



# The Research Review



PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

April 26, 2007



Coach Pat Summitt accepts a congratulatory resolution on behalf of the 2007 NCAA Women's National Basketball Championship Team, the Lady Vols of UT. With the April 3<sup>rd</sup> victory over Rutgers, Coach Summitt clinched her seventh national title. The Lady Vols made a special visit to House and Senate members on Wednesday before returning to Knoxville for classes and final exams.

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## Photo of the week:



Rep. Joe Pitts introduces Rachel Smith, the newly crowned Miss USA to the members of the House last week. The Clarksville, Tennessee native and Belmont graduate captured the title in the March 23<sup>rd</sup> pageant in California.

## Table of Contents

Agriculture ...	3
Children & Family Affairs ...	4-5
Commerce ...	6-10
Conservation & Environment ...	11-12
Consumer & Employee Affairs ...	13-14
Education ...	15-17
Finance, Ways & Means ...	18-21
Government Operations ...	22-23
Health & Human Resources ...	24-26
Judiciary ...	27-32
State & Local Government ...	33-34
Transportation ...	35-37

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# Agriculture

Jeremy Maxwell

Agriculture Committee met Tuesday to consider twelve bills on calendar. The following bill was **referred to FWM as amended**:

**HB 2052** (Harmon) levies tax, in a certain amount, on moist snuff. The amended bill creates a special joint legislative study committee to consider, evaluate, and make recommendations relative to the taxation of moist snuff tobacco.

The following bill was **referred to FWM**:

**HB 1378** (Yokley) increases the length of the black fly suppression program from one year to two years and eliminates the required start date of no later than May 2007.

The following bill was **deferred to Summer Study Committee**:

**HB 766** (Niceley) requires bottled water containers manufactured in this or other states and sold here to state whether such bottles contain added fluoride; exempts bottled water not sold for human consumption from labeling requirements.

The following bills were **rolled one week**:

**HB 976** (Niceley) prohibits the department of agriculture from participating in the establishment of the USDA's National Animal Identification System.

**HB 1855** (Litz) authorizes commissioner of agriculture to establish a voluntary animal identification system for livestock.



Rep. Litz

**HB 439** (Floyd) prohibits smoking in certain food service establishments to which children are granted access; prohibits smoking in all buildings owned or operated by county or municipal government.

**HB 1249** (Odom) removes preemption concerning local regulation of tobacco products and authorizes local regulation of tobacco product usage.

**HB 1395** (Jones, U) allows restaurant to choose to have a designated smoking area or to allow children service in the establishment, but not both.

**HB 1583** (Fitzhugh) prohibits cigarette manufacturers from targeting advertisements toward significant youth audiences.

**HB1851** (Bone) enacts the "Non-Smoker Protection Act" which prohibits smoking in any public place except for certain types of establishments that are defined.

**HB 2072** (Maddox) expands prohibitions on smoking on school grounds.

**HB 2336** (Odom) creates the Tennessee Smokefree Air Law of 2007 which prohibits smoking in any enclosed public place and outdoor arenas.



Rep. Odom



# Children & Family Affairs

Amelia Mitchell

## Full Committee

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

**HB 321 by Chairman J. DeBerry** as amended makes several changes to the law regarding procedure in adoption and guardianship proceedings.

**HB 1161 by Rep. Sontany** as amended expands the definition of abuse to include physical harm, attempted physical harm, or threatened physical harm to a pet of an adult or minor and requires the court to place an animal with the petitioner or in foster care in a protective order.

**HB 2051 by Rep. Brown** authorizes the commissioner of DCS to provide for instruction in GED preparation and vocation and occupational training in youth development centers.



Rep. Maddox,  
Vice Chair Jones

**HB 2098 by Rep. Maddox** as amended changes several law procedural rules relating to domestic relations.

**HB 2230 by Chairman J. DeBerry** as amended lets hospital or clinics gather information in order to make an appropriate medical diagnosis or to provide and document care which is medically needed. This does not interfere with nor serve as a substitute for an investigation by law enforcement or DCS.

**HB 2251 by Rep. Odom** as amended opens court petitions and orders in delinquency proceeding to public inspection when conduct constituting delinquent act would constitute aggravated rape of a child if committed by an adult.

The following bills were passed out to **Finance, Ways & Means:**

**HB 179 by Rep. Cooper** as amended creates a study of transitional services relating to educational or vocational programs, housing, case planning, and other relevant services available to children who are aging out of foster care.

**HB 1501 by Rep. Towns** as amended requires mandatory hearings to review cases of juveniles younger than 18 who were an adjudicated delinquent from 1998 to the present if they are in the same jurisdiction or adjacent or the same county as their pretrial diversion.

The following bill was deferred one week:

**HB 490 by Rep. Sontany**

The following bills were taken off notice:

**HB 942 by Rep. Dean**

**HB 996 by Rep. Campfield**

**HB 1593 by Rep. Towns**





## Children & Family Affairs

Amelia Mitchell

### Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, April 24<sup>th</sup> and the following bills were sent to full committee:

**HB 822 by Rep. Hood** as amended clarifies.

**HB 1185 by Rep. S. Jones** as amended clarifies the calculation of child support shall not include a determination that a parent is willfully or voluntarily underemployed parent in the following circumstances: 1. the parent has been partially or completely unemployed for no less than 3 months; 2. the mother of the child was pregnant with that child at the time of the divorce filing; 3. the mother of the child was pregnant with the first child born of the marriage that is subject of the divorce petition at the time of the filing, and the parent that wants to stay unemployed can prove that it was the intention of the parties for that to happen before conception.

**HB 1981 by Rep. DuBois** as amended requires a waiting period for any divorce involving parties with minor children. This bill also requires Rule 31 mediation before the divorce proceedings go to court.

The following bills were taken off notice:

**HB 1284 by Rep. Crider**

**HB 1802 by Chairman J. DeBerry**

**HB 2055 by Rep. Roach**

**HB 997 by Rep. Campfield**

### Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, April 24<sup>th</sup> and the following bill was passed to full committee:

**HB 351 by Rep. Hardaway** as amended clarifies the law concerning willful failure to support a child in a termination of parental rights proceeding.



# Commerce

**Matt Barnes**

## Full Committee

The **Commerce Committee** met Tuesday to hear 23 bills. HBs 1166, 1551, 1876, 2165, 2167, 2249, and 1421 were rolled for one week.

Rep. Moore



**HB 223 (Moore)** directs the Tennessee Commission on Firefighting Personnel Standards and Education to approve all fire services curricula offered through the Tennessee Fire Services and Codes Enforcement Academy. [*passed to Calendar and Rules*]

**HB 800 (Jones, U.)** allows a person holding a master's degree in engineering to sit for the eight-hour written engineering examination. Present law requires a person seeking certification to have graduated from a four-year undergraduate program and to have obtained four years' experience and certification as an engineering intern. This bill in its original form omits the engineering intern requirement, but the committee adopted an amendment that adds it back. The committee further adopted a second amendment that makes the bill effective upon becoming law for the purpose of rulemaking. For all other purposes, the effective date is January 1, 2008. Rep. McCord offered an amendment to amendment 2 to add a 2012 sunset provision, which the committee also adopted. [*passed to Calendar and Rules as amended*]

**HB 1445 (Rowland)** requires home improvement contractors to submit proof of general liability insurance, as well as workers' compensation insurance, upon licensure or renewal. [*passed to Calendar and Rules*]

**HB 1482 (Fincher)**, as amended, allows a person whose insurance has been terminated due to divorce or death of the insured spouse and then continued according to present law to pay premiums on or before the beginning of each month's coverage. Present law

requires premiums to be paid in full in three-month increments. [*passed to Calendar and Rules as amended*]

**HB 1513 (Tindell)** requires those licensed to monitor alarms, prior to dispatching police, to call at least two different numbers when attempting to contact alarm locations or users. This bill does not apply to hold-up alarms. [*passed to Calendar and Rules*]

**HB 1621 (Overbey)** enacts the "Uniform Prudent Managers of Institutional Funds Act," repealing the Uniform Management of Institutional Funds Act of 1973. The bill establishes guidelines for the management, investment, and expenditure of endowment funds held by charitable institutions. [*passed to Calendar and Rules*]

Rep. Overbey



**HB 1956 (Armstrong)** enacts the "Motorcycle and Off-road Vehicle Dealer Fairness Act," imposing certain requirements on agreements between suppliers and retailers. Among other provisions, the bill requires a supplier to repurchase the inventory maintained by the retailer if the agreement is terminated. The bill further prohibits coercion or conditioning a sale of inventory to a dealer upon a requirement that the dealer purchase other goods. The committee adopted an amendment that makes the following changes to the repurchasing schedule for specialized repair tools: 100, instead of 75, percent for tools purchased in the previous three years; 75, instead of 50, percent for tools purchased in the previous four through six years; and 50 percent for tools purchased more than six years previous. [*passed to Calendar and Rules as amended*]

**HB 2081 (Maddox)** exempts from the gross premium tax a self-insured pool created by an association in



## Commerce

**Matt Barnes**

existence for 25 or more years of private, not-for-profit educational institutions. The subcommittee adopted an amendment that removes the requirement that previous taxes be returned to the pool, thereby removing the one-time expenditure in the fiscal note. *[passed to Finance, Ways and Means as amended]*

**HB 2082 (Maddox)** alters the self-insured pool requirements so that two or more employers of the same profession with at least 500 covered lives may create a self-insured pool. Present law allows 10 or more employers of the same profession to create a self-insured pool. The committee adopted an amendment that requires such pools to be subject to mandate provisions in present law. The original bill exempts the pools from mandates. *[passed to Calendar and Rules as amended]*

**HB 2099 (Maddox)** expands the membership of the Tennessee Broadband Task Force from 14 to 15 to include a representative of the Department of Education. *[passed to Calendar and Rules]*

**HB 2234 (DeBerry, L.)**, with an amendment that rewrites it, revises provisions governing the disclosure of information obtained under the Controlled Substance Monitoring Act. Instead of information being sent on letterhead, the amendment allows the information to be released by the database manager or by password-protected internet access. *[passed to Calendar and Rules as amended]*

**HB 1003 (Curtiss)**, with an amendment that rewrites it, allows public and private construction contracts to provide for the withholding of retainage not to exceed five percent of the contract amount. An owner shall release and pay all retainages to the prime contractor within 90 days after completion of the contracted work or substantial completion of the work. The prime contractor shall, in turn, pay all retainages due any subcontractor within 10 days after receipt of retainages from the owner. *[passed to Calendar and Rules as amended]*

**HB 2320 (Curtiss)**, with an amendment that rewrites it, provides that the premiums, contributions, and assessments received by prepaid limited health service organizations pursuant to subcontracts with entities under contract to the Title XIX single state agency for the provision of health care services are exempt from gross premium tax provisions.

*[passed to Finance, Ways and Means as amended]*

**HB 741 (Curtiss)** allows the executive director for the Board for Licensing Contractors to take emergency actions without calling a meeting of the board, provided the actions are posted on the board's website and ratified at the next board meeting. *[passed to Calendar and Rules]*

**HB 452 (Cobb, C.)** requires the Real Estate Commission to meet at least once annually in each grand division. *[passed to Finance, Ways and Means]*

**HB 1037 (Cobb, C.)**, with an amendment that rewrites it, creates a right of lien for auctioneers who perform auctioneering services and are subsequently denied payment. Such lien shall only extend to property owned by the person who has denied payment for a commission or fee for services performed by the auctioneer. *[passed to Calendar and Rules as amended]*



Chairman  
Curtiss



# Commerce

**Matt Barnes**

## **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** met to hear 30 bills. HBs 644, 1353, 2232, 1726, 59, 315, 316, and 1605 were rolled one week, while HBs 1289, 646, 681, 682, and 2203 were taken off notice. HB 169 was sent to summer study and HBs 547, 596 rolled to 2008. HB 12 failed for lack of a second.

**HB 2095 (Maddox)** eliminates loss of license as punishment for real estate commissioners' setting fees for contracts or transactions. *[passed to full committee]*

**HB 2256 (Sontany)**, with an amendment that rewrites it, revises the standards relative to explosives and blasting. At any dwelling house, public building, school, church, commercial or institutional building normally occupied within 300 feet of any blast hole, the responsible blasting firm shall offer the owner or occupant a pre-blast survey at no charge when the standard table of distance is exceeded. This act shall not apply to permanent blasting operations. The amendment further requires a limited blaster, as well as a registered blaster, who is not a full-time employee of a registered firm to have a current liability insurance policy that includes blasting coverage in the amount of \$1 million during all blasting operations for the use and benefit of any person who may be aggrieved by a wrongful act of omission of the blaster. *[passed to full committee as amended]*



Rep. Matheny

**HB 1481 (Matheny)**, as amended, requires all persons entering into employment after July 1, 2007, as a municipal, county or state-employed plumbing and mechanical inspector to receive certification within 12 months. Those inspectors already employed as of the effective date of this act shall be deemed to meet the qualifications for certification. *[passed to full committee as amended]*

**HB 1343 (Overbey)**, with an amendment that rewrites it, revises the provisions governing audits of a pharmacist or pharmacy by a covered entity, a pharmacy benefits manager, the state or its political subdivisions. *[passed to full committee as amended]*

**HB 1948 (Jones, S.)**, as amended, enacts the Tennessee Children's Product Safety Act," prohibiting a commercial dealer, manufacturer, importer, distributor, wholesaler or retailer from manufacturing, remanufacturing, retrofitting, distributing, or selling at wholesale or retail or contracting to do so, a children's product knowing that such product has been deemed to be unsafe. A second amendment to the bill requires Commerce and Insurance to enforce these provisions instead of Health. *[passed to full committee as amended]*

**HB 474 (Fitzhugh)** allows a charitable organization, in meeting the reserve requirement to qualify as a qualified charitable gift annuity, a deduction for all or any portion of an annuity risk that reflects a reinsurance of this risk by a life insurance company authorized to do business in Tennessee. *[passed to full committee]*

**HB 2286 (Rowe)**, as amended, enacts the "Tennessee Prepaid Funeral Benefits Act," governing the qualifications and procedures for registration and general regulatory requirements for the sale of prepaid funeral benefits in the state. *[passed to full committee as amended]*



Rep. Rowe

**HB 2257 (Odom)** authorizes Commerce and Insurance to levy penalties for violations of requirements for modular buildings. *[passed to full committee]*



## Commerce

**Matt Barnes**

**HB 1680 (Eldridge)** adds requirements to those applying for an insurance producer license. [*passed to full committee*]

**HB 221 (Moore)**, with an amendment that rewrites it, requires motor vehicle dealers to pay off the agreed-upon indebtedness on a trade-in vehicle within 30 days after the dealer has received actual payment on the financing contract for the new vehicle purchase. [*passed to full committee as amended*]

**HB 1452 (Favors)**, with an amendment that rewrites it, requires health insurance issuers to develop and implement procedures to ensure that providers are regularly informed of information maintained by the issuer to evaluate the performance or practice of the providers. [*passed to full committee as amended*]

**HB 1005 (Curtiss)**, with an amendment that rewrites it, revises the provisions governing appointments to the State Board for Licensing Contractors. [*passed to full committee as amended*]

**HB 549 (Shepard)** moves the Board of Pharmacy from Commerce and Insurance to the Division of Health Related Boards. [*passed to full committee*]



Rep. Shepard

### Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met to hear 26 bills. HB 680, passed by the subcommittee on April 10, was put on calendar by mistake. HB 415 was rolled one week, while HBs 1431, 921, and 1984 were rolled to 2008. HBs 1595, 683, 1579, 2131, 2132, 2133, 1808, and 2121 were taken off notice.

**HB 2259 (Odom)** revises provisions associated with the licensing of funeral establishments, directors, and embalmers. As amended, the bill requires every entity desiring to commence the operation of a funeral establishment after January 1, 2008, to apply to the Board of Funeral Directors and Embalmers. Further, no person shall be granted a license to engage in the practice of embalming unless the person applies with the Board. The amendment removes the exception from this provision for those licensed as an embalmer prior to February 8, 1951. [*passed to full committee as amended*]

**HB 2233 (Fitzhugh)** clarifies the circumstances under which Commerce and Insurance may deny, suspend, or revoke a license to sell securities in the state. [*passed to full committee*]

**HB 2301 (Maddox)** reduces the amount of fees a title pledge lender may charge military personnel and their families when renewing title pledge agreements. At the first renewal period, the maximum amount of the fee is reduced from 20 percent to 15 percent of the original principal amount or of the total unpaid balance due; at second renewal, the amount goes to 10 percent; and at the third or subsequent renewal, the fee would be reduced to 5 percent. [*passed to full committee*]

**HB 2043 (Shaw)** puts into statute that the Treasury department shall administer the small and minority-owned business assistance program. [*passed to full committee*]



## Commerce

Matt Barnes

**HB 352 (Winningham)** allows a certificate of deposit to be submitted, in lieu of maintaining an improvement care trust fund, for the operation and maintenance of a cemetery. [*passed to full committee*]

**HB 1491 (Townes)** prohibits motor vehicle rental agencies from requiring consumers to provide social security numbers. The sponsor said this bill aims to go after identity theft. [*passed to full committee*]

**HB 1878 (Curtiss)**, as amended, revises the provisions associated with the disbursement of funds from the health access incentive account, maintained within the state treasury. The commissioner of Health shall direct these funds to services provided by federally qualified health centers, in addition to other present law initiatives. The amendment removes the requirement that the commissioner of Health submit programs for review by the regional health council before expending funds. [*passed to full committee as amended*]

**HB 716 (Tindell)** requires persons excavating within 100 feet of a street or highway to give notice to the appropriate utilities so underground utilities will not be adversely affected. An amendment to the bill authorizes a general DIG certificate for agricultural land that lies within the 100 feet boundary when no utilities are located within the area. The amendment and an amendment to the amendment further require the person excavating to serve notice at least three working days prior to the date of excavation or demolition. If a utility operator fails to locate its utilities within that time period and an underground facility is subsequently damaged, the excavator shall not be liable provided that reasonable care is exercised when the excavator observes clear evidence of the presence of an unmarked utility in the area. [*passed to full committee as amended*]

**HB 361 (Rowland)**, with an amendment that rewrites it, authorizes the Motor Vehicle Commission to revoke or suspend the license of or levy a civil penalty against a dealer who, in a transaction conditioned upon final funding to the dealer by a third party financial institution, fails to: 1) provide the customer with the conditional

delivery agreement set forth in the section; 2) retain possession of the trade-in vehicle until the dealer has received funding; 3) allow the consumer to void the transaction if any of the terms change after the consumer has accepted them; or 4) pay off the agreed-upon indebtedness on the trade-in within 30 days after the dealer has received funding. [*passed to full committee as amended*]

**HB 2122 (Odom)** establishes a person's qualification to take the Tennessee Mechanical Plumbing (CMC-A) examination as having three years' experience as a plumber prior to taking the examination or having an engineering degree in plumbing or in a mechanical field. [*passed to full committee*]

**HB 1428 (Pinion)**, with an amendment that rewrites it, authorizes Commerce and Insurance to issue a service release inspection for purposes of installation and inspection of manufactured home or modular building HVAC systems. Such inspection is valid for 45 days on designated circuits only but shall not allow for occupancy. [*passed to full committee as amended*]

**HB 69 (Turner, M.)** prohibits motor vehicle dealers from selling to individuals for personal use if the individuals do not have valid driver licenses at the time of the sale, except in certain circumstances. The sponsor said this bill aims at illegal immigration and is not preempted by federal law. [*passed to full committee*]

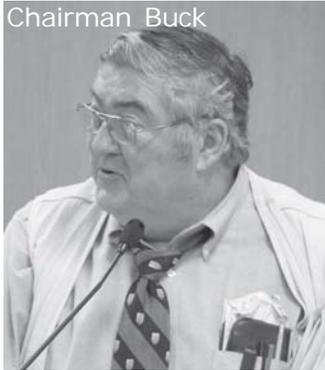
**HB 383 (Coleman)**, with an amendment that rewrites it, allows a producer of motor vehicles to lease no more than three vehicles to each regular full-time working employee under no less than a 12-month closed-end lease, as opposed to present law requiring no less than an 18-month closed-end lease. [*passed to full committee as amended*]



# Conservation & Environment

Jeremy Maxwell

Chairman Buck



## The Full Committee

The Conservation and Environment Committee met Wednesday to consider four bills on calendar. The following bills were **referred to FWM as amended**:

**HB 1163** (Sontany) enacts “Manufacturer Responsibility and Consumer Convenience

Information Technology Equipment Collection and Recovery Act.” The amended bill is an electronic waste recovery bill. The burden is on the manufacturers of these electronic devices to recover them in “as convenient” a manner for the consumer “as purchasing” them. The bill applies to computers, monitors, laptops and televisions.

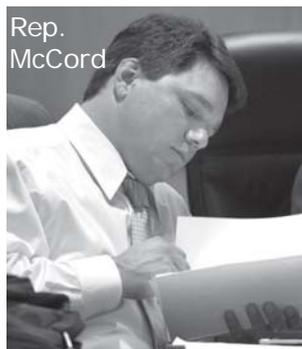
**HB 2310** (Odom) increases maximum amounts that may be charged for certain fees by promulgating authorities attached to department and makes numerous changes relative to environmental regulatory programs.

The following bill was **referred to FWM**:

**HB 2083** (Maddox) transfers jurisdiction of Big Cypress State Natural Area from the TWRA to the department of environment and conservation.

The following bill was **rolled one week**:

**HJR 108** (McCord) adds provisions establishing the right to hunt, fish, and harvest game subject to reasonable rules and regulations; establishes standard for reviewing such rules and regulations.



Rep. McCord

## Parks and Tourism Subcommittee

Parks Subcommittee met Tuesday to consider two bills. The following bill was referred to **full committee as amended**:

**HB 1921** (Rinks) requires boat titling in state of Tennessee. The amended bill creates a special joint study committee to study the effectiveness of boat titling in Tennessee.



Rep. Rinks

The following bill was **referred to full committee**:

**HB 2308** (Odom) authorizes department to institute proceedings to seek civil penalties of up to \$10,000 per day for persons who damage a state park, remove or destroy rare, threatened or endangered species of plants in parks, or otherwise violate department rules and regulations; proceedings to be instituted through the attorney general; civil penalties paid to be deposited in the state park fund.

The Parks and Tourism Subcommittee is now closed.

## Environment Subcommittee

The Environment Subcommittee met Wednesday to consider eight bills. The following bills were **referred to full committee as amended**:

**HB 1300** (West) exempts certain properties with existing septic tank from obtaining a new subsurface sewage disposal system permit when constructing a residence on such property.

**HB 657** (Curtiss) relates to open burning and addresses the specific conditions for it.

**HB 1797** (McCord) enacts the “Tennessee Agricultural Ethanol Production Act of 2007.”

**HB 1804** (Buck) requires water quality enforcement actions be posted on the department’s Web site.



## Conservation & Environment

Jeremy Maxwell

The following bills were **referred to full committee**:  
**HB 1803** (Buck) prescribes penalties for violations of Water Quality Control Act.

**HB 1805** (Buck) authorizes commissioner of environment and conservation to issue stop work orders for activities that violate the Water Quality Control Act.

**HB 1806** (Buck) revises issuance and enforcement process for permits under Water Quality Control Act.

**HB 1807** (Buck) specifies fees and fines for enforcement actions under Water Quality Control Act.

The Environment Subcommittee is now closed.

### **Wildlife Subcommittee**

Wildlife Subcommittee is closed.

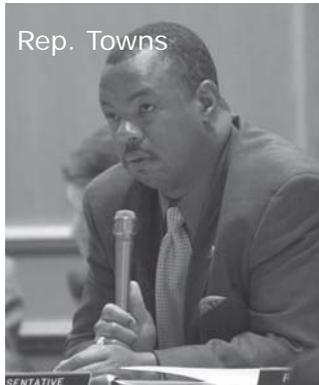




# Consumer & Employee Affairs

Lucy Wilson

**The Consumer Affairs Subcommittee** had six (6) bills on the calendar, one of which passed to the full committee.



Rep. Towns

**HB 1489 by Towns** renames “Tennessee Identity Theft Deterrence Act of 1999” to “Tennessee Identification and Personal Information Protection Act of 2007.” An amendment that makes the bill was presented and follows the bill to full committee. The amendment addresses

identity theft and how an individual’s social security number may and may not be used.

The following five (5) bills were taken off notice:

**HB 0381 by Briley**    **HB 0818 by McCord**  
**HB 0084 by Sontany**   **HB 1179 by Jones S**  
**HB 0691 by Fitzhugh**

The **Consumer Affairs Subcommittee** is closed and will open only at the call of the Chairman.

**The Employee Affairs Subcommittee** passed two bills to the full committee.

**HB 0278 by Mumpower** corrects an incorrect reference to the definition of “maximum total benefit.”

**HB 1822 by Buck** exempts death benefits that are awarded to a deceased worker’s dependents from the social security offset. When a workers’ compensation specialist is determining whether to order medical and/or disability benefits, that specialist is required, upon request, to provide copies of all information available to the employee, the employer or insurer or any attorney representing either of the parties. An amendment which follows the bill shifts the responsibility of copying information to the parties involved, thereby making the fiscal impact not significant.

**HB 684 by Fitzhugh**, which makes it a criminal offense to recklessly employ an illegal immigrant, was rolled one week.

**HB 1584 by Fitzhugh** was also rolled one week. This bill would require employers receiving a Tennessee Job Skills grant to file a final report and to report outcome measurements and actual cost per person in the program.

**HB 1569 by Curtiss** would require a workers’ compensation specialist to make a determination that a case was compensable before ordering medical and/or disability benefits for an injured worker. This would delay payment to the employee. Currently a specialist orders benefits based on the facts of the case and if that determination is incorrect, the employer who was ordered to pay is reimbursed from the Second Injury Fund. This bill was rolled one week.

**HB1645 by Mumpower** as amended requires anyone in the construction industry to carry workers’ compensation insurance, with two exceptions; 1) any person working on his own property for which he receives no compensation; or 2) any sole proprietor or partner working on a residential dwelling for the homeowner for which the total compensation is less than \$7,000. This bill passed to the full committee as amended.

**HB 1330 by Briley** was taken off notice.





# Consumer & Employee Affairs

Lucy Wilson

In the **House Consumer & Employee Affairs Committee** three bills were rolled one week and five bills were passed out of committee.

The following bills were rolled one week:

**HB 1568 by Curtiss** **HB 1081 by Turner M**  
**HB 2307 by Turner M**

**HB 1519 by Sontany** makes changes in the registration process for charitable solicitations. An amendment was offered that rewrites the bill. The time for filing a renewal application may be extended up to ninety (90) days for “good cause.” “Good cause” includes filing for an extension with the IRS. This bill passed to Calendar and Rules.



**HB 775 by Vaughn** requires that a claimant be given written notice of the method of appeal to chancery court when a claim for unemployment compensation has been denied. This bill passed to Finance, Ways and Means.

**HB 729 by Hood** makes it a criminal offense to recklessly employ an illegal alien. An amendment passed that makes the bill. The bill defines illegal alien, lawful resident alien and lawful resident verification information. A person is required to document a potential employee’s resident status using the employment eligibility verification form, “Form I-9,” required or the electronic work authorization verification service both of which are provided by the U.S. Department of Homeland Security. It will not be considered a violation if the person requested the information and the information provided was falsified. The amendment further identifies penalties associated with violations. This bill passed to Finance, Ways and Means.

**HB 49 by Turner M** authorizes unemployment benefits to individuals who are fired or leave work due to circumstances of domestic violence. An amendment rewrites the bill. An individual who is discharged or forced to leave work because of domestic violence would be required to provide evidence of the domestic violence. Such evidence includes but is not limited to a current restraining order, an active police record, or medical documentation. This bill passed as amended to the Finance, Ways and Means Committee.



**HB 65 by Turner M** enacts the Pay Equity in the Workplace Act of 2007. Currently, wage differences between employees of the opposite sex are permissible only if based on differences such as seniority, merit, quality, or quantity of production and “any other differential that is based on a factor other than sex.” This bill identifies those other differentials such as education, training, experience. This bill passed to the Finance, Ways and Means Committee.



# Education

Pam Mason

## Full Committee

The Education Committee met on Wednesday to consider its calendar. The Committee also heard testimony on school bus restraint systems. Participating in that discussion were Ethel Detch, Office of Research and Education Accountability; Stephen Smith, Tennessee School Boards Association; and Ray Robinson, Department of Safety. Calendar action follows.

Referred to Calendar & Rules:

**HB 1062 – (Gresham)** a teacher or administrator, convicted of certain felony offenses, would automatically have their license revoked by the State Board of Education. The teacher or administrator would not have the right to a hearing if such verification is received by the State Board.

**HB 1944 – (Winningham)** removes language in the Code requiring in junior and senior high school curriculum a course on personal finance to satisfy instruction requirement on the free enterprise system.

Referred to Calendar & Rules, if amended:

**HB 51 – (Turner, M.)** the act of two or more students initiating a physical attack on an individual student on school property or at a school activity is added to the Code as a reason for suspension of students. This action includes such an occurrence while traveling to and from school.

**HB 234 – (Overbey)** urges the State Board of Education to include in the lifetime wellness curriculum information regarding voluntarily surrendering physical custody of an infant.

**HB 1225 – (Gilmore)** the career and technology advisory council is to conduct a study on methods to

integrate innovative and engaging curriculum in this area of study. A report of any recommended proposals is to be given to the chairs of the education committees of both houses by February 1, 2008.

**HB 933 – (Brown)** in-service training for public school teachers shall include instruction on the warning signs of early on-set mental illness in children and adolescents.

Referred to Finance, Ways & Means:

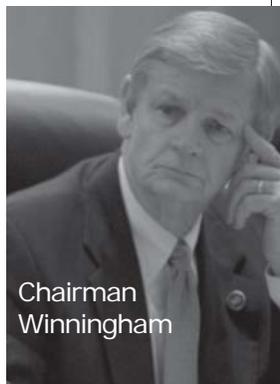
**HB 1004 – (Curtiss)** requires any school bus purchased or leased by a public or private elementary or secondary school or school system be equipped with a restraint system approved by the National Transportation Safety Board. This bill would apply to any such purchase after July 1, 2007. By July 1, 2019, any bus owned, operated or leased must be equipped with a restraint system approved by NTSB for the driver and all passengers.

**HB 1843 – (Borchert)** any school bus purchased after July 1, 2007, must be equipped with a video recording system. The system must provide views of the interior of the bus and the behavior of the passengers.

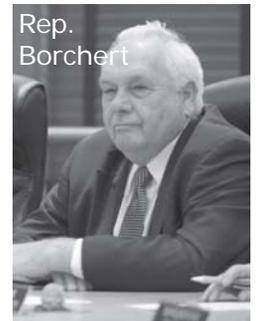
Referred to Finance, Ways & Means, if amended:

**HB 886 – (Montgomery)** expands the state employee tuition waiver to include online course fees for one course per term for schools in the Board of Regents system. The legislation is limited to the specific amount appropriated each year in the general appropriations act.

**HB 1735 – (Winningham)** to encourage Tennessee teachers to pursue National Board for Professional Teaching Standards Certification, the State Board of Education is to develop rules as to teacher leave for participation, participation fee payment, and an annual salary supplement. An annual salary supplement of \$4,000 would be paid to teachers under certain conditions. The Department of Education would be



Chairman  
Winningham



Rep.  
Borchert



# Education

**Pam Mason**

responsible for the provisions developed by the State Board.

Deferred 1 week:

- HB 447 – (Winningham)**
- HB 1251 – (Odom)**
- HB 950 – (Winningham)**
- HB 1008 – (Brown)**
- HB 1467 – (Fitzhugh)**
- HB 1302 – (West)**
- HB 483 – (Coley)**
- HB 479 – (Brooks)**
- HB 1772 – (Jones, U.)**
- HB 2138 – (Pruitt)**

Deferred to last Calendar:

- HB 2113 – (Maddox)**
- HB 1872 – (Hawk)**

Taken off Notice:

- HB 685 – (Fitzhugh)**
- HB 1947 – (Swafford)**



Chairlady Brown

## Higher Ed Subcommittee

The Higher Ed Subcommittee met on Wednesday to consider its calendar. Action follows:

Referred to Full Committee, if amended:

**HB 761 – (Matheny)** children and spouses of veterans who receive the

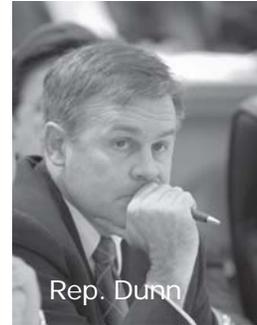
Purple Heart medal would be eligible for tuition exemptions.

Deferred 1 week:

## **HB 1423 – (Harwell)**

Lottery Bills recommended to Full Committee for Further Consideration:

**HB 161 – (Dunn)** changes limitation on receipt of HOPE from 120 semester hours attempted to 120 semester hours attempted that are funded by a HOPE scholarship.



Rep. Dunn

**HB 336 – (Hackworth)** changes limitation on receipt of HOPE from 120 semester hours attempted to 120 semester hours attempted that are funded by a HOPE scholarship.

**HB 338 – (Hackworth)** changes limitation on receipt of HOPE from 120 semester hours attempted to five years of full-time equivalent attendance.

The Subcommittee will continue its consideration of the lottery legislation at its meeting May 2. All lottery legislation will appear on the next calendar.

Lottery bills Taken off Notice:

- HB 162 – (Dunn)**
- HB 1440 – (Dunn)**
- HB 1937 – (Dunn)**
- HB 1332 – (Briley)**
- HB 637 – (Litz)**
- HB 2060 – (Roach)**
- HB 20 – (Shepard)**
- HB 370 – (Shepard)**
- HB 426 – (DuBois)**
- HB 2173 – (Towns)**



## K-12 Subcommittee

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

Referred to Full Committee:

**HB 1943 – (Winningham)** expands parental involvement in public schools.

Referred to Full Committee, if amended:

**HB 81 – (Cooper)** directs the State Board of Education to develop a diploma with a satisfactory designation. Such diplomas shall be the equivalent of a general educational development certificate. Also directs each LEA to provide remedial services to students under certain circumstances.

**HB 374 – (Briley)** involves rights of parties involved in special education due process hearings.

Deferred 1 week:

**HB 1186 – (Jones, S.)**  
**HB 2260 – (Litz)**  
**HB 344 – (Winningham)**  
**HB 564 – (Harwell)**  
**HB 1046 – (Towns)**  
**HB 1084 – (Casada)**  
**HB 1531 – (DeBerry, L.)**  
**HB 1991 – (McCord)**  
**HB 346 – (Winningham)**  
**HB 944 – (Hardaway)**  
**HB 1977 – (Harwell)**  
**HB 948 – (Winningham)**  
**HB 208 – (Hawk)**  
**HB 1530 – (DeBerry, L.)**  
**HB 1790 – Jones, U.)**  
**HB 694 – (Winnigham)**  
**HB 239 – (Overbey)**  
**HB 328 – (Tidwell)**  
**HB 343 – (Winningham)**  
**HB 569 – (McCormick)**  
**HB 730 – (Hood)**

**HB 731 – (Hood)**  
**HB 732 – (Hood)**  
**HB 2067 – (Maddox)**  
**HB 2294 – (Winningham)**  
**HB 651 – (Winningham)**  
**HB 1972 – (Armstrong)**  
**HB 23176 – (Winningham)**  
**HB 2293 – (Winningham)**  
**HB 1229 – (Kelsey)**  
**HB 2048 – (Campfield)**

Taken off Notice:

**HB 562 – (Todd)**  
**HB 1098 – (Buck)**  
**HB 53 – (Turner, M.)**  
**HB 782 – (Campfield)**  
**HB 1766 – (Jones, U.)**  
**HB 1311 – (West)**  
**HB 1227 – (Kelsey)**



# Finance, Ways & Means

Julie Travis & Patrick Boggs



## The Full Committee

The House Finance, Ways, and Means committee met on Tuesday, April 24<sup>th</sup> to take action on nineteen bills.

The following bills were referred to Calendar and Rules:

**HB 458 (Sontany)** – This legislation authorizes courts that order persons onto supervised probation to undergo an alcohol and drug assessment and/or treatment. Offenders will pay for their treatment, unless they are indigent; indigent defendants will have their treatment paid for out of the Alcohol and Drug Treatment Fund. This fund will be endowed through a \$100 fee on each drug-related conviction. As amended, the fund shall be self-funded and funds expended shall not exceed funds generated.



**HB 572 (Rowland)** – As amended by the committee, this prohibits municipalities from forwarding unpaid parking tickets to a collection agency without giving the owner thirty days notice by mail. Municipalities will get address information from the vehicle registration.

**HB 774 (Vaughn)** – This bill requires LEAs to offer insurance to part-time teachers who transition to full-time teaching, even if they did not participate in group health insurance as a part-time employee.

**HB 242 (Shepard)** – This extends the expiration date of the nursing home bed tax from June 30, 2007 to June 30, 2009.

**HB 701 (McCord)** – This names a segment of U.S. 411 in Blount and Sevier Counties the “Governor Sam Houston Memorial Highway.” Funding for this bill will come from the state highway fund.

**HB 491 (Gresham)** – This legislation authorizes the Department of Safety to negotiate an agreement with federal authorities to train Highway Patrol officers to enforce certain immigration and customs laws in Tennessee. The administration has indicated to the committee that it will cover the costs of this legislation in the Administration’s amendment to the appropriations bill.

**HB 463 (Fitzhugh)** – This bill, as rewritten by the Council on Pensions & Insurance, authorizes the Board of Trustees of the Tennessee Consolidated Retirement System to contract for investment management services for the retirement system portfolios.

**HB 1217 (Fincher)** – This bill requires ambulance services to attain a separate license for each county in which they do business. As previously amended in Health and Human Resources, additional language was added that allows ambulance services operating in multiple counties on July 1, 2007, to be able to obtain licenses for their multiple counties by paying an application renewal fee rather than a licensing fee.

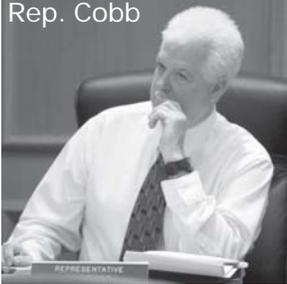
**HB 743 (Curtiss)** – This bill requires public water systems to include in their annual audit the average annual unaccounted for water loss percentage. It requires the Comptroller of the Treasury to provide a written report by February 1 of each year to the chairs of the House Conservation and Environment Committee and its’ Senate counterpart. Such annual report shall identify water systems with unaccounted for water loss and the extent of such loss. It further creates additional powers for the Utility Management Review and Wastewater Financing Boards to address excessive unaccounted water loss.



# Finance, Ways & Means

Julie Travis & Patrick Boggs

Rep. Cobb



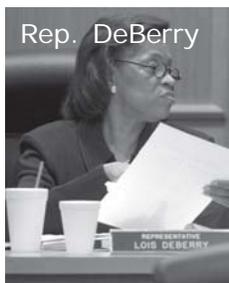
**HB 404 (J. Cobb)** – Names the bridge spanning Watts Bar Dam and Lock in Rhea and Meigs Counties on S.R. 68 the “Aubrey J. ‘Red’ Wagner Memorial Bridge.” The committee amended the bill so that the signage is paid out of the highway fund.

**HB 2208 (Brooks)** – Designates a segment of S.R. 131 in Knox County the “Zane Daniel Highway.” An amendment was placed on the bill so that signs are paid for out of the highway fund.

**HB 92 (Borchert)** – This bill, as amended by the Council on Pensions & Insurance, adds Highland Rim Economic Corporation and other entities that provide services under the Community Service Block Grant program to enter in to TCRS.

**HB 2243 (Borchert)** – This administration bill increases, for state employees and employees of any political subdivision, an increase from 15 to 20 days of paid leave if they are serving as reservists.

**HB 1159 (Buck)** – This authorizes a non-profit organization to sell a state elk-take permit with the proceeds going to be used for the elk program. The seller would be allowed to retain up to 10% for administrative costs.



**HB 121 (L. DeBerry)** – This bill, as rewritten by the Committee, requires notification to the patient before a pharmacist substitutes a generic anti-epileptic drug for a brand name one. If the pharmacist fails to do this, then a substitution shall not be allowed.

## Deferred for one week in full committee:

HB 1809 (Pruitt)  
HB 99 (Winningham)  
HB 1383 (S. Jones)  
HB 89 (Harmon)

## The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 25<sup>th</sup>, 2007, with 67 bills and resolutions on calendar.

Subcommittee actions for these bills are as follows:

## Deferred for one week:

SJR 91 (R. Finney, *Hensley*)  
HB 196 (Hensley)  
HB 2354 (Odom) w/ BSA #1  
HB 63 (M. Turner) w/ BSA #1  
HB 312 (Briley)  
HB 1327 (Briley)  
HB 1328 (Briley)  
HB 2236 (Brown)  
HJR 155 (Brown)  
HB 1141 (Buck)  
HB 1146 (Buck)  
HB 2206 (J. DeBerry)  
HB 1439 (J. DeBerry)  
HB 1434 (J. DeBerry)

## Deferred for two weeks:

HB 444 (Moore)  
HB 1906 (Rinks)  
HB 57 (M. Turner)  
HB 1433 (M. Turner)  
HB 100 (Winningham)  
HB 435 (DuBois)  
HB 1216 (Fincher)  
HB 1381 (S. Jones)  
HB 668 (Swafford)  
HB 327 (Tidwell)



# Finance, Ways & Means

Julie Travis & Patrick Boggs

## Deferred for four weeks:

HB 2247 (Fitzhugh)  
HB 470 (Fitzhugh)  
HB 472 (Fitzhugh)

## Bills rolled to February 2008:

HB 659 (Hill)

## Bills placed in the Study Committee Subcommittee:

HJR 52 (M. Turner)

## Behind the Budget:

HB 35 (Hackworth)  
HB 1355 (Hackworth)  
HB 2084 (Maddox)  
HB 2070 (Maddox)  
HB 2075 (Maddox)  
HB 258 (Sargent)  
HB 1075 (M. Turner)  
HB 359 (Winningham)  
HB 1734 (Winningham)  
HB 1731 (Winningham)  
HB 95 (Winningham)  
HB 1214 (Borchert)  
HB 13 (Curtiss)  
HB 164 (DuBois)  
HB 1468 (Fitzhugh)  
HB 1473 (Fitzhugh)  
HB 175 (Harwell)  
HB 1188 (S. Jones)  
HB 299 (Overbey)  
HB 125 (Windle)

## Bills taken off-notice:

HJR 205 (West)  
HB 1315 (West)

## Referred to full committee:

**HB 180 (Cooper)** – This bill, as amended by the subcommittee, requires the court of jurisdiction in Shelby County to offer a payment plan before a driver's license is suspended due to nonpayment of the local fines and fees.

**HB 1407 (Cooper)** – This bill extends the \$400 cap on driver license reinstatement fees that is set to expire on July 1, 2008.

**HB 2223 (Maddox)** – This names a bridge on S.R. 118 over the North Fork of the Obion River in Weakley County as the "Herman Neal Walker Memorial Bridge." Signage will be paid for out of the highway fund.

**HB 2090 (Maddox)** – This legislation, as amended by the subcommittee, exempts the Division of Mental Retardation Services from the requirement to obtain certificates of need from the Health Services and Development Agency for ICF/MR non-facility beds established as a result of certain federal litigation settlements.

**HB 1849 (Miller)** – This bill, as rewritten, adds language to the section of the code dealing with insurance for public buildings and the procedure for obtaining policies. The new language requires the treasurer, with the approval of the Board of Claims, to consider proposals from admitted carriers and non-admitted carriers of surplus lines to allow them to obtain insurance on these buildings. Non-admitted carriers would have to meet certain requirements and submit a proposal that is at least 10% less than the admitted carriers.



**HB 808 (Odom)** – This specifies that certain civil service employees who are assigned to work in a position of higher level classification are entitled to receive higher compensation by removing the limitation that such compensation is subject to budgetary limitations. A letter has been received by the Finance office recognizing the bill's funding in the Administration's amendment to the appropriations bill.



## Finance, Ways & Means

Julie Travis & Patrick Boggs

**HB 2352 (Odom)** – This administration bill increases the allocation of litigation tax revenue to the Criminal Injuries Compensation Fund from 15.8410% to 24.0020%, and lowers the allocation to the general fund from 40.3051% to 32.1502%.

**HB 1871 (Sargent)** – This bill allows juvenile courts to operate drug treatment programs. To fund the oversight of the treatment, a \$75 fee will be assessed on certain drug offenses.



Rep. Sargent

**HB 592 (Fincher)** – This bill adds recognition of fraudulent intent to the civil prosecution of worthless checks as it exists in criminal prosecution of such checks.

**HB 1195 (Harmon)** – This legislation authorizes the TRICOR program to provide work training to juvenile offenders at DCS facilities.

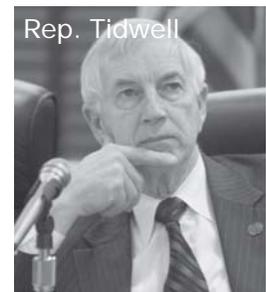
**HB 2314 (Hood)** -- This bill, the administration's Jessica's Law proposal, increases the penalty for rape of a child from the current Class A felony, with a sentencing range of fifteen to sixty years to a minimum of twenty-five years. Once released, offenders shall remain under community supervision for the remainder of their natural life and may never petition for release from that supervision.

**HB 403 (S. Jones)** – This bill, rewritten by the subcommittee, defines a school resource officer as a POST certified law enforcement officer who has been assigned to a school due to a memorandum of understanding between the chief of a law enforcement agency and the corresponding LEA. Within twelve months of assignment to a school, the officer must participate in forty hours of basic training in school policing, and must keep that training up to date with an additional sixteen hours of school police training annually.

**HB 867 (Mumpower)** – This enacts the “Johnia Berry Act of 2007.” It requires a DNA sample to be taken for analysis from a person arrested on or after January 1, 2008 for a violent felony. If the charge for which the sample was taken is dismissed or the defendant is acquitted, then the TBI shall destroy the sample and all records.

**HB 2139 (Pruitt)** – This bill sets the penalty for violation of the Fundraising for Catastrophic Illnesses statute as a Class B misdemeanor and requires trusts to file with the Charitable Solicitations Division before fundraising. The trustees must file annual accounting with the division and the division may subpoena records relevant to the trust and assess a civil penalty for violations.

**HB 2229 (Tidwell)** – This administration bill increases to \$30 per day the amount that district soil conservation supervisors receive for board meeting attendance. It authorizes these districts to enter into agreements to improve traditional areas of farm production and to encourage diversification and innovative farming operations.



Rep. Tidwell

**HB 1414 (Watson)** – This bill allows the Bradley County forensic laboratory to assess a drug testing fee of \$20 whenever a drug or alcohol blood test is performed.



# Government Operations

Kristina Ryan

The Government Operations Committee met on Wednesday morning to consider its calendar. The majority of the calendar included bills that were in committee for rules and regulations and two bills were being considered for licensure issues. One sunset bill was acted upon.

The following bills were taken off notice:  
**HB 588** by Representative Matlock  
**HB 2141** by Representative Rinks

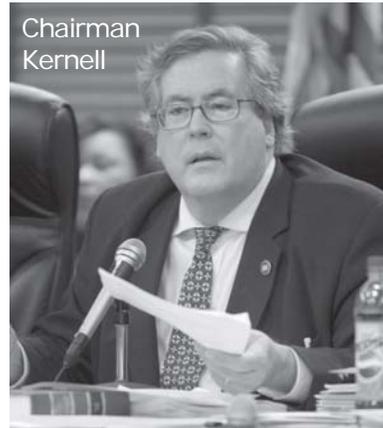
The following bills were in committee for rulemaking purposes only and were sent to their appropriate standing committees with a positive recommendation:

**HB 2255** by Representative Briley – Commerce  
**HB 450** by Representative Gresham – Education  
**HB 892** by Representative McCord – Judiciary  
**HB 1950** by Representative Sherry Jones – Education  
**HB 2125** by Representative Winningham – Education  
**HB 877** by Representative Lynn – Consumer and Employee Affairs  
**HB 2222** by Representative Maddox - Judiciary

## Other Legislation

**HB 1322** by Representative West was reviewed and referred to the Commerce Committee with a negative recommendation. This legislation requires persons who are in the hospitality business to be licensed under the Commissioner of Commerce and Insurance.

**HB 1976** by Representative Hensley was referred to the Health and Human Resources Committee with a positive recommendation. Under this legislation, a 21 member study commission on health care would be created in order to study the issues as to why Tennesseans are uninsured and come up with viable recommendations. The new commission would expire in 2010.





# Government Operations

Kristina Ryan

The committee reviewed and referred **HB 2271** by Representative Odom to the Transportation Committee with a positive recommendation. This Administration Bill transfers the responsibility for administering vehicle registration and titling from the Department of Revenue to the Department of Safety.

**HB 1403** by Representative Todd was reviewed and referred to the State and Local Government Committee with a positive recommendation. As amended, this legislation would require the licensure of cabarets.

## Sunset Legislation

**HB 512** by Representative Kernell - passes to the Calendar and Rules Committee. This bill extends the Board of Nursing to June 30, 2010. An amendment placed on the bill would not allow persons who are instructors at a postsecondary educational institution to serve on the board.

## Sunset Hearings

The State and Local Government subcommittee of the Joint Government Operations Committee met on Monday, April 23, 2007 to hear the sunset review of the Department of Finance and Administration and the Department of Personnel. A recommendation was made to extend the Department of Personnel for four years. The Department of Finance and Administration's audit review was divided into three parts: the Department of Mental Health and Mental Retardation, the Office of Information Resources and the Bureau of TennCare. A recommendation was made by Senator Beverly Marrero to extend the Department of Finance and Administration for four years. The recommendations will now go to the full committee in the House and Senate for further deliberation. Because of time constraints, the subcommittee could not act on the TennCare Pharmacy Advisory Committee, which was re-scheduled to be heard on April 30<sup>th</sup>.



Rep. Todd



# Health & Human Resources

Judy Narramore

## Full Committee

The **Health & Human Resources Committee** met Tuesday, April 24, 2007, with 28 bills on calendar, including the Addendum. Eight bills were considered, seven were referred.

One bill was *referred to Calendar & Rules*:

**HB 0697 (McCord)** as amended revises existing statutory definitions for *bad debts* and *charity care* used by hospitals when reporting on the Joint Annual Reports to the Department of Health.

Six bills were *referred to Finance, Ways & Means*:

**HB 1011 (Brown)** requires the Department of Health to reimburse residential homes for the aged \$25 per day, instead of the current \$13, for each resident whose total income does not exceed \$600 per month and whose income is limited to payments made under the Social Security Act.

**HB 1230 (Kelsey)** as amended authorizes a special legislative study committee of the House to study issues relating to encouraging the use of prenatal care services by TennCare enrollees in order to reduce infant mortality, enhance access to prenatal care, and assist in healthy birth outcomes among enrollees in the TennCare program.

**HB 2088 (Maddox)** as amended requires a personal support services agency to provide each service recipient a consumer notice before beginning service, and further, requires a personal support services agency to provide a notice to each personal support services worker who is placed with a service recipient before the worker provides any service to the recipient.

**HB 0704 (McCord)** requires licensing and regulatory oversight by the Department of Agriculture for deer processors, and thereby, makes processing of deer meat and carcasses subject to the provisions of the "Tennessee Meat and Poultry Inspection Act."



**HB 2061 (Rowe)** requires the Department of Mental Health and Developmental Disabilities to implement a pilot program in Shelby County to provide information, outreach, partnerships, supervision of counseling and support services, and integration of primary care and behavioral health services in the African-American community, and further, appropriates \$1,500,000 to fund the pilot project for the 2007-2008 fiscal year.

**HB 1503 (Vaughn)** requires the Commissioner of Finance and Administration, in consultation with the Commissioner of Health and the Traumatic Brain Injury Advisory Council, to develop before January 15, 2008, a federal waiver proposal to provide medical assistance to persons with acquired brain injury.

In other committee action, **Rep. J. DeBerry** offered an amendment to **HB 2182** that would rewrite the bill to authorize the Board of Dentistry to license registered dental assistants under specified conditions of education, training, and examination. After discussion and testimony, the amendment failed on a voice vote, and **HB 2182 (J. DeBerry)** was rolled one week. **HBs 1326 and 1339 (Briley)** were rolled one week at the request of the sponsor. **HBs 1510 and 1514 (Tindell)** were taken off notice at the request of the sponsor. **Rep. Vaughn** requested to roll **HB 0773** (sanctions imposed by health related boards) one week for drafting of amendatory language.



# Health & Human Resources

Judy Narramore



**Rep. Maddox** requested to roll **HB 2089** (providers of personal support services) one week for possible consideration of a new amendment. **Rep. Maddox** requested to roll **HB 2063** (creates Department of Aging) to the last committee calendar to allow time for discussions and amendments to proceed. As committee time expired, Chairman Armstrong announced the remaining 13 bills on calendar were rolled one week; HBs 1426, 1532, 0812, 2273, 2351, 2351, 0233, 0240, 0301, 0964, 1971, 1958, and 1960.

## Health Care Facilities Subcommittee

The **final meeting** of 2007 for the **Health Care Facilities Subcommittee** was held immediately following full committee on Tuesday, April 24<sup>th</sup>. Five bills were on the final calendar; three were referred to full committee. **HB 1550 (Hackworth)** as amended increases the fees associated with copying a patient's hospital medical record, authorizes and establishes a fee for certifying a hospital medical record, requires that these fees be adjusted every three years in accordance with the consumer price index, and requires the Department of Health to calculate the adjustment. **HB 1901 (Rowe)** as amended requires that the deduction from a person's total income be increased from \$40 to \$50 a month as a personal needs allowance for certain nursing home patients. The amendment exempts persons who receive only federal supplemental security income from the provisions of this bill. **HB 2298 (S. Jones)** as amended revises existing statute

to prohibit a healthcare facility from requiring an uninsured patient to pay for services in an amount that exceeds 175 percent of the cost of the services provided, calculated using the cost to charge ratio (defined in the amendment) in the most recent Joint Annual Report, and requires healthcare facilities to develop and post a concise statement of its charity care policies for use by members of the public. The remaining two bills on calendar, **HB 1446 (Niceley)** and **HB 2302 (Bell)**, were taken off notice at the request of the sponsors.



## Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met Wednesday, April 25, 2007, to begin considering its final calendar of 2007. Nineteen (19) bills were on the calendar, including the Addendum. Eight bills were referred to full committee. **HB 2126 (Fitzhugh)** as amended removes the existing prohibition on the issuance of permits for individual air ambulance aircraft. The verbal amendment offered by Rep. Fitzhugh adds language to the printed bill related to air ambulance inspections and permits. **HB 2332 (Curtiss, Odom)** as amended revises existing licensure requirements for instructors that have a cosmetologist's, manicurist's, aesthetician's, or natural hair stylist's license in order to allow such instructors to be specialized in a particular field.



# Health & Human Resources

Judy Narramore

**HB 2284 (Odom)** as amended authorizes the sharing of laboratory health records by electronic means. **HB 0486 (S. Jones)** enacts the “Medical Marijuana Act of 2007” which authorizes the use of medical marijuana for terminal patients under specified conditions. **HB 0283 (Overbey)** as amended requires that hospitals that do not have managed care contracts for services to TennCare enrollees be paid for emergency services at the average TennCare contract rate applicable to acute care hospitals. **HB 2242 (Shepard, Odom)** as amended deletes existing law related to procedures for adopting operating guidelines for the Division of Mental Retardation Services and establishes new procedures to be followed before adoption of such operating guidelines. The Division of Mental Retardation would provide the Tennessee Community Organizations and The Arc of Tennessee with a copy of the proposed operating guidelines and would post such information on its website. **HR 0074 (L. DeBerry)** creates the Asthma Strategic Planning Study Committee to study the current status of asthma in Tennessee. **HJR 0346 (L. DeBerry)** creates the Asthma Strategic Planning Joint Study Committee to study the current status of asthma in Tennessee.

In other action, **Rep. Fitzhugh** took **HB 1577** off notice. **Rep. Overbey** took **HB 1617** off notice. **HBs 0244 (Shepard), 1832 (Shepard), 2041 (Shaw), 2077 (Maddox), 1570 (Curtiss), and 2201 (Curtiss)** were taken off notice at the request of the sponsors. As committee time expired, Chairman Armstrong announced the remaining bills on the final calendar will be heard at the conclusion of the full committee meeting on Tuesday next; **HBs 1370 (Kernell), 2146 (Fincher), and 1892 (J. DeBerry)**.



## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday, April 25<sup>th</sup> to consider its final calendar of 2007. Sixteen (16) bills were on the calendar. Nine bills were considered, eight were referred to full committee. **HB 0241 (Overbey)** extends the special joint study committee established to study issues relating to covenants not-to-compete involving physicians and other health care providers an additional year, to January 15, 2008. **HB 0806 (Odom)** as amended establishes a genetic counselors’ license under the regulation of the Board of Medical Examiners. **HB 1056 (L. DeBerry)** as amended establishes procedures for office-based surgery under the regulation of the Board of Medical Examiners. **HB 1197 (Pinion)** as amended grandfathered certain radiology practitioner assistants as radiology assistants without having to meet the requirements of a radiology assistant. **HB 1618 (Overbey)** enacts the “Uniform Emergency Volunteer Health Practitioners Act.” **HB 1885 (Overbey)** as amended creates the polysomnography professional standards committee to develop a regulatory structure for the practice of polysomnography and licensure of polysomnographic technologists under the Board of Medical Examiners. **HB 2087 (Maddox)** as amended revises existing law related to personal support services providers that assist certain clients with medications under specified conditions. **SJR 0142 (Rep. Hensley)** urges Congress and specified federal agencies to recognize problems caused by direct-to-consumer advertising of prescription drugs by pharmaceutical companies.

In other action, **HB 1190 (Shepard)** that would enact the “Safe Prescription Drug Act of 2007” was considered and ultimately referred to summer study committee. **Rep. Overbey** took **HB 0628** off notice. **HB 0313 (J. DeBerry)** was taken off notice at the request of the sponsor. As committee time expired, Chairlady Favors announced the remaining bills on the final calendar were rolled one week; **HBs 0271 (Mumpower), 1306 (West), 1310 (West), 1778 (U. Jones), and 2329 (Favors, Odom)**. The final meeting of the Professional Occupations Subcommittee will be next week at a day and time to be announced.



# Judiciary

Jamie Wyatt

## The Full Judiciary Committee

The Full Judiciary Committee considered thirty-two bills on its calendar. House bill 1837 by Rep. Coleman was rolled to the first calendar of 2008. Due to time constraints, a number of bills were rolled for one week. Below is a list of all bills rolled for one week:

- HB 132 by Rep. Bell
- HB 1354 by Rep. S. Jones
- HB 1365 by Rep. Kernell
- HB 1424 by Rep. J. DeBerry
- HB 1425 by Rep. J. DeBerry
- HB 1477 by Rep. Sontany
- HB 1598 by Rep. K. Brooks
- HB 1834 by Rep. J. DeBerry
- HB 1835 by Rep. J. DeBerry
- HB 1877 by Rep. Towns
- HB 1881 by Rep. Overbey
- HB 2184 by Rep. Niceley



Rep. Shepard

### The following bills were approved for passage and sent to the Finance, Ways and Means Committee:

- **HB 106 by Rep. Shepard**, as amended, deals with dogs running at large. It creates a Class C misdemeanor punishable by a fine only for an owner of a dog if that dog goes uncontrolled by the owner

upon the premises of another without consent of the owner of such premise, or other person authorized to give consent, or goes uncontrolled upon a highway, public road, street or another place open to the public. It becomes a Class B misdemeanor punishable by a fine if the dog running at large causes damage to the property of another. It becomes a Class A misdemeanor fine if the dog running at large causes bodily injury to another. Also, it creates a Class E felony for a violation where the dog causes bodily injury to more than one person or serious bodily injury to another and a D felony if the dog causes the death of another.

There are nine exceptions to the application of this law. The first four, which are the following: the dog was on a hunt or chase; the dog was on the way to or from a hunt or chase; the dog was guarding or driving stock or on the way to guard or drive stock; and the dog was being moved from one place to another by the owner will not apply unless the owner tenders payment for the damages caused by the dog to the injured party within thirty days. The remaining five exceptions to the offense are that the dog is a police dog or military dog and the injury occurred during the course of the dog's official duties, violation occurred while the injured person was on the dog owner's private property with the intent to engage in unlawful activity, the dog was protecting the dog's owner or other innocent party from attack by the injured person or an animal owned by the injured person, the violation occurred while the dog was securely confined in a kennel, crate or other enclosure or the violation occurred as a result of the injured person disturbing, harassing, assaulting or otherwise provoking the dog. The amendment also provides an affirmative defense to prosecution for a violation resulting in a Class E felony or D felony if the owner exercised reasonable care.

- **HB 953 by Rep. Maggart**, as amended, creates a Class E felony for a person who knowingly engages in any sexual activity with an animal, causes, aids, or abets another person to engage in any sexual activity with an animal, engages in organizes, promotes, advertises, participates in as an observer or performs service in the furtherance of any act involving sexual activity with an animal or photographs or films, for purpose of sexual gratification, a person engaged in a sexual activity with an animal. The court may order the defendant to participate in appropriate counseling at the



Rep. Maggart



## Judiciary

Jamie Wyatt

defendant's expense, reimburse the shelter or humane society for costs incurred for the care and maintenance of the animal, and forbid ownership or harboring or residing in any household where animals are present.

- **HB 2248 by Rep. Ferguson** makes it a Class E felony offense to knowingly, other than accidental means, abuse, neglect or exploit any adult. The bill increases the penalty from a Class A misdemeanor to Class E felony.

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

- **HB 2000 by Rep. U. Jones**, as amended, authorizes criminal background checks for fire protection personnel and applicants to be initiated by the employer before an offer of employment or appointment offer has been made.
- **HB 108 by Rep. Shepard**, as amended, makes an owner civilly liable for any damages suffered by a person injured by the owner's dog while in a public place or lawfully in or on private property resulting from breach of the owner's duty to keep the dog under reasonable control and from being at large. The bill provides that liability for these damages exist regardless of whether the dog has shown any dangerous propensities or whether the owner had knowledge or should've of the dog's dangerous propensities. There are exceptions to the liability for such things as the dog is a police or military dog and the injury occurred in the course of the dog's official duties, the injured person was trespassing on the private, nonresidential property of the dog's owner, injury occurred while the dog was protecting the dog's owner or other innocent party from attack by the injured person or a dog owned by the injured person, the injury occurred while the dog was securely confined in a kennel, crate, or other enclosure, or the

injury occurred as a result of the injured person disturbing, harassing, assaulting, or otherwise provoking the dog. If the dog causes damage to a person while the person is on the private property of the dog's owner, the claimant shall be required to establish that the dog's owner knew or should've known of the dog's propensities. The definition of owner excludes a person, who at the time of the breach, is temporarily harboring, keeping or exercising control over the dog.

- **HB 304 by Rep. Hood** creates the Tennessee Unattended Children in Motor Vehicle Safety Act. The amendment clarifies that it is an offense for a person responsible for a child younger than seven years of age to knowingly leave that child in a motor vehicle located on public property or while on the premises of any shopping center, trailer park, or any apartment house complex, or any other premises which is generally frequented by the public at large without being supervised in the motor vehicle by a person who is at least thirteen years of age if the conditions present a risk to the child's health or safety, the engine of the motor vehicle is running, or the keys to the motor vehicle are located anywhere inside the passenger compartment of the vehicle. Violation of this offense is a Class B misdemeanor punishable only by a fine of \$200.00 for the first offense. A second or subsequent offense is punishable only by a fine of \$500.00. At the courts discretion, a person violating this law may be required to attend a community education course regarding the dangers of leaving a young child in an unattended motor vehicle.



# Judiciary

Jamie Wyatt

Rep. Rowland



- **HB 362 by Rep. Rowland**, as amended, states that a bond is valid and binding upon a defendant's sureties until the time allowed for a defendant to appeal a guilty finding if a defendant executed the bond before a court to answer the criminal charge and there had not been a disposition of the charge at the time. The

defendant will be required to make new bond to the court of criminal appeals unless there hasn't been a disposition and the trial judge, after examination of the original bond sets out in a written order that the original bond is sufficient.

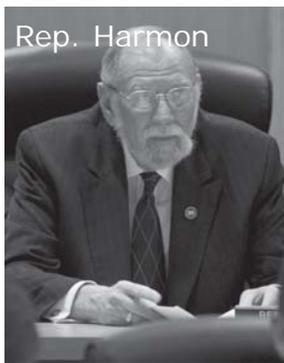
- **HB 742 by Rep. Curtiss** clarifies the definition of a gambling device or record to exclude computer or software programs which cannot be used for gambling until said programs are incorporated into a gambling device, at which time possession of said programs and devices is illegal. This bill will allow a business to create software/motherboards within the state for gaming, but clarifies the illegality of incorporating such software into a device.
- **HB 854 by Rep. Bass** includes county and municipal correctional officers and dispatchers within the group of individuals whose job related critical counseling and therapy memos, work notes, products, case files and communications as confidential.
- **HB 1055 by Rep. L. DeBerry**, as amended, expunges public records of a person, upon petition by such person, who has been charged with a misdemeanor or felony while protesting or challenging a state law or municipal ordinance designed to maintain or enforce racial segregation or racial discrimination with costs borne by the petitioner if one of the following conditions are met: charge has been dismissed; no true bill was returned to grand jury; a not guilty verdict was returned; the person was arrested and released without being charged; or thirty-seven years or more have elapsed since the date of conviction and the petitioner hasn't been convicted of any other offense, excluding minor traffic violations; supervision is completed, the offense was a misdemeanor, Class C, D, or E felony, the offense was not a sexual offense, and the district attorney general does not object.
- **HB 1167 by Rep. Sontany** creates an offense of contributing to the delinquency of a minor for a parent when a child is found guilty for a second or subsequent act of vandalism to a government or publicly owned, operated or maintained entity.
- **HB 1566 by Rep. L. DeBerry**, as amended, authorizes a trial court to enforce all orders assessing any fine remaining in default by contempt upon a finding by the court that the defendant has the present ability to pay the fine, but refuses to do so.



# Judiciary

Jamie Wyatt

- **HB 2263 by Rep. Odom** authorizes state governmental entities to allow limitations of liability and warranty in contracts for personal services, professional services, and consultant services pursuant to rules promulgated by the Commissioner of Finance and Administration instead of requiring the Commissioner's approval for every limitation of liability or warranty.



Rep. Harmon

- **HB 2328 by Rep. Harmon** requires all health related boards, committees, councils, and governmental entities to conduct criminal background checks on individuals who are applying for a license, certification, or registration.

## Rolled 2 weeks:

HB 582 by Rep. DuBois  
HB 586 by Rep. DuBois  
HB 1591 by Rep. Bone  
HB 1828 by Rep. Todd

## Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss twelve bills this week. The committee finished all the bills on its calendar and is now closed. HB 27 by Rep. Briley was referred to summer study.

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

- HB 2086 by Rep. Maddox clarifies the duties of a creditor as they relate to secured transactions. It provides a secured party complies with notice provisions with regard to the disposition of collateral in a commercially

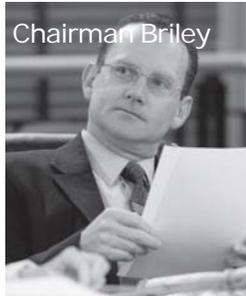
reasonable manner if the notice is sent as defined by §47-9-102, which provides send means mailed, delivered for transmission, or transmitted by any other usual means of communication or to cause the record or notification to be received within the time it would've been if properly sent as previously stated. Therefore, notice only has to be mailed, delivered or transmitted by another usual means regardless of whether or not notice is received. Also, it exempts a secured party from liability to any person for failure to comply with provisions of the U.C.C. if such person fails to timely provide an address or address change or refused to accept a record or notification sent.

- HB 2096 by Rep. Maddox creates a Class E felony for a woman to represent herself to a prospective adoptive parent or family as being pregnant when she knows she is not, and accepts funds from the adoptive parent or family during the alleged pregnancy. Also, it creates an E felony offense for a woman to represent herself as being willing to allow such parent to adopt her unborn child and to accept funds during the pregnancy with the intent not to allow such adoption. The bill requires the court to sentence the woman to pay full restitution to the parent or family for funds paid. Also, the bill allows a parent or family to bring a civil action for full restitution for funds paid to a pregnant woman who intends to give up the child to such parent, but later changes mind once the child is born.
- HB 2225 by Rep. Maddox authorizes members of the Tennessee Claims Commission and its staff access to confidential records and reports of child sexual abuse for the purpose of determining if a claim filed with the commission constitutes a compensable offense under the Criminal Injuries Compensation Act.



# Judiciary

Jamie Wyatt



Chairman Briley

- HB 422 by Rep. Briley, as amended, provides that a person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined by the law.
- HB 2162 by Rep. Briley creates a special committee to study the administration of the death penalty.
- HB 2311 by Rep. Briley requires the judicial selection commission to rate in a public meeting all applicants as qualified or not qualified to fill the judicial vacancy and then forward all the names of the applicants and their ratings to the governor as nominees rather than having the selection commission forward three names.
- HB 1993 by Rep. Overbey, as amended, is the medical malpractice tort reform bill. The primary points concern the notice requirements when a medical malpractice claim is filed, the requirement of filing a certificate of good faith, and the elimination of the antiquated locality rule, which places limits on the testimony of an expert witness. The bill requires any person or agent of such person asserting a claim for medical malpractice to give written notice of such claim to each health care provider against whom such claim is being made at least 60 days before the filing of a complaint. Attached to this written notice must be a list of all health care providers to receive notice. Notice shall consist of actual written notice or notice by certified mail return receipt requested to the health care provider or authorized agent



Rep. Overbey

of such. The medical malpractice pleadings must state whether each party has complied with these provisions and require evidence of compliance. If notice is given as required, the statute of limitations will be tolled and repose to and including a period of ninety days. There will be a sharing of the claimant's medical records from any party within thirty days from the date of receipt of a written request for records. As for the requirements regarding the filing of a certificate of good faith, within ninety days after filing a medical malpractice complaint requiring expert testimony, a plaintiff or his counsel is required to file such certificate stating that he has consulted with one or more experts who have provided a written statement confirming they are competent to express opinions under T.C.A. § 29-26-115, and they believe based on the facts concerning care of the plaintiff that there is a good faith basis to maintain the action, or the plaintiff has consulted with one or more experts who have provided a written statement confirming they are competent, and believe there are facts material to the resolution of the case that cannot be reasonably ascertained from the information available to the plaintiff and that despite this, there is a good faith basis for maintaining the action. The defendant in such a case has a duty to, within thirty days after alleging in an answer or an amended answer that a non-party is at fault for the injuries or death of a plaintiff, and expert testimony is required to prove fault, file a Certificate of Good Faith stating similar statements as that required by plaintiff such as defendant has consulted with one or more experts, who have provided a statement confirming they are competent under the referenced statute and believe based on the information reviewed concerning treatment, there is a good faith basis to allege such fault or defendant has consulted with one with one or more experts, who have provided a statement confirming they are competent under



# Judiciary

Jamie Wyatt

the referenced statute and believe based on the information reviewed concerning treatment, there is a good faith basis to allege such fault or defendant has consulted with one of more experts who've provided a statement saying they are competent to express an opinion and believe there are facts material to the resolution of the case that cannot be reasonably ascertained from the info available to the defendant and despite that there is a good faith basis for alleging such fault. There are consequences for failing to file a Certificate of Good Faith. Plaintiff's failure to do so requires the dismissal of the action with prejudice. A defendant who fails to comply and alleges fault of a nonparty, make allegations subject to being stricken with prejudice unless the plaintiff consents to waiving compliance. The last point deals with the locality rule. The bill provides that the acceptable standard of care relative to expert testimony provided by the plaintiff will be the recognized standard of care in the profession in the state of Tennessee. However, the defendant is not precluded from attempting to prove that the standard of acceptable professional practice applicable to the defendant is different.

## Off Notice:

HB 918 by Rep. Fitzhugh  
HB 1908 by Rep. Rinks

## Failed:

HB 482 by Rep. Nicely  
HB 1108 by Rep. Turner

## **Criminal Practice & Procedure Subcommittee**

The Criminal Practice & Procedure Subcommittee is closed.



# State & Local Government

Lawrence Hall, Jr.

## Full Committee

This week the **State and Local Government** full committee did not meet.

## State Government Subcommittee

The **State Government** Subcommittee considered twenty-five bills this week. The following bills were passed to full committee for consideration next week. *This was the final meeting of the State Government Subcommittee.*



*To the Full Committee:*

**-HB 219 by Odom** – This bill prohibits smoking in any stated owned leased, or operated motor vehicle.

**-HB 495 by Fitzhugh** – This bill requires the proceeds from any increase in an existing occupancy tax and the proceeds of any new tax be used in the direct promotion of tourism.

**-HB 466 by Fitzhugh** – The bill removes the 100-acre limitation on exemption of land used for activities such as recreation, retreats, or sanctuaries and which is not necessary to support exempt structures or site improvements for property owned or used by religious, charitable, scientific, or educational membership nonprofit organizations chartered by the U.S. Congress.

**-HB 1582 by Fitzhugh** – This bill authorizes departments and agencies to elect to participate in a smoking cessation program for employees.

**-HB 620 by M. Turner** – This bill requires fire stations to be made gender-friendly.

**-HJR 293 by C. Cobb** – This resolution expresses support for the location of the U.S. Air Force's Combat Battlefield Airman Training program at Arnold Air Force Base in Manchester.

**-HB 1221 by Gilmore** – This bill requires governmental entities to notify interested persons of proposed projects or actions prior to issuing permits.

**-HB 2309 by Bass** – This bill authorizes retention of commissioned instructors Tennessee law enforcement training academy following job-related injuries.

**-HB 723 by McCord** – This bill requires state agencies, universities, and community colleges to develop and initiate implementation of plans by January 1, 2008, to reduce or displace motor vehicle fleet use of petroleum products by 20 percent.

**-HB 888 by McCord** – This bill adds to the legislative findings of contributions of open space preservation near urban areas that support the Greenbelt Law.

**-HB 274 by Sargent** – This bill limits the prohibition on employees of the Tennessee ethics commission from making campaign contributions to candidates for local and public office and limits prohibition on members of the Tennessee ethics commission from allowing the member's name to be used in the campaign of or making campaign contributions to candidates for state and local office.



**-SJR 116 by (Lynn) Black** – This resolution designates June 7, 2007 as "Be a Hero for Babies Day."



# State & Local Government

Lawrence Hall, Jr.

**-HB 1264 by Lynn** – This bill prohibits commissioners, appointed officers, and all personnel of water and wastewater authorities from receiving anything of value resulting from any agreement, contractual or otherwise, for the installation of services or the sale of materials to be installed within the district.

**-HB 1276 by Lynn** – This bill enacts the Regulatory Flexibility Act of 2007 and requires certain boards and commissions to review existing rules to ensure the rules have minimum negative economic impact on small businesses and licensees subject to the jurisdiction of such boards.

**-HJR 330 by Crider** – This resolution expresses intent to name appropriate bridge on State Route 840 in honor of the late CW3 William T. Flanigan of the Tennessee National Guard.

**-HB 406 by Todd** – This bill enacts the “Tennessee Taxpayer and Citizen Protection Act.”

**-HB 975 by Todd** – This bill makes technical changes to ethics laws and requires the ethics commission to employ at least two attorneys.

**-HB 1998 by U. Jones** – This bill increases maximum fine for making non-emergency 911 calls from \$50.00 to \$500.00.



## **Local Government Subcommittee**

This week in **Local Government** Subcommittee there were forty-two bills on the calendar. The committee

passed five bills to full committee to be considered next week including **HB 779 by Campfield** from the *special calendar on annexation*. The committee will consider the remaining bills on next week. Next week will be the subcommittee’s final calendar.

*To the Full Committee:*

**-HB 969 by Overbey** – This bill deletes the present limitation that removal of vegetation or debris from a parcel of property by a municipality does not apply to any parcel upon which an owner-occupied residence is located.

**-HB 1047 by C. Cobb** – This bill allows a sheriff whose POST certification is inactive or no longer active for more than 10 years to pass the certification test within one year without attending the full recruit training program.

**-HB 1529 by Odom** – This bill allows issuance of a special occasion license to certain 501(c)(3) organizations for selling wine in closed containers for consumption on or off premises.

**-HB 935 by Maggart** – This bill provides that certified public administrator educational incentive payments to assessors shall not be offset by compensation.

**-HB 1678 by Montgomery** – This bill will prohibit adult-oriented businesses from being located within 1000 feet of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence, or a place of worship.

*Annexation Special Calendar Bills That Passed to Full Committee:*

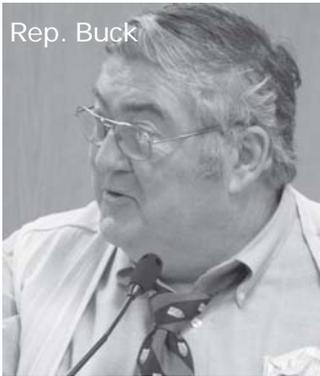
**-HB 779 by Campfield** – This bill requires a municipality to notify affected property owners by mail of proposed extension of corporate limits under certain circumstances.

**Elections Subcommittee is closed.**



# Transportation

Jeremy L. Elrod



Rep. Buck

## Full Committee

The **House Transportation Committee** convened on April 24, 2007 to consider twelve bills. **HB2216** (Ferguson), **HB1154** (Buck), **HB1206** (Pinion) and **HB1290** (Pinion) were deferred one week. **HB1205** (Pinion) was rolled to 2008.

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

**HB1112** (Buck) – As amended, when suspending or revoking a driver license, convictions occurring more than ten years prior to the current offense shall not be considered for enhancement purposes.

**HB968** (Overbey) - Clarifies that with respect to being authorized to move a motor vehicle located on private property from such property, such action may also occur if so ordered by a municipal court.

**HB2117** (Tidwell) – As amended, allows a person to apply for a certificate of title to a vehicle lacking proper documentation if the vehicle is a least 30 years old. The person must also submit a certificate of ownership signed under penalty of perjury.

**HB90** (Harmon) – Authorizes department of safety to regulate all for-hire motor carrier vehicles for eight or more passengers. The bill also requires such motor carriers to maintain liability insurance, submit drivers to drug and health screening, and submit vehicles to safety examinations.

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

**HB1826** (Bone) – As amended, a Tennessee biodiesel manufacturer that sells tax-paid biodiesel in the state is entitled to a refund of

17 cents per gallon of biodiesel, and if biodiesel is blended with petroleum, only the biodiesel portion is exempt. Refunds would be paid from the general fund. The bill would be repealed July 1, 2013.

**HB1204** (Harmon) –Enacts the “Tennessee Tollway Act.” As amended, it authorizes tolling as an additional and alternative method for funding or financing the development and operation of highways and other transportation structures. A toll project must be developed in accordance with TDOT’s long range plan and specifically identified in its 3-year road plan that is submitted to the General Assembly every year. Public notice or hearing requirements are required for a toll project. The commissioner of TDOT sets and revises tolls. No current highways or structures will be converted to a toll facility. Only new highways, bridges or lanes will be tolled. HOV lanes can be converted to HOT lanes for tolling. TDOT may enter into design-build contracts, service agreements and agreements with private parties, federal agencies or other governmental agencies to develop or operate a toll project. All state and local traffic laws will apply to the toll project, and state and local law enforcement can enforce traffic laws. The penalty for not paying a toll is a Class C misdemeanor subject to fine only of \$50.

A “state tollway fund” is established in the bill. Funds raised from the sale of bonds, collected toll money and any other funds appropriated by the General Assembly can be placed in the tollway fund. The state tollway fund can be used to pay for building and operating the toll project, paying off bonds, pledged as security for the sale of bonds and in any other way in which the state highway fund is used. The funding board will sell the bonds on behalf of



Rep. Bone



# Transportation

Jeremy L. Elrod

TDOT. Initially the bill is limited to two pilot toll projects: 1) a new highway project and 2) a major bridge project crossing a major river. TDOT must proceed with development of the pilot projects so at least one of the pilot projects will be ready to proceed to contract for design and construction five (5) years after the effective date of this act. TDOT will report back to the General Assembly January 1, 2009, on the status of the pilot projects, and no toll project can be developed beyond the pilot projects until after TDOT submits the report.

**HB2253** (Pinion) – Authorizes the department of transportation to award contracts using a design-build procedure. As amended, TDOT may initiate up to 15 design build contracts in one fiscal year that are less than \$1 million and not more than 5 design build contracts that are in excess of \$1 million. If a proposed design build is more than \$70 million, it must be specifically identified in the transportation improvement program annually submitted to the General Assembly. A report shall be given to the chairmen of the House and Senate Transportation committees once 3 design build contracts that are in excess of \$1 million are completed.

### Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met April 24, 2007, to consider ten bills.

**HB1499** (Miller), **HB985** (Campfield), **HB2057** (Roach) **HB2042** (Shaw) and **HB1543** (Pinion) were taken off notice. **HB614** (M. Turner) was deferred to 2008.

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

**HB2115** (Tidwell) – Requires department of revenue to permit the registration of antique motor vehicle’s vintage license plates instead of current license plates

**HB1382** (S. Jones) – Changes the amount of fees that county clerks, as deputies to the registrar of motor vehicles are authorized to collect, as follows:



Rep. Jones

(1) For issuing certificates of registration and registration plates, for transferring registration plates from one motor vehicle to another and issuing a certificate therefore, for accepting for surrender certificates of registration and registration

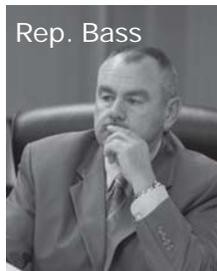
plates, for each set of registration plates and certificates of registration, from \$2.50 to \$3.50

(2) For issuing replacement certificates of registration, from 50 cents each to \$2.00 each

(3) For receiving and forwarding to the division each application for certificates of title, including all acknowledgments of signatures, from “\$5.50, with 50 cents of the fee to be remitted to the state treasurer” to “\$6.50, with 75 cents of the fee to be remitted to the state treasurer”

(4) For issuing a duplicate certificate of ownership to replace a lost or destroyed certificate, from “\$5.50, with 50 cents of the fee to be remitted to the state treasurer” to “\$6.50, with 75 cents of the fee to be remitted to the state treasurer”

(5) For each transaction where sales tax is collected, from \$1.00, or \$2.00 where sales tax is collected on the isolated sale of boats, to \$5.00, or \$6.00 where sales tax is collected on the isolated sale of boats.



Rep. Bass

**HB855** (Bass) – Specifies that civil defense and emergency management personnel are not

authorized to install blue flashing emergency lights on their vehicles.



# Transportation

Jeremy L. Elrod

**HB1283** (Hensley) – Exempts persons 21 years of age and older from requirement that persons riding a motorcycle must wear a helmet.

**HB1867** (Hensley) – Authorizes issuance of a new specialty earmarked license plate for the Sons of the American Revolution.

**HB1207** (Pinion) – The Omnibus Special License Plate Bill. The amendment that will make the bill will be put on in full committee next week.

*Public Safety & Rural Roads Subcommittee closed subject to the call of the chair.*

## Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on April 24, 2007 to consider thirteen bills. **HB2135** (Fitzhugh), **HB2056** (Roach) and **HB366** (Rowland) were taken off notice. **HB2119** (Tidwell) was rolled to the next meeting. **HB190** (C. Johnson) and **HB193** (C. Johnson) were deferred to 2008.

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

**HJR154** (Shaw) – “Lt. James E. Mills Memorial Highway” highway signs on portion of SR 125 in Hardeman County.

**HB1704** (Montgomery) – As amended, increases from two to three the number of members of Tennessee aeronautics commission necessary to constitute quorum. The bill makes the heliport statute applicable in premier type tourist resorts located in a tourist resort county even though the county may have countywide zoning.

**HB1211** (S. Jones) – As amended, prohibits a federal interstate highway, federal highway, state highway or structure on such highways being named for a convicted felon. When satisfactory proof is presented to TDOT that

a highway or structure is named for a felon, the designation must be removed.

**HB1247** (Odom) – As amended, requires commissioner of safety to work with commissioner of tourist development to emphasize in welcome centers Tennessee attractions within a fifty mile radius.

**HB1515** (Harmon) – Limits the financial exposure of local governments in bridge replacement projects under the federal BRZ program.

**HB1201** (Pinion) – Requires local governments that operate hot mix asphalt facilities to comply with applicable health, safety, and zoning laws in the use of such asphalt and modifies the feasibility process for new facilities.

**HJR381** (Tidwell) – “John Will Bates Memorial Bridge” highway signs on a bridge on Highway 438 East over the Buffalo River in Perry County.

*Public Transportation & Highways Subcommittee closed subject to the call of the chair.*



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