



The Research Review



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The Research Division
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Photo of the week:



Representative Vince Dean welcomed the Chattanooga Boys Choir to the Legislative Plaza on Tuesday. Representative Dean was once a member of the celebrated choir.

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Agriculture

Jeremy Maxwell

The Agriculture Committee met Tuesday to consider five bills. **HB 83**

Rep. Harmon



(Harmon) and **HB 926** (DuBois) were referred to FWM. **HB 83** exempts from sales taxes farm products that are marketed and sold directly by farmers to consumers via a nonprofit online farmers' market, provided that an amount equal to the consumer's full purchase price is transmitted by the

online farmers' market to the producing farmer and that the cooperative or other organizing body of the online farmers' market levies no fee or charge for facilitating the transaction other than booth rental fees assessed on participating farmers. **HB 926** establishes licensing category for commercial lawn maintenance herbicide applicators. **HB 1083** (M. Turner) was withdrawn. This bill revises requirements relative to termite service contracts. **HB 744** (Curtiss) was taken off notice. This bill prohibits open-air fires

within 500 feet of forests, grasslands, or woodlands at all times, absent a permit; permits single and multi-day open air fires within 200 feet of occupied buildings in limited circumstance; preempts permits issued by towns and cities requiring conformity with state law. **HB 1851** was rolled three weeks. It enacts the "Non-Smoker Protection Act."

The committee also heard testimony from Stanley Dobson, President of TN Appaloosa Club, on the National Animal Identification System (NAIS). He stated that NAIS will be disastrous to livestock producers since there are enough animal health regulations already in place.

The Annual Legislative AG Day on the Hill is on March 20, 2007.





Children & Family Affairs

Amelia Mitchell

The **Children & Family Affairs Committee** met this week and passed the following bills to Calendar & Rules:

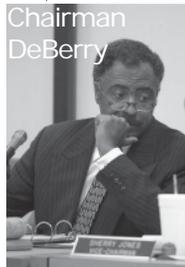
HB 94 by Rep. Borchert requires a self-employed child support obligor to establish a bank account for deposit of child support funds. If the obligor is a partner, member, owner or officer of a business entity, then the entity must establish the bank account. The Department of Human Services would retrieve those support funds subject to income assignment by automatic bank withdrawal on a periodic basis. Failure of an obligor to deposit the required amount into the account or authorize automatic withdrawal of the funds by the department would constitute failure to comply with a child support order, which is punishable by a civil penalty of \$100 for a first violation, \$200 for a second violation, and \$500 for each subsequent violation.

HB 402 by Rep. Sherry Jones makes technical changes to 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.

HB1497 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 **Domestic Relations Subcommittee** met on Tuesday, March 13th and the following bill was passed to full committee:

HB 545 by Rep. Hackworth classifies failure of any employer to pay income withheld to the appropriate agency for child support collection a breach of a fiduciary duty to the child support obligor, thereby giving the obligor a cause of action to sue the employer for the omission.



Chairman DeBerry

The statute of limitation for any suit brought pursuant to this bill is one year from the date of the omission or one year from the date the omission was discovered or reasonably should have been discovered. No suit could be brought pursuant to this bill more than three years after the date on which the omission occurred, except where there

is fraudulent concealment on the part of the defendant, in which case the action could be commenced within one year after the alleged breach or violation is, or should have been, discovered.

HB 401 by Rep. Sherry Jones prohibits a court from determining that a parent who is partially or completely unemployed in order to care for a child less than six years of age is willfully or voluntarily unemployed or underemployed for the purpose of determining child support.

HB 400 by Rep. Sherry Jones requires the child support guidelines to be reviewed by the department of human services every three years and further requires the department to make reports regarding the child support guidelines to the Supreme Court, House Children and Family Affairs Committee, and Senate General Welfare Committee.

The following bills were deferred one week.

- HB 1631 by Rep. Baird**
- HB 1307 by Rep. West**
- HB 1523 by Rep. Campfield**
- HB 546 by Rep. Hackworth**



Rep. Hackworth

The **Family Justice Subcommittee** met on Tuesday, March 13th and the following bills were passed to full committee.

HB 0318 by Rep. John DeBerry entitles children to representation by legal counsel at any unruly hearing in which the child is in jeopardy of being removed from the home. This bill changes the financial qualifications for a juvenile to



Children & Family Affairs

Amelia Mitchell

qualify for court appointed counsel from “a person who, at the time of requesting counsel, is unable without undue financial hardship to provide for full payment of legal counsel and all other necessary expenses for representation” to “a person who does not possess sufficient means to pay reasonable compensation for the services of a competent attorney.”

HB 0319 by Rep. John DeBerry requires that the state, through the administrative office of the courts, pay for expenses for a guardian ad litem in juvenile court cases involving dependency, termination of parental rights, or delinquent or unruly children.

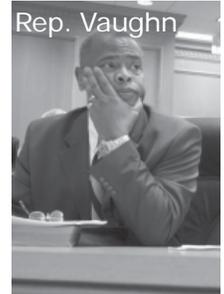
HB 0320 by Rep. John DeBerry makes various refinements to statutes pertaining to the conduct of juvenile court proceedings.

HB 0321 by Rep. John DeBerry Makes various refinements to statutes pertaining to adoption, permanent guardianship, and other placement arrangements for children.

HB 1031 by Rep. John DeBerry adds juvenile and general session courts with domestic relations jurisdiction as courts that may be presented with a petition for grandparent visitation, in addition to circuit and chancery courts.

HB 2206 by Rep. John DeBerry specifies that “petition” in the above provisions means the receipt of information that appears to bring a juvenile within the jurisdiction of the court. This bill also requires the officer to make a preliminary inquiry and makes the counseling and advice mandatory instead of discretionary in the above-described circumstances. This bill also revises the circumstance described above in (1) to provide that the facts, if admitted, would constitute probable cause to believe that the child is a delinquent child and bring the case within the court’s jurisdiction.

HB 0776 by Rep. Vaughn changes present law by requiring any court to include an order in each order of parentage that requires the non-prevailing party to pay into the court an amount equal to the fees required to process and issue a birth certificate. The clerk of court will be required to forward the money to the registrar of vital records.



HB 1498 by Rep. Coleman as amended removes the right of appeal, in delinquent and unruly cases, from any order approving a negotiated plea agreement that incorporates an agreed disposition.

HB 1614 by Rep. Overbey prohibits the Department of Children’s Services, and any other state agency that administers funds related to the prevention, treatment, or care of unruly and delinquent juveniles, from expending state funds on any juvenile justice program or program related to the prevention, treatment, or care of unruly and delinquent juveniles, unless the program is evidence-based. For purposes of this bill, an evidence-based program is one for which there is consistent scientific evidence showing that the interventions improve client outcomes.

This bill also requires the department to continue the ongoing research and evaluation of sound, theory-based and research-based programs with the goal of identifying and expanding the number and type of available evidence-based programs.

HJR 0098 by Rep. Lois DeBerry designates “Safe Kids Week,” April 28-May 6, 2007.

The following bills were deferred one week

- HB 179 by Rep. Cooper**
- HB 490 by Rep. Sontany**
- HB 594 by Rep. Fincher**

The following bill was deferred two weeks:

- HB 1323 by West**

The following bill was taken off notice:

- HB 828 by DuBois**



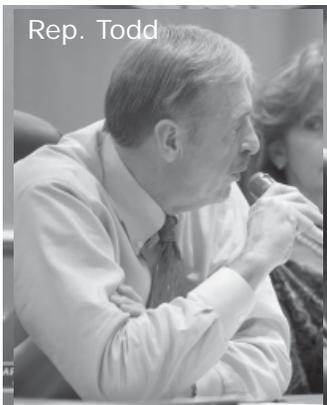
Commerce

Matt Barnes

Full Committee

The **Commerce Committee** met to hear four bills, passing three and rolling one.

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. [*rolled one week*]



HB 405 (Todd), with an amendment that rewrites it and thereby creates a fiscal note, 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 Finance, Ways, & Means as amended*]

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 committee adopted an amendment that adds domestic holding companies to the list of entities authorized to operate credit card state banks. [*passed to Calendar & Rules 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 clarified that the ban applies to the entire premises, not just the interior of the building. [*passed to Calendar & Rules*]

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** had 17 bills on calendar, including the Addendum.

HB 223 (Moore) requires all fire services curricula offered through the Tennessee Fire Services and Codes Enforcement Academy to be approved by the Tennessee Commission on Fire Fighting Personnel Standards and Education. Rep. Moore asked that if any members had any concerns over the bill to call him. [*rolled one week*]

HB 1192 (Favors) requires TennCare MCOs to reimburse providers employed by federally qualified health centers for care rendered from the date they applied for credentialing. [*taken off notice*]

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; however, an amendment to the bill increases that amount to \$500 and clarifies that the limit is for labor only, not for the cost of the appliance. [*passed to full committee as amended*]

HB 70 (Turner, M.) prohibits those in real estate from doing business with individuals who have entered the country illegally. [*rolled three weeks*]

HB 211 (Brown) requires all buildings built or altered after July 1, 2007, including those under the local government jurisdiction, to comply with the accessibility standards of the 2003 International Building Code and ANSI A117.1. [*rolled two weeks*]

HB 753 (Curtiss) requires the seller of a piece of property to disclose known percolation tests or soil



Commerce

Matt Barnes

absorption rates prior to contracting with the buyer. *[passed to full committee]*

HB 800 (Jones, U.) allows a person holding a master's degree in engineering to sit for the eight-hour written engineering examination. Upon passage, the person shall be granted a certificate of registration to practice engineering in this state. *[rolled two weeks]*

HB 898 (Ford) establishes a joint study committee to review the opportunities available for small business development and retention. *[passed to full committee]*

HB 984 (Campfield) adds mixed martial arts to the definition of boxing for purposes of regulation by the Department of Commerce and Insurance. Rep. Campfield sought to put an amendment on the bill, but the bill failed for lack of second. Rep. Todd pointed out that his bill, HB 405, which as amended establishes a joint study committee to examine mixed martial arts, is currently moving through the committee system. He said he would ensure Rep. Campfield's bill and amendment get reviewed in the study committee. *[died for lack of second]*

HB 1005 (Curtiss) transfers the responsibilities of the Home Improvement Commission to the Board for Licensing Contractors. *[rolled two weeks]*

HB 1006 (Curtiss), among other things, transfers the responsibilities of the Home Improvement Commission to the Board for Licensing Contractors. *[rolled two weeks]*



Rep. Litz

HB 1289 (Pinion) specifies that no person may use the title of "engineer" unless licensed by the Board of Examiners or otherwise exempted. Locomotive engineers are exempted. *[rolled to last calendar]*

HB 1856 (Litz) requires county mutual insurance companies to pay a premium tax in accordance with

the general law taxing gross premiums instead of setting the tax at the rate of 2 ½ percent of gross premiums. Rep. Litz said this bill is simply a correction of a bill passed last year. *[passed to full committee]*

HB 1919 (Rinks) requires accountants practicing in this state under reciprocity agreements with other states to cease practicing if their license becomes invalid in the issuing state. *[passed to full committee]*

HB 1920 (Rinks) removes the requirement for the executive director of the Real Estate Commission to have passed the broker's examination. *[taken off notice]*

HB 2249 (Coleman) removes the provision whereby controlled substance database information is available to TBI personnel actively engaged in the analysis of controlled substance prescription information as a part of their TennCare duties. *[rolled three weeks]*

HB 11 (Pruitt) requires hospitals to screen infants for hearing loss prior to discharging them. An amendment adopted by the subcommittee takes care of issues in the fiscal note associated with funding for the Department of Health. Since the bill also requires insurance companies to cover the procedure, Chairman Shepard noted the bill must appear on the special mandate calendar, which will be generated in two to three weeks. *[rolled to special mandate calendar as amended]*

Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** did not meet. The two bills that were on calendar were both rolled prior to the meeting, **HB 591 (Lundberg)** for two weeks and **HB 2165 (Briley)** for three.



Conservation & Environment

Jeremy Maxwell

Conservation and Environment Committee

The Conservation and Environment Committee met Wednesday to consider four bills.



Chairman Buck

HB 1562 (Curtiss) was referred to Calendar and Rules as amended. The amended bill transfers authority over utility management review board and water and waste-

water financing board from department of environment and conservation to the comptroller of the treasury. **HB 145** (McDonald) was rolled two weeks. It 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. **HB 196** and **HJR 83** (Hensley) were both rolled one week. **HB 196** names Davy Crockett Long Hunters Shooting Range at David Crockett State Park in Lawrence County in honor of late Donald "Hopsing" Pilkinton. **HJR 83** urges federal approval of the extension of the Lewis and Clark Historic National Trail.

Wildlife Subcommittee

Wildlife Subcommittee met Tuesday to consider one bill, which was rolled one week. **HB 1156** (Buck) prohibits possession of fish or wildlife knowing that such fish or wildlife was acquired, taken, or transported from the state or country of origin in violation of such state's or country's law; a violation is a Class A misdemeanor.

Parks and Tourism Subcommittee

Parks Subcommittee met Tuesday to consider one bill, which was referred to full committee. **HJR 157** (Cooper) creates special joint committee to study feasibility of establishing a residential school or summer camp for disadvantaged youth at T.O. Fuller State Park.

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider two bills. **HB 745** (Curtiss) was rolled two weeks. This bill authorizes the department of environment and conservation to regulate excess and wasteful water leakage at public water systems. **HB 884** (Litz) was rolled one week. It clarifies that the prohibition from knowingly advertising or marketing for sale a residence as having more bedrooms than are permitted by the residence's subsurface sewage disposal system permit applies only to newly constructed residences.



Rep. Hensley



Consumer & Employee Affairs

Lucy Wilson

House Consumer & Employee Affairs Committee

HB 200 by Odom enacts the Credit Security Act of 2007. It would permit consumers to freeze and control third-party access to their credit report information. This bill would also require the Office of the Attorney General to issue an “identity theft passport” to victims of identity theft. This bill was rolled one (1) week.

HB 0595 by Turner M would replace the Chair and Vice Chair of the Special Joint Committee on Workers’ Compensation with the Chair or Co-chair of the Senate Commerce, Labor and Agriculture Committee and the Chair or Co-Chair of the House Consumer and Employee Affairs Committee as non-voting ex-officio members. This bill will be held for the Workers’ Compensation meeting.

HB 1813 by McDonald continues the competitive pricing system [“loss costs”] for the workers’ compensation insurance market in TN for the future – with no repeal provision or sunset provision. Present law requires workers’ compensation insurers to file multipliers and supporting information with the Commissioner of Commerce and Insurance. A multiplier is the insurer’s determination of the profits and expenses, other than loss expense, loss adjustment expense and deviation from advisory prospective loss costs, associated with writing a workers’ compensation policy. This bill will be held for the Workers’ Compensation meeting.

The Consumer Affairs Subcommittee

HB 700 by McCord - By limiting to new construction only, this bill would revise the current statute that makes it a misdemeanor to knowingly advertise for sale a residence as having more bedrooms than is permitted by the sewage disposal system. This bill was rolled one (1) week.



Rep. McCord

HB 1303 by West would exempt Native American Indian organizations from paying the \$50 charitable solicitations registration fee if 1) they have been in existence 20 years or more, and 2) if their purpose is to promote the welfare of Indians. This bill passed to full committee.

HB 1337 by Briley would revise various provisions of soliciting contributions under the charitable organizations statute. This bill was rolled two (2) weeks.

HB 2139 by Pruitt sets a penalty for violation of the Fundraising for Catastrophic Illnesses statutes at a class B misdemeanor. This bill passed to full committee.

The Employee Affairs Subcommittee

HB 1737 by Winningham specifies the duties of the Division of Adult Education in the Department of Labor and Workforce Development. In addition to established duties, this bill would require the Division to provide 1) GED certificate testing fees, 2) program improvements including part-time teacher salary adjustments, 3) technology upgrades, and 4) department-approved adult education programs. This bill passed to full committee.

HB 1983 by DuBois adds local law enforcement agencies to the Department of Labor and Workforce Development as agencies that enforce the statute prohibiting the hiring of illegal immigrants. This bill was rolled one (1) week.

HB 66 by Turner makes it a Class B misdemeanor for an illegal alien to knowingly receive workers compensation unless exempted by the US Department of Labor. Any money derived from unlawful employment could be forfeited. This bill passed to the full committee and will be held for the illegal immigrant meeting.

HB 74 by Turner M increases the criminal penalty to a Class E felony for knowingly employing an illegal alien. Additionally it requires law enforcement agencies to enforce, instead of Department of Labor and

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Consumer & Employee Affairs

Lucy Wilson

Workforce Development; requires employers to obtain and keep documentation required by homeland security of lawful resident info; and replaces permanent revocation of employer's business license with commissioner of labor's ability to assess civil penalty of \$1,500 per violation. This bill passed to the full committee and will be held for the illegal immigrant meeting.

Please note: The Workers' Compensation Advisory Council is charged with reviewing and commenting on workers' compensation legislation. The Council reports to the House Consumer and Employee Affairs Committee and to the Senate Commerce, Labor and Agriculture Committee. They deliver comments regarding what the legislation will or will not accomplish and what possible impact it may have if implemented. Chairman McDonald announced all workers' compensation bills that pass out of subcommittee will be heard in an issue-specific committee meeting after the Council has delivered their report.

Additionally Chairman McDonald announced that the C&EA Committee will schedule another issue-specific committee meeting to hear all illegal immigrant bills that have passed out of subcommittees.



Education

Pam Mason

The Education Committee met on Wednesday to consider its calendar. On the calendar were three bills concerning proprietary postsecondary institutions. Dr. Stephanie Bellard, Assistant Executive Director for Postsecondary School Authorization in THEC, addressed the committee on these schools. These bills were deferred two weeks.

Action on the committee calendar follows:

Referred to Calendar & Rules:

HB 652 – (Winningham) requires the Office of Education Accountability to study school accountability and report to the General Assembly. The bill removes the provision that these studies be made jointly with the department of education.

Referred to Finance, Ways & Means, if amended:

HB 356 – (Winningham) as amended, requires that the salaries of state licensed teachers at the statewide comprehensive rehabilitation and training center compare to those of other teachers in the LEA. This salary adjustment is to be funded through existing funds in the department of human services.

Deferred two weeks:

- HB 950 – (Winningham)**
- HB 1251 – (Odom)**
- HB 1947 – (Swafford)**

Higher Ed Subcommittee

The Higher Ed Subcommittee held its regularly scheduled meeting Wednesday to consider its calendar. Action follows:

Referred to Full Committee:

HB 1996 – (Jones, U.) requires TSAC to publish guidelines for eligibility for a minority teaching fellows program.

HB 2066 – (Maddox) authorizes state colleges and universities to provide free campus wide internet access.



HB 2068 – (Maddox) authorizes the board of trustees of the BEST program to contract with any other college savings program that meet certain requirements.

Deferred one week:

- HB 369 – (Cobb)**
- HB 1965 – (Armstrong)**
- HB 1966 – (Armstrong)**

Taken off notice:

- HB 1852 – (Bone)**
- HB 2069 – (Maddox)**

K-12 Subcommittee

The K-12 Subcommittee met Tuesday to consider its calendar. That action follows.

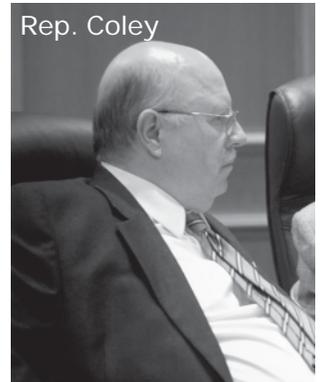
Referred to Full Committee:

HB 2147 – Coley – requires a report of excused and unexcused absences at each public school be made by principals and given to the Director of Schools and the governing body of each LEA. The LEA is to submit that information to the Department of Education each year.

HB 567 – McCormick – allows JROTC credit to be substituted for Lifetime Wellness in public schools. Also allows for class sizes limits in JROTC to be exceeded.

HB 922 – McCormick – creates the Tennessee public high school driver education course advisory committee. The purpose is to study the need for driver’s education curricula in all public secondary schools.

HB 905 – Hill requires schools to notify parents of clubs and organizations and to receive written permission from parents for a child’s participation in campus groups.



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Education

Pam Mason

Deferred one week:

HB 1437 – (DeBerry, J.)

Deferred two weeks:

HB 81 – (Cooper)

HB 1544 – (Rowe)

HB 1228 – (Kelsey)

HB 1012 – (Brown)

Taken off notice:

HJR 63 – (Cooper)

HB 264 – (Lollar)

HB 868 – (Mumpower)

HB 651 – (Winningham)



Finance, Ways & Means

Julie Travis & Patrick Boggs

The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday, March 13th and Wednesday, March 14th, to hear budget presentations made by the constitutional officers, the Department of Economic and Community Development, and the Tennessee Commission on Children and Youth. Those hearings scheduled for Thursday, March 15th, following session, include the Department of Commerce and Insurance, the Tennessee Alcoholic Beverage Commission and the Tennessee State Museum. There were no bills on Tuesday's calendar. Also on Tuesday, the Commissioner of Finance and Administration briefly presented the February revenue collection figures which continue to be stable, as anticipated by the Funding Board projections last year.

The Budget Subcommittee membership was announced on Tuesday. Members of the Budget Subcommittee include Chairman Harry Tindell, Craig Fitzhugh, Johnny Shaw, Joe Armstrong, Randy Rinks, Doug Overbey, Mike Harrison, Steve McDaniel, and "new" members to the subcommittee, Speaker Pro Tem Lois DeBerry, Gary Odom, and Dennis Roach.

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>.

Next Week's Scheduled Hearings (current as of March 14, 2007):

Tuesday, March 20, 2007 @ 1:30 p.m.:

Tennessee Bureau of Investigation
by Mr. Mark Gwyn, Director
Dept. of Tourist Development
by Ms. Susan H. Whitaker, Commissioner

Wednesday, March 21, 2007 @ 1:30 p.m.:

Administrative Office of the Courts
by Ms. Elizabeth Sykes, Administrative Director
Post Conviction Defenders Conference
by Mr. Don Dawson, Executive Director
District Public Defenders Conference
by Mr. Jeffrey S. Henry, Executive Director
District Attorneys General Conference
by Mr. James W. Kirby, Executive Director
Office of the Attorney General and Reporter
by the Honorable Robert E. Cooper, Jr., Attorney General and Reporter

Thursday, March 22, 2007 @ 11 a.m. or after session:

Dept. of Transportation
by Mr. Gerald Nicely, Commissioner
Tennessee Commission on Aging and Disabilities
by Ms. Nancy C. Peace, Executive Director

The Budget Subcommittee

The Budget Subcommittee did not meet.

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Finance, Ways & Means

Julie Travis & Patrick Boggs

Budget Hearings

Secretary of State's Office

by Julie Travis

On Tuesday, March 13, 2007, the Secretary of State, Riley Darnell, presented his office's budget for the 2007-08 fiscal year, including those entities such as the Ethics Commission and the Economic Council on Women. The Secretary of State's office, in itself, does not have any improvements that were recommended in the Governor's Budget. The two improvements that were included are considered pass-through dollars for the Secretary of State in that these particular entities function separately from, and have no "real" impact on, the duties of the Secretary of State's office.

The first improvement listed in the Governor's Budget is for \$275,000 to the Tennessee Ethics Commission. This \$275,000 request is for the purpose of providing three additional positions to the Commission: an auditor, an attorney and an administrative assistant subtotaling \$175,000, as well as \$100,000 for a comprehensive electronic filing system. The Director of the Ethics Commission testified on the application of the statute restricting the registration fees of lobbyists and lobbyists' clients from funding the rest of the commission's duties and budget.

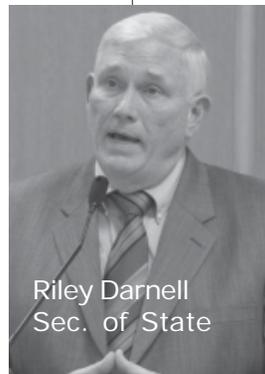
The other improvement that was granted in the submitted budget from the Administration was a \$25,000 improvement request to the Economic Council on Women which includes funding for \$17,500 in necessary operational expenses and \$7,500 for staff salary and benefit adjustments. Examples of operational expenses include that of increased costs in printing, technology upgrades, travel and planning/participation costs for in-state conferences.

In the Secretary of State's total budget request of \$62,552,700, almost half (\$28.3M) is funded by state appropriation, a little over a third (\$23.8M) is funded through federal monies and the rest (\$10.4M) is considered "other" which is mostly from fees. Almost half of the Secretary of State's recommended budget

consists of payroll for the 437 full-time and the eight part-time positions requested.

As a constitutional officer, the Secretary of State is elected by the General Assembly to record and maintain the official acts of the Governor. His duties include the recordation of the acts of the General Assembly, registering trademarks, receiving and recording corporate charter applications, administering the provisions of the Uniform Commercial Code, administering the provisions of the Uniform Administrative Procedures Act, managing the State Library and Archives and promoting library services within the State, coordinating elections statewide, and implementing and administering the laws relative to

charitable gaming and the solicitation of charitable contributions. Other than the State Election Commission, the Registry of Election Finance, the Economic Council on Women, and the Ethics Commission who are all administratively attached to the Secretary of State's Office, the Secretary of State's Office is comprised of two functional areas; they are the Administrative and Support Services and the State Library Services.



Riley Darnell
Sec. of State

During his budget presentation to the Finance Committee, Secretary Darnell also spoke on those improvement requests that were not funded in the Governor's Budget. They include a recurring \$1 million request for the Tennessee Electronic Library to provide additional databases for the support of educational needs of students from elementary all the way through college; a \$250,000 one-time request for radio frequency I.D. identifiers (special inventory control tags allowing integration into a robotics system); and \$150,000 one-time planning funds to go toward paying for architects to start the planning for the new Library and Archives proposed to be located at the end of the Bicentennial Mall on Jefferson St. The recurring \$8 million improvement request is a forewarning of the estimated annual debt service funding that will be needed for this new building in the coming years. These funds will have to be paid, the secretary reiterated, if not starting now, then sometime in the near future.



Finance, Ways & Means

Julie Travis & Patrick Boggs

Budget Hearings

Comptroller of the Treasury

by Patrick Boggs



On Tuesday, Comptroller John Morgan appeared before the Finance Committee to present his budget for the upcoming fiscal year. For 2006-07, the organization's operating budget is \$55,261,000. For the upcoming fiscal year, the recommended budget is \$57,816,000, or a 4.62% increase over the current fiscal year. In addition to these funds, the Comptroller's office oversees two

programs, the Tax Relief program and the Telecommunications Ad Valorem Tax Equity Fund, for which appropriations are made by the General Assembly to pay out to eligible individuals and businesses. These funds, which total an additional \$35,732,100 in both this year's and next year's budget are separate and not included in the operations costs of the Comptroller's Office.

The governor's budget includes two recommendations for improvements. The first improvement would be a \$2.5 million appropriation to the Property Assessment Division to procure and implement data processing software. The division and local property assessors would use the software in tandem to make the most efficient and equitable assessments possible, including through the use of GIS. This \$2.5 million appropriation would be the first of five to cover the costs of the program. An RFP will be issued soon to begin the purchasing process. The other recommended improvement in the governor's budget is a \$55,000 line item to add an additional personnel analyst in the office's human resources office.

The comptroller also identified additional needs that were not included as part of the governor's budget. The first is an additional position that would be added to the Division of Bond Finance, to help out with the ever more complicated world of bonds. The comptroller also wishes to add three more positions to the Division of Municipal Audit to speed up investigations of waste, fraud, and abuse in city and town governments. A third need that was identified by the Comptroller but was not included in the governor's budget is to add one administrative position to the Office of State Assessed Properties to help out with the expanding work load there.





Finance, Ways & Means

Julie Travis & Patrick Boggs

Budget Hearings

Department of Revenue

by Denise Sims

Last Wednesday, March 7th, Commissioner Reagan Farr presented the Department of Revenue's FY 07-08 budget to the Finance, Ways and Means Committee. Commissioner Farr was accompanied by Deputy Commissioner Glenn Page, Chief Financial Officer Ed Eldridge, and Director of Fiscal Services John Lamar. The Department of Revenue's responsibility is to collect and administer Tennessee's taxes and fees, ensure compliance by taxpayers, and apportion tax revenues appropriately to state or local funds. It carries out these responsibilities through its administrative, support, revenue collection and regulatory services.

The department's total **recommended budget request for Fiscal Year 2007-08 is \$108,094,400**, of which \$84,667,500 are state funds, \$22,000 are federal funds (federal funds did not change from FY 2006-07), and \$23,404,900 are other funds. The total budget request includes Titling and Registration and related funds (the Department of Revenue assumed these duties during the reorganization of the Department of Safety). The **one requested improvement was for \$96,100** to fund one additional special agent for Tax Fraud Enforcement, a function of Special Investigations within the department's Administration Division.

The Finance Committee had several questions for the Commissioner. When questioned about the Titling and Registration change to Revenue, Commissioner Farr said the transition was going well. He commented that there was a long integration process, but they are seeing great improvements in the handling of incoming calls, and that turn-around on titling was moving much faster.

Some of the other questions from the committee addressed the delayed implementation of the **Streamlined Sales Tax Agreement (SSTA)** as well as the **Sales Tax Holiday**. Commissioner Farr said they would continue participating in the Streamlined Sales Tax Agreement, although they would still recommend that the project be postponed since there were areas they felt were problematic (specifically origin-based sourcing to destination-based sourcing). He mentioned that Ohio, in particular, was working to amend the provisions of the SSTA so that states, like Tennessee, that agree with and adopt the majority of the parts could still maintain an associate membership status. Commissioner Farr said there are parts that are good policy, but they want to see where the SSTA is a couple of years from now.

He told the committee that they anticipate the upcoming one-time April Sales Tax Holiday will be as successful as the August, 2006 event. The department underestimated how popular last year's holiday would be; they projected a \$12 million cost and saw an actual \$15 million. Commissioner Farr said it was successful from an administration standpoint and that they look forward to the same next month.

The special one-time Sales Tax Holiday is April 27-29, 2007.

See: www.tntaxholiday.com



Government Operations

Kristina Ryan

The Government Operations Committee met on Wednesday, March 14th to consider 29 pieces of legislation. Because of time constraints, only a portion of the calendar was completed. The following bills were rolled for one week:

- HB 65** by Representative Mike Turner
- HB 625** by Representative Mike Turner
- HB 597** by Representative Mike Turner
- HB 623** by Representative Mike Turner
- HB 606** by Representative Mike Turner
- HB 1200** by Representative Pinion
- HB 1892** by Representative John DeBerry
- HB 1276** by Representative Lynn
- HB 1281** by Representative Lynn
- HB 725** by Representative Cooper
- HB 512** by Representative Kernell
- HB 510** by Representative Kernell
- HB 514** by Representative Kernell
- HB 526** by Representative Kernell
- HB 533** by Representative Kernell
- HB 542** by Representative Kernell
- HB 2010** by Representative Kernell
- HB 2028** by Representative Kernell
- HB 2029** by Representative Kernell
- HB 2031** by Representative Kernell



Rep. Overbey

The committee reviewed and referred **HB 631** by Representative Overbey to the Health and Human Resources Committee with no committee recommendation. This legislation defines “certified medical technician” (CMT) and outlines the criteria in which a certified medical technician may administer medication. In addition, this

bill establishes a certification program for certified medical technicians and they will be regulated by the Board of Nursing. Rulemaking authority is delegated to the Board of Nursing in order to enforce the provisions of this bill.

HB 84 by Representative Sontany was reviewed and referred to the Consumer and Employee Affairs Committee with a negative recommendation. The

Tennessee Interior Design Consumer Protection Act” would establish the regulation and registration of interior designers. This bill clarifies the difference between the practice of interior design and the professions of architecture, engineering, decorative services and interior decoration. The Board of Examiners for Architects and Engineers would promulgate rules in order to implement this legislation. This legislation would also impose a privilege tax onto the practice of interior design.

HB 1163 by Representative Sontany was reviewed and referred to the Conservation and Environment Committee with a positive recommendation. The “Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act” requires all manufacturers of computing equipment, display or printing devices being sold or offered in the state to label these devices with the manufacturer’s brand, and to implement a recovery plan to collect, dispose or recycle the product when the consumer is wanting to dispose of the product. The Department of Environment and Conservation is designated the rulemaking authority in order to implement this bill.

The committee reviewed and referred **HB 429** by Representative DuBois to the Finance, Ways and Means Committee with a positive recommendation. This legislation rescinds franchise and excise tax exemptions and credits to persons who employ illegal aliens. The Department of Revenue is authorized to promulgate rules and regulations.

HB 581 by Representative DuBois was reviewed and referred to the Transportation Committee with a positive recommendation. Under this bill, the Department of Transportation is authorized to establish a grant program for bicycle paths and pedestrian lanes along state highways. The Commissioner of Transportation is authorized rulemaking authority in order oversee this program.

CONTINUED ON NEXT PAGE.



Government Operations

Kristina Ryan

HB 478 by Representative Brooks was reviewed and referred to the Education Committee with a positive recommendation. This legislation creates a HOPE scholarship to students who are preparing to teach in areas that are experiencing critical shortages. The Tennessee Higher Education Commission (THEC) is authorized to promulgate rules to oversee the requirements for majoring in or preparing to teach in a critical shortage field. The Department of Education is delegated rulemaking authority over the annual determination of critical shortage fields. The Tennessee Student Assistance Corporation (TSAC) has rulemaking authority over the application process for critical shortage field supplemental awards and for the method of payment of these awards to part-time students. These supplemental awards would be available for students applying for the HOPE scholarship starting in 2007-08.

The committee reviewed and referred **HB 2285** by Representative Curtiss to the Commerce Committee with a positive recommendation. This Administration Bill establishes the “Interstate Insurance Product Regulation Compact Act of 2007”. Under this legislation, the Commissioner of Commerce and Insurance will serve as the state’s representative to the Interstate Insurance Product Regulation Commission. In addition, the bill establishes a Management Committee that will oversee the affairs of the Commission. An amendment on the bill places a sunrise provision onto this compact.

Rep. H. Brooks



HB 1279 by Representative Lynn was reviewed and referred to the State and Local Government Committee with a positive recommendation. This legislation requires the State Coordinator of Elections to enter into agreements with other states to identify duplicate voter registrations. In addition, this bill would require the state coordinator to make every effort to determine where a voter actually lives if a duplicate voter registration is found. The State Coordinator of Elections would be authorized to promulgate rules and regulations in order to implement this legislation.

HB 1274 by Representative Lynn was reviewed and referred to the Consumer and Employee Affairs Committee with a positive recommendation. This bill prevents the use of a federal individual taxpayer identification number to be used as a form of identification to prove immigration status. An amendment placed on the bill would specify that the Commissioner of Labor and Workforce Development would be delegated rulemaking authority.



Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met



Chairman Armstrong

Tuesday, March 13, 2007, with three bills and three House joint resolutions on notice. Prior to taking up the calendar, the committee heard two presentations. Commissioner Gina Lodge, Department of Human Services, gave a brief departmental update on child support collections, child care licensure, and food stamps, followed by a power point presentation on the Families First Program. The Families First waiver expires July 1, 2007, and the

department will be proposing legislation to incorporate changes in federal regulations related to Families First and to streamline components of the Families First Program. Next, Nancy Peace with the Commission on Aging gave introductory remarks on home and community based care and responded to questions from committee members, particularly related to Senior Services. Ms. Peace introduced Patrick Flood, Commissioner, Vermont Department of Disabilities, Aging, and Independent Living. Mr. Flood gave a power point presentation on the entitlement for home and community based services Vermont created to match the entitlement for nursing home care. Chairman Armstrong suggested a joint public hearing on home and community based services with participation from the Health Committee, TennCare Bureau, and TennCare Oversight Committee.

All bills on calendar were referred with the exception of **HB 0270 (Mumpower)** that 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. Rep. Mumpower rolled HB 0270 one week for drafting of amendatory language requested by the Department of Health. **HB 1349 (Overbey)** as amended that authorizes persons eligible for services through a home and community based services waiver to be placed in,

or remain in, an assisted care living facility rather than go to a nursing home was referred to C&R. **HB 1841 (Winningham)** that attaches the Board of Athletic Trainers to the Department of Health's Division of Health Related Boards was referred to C&R. The three HJRs on calendar were referred to C&R: **HJR 0062 (Cooper)** urges county health departments to allow properly trained employees to take blood pressures without a physician's order; **HJR 0102 (S. Jones)** urges Tennessee's delegation to Congress to ensure timely reauthorization of the State Children's Health Insurance Program (SCHIP) to assure federal funding of Tennessee's SCHIP program, CoverKids; and, **HJR 0119 (Briley)** urges Congress to reinstate a permanent Medicaid disproportionate share hospital payment for Tennessee comparable to that received by other states.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Tuesday afternoon, March 13th to consider four bills, referring one to full committee. **HB 0033 (J. DeBerry)** was rolled one week for review of an amendment that rewrites the bill to expand the scope of practice for dentistry and dental hygiene to include impressions for making a cosmetic metal apparatus to be worn in the mouth, i.e., grills. **HB 1169 (Windle, M. Turner)** as amended that defines the scope of practice for surgical technologists was referred to full



Rep. Mumpower

committee. The housekeeping amendment clarifies two phrases in the printed bill and adds language to note that licensed health care providers are not prohibited from performing duties in a surgical setting. **HB 1183 (S. Jones)** was rolled one week for review of an amendment that rewrites the bill to require licensed health care practitioners to report injuries indicating domestic violence or domestic abuse to the Department of Health, Office of Health Statistics, on a monthly basis, and to sunset the provisions of the legislation on June 30, 2009. **HB 1197**



Health & Human Resources

Judy Narramore

(Pinion) concerning radiology practitioner assistants was rolled two weeks at the request of the sponsor.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 14, 2007, with four bills on calendar, referring all to full committee. **HB 0633 (Ferguson)** as amended requires physicians, health care facilities, community centers and pharmacies to post on a sign a statement that a teen involved in a relationship that includes dating violence may call a national toll-free hotline, with that number printed. The amendment also requires the Departments of Health and Commerce & Insurance to notify providers through routine correspondence and the departments' web sites and initial licensees of the provisions of this legislation. **HB 0699 (McCord)** requires hospitals to report statistics for a full 12 month period unless the hospital was not open for a full 12 months, in which case the hospital would report statistics for the entire period it was open. **HB 1346 (Shepard)** requires hospitals to offer inpatients an immunization for influenza and pneumonia each year from October 1 through March 1 prior to discharging any patient who is 65 years of age or older. **HB 1527 (Odom)** authorizes a licensed hospice to provide palliative care services to a person who is not a hospice patient.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** did not meet Wednesday, March 14th for lack of a quorum. Prior to the scheduled meeting, the following bills were rolled by their respective sponsor: **HB 0254 (Odom)** two weeks, **HB 0748 (Curtiss)** two weeks, **HB 1457 (Sontany)** three weeks, and **HB 2041 (Shaw)** two weeks. The remaining bills on calendar, **HBs 0184 and HB 1406 (Cooper)** and **HB 2250 (Coleman, Odom)**, were deferred one week by Chairlady Pruitt.



Judiciary

Jamie Wyatt

The Full Judiciary Committee

The Full Judiciary Committee heard from Doug Wojcieszak, the National Director of the Sorry Works Coalition, on Sorry Works! This approach is an attempt at reducing medical malpractice litigation through accountability and communication. It allows a healthcare provider and institution to recognize when a medical error has occurred, fully disclose that error to the patient, offer an apology, provide a solution as to prevention, and a reasonable offer of compensation for the mistake. The amount of litigation costs, cases, and settlements have dramatically fallen for facilities and providers that have implemented this approach.

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss forty-two bills this week. HB 1539 by Rep. Dunn was rolled for three weeks. HB 1233 by Rep. Kelsey failed for a lack of a second. It clarifies that no defendant will be held jointly liable for damages and that a defendant will only be severally liable for the percentage of damages attributed to such defendant.

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

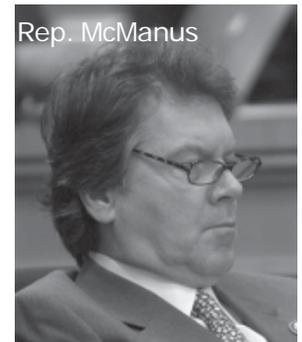
- **HB 1188 by Rep. S. Jones** authorizes payment from the criminal injuries compensation fund for the full expenses of forensic sexual assault examinations for the victim of any of the following offenses: aggravated rape, statutory rape, rape of a child, aggravated rape of a child, statutory rape by an authority figure, or sexual battery. Compensation will not exceed \$750.00 and this amount shall constitute full compensation to the hospital or facility providing services. For victims that fail to meet the eligibility requirements for reimbursement from the criminal injuries compensation fund, funding for forensic examinations for victims of sexual assault will be provided by the sexual assault

forensic examination fund specifically created by this legislation.

- **HB 1384 by Rep. S. Jones**, as amended, increase the amount of a surety bond needed by a notary public from \$10,000 to \$25,000.
- **HB 1385 by Rep. S. Jones** requires a notary public to notify the county clerk of the county from which the notary was elected and commissioned if the notary's surname changes or if he moves and pay a fee of \$7.00. Also, the county clerk is to notify the secretary of state of the change of address or name change and forward \$2.00 of the \$7.00 fee.



- **HB 734 by Rep. McManus** removes social security numbers from the order appointing the guardian ad litem in an attempt to prevent identity theft.



- **HB 640 by Speaker Naifeh** exempts a healthcare research institution, defined narrowly, from liability for loss caused by, arising out of, relating to the design, development, clinical testing or investigation or manufacture of a vaccine unless it has resulted from willful misconduct by the healthcare research institution or its employees.
- **HB 1916 by Rep. Rinks** states that information regarding absentee voting requests and applications are confidential and not subject to the Open records Law until the end of the early voting period.
- **HB 2092 by Rep. Maddox** allows Carroll County to opt into levying a local litigation tax of up to \$25.00 for civil and criminal cases.



Judiciary

Jamie Wyatt

- **HB 1622 by Rep. Overbey** makes various technical changes to the current law regarding trustees and charitable trusts.
- **HB 1775 by Rep. U. Jones** requires a person convicted of promoting prostitution to submit to an HIV test.
- **HB 1540 by Rep. Watson** changes the cease date for the Tennessee White Water Rafting Responsibility Act from July 1, 2008 to July 1, 2010.
- **HB 2151 by Rep. Briley** deletes the requirement that the Division of Claims Administration provide copies with supporting documents to the district attorney's office and to the offender of the New Criminal Injuries Compensation Act claims. The bill also removes the requirement for the CIC compensation for Tennessee residents injured due to acts of terrorism abroad.
- **HB 1351 by Rep. Coleman** creates the Tennessee Investment Services Act of 2007. The bill extends the vesting time for the rule against perpetuities from 90 years to 360 years. It allows an individual to set up a spend thrift trust subject to certain conditions to protect assets.
- **HB 182 by Rep. Cooper** prohibits convicted felons whose rights of citizenship have not been restored from being bail bondsmen, agents of bail bondsmen, or surety company. Therefore, the bill is authorizing convicted felons whose rights are restored to be a bail bondsmen, agent of one, or surety company.
- **HB 1868 by Rep. Hensley** expands the definition of exploitation to mean the improper use by a caretaker of funds that have been paid by a governmental agency or a private source to an adult or caretaker for use and care of adult as it relates to the Tennessee Adult

Protection Act.

- **HB 1627 by Rep. Overbey** expands the perfection timeframe for a purchase money security interest from 20 days to 30 days.
- **HB 1502 by Rep. Coleman** increases the maximum prior service credit for the practice of law used to determine the entry level compensation of an assistant attorney general from 7 to 12 years.
- **HB 98 by Rep. DuBois**, as amended, authorizes any local bar association except Davidson County, to bring a civil action against any person's unauthorized practice of law.

Rolled 1 week:

HB 1857 by Rep. Hackworth	HB 40 by Rep. Fraley
HB 1269 by Rep. Lynn	HB 1828 by Rep. Todd
HB 187 by Rep. Fincher	HB 106 by Rep. Shepard
HB 592 by Rep. Fincher	HB 107 by Rep. Shepard
HB 312 by Rep. Briley	HB 108 by Rep. Shepard
HB 123 by Rep. Overbey	HB 548 by Rep. Shepard

Rolled 2 weeks:

HB 1338 by Rep. Briley
HB 148 by Rep. Dean
HB 914 by Rep. Maggart
HB 314 by Rep. J. DeBerry
HB 721 by Rep. DuBois
HB 435 by Rep. DuBois

Off Notice:

HB 767 by Rep. Campfield
HB 2153 by Rep. Briley
HB 2156 by Rep. Briley
HB 160 by Rep. DuBois



Judiciary

Jamie Wyatt

Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met to discuss twenty-nine bills. Chairman Sontany announced that there will be a special calendar for DUI bills on April 4th. As a reminder, all bills dealing with sexual offenders will be heard next Wednesday, March 21st. HB 1414 by Rep. Watson was rolled three weeks. HB 619 by Rep. M. Turner was taken off notice. HB 277 by Rep. Sargent failed for a lack of a motion. HB 772 by Rep. Campfield failed for a lack of a second. HB 771 by Rep. Campfield was sent to Judiciary Summer Study.



Vice Chair Coleman,
Sec. Sontany

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

- **HB 50 by Rep. M. Turner**, as amended, allows a person authorized to carry a handgun pursuant to the law to carry a handgun while hunting big game with a bow and arrow during archery only deer season if the person wears at least 500 square inches of the daylight fluorescent orange color on the upper portion of the body and head, visible from the front and carries no additional firearm legal for hunting deer. Violation of this bill will result in handgun carry permit ineligibility and possible revocation for a period of two years.
- **HB 2174 by Rep. Bell** creates misdemeanor offenses for a person who removes an electronic or radio transmitting collar from a dog without the permission of the owner of the dog with the intent to prevent or hinder the owner from locating the dog.
- **HB 1753 by Rep. Todd** states a person commits the offense of indecent exposure who, while confined in a state correctional facility, local jail or workhouse intentionally exposes the person's genitals or buttocks to another or engages in sexual contact with the intent to harass law enforcement.
- **HB 668 by Rep. Swafford** revises the law governing self defense.
- **HB 35 by Rep. Hackworth** broadens the offense of intentional killing of an animal to include fire dogs, search and rescue dogs, guide dogs and police horses.
- **HB 1777 by Rep. U. Jones** includes elder abuse in offenses ineligible for judicial diversion.
- **HB 299 by Rep. Overbey** makes it an offense to knowingly, other than by accidental means, physically abuse or grossly neglect an impaired adult if such abuse or neglect results in serious mental or physical harm. It is not necessary for the state to prove the adult sustained serious bodily injury as required.
- **HB 156 by Rep. Hawk**, as amended, allows the use of deadly force to protect Nuclear Fuel Services, Category 1 nuclear facility in Erwin, TN, when all lesser means fail or can't be reasonably employed and certain conditions exist such as the following: when deadly force appears reasonably necessary to protect a peace officer who reasonably believes to be in imminent danger of death or serious bodily injury; to prevent imminent infliction of death or serious bodily harm or sabotage of an occupied facility by explosives; to prevent theft, sabotage, or unauthorized control of a nuclear weapon, device or material from the facility; or deadly force is reasonably necessary to apprehend or prevent the escape of person who committed the above acts.
- **HB 1410 by Rep. Watson** authorizes the director or the full time employee of the Tennessee Emergency Management Agency to carry a handgun.



Judiciary

Jamie Wyatt

- **HB 1415 by Rep. Watson** makes criminal impersonation a Class A misdemeanor.
- **HB 1404 by Rep. Sontany** expands the offense of escape from a penal institution to include escape by persons being held for a civil matter.
- **HB 600 by Rep. M. Turner** creates a Class A misdemeanor for any person to transport anyone into the state who the person knows or should have known has illegally entered or remained in the U.S. This bill would not apply to common carriers.

Rolled 2 weeks:

HB 36 by Rep. Hackworth
HB 456 by Rep. Sontany
HB 388 by Rep. Crider
HB 392 by Rep. Crider
HB 927 by Rep. DuBois
HB 1327 by Rep. Briley
HB 1328 by Rep. Briley
HB 1952 by Rep. Lynn
HB 164 by Rep. DuBois
HB 583 by Rep. DuBois
HB 586 by Rep. DuBois
HB 1198 by Rep. Pinion



State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government** full committee, twelve bills were passed to Calendar and Rules, ten were passed to Finance, Ways, and Means, and the others were rolled or taken off notice. The State subcommittee convened prior to full committee to consider **HJR 271 by Rep. Mary Pruitt**. The resolution was passed to full committee and then to Calendar and Rules.

Calendar and Rules:

-HJR 271 by Pruitt – This resolution names March 28, 2007 “Safe Haven Homeless Family Awareness Day.”

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

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

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

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

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

-HB 1838 by S. 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 598 by Eldridge – Removes the authority of any county to rename the chief executive as county executive.

-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 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 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.



Finance, Ways, and Means:

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

-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.

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

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

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

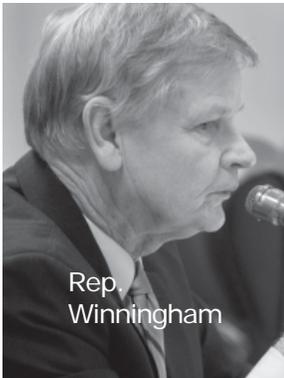
-HB 1466 by Fitzhugh – Increases the per diem for members of the assessment appeals commission from \$75.00 to \$95.00 for each day of attendance.



State & Local Government

Lawrence Hall, Jr.

-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.”



Rep.
Winningham

-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 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.

-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.

-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.

Rolled 1 Week:

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

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

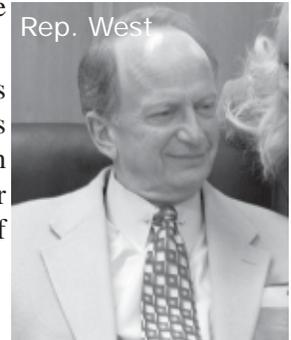
-HB 158 by DuBois – This bill authorizes property rights voting in municipal elections in Spring Hill, Tennessee.

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

-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.

-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.

Rep. West



Off Notice:

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

Rolled 2 Weeks:

-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.

The **State Government** subcommittee considered fifteen bills this week. Eight bills were moved to full committee and the others were taken off notice or deferred to a later date.

Full Committee:

-HJR 158 by Odom – This resolution urges the President and Congress to address the problem of illegal immigration.

-HB 1203 by Pinion – This bill modifies the procedures for the department of transportation’s disposition of real property that was intended for use as right-of-way property.

-HB 1757 by DeBerry – This authorizes Shelby County to bring their county official within the scope of regulation by the Tennessee Ethics Commission.



State & Local Government

Lawrence Hall, Jr.

-HB 95 by Winningham – This bill allows the state to increase its contribution to local governments for human resources from \$90,000 to \$120,000.

-HB 1865 by Shaw – This bill changes the date that state government entities are required to submit their annual Title VI compliance reports and plans from June 30 to October 1.

-HB 2244 by Bone – Revises the maximum age provisions regarding the termination of a National Guard officer’s appointment. This bill also sets the age limits in line with the federal government regarding certain rankings.

-HB 133 by Bell – This bill prohibits a state agency from terminating the use of American Indian symbols, names and mascots.

-HJR 271 by Pruitt – (*Special Calendar*) This resolution names March 28, 2007 “Safe Haven Homeless Family Awareness Day.”

Rolled, Off Notice, or Failed:

- HB 1202 by Pinion – Off Notice
- HB 1170 by Windle – 1 Week
- HB 1172 by Windle – 1 Week
- HB 815 by McDaniel – 1 Week
- HB 1277 by Lynn – Off notice
- HB 1910 by Rinks – 1 Week
- HB 1758 by Todd – 1 Week

This week in **Local Government** subcommittee, twenty-two bills were on the calendar for consideration. Six bills passed to full committee and the others were either deferred or taken off notice. **HB 1809 by Rep. Mary Pruitt** was rolled for one week after a great deal of discussion. This bill will allow the Nashville Metro council to impose several new taxes to be used to fund a new convention center in downtown Nashville.



Rep. Pruitt

Full Committee:

-HB 1469 by Fitzhugh – Enacts the “Local Government Instances of Fraud Reporting Act.”

-HB 1472 by Fitzhugh - Specifies that local government joint venture entities are required to report their revenue and expenses to the comptroller instead of requiring the local government entities that create the joint venture entity to make such reports.

-HB 1473 by Fitzhugh – This requires a two thirds approval of the county legislative body for an industrial development corporation to negotiate annual payments in lieu of taxes that are less than an amount equal to property taxes available to schools.

-HB 157 by Curtiss – Provides property tax relief for veterans permanently and totally disabled from service-connected activities.

-HB 738 by Curtiss – Increases the maximum amount that can be paid to a police officer who completes in-service training from \$600 to \$800.

-HB 717 by Tindell – This bill increases the maximum dollar amount of per diem that may be paid to utility district commissioners for attending meetings of the utility district’s board of commissioners up to \$300 per meeting.

TACIR (Tennessee Advisory Commission on Intergovernmental Relations) for study:

-HB 885 by Montgomery was sent to TACIR for further study. This bill allows counties to impose, by ordinance, a real-estate transfer tax.

Bills Rolled or Taken Off Notice:

- HB 1239 by Kelsey – 2 Weeks
- HB 1194 by Harmon – 2 Weeks
- HB 1809 by Pruitt – 1 Week
- HB 1810 by Pruitt – Off Notice

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State & Local Government

Lawrence Hall, Jr.

- HB 1812 by Pruitt – Off Notice
- HB 1844 by Pruitt – Off Notice
- HB 1845 by Pruitt – Off Notice
- HB 1304 by West – 1 Week
- HB 1336 by Briley – 2 Weeks
- HB 1187 by S. Jones – 1 Week
- HB 722 by Winningham – 1 Week
- HB 1736 by Winningham – 1 Week
- HB 746 by Curtiss – Off Notice
- HB 1033 by J. DeBerry – 2 Weeks
- HB 1909 by Rinks – 1 Week
- HB 1610 by Miller – 1 Week

This week in **Elections Subcommittee** six bills were on the calendar. One bill was sent to full committee to be considered next week.

-HB 1280 by Lynn – This bill requires those counties with computerized voting systems to have a printout of all eligible voters and an electronically scanned signature from the voter’s registration application at the polling place.

Bills Rolled or Taken Off Notice:

- HB 1171 by Windle – 1 Week
- HB 1939 by Dunn – Off Notice
- HB 666 by Baird – 1 Week
- HB 554 by Crider – 1 Week
- HB 1768 by U. Jones – 2 Weeks



Transportation

Jeremy L. Elrod

Full Committee

The **House Transportation Committee** convened on March 13, 2007 to consider twenty-one bills. **HB404** (J. Cobb), putting “Aubrey J. ‘Red’ Wagner Memorial Bridge” highway signs on a bridge spanning Watts Bar Dam and Lock on State Route 68, was rolled one week after an amendment was adopted that the signs would only be placed on the bridge if TVA approves them. Action on **HB848** (Eldridge), **HB1001** (Curtiss), **HB289** (M. Turner), and **HB1827** (M. Turner) was deferred one week.

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

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

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. The bill was amended to require Oliver Springs to pay for the signs.

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.

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

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.

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

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

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.

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.

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.

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

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.

CONTINUED ON NEXT PAGE.



Transportation

Jeremy L. Elrod

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

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. This license plate was previously approved by the Transportation Committee as **HB372** (Fraley), but it allocated the funds raised by the plate simply to the Susan G. Komen Breast Cancer Foundation.

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.

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

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 13, 2007, to consider nineteen bills. Action on **HB2042** (Shaw) and **HB481** (Harmon) was deferred for two weeks. **HB1154** (Buck), **HB1174** (Windle), **HB180** (B. Cooper), **HB183** (B. Cooper), **HB1407** (B. Cooper) and **HB698** (McCord) were rolled one week.

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

HB1906 (Rinks) – States explicitly that sales tax exemption for gasoline and diesel fuel used for agricultural purposes also applies to gasoline and diesel fuel used by loggers for off-road purposes.

Rep. Gresham



HB2050 (Armstrong) – Authorizes issuance of Diabetes Awareness new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale of the plates to Tennessee Division of American Diabetes Association.

HB1335 (Briley) – Increases penalties for violations of rights of way that result in serious personal injury or death. As amended, a violation of the right of way that is the proximate cause of an accident the results in serious bodily injury is a Class B misdemeanor punishable by a fine up to \$250 and a possible driver license suspension of up to six months. If a death results, the offense is a Class A misdemeanor punishable by a fine up to \$500 and a possible driver license suspension of up to one year.

HB1870 (Sargent) – As amended, authorizes issuance of Historic Franklin new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale go to Franklin Tomorrow.

HB570 (McCormick) – As amended, authorizes issuance of For a Lifetime new specialty earmarked license plates. Funds derived from sale go to the commission on aging and disability.

HB32(DuBois) – Authorizes retired firefighters to receive firefighter license plates upon proof of retirement in good standing from firefighting unit.

HB580 (DuBois) – Creates new criminal offense of aggressive driving. The penalty is a Class B misdemeanor or, if intent is to injure another person, a Class A misdemeanor.

Rep. Briley





Transportation

Jeremy L. Elrod

HB669 (Swafford) – Effective July 1, 2007, redesignates cultural plates for qualified Holders of the Purple Heart, which currently cost \$25.00, as memorial plates, which are issued free of charge.

HB1721 (McDaniel) – Authorizes issuance of Civil War Preservation new specialty earmarked license plates. The bill allocates 50 percent of funds raised to the Tennessee Civil War Preservation Association.

HB294 (Dean) – Prohibits drivers from operating vehicles in inattentive manner caused by distracting activity that results in unsafe operation of vehicle with the penalty a Class C misdemeanor. As amended, if committed in a posted special school zone, when a warning flasher or flashers are on and while children are present, the offense is a Class B misdemeanor with up to a \$100 fine.

HB1893 (P. Johnson) – Authorizes issuance of 101st Airborne new specialty license plates.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 13, 2007 to consider ten bills. **HB1173** (Windle), **HB1969** (Armstrong) and **HB1970** (Armstrong) were rolled one week.

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

HB1220 (McDonald) – As amended, after January 1, 2008 allows license plates to be turned in for recycling. The department of revenue is directed to create a program promoting recycle old or used license plates with a site for them at each county courthouse. Information of the program will be sent with renewal of registration notice. The department may partner with non-profit organizations to aid in this recycling program.

HB2208 (H. Brooks) – “Zane Daniel Highway” highway signs on a segment of State Route 131 in Knox County.

HB2209 (H. Brooks) – “W.I. Daniel Overpass” highway signs spanning U.S. Highway 25E on U.S. Highway 11W in Grainger County

HB129 (Bell) – As amended, requires demolishers that crush vehicles to make available to law enforcement certain records about the vehicles. These documents include the name and address of the person from which the vehicle is acquired, a record of his driver license, the date when the vehicle is required and the VIN number of the vehicle. These records must be kept by the crusher for at least three years.

HB2254 (Fraley) – Adds HELP truck operators to list of state employees to whom state’s standard business hours do not apply.

HB1196 (Fraley) – Adds Cowan Railroad Museum in Franklin County as an official state railroad museum.

HB1035 (C. Cobb) – “Donny Ray Hudson Memorial Bridge” highways

signs on the newly constructed bridges spanning Elk River on U.S. Highway 64 in Lincoln County



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