



# The Research Review



PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

March 8, 2007



The House Judiciary Committee met this week with several bills on calendar. Next week, its Criminal and Civil Subcommittees combined will have over seventy bills scheduled for consideration.

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## Photo of the week:



Schools under the Board of Regents umbrella visited Legislative Plaza this week with information about their programs and curricula. At its display, the Tennessee Technology Center at Nashville offered blood pressure readings for members and staff. Here, Lawrence Hall, Jr., the House State & Local Government Committee's research analyst, waits while LPN student Kimberly Longworth takes his reading.

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## Agriculture

Jeremy Maxwell

The Agriculture Committee met Tuesday to consider one bill and to hear presentations. **HB 389** (Crider) was rolled three weeks. The bill permits an unchartered and unlicensed individual to provide custom application of a pesticide with the active ingredient Glyphosate. John Mullins, Bioverda Industry, spoke about a proposed ethanol plant in Obion County and the impact of biofuel in Tennessee. Dr. Cliff Ricketts, MTSU School of Agribusiness and Agriscience, gave a presentation on the past, present and future of alternative fuel. Jim Akers, Executive Director of Southeastern Livestock Network, gave an overview on the National Animal Identification System (NAIS). He stated that animal identification is essential to maintain the cattle industry and rural communities' livelihood and wellbeing. Another very important aspect of NAIS is the responsibility of eradicating animal diseases.





## Children & Family Affairs

Amelia Mitchell

The **Children & Family Affairs Committee** did not meet this week.

The following bill was deferred one week:

**HB 0094 by Borchert**

The **Domestic Relations Subcommittee** met on Tuesday, February 6<sup>th</sup> and the following bill was passed to full committee:

**HB 0402 by Rep. S. Jones** makes technical changes to the domestic abuse law relative to terminology and clarifies that order can be appealed without payment of court costs by petitioner and court can modify or extend order of protection on own motion or motion of petitioner

The following bills were deferred one week:

**HB 401 by S. Jones**  
**HB 545 by Hackworth**  
**HB 546 by Hackworth**  
**HB 793 by Campfield**

The **Family Justice Subcommittee** met on Tuesday, March 6<sup>th</sup>.

**HB 1497 by Rep. Coleman** establishes the date of issuance of a juvenile petition alleging a delinquent act as the date of commencement of a prosecution for purposes of determining whether the prosecution of a juvenile was commenced within the applicable statute of limitation.

The following bills were deferred one week:

**HB 594 by Fincher**  
**HB 1498 by Coleman**

The following bills were deferred two weeks:

**HB 793 by Lynn**



Chairman Curtiss

**Full Committee**

The **Commerce Committee** met with one bill on calendar. **HB 349 (Miller, L.)** raises the legal age from 10 to 16 for the purchase of Class C fireworks. An amendment reduces the fine for retailers for first offense from up to \$500 to up to \$100; for second offense from up to \$1,000 to up to \$250; and for subsequent

offenses from up to \$1,000 and a one-year permit suspension to up to \$500 and a one-year permit suspension. [*passed to Calendar & Rules as amended*]

**Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** met with 12 bills on calendar, passing one to full committee.

**HB 316 (DeBerry, J.)** establishes reimbursement and credentialing requirements for health insurance entities. Rep. DeBerry said he is still trying to work out some issues with the bill. [*rolled three weeks*]

**HB 1027 (Todd)** allows those licensed under the Department of Commerce and Insurance to retire their licenses. [*taken off notice*]

**HB 1278 (Lynn)** requires blasting areas where reportable accidents have occurred to remain undisturbed until the Department of Commerce and Insurance completes its initial investigation. This bill was on calendar by mistake, as last week a motion passed sending all blasting bills to one calendar. Chairman Shepard announced the subcommittee plans to hear the blasting calendar in two to three weeks. [*rolled to blasting calendar*]

**HB 360 (Rowland)** requires copies of subdivision or deed restrictions and homeowners association bylaws to be attached to the Tennessee Residential Property Condition Disclosure Form, which present law requires be given to a buyer of residential property. [*rolled two weeks*]

**HB 405 (Todd)**, with an amendment that rewrites it, requires the speakers of the House and Senate to appoint a joint study committee to review rules and regulations concerning, and the economic impact of, professional boxing, mixed martial arts, and sparring or wrestling events in Tennessee. [*passed to full committee as amended*]

**HB 484 (Shaw)**, which expands the sales tax holiday, was sent to the Commerce Committee by mistake and has since been sent to the Finance Committee. [*in Finance Committee*]

**HB 589 (Dean)** authorizes the City of East Ridge to sell Class C common fireworks at retail. Rep. McCord made a motion that this bill, HB 1422 (also on the calendar and dealing with fireworks), and all similar bills in the future be sent to a summer study committee made up of the Industrial Impact Subcommittee. [*motion to send to summer study passed*]



Rep. Dean

**HB 735 (Curtiss)** exempts plumbers from being licensed as a limited licensed plumber for installing or doing general maintenance work to home appliances and kitchen and bathroom fixtures. The original bill required the work not exceed \$200. A verbal amendment by Chairman Curtiss changes the limit to \$500 and clarifies that the dollar amount is for the labor only and not the cost of the appliance. [*rolled one week*]

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# Commerce

**Matt Barnes**

**HB 755 (McDonald)** requires health insurers who provide pregnancy-related benefits to cover infertility treatment as well. Rep. McDonald noted the rather large fiscal note and the opposition from insurance companies as reasons to take the bill off notice. However, he and Rep. DeBerry impressed upon the subcommittee the hardship on families going through infertility and the heavy expense associated with treatment. *[taken off notice]*

**HB 1422 (Harwell)** allows the person responsible for firework compliance in a county, as well as the county executive, to certify retailer permits for firework sales. SEE HB 589 ABOVE. *[sent to summer study committee]*



Rep. Fincher

**HB 1482 (Fincher)** extends the period of time for continuation of group insurance coverage that has been terminated because of divorce or death of the insured spouse. *[rolled two weeks]*

**HB 1551 (Hackworth)** increases from \$500,000 to

\$1,000,000 the amount of contracts for improvement of real property in which an escrow amount must be set aside for the performance obligation of the owner or contractor. *[taken off notice]*

## Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met to

hear three bills. Chairman Cobb announced that Rep. McCormick will serve as vice-chair.

**HB 390 (Crider)** requires a telemarketer to make calls from a telephone registered to a physical address and to use reasonable methods to make available to caller identification the soliciting entity's telephone number and name. The TRA is authorized to initiate proceedings for violations, the penalties for which include a fine of up to \$2,000 per knowing violation. *[passed to full committee]*

**HB 1459 (Fitzhugh)** authorizes licensed money transmitters whose principal place of business has been in Tennessee for at least five consecutive years and whose net worth is over \$25 million to organize, own and control a credit card state bank in Tennessee. Present law allows credit card state banks to engage only in credit card operations or the making of loans; this bill adds the authority to engage in debit card operations, including prepaid debit cards. The subcommittee adopted an amendment that adds domestic holding companies to the list of entities authorized to operate credit card state banks. *[passed to full committee as amended]*

**HB 1573 (Curtiss)** prohibits any bank or out-of-state bank from establishing a branch on the premises or property of an affiliate engaging in commercial activities. Chairman Curtiss pointed out that some stores currently have banks on the premises, but the stores aren't affiliated in any way with the banks. *[passed to full committee]*



The Commerce Committee



# Conservation & Environment

Jeremy Maxwell

## Conservation and Environment Committee

The Conservation and Environment Committee met Wednesday to consider two bills. **HB 332** (Tidwell) was referred to Calendar and Rules. The bill replaces provision under which licensed professionals with proof of



errors and omissions insurance are exempt from bonding requirements for subsurface sewage disposal systems with exemption for all state licensed professional engineers or registered engineer interns; limits applicability of bonding requirements for soil scientists, soil consultants, and percolation testers to persons whose approval has been suspended or revoked and later reinstated. **HB 1063** (Maggart) was rolled three weeks. This bill authorizes cities, metropolitan governments, counties, and utility districts to create water and wastewater treatment authorities under conditions similar to those required by present law, but with certain differences regarding the board of commissioners for the authority and civil service status of the authority's employees.

## Wildlife Subcommittee

Wildlife Subcommittee met Tuesday to consider one bill and to hear a presentation. **HB 145** (McDonald) was referred to the full committee as amended. The amended 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. Nat Johnson, Assistant Executive Director at the Tennessee Wildlife Resources Agency, gave a budget overview presentation of the agency.

## Parks and Tourism Subcommittee

Parks Subcommittee met Tuesday to consider two bills. Both bills were passed out to the full committee. **HJR 83** (Hensley) urges federal approval of the extension of the Lewis and Clark Historic National Trail. **HB 196** (Hensley) names Davy Crockett Long Hunters Shooting Range at David Crockett State Park in Lawrence County in honor of the late Donald "Hopsing" Pilkinton.



Parks Chair Tidwell

## Environment Subcommittee

The Environment Subcommittee met Wednesday to take up four bills. **HB 1739** (McDonald) was rolled two weeks. This bill authorizes the division of water supply in TDEC to compile statewide water system plan and create a revolving loan fund for rural water supply. **HB 740** (Curtiss) is similar to HB 1562 and was taken off notice. **HB 1562** (Curtiss) was referred to the full committee. This bill transfers authority over utility management review board and water and wastewater financing board from department of environment and conservation to the comptroller of the treasury. **HB 1300** (West) was rolled two weeks. It exempts certain properties with existing septic tank from obtaining a new subsurface sewage disposal system permit when constructing a residence on such property.



# Consumer & Employee Affairs

Lucy Wilson

This week's summary by Patrick Boggs

## House Consumer & Employee Affairs Committee

The full committee met with one bill to be discussed. **HB 228 by Moore** would enact the "Tennessee Truth in Music Advertising Act." The bill would make it a violation of the Tennessee Consumer Protection Act for someone to advertise or conduct a live musical performance by falsely implying a connection between the group performing and a recording group. This prohibition would not apply if the performing group was the owner of the trademark or at least one member had a legal right to use the name. The law would also not apply to bands billed as tribute or salute performances. The bill passed to the Calendar & Rules Committee.

Tony Farmer, representative of the Workers' Compensation Advisory Committee was present to appear before the committee, but declined to do so since the committee had not yet met to comment on pending legislation. In full committee and in the Employee Affairs Subcommittee, the committee and subcommittee officers stated that it would be policy to move legislation dealing with workers' compensation issues to the full committee and hold them there until commentary is received from the advisory committee.



Rep. Odom

**Consumer Affairs Subcommittee** met with three bills on its calendar.

**HB 200 by Odom** would enact the "Credit Security Act of 2007." This bill, as amended, would authorize consumers to freeze access to their credit report. Consumers would pay up to \$5 for the initial freeze, but cannot be charged if the freeze is lifted either temporarily or permanently. Identity

theft victims would not be subject to the cost. The freeze would be effective within three days of the request by the consumer. Persons who request the freeze would be provided with written confirmation of the freeze, a PIN number, and information on how to unfreeze information within ten days of the freeze's request.

The freeze would not apply to any entity with which a person already has an account. An amendment was offered and adopted that makes the bill, and the bill was passed to the full committee.

**HB 24 by Shepard** was rolled two weeks. This bill would permit customers to put a freeze on their personal credit information. Consumers would be given a PIN number to repeat back to the credit agency if they desire a temporary or permanent removal of the freeze. It would allow credit agencies to charge up to \$12 to place the freeze, whether temporary or permanent. Victims of identity theft would be exempt from fees. This bill will now be heard on March 20, 2007.

**HB 561 by Todd** was taken off notice.

## Employee Affairs Subcommittee

The **Employee Affairs Subcommittee** met with four bills to consider. **HB 1813 by McDonald** would continue the Advisory Prospective Loss Cost Filing and Regulatory System "loss costs" permanently by removing an automatic repeal trigger set to terminate the system on July 1, 2007. This bill passed to the full committee and will be held in the full committee per the policy on workers' compensation legislation detailed above.



Chairman McDonald

**HB 595 by M. Turner** addresses non-voting ex-officio members of the Advisory Council on Workers' Compensation. As amended in the subcommittee, the Chair or Vice-Chair of the Senate Commerce, Labor, and Agriculture Committee and the House Consumer & Employee Affairs Committee would replace the Chair and Vice-Chair of the Special Joint Committee on Workers' Compensation as non-voting ex-officio members. This bill passed to the full committee.

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## Consumer & Employee Affairs

Lucy Wilson

**HB 1301** by West would authorize an employee or employer to request an appeal on a workers' compensation decision before the Board of Review. This bill was rolled two weeks and will be heard on March 20, 2007.

**HB 454** by Hackworth would limit the ability to negotiate medical fees that are lower than the established fee schedule. It would require that any fees paid that are lower than fee schedule fees be pursuant to only in a contract between the health care provider and the employer or insurer. No other party other than the contracted parties can share in lower negotiated rates. If there is no contract, by default, the existing rates in the established fee schedule would apply. This bill was rolled two weeks and will be heard on March 20, 2007.



## Education

Pam Mason

### Full Committee

There was one bill on the Education calendar this week. Action follows.

Referred to Calendar & Rules, if amended:

**HB 204 – (Hood)** as amended, the Tennessee Higher Education Commission, in consultation with the Department of Health, the UT system, the Board of Regents system, and private colleges and universities in Tennessee, is to develop an institute of public health.

Dr. Kathleen Hoover-Dempsey, Vanderbilt University, addressed the committee on Parental/Family Involvement as it relates to education.

Dr. Dorothy Williams and Mary Knaff of Chattanooga next spoke on the PALS Program. The Parental Alliance with Schools is a professional development training program for teachers.

### Higher Ed Subcommittee

The Higher Ed Subcommittee met on Wednesday and considered its calendar. Action follows.

Referred to Full Committee:

**HB 1251 – (Odom)** requires any proprietary postsecondary institution offering courses of study also offered at public institutions of higher education to be accredited according to the same standards as those public institutions.

**HB 950 – (Winningham)** creates a joint study committee for proprietary schools.

### K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and considered its calendar. Action follows.

Referred to Full Committee:

**HB 652 – (Winningham)** requires the Officer of Education Accountability to study school accountability systems and report to the General Assembly.

**HB 356 – (Winningham)** makes salaries of teachers and professional personnel in statewide comprehensive rehabilitation and training center comparable to those of other teachers in the LEA.

Deferred 1 week:

**HB 1012 – (Brown)**  
**HJR 63 – (Cooper)**

The Subcommittee heard a report from NAMI regarding training for recognizing warning signs of mental illness for any licensed teacher renewing their license.



# Finance, Ways & Means

Julie Travis & Patrick Boggs

## The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday, March 6<sup>th</sup>, Wednesday, March 7<sup>th</sup>, and Thursday, March 8<sup>th</sup>, to hear budget presentations made by the Tennessee Human Rights Commission, the Departments of Financial Institutions Finance and Administration, General Services, Revenue, Personnel, and Environment and Conservation, as well as the Tennessee Wildlife Resources Agency. There were no bills on calendar.

Budget Hearings continue next week: We will continue to try to have extra seating 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.

## Next Week's Scheduled Hearings (current as of March 7, 2007):

### Tuesday, March 13, 2007 @ 1:30 p.m.:

The office of the Comptroller of the Treasury  
by the Honorable John Morgan  
The office of the Secretary of State  
by the Honorable Riley Darnell  
The office of the Treasury  
by the Honorable Dale Sims

### Wednesday, March 14, 2007 @ 1:30 p.m.:

Dept. of Economic and Community Development  
by Commissioner Matt Kisber  
Tennessee Commission on Children and Youth  
by Ms. Linda O'Neal, Executive Director

### Thursday, March 15, 2007 @ 11 a.m. or after session:

Dept. of Commerce and Insurance  
by Commissioner Leslie A. Newman  
Tennessee Alcoholic Beverage Commission  
by Ms. Danielle Elks, Executive Director  
Tennessee State Museum  
by Ms. Lois Riggins-Ezell, Executive Director



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# Finance, Ways & Means

Julie Travis & Patrick Boggs

## Budget Hearings:

### **Department of Finance and Administration**

by Julie Travis

On **Wednesday, March 07, 2007**, Commissioner Dave Goetz presented the Department of Finance and Administration's proposed budget of almost \$307 million for the upcoming 2007-08 fiscal year to the House Finance, Ways, and Means committee. Of the \$306,896,300 in the recommended budget, \$227 million are for operational expenses and almost \$80 million in payroll. Over \$53.5 million are considered state-funded dollars and \$31.7 million federal.

As described in the Budget document, itself, on p. B-52, "The Dept. of Finance & Administration assists the Governor in developing and implementing the administration's fiscal and managerial policies....The department's responsibilities involve the coordination of a number of state government activities that are provided through administrative services, fiscal and management services, capital and facilities management services and TennCare oversight."

Departmental improvements requested for the upcoming fiscal year totaled \$37.4 million for thirteen additional positions and operational expenses, of which \$20.67 million would be state dollars. The improvements are as follows:

Health Information Services – with \$17.35 million in funding coming from the State and almost \$16.76 million from "other" funds. With this improvement item, these funds would be used for eHealth infrastructure (\$13.89M, including a \$14.6M non-recurring state appropriation) and for a health planning decision support system (\$2.2M, including a \$1.8M non-recurring state appropriation). A clinical-based system and not a quantity-based system, the eHealth initiative would provide the needed infrastructure for broadband access and computer technology to support electronic processing of transactions, clinical messaging, and other health initiatives to providers in medically underserved areas, especially that of rural areas and for those providers serving low-income populations. This would be a non-recurring 3-year project to determine the state of usage already, if any, and explore how or what they can do to build upon it. This is to be done by the two

positions requested in this improvement item. The health planning decision support system is a result of a study where they couldn't pull together all the health information to build a health plan on patients when in a different area than where he or she normally resides; it will consist of a central database that will compile health data to assist state agencies in making informed choices about the best allocation of resources. The total non-recurring (one-time) state appropriation for this request would be \$16.4 million. There is an e-prescribing initiative also within this improvement item.

Construction management – This improvement item totals \$720,400 state dollars in which to provide funds for five positions (of which cost \$620,400) and construction management software (\$100,000) for in-house consulting, a lesson learned from past projects, where having in-house consultation when building past projects would have saved resources.

State Planning Office – This improvement item of \$2.6 million would help to draw down funds for a state planning office in order to provide research and policy-development assistance to the Governor and the Commissioner of F&A. Of the \$2.6 million requested, \$2 million would be non-recurring for the procurement of specialized professional assistance on research.

In general the Dept. of F&A oversees many different divisions under the auspices of performing administrative services to state government, including the Division of Administration, which includes the commissioner's office, legal, fiscal, human resources, internal information systems, and billing services; the Office for Information Resources, which not only provides, as the name implies, the information systems, but also provides technical direction and assistance to agencies; the Division of Insurance Administration, which administers the state-sponsored insurance benefits for state employees; the Office of Criminal Justice Programs which secures, distributes, manages, and evaluates the funding for federal and state grants, especially monitoring those federal grants that pass through this agency from the Dept. of Justice; the Resource Development and Support program which performs contract review and approval and program operations audit and consulting; Volunteer Tennessee (formerly the Commission on National and Commu-



## Finance, Ways & Means

Julie Travis & Patrick Boggs

ity Service) which manages the AmeriCorps program and mobilizing volunteer man-hours to meet community needs in education, environment, public safety, human needs, and homeland security; the State Health Planning Division, which develops and maintains a state health plan that guides the improvement of health-care programs supported by the state government, like the improvement request for the e-Health initiative; the Enterprise Resource Planning division that is instrumental in getting the Edison project implemented; the Division of Shared Services, that provides accounting, budgeting, human resources, payroll, and procurement services to small agencies, boards, and commissions within the executive branch. The Fiscal and Management Service side to the Department includes that of the Division of Budget, the Division of Accounts, and the State Planning Office. The Budget Division, among many things, is responsible for preparing the annual Budget document and the general appropriations bill, along with preparing the annual Work Program. The Division of Accounts maintains a system of general accounts, examining and approving all contracts, payrolls and making sure there are enough funds to pay for obligations, approving payrolls, audits, etc. The State Planning Office is responsible for long-range planning, program development, policy research, and interagency planning coordination. F&A also provides capital projects and facilities management services to state government, and the Office of the Inspector General is under the TennCare Fraud and Abuse Prevention side of the department.



# Government Operations

Kristina Ryan

The **Government Operations Committee** met on Wednesday morning to discuss the thirteen bills on the calendar. **HB 631** by Representative Overbey was rolled for one week, **HB 588** by Representative Matlock was rolled for four weeks, and **HB 1448** by Representative Coleman was taken off notice. **HB's 65, 625, 597 and 623**, all by Representative Mike Turner, were deferred to the next calendar.

The committee reviewed and referred **HB 11** by Representative Pruitt to the Commerce Committee with a positive recommendation. The Department of Health, in consultation with the Department of Education, will promulgate rules that would require all newborn infants to undergo a hearing screening, unless the child's parents object to such a procedure for religious reasons. The rulemaking provisions of this bill will go into effect upon becoming law, while the remaining portions of the bill would go into effect July 1, 2007.

**HB 1005** by Representative Curtiss was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation would eliminate the Home Improvement Contractors Commission and would require the Board of Licensing Contractors to oversee the licensure of home improvement contractors. An amendment placed on the bill would provide a sunrise provision to the board.

**HB 1006** was reviewed and referred to the Commerce Committee with a positive recommendation. Nearly identical to **HB 1005**, **HB 1006** eliminates the Home Improvement Contractors Commission and transfers its duties to the Board of Licensing Contractors. In addition, the staff of the Home Improvement Contractors Commission would be transferred to the Board for Licensing Contractors. The difference in the two bills is that this bill establishes an advisory subcommittee on home improvement contractors that will address disciplinary action as well as other issues pertaining to home improvement contractors. An amendment placed on the bill would place a sunrise provision onto this bill.

The committee reviewed and referred **HB 2318** by Speaker Pro Tem DeBerry to the Health and Human Resources Committee. This Administration Bill will allow the Department of Human Services to promulgate public necessity rules in order to implement changes to the temporary assistance to needy families program. Federal guidelines require that these public necessity rules must be in place before the federal waiver expires on June 30, 2007. The department would then be required to implement permanent rules necessary to implement the temporary assistance to needy families program.

## Sunset Hearings

On Monday, March 5, 2007, the General Welfare, Health and Human Resources Subcommittee of the Joint Government Operations Committee held sunset hearings on numerous entities that were scheduled to be reviewed. Senator Bo Watson served as chair of the subcommittee.

The following entities were recommended an extension of four years:

- Board of Respiratory Care
- Committee for Purchase from the Blind and Other Severely Disabled
- East Tennessee Community Services Agency
- Memphis and Shelby County Community Services Agency
- Mid-Cumberland Community Services Agency
- Northeast Community Services Agency
- Northwest Community Services Agency
- South Central Community Services Agency
- Southeast Community Services Agency
- Southwest Community Services Agency
- Upper Cumberland Community Services Agency

The following entities were recommended to be sunset because they are longer in existence:

- Sports Festival, Inc.
- Sports Festival Inc, Board of Directors
- Knox County Community Services Agency
- Hamilton County Community Services Agency
- Davidson County Community Services



# Health & Human Resources

Judy Narramore

## Full Committee

The **Health & Human Resources Committee** met

Tuesday, March 6, 2007, with four bills on calendar, rolling all but one. **HB 0121 (L. DeBerry)** that requires a pharmacist to notify and receive signed informed consent from the prescribing physician and patient prior to the interchange of an anti-epileptic drug was rolled two weeks by the sponsor. **HB 0237 (Overbey)** as amended in subcommittee that authorizes the Department of Health to study the effectiveness of pulse oximetry screening for newborns in



Rep. Moore

a pilot project at hospitals in one grand division of the state was rolled two weeks by the sponsor. **HB 0230 (Moore)** that requires the EMS Board to develop and implement a training plan to instruct EMTs and EMT-Ps in the recognition of post traumatic stress syndrome was rolled three weeks at the request of the sponsor. **HB 0063 (M. Turner)** as amended that revises current statute concerning wheeled mobility devices and requires TennCare to reimburse for wheeled mobility devices at reimbursement levels at least equal to the levels allowed under Medicare was referred to FW&M.

After completing the calendar, the committee heard presentations from two State departments. Commissioner Virginia Trotter Betts, Department of Mental Health & Developmental Disabilities (MH&DD), gave a brief overview of the department's responsibilities, and advised that Governor Bredesen, by Executive Order, transferred in February the Bureau of A&D Services to MH&DD from the Department of Health. Commissioner Betts highlighted two major initiatives for MH&DD over the past year that will be ongoing: resilience and recovery program and overcoming stigma program. This year, the overcoming stigma program will focus on the arts as a positive message about mental health for resilience and recovery. The department will sponsor an *Art for Awareness Day* during May which is "Mental Health

Month," and will soon be contacting legislators to make arrangements for placing art from consumers in local area offices. The FY 07-08 recommended budget for MH&DD includes improvement requests for lease payments to build a new facility in Shelby County and for staffing and operational support for the other four regional facilities. Commissioner Susan Cooper, Department of Health, discussed some of the department's key priorities, including disease prevention, improving child health, eliminating health disparities, and public health preparedness. Commissioner Cooper responded to questions concerning the department's FY 07-08 improvement requests for tobacco use prevention, pandemic flu preparedness, and HIV/AIDS programs. Committee members also questioned Commission Cooper about the HPV vaccine and the department's position and recommendation on use of the HPV vaccine. The HPV vaccine is a three shot series and is covered by TennCare.

## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Tuesday afternoon, March 6<sup>th</sup> to consider two bills, referring both to full committee. **HB 0270**

**(Mumpower)** abolishes the Board of Occupational and Physical Therapy Examiners and creates a separate board for these two professions, i.e., Board of Occupational Therapy and Board of Physical Therapy. **HB 1841 (Winningham)** attaches the Board of Athletic Trainers to the Department of Health's Division of Health Related Boards.



Rep. Mumpower

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## Health & Human Resources

Judy Narramore

### Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 7, 2007, with three bills on calendar. After discussion and testimony, **HB 0633 (Ferguson)** that concerns information on teen dating violence that would be posted in certain facilities was rolled one week for consideration of amendatory language. **HB 1349 (Overbey)** as amended that authorizes persons eligible for services through a home and community based services waiver to be placed in an assisted care living facility was referred to full committee. **HB 1550 (Hackworth)** was rolled two weeks at the request of the sponsor.

### Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** meeting scheduled for Wednesday afternoon, March 7<sup>th</sup> was cancelled after both bills on the calendar were rolled. Rep. Shepard rolled **HB 0371** three weeks and Rep. Moore rolled **HB 0443** two weeks.



## Judiciary

Jamie Wyatt

### The Full Judiciary Committee

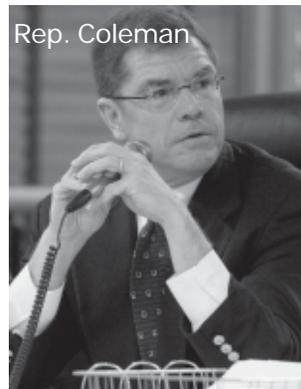
The Full Judiciary Committee met to discuss ten bills. **HB 458 by Rep. Sontany**, which authorizes the court to order a person sentenced to supervised probation to undergo an alcohol and drug assessment, was rolled until it is reviewed by the Corrections Oversight Committee and comments are sent to Judiciary. **HB 1837 by Rep. Coleman**, which requires persons convicted of aggravated robbery for a second or subsequent time serve a hundred percent (100%) less no more than fifteen percent (15%) of earned sentencing credit, was rolled three weeks.

### The following bills were sent to Finance Committee:

- **HB 71 by Rep. M. Turner**, as amended, creates the Tennessee Human Trafficking Act. The bill creates a number of new offenses addressing forced human labor and sex trafficking such as: a new Class C felony for involuntary servitude; Class B felony if aggravating factors exists such as serious bodily harm or death of victim results, servitude exceeds 1 year or the defendant holds 10 or more victims at anytime; Class C felony for trafficking for forced labor or services; and a Class B felony for sexual servitude.
- **HB 1521 by Rep. Coleman** includes vehicular homicide in the offenses ineligible for pretrial diversion.
- **HB 1836 by Rep. Coleman** creates sixty-four (64) additional assistant district attorney general positions effective October 1, 2007. The bill requires the district attorneys general conference to prepare a report with recommendations regarding the specific judicial districts in which the additional assistant district attorney general positions created would be designated.

### The following bills were sent to Calendar and Rules:

- **HB 225 by Rep. Moore** requires the commissioner of finance and administration to report every five years to the chief clerks of the senate and house of representatives the percentage of change in the average consumer price index and inform them what the statutory minimum and maximum authorized fine for each offense would be if adjusted to reflect the compounded cost-of-living increases during such five year period.
- **HB 395 by Rep. Coleman** clarifies that a vacancy exists if, prior to September 1, any duly elected judge becomes ineligible as a result of death or other disqualifying event prior to taking office.
- **HB 417 by Rep. Coleman** makes various changes to statutes pertaining to probate, estate administration, wills, guardians, uniform transfers to minors, life insurance and taxes. It adds a time limitation for filing claims against an estate by requiring a clerk to file all claims received no later than 12 months from a decedent's death. It requires a declaration directing the withdrawal or withholding of medical care to be in writing, signed by the declarant, and either notarized or witnessed by two witnesses. Also, it sets out that there must be an attestation clause included in the declaration attesting to the witnesses' compliance with the statute's requirements. The bill also states that a durable power of attorney for health care will now be valid if it is in writing, signed by the declarant, contains an attestation clause attesting to the witness' compliance with the statute's requirements, and is either



Rep. Coleman

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## Judiciary

Jamie Wyatt

attested by a notary with no witnesses or witnessed by two witnesses. Also, the bill gives a custodian additional power by allowing a custodian to transfer part or all of the custodial property to a qualified minor's trust without court order.

- **HB 418 by Rep. Coleman**, as amended, clarifies the elective share in the probate code by stating that the net estate for purposes of determining a surviving spouse's elective share doesn't include assets in which the decedent held a power of appointment unless it is to be paid to the personal representative for administration of the probate estate. Also the bill clarifies that the gross estate excludes the homestead allowance, exempt property, and year's support allowance; exempts the elective share from the allocation of estate taxes; and states that the elective share must be elected within nine months of the decedent's death. The law currently states this share must be elected either nine months from the date of death, or six months from the date of probate, whichever is later.
- **HB 238 by Rep. Overbey**, as amended, permits the issuance of a restricted driver license for the sole purpose of going to and from a DUI offender's probation office.

### Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee did not meet this week. However, it will meet next week as scheduled.

### Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee did not meet this week. It will meet next week as scheduled.





# State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government** full committee seven bills were considered. The committee moved three bills to Finance, Ways, and Means, three to Calendar and rules, and rolled one for one week.

## *Finance, Ways, and Means:*

**-HB 808 by Odom** – This bill specifies that certain civil service employees who are assigned to work in a higher level classification are entitled to receive higher compensation by removing limitation that such compensation is subject to budgetary limitations.

**-HB 174 by Overbey** – This bill broadens disabled veteran's eligibility for property tax relief on residences by removing the requirement that 100 percent permanent total disability be combat-related.

**-HB 913 by Maggart** – Authorizes the city of Goodlettsville to conduct a referendum for the sale of alcoholic beverages for consumption on the premises only in that portion of the city located in Sumner County

## *Calendar and Rules:*

**-HJR 118 by Watson** – Names April 19, 2007 as "Patriot's Day."

**-HB 1057 by Tindell** – This bill revises certain provisions of the Tennessee charitable gaming implementation law.

**-HB 231 by Moore** – This bill prohibits state employees from being appointed to the commission on firefighting personnel standards and education, but does not affect terms of current members of the commission.

## *Rolled 1 Week:*

**-HB 754 by McDonald**- This bill creates presumption that a move within the same county is a change of residence for election purposes.

## **State Government Subcommittee**

The **State Government** Subcommittee heard seventeen bills this week. The majority of the bills were moved on to full committee. The remainders were either rolled to later calendars or fail to receive the proper number of votes to pass on to full committee.

## *Full Committee:*

**-HB 1606 by Odom** – This bill changes certain provisions within the Tennessee Ethics Commission Act of 2006.

**-HB 379 by Briley** – This bill requires the Tennessee Ethics Commission to be subject to the open meetings and public records statutes.

**-HB 751 by Curtiss** – Requires estimation of savings resulting from non-competitive negotiation be included with requests for non-competitive contracts.

**-HJR 135 by Borchert** – This resolution urges Congress to expedite funding for a Veterans Nursing Home in Montgomery County.

**-HB 290 by Sargent** – This bill sets the annual in-service training pay bonus supplement for eligible firefighters and police at \$600.

**-HB 205 by Hawk** – Increases the maximum period of paid leave of absence in a calendar year for state employees serving as reservists from 15 to 20 working days.

**-HB 577 by DuBois** – This bill deletes the statutory provision that prevents local governments from purchasing motor vehicles included in federal general administration contracts or federal open purchase contracts.

**-HB 1240 by Kelsey** – This bill allows members of the ethics commission to hold or qualify for judicial office with no waiting period.

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# State & Local Government

Lawrence Hall, Jr.

Rep. Rinks



**HB 1931 by Rinks** – This bill observes “Bluegrass Day,” as the fourth Saturday in May, to honor bluegrass music and its many contributions to Tennessee as a day special observance.

**HB 1776 by U. Jones** –

This bill prohibits the ethics commission from imposing civil penalties on a state or local government employee if such employee violates the ethics laws.

*Rolled, Off Notice, or Failed:*

- HB 466 by Fitzhugh – Rolled 2 weeks
- HB 1464 by Fitzhugh – Rolled 2 weeks
- HB 790 by Campfield – Rolled July 4<sup>th</sup>
- HB 1316 by West – Off Notice
- HB 1767 by U. Jones – Off Notice
- HB 794 by Campfield – Failed for Lack of Motion
- HB 979 by Campfield – Failed for Lack of Second

## Local Government Subcommittee

This week in **Local Government** subcommittee, twenty-two bills were on the calendar for consideration. Fifteen bills passed to full committee and the others were either deferred or taken off notice.

*Full Committee:*

**HB 297 by Ferguson** – This bill authorizes compensation of public utility board members in Roane County up to \$100 per month.

**HB 1461 by Fitzhugh** – This bill requires a 2/3 local government approval for property tax exemption of nonprofit and performing arts organization.

**HB 1465 by Fitzhugh** – This bill changes the time when the state board of equalization will accept an appeal.

**HB 1466 by Fitzhugh** – Increases the per diem for members of the assessment appeals commission from \$75.00 to \$95.00 for each day of attendance.

**HB 1474 by Fitzhugh** – This bill changes the time in which a withdrawal or settlement has to occur in order for no hearing costs to be assessed for an appeal from “prior to the hearing” to “at least one week prior to a hearing.”

**HB 575 by Sontany** – Authorizes Nashville Zoo to sell alcoholic beverages for consumption on the premises.

**HB 1506 by Shaw** – This bill permits Hardeman County to adopt the child curfew law by 2/3 vote of the local governing body.

**HB 598 by Eldridge** – Removes the authority of any county to rename the chief executive as county executive.

**HB 1305 West** – Requires municipally owned water systems operating within metropolitan government boundaries to offer leak adjustments over a period of at least two billing cycles.

**HB 1838 by Jones** – This bill will allow a facility in DeKalb County to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

**HB 1500 by Winningham** – Grants counties the clear authority to conduct sales of surplus property by means of on-line auctions or Internet-based auctions.

**HB 923 by McCormick** – This bill permits taxpayers of commercial property in Hamilton County to appeal tax valuations directly to the state board of equalization with the written consent of the assessor of property.



Rep. McCormick



Rep. Fitzhugh



## State & Local Government

Lawrence Hall, Jr.

**-HB 267 by Odom** – Provides for increased state financial assistance to development districts for certain regional plans and other regional activities and programs.

**-HB 1770 by U. Jones** – Authorizes the consumption of alcoholic beverages on the premises of the Whisperwood Farm Bed and Breakfast located in Cocke County.

**-HB 216 by Odom** – This bill raises the amount over which competitive bids are required for county purchases under the general fund from \$ 5,000 to \$10,000.

### *Bills Rolled or Taken Off Notice:*

- HB 298 by Ferguson – Off Notice
- HB 1472 by Fitzhugh – Rolled 1 Week
- HB 931 by Winningham – Off Notice
- HB 1549 by Hackworth – Rolled 2 Weeks
- HB 1678 by Montgomery – Rolled 2 Weeks
- HB 1785 by U. Jones – Rolled 2 Weeks
- HB 229 by Moore – Rolled 2 Weeks

### **Elections Subcommittee**

This week in **Elections Subcommittee** eleven bills were on the calendar. Five bills were sent to full committee to be considered next week.

**-HB 2211 by Odom** – This bill moves the date for the presidential preference primary from the second Tuesday in February to the first Tuesday in February.

**-HB 158 by DuBois** – This bill authorizes property rights voting in municipal elections in Spring Hill, Tennessee.

**-HB 82 by Neal** – Prohibits a person from qualifying or holding more than one elected local public office.

**-HB 1779 by U. Jones** – Grants a candidate a 10-day period to correct an omission on a filed report before the registry of election finance will impose a penalty.

**-HB 872 by Rinks** – This bill will allow Gilt Edge and Burlison by a two-thirds vote of their city councils to fix the date of regular municipal elections to coincide with the regular November election.



# Transportation

Jeremy L. Elrod

## Full Committee

The **House Transportation Committee** convened on March 6, 2007 to consider seventeen bills. **HB289** (M. Turner) was rolled one week.

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

**HB7** (Bone) - "Edsel Cordell Floyd Bridge" highway signs on a bridge spanning Round Lick Creek on U.S. Highway 70 in Watertown, Wilson County.

**HB31** (DuBois) - "Rosalee Fly Atkisson Memorial Bridge," highway signs on a spanning Leipers Creek on State Route 7 in Maury County.

**HB79** (DuBois) - "Trooper Calvin Wayne Jenks Memorial

Highway," highway signs on a segment of State Route 50 in Maury County.

**HB227** (Moore) - Increases fine for unauthorized use of parking spaces reserved for persons with disabilities from \$100 to \$150. It also requires commissioner of finance and administration to report to the general assembly regarding cost-of-living increases every five years and the impact of such increases on the fine amount so general assembly can determine if fine should be increased. The bill was amended to fix a typographical error.

**HB289** (M. Turner) - "Ed Walsh Pike," highway signs on a segment of State Route 265 in Davidson County.

**HB335** (K. Brooks) - "Veterans Memorial Highway," highway signs on a segment of APD 40 bypass in City of Cleveland and Bradley County.

**HB900** (Maggart) - "Corporal Lance Tyler Overstreet Memorial Bridge," highway signs on a bridge spanning East Fork of Station Camp Creek on State Route 174 in Sumner County.

**HB937** (Maggart) - "Korean Veterans Memorial Bridge," highway signs on a bridge on State Route 386 in Sumner County.

**HB202** (Dean) - "Fred Pruett Memorial Bridge," highway signs on a bridge spanning South Creek on U.S. Highway 41/76 in Hamilton County.

**HB281** (Dean) - "Jack Sharp Memorial Bridge," highway signs on a bridge spanning I-75 on U.S. Highway 41/76 in Hamilton County.

**HB385** (Dean) - "Deputy Donald Bond Memorial Highway," highway signs on a segment of State Route 320 in Hamilton County.

**HB903** (Hill) - "PFC Nilon K. Bacon Memorial Highway," highway signs on a segment of State Route 93 in Washington County.

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

**HB235** (Overbey) - Enacts the "Jeff Roth Bicycle and Pedalcyclists Protection Act of 2007." As amended, this bill requires a motor vehicle to leave at least three feet between the vehicle and a bicycle when overtaking and passing a bicycle that is proceeding in the same direction. Violation of this bill is a Class C misdemeanor

**HB279** (Mumpower) - Prescribes design for honorary consular cultural license plates.

**HB719** (Winningham) - Authorizes all terrain vehicles on a certain county road in Scott County.

The following bills were passed by the committee and will but put into the omnibus **Special License Plate bill**:



Rep. DuBois



# Transportation

Jeremy L. Elrod



Rep. Lynn

**HB1275** (Lynn) - Authorizes issuance of Nashville Predators special license plates. Funds from the plate are to be allocated to the Nashville Predators Foundation.

**HB141** (Overbey) - Authorizes Alpha Omicron Pi sorority new specialty earmarked license plate.

## Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 6, 2007, to consider ten bills. Action on **HB989** (Campfield) was deferred one week.

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

**HB1001** (Curtiss) - Makes recipients of Distinguished Flying Cross eligible for free memorial license plates.

**HB1219** (McDonald) - Establishes registration fee of \$9.50 for privately owned trailer not required to be registered but the owner desires to be registered. Personalized plates would be made available for such trailers for an additional fee of \$50.00. Funds raised from the plates would be placed in a fund to develop and maintain public horseback riding trails.

**HB925** (Hensley) - Authorizes issuance of Friends of Natchez Trace Parkway new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale of the plates to Natchez Trace Parkway Association.

**HB201** (Dean) - Adds driving motorcycle while front tire is off the ground to offense of reckless driving. A violation of the bill would be a Class B misdemeanor.

**HB365** (Rowland) - Clarifies that only disabled drivers, disabled passengers, and qualified operators acting under express direction of such disabled persons who are present as passengers are allowed to use disabled parking spaces.

**HB1616** (Overbey) - Clarifies certain provisions concerning issuance of military license plates; authorizes issuance of Women Veterans of America military license plate.

**HB265** (Gresham) - Authorizes issuance of Pink Ribbon new specialty earmarked license plates. As amended, the bill allocates a portion of funds from the sale and renewal of the plates to the Tennessee Affiliates of the Susan G. Komen Breast Cancer Foundation.

**HB848** (Eldridge) - Mandates license revocation for drivers with learner's permits or intermediate driver licenses who drive in violation of the terms of such permits or licenses or who contribute to an accident involving serious bodily injury or death.

**HJR104** (Matheny) – Designates May 2007 as “Motorcycle Safety and Awareness Month.”

## Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 6, 2007 to consider thirteen bills. Action on **HB226** (Moore) and **HB366** (Rowland) was deferred for three weeks.

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

**HB6** (Bone) – “Sergeant Claude R. Walls Memorial Highway” highway signs on a segment of U.S. Highway 231 in Wilson County.

**HB404** (J. Cobb) - “Aubrey J. ‘Red’ Wagner Memorial Bridge” highway signs on a bridge spanning Watts Bar Dam and Lock on State Route 68.

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## Transportation

Jeremy L. Elrod

**HB1827** (M. Turner) – Removes provisions for certificates of driving. The bill provides for temporary driver licenses for persons whose presence in the U.S. has been authorized by the federal government. A temporary driver license would be valid only during the period of time the applicant is authorized to stay in the United States, and it would be issued for at least one year and not less than five years. The bill also:

- 1) Authorizes the department of safety to adopt rules and regulations promulgated by the department of homeland security.
- 2) Removes the present law prohibition on the department issuing a tank endorsement unless the applicant has been licensed for, and has regularly driven for not less than one year, the vehicle or combination of vehicles covered by the license classification on which the tank endorsement will be placed.
- 3) Exempts persons applying for reinstatement of a cancelled, suspended or revoked driver license from taking an eye test if the license has not been expired in excess of one renewal cycle.
- 4) Extends the provision whereby an applicant who completed a driver education and training course offered for Class D vehicles by a public school, a public institution of higher learning, or a commercial driver training school is deemed to have satisfactorily completed the department's examinations to make the provision applicable to a person who completed a course offered by non-public schools in categories 1, 2, or 3.

**HB210** (Lundberg) – “Anderson Street Memorial Bridge” highway signs on a bridge spanning Norfolk Southern Railway on U.S. Highway 421 (State Route 34) in City of Bristol.



Rep. Lundberg

**HB387** (Rowland) – Broadens criminal provisions involving unlawful use of driver licenses to include use of certificates for driving and all other government-issued photo identification documents

**HB295** (Ferguson) – “Mayor Edwin L. Kelley Memorial Highway” highway signs on a segment of State Route 61/State Route 62 (Tri-County Boulevard) within corporate limits of Town of Oliver Springs.

**HB80** (DuBois) – As amended, permits tractor trailer trucks that carry motor vehicle parts that operate over the federal and state highway system be over fifty feet (50") in length up to fifty-two feet (52") from the point of attachment to the tractor.

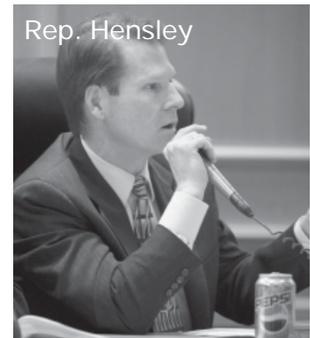
**HB393** (Hensley) – “Fred Thompson Boulevard” highway signs on a segment of U.S. Highway 43 within corporate limits of City of Lawrenceburg.

**HB557** (Hensley) – “Luther and Marvin Patton Memorial Bridge” highway signs

on a bridge spanning Buffalo River on State Route 99 in Riverside community of Lewis County.

**HB558** (Hensley) – “Spencer Holman Memorial Bridge” highway signs on a bridge spanning Big Bigbee River on U.S. Highway 43 in Maury County.

**HB1930** (Rinks) – “Clay Wagoner Highway” highway signs on a segment of State Route 224 in McNairy County.



Rep. Hensley

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