

april 30, 2009

THE RESEARCH REVIEW

published by the Research Division of the Tennessee House of Representatives



Members of the House and Senate welcomed former UT Vols Head Coach Johnny Majors to the House Chamber this week. Majors was presented with House Joint Resolution 186 (Rep. Shepard), honoring him for his extraordinary football career as both player and coach, and for his many years of service through charitable and civic efforts. Coach Majors has returned to his native Tennessee and resides in Knoxville.

THE HOUSE RESEARCH DIVISION
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Legendary entertainer Jerry Lee Lewis was honored with House Bill 231/Senate Bill 712 this week. Sponsored by Representative Curry Todd and Senator Reginald Tate, the bill names a segment of State Route 176 in Shelby County the "Jerry Lee Lewis Highway."

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THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider four bills on calendar.

The following bills were *deferred one week*:

HB 1428 (Niceley)

HB 721 (Niceley)

HB 2098 (Towns) was *deferred two weeks*.

HB 1460 (Mumpower) was *taken off notice*.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The Gen. Sub. of Agriculture met Tuesday to consider one bill on calendar.

HB 1962 (Johnson, P) was *deferred one week*.



children & family affairs

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, April 22nd and considered the following legislation:

Referred to Calendar & Rules:

HB 1997 by Rep. Moore and Rep. West requires employers to report to the Department of Human Services certain identifying information regarding employment of subcontractors and independent contractors.

Referred to Finance, Ways & Means:

HB 1629 by Rep. McCord as amended requires the Department of Children's Services to provide certain post-adoption services that are listed in the bill. It also declares that the legislative intent is that this section be

carried out subject to the availability of funds with which to do so.

Deferred one week:

HB 686 by Rep. Richardson as amended requires the department to provide services to children who are 18 years or older who choose to remain in the care of the department on a voluntary basis for the purposes of completing educational training or receiving other services.

HB 637 by Rep. Maggart as amended requires parties in a divorce to file certain documents with the court or with the mediator if the marital property includes real property owned during the marriage as the primary residence.

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.

HB 332 by Rep. S. Jones as amended requires that DCS give priority to reports of harm to a child by either investigating such report or completing an assessment of the child and family if this report of harm comes from a school teacher, school principal, school administrator, other school personnel, mental health professional, law enforcement official or health care provider.

HB 1298 by Rep. S. Jones as amended clarifies that agencies advertising to provide child-placing services in Tennessee are required to be licensed pursuant to Tennessee law.

HB 1383 by Rep. S. Jones as amended states that the Select Committee on Children and Youth shall study the effectiveness of the child protective services system in Tennessee. They shall develop recommendations for its improvement and is authorized to establish a study committee to help with this task.

HB 1301 by Rep. S. Jones adds residing with a parent who uses or has within 72 hours used certain drugs to the definition of abuse and requires immediate removal of a child whose parent uses or has within 72 hours used certain drugs

HB 327 by Rep. S. Jones as amended redefines “foster care” and “foster parent” so that the definitions are consistent with the provisions regarding adoption and juvenile proceedings in the TCA. It also establishes that a child who has been placed in the care of a relative for a continuous 12 month period is considered dependent and neglected if the child will endure harm if removed from the home.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, April 28th and the following legislation was sent to full committee:

HB 459 by Rep. McDonald as amended requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with the commission of an offense that would be a felony if committed by an adult.

HB 829 by Rep. S. Jones as amended requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with the commission

of an offense that would be a felony if committed by an adult.

HB 2295 by Rep. S. Jones revises requirements for mental health evaluations of juveniles alleged to be delinquent or unruly.

HB 2372 by Rep. McCord and Rep. Montgomery states that no adoptive parent of a child that has been removed from the home and sent to DCS, for reasons other than dependency or neglect shall be required to pay for the care of the child while that child is in the custody of DCS.

HB 362 by Rep. Dennis eliminates the putative father registry.

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** is closed.



THE FULL COMMITTEE



Chairlady Harwell

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

HB 1517 (Curtiss) requires petroleum suppliers to make unblended gas or diesel available to wholesalers so that the wholesaler may blend the gas or diesel with ethanol or other biological products. Rep. Todd offered an

amendment that would exempt the Valero Refinery from the bill. The amendment was successfully tabled. *[passed to Finance, Ways, & Means]*

HB 738 (Mumpower) authorizes the Tennessee Regulatory Authority to propose, develop, solicit, approve, require, implement, and monitor energy conservation programs and measures implemented by public utilities. An amendment was adopted that makes small changes to the original bill. The amendment removes the reference to “natural gas and oil” and replaces it with “all forms of energy.” It also includes “hydropower” in the list of renewable energy technologies.

[passed to Government Operations]

HB 852 (Odom) as amended creates a special joint study committee to review statutes, rules and regulations regarding the prevention of damage to underground utilities.

[passed to Government Operations]

HB 1186 (Litz) as amended makes it a Class A misdemeanor punishable by a fine up to \$2500 for engaging in the business of home inspections without a license.

[passed to Calendar & Rules]

HB 595 (Coleman) cleans up some typographical errors in the Tennessee Condominium Act of 2008. It also clarifies that a homeowner’s association can make assessments to cover government mandates even if the development was established before January 1, 2009. *[passed to Calendar & Rules]*

HB 792 (Bass) requires private protective services licensees to register with local law enforcement agencies. The local law enforcement agencies are required to notify the commissioner of any violations by a license holder.

[passed to Government Operations]

HB 1631 (Richardson) increases from 5 to 10 years the minimum age of an abandoned vehicle that can be demolished without title and notification to the last owner.

[passed to Calendar & Rules]

HB 1632 (Richardson) specifies that the authorization for a vehicle to be towed may not come from a garage keeper or towing company who is acting as an agent of the property owner. This issue arises when an owner of private property receives money from a towing company for allowing them to authorize the towing of a vehicle.

[passed to Calendar & Rules]

HB 1349 (Sargent) enacts the “Natural Gas Conservation and Annual Rate Review Act.” The bill has three major components: 1) decoupling, 2) annual rate review, 3) conservation program. The committee adopted four amendments before hearing testimony. The first amendment addresses changes suggested by the Tennessee Regulatory Authority. The second amendment sets a trigger under the annual rate review of greater than 5% of non-gas revenues to have a full rate case as provided under current law. The third amendment provides the framework for any conservation plans. This was suggested by several environment groups. The fourth amendment makes some technical corrections.

The committee heard testimony from Eddie Davidson of Piedmont Gas who provided a summary of the bill as amended. The bill will create an annual review process that will deter large rate increases every 3-5 years. Hal Novak with the Chattanooga Manufacturers Association testified that the bill would result in increased rates for

consumers. He contends that the gas companies will be able to recover the costs from conservation programs from the consumer instead of passing on the savings. He also expressed concern over a \$2 per customer charge. Patrick Willard with the AARP also testified in opposition to the bill. Joe Shirley of the Consumer Advocate Division of the Attorney General's office told the committee that the bill would limit the rights of consumers during the annual rate review. He said the current system enables consumers to minimize proposed increases. For example, at a recent request of a \$7 million rate increase, the increase was successfully lowered to \$2.5 million. Mr. Shirley also argued that the decoupling mechanism allows gas companies to recover more than their loss when implementing conservation programs. The committee ran out of time and will further consider the bill next week.

[rolled for one week]

The following bills were *rolled for one week*:

- HB 1309 (Harmon)**
- HB 2316 (Pitts)**
- HB 472 (Cobb C)**
- HB 1423 (Todd)**
- HB 1518 (Fitzhugh)**
- HB 1520 (Sargent)**
- HB 1721 (Lundberg)**
- HB 1252 (Curtiss)**
- HB 1589 (Curtiss)**
- HB 1251 (Curtiss)**
- HB 793 (Shepard)**

UTILITIES AND BANKING SUBCOMMITTEE

The **Utilities and Banking Subcommittee** met on Tuesday and moved one bill to the full committee.

HB 1743 (Fitzhugh) revises the law on utility pole attachments. The bill as amended: 1) applies best practice standards to pole attachment contract negotiations; 2) considers any adverse impact to broadband deployment because of rate increases; 3) authorizes the board of a utility to resolve disputes on contract decisions; 4) any party may appeal a board's finding to the chancery court; 5) creates a statewide working group made up of all involved parties to advise on "best practices" concerning pole attachments.
[moved to full committee]

HB 235 (DeBerry J) would require creditors to conduct an in-person meeting with a debtor who is in default to explore options to avoid foreclosure. Tim Amos with the Tennessee Bankers Association testified



that such a meeting would be too late in the foreclosure process. He suggested that the lenders send out an additional notice after the first default but before the foreclosure process starts. The subcommittee rolled the bill to allow an amendment to be drafted.

[rolled for one week]

HB 1842 (Sargent) establishes procedure for disinterment of bodies buried in wrong location in a cemetery. The procedure includes notice to the family of the wrongly-placed deceased. The subcommittee heard from Sharon Leinbach with the Department of Health. She expressed concerns over removing the permit requirement for disinterment. The bill was rolled to allow Rep. Sargent to work with the department on a possible amendment.

[rolled for one week]

The following bills were *taken off notice*:

- HB 49 (Gilmore)**
- HB 692 (Richardson)**
- HB 1926 (Richardson)**
- HB 710 (Pitts)**
- HB 2231 (Fitzhugh)**

The following bills were *rolled to 2010*:

- HB 57 (Hardaway)**
- HB 2117 (Curtiss)**
- HJR 146 (Townes)**

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Tuesday and moved three bills to the full committee.

HB 1846 (Miller L) requires the state treasurer to submit a written report each year concerning the assistance program for small and minority-owned businesses.

[moved to full committee]

HB 1932 (Jones U) as amended exempts the Shelby County Cemetery from the requirements of funeral directing when performing burials for indigents. Janet Shipman, Assistant Attorney for Shelby County, testified that recently the cemetery has been required to have a funeral director present during the burials. This added expense adds a burdensome requirement on this free program that it previously did not have to meet. The subcommittee also heard from Pam Stevens, a funeral director of Williamson Memorial Funeral Home & Gardens who spoke in opposition to the bill.

[moved to full committee]

HB 2085 (Sargent) enacts the "Tennessee Small Business Investment Company Credit Act." Under the act, participating investors become eligible for investment tax credits based on qualified capital investments made by Tennessee small business investment companies who then invest capital in other qualified businesses. The subcommittee heard from Commissioner Reagan Farr with the Department of Revenue. Commissioner Farr testified that the bill could become a great benefit for the state similar to the Rural Opportunity Fund. The Department will need to do further research to see how advantageous the act would be for the state.

[moved to full committee]

The following bills were *taken off notice*:

HB 1888 (Turner L)

HB 2158 (Turner L)

HB 1575 (West)

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved four bills to the full committee. The subcommittee is expected to hear its last calendar next week.

HB 378 (Lollar) allows construction to begin on a school building before final approval by the state fire

marshal. The amendment allows for temporary approval for construction to begin if the preliminary inspection is done by a local government using the same or more stringent fire/safety standards. The state fire marshal would still have the final authority if there is a conflict.

[moved to full committee]

HB 867 (Brooks K) as amended, exempts signs from requiring an engineering seal unless the sign is 20 feet or more above ground level, or if the sign is larger than 120 square ft. and any portion is more than 15 feet above the ground. It also allows the local government building official to require an engineering seal if failure of the sign support system would likely cause harm to people or property.

[moved to full committee]

HB 1110 (Shepard) imposes disclosure duties on health insurance carriers and pharmacy benefits managers regarding the out-of-pocket costs of prescription drugs. Dr. Baeteena Black of the Tennessee Pharmacists Association testified that pharmacists are restricted by contract from telling patients how much reimbursement the pharmacist is receiving for a particular drug. The bill will allow a pharmacist to disclose that information to a patient. It also helps patients in figuring out how their percentage-based co-pays are determined.

[moved to full committee]

HB 2304 (Shepard) requires insurance companies to file an annual report on the insurers' market conduct to the Department of Commerce & Insurance. According to John Morris, Deputy Commissioner with the Department, these reports will tell the state whether an insurance company is properly handling claims and properly handling customer complaints. Currently, the Department is not receiving this information.

[moved to full committee]

The following bills were *rolled for one week*:

HB 2201 (Bone)

HB 1907 (Curtiss)

HB 1249 (Curtiss)

The following bills were *rolled to 2010*:

HB 128 (Hardaway)

HB 843 (Johnson C)

HB 1359 (Niceley)

HB 1461 (DeBerry)

conservation & environment

Jeremy Maxwell

THE FULL COMMITTEE

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

The following bills were *referred to Calendar and Rules as amended*:

HB 966 (McCord) removes the provision in current law which would require the posting of signage at one hundred yard intervals on the perimeter of posted land in order to properly restrict hunting on such land. Such signs would be required at the visible points of ingress of the posted land. The amended bill includes the clause that the sign must be visible at all major points of ingress of the lands being posted, in such a manner that the signs are reasonably likely come to the attention of intruders.

HB 2366 (Turner M, Lollar) deletes the original bill in its entirety. The bill, as amended, requires the Comptroller to conduct a study of the economic impact of commercial fishing in Tennessee and to make any recommendations for change required to balance the interest in protecting natural habitat against the degree of oversight necessary for governance of the industry. Such report shall be completed and presented to the Environment and Conservation Committees of the House and Senate by January 15, 2010.

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

HB 361 (Dennis, Rich) requires a court hearing rather than an administrative hearing to determine whether certain property seized by the state for violations of certain game and fish laws is forfeited to the state.

HJR 284 (McDonald) urges the Tennessee Wildlife Resources Commission to set daily bag limits and hunting seasons for migratory waterfowl each year at the maximum level permitted by the U.S. Fish and Wildlife Service, specifically to establish a sixty day duck hunting season and to permit the taking of two hen mallards per day in season.

HJR 323 (McDaniel) expresses the sense of the Tennessee General Assembly that the United States and Tennessee should combat global climate change only through the adoption of a plan structured in a manner

that includes safeguarding American jobs, ensures affordable energy, and maintains America's global competitiveness.

HB 963 (McCord) was *referred to FW&M as amended*. The amended bill extends the deadline for the special joint legislative study committee to study TWRA from June 13, 2009 to June 13, 2010. This study committee considers, evaluates and makes recommendations regarding improvements to the Tennessee wildlife resources agency, including, but not limited to, the issues of state and federal funding sources and how it is governed and managed.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider five bills on calendar.

The following bills were deferred one week:

HB 790 (Gilmore)
HB 1615 (McCord)
HB 1616 (McCord)
HB 1617 (McCord)

HB 977 (McCord) was *deferred until 2010*.

WILDLIFE SUBCOMMITTEE

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

PARKS SUBCOMMITTEE

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



consumer & employee affairs

Lucy Wilson



Chairman Matheny

THE FULL COMMITTEE

The Full Committee heard eight bills on calendar; four were referred to Calendar & Rules, one to Finance, Ways & Means, two rolled one week and one rolled to the first calendar in 2010.

Passed to Calendar and Rules:

HB 155 by Dennis is made by the amendment. The amendment changes January 1, 2009 to July 1, 2010 as the date Health Clubs must post a surety bond or file an audited financial statement.

HB 618 by Sontany prohibits any person or entity that has obtained a consumer's social security number for business purposes, from displaying the social security number on any means of identification that is required to be presented in order to receive goods or services. It authorizes the consumer to request a new card, identification, or badge prior to the effective date of July 1, 2009, and to receive it from the entity at no charge.

HJR 69 by Ferguson urges retirement benefit adjustments for retired United States Department of Energy Oak Ridge prime contractor employees. The amendment deletes the clause that urges Congress to require that Medicare Part D subsidies be shared between the company and the retiree in the same proportion as the premiums for Medicare Supplement insurance is being shared.

HJR 166 by Harwell expresses support for the Employer Partnership.

Passed to Finance, Ways & Means

HB 1760 by Curtiss, as amended, prohibits unemployment benefit claimants from collecting future benefits if any portion of an overpayment, penalty, or interest from an overpayment is outstanding. It defines "misconduct" as it applies to unemployment claims and establishes penalties for individuals receiving unemployment compensation due to misrepresentation of fact. The definition for misconduct includes poor work performance which would result in the elimination of unemployment benefits for individuals discharged for such reason.

Rolled one Week:

HB 2324 by Curtiss, as amended, raises the taxable wage base from \$7,000 to \$9,000. It imposes an additional .6 percent tax on certain premium tables until the Unemployment Trust Fund has a balance exceeding \$650,000,000. It establishes an alternative base period for the calculation of unemployment benefits; authorizes dependent allowances for unemployment benefits; authorizes eligibility for unemployment benefits for individuals seeking part-time work, under certain circumstances. The amendment also replaces the total unemployment rate trigger for extended benefits with the insured unemployment rate trigger; deletes Department of Labor and Workforce Development (LWFD) funding of the Tennessee Job Skills Fee; and establishes new trust fund balances for trigger levels for the Premium Rate Chart for Nongovernmental Employers.

HB 0480 by Hill clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. An adopted amendment directs employers to give notice to employees of the policy and the consequences of violating it.

Rolled to 2010

HB 2100 by Towns makes it an unfair or deceptive act under the Consumer Protection Act, to ask for a person's social security number except under certain circumstances and subjects the person or entity to certain sanctions under the Act, such as injunctions, civil penalties, and actions for damages, including treble damages.



EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee had twenty-five bills on the calendar.

Passed to Full Committee:

HB 0461 by Odom adds a nonvoting healthcare provider representative from a list submitted by TN Chiropractic Assn. to the Advisory Council. An amendment traveling with the bill prohibits the new member of the Advisory Council from receiving reimbursement for travel and expenses associated with attendance at Council meetings.

HB 1500 by Fitzhugh defines the circumstances under which a recreational activity would be considered a work activity and therefore compensable. Recreational injuries are compensable if participation is required by the employer or if the activity is made a part of the services of the employee. Recreational activities would also be compensable if the employer gets substantial direct benefit from the activity beyond the intangible value of improvement in employee health or morale.

HB 2268 by Moore authorizes the Commissioner of Commerce and Insurance to establish by rule requirements for securities posted by self-insured employers and to require that the employer’s losses and adequacy of reserves be certified annually, instead of biennially.

HB 1777 by Hackworth is rewritten by an amendment that eliminates temporary total disability reductions when calculating the “maximum total benefit” in certain workers’ compensation claims. It establishes a specific time frame for which an employee claiming a

mental injury is conclusively presumed to have reached maximum medical improvement. The amended bill changes the definition of maximum total benefit and establishes maximum medical improvement date for mental injury claims.

HB 1963 by Sargent restricts the amount of Permanent Partial Disability (PPD) benefits that an employee can receive if the employee was not eligible or authorized to work in the US at the time of injury provided the employer did not know of the employee’s work status. It restricts maximum PPD claims to one and one-half times the medical impairment rating if an employer verifies the immigration status of the injured employee in the manner directed by the bill. An employer who does not take such steps, would be required to pay a sum of five times the medical impairment rating with a portion dedicated to the employee and the remainder to the Uninsured Employers Fund.

Rolled one Week:

HB 1192 by Mumpower adds a provision to the law - as of January 1, 2010 - to require a DIRECT contract between the payor of medical services and the specific medical provider if rates lower than the Medical Fee Schedule are to be paid. The bill does not change the requirements added to the law in 2007 that became effective on January 1, 2008.

HB 0857 by Mumpower requires any payment lower than the medical fee schedule to be made pursuant to contract/agreement directly between the healthcare provider and the employer/ trust/pool, insurer or PPO Network. It also prohibits application of commercial health policy reimbursement rates to workers’ compensation unless the contract clearly stipulates they are applicable.

HB 1471 by Casada, as amended, addresses two issues regarding reconsideration not permitted where the pre-injury employer is sold and/or acquired and the employee does not lose his/her job, and reconsideration limited to most recent injury.

HB 1472 by Casada, as amended, revises present law concerning medical records of persons who are treated for work related injuries, replacing the requirement that medical providers provide, upon request, an employee or employer with medical records within 30 days after treating or examining the employee. Under this amendment, workers’ compensation claimants will be required to provide the employer or the division of workers’ compensation with a medical release form addressed to the authorized treating physician. Both

parties must keep the other informed of communications with the medical provider.

HB 1899 by Pitts delays by two and a half years the implementation date upon which sole proprietors and partners in the construction industry will be required to carry workers' compensation insurance on themselves, with some exceptions. This bill with an amendment will be heard by the Workers' Compensation Advisory Council in time to be heard at next week's committee meeting.

Rolled to the First Calendar in 2010:

HB 1574 by West changes "AMA Guides" from Sixth Edition to Fifth Edition.

HB 1604 by Brooks H prohibits compensation for injury due to intoxication or drug use that is a contributing cause of injury instead of the proximate cause of the injury. For a Drug Free Workplace employer, a positive test is presumed to be contributing cause of injury.

Taken Off Notice:

HB 1459 by Mumpower
HB 0256 by Casada

HB 0900 by Casada
HB 0734 by Matheny
HB 1229 by Fitzhugh
HB1408 by Ferguson
HB 1564 by West
HB 1776 by Moore
HB 1964 by Sargent

CONSUMER AFFAIRS SUBCOMMITTEE

The Consumer Affairs Subcommittee had seven bills on calendar.

Passed to Full Committee:

HB 0574 by Cooper B was rewritten with an amendment that raises the minimum and maximum amount of fees for inspections of elevators, dumbwaiters, escalators, moving walks and aerial passenger trams.

HB 2279 by Turner M was taken off notice.

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

education

Patrick Boggs

THE FULL COMMITTEE



Chairman Brooks

The Education Committee met Wednesday with 10 bills on calendar. The committee commenced business after a presentation on the Coordinated School Health Program by a 7th grader at Stewart County Middle School and a presentation on the year's K-12 budget proposal by the Commissioner of Education, Dr. Tim Webb.

Referred to Calendar & Rules:

HB 431 (Bell) – This bill requires that any state agency or board recognize any legal diploma as fulfillment of any requirements that such agency may have regarding an individual's high school education. This does not apply to lottery scholarships.

Referred to Finance, Ways & Means:

HB 2194 (Harmon) – When a metropolitan government forms in a county that already has a special school district operating, this bill allows the special school district to continue operation, if so stated in the metropolitan charter.

Rolled one week:

HB 1823 (Winningham)
HB 1825 (Winningham)
HB 896 (Winningham)
HB 1104 (J. DeBerry)
HB 1647 (U. Jones)
HB 881 (Maddox)

HB 2028 (Maddox)
HB 1860 (Brown)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met on Wednesday. Next week's calendar will be the last calendar. Both bills rolled one week and bills rolled to the last calendar will be placed on next week's subcommittee calendar. The committee also heard further testimony regarding charter schools, but ultimately put off consideration of bills regarding this subject for another week; Metropolitan Nashville/Davidson County Mayor Karl Dean, along with Metro school board member Alan Coverstone advocated expansion of charter schools before the committee.

Sent to the Full Committee:

HB 1648 (U. Jones) – This bill enacts the “We Want to Learn English Initiative.” It requires the Department of Labor and Workforce Development to provide grant funding to help immigrants learn English.

HB 1560 (West, Moore) – Under current law, if any teacher in Metro Nashville schools receives a dismissal notice, then they may request a hearing before an impartial officer. This bill gives them that right if they are suspended as well.

HB 1643 (U. Jones) – This bill extends to teachers in Shelby County the right to have a hearing if they receive a dismissal notice.

HB 777 (M. Turner) – This bill requires each child to have an annual vision test done before starting school. Test results are to be reported to the school.

HB 1866 (Brown) – This bill requires the Department of Education to compile a report on whether or not the LEAP afterschool program is sufficient to meet the educational needs of Tennessee's student population and to report back to the General Assembly by January 2010.

HB 1867 (Brown) – This bill requires the Department of Education to include in its annual report a survey of LEA extended learning programs.

HB 1531 (Harwell) – This bill, as amended, requires the Select Oversight Committee on Education to hold hearings on differentiated pay plans in Tennessee. The joint committee shall report its findings back to the House and Senate Education committees by January 2010.

Rolled one week:

HB 795 (H. Brooks)
HB 2146 (H. Brooks)
HB 2061 (Rowland)
HB 2087 (Towns)
HB 1507 (Winningham)
HB 15 (Ferguson)
HB 952 (Winningham)
HB 549 (Hardaway)
HB 552 (Hardaway)
HB 553 (Hardaway)
HB 1364 (Miller)
HB 599 (Kelsey)
HB 816 (Campfield)
HB 1739 (Niceley)
HB 947 (Lynn)

Rolled to last calendar:

HB 2148 (U. Jones)
HB 1425 (Lollar)
HB 1509 (Winningham)
HB 2164 (L. Turner)

Rolled to 2010:

HB 2026 (Maddox)
HB 1508 (Winningham)

Taken off notice:

HB 2142 (M. Turner)
HB 1854 (Lollar)
HB 1682 (H. Brooks)
HB 811 (Campfield)
HB 915 (Hill)
HB 785 (Dunn)
HB 1171 (Dunn)
HB 1380 (P. Johnson)
HB 1506 (Montgomery)
HB 2267 (M. Turner)
HB 2283 (M. Turner)
HB 2281 (M. Turner)
HB 1345 (Hill)
HB 2373 (Pitts)
HB 767 (M. Turner)

Sent to Education Oversight for study:

HB 1371 (Kernell)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** met Tuesday with 17 bills on its calendar and addenda. Next week will be the last week that the Higher Education Subcommittee meets.

Sent to the Full Committee:

HB 1515 (H. Brooks) – This bill clarifies a code reference in current statute regarding the trustees of the Chairs of Excellence Endowment Fund.

HB 715 (McCormick) – This bill, as amended by the subcommittee, renames four community colleges in the state. Northeast State Technical Community College would be known as Northeast State Community College. Pellissippi State Technical Community College would be known as Pellissippi State Community College. Chattanooga State Technical Community College would be known as Chattanooga State Community College. Nashville State Technical Community College would be known as Nashville State Community College.

Rolled one week:

HB 1544 (Montgomery, Odom)
HB 1221 (Hawk)
HB 1222 (Hawk)
HB 808 (Campfield)
HB 1851 (Campfield)
HB 712 (Shipley)

Rolled to 2010:

HB 1863 (Brown)

Sent to Education Oversight for study:

HB 43 (Hardaway)

Sent to Tennessee Higher Education Commission for study:

HB 934 (Kernell)

Taken off notice:

HB 2213 (L. DeBerry)
HB 1224 (Hawk)
HB 565 (H. Brooks)
HB 1489 (H. Brooks)
HB 1490 (H. Brooks)
HB 1491 (H. Brooks)



finance, ways & means

Julie Travis

THE FULL COMMITTEE

The Finance, Ways and Means Committee met Tuesday to hear twenty-six bills and selected budget hearings. The following actions on legislation were taken by the full committee:

Deferred for one week:

HB 1420 – Tidwell

Referred to Calendar & Rules:

HB 18 (Swafford) – This is the aggressive driving bill. As rewritten in Transportation and then amended in Finance, this legislation would define aggressive driving as when a person who, during one event of continuous driving, commits at least two of the following violations: overtaking on the right; overtaking and passing in no passing zones; following too closely; failing to yield to

pedestrians; failure to signal turn; speeding; stopping, standing, or parking in prohibited places; or following fire trucks; and the result of the violations places another person(s) in danger of bodily injury. As amended in House Finance Committee, the offense for aggressive driving would be the same as that of reckless driving, a Class C misdemeanor, punishable only by a maximum fine of \$500.

HB 220 (Fincher) – This bill requires the Bureau of TennCare to verify the Social Security number of all enrollees in the program and remove all ineligible enrollees who are not lawful residents or are otherwise fraudulent applicants prior to disenrolling individuals for reasons relating to restricting eligibility or enrollment for fiscal or other reasons not required by federal law. The Finance Committee amended the bill adding language establishing that verification of the validity of a

TennCare enrollee’s Social Security number “at the time of application” is required prior to the disenrollment of individuals for reasons relating to restricting eligibility or enrollment for fiscal or other reasons not required by federal law.

HB 280 (Matheny) – As amended in the Council on Pensions and Insurance, this bill grants the State Insurance Committee, the Local Government Insurance Committee, and the Local Education Insurance Committee the authority to delegate the ability to handle and resolve disputes regarding the application of medical necessity guidelines to a subcommittee or staff.

HB 321 (S. Jones) – This bill, as rewritten in the Children & Family Affairs Committee, creates a process by which a foster parent may report failure by the Department of Children’s Services, an employee of the Department, an agency contracted with the Department, or an employee of that agency to follow the tenets behind foster parents’ rights when the failure has harmed or could harm the child or has inhibited the foster parent’s ability to meet the needs of the child. DCS must provide copies of all written requests for formal reviews and the responses made by DCS to the Commission on Children and Youth within 10 days of each being made. DCS must also submit a plan for training employees of the provisions of the bill by October 1, 2009, to the Select Committee on Children and Youth. This, in effect, sets up a process for foster parents to voice issues they may be having with their case managers.

HB 360 (Dennis) – This legislation authorizes individuals who have had their driver’s license revoked due to underage driving while impaired to apply to the trial or juvenile court judge for a restricted driver’s license. It authorizes trial and juvenile court judges to order the issuance of such restricted driver’s licenses under the same circumstances that restricted driver’s licenses are issued to persons convicted of DUI. In House Judiciary, the bill was amended to provide that an underage DUI offender’s restricted driver’s license may not be reissued until after such person’s driver’s license has been suspended for 90 days.

HB 372 (Ford) – This legislation is a memorializing bridge sign bill for a member of the military who was killed in the line of duty. It designates the bridge spanning Cedar Creek on S.R. 75 from its intersection with I-26 to its intersection with S.R. 36 as the “James Lesley Isenberg Memorial Bridge” and directs the Department of Transportation to erect suitable signs.

The cost of such signage shall be funded in accordance with TCA §54-1-133.

HB 493 (Tidwell) – As introduced, this bill expands the Tennessee River Resort District for liquor-by-the-drink applicable to Perry County to include the entire county, instead of limiting the area in such county to three miles from the bank of the Tennessee River, upon the adoption of a resolution by the county legislative body.

HB 516 (Matheny) – As amended in the Finance Committee, this bill would create a new offense for a person to receive or attempt to receive housing in a housing project by giving false information or concealing material information if doing so results in the person qualifying for housing or a lower lease rate. It broadens the definition of “services” to include any other activity or product considered in the ordinary course of business to be a service, regardless of whether it is specifically listed in statute. Violation of these provisions would be a Class A misdemeanor, though only punishable by a fine not to exceed \$2,500. The amount of the fine imposed shall be graded as theft according to the value of the benefit the defendant derived from the offense.

HB 780 (McCormick) – This bill authorizes the register of deeds in Hamilton County to collect a \$2 submission fee for recording electronically-filed documents, upon approval by a two-thirds vote of the Hamilton County legislative body.

HB 845 (Mumpower) – This bill requires two additional members be added to the State Election Commission temporarily when the majority party changes as a result of a regular November election. The two additional members will serve only until other members’ terms expire. As amended in House State & Local Government Committee, the legislation also requires that the existing compensation structure for the commission be divided equally for all seven members rather than providing additional compensation for the temporary members.

HB 959 (Bass) – As amended in Judiciary Committee, this bill requires all information contained in or associated with handgun carry permits or handgun carry permit renewals to be confidential and not open for public inspection, with exceptions for law enforcement agencies and child support enforcement agencies under certain circumstances.

HB 1245 (Curtiss) – This bill, as amended in the Conservation & Environment Committee, expands the authority of the water quality control board concerning

incentives for alternatives to discharges into surface waters.

HB 1285 (Odom) – This bill was rewritten in the Council on Pensions & Insurance to authorize retired state employees or retired employees of the University of Tennessee and the state university and community college system, who meet criteria specified in TCA §8-27-205, to participate as a retiree in the dental insurance plan. It also authorizes adjustments of monthly plan premiums and benefit package options pending final approval of the State Insurance Committee. The Finance Committee Amendment spreads the initial start up costs for the first twelve months out to all participants in the plan over both employees and retirees. It is projected to only be a 3-cent per month additional cost to all participants in the optional dental plan.

HB 1480 (J. Cobb) – This is a hwy/bridge sign bill. It names and designates the bridge spanning the Piney River on U.S. Highway 27 within the corporate limits of Spring City in Rhea County as the “Jimmy ‘Pap’ Galloway Memorial Bridge” and directs the Department of Transportation to erect suitable signs. The House Transportation Committee amended the bill deleting Section 5 of the printed bill, which requires non-state funding, and instead requires Rhea County to pay for the signs.

HB 1557 (S. Jones) – As rewritten in the Children & Family Affairs Committee, this legislation states that when a child is adjudicated delinquent or before the child admits to having committed an offense, the court must notify the child that when he is fingerprinted upon the commission of a crime, his prints will be sent to TBI to be kept on file.

HB 1683 (H. Brooks) – This bill extends the provisions of the law permitting retirees in the TCRS to teach in grades K-12 without loss of retirement benefits to June 30, 2011.

HB 1698 (McCormick) – This is the AT&T Market Regulation Bill. The Commerce Committee rewrote the bill to authorize incumbent and non-incumbent certificated providers of local exchange telephone or intra-state long distance telephone service to elect to operate pursuant to market regulation by filing notice of intent with the TRA. The Commerce Committee also added language stating that a rural incumbent certificated provider of local exchange or intrastate long distance telephone service, that elects to operate pursuant to market regulation, shall constitute an acknowledgement that a bona fide request for

interconnection or services is not unduly economically burdensome, is technically feasible, will not present a risk of a significant adverse economic impact on users of telecommunications services generally, is consistent with 47 U.S.C. § 254, and is consistent with the public interest, convenience, and necessity. This, thereby, removes the federal protection from competition for rural providers who elect to use market regulation.

HB 1929 (Ford) – This legislation is a memorializing bridge sign bill for a former member of the legislature. It designates the bridge located at Interstate 26 and the State Route 381 intersection in Washington County as the “Bob Good Memorial Bridge” and directs the Department of Transportation to erect suitable signs. The late Robert J. “Bob” Good, served with distinction in the House of Representatives for seven terms (86th - 90th G.A and 95th - 96th G.A.).

HB 1977 (Fitzhugh) – This bill authorizes the “Big 4” counties (Shelby, Davidson, Knox, and Hamilton) as well as the cities of Chattanooga, Knoxville, and Memphis to issue bonds using private placement or via negotiated sale until June 30, 2010. According to the Comptroller’s Office, this bill will assist these local governments in accounting for volatility in the current market.

HB 1981 (Fitzhugh) – This legislation authorizes the Tennessee Local Development Authority to charge and collect administrative fees and expenses to cover the costs of financing programs to local governments under the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. The House Conservation and Environment Committee added language to the bill stating that such fees and expenses shall not become part of the wastewater facility revolving loan fund or the water system revolving loan fund.

HB 1983 (Fitzhugh) – This is the infrastructure bond bill, which authorizes the State Funding Board to cancel bond authorizations when projects for which bonds are authorized are subsequently financed with short term debt, proceeds from other bond premiums, or with current funds.

HB 2168 (Armstrong) – This bill specifies that the Tennessee National Guard Armory located at 3330 Sutherland Avenue in Knoxville, Knox County, be named and designated as the “Colonel Russell Austin Newman National Guard Armory.” As amended in the House State & Local Government Committee, non-state funds would be required for payment for the manufacturing and installation of the signs or markers within one year

of the effective date of this bill. A “funding letter” was distributed to the committee from M.G. Gus Hargett, Jr. stating the 278th Retirees Association and the former commanders of the 278th Armored Cavalry Regiment will pay for the designating signs with private funds.

HB 2262 (J. DeBerry) – This legislation is an administration bill deleting authorization for child abuse review teams in each community, as the current process, being deleted with this legislation, is duplicative and the responsibilities of these teams are now conducted by child protective investigation teams.

HB 2357 (P. Johnson) – As amended in the House State & Local Government Committee, this legislation limits the publication of the “Tennessee Legislative Record” to one time at the conclusion of each annual session unless requested by a member of the General Assembly. The record will remain on the official website of the Tennessee General Assembly.

HJR 116 (H. Brooks) – This legislation names and designates the administration building at the TDOT complex in Knoxville as the “Fred B. Corum Regional Administration Building.” The committee has recognized receipt of a “funding letter” from Commissioner Nicely which states the costs of such signage can be absorbed within the department’s budget.

BUDGET SUBCOMMITTEE

On Wednesday, April 29, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with forty-six bills on its regular calendar and three on an addendum. Subcommittee action on these bills is as follows:

Deferred for One Week:

HB 614 – Todd
HB 1543 – Stewart
HB 348 – Hackworth
HB 2389 – Fitzhugh
HB 1501 – Fitzhugh
HB 1947 — Shaw
HB 1909 – C. Johnson
HB 92 – J. Cobb
HB 351 — Hackworth

Deferred for Two Weeks:

HB 609 – Stewart
HJR 149 – McCord
HB 210 – Coley
HB 212 – Coley
HB 1824 – Winningham

HB 113 – Bell

Behind the Budget:

HB 2157 – Towns
HB 1261 – Tindell
HB 448 – Pruitt
HB 839 – Moore
HB 835 – Moore
HB 2008 – McDonald
HB 2024 – Maddox

Taken Off Notice:

HB 523 – H. Brooks
HB 248 – H. Brooks
HB 879 – Maddox

Referred to Study Sub:

HB 687 – Winningham
HB 1972 – Harmon
HB 50 – Gilmore

Referred to Full Committee:

HB 616 (Todd) – As amended in House State & Local Government Committee, this legislation requires energy efficient lighting be used in all vending machines on state property after July 1, 2009, or to otherwise have their lights removed from the machines.

HB 1619 (McCord) – As rewritten in Conservation & Environment Committee, this bill eliminates the requirement that all concentrated animal feeding operations obtain coverage under a permit. Instead, it would only require those operations required by the federal Clean Water Act to be issued a permit.

SJR 127 (Sen. Black / Rep. Maggart) – As amended in Budget Sub, the Constitutional Amendment on abortion’s publication requirement was changed to reflect the standard newspaper publication traditionally performed by the Secretary of State’s office. Also a typographical error was corrected with the amendment. The subcommittee acknowledged receipt of a funding letter issued by the Secretary of State, saying his department could absorb the expense of this one constitutional amendment publication without any additional appropriation needed to be made out of the general fund.

HB 1053 (Lynn) – This bill sunsets the Board of Electrolysis Examiners and grants the Commissioner of Health regulatory and licensure authority over the practice of electrology. The committee received a letter from the Department of Health’s Bureau of Health

Licensure and Regulation in reference to this board's financial situation.

HB 530 (Hackworth) – As amended in the Agriculture Committee, this bill requires the Commissioner of Revenue to post notification in the directory listing of certified tobacco manufacturers and approved brand families at least fifteen days prior to any tobacco manufacturer or brand family being removed from the directory listing.

HB 2136 (Hackworth) – As amended in Health & Human Resources, this legislation requires the Bureau of TennCare and the Department of Health to work with health care providers to enhance opportunities for women who are pregnant to receive treatment for addiction to alcohol or controlled substances.

HB 669 (Hackworth) – As amended in Budget Sub., this legislation prohibits the court from dismissing violations for failure to provide evidence of financial responsibility (i.e., show valid proof of insurance) when the person charged was not in compliance with the Financial Responsibility Law at the time a citation was issued, but was obtained prior to disposition by the court. It also requires that for any conviction for failing to show proof of insurance after July 1, 2009, and upon request by the Cmsr. of Safety, the Cmsr. of Revenue shall not renew the registration of any vehicle until proof of insurance is shown.

HB 1605 (H. Brooks) – As rewritten in the House Transportation Committee, this legislation adds an additional provision to the law allowing another option for rear visibility while riding a bicycle at night; this bill would also allow, other than a red reflector as is currently in law, a lamp emitting a red light with the requirement that the red light be visible from a distance of 500 feet from the rear of the bike.

HB 1822 (Winningham) – As amended in the State & Local Government Committee, this legislation authorizes the Huntsville Utility District to receive compensation for their services and per diem payments of \$300. Currently, commissioners only receive per diem payments of \$100. The district commissioners must adopt a resolution to increase compensation by a two-thirds vote prior to December 1, 2009 or this provision will be repealed. The presiding officer of the board of commissioners is required to notify the executive secretary of the Tennessee Code Commission of the results of the action taken by the board.

HB 631 (Tindell) – This legislation, as amended in Health & Human Resources, extends the expiration date of the nursing home bed tax from June 30, 2009 to June 30, 2011.

HB 633 (Tindell) – This bill extends the prohibition on new nursing home beds, except for 125 Medicare skilled nursing facility beds, to June 30, 2011.

HB 2312 (Shepard) – This legislation makes various changes in the law regarding pre-need funeral contracts, home inspectors, collection services, and real estate appraisers. Regarding pre-need funeral contracts, the bill specifies that funeral or burial merchandise would be considered as a portion of a pre-need funeral contract, and expands the definitions of “pre-need sales agent” and “pre-need seller.” It also authorizes the assignment of contract benefits to a funeral establishment. In reference to home inspectors, the legislation creates an “inactive license” status for inspectors and requires all home inspectors who wish to re-activate their license to do so within 24 months or to provide proof of completion of a certain amount of continuing education within the 24 months immediately preceding their application for re-issuance. Renewal of inactive licenses is required every two years. Regarding collection services, a requirement for location managers at collection services to be able to renew their location manager licenses prior to expiration or risk revocation is removed with this legislation. And finally, in reference to real estate appraisers, the licensure requirements for a real estate appraiser trainee is deleted and instead trainee certification is required.

HB 980 (McDaniel) – The State & Local Government Committee rewrote the bill authorizing nongovernmental utilities that enter into mutual assistance agreements with governmental utility systems for the purpose of providing aid or assistance to be eligible for reimbursement of all out-of-pocket costs incurred by such nongovernmental utility.

HB 1840 (Haynes) – This bill, as amended in House Judiciary, authorizes Knox, Shelby, and Blount Counties' register of deeds to redact Social Security numbers maintained on computers or removable computer storage media.

HB 1225 (Harwell) – As amended in the House Judiciary Committee, this bill provides a mechanism for implementing federal law which mandates the surrender of firearms following the issuance of an order of protection.

HB 1442 (Harwell) – *Hwy/Bridge Sign*: This legislation names and designates the bridge on Old Franklin Road that spans I-24 in Davidson County as the “H. Clay Turner Memorial Bridge” and directs the Department of Transportation to erect suitable signs. As amended in the House Transportation Committee, the Metropolitan Government of Nashville and Davidson County is required to direct the funding for the signs to TDOT.

HB 730 (Ferguson) – This bill authorizes the city recorder to serve as the municipal judge if the city charter allows for such. It also authorizes judges, who are authorized to practice law in Tennessee, to substitute continuing legal education for training provided by the Administrative Office of the Courts. As amended in House Judiciary, it also provides that if a municipal judge satisfies the annual CLE requirement, whereby three of those hours are in training or judge education, then the municipal judge shall not be required to complete three additional hours of training or judge education.

HB 731 (Ferguson) – *Hwy Sign*: This legislation names and designates the segment of State Route 61/ State Route 62 (Tri-County Boulevard) that serves the Norwood Schools and the Norwood Boys Club within the corporate limits of the town of Oliver Springs as the “Mayor Edwin L. Kelley Memorial Highway” and directs the Department of Transportation to erect suitable signs. As amended in House Transportation, the Town of Oliver Springs is required to pay for the signs. It also specifies that the appellation provided for within this act is for honorary purposes only.

HB 2177 (Ferguson) – As amended in the House State & Local Government Committee, this legislation requires any county that has exercised zoning powers to compile its zoning ordinances and maps for the purpose of being able to provide the information to the public. Furthermore, it requires that clear and convincing evidence be presented when challenging the accuracy of any zoning ordinance or map.

HB 2134 (Naifeh / Harwell) – As amended in Budget Sub, this bill establishes the Tennessee Museum Commission to govern the existing Tennessee State Museum. As amended in the House State & Local Government Committee, the commission was renamed the “Douglas Henry State Museum Commission.” The make-up of the commission was also altered in State & Local Government Committee, granting the Governor six appointments and both Speakers a combined five appointments to the museum commission. The Budget Subcommittee further amended the bill clarifying

language to thus make the intent that the administrative head of the museum is consistently reflected as the Executive Director of the Museum rather than the Museum Director. The bill also removes the current governance and administrative attachment of the museum to the Arts Commission and provides for transition grants from the Arts Commission to the Museum Commission for operating expenses from existing revenue derived from the sale of new specialty earmarked and cultural automobile license plates.

HB 375 (Coley) – This bill is the “The Archival Protection Act of 2009.” It urges LEAs to hire a professional archivist to review all personal property contained within a school building for historical significance upon the closure of the building. Such property may be made available for display at any public institution in the discretion of the LEA.

government operations

Amber Rice

The **Government Operations Committee** met on April 29th to consider thirty-nine bills.

The following bills were deferred for one week: **HB 1204 by McCord, HB 1512 by Tindell, HB 1815 by Rep. Lynn, HB 997 by Rep. Lynn, HB 1092 by Rep. Lynn, HB 1892 by Rep. Coleman, HB 1125**



Chairlady Lynn

by Rep. Lundberg, HB 2141 by Rep. Lundberg, and HB 230 by Rep. Todd.

HB 1043 by Rep. Lynn was deferred to the last calendar.

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

HB 988 by Rep. Lynn- Extends the Health Services and Development Agency to June 30, 2013.

HB 1100 by Rep.

Lynn- Extends the State Capitol Commission to June 30, 2012.

HB 1044 by Rep. Lynn- Extends the Utility Management Review Board to June 30, 2015.

HB 1437 by Rep. Harwell- Limits the circumstances in which a correctional institution can use restraints on a pregnant offender or detainee.

HB 1303 by Rep. S. Jones- Creates a 2-1-1 Advisory Council consisting of up to eighteen members who shall be appointed by the Tennessee Regulatory Authority (TRA) for the purpose of advising and assisting the TRA in establishing state-wide standards that ensure the citizens of Tennessee are being served by an efficient and effective 2-1-1 service. Requires the Tennessee Alliance of Information and Referral Systems (TAIRS) and the United Ways of Tennessee (UW) to submit recommendations to the TRA for potential appointees. Declares that nothing in this act shall be construed as requiring or permitting any state funding relative to a 2-1-1 Advisory Council, including but not limited to, reimbursement of any expenses for members related to their participation on the Advisory Council.

The following bills were referred to **Calendar and Rules with amendment:**

HB 581 by Rep. Fincher- As amended, extends the Judicial Evaluation Commission and the Judicial Selection Commission to June 30, 2013.

HB 993 by Rep. Lynn- As amended, extends the Prevailing Wage Commission to June 30, 2011.

HB 1001 by Rep. Lynn- As amended, extends the Elevator and Amusement Device Safety Board to June 30, 2011.

HB 1005 by Rep. Lynn- As amended, extends the Department of Labor and Workforce Development to June 30, 2011.

HB 1031 by Rep. Lynn- As amended, extends the State Unemployment Compensation Advisory Council to June 30, 2011.

HB 1035 by Rep. Lynn- As amended, extends the Tennessee Advisory Commission on Intergovernmental Relations to June 30, 2013.

HB 1051 by Rep. Lynn- As amended, extends the Occupational Safety and Health Review Commission to June 30, 2011.

HB 1052 by Rep. Lynn- As amended, extends the Occupational Safety and Health Administration Labor Advisory Council to June 30, 2011.

HB 1058 by Rep. Lynn- As amended, terminates the Board of Employee Assistance Professionals.

HB 1064 by Rep. Lynn- As amended, extends the Advisory Council on Workers' Compensation to June 30, 2011.

HB 1066 by Rep. Lynn- As amended, extends the Board of Review, Department of Labor and Workforce Development to June 30, 2011.

HB 1068 by Rep. Lynn- As amended, extends the Medical Care and Cost Containment Committee to June 30, 2011.

HB 1069 by Rep. Lynn- As amended, extends the Board of Boiler Rules to June 30, 2011.

HB 1047 by Rep. Lynn- As amended, extends the Tennessee State Veterans' Home Board to June 30, 2013.

HB 1091 by Rep. Lynn- As amended, extends the Department of Correction to June 30, 2013.

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

HB 1448 by Rep. McCord- As amended by the Judiciary Committee, would establish new provisions for the Judicial Selection Commission.

HB 474 by Rep. Harmon- Authorizes a student who has a documented medical disability that restricts the student's attendance to part-time to petition for an extension of the current five-year limitation in order for the student to retain the HOPE scholarship.

HB 364 by H. Brooks- As amended by the Education Committee, authorizes school boards within Shelby County to delegate school zoning decisions to a committee composed of three members, at least one of whom must be a current board member. Other board members must comply with the decisions of the committee based on the rules and regulations promulgated by the board.

HB 2308 by Rep. Curtiss- Authorizes the Board of Probation and Parole to charge an application fee to any offender under supervision who requests to transfer to another state under the Interstate Compact for Adult Offenders Supervision (ICAOS).

HB 1410 by Rep. Ferguson- As amended by the Health and Human Resources Committee, would create a special joint subcommittee to study the creation of a Department of Aging and Adult Services.

HB 1911 by Rep. C. Johnson- Authorizes Tennessee to join an interstate compact for the enrollment and transfer of children in military families into public schools in member states. Sets forth eligibility requirements for students, duties of member states, and prohibits local education agencies (LEAs) from charging out-of-district-tuition fees to a transitioning student who is in the custody of a non-custodial parent or guardian whose address is outside the LEA jurisdiction. Creates a State Council to oversee this program in Tennessee and defines the council's duties therein. Gives Tennessee one voting representative on the Interstate Commission. Sets forth provisions to resolve disputes between member states. Compact does not become binding until 10 or more states have passed such legislation.

HB 1155 by Rep. Shepard- As amended by the State and Local Government Committee, creates a direct shippers license to be issued through the Alcoholic Beverage Commission that will allow the shipping of alcoholic beverages to persons 21 and older.

HB 1263 by Rep. Sontany- Rewrites Title 64, Chapter 8 regarding Regional Transportation Authorities (RTAs). Changes include provisions for creation of new RTAs, appointing one resident per county to the board instead of a total of six residents for all member counties

combined, expanding power of eminent domain, authorizing assessments to be paid from local government members to the RTA, providing the authority to establish rates and fees for transit services, and creating the power to levy taxes upon voter approval.

HB 1278 by Rep. Stewart- Enacts the "Uniform Debt Management Services Act." Requires the Director of the Division of Consumer Affairs in the Department of Commerce and Insurance to register and regulate providers of debt management services. Defines registration requirements. Requires registrants to file and maintain a minimum of \$250,000 insurance coverage against fraud, dishonesty, and theft, as well as maintain a minimum \$50,000 surety bond. Deletes the section governing debt adjusting from the Tennessee Consumer Protection Act of 1977.



HEALTH & HUMAN RESOURCES COMMITTEE

The **Health & Human Resources Committee** met Tuesday, April 28, 2009, with seven bills and one resolution on calendar. **Chairman Armstrong** announced that in deference to legislation that needs to be considered, the speaker scheduled to present, Dr. Martin Whiteside, Director of the Department of Health's Cancer Surveillance Office, has been rescheduled. Prior to taking up the calendar, Chairman Armstrong recognized Commissioner Susan Cooper, Tennessee Department of Health, for an update on the swine flu virus. In addition to remarks on morbidity, Commissioner Cooper advised that constituent calls to members' offices concerning swine flu should be directed to call their local health department for advice and assistance. The Department of Health has established the following Health Alerts link dedicated to the swine flu virus, <http://health.state.tn.us/swineflu.htm>. Likewise, the latest information about swine flu from the Centers for Disease Control and Prevention (CDC) can be found at <http://www.cdc.gov/swineflu>.

HB 0219 (Fincher) as amended that requires the Bureau of TennCare to notify each member of the General Assembly prior to submitting a request for an amendment to or renewal of the TennCare waiver to the U.S. Department of Health & Human Services, prohibits the submission or implementation of a waiver amendment or renewal unless the TennCare Oversight Committee has been afforded the opportunity to comment, and requires the Bureau of TennCare to regularly report to members of the General Assembly on the status of reforms and improvements, number of recipients and cost to the state, viability of the managed care organizations and providers in the program, success of fraud detection and prevention, conducted actuarial studies, budget proposals, managed care programs, and long-term care programs, functions, and activities was referred to C&R. Rep. Favors rolled **HB 1353 (Floyd)** one week for drafting of amendatory language. **HB 2286 (Hackworth, Turner M)** that revises certain provisions of the Vulnerable Persons

Registry established and maintained by the Department of Health, defines *exploitation* for purposes of the Registry, broadens the definition of *vulnerable person*, and authorizes a state agency that has placed a person in the Registry to recommend to the Department the removal of such person's name under certain conditions was referred to C&R. **HB 0297 (Richardson)** as amended that requires the Department of Mental Health & Developmental Disabilities to evaluate the possible use of mandatory outpatient treatment as an alternative to judicial commitment and report the results of the evaluation to the House and Senate Health Committees by February 2010 was referred to FW&M. **HB 0151 (Hensley)** as amended that requires pharmacies that dispense controlled substances to provide for electronic access to the controlled substance database and provides for a civil penalty was referred to C&R. Rep. Jones S took **HB 0828** off notice. Rep. Jones S offered **HB 2344** with a personal amendment that rewrites all but the effective date of the bill as introduced to exempt facilities that provide housing for persons on a temporary or transitional basis or through a specialized court program addressing the needs of persons both in court custody and dually diagnosed with a developmental disability and mental illness from licensure requirements as a residential facility by the Department of Mental Health & Developmental Disabilities. With the amendment pending, HB 2344 was rolled one week by Chairman Armstrong for review of the proposed amendment. **HJR 0139 (Curtiss)** that supports the development of an array of cost-effective home- and community-based programs to support people with developmental disabilities was referred to C&R.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday, April 28th at 8:30 AM and at the conclusion of the full committee to consider 16 bills on its *final calendar*; four bills were referred to full committee. **HB 1495 (Maggart)** as amended defines the practice of polysomnography and establishes requirements for respiratory therapists who provide polysomnography



services. The subcommittee stood in recess to hear extended testimony from individuals on both sides of the sponsor's amendment. Rep. Odom offered Amendment 2 that would rewrite the provisions relative to respiratory therapists who provide polysomnography; the amendment failed 4-8 on a roll call vote. **HB 1607 (Maggart)** creates a certification process of the Board of Nursing for *medication aide certified* for individuals who can administer certain medications under the general supervision of a licensed nurse at a nursing home or assisted living facility. The subcommittee heard opposition testimony to HB 1607 prior to referring the bill 8-5 on a roll call vote. **HB 1669 (Tindell)** as amended requires the Department of Mental Health & Developmental Disabilities (MH&DD) to coordinate with other departments and agencies to promote access to a continuum of appropriate services for persons in psychiatric emergencies including a toll free telephone number for 24/7 access, telephone and walk-in triage screening, assessment, intervention and follow-up, and access to crisis respite and crisis stabilization beds; states the legislative intent for MH&DD to maintain funding and services for the portion of emergency psychiatric services continuum for persons who are not eligible for TennCare and are uninsured at levels equal to those provide on January 1, 2009; and, MH&DD must report to the Planning and Policy Council and the Fiscal Review Committee identifying all means the Department intends to use to make resources available in the event that appropriations are not sufficient to continue funding these services at that level. **HB 1475 (Fincher)** combines the State Board of Cosmetology and the Board of Barber Examiners to create an 11-member

State Board of Cosmetology and Barber Examiners, establishes new guidelines for the practice of natural hair styling, and requires Board Inspectors to inspect barber shops, schools, and colleges at least annually, in addition to the initial inspection that must be performed prior to the opening of a new shop or relocation of an existing shop.

In other action, Rep. Odom offered **HB 0464** (authorizes nurse practitioners and physician assistants to sign death certificates); the subcommittee adopted the sponsor's amendment 7-6 on a roll call vote that rewrites the bill to authorize nurse practitioners and physician assistants to sign death certificates under certain conditions; HB 0464 as amended then failed on a voice vote. **Rep. Maggart (HB 0635)** (interchange of an immunosuppressant drug) and Rep. Shepard discussed some implementation issues relative to HB 0635, along with a commitment to continue working on a solution, prior to Rep. Maggart rolling HB 0635 to 2010. As committee time expired, Chairman Harrison rolled the remaining 10 bills on the final calendar one week: HB 0722 (Niceley), HB 1114 (Shepard), HB 1268 (Favors), HB 1546 (DeBerry J), HB 1651 (Armstrong), HB 1715 (Turner M), HB 2337 (Winningham), HB 0394 (Fincher), HB 1871 (Ramsey), and HB 1872 (Ramsey).

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Tuesday afternoon April 28th with six bills on its *final calendar*, referring two to full committee. **HB 1732 (Hackworth)** requires the Bureau of TennCare to reimburse pharmacies for covered products and services provided for TennCare crossover claims of full benefit dual eligibles at 100 percent of the Medicare program's allowable charge for participating providers. After a lengthy discussion and testimony from individuals on both sides of the issue, **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 referred.



Pub. Hlth. Chair Hensley

In other action, **HB 2319 (Turner M)** was rolled one week due to the sponsor's absence. Rep. Curtiss rolled **HB 1586** (Tennessee Pregnant Women Support Act) with an amendment pending to 2010. **HB 1810 (Hill)** was rolled one week due to the sponsor's absence. Rep. Hensley rolled **HB 1756** one week. Lastly, Chairman

Hensley announced the *final meeting of the subcommittee to complete its final calendar is scheduled for Tuesday, May 5, 2009.*

HEALTH CARE FACILITIES SUBCOMMITTEE

The *final meeting* of the **Health Care Facilities Subcommittee** was held Wednesday afternoon, April 29, 2009, with 15 bills on its *final calendar*; six bills were referred to full committee. **HB 0950 (Lynn)** as amended that prohibits any county or metropolitan board of health or political subdivision from enacting any ordinance or issuing any rule or regulation pertaining to the provision of food nutritional information or otherwise regulate menus at food service establishments was referred 5-4-1 on a roll call vote. **HB 1126 (Lundberg, Ford)** requires any condition placed on the issuance of a health care facility's certificate of need to be deemed a condition on any subsequently issued license. After extended testimony from proponents and opponents, **HB 1646 (Jones U)** that creates the Board of Credentialing for Child Care Professionals within the Department of Commerce & Insurance was referred on a voice vote. **HB 1674 (Ferguson)** as amended requires the Division of Mental Retardation Services to do everything possible to provide referrals for the new ICF/MR beds and further requires the Division to demonstrate a commitment in assisting providers in locating referrals by obtaining a written statement from the conservator of every eligible service recipient indicating that they have been fully informed of the community ICF/MR facilities and specialized services

they provide. **HB 2265 (Jones S, Turner M)** as amended revises existing statutory background check provisions relative to the Department of Human Services, including access to new databases. **HB 2282 (Ferguson, Turner M)** enacts the "Adult Care Home Act of 2009;" sponsor amendment expected in full committee.

In other action, Rep. Hardaway took **HB 0025** off notice. The remaining eight bills on calendar were taken off notice at the request of the sponsors: HB 0558 (Kelsey), HB 0632 (Tindell), HB 0807 (Campfield), HB 0817 (Campfield), HB 1295 (Cobb C), HB 1532 (Favors), HB 1585 (Curtiss), and HB 1737 (Fincher). There being no other business before the subcommittee, the **Health Care Facilities Subcommittee is closed subject to the call of the Chair.**

THE FULL COMMITTEE



The **Judiciary Committee** (Chairman Coleman) met on Wednesday, April 29, 2009 with 61 bills on calendar. Secretary Sontany presided over the Committee.

To Calendar & Rules:

HB 1832 (Turner M), as amended, creates privileged communication between critical incident stress management team

members participating in crisis intervention. Amendment #1 (00547571) defines “critical incident stress management team member or team leader” and “crisis intervention”.

HB 0522 (Rich) provides that escaping from the lawful custody of a law enforcement officer constitutes the offense of escape the same as escaping from a penal institution.

HB 0527 (Coley) allows court to deny name change petition if court believes it is to defraud, not made in good faith, will cause injury, or compromises public safety.

HB 1541 (Gilmore), as amended, classifies intentionally causing the physical injury of a public or private transportation system employee while the employee is performing an assigned task on or related to the operation of a transit vehicle as aggravated assault and a Class A misdemeanor. Amendment #1 (00658871) includes public employees in the performance of their official duties.

HB 1260 (Tindell), as amended, removes jurisdiction over criminal proceedings involving the prosecution of child abuse and neglect cases and the prosecution of the failure to report such cases from juvenile court to a court

of general sessions or circuit or criminal court. Amendment #1 (00698671) provides for concurrent jurisdiction so that each district may determine its own individual needs.

HB 1814 (Harwell) modifies certain statutory provisions pertaining to certain types of theft.

HB 0484 (Harwell), as amended, modifies certain statutory provisions pertaining to certain types of theft. Amendment #1 (00712071) clarifies that the requisite mental state is: “With the malicious intent to frighten, intimidate or cause emotional distress”.

HB 1201 (Pitts), as amended, redefines the offense of child endangerment to be when a parent or custodian of a child eight years of age or less knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury to the child. Amendment #1 (00635133) defines the offense in terms of serious bodily injury to the child, use of a deadly weapon, use of a controlled substance in the act of abuse, and torture of a child.

To Finance, Ways & Means:

HB 0241 (Rich) requires person who commits a first or subsequent aggravated robbery by use of a deadly weapon to serve at least 85 percent of the sentence imposed before becoming eligible for release status.

HB 0525 (Coley), as amended, makes killing of another while committing domestic abuse first degree murder if there was past pattern of abuse upon victim and circumstances of death manifested extreme indifference to life. Amendment #1 (00561371) defines “domestic abuse victim” as the domestic abuse victim found in TCA § 36-3-601(5).

HB 0526 (Coley), as amended, provides that fourth or subsequent conviction for domestic assault or violation of a protective order is a Class E felony. Amendment #1 (00561471) makes the bill, changing the first two instances of “shall” to “may”.

HB 0013 (Floyd) states that in a determination of the amount of bail, there shall exist a presumption that any defendant not lawfully present in the United States is a risk of flight.

HB 2376 (Shepard), as amended, modifies the methods for disposing of certain confiscated weapons. Amendment #1 (00745171) adds “commissioner of safety” and “director of the Tennessee bureau of investigation” to the list of law enforcement officials who may certify a confiscated weapon as inoperable or unsafe.

Taken Off Notice:

HB 1262 (Tindell).

Rolled:

All bills not otherwise noted are rolled for 1 week.

CIVIL PRACTICE & PROCEDURE
SUBCOMMITTEE

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, April 28, 2009 with 72 bills on calendar.

To the full Committee:

HB 1762 (Shipley), as amended, requires doctors and hospitals treating minor children to release the results of medical tests and procedures performed on the child to the child’s parents upon request. Amendment #1 (00561133) adds sections 3 and 4 to the bill and rennumbers; section 3 deals with a patient’s authorized representative; section 4 provides a good faith opt-out for the provider, if release of the records would “subject the minor to imminent danger of physical harm.”

HB 1385 (Harrison), as amended, for prescreening agents, physicians, and psychologists to be considered state employees when assessing persons for admission and transportation to involuntary inpatient treatment; establishes a task force to study issues related to transportation of persons to such treatment. Amendment #1 (00710718) makes the bill.

HB 1579 (Harrison), as amended, specifies that statutory cause of action for alcohol-related injuries is in addition to common law causes of action for such injuries. Amendment #1 (00641272) changes “obviously intoxicated” to “visibly intoxicated”.

HB 1379 (Johnson P), as amended, allows criminal court or clerk to convert a defendant’s unpaid fines, costs, and litigation taxes at time of sentence expiration to civil judgment and allows court to enter into agreement with defendant to perform community service work in lieu of payment of such fines, costs, and taxes. Amendment #1 (00562471) makes the bill.

HB 1432 (Sontany), as amended, includes zoning violations and violations of building and property standards and codes as nuisances for purposes of laws regarding abatement of nuisances. Amendment #1 (00642171) makes the bill. Amendment #2 (00682433) removes the zoning violations and the building code violations.

HB 0346 (Hackworth), as amended, establishes a program for a senior alert system in Tennessee within the TBI in cooperation with local law enforcement agencies for assistance in locating certain disabled persons who are missing. Amendment #1 (11061) makes the bill.

HB 2034 (Maddox), as amended, revises definitions of “adult” and “imminent danger” in the adult protection statute. Amendment #1 (00680633) adds a new section 3 and a new section 4.

HB 1953 (Armstrong) authorizes the county legislative body of Knox County by a two-thirds vote to levy as court costs an additional litigation tax of \$1.00 up to a maximum of \$5.00 for each petition, warrant and citation, including warrant and citation for traffic offense, filed in the general sessions and juvenile courts; such tax may be increased yearly by \$1.00.

HB 1747 (Sontany), as amended, exempts railroads from certain notice requirements related to criminal trespass. Amendment #1 (00684771) makes the bill.

HB 2189 (DeBerry L), as amended, makes confidential information regarding a public employee’s health savings account, retirement account, and pension account. Amendment #1 (00574672) makes the bill.

HJR 0053 (Hardaway) urges the Department of Transportation to study the establishment of voluntary emergency notification system on electronic billboards.

HJR 0379 (Yokley): the confirmation of Mr. William O. Shults, Esq., to the Tennessee Claims Commission for the Eastern Division.

To Summer Study:

HB 0680 (Cooper B).
HB 1394 (Johnson P); conceivably, amendment 00625663 makes the bill.

Taken Off Notice:

HB 1137 (Shipley).
HB 0681 (Cooper B).
HB 0169 (Casada).

HB 0339 (Hensley).
HB 1358 (Lundberg).
HB 1652 (Armstrong).
HB 1200 (Pitts).
HB 1135 (Hardaway).
HB 2208 (Hardaway).

Fails:

HB 1528 (Brooks H).

Rolled:

HB 0026 (Hardaway): to the 2nd calendar of 2010.
HB 0126 (Hardaway): to the 2nd calendar of 2010.
HB 1875 (Brown): to the 2nd calendar of 2010.
HB 0130 (Hardaway): to the 2nd calendar of 2010.
All bills not otherwise noted are rolled for 1 week.

**CRIMINAL PRACTICE & PROCEDURE
SUBCOMMITTEE**

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, April 29, 2009 with 45 bills on calendar.

To the full Committee:

HB 0238 (DeBerry J), as amended, prohibits a person convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon from knowingly possessing a vicious dog. Amendment #1 (00631033) defines “vicious dog”.

HB 1348 (Kelsey), as amended, authorizes court to order outpatient evaluation of criminal defendant pending a post-trial proceeding under certain circumstances. Amendment #1 (5533) makes the bill.

HB 1302 (Jones S) creates new criminal offenses of unlawful restraint, compelling prostitution, and compelling production of pornography and establishes civil liability for trafficking offenses.

HB 0898 (Watson), as introduced, allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and places where alcoholic beverages are being served; allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training. However, the sponsor submits that Amendment #1 (00701571) is a complete rewrite and makes the bill.

HB 0919 (Watson) arrest for DUI to toll the 10 and 20 year provision between convictions for purpose of determining a multiple offender.

HB 1209 (Watson) permits municipal distress warrants issued by tax collector to be executed by police officer of municipality in same manner as provided by law for the sheriff. Amendment #1 (00653902) states, “A distress warrant issued by a municipal tax collector *may* be executed within the boundaries of a municipality by the chief of police or a police officer of the municipality, who is granted the authority expressed in this section to serve such warrants” (emphasis added).

HB 0027 (Hardaway), as amended, increases the penalty for knowingly making a false report of child abuse or child sexual abuse from a Class E felony to a Class D felony if at the time the report is made the defendant is a party in a custody or visitation determination, the custody or visitation determination involves the person against whom the report is made, and the report is made for the purpose of delay or to gain advantage in the custody or visitation determination. Amendment #1 (00644933) removes sections 1(a)(B) and 1(a)(C), thus making the offense “knowing that the report is false”.

HB 1430 (Sontany) adds \$1 privilege tax on criminal cases to fund grants for a 24-hour a day victim information and notification system to be operated by the Tennessee sheriff’s association.

HB 2249 (Fincher), as amended, requires the department of safety, upon receiving information that a handgun permit applicant or holder does not meet eligibility requirements for a permit, to review the arrest records with the arresting agency and review any records of conviction to determine if the applicant or holder meets the eligibility requirements. Amendment #1 (00737233) makes the bill.

HB 0583 (Fincher), as amended, adds property received that is used as instrumentality in or in furtherance of violation of any criminal offense to criminal proceeds subject to forfeiture. Amendment #1 (00682971) makes the bill.

HB 1781 (West, Fincher), as amended by an oral amendment, restricts information required to be submitted by a participant in a handgun safety course and corrects reference to federal law; requires that documents required to be submitted for purchase of firearms that must be registered be executed by chief law enforcement within 15 days of request. Oral Amendment #1 deletes section 1 of the bill in its entirety.

HB 1786 (West, Moore) restricts information required to be submitted by a participant in a handgun safety course and corrects reference to federal law.

HB 1795 (West, Fincher) specifies circumstances in which a person has no duty to retreat before threatening or using force in self-defense; extends circumstances under which there is a legal presumption that a person using force in self-defense was justified; confers civil immunity upon a person properly using self-defense; prescribes procedures by which law enforcement agencies shall investigate instances in which use of force may have been justified.

HB 1796 (West, Fincher) enacts the “Tennessee Firearms Freedom Act.”

HB 1153 (Ferguson) requires any drug testing fee that was assessed and collected in the ninth judicial district before such fee was repealed in 2007 to be designated for use by the ninth judicial district drug task force.

HB 0887 (Sontany) adds to present law requirement that an applicant for approval as a bonding company owner have at least two years’ experience with a professional bonding company by specifying that the experience must have been as an approved bail bond agent employed by a licensed professional bonding company in Tennessee.

Taken Off Notice:

HB 0328 (Jones S).
HB 0572 (Camper).
HB 1748 (Bass).
HB 1783 (West, Fincher).

HB 1792 (West, Fincher).
HB 1794 (West, Fincher).
HB 1938 (Matheny).

To Summer Study:

HB 1880 (McCormick).
HB 1293 (Shipley).
HB 1793 (West, Fincher).

Withdrawn:

HB 0032 (Hardaway).

Rolled:

HB 1304 (Jones S): to 1st calendar of 2010.
HB 0672 (Maggart): to 2010.
HB 0673 (Maggart): to 2010.
HB 1700 (Watson): rolled to the call of the chair.
HB 1701 (Watson): to 1st calendar of 2010.
HB 0476 (Hardaway): to 1st calendar of 2010.
HB 0477 (Hardaway): to 1st calendar of 2010.
HB 0548 (Hardaway): to 1st calendar of 2010.
HB 1129 (Hardaway): to 1st calendar of 2010.
HB 1130 (Hardaway): to 1st calendar of 2010.
HB 1374 (Hardaway): to 1st calendar of 2010.
HB 1474 (Fincher): to 2010; amendment 00647933 would make the bill.

Rolled to Wednesday, May 6, 2009, at 12 noon CST:

HB 1801 (West).
HB 1805 (West).
HB 1806 (West).
HB 1807 (West).
HB 1808 (West).
HB 1809 (West).

state & local government

Lawrence Hall, Jr.

THE FULL COMMITTEE

This week in the State and Local Government full committee there were thirty bills on the calendar. Thirteen bills were passed to Calendar and Rules and four passed to Finance, Ways and Means.

Calendar and Rules:

HB 1985 by Fitzhugh - Requires that certain meetings of an audit committee abide by public notice and public meeting provisions; authorizes confidential meetings in

certain circumstances; classifies certain audit-related documents as confidential.

HB 2387 by Brooks K - Requires any action by the legislative body to be by ordinance if required by the general law or the charter to be by ordinance, and if the action levies a tax, makes a special assessment, is permanent in nature, or has a regulatory or penal effect.

HB 1857 by Miller L - Clarifies that counties using computerized voting machines are allowed to use ballot-on-demand technology for either early voting, election

day voting, or both; requires coordinator of elections to promulgate rules for use of ballot-on-demand technology, including security of machines.

HB 80 by Hawk - Provides that Tennessee Corrections Institute cannot decertify an existing local jail facility solely because the square footage of the cells is too small if such square footage meets the requirements of the American Correctional Association's Manual of Correctional Standards.

HB 1160 by Fraley - Allows person to transport alcoholic beverages into a dry county in excess of any quantity limitations if such person is using such alcoholic beverages in the manufacture of baked goods; requires purchase of alcoholic beverages from licensed retailers.

HB 1583 by Fraley - Clarifies that "sale" does not include transactions involving alcoholic beverages for which no payment is expected or received.

HB 1841 by Niceley - Urges the state executive committees of each statewide political party to jointly establish a calendar of appearances in each county enabling their respective gubernatorial candidates to appear together during the time between the primary and general elections.

HJR 286 by Ford - Designates the outdoor production of Sycamore Shoals State Historic Area, currently known as "Liberty!" as the Official Outdoor Drama of the State of Tennessee.

HB 1193 by Rich - Authorizes TEMA to establish and administer a grant program to assist in the partial reimbursement of installation costs for safe rooms and in-ground shelters.

HJR 277 by Brooks H - Reaffirms sister-state relation between Taiwan and the State of Tennessee and expresses support for Taiwan's efforts at joining in a free trade agreement with the United States and the World Health Organization.

HB 951 by Winningham - Extends certain discretionary powers to the board of regents and the University of Tennessee when purchasing or acquiring software for use restricted solely to academic teaching or research.

HB 1725 by Lundberg - Subject to local approval, removes recall, initiative, and referendum provisions from charter.

HB 214 by Harmon - This bill corrects the definitional cross-reference for "beer wholesalers" under beer distribution licensing law.

Finance, Ways and Means:

HB 1673 by Matlock - Authorizes utility districts to own and operate natural gas vehicle fueling stations.

HB 1468 by Shepard - Incorporates the use of green building design, sustainable infrastructure, and energy efficiency technologies into the powers authorities are authorized to exercise for redevelopment projects.

HB 1630 by McCord - Enacts the "Tennessee Environmental Protection and Recycling Act."

HB 1347 by Pruitt - Enacts the "Convention Center Authorities Act of 2009"; revises certain provisions concerning financing and development of convention centers affecting Davidson County.

STATE GOVERNMENT SUBCOMMITTEE

This week in State Government Subcommittee, twenty-two bills were listed on the calendar for consideration. The following bills were passed on to full committee to be heard next week.

Full Committee:

HB 2318 by Winningham - Requires department of finance and administration to develop a plan for ensuring state-owned facilities have individual energy meters by 2010; includes an electric vehicle in the definition of "energy-efficient vehicle" for purposes of provisions governing energy-efficient state-owned vehicles; requires that statewide building construction safety standards include provisions for energy efficiency.

HB 610 by Stewart - Mandates the department of correction to develop and implement a society plan for every incarcerated prisoner for reentry into society.

HJR 191 by Coley - Designates Hubei Province of China as a Sister-State of the State of Tennessee.

HJR 292 by Coley - Urges State Building Commission to designate a state building in honor of the Honorable George H. Brown, Jr., the first African American member of the Tennessee Supreme Court.

SJR 263 by Kyle - Confirms the appointment of Elizabeth Seigenthaler Courtney, Board of Directors, Tennessee Education Lottery Corporation.

SJR 264 by Kyle - Confirms the appointment of Keith B. Simmons, Board of Directors, Tennessee Education Lottery Corporation.

LOCAL GOVERNMENT SUBCOMMITTEE

This week in State and Local Government Subcommittee, five bills were passed to full committee to be considered. The subcommittee is scheduled to conduct its last meeting next week.

Full Committee:

HB 1144 by Brooks - Increases amount official may charge for collection and recording of business tax from \$5.00 to \$7.00; requires the additional \$2.00 to be earmarked for computer related expenses including computer hardware purchases.

HB 1190 by Mumpower - Requires plats filed in the register's office to include total acreage and the square footage shown for each individual lot.

HB 1957 by Tindell - Provides that any municipal electric system that provides cable or Internet services shall be subject to regulation by the Tennessee regulatory authority.

HB 2380 by McDonald -Revises charter of city of Gallatin.

HB 2058 by Favors - Names Chattanooga Tennessee National Guard Armory in honor of the late CSM Bobby G. Davis, Tennessee Army National Guard, Retired.

ELECTIONS SUBCOMMITTEE

The Elections Subcommittee held its last meeting this week. **HB 2046 by Rep. McCord** was deferred subject to the call of the chair. This bill requires contribution limits for individuals, political campaign committees controlled by a political party or caucus, and multicandidate political campaign committees be increased to reflect percentage of change in average consumer price index in every odd-numbered year starting in 2011.

transportation

Jeremy L. Elrod

THE FULL COMMITTEE

The **House Transportation Committee** convened April 28, 2009. There were seven bills on the calendar.

HB2186 (Sargent) and **HB968 (McCord)** were rolled to the last calendar.

HB1310 (Harmon) was passed by the committee and referred to the Omnibus Special License Plate Bill. As amended, it creates a new specialty license plate for teachers. As amended, 50% of the funds raised from the sale of the plates will be used for scholarships for current teachers to receive more education.

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

HB467 (Mumpower) – “SP4 Arthur Wayne Glover Memorial Bridge” highway signs for a bridge on S.R. 44 in Sullivan County.

HB2037 (Sargent) – Requires law enforcement officers to obtain proof of compliance with financial responsibility laws upon charging a person with a non-moving motor vehicle violation.

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

HB1122 (Maggart) – Provides a mechanism for an airport authority or regional airport authority to be dissolved.

HJR285 (Dean) – Urges extension of deadlines for all phases of states' implementation of REAL ID Act of 2005 for at least an additional two years or repeal of Act in its entirety.

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met April 28, 2009 to consider four bills.

HB2230 (Fitzhugh) and **HB2331 (Turner)** were rolled to the call of the chair.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB1321 (Harmon) – Eliminates issuance of Sandhill Crane new specialty earmarked plate.

HB2326 (McDonald) – As amended, prohibits the issuance of outdoor advertising permits or tags to persons who have erected an outdoor advertising device without first obtaining a permit and tag, and provides enforcement provisions for billboards erected without a permit.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met April 21, 2009 to consider fifteen bills.

HB293 (Carr), **HB1202 (McCord)** and **HB541 (Litz)** were rolled for one week.

HB930 (Kernell) was rolled to the first calendar of 2010.

HB293 (Carr) failed.

The committee took no action on **HB1429 (Niceley)**.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB2052 (Rowland) – As amended, requires any applicant for vehicle registration who was a resident of the county in a previous year(s) and was liable for and failed to pay applicable wheel tax(es) to pay for such tax(es). The bill, as amended, as create a Class B misdemeanor, \$500 fine only, for any county clerk staff who renews a certificate of registration for a person the staff knows is not a residents of that county.

HB1325 (Harmon) – Extends time for which persons with special license plates that fail to meet minimum issuance requirements must wait for new plates from three to five-year period.

HB2196 (Camper) – Authorizes issuance of Church of God in Christ cultural license plates.

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