletes the requirement that toll projects will be limited to two pilot projects.

THE RESEARCH REVIEW

(may be accessed online at)
www.legislature.tn.us

>> click on **HOUSE**, click on **OTHER PUBLICATIONS** <<

{ about photos }

Photographs for THE RESEARCH REVIEW are provided by the staff of Tennessee Photographic Services. For copies of photographs selected for use in this publication, or for other photos taken during committee meetings or events, go to:

www.tnphotoservices.com

A simple registration allows access to the website, where pictures may be viewed online. Order forms are available on the website for print.

For additional information, please contact **TENNESSEE PHOTOGRAPHIC SERVICES**, a division of the Department of General Services, at 615-741-5487.