

april 15, 2010

# RESEARCH REVIEW



RESEARCH REVIEW  
**APRIL 15, 2010**



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# AGRICULTURE

Jeremy Maxwell

## THE FULL COMMITTEE

Tuesday was Ag Day on Capitol Hill 2010. There were over forty agriculture vendors and displays. Certain farms from Tennessee brought cows, mules, goats, chickens and pigs to the legislature for display and enjoyment. There was also the annual Milking Contest between legislative members outside the entrance of the Legislative Plaza.

The Agriculture Committee met Tuesday to hear presentations from various groups and to recognize some of the state’s agriculture leaders. There were no bills on the committee’s calendar.



*The Milking Contest is a favorite activity during “Ag Day on the Hill.”*

## GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee is closed subject to the call of the chair.

## THE RESEARCH REVIEW

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# CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

## THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday April 13<sup>th</sup> and considered the following legislation:

### Passed to Calendar & Rules:

**HB 3423 by Rep. Litz** as amended states that a man shall not be a legal parent based solely on scientific testing, but such testing may be a basis for a court of competent jurisdiction to establish paternity.

**HB 3427 by Rep. Hackworth** as amended establishes a presumption that each parent, age 18 and over, has knowledge of a parent's legal obligation to support his or her child or children.

**HB 3647 by Rep. Stewart** as amended enacts amendments to the Uniform Interstate Family Support Act.

**HB 3850 by Rep. Richardson** as amended requires DCS to promote collaboration and accountability between various entities including continued departmental accreditation with the Council on Accreditation for Children & Family Services or its equivalent.

**HB 3114 by Rep. Sherry Jones** as amended develops "Tennessee's Transitioning Youth Empowerment Act of 2010." This will authorize DCS to provide services to youth who are

transitioning to adulthood from state custody.



*Representative Jones*

**HB 2992 by Chairman DeBerry** as amended requires a child-placing agency to collect medical and social history on a foster child and the child's biological family within 30 days of foster care placement.

**HB 2916 by Rep. Bell** as amended states that the court shall order a custody arrangement which permits both parents to enjoy the maximum participation possible in the life of the child which is consistent with the child's

best interests. The court shall base these findings on all relevant factors including, but not limited to, the location of the residence of both parents, the child's need for stability and those factors outlined in Section 36-6-106.

### Failed:

**HB 33 by Hardaway** as amended requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

### Taken off notice:

**HB 3422 by Rep. Litz and Hackworth** as amended, states that the provisions of Title 36 shall be liberally construed for the accomplishment of its policy and purpose. It shall also be construed in conjunction with the provisions of Section 36-1-143, relative to the termination of parental rights, if such provision becomes law.

The **Children & Family Affairs Committee** is closed subject to the call of the chair.

The **Family Justice Subcommittee** is closed subject to the call of the chair.

The **Domestic Relations Subcommittee** is closed subject to the call of the chair.



# COMMERCE

Todd A. Staley, Esq.

## FULL COMMITTEE

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

**HB 3782 (Gilmore)** enacts the “Property and Casualty Actuarial Opinion Law.” The bill will allow the Department of Commerce & Insurance to have access to the workpapers of property and casualty company actuaries who prepare the company’s annual financial statement so the Department will have more information in evaluating a company’s financial stability. An amendment was adopted to correct two drafting errors.  
*[passed to Calendar & Rules]*

**HB 3433 (Bell)** as amended, enacts “Tennessee Health Freedom Act” which declares that it is the public policy of Tennessee that every person has the right to decline or choose any mode of securing health care services without penalty or threat of penalty



Representative Bell

imposed by the federal government. The amended bill also directs the Attorney General to seek injunctive or other relief if necessary to preserve the rights set forth in the legislation. A second amendment includes a severability clause should part or parts of the act be held void. Additional amendments were offered but were tabled.

*[passed to Calendar & Rules]*

**HJR 745 (Lynn)** would create a constitutional amendment that prohibits laws or rules that would compel any person, employer, or health care providers to participate in any health care system. An amendment was offered to have the publication by traditional means rather than by electronic publication. This amendment was tabled.

*[passed to Calendar & Rules]*

The following bills were rolled for one week:

- HB 3191 (Mumpower)**
- HB 3759 (West)**
- HB 2622 (Lynn)**
- HJR 722 (Lynn)**
- HB 3504 (Fitzhugh)**
- HB 3717 (Carr)**
- HB 3654 (Stewart)**
- HB 2927 (Sargent)**
- HJR 748 (Hardaway)**

The **Utilities & Banking Subcommittee** is closed subject to the call of the chair.

The **Small Business Subcommittee** is closed subject to the call of the chair.

## INDUSTRIAL IMPACT SUBCOMMITTEE

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

**HB 3923 (Hardaway)** updates licensing requirements for locksmiths in accordance with the Locksmith Licensing Act of 2006.  
*[moved to full committee]*

**HB 3247 (McCord)** establishes a “retired license” status for licensed land surveyors as well as reinstatement procedures. Licensee may apply for a retired license upon remittance of a \$25 fee.  
*[moved to full committee]*

**HB 3921 (Shepard)** as amended, changes the standard reference compendia for the mandated coverage of off-label uses of approved drugs to include the United States Pharmacopeia Drug Information, the American Medical Association Drug Evaluations, the American Hospital Formulary Service Drug Information, the National Comprehensive Cancer Network Drugs and Biologics Compendium, the Thompson Micromedex’s Drug Dex, or the Elsevier Gold Standard Clinical Pharmacology.  
*[moved to full committee]*

**HB 3940 (Lundberg)** as amended, enacts the “Tennessee Health Carrier Grievance and External Review Procedure Act.” It establishes a uniform internal review process that will allow policyholders and doctors to appeal an insurer’s determination that claim will not be paid. Also, this review may be appealed and heard by an impartial 3<sup>rd</sup> party. The Department is given oversight to make sure these external review organizations are

operating in a fair, unbiased, and timely way.

[moved to full committee]

**HB 3832 (Curtiss)**

**HB 3167 (Curtiss)**

**HB 2875 (Curtiss)**

**HB 3232 (McCord)** was rolled to the last calendar.

The following bills were rolled for one week:

**HB 396 (Fincher)**

**HB 1323 (Harmon)**

**HB 3229 (McCord)**

**HB 3949 (Sargent)**

The following bills were taken off notice:

**HB 128 (Hardaway)**

**HB 843 (Johnson C)**

**HB 2874 (Turner J)**

## CONSERVATION & ENVIRONMENT

Jeremy Maxwell

### THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider six bills on calendar.

The following bill was referred to Calendar & Rules:

**HB 2519 (Faulkner)** authorizes any park ranger, ranger naturalist, park manager, or similar employee who has used a horse to carry out his or her duties to take possession of the horse when the Division of Parks and

Recreation makes a determination to retire that horse. The employee must pay to the Division of Parks and Recreation the value assigned to the horse.

The following bills were deferred two weeks:

**HB 134 (Faulkner)**

**HB 2411 (Watson)**

**HB 3904 (Winningham)**

**HB 2837 (Floyd)**

**HB 3683 (McCord)**

The **Environment Subcommittee** is closed subject to the call of the chair.

The **Wildlife Subcommittee** is closed subject to the call of the chair.

The **Parks Subcommittee** is closed subject to the call of the chair.

## CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

### THE FULL COMMITTEE

The House Consumer and Employee Affairs Committee met on Wednesday, April 14, 2010, to hear nine (9) bills on calendar.

#### Rolled One Week as Amended:

Discussion continued on **HB 3163 by Curtiss** (SB 3591 by Ketron) as amendments were considered and the bill was further refined. The bill creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining

workers' compensation insurance to cover themselves. The committee adopted the amendment that re-writes the bill and an amendment that limits exemptions to three (3) per business entity.

**HB 2774 by Hardaway** (SB 3378 by Marrero B) would require child protective restraints in shopping carts. The sponsor brought an amendment that rewrites the bill in response to committee comments and suggestions to clarify portions of the language.

**HB 3018 by Richardson** (SB 2712 by Kelsey) prohibits the advertising,

promotion, and sale of international driver's licenses; establishes that such practices and other related acts violate the Tennessee Consumer Protection Act; imposes certain civil penalties on such violations. An amendment travels with the bill that defines "international driver's license."

#### Rolled to the Last Calendar:

**HB 3162 by Curtiss** (SB 3603 by Ketron) lengthens suspension of the requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011, until June 30, 2011.



Representative Richardson

is an “employee” or an “independent contractor” for purposes of the workers’ compensation law.

**HB 3525 by Maddox** (SB 3336 by Herron) makes permanent the temporary suspension imposed by HB7/SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers’ compensation insurance.

**HB 3628 by Weaver** (SB 3500 by Beavers) makes permanent the exemption that sole proprietors and partners engaged in the construction industry do not have to carry workers compensation insurance on themselves.

**HB 2844 by \*Matheny** (SB 2840 by \*Stewart) lengthens suspension of the requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

**HB 3557 by Rowland** (SB 3750 by Bunch) establishes certain presumptions and conclusive determinations regarding the determination of whether a person

**HB 2845 by \*Matheny** (SB 2841 by \*Stewart) lengthens suspension of requirement that sole proprietors and partners maintain workers compensation insurance on themselves from March 28, 2011, until April 1, 2012.

**Employee Affairs Subcommittee** is closed subject to the call of the Chair.

**Consumer Affairs Subcommittee** is closed subject to the call of the Chair.



**THE FULL COMMITTEE**

The **House Education Committee** met on Wednesday, April 14<sup>th</sup> to consider bills. The committee completed its business and is **closed at the call of the chair.**

*Referred to Calendar & Rules:*

**HJR 1005 (Kernell)** – This resolution recognizes the importance of the study of other cultures in higher education and encourages initiatives to add such study to the higher education curriculum.

**HB 1371 (Kernell)** – As amended, this bill requires the State Board of Education to develop guidelines for the instruction of foreign languages in Kindergarten through the sixth grade.

**HR 302 (Kernell)** – A companion to HJR 1005, this resolution recognizes the importance of the study of other cultures in higher education and encourages its addition to the higher education curriculum.

**HB 3503 (Fitzhugh)** – As amended, this bill changes several policies related to the state’s higher education systems. It states that board meetings may be called at any time with five days notice to the members. It codifies provisions related to the Municipal Technical Advisory Service, which is part of the Institute for Public Service. It also changes the requirement that college presidents and chancellors detail their expenses quarterly, and instead must make annual reports of their expenditures. It also requires risk-

based financial audits of college presidents’ and chancellors’ offices, requiring that at least 30% of the offices be audited in any given year. Further, it mandates that any proceeds derived from the sale of items or properties held by the University of Tennessee’s Institute of Agriculture shall remain within the institute’s account and not be forwarded into the university’s general fund.

**HB 1870 (Brown)** – This bill requires the forwarding of the report on LEAP programs to the chairs of the House and Senate Education committees.

**HB 3875 (U. Jones)** – This bill, as amended, revises the makeup of the Comptroller’s task force on charter schools.



Representative Jones



Representative Kernell

**HB 3867 (U. Jones)** – This bill allows LEAs to update their policy pamphlets every other year instead of every year.

**HB 3149 (Winningham)** – As amended, this bill deletes the June 30, 2010 sunset of the Energy Efficient Schools Initiative.

**HB 3544 (Maddox)** – This bill allows LEAs to donate used computers to low-income families in their districts. LEAs shall set standards as to who may be eligible to receive a computer.

**HB 564 (H. Brooks)** – Rewritten in subcommittee, this bill requires the Peace Officers Standards and Training Commission, in consultation with the Tennessee Law Enforcement Training Academy to report to the Select Committee on Education Oversight the current law enforcement procedures when responding to a violent incident that occurred on school property.

**HB 3133 (H. Brooks)** – This bill, as amended, gives a teacher 30 days to file an appeal to a suspension or termination decision, making this timeframe uniform through the code. It also stipulates that if the Commissioner of Education resigns or retires, that person shall

continue to serve on the Teacher Evaluation Advisory Committee (created by the First to the Top Act of 2010), thus taking the total membership of that committee up to 16 members.

**HJR 959 (Armstrong)** – This resolution requests that colleges accommodate nontraditional students by accepting prior coursework where applicable.

**HB 3410 (Brown)** – This bill requires THEC to report to the House and Senate Education committees the annual student tuition subsidy for each institution of higher education in the state.

**HB 1862 (Brown)** – This bill requires TSAC to analyze the General Assembly Merit Scholarship program and to place the results in its annual report to the General Assembly.

**HJR 974 (Cooper)** – This resolution expresses support in the addition of a program to train dispensing opticians at Southwest Tennessee Community College.

**HB 1516 (H. Brooks)** – This bill, as amended, allows the Treasurer’s office to make changes to the BEST college savings plan, including participating in initiatives to raise participation levels.

*Referred to Finance, Ways & Means:*

**HB 3474 (Kernell)** – This bill, as amended, allows that in a special school district whose borders are coterminous with the borders of a city, to use half the funding from the city government to operate the schools and the other half to use to issue bonds for capital needs. Such funds raised from the bond issuance shall only be used on schools in existence in the district at the time of issuance.

**HB 3499 (Hensley)** – As amended, this bill requires each state special school to have a CPR instructor responsible for training other members of the school in CPR.

**HB 209 (Coley)** – As amended, this legislation requires the Department of Education, in conjunction with the Confucius Institutes established at the University of Memphis and MTSU to study the Hanyu Shuiping Kaoshi proficiency tests which measure the Chinese language skills of non-native speakers. The department is instructed to use the results of the study to guide implementation of a pilot program to craft better diagnostics for other foreign languages at the elementary, secondary, and postsecondary levels.

**HB 3693 (H. Brooks)** – This legislation, as amended, requires the Department of Education to administer a three year pilot program of competitive grants for middle school after school and summer school programs.

**HB 3334 (H. Brooks)** – This legislation, as amended, enacts the “Financial Literacy Program Act of 2010.” It creates the Tennessee Financial Literacy Commission to raise funds and manage programs to include financial literacy programs for

elementary school students and programs to train their parents to save for college.

**HB 3014 (Sargent)** – As amended, this bill requires TSAC to deny professional licenses for certain professions if those persons fall too far behind on their student loans and do not respond to TSAC requests to make payment plans.

**HB 285 (Coley)** – This bill, as rewritten in subcommittee, requires the Department of Education, the Tennessee Higher Education Commission, the University of Tennessee, and the Tennessee Board of Regents to work with the Confucius Institutes at the University of Memphis and Middle Tennessee State University to establish Chinese classrooms in K-12 schools and higher education institutions across Tennessee. A report shall be made to the Education Committees of the House of Representatives and the Senate on the progress on this initiative by February 1, 2011.

**HB 2947 (Coley)** – This bill, as rewritten, allows schools to establish an International Baccalaureate or Advanced Placement subaccount to



Representative Coley

receive funds from entities who wish to support these programs. The funds in these subaccounts shall only use such funds for these programs.

**HB 1869 (Brown)** – This bill requires the commissioner of education to study the effectiveness of lottery afterschool programs and to report the data obtained to the General Assembly. As amended, the study is urged, not required.

**HB 2645 (Cooper)** – This bill, as amended, encourages the Department of Labor & Workforce Development to pay for the required tests for individuals to obtain their GEDs as part of career and technical education program.

**HB 3545 (Maddox)** – As amended, this bill requires each local board of education to adopt a policy whereby TCAP test scores compromise between 15-25% of a final grade for the spring semester for students in grades 3-8 in math, English/language arts, science, and social studies. Also, the bill opens a 2 week window for the administration of TCAP tests to 3<sup>rd</sup> through 8<sup>th</sup> graders. Testing shall begin no earlier than the first Monday on or after April 22<sup>nd</sup>, and must not be given prior to the 150<sup>th</sup> day of instruction. This requirement may be waived in the event of natural disaster, inclement weather, or outbreaks of illness.

*Bills deferred:*

HB 3794 (Winningham) – held in committee to the call of the chair

*Sent to Education Oversight for study:*

HB 2087 (Towns)  
HB 3688 (J. DeBerry)

*Sent to THEC for study:*

HB 377 (Coley) – as amended

*Taken off-notice:*

HB 2072 (J. DeBerry)  
HB 3868 (U. Jones)  
HB 3546 (Maddox)  
HB 3028 (H. Brooks)

HB 2759 (H. Brooks)  
HB 153 (H. Brooks)  
HB 15 (Ferguson)  
HB 2957 (Maggart)  
HB 777 (M. Turner)  
HB 3710 (Towns)  
HB 2996 (J. DeBerry)  
HB 3074 (Hill)  
HB 1107 (Maddox)

*Bills failed:*

HB 3590 (Lollar) – as amended

**HIGHER EDUCATION  
SUBCOMMITTEE**

The **Higher Education Subcommittee** reopened to hear one bill and is closed to the call of the chair.

*Sent to full committee:*

**HB 1516 (H. Brooks)** – This bill, as amended, allows the Treasurer's office to make changes to the BEST college savings plan, including participating in initiatives to raise participation levels.

The **K-12 Subcommittee** is closed at the call of the chair.

# FINANCE, WAYS & MEANS

Julie Travis

## THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, April 13, 2010 to consider seventeen bills on the full committee's calendar and a scheduled presentation. Due to time constraints, the committee was unable to finish its calendar and did not hear a scheduled presentation on the Food Trust; as a result, no bills were recommended for passage and referred to Calendar and Rules. The following is a list of the final action taken on the legislation heard before the full committee this week:

### Deferred 1 week:

HB 2187 (K. Brooks)  
HB 206 (Coley)  
HB 969 (McCord)  
HB 2219 (Stewart)  
HB 2885 (Mumpower)  
HB 3055 (Watson)  
HB 3125 (Todd)  
HB 3404 (Ramsey)  
HB 3407 (Harmon)  
HB 3417 (Winningham)  
HB 3421 (Litz)  
HB 3428 (Hackworth)  
HB 3448 (Pitts)  
HB 3691 (Coleman)  
HJR 793 (Marsh)  
HJR 820 (Faulkner)

### Deferred 2 weeks:

HB 1428 (Niceley)

## BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 15, 2010 with seventy-one bills on its calendar. Subcommittee action on these bills is as follows:

### Deferred for One Week:

HB 2671 (Evans)

HB 2917 (Fincher)  
HB 2768 (Shipley)  
SJR 763 (Sen. Kelsey / Rep. Shipley)  
HB 3601 (Fitzhugh), *as amended*  
HB 3606 (Fitzhugh), *as amended*  
HB 3812 (Hardaway)  
HB 3438 (Harrison)  
HB 2740 (Lundberg)  
HB 3549 (Maddox)  
HB 3526 (Maddox)  
HB 3259 (McCord)  
HB 3449 (Pitts)  
HB 2928 (Sargent)  
HB 3015 (Sargent)  
HB 376 (Coley)  
HB 2130 (Mumpower)  
HB 3627 (Weaver)  
HB 3758 (West)  
HJR 851 (West)

### Deferred for Two Weeks:

HB 3718 (Armstrong)  
HB 2776 (Casada)  
HB 3094 (Fitzhugh)  
HB 3393 (Hensley)  
HB 2894 (Maggart)  
HB 1947 (Shaw)  
HB 2474 (Winningham)  
HB 3200 (Winningham)  
HB 2475 (Floyd)

### Deferred for Three Weeks:

HB 3165 (Curtiss)

### Last Calendar:

HB 3501 (C. Johnson)  
HB 3466 (McCord), *as amended*  
HB 3936 (McCord)  
HB 3791 (Pitts)  
HB 2752 (Swafford)  
HB 2675 (Todd)  
HB 3847 (M. Turner)  
HB 3181 (M. Turner)

### Behind the Budget:

HB 3252 (Armstrong)  
HB 2644 (B. Cooper), *as amended*  
HB 2631 (J. DeBerry)  
HB 2632 (J. DeBerry)

HB 2989 (Ford)  
HB 2792 (Harrison)  
HB 3268 (S. Jones)  
HB 3227 (McCord)  
HB 3193 (Shaw)  
HB 2750 (Todd)  
HB 2520 (Faulkner)

### Referred to Full Committee:

**HB 3310 (Armstrong)** – As amended in Budget Sub., this legislation enacts “*The Annual Coverage Assessment Act*” which establishes, subject to approval by CMS, an annual coverage assessment on hospitals of 3.52% of a covered hospital's annual coverage assessment base and requires that these assessments be paid in equal quarterly installments until June 30, 2011. It also prohibits a covered hospital from increasing charges or adding surcharges based on or as a result of the annual coverage assessment and prohibits a TennCare MCO from implementing across-the-board reductions in rates that are in existence on June 30, 2010, for hospitals and physicians by category



Representative Armstrong

or type of provider unless mandated by CMS. A Maintenance of Coverage Trust Fund is also created within the bill as amended, which would consist of all annual coverage assessment collections and investment earnings credited to the assets of the fund. These particular funds that are to be collected, along with matching funds drawn down from the federal government, will be used for the benefits and services that are currently subject to be reduced or eliminated in the Governor's proposed FY10-11 budget for TennCare. Those hospitals exempt from this assessment include critical access hospitals, state mental health hospitals, rehabilitation and long-term acute hospitals, St. Jude Children's Research Hospital, as well as state and local governmental hospitals.

**HJR 796 (Bone)** – This highway sign resolution designates a segment of State Route 141 in Trousdale County as the “*Pat Fergusson Memorial Highway*” and directs the Department of Transportation to manufacture and erect suitable signs. Designating signs shall be erected only if the cost of the manufacture and installation of such signs is paid to TDOT by Hartsville/Trousdale County within one year of the effective date of this resolution.

**HB 3136 (Bone)** – This bill, as rewritten by the House Agriculture Committee, establishes the “*Tennessee Catfish Marketing Law*” which requires all food service establishments serving catfish, catfish products, siluriformes, or siluriforme products to notify customers, upon customer request, of the country of origin of the product. It prohibits an owner or manager of a food service establishment from misrepresenting the origin of catfish or catfish products to the public either verbally, by signage, or on the menu.

**HB 3157 (Curtiss)** – This legislation earmarks revenue to fund the Workers' Compensation Advisory Council from the workers' compensation premium

tax, instead of making retention of council's staff subject to budgetary approval in the general appropriations act.

**HB 3164 (Curtiss)** – This legislation, as rewritten in the House Judiciary Committee, levies a tax on dealers of unauthorized substances. The amendment includes definitions and language to address the concerns of the Supreme Court in *Waters v. Farr* that led the Court to strike down the former statute. The tax is determined by the weight, amount, type, and street-value of the unauthorized substance. The bill, as amended, outlines how the tax is paid and the duties and responsibilities of the Commissioner of Revenue and law enforcement. The allocation of tax proceeds is directed within the legislation, and finally, a severability clause is included.

**HB 3788 (J. DeBerry)** – This legislation broadens the definition of “correctional services” to include operation of transitional facilities for purposes of the Private Prison Contracting Act of 1986. The term “transitional facilities” is defined within the bill as being any adult institution with 150 beds or less, operated by the Department of Correction or a non-profit entity operating under the authority of the Department, and providing short-term transitional services to offenders within one year of release, excluding sex offenders.

**HB 2349 (Dennis)** – As amended in the Council on Pensions & Insurance and the Budget Subcommittee, this bill would prohibit any current or former member of the General Assembly from retaining health insurance coverage if the legislator is convicted in a state or federal court of a felony arising out of the individual's official capacity, after November 2, 2010, which is the effective date of this act. It also authorizes the spouse and children of the member or former member of the General Assembly convicted of a felony to retain health insurance benefits. A

severability clause is included within the bill. If the bill is struck down upon judgment by the courts system, then the former provisions of the law that immediately existed prior to the passage of this act shall be revived immediately and be in full force and effect as if it had remained in full force and effect at all times.

**HB 3607 (Fitzhugh)** – This bill requires owner-operators functioning as part of a motor bus or truck company to be assessed taxes, whether owned or leased, on real or personal property.

**HB 3589 (Fitzhugh)** – As amended in Budget Sub., this bill reduces the interest rate on local government bonds sold by the Tennessee State School Bond Authority as part of the Build America bond program and the Qualified School Construction bond program.



Chairman Fitzhugh

**HB 2975 (Fitzhugh)** – As amended by the Council on Pensions & Insurance, this legislation requires the Local Education Insurance Committee to develop a mechanism to provide an opportunity for eligible local education employees to enroll in a long term care

benefits program with such coverage effective on January 1, 2012. The Local Education Insurance Committee is granted authorization in the bill to determine its benefits package, funding mechanism, administrative procedures, and eligibility provisions and rules relating to the program. The Department of F&A is required to report the recommendations to the Council on Pension and Insurance on or before November 1, 2010.

**HB 3598 (Fitzhugh)** – As amended in Budget Sub., this bill requires the Governor to appoint two at-large members and three additional members representing and residing in counties contiguous to the county in which a megasite is located. At the time of their initial appointment, the three new members to the Industrial Development Board must be from counties not otherwise represented on the board. It also prohibits any reimbursement for travel expenses for these three new board members. Current law requires the Governor to appoint two members to the board; this bill would expand that appointment by three additional members.

**HB 2496 (Hardaway)** – This highway sign bill directs the Department of Transportation to erect and maintain directional signs for the “*Soulsville USA neighborhood*” and the “*Stax Museum of American Soul Music*” in Memphis on Interstate 240 at Exit 28 (College Street / South Parkway E.), both northbound and southbound, in Shelby County. The House Transportation Committee previously amended the bill to specify that the City of Memphis will direct funding for the signs within one year of the effective date to TDOT if such signs are to be manufactured and installed.

**HB 59 (Hardaway)** – As rewritten in the House Education Committee, this legislation requires LEAs to provide student information to the CoverTN program in order to determine if the students are covered by health

insurance. Any release of information by the LEAs shall be consistent with LEA policy regarding the release of student information. Also, the bill was changed to have the act become effective July 1, 2010.

**HB 3130 (Harwell)** – As amended in House Education, this bill codifies a teacher code of ethics, as adopted by the Tennessee Education Association, for all K-12 public education teachers. A violation of this code of ethics would be consistent with the punishment for the current definition of conduct unbecoming a member of the teaching profession.

**HB 3230 (McCord)** – As amended in the House Transportation Committee, this bill requires the Department of Transportation to conduct a study with the Department of Environment and Conservation on recurring flooding near Sunbright in Blount County, and to identify the ways and means of removing boulders displaced into the river during the clearing process, as well as identifying all available federal funding to prevent further flooding in the Sunbright community. It also requires TDOT to report the findings of the study to both the House and Senate Transportation Committees by January 15, 2011.

**HB 3465 (McCord)** – This bill as amended, in both Government Operations and Commerce Committees, exempts any person that solely manufactures and distributes Federal Aviation Administration-approved avionics equipment from licensing requirements under the Board of Examiners for Architects and Engineers. With the final amendment in the House Commerce Committee, this bill would not authorize the Board to grant other waivers.

**HB 3633 (Todd)** – This legislation requires any state department, agency, or institution to obtain bids for commercial grade motor vehicle insurance prior to the purchase of a

vehicle. With the passage of this bill, the Board of Claims is required to determine the type of motor vehicles considered commercial grade and is authorized to approve the insurance company. The applicable department, agency, or institution is required to maintain insurance coverage for the entire period of ownership. It also sets forth the minimal rankings of financial strength for insurance companies submitting insurance coverage proposals. The Budget Subcommittee amended the bill with two amendments: The first amendment added language to the bill stating that before acquiring any commercial grade motor vehicle that is to be used primarily for transporting non-students by any state agency or public institution of higher learning, the agency or institution is to procure bids for obtaining insurance levels as determined by the Board of Claims. The second amendment added language stating that the requirement for agencies to obtain bids for insurance for commercial grade vehicles only applies to those vehicles that will be used 10% or more of the time for travel outside the state.

**HB 3806 (M. Turner)** – This bill authorizes the Board of Claims to establish incentive programs for state departments, agencies and institutions, including public institutions of higher education, for the purpose of reducing liabilities to the Risk Management Fund.

**SJR 306 (Sen. Watson / Rep. Floyd)** – This resolution establishes the “*North Hamilton – Rhea County Creek Management Task Force*” for the study of water management and land use planning as methods of eliminating flooding concerns. The Task Force will meet two times per year and shall consist of members from the cities of Soddy-Daisy, Dayton, Spring City, and Graysville, as well as the mayors of, or a designee from, Hamilton County and Rhea County. The legislative members who represent that district are not required to attend the task force meetings but are instead strongly urged

to participate in and to provide assistance with the task force's initiatives. The House Government Operations Committee previously added language to the resolution requiring an annual written report to be delivered to the House and Senate members representing Hamilton and Rhea counties, the Speakers of the House and Senate, and the members of the House Conservation and Environment Committee and Senate Environment, Conservation, and Tourism Committee. The task force will terminate on June 30, 2012, unless continued by the General Assembly after review by the Government Operations Committees.

**HB 3025 (Harmon)** – As amended by the House Transportation Committee, this bill deletes the annual safety examination requirement for all for-hire motor carrier vehicles accommodating eight or more passengers. The bill requires an annual safety examination compliance review by the Department of Safety, and defines “compliance review” as reviewing proof of insurance, employee drug testing documents, employee physical examination documents, and vehicle



*Representative Miller*

maintenance records. The bill also adds any motor vehicle transporting passengers who are TennCare enrollees considered eligible for transportation services under TennCare to the list of vehicles that must meet certain requirements as a for-hire motor vehicle.

**HB 3591 (L. Miller)** – As rewritten in the House State & Local Government Committee, this bill codifies the Governor's Office of Diversity Business Enterprise, as established by Executive Order 14, effective January 1, 2011. It also establishes the “*Tennessee Small Business and Diversity Business Enterprise Procurement and Contracting Act*” which requires the Commissioner of the Department of General Services to develop a plan to maximize participation by Tennessee small businesses in state agency contracting and procurement.

**HB 2703 (Montgomery)** – As amended in the House State & Local Government Committee, this legislation authorizes local governments to collect taxes, through installments, on property that is subject to a horizontal, condominium, time-shares or vacation club regime. It establishes the applicable formula rate used to determine the effective rate on revenue bonds as the Prime Rate plus seven percent on bonds issued prior to June 30, 2012.



The Government Operations Committee met on April 14, 2010 to consider 12 bills.

**The following bills were rolled:**

- HB 3596 by J. Turner**
- HB 3597 by J. Turner**
- HB 3934 by J. Turner**
- HB 1809 by West**
- HB 3476 by Kernell**
- HB 2454 by Lynn**
- HB 2456 by Lynn**

**The Following bill was recommended for passage and**

**referred to State and Local Government:**

**HB 3353 by Curtiss** – This bill, as introduced, creates a procurement commission, procurement office, and an advisory council on state procurement and regulates the procurement, management, contracting, and disposal of goods and services by the state.

**The following bills were recommended for passage and referred to Calendar and Rules:**

**HB 1273 by Kernell** – This bill changes the termination date for certain

agency rules filed in the Secretary of State's Office, which are currently set to expire June 30, 2009. Rules filed from January 1 to June 30 shall expire on March 15 of the following year. Rules filed from July 1 to December 31 shall expire on June 1 of the following year.

**HB 2459 by Lynn** – This bill extends the alcoholic beverage commission, June 30, 2010.

**HB 2855 by Lynn** – As amended, this bill extends the State Election Commission to 2014. This bill will also, as amended, prohibit members of the

commission from making campaign contributions, or participating in any candidate's political campaign.

**HB 2453 by Lynn** - As introduced, this bill extends certain governmental entities subject to termination on June 30, 2010.



**FULL COMMITTEE**

The **Health & Human Resources Committee** met Tuesday morning, April 13, 2010, with 15 bills on calendar. The Committee considered testimony and discussion on **HB 2562 (Richardson)** concerning the “Safe Access to Medical Cannabis Act” before Rep. Richardson rolled the bill one week for drafting amendatory language, along with Rep. Shepard, to address study of the proposed Act by the Board of Pharmacy. **HB 3156 (Curtiss)** as amended that establishes “Katie Beth’s Law” which defines “pool alarm,” “residential dwelling,” and “swimming pool,” requires a swimming



Representative Curtiss

pool that is purchased or acquired to be installed after the effective date of this legislation to have a pool alarm, requires sellers of swimming pools to post a sign that reads “State Law Requires A Pool Alarm Be Installed,” establishes that violation of this legislation is a Class C misdemeanor punishable by a fine up to \$100, and exempts public swimming pools and multi-family residential housing swimming pools from the provisions of this legislation was debated at length before it was referred to C&R 18-4 on a roll call vote. **HB 3770 (Shepard)** that expands the disciplinary authority of the Massage Licensure Board against a licensee or applicant to include conviction of a misdemeanor, abuse of intoxicating liquors, drugs or stimulants, mental incompetency, or being guilty of unethical or unprofessional conduct and clarifies that disciplinary action taken by the Board must be based “upon proof” of misconduct was referred to C&R. **HB 3950 (Armstrong)** that urges the Department of Mental Health & Developmental Disabilities to complete an analysis of methadone maintenance programs was referred to C&R. **HB 3316 (Matheny)** as amended last week in full committee to establish that if an appeal to chancery court is filed concerning a decision granting a certificate of need (CON) to an entity when an administrative law judge has ruled to affirm or deny such decision, all costs of the appeal will be assessed against the person filing the appeal if the chancery court decision on appeal is

the same as the Health Services and Development Agency and the administrative law judge decision was rolled one week at the request of the sponsor for drafting of additional amendatory language. **HB 2145 (Kernell)** that requires the Child Care Certificate Program Policies & Procedures Manual developed by the Department of Human Services to be promulgated as a rule in accordance with the Uniform Administrative Procedures Act relative to child care agencies and authorizes the appeal of any adverse action taken against a child care agency to the Child Care Agency Licensing Board of Review was rolled one week by Chairman Armstrong pending a report from the special committee appointed last week in full committee to work out a compromise on this bill. **HB 3947 (Kernell)** as amended that urges the Department of Human Services to review key indicators for the day care report card and rated licensing system to determine if questions regarding those indicators should be revised was referred to C&R. As committee time expired, all remaining bills on calendar were rolled one week, to include: **HBs 1895, 3834, 3368, 2655, 2873, 3580, 3805, 3529.**

*The subcommittees of the Health & Human Resources Committee are closed.*

**FULL COMMITTEE**

The **Judiciary Committee** passed out fifteen bills on Tuesday during its full committee meeting.

**HB 2779 (Hill)** makes a third conviction of domestic assault punishable as a Class D felony. *[passed to Finance, Ways & Means]*

**HB 2780 (Hill)** as amended, adds that it is a violation of an order of protection if the respondent “comes about the petitioner for any purpose” in an effort to include other forms of communication like text messaging and the use of social networking websites. The amendment adds language back in for courts to use a uniform order of protection form. This language was inadvertently deleted last year. *[passed to Calendar & Rules]*

**HB 2781 (Hill)** as amended, allows that a person convicted of domestic assault may be directed to complete counseling to address violence and control issues, including but not limited to batterer’s intervention programs certified by the Domestic Violence State Coordinating Council or any court-ordered drug or alcohol treatment program. It also increases the civil penalty from \$200 to \$250. *[passed to Calendar & Rules]*

**HB 2872 (Hill)** as amended, creates a Class C felony offense of vehicular homicide if a driver’s criminal negligence causes an accident in a construction or school safety zone that results in a death. *[passed to Finance, Ways & Means]*

**HB 3894 (Hill)** increases penalty for fourth offense DUI from Class E to Class D felony and requires service of entire sentence imposed by the court;



*Representative Hill*

increases punishment for fifth or subsequent DUI from a Class E felony to a Class C felony and requires service of entire sentence imposed by the court. *[passed to Finance, Ways & Means]*

**HJR 30 (Hill)** rescinds three specific resolutions from 1977 and any other resolutions passed at any time that call for a federal constitutional convention. *[passed to Calendar & Rules]*

**HB 2719 (Campfield)** as amended, defines a “greenway” in reference to the ability of a handgun carry permit holder to carry a handgun on the greenway if it is in a park. If the greenway runs through a park, then the greenway shall be part of the park unless the local legislative body designates it otherwise. *[passed to Calendar & Rules]*

**HB 3064 (Campfield)** as amended, makes information contained in handgun

carry permit records confidential and not subject to public inspection. *[passed to Calendar & Rules]*

**HB 3964 (Ferguson)** clarifies that any drug testing fee or other fee that was assessed and collected in the Ninth Judicial District before such fees were repealed in 2007 to be designated for use by the Ninth Judicial District drug task force. *[passed to Calendar & Rules]*

**HB 719 (Niceley)** creates within the Department of Safety a “Repeat DUI Offender” registry of persons who have two or more DUI convictions and whose license is currently suspended or revoked; The registry would be available on the internet. *[passed to Finance, Ways & Means]*

**HB 29 (Hardaway)** increases the penalty for abuse of corpse from a Class E felony to a Class C felony if the defendant caused the death of such person. It also expands the discretionary sentence enhancement factors to include mutilation of victim’s body after death if the defendant is convicted of second degree murder. *[passed to Finance, Ways & Means]*

**HB 1304 (Jones S)** includes child abuse, aggravated child abuse, child neglect or endangerment, and aggravated child neglect or endangerment in the offenses ineligible for judicial diversion. An amendment was placed on the bill changing the effective date. *[passed to Finance, Ways & Means]*

**HB 3577 (Jones S)** as amended, corrects cross-reference errors in definitions of domestic abuse victims and domestic abuse. *[passed to Calendar & Rules]*



**HB 3269 (Fincher)**  
**HB 3271 (Fincher)**  
**HB 3272 (Fincher)**  
**HB 3284 (Coleman)**  
**HR 0234 (Coleman)**  
**HB 2689 (Coleman)**  
**HB 2691 (Coleman)**

The following bills were *taken off notice*:

**HB 3882 (Kernell)**  
**HB 1363 (Todd)**  
**HB 2796 (Ramsey)**  
**HB 3031 (Ramsey)**  
**HB 3078 (Haynes)**

The **Criminal Practice and Procedure Subcommittee** is closed subject to the call of the chair.

## **CIVIL PRACTICE AND PROCEDURE SUBCOMMITTEE**

The **Civil Practice and Procedure Subcommittee** met briefly before the full committee on Tuesday, and passed out one bill to the full committee.

**HB 3058 (Niceley)** as amended, gives the property owner a fair market value based on highest and best use when taken by eminent domain by for profit corporations. If the property is currently zoned for agricultural or residential use, then that zoning will be ignored and value will be based on the zoning stated in the purpose of the condemnation.

[*moved to full committee*]

**HB 3240 (McCord)** removes the authority of the Governor to commandeer or limit the sale or transportation of firearms, ammunition, or firearm or ammunition components during a state of emergency, major disaster, or natural disaster.  
[*passed to Calendar & Rules*]

**HB 3412 (Brown)** as amended, provides guidelines for the reporting of brutality, abuse, neglect or child sexual abuse and notifications between the Department of Children Services and local law enforcement agencies.  
[*passed to Finance, Ways & Means*]

The following bills were *rolled one week*:

**HB 2000 (Curtiss)**  
**HB 2783 (Hill)**  
**HB 2284 (Ferguson)**  
**HB 3338 (Carr)**

**HB 1129 (Hardaway)**  
**HB 2659 (Faulkner)**  
**HB 3537 (Maddox)**  
**HB 3538 (Maddox)**  
**HB 3543 (Maddox)**  
**HB 3539 (Maddox)**  
**HB 2997 (DeBerry J)**  
**HB 3516 (DeBerry J)**  
**HB 3518 (DeBerry)**  
**HB 2952 (Brooks H)**  
**HB 3792 (Turner M)**  
**HB 3278 (Maggart)**  
**HB 1645 (Jones U)**  
**HB 2968 (Jones U)**  
**HB 2821 (Cobb T)**  
**HB 3768 (Dennis)**  
**HB 3057 (Dennis)**  
**HB 2835 (Dennis)**  
**HB 3035 (Dennis)**  
**HB 2881 (Rich)**  
**HB 1701 (Watson)**  
**HB 3380 (Sontany)**  
**HB 3385 (Sontany)**

# STATE & LOCAL GOVERNMENT

Daniel Culbreath

## FULL COMMITTEE

The **State & Local Government Committee** passed out five bills on Tuesday during its full committee meeting.

**HB 3864 (Mumpower)** allows the City of Kingsport to expand its urban growth boundaries to include tracts of land that are 10 acres or smaller when certain criteria are met.

*[passed to Calendar & Rules]*

**HB 3456 (Odom)** as amended would not allow a registered voter in Tennessee to be purged due to a deficient registration form unless the county election administrator has declared that the voter knowingly made or consented to false information being placed on the registration form. There was a verbal amendment proposed by the committee that would also require the registered voter to provide a valid signature. The recent voter purging issues in Benton County were referenced as a reason for the need to codify the voter registration process. This bill was rolled for one week so that further discussion could take place.

*[rolled one week]*

**HJR 708 (Lynn)** designates September 2010 as "American Indian Heritage Month."

*[passed to Calendar & Rules]*

**HJR 890 (Bone)** urges the restoration of presumption of service connection for Agent Orange exposure to veterans of the U.S. Navy and Air Force who served in the waters of airspace of the Republic of Vietnam, Thailand, Laos, or Cambodia.

*[passed to Calendar & Rules]*

**HB 195 (Bass)** as amended would standardize the qualifying dates and



*Representative Bass*

times for the election of the Giles County Charter Commission.

*[passed to Calendar & Rules]*

**HB 2665 (Lundberg)** as amended directs the Commissioner of Veteran's Affairs to convene an advisory committee to make recommendations and issue findings regarding the establishment of a veteran's honor medal program to honor Tennessee veterans. The advisory committee shall report its recommendations and findings to the General Assembly by January 11, 2011, at which time the committee shall cease to exist.

*[passed to Finance, Ways & Means]*

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

**SJR 869 (Tracy)**

**HB 2713 (Turner M)**

**HB 3182 (Turner M)**

**HB 3402 (Turner M)**

**HJR 1019 (Brooks H)**

**HB 2998 (DeBerry J)**

**HB 3576 (Rowland)**

**HB 2827 (Coley)**

**HB 2911 (Gilmore)**

**HB 3197 (Faulkner)**

**HB 3451 (Coleman)**

**HB 3956 (Stewart)**

**HB 3979 (Ferguson)**

**HB 2822 (Cobb T)**

**HB 2044 (Jones U)**

**HB 3070 (Jones U)**

**HB 3914 (Jones U)**

**HB 499 (Todd)**

**HB 3695 (Niceley)**

**HB 3853 (Niceley)**

**HJR 852 (Jones S)** failed to move out of committee

**HB 2429 (Cobb J)** failed to move out of committee

**HB 3506 (Fitzhugh)** was taken off notice

**HB 3779 (Todd)** was taken off notice

The **Elections Subcommittee** is closed subject to the call of the chair.

## STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved one bill to the full committee.

**SJR 767 (Stewart)** expresses support for the Tennessee Chapter of the Trail of Tears Association and commemorative events honoring Native Americans.

*[passed to the full committee]*

## LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Tuesday and moved one bill to the full committee.

**HB 2492 (Weaver)** as amended would exempt Smith County firefighters from the minimum training requirements. A verbal amendment was added in committee that would not allow firefighters in Smith County to receive any state pay for training. *[passed to the full committee]*



*Representative Weaver*



## FULL COMMITTEE

The **House Transportation Committee** convened April 13, 2010 to hear seventeen bills.

**HB3262 (P. Johnson)** and **HB3930 (P. Johnson)** were taken off notice.

**HB2544 (K. Brooks)**, **HB2797 (McCord)**, **HB3408 (Harmon)**, **HB3684 (McCord)** and **HB3371 (Haynes)** were deferred for one week.

**HJR777 (Bone)** was passed by the committee and referred to the **Calendar and Rules Committee**. The resolution directs department of transportation and department of safety to study safety issues involving tractor trailers parking alongside interstate highways and adjacent areas.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**.



*Representative Bone*

**HB3120 (Gilmore)** – As amended, creates a program in counties with a metropolitan population over 500,000 to allow persons whose driver's license

has been suspended and who owe an outstanding judgment for citations resulting from state or county fines over five years old to make a single payment of all state or county fines or costs at a reduced rate of 50 percent during the first six months of the fiscal year (July through December). The program would sunset in July 2012.

**HJR917 (Fitzhugh)** – “Elmer Eugene Byrum, Jr. Memorial Highway” highway signs on a segment of S.R. 19 in Lauderdale County.

**HB1312 (Harmon)** – As amended, allows THP officer with Level I training to stop a commercial vehicle, that is under 26,000 pounds and traveling intrastate, if the officer has probable cause to believe the vehicle is being operated with unsafe loading or mechanical conditions. If the vehicle determined to being operating with unsafe loading or mechanical conditions, no citation may be issued, but the office shall implement out of service criteria

(which is set forth in the commercial vehicle alliance out of service criteria.

**HB3780 (Harmon)** – Extends ordinary duration of driver licenses from five to eight years, and increases fees for driver licenses and photo identification cards.

**HJR992 (West)** – “John M. Stone, Sr., Highway” highway signs on a segment of U.S. Highway 70 in Metropolitan Nashville and Davidson County.

**HB1333 (P. Johnson)** – As amended, clarifies that a court will determine how long a driver license revocation will be for a person convicted of vehicular homicide.

**HB3684 (McCord)** – As amended, requires each county to hold an advisory referendum on allowing traffic surveillance cameras.

**HB2516 (Faulkner)** – Prohibits the installation or maintenance of red light

camera monitors on or after January 1, 2011.

**HB3024 (Harmon)** – As amended, allows THP officer with Level I training to stop a commercial vehicle, that is under 26,000 pounds and traveling intrastate, if the officer has probable cause to believe the vehicle is being operated with unsafe loading or mechanical conditions. If the vehicle determined to being operating with unsafe loading or mechanical conditions, no citation may be issued, but the office shall implement out of service criteria (which is set forth in the commercial vehicle alliance out of service criteria.

**HB1324 (Winningham)** – As amended, authorizes the state and cities to register all-terrain vehicles, and creates a license plate for them. Restricts the use of all-terrain vehicles on public highways. Directs TDEC, in cooperation with the Department of Tourism and ECD, to study and develop a plan for the promotion and

development of adventure tourism and other recreational and economic development activities in rural areas of the state. Requires TDEC, prior to July 1, 2011, to identify geographic regions of the state where promotion and development of adventure tourism is suitable, and authorizes local government jurisdictions to create adventure tourism districts. Authorizes local governments to enter into intergovernmental agreements to jointly designate adventure tourism districts that contain area within the boundaries of more than one local government.

The **Rural Roads Subcommittee** is closed subject to the call of the chair.

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

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