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agriculture

Jeremy Maxwell

THE FULL COMMITTEE

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

The following bills were *deferred one week*:

HB 1428 (Niceley)

HB 1360 (Niceley)

HB 721 (Niceley) was *deferred two weeks*.

The committee also heard a presentation from Joe Pearson, Farm Bureau's Director of Commodity Activities, who spoke on cattle rendering. A new Food and Drug Administration rule took effect in April aimed at preventing mad cow disease from reaching the food supply. Beef and dairy producers will be required to clearly mark animals that are thirty months of age or older. The FDA's intention is to provide an added layer of protection against mad cow, a brain disease that has been linked to more than 150 human deaths worldwide, mostly in Britain. Scientists believe the human version

of mad cow is transmitted when people eat tainted beef. The United States has had no known human cases linked to U.S. beef. However, with no known human cases of mad cow disease in the U.S., some people in the industry wonder if the rule is necessary.

GENERAL SUBCOMMITTEE OF AGRICULTURE

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

HB 1962 (Johnson, P) was *rolled to 2010*.

children & family affairs

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, May 6th and considered the following legislation:

Deferred one week:

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 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



Chairman DeBerry, Vice Chair Brooks

pay for the care of the child while that child is in the custody of DCS.

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 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.

HJR 369 by Bell is a memorial urging the United States Senate to reject ratification of the United Nations Convention on the Rights of the Child.

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.

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 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 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 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.

Sent to Summer Study:

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 677 by Cooper authorizes individuals who provide court ordered supervised visitation to seek monetary relief from the court if a parent is unable to pay for the specified visit. Requires both parents to share the cost of the supervised visitation, unless one parent is found to be more at fault in creating the need for the supervised visitation. The cost for the supervisor may not exceed guidelines set by the AOC for the appointment of counsel in dependent and neglect cases involving children, and the cost for a facility for the visitation may not exceed forty dollars.

Failed in Committee:

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

The **Family Justice** and the **Domestic Relations Subcommittees** are closed subject to the call of the Chairs.



FULL COMMITTEE

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

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.

[*passed to Calendar & Rules*]

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.

[*passed to Finance, Ways, & Means*]

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 heard from Chairman Roberson of the Tennessee Regulatory Authority. The committee also asked questions to the interested parties. Rep. Yokley moved to place the bill in summer study to gather more information. The motion passed after an unsuccessful attempt to table the motion.

[*moved to summer study*]

The following bills were *rolled for one week*:

HB 1846 (Miller L)
HB 1932 (Jones U)
HB 2085 (Sargent)
HB 1520 (Sargent)
HB 2316 (Pitts)
HB 1721 (Lundberg)
HB 1309 (Harmon)
HB 472 (Cobb C)
HB 1251 (Curtiss)
HB 1252 (Curtiss)
HB 1589 (Curtiss)

HB 1518 (Fitzhugh)
HB 1743 (Fitzhugh)
HB 1110 (Shepard)
HB 2304 (Shepard)
HB 793 (Shepard)



UTILITIES AND BANKING SUBCOMMITTEE

The **Utilities and Banking Subcommittee** met on Tuesday and moved one bill to the full committee. The subcommittee is now closed subject to the call of the chair.

HB 1842 (Sargent) establishes procedure for disinterment of bodies buried in wrong location in a cemetery. The amendment provides that the cemetery operator notify the family of the wrongly placed deceased by certified mail if necessary. Notice is also given to the Department of Commerce & Insurance and the Department of Health. The amendment also changes the valuation date from July 1, 2005 to July 1, 2009 that is used to calculate the limitation of net earnings of a cemetery that may be withdrawn for improvement care. Rep. Stewart expressed concerns about the hold-harmless clause of the amendment. He is expected to offer an amendment in the full committee that clarifies that the clause is limited to this provision.

[*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. Rep. DeBerry offered an amendment that creates an additional notice to a debtor to be sent 60 days prior to the first publication of foreclosure. The subcommittee debated on the effectiveness of mailing a notice of right to foreclose after one missed payment. The subcommittee decided to roll the bill to next year so that other methods of solving this issue could be explored. *[rolled to 2010]*

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Tuesday prior to the full committee to consider one bill. The subcommittee is now closed subject to the call of the chair.

HB 1575 (West) as amended would create a licensure for staffing companies. The subcommittee heard testimony from individuals with Food Staff of Nashville. They contend that many companies in the hospitality industry are not treating people as employees so as to skirt workers compensation and other state laws. The bill was rolled to next year to further review the issue. *[rolled to 2010]*

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved five bills to the full committee. The subcommittee is now closed subject to the call of the chair.

HB 2289 (Cobb C) as amended authorizes the creation of an All Payers' Claims Database to be used by the state to acquire data from all health care providers to show the type of care provided across the state. The database will give the state information on the accessibility and affordability of healthcare, the effectiveness of programs, the distribution of health care resources, and also give the public information on health care providers' quality of care. The amendment creates the Tennessee Health Information Committee to oversee the development and use of the database. *[moved to full committee]*

HB 1703 (McCord) is a caption bill that may be used to address vacation lodging services. The bill will be held in full committee pending an amendment. *[moved to full committee]*

HB 2362 (McCord) specifies the duties of the administrator of the Tennessee Athletic Commission. It also provides that any member who misses 3

consecutive meetings without good cause can be removed from the commission. An amendment was adopted to better define "meetings" to include meetings by electronic or other means of communication. It also adds that the appointing authorities will strive to have at least one member from Knoxville on the commission. *[moved to full committee]*

HB 1907 (Curtiss) enacts the "Preferred Provider Organization Transparency Act." Health care providers contract with preferred provider organizations (PPOs) to provide care at discounted rates, generally in exchange for increased patient volume, and third parties contract to access these networks and the discounts. The act will allow health care providers to have more information on third parties that gain access to the provider network contract. Rep. Curtiss is still working on an amendment that will be presented to the full committee. *[moved to full committee]*

HB 1249 (Curtiss) as amended limits an unlicensed contractor's damages to actual expenses in any court action. The contractor may not recover overhead and profits. *[moved to full committee]*

HB 1562 (West) authorizes local governments to enact more stringent blasting standards than state requirements. Rep. Gilmore presented the bill for Rep. West. Nina Ground and Andrew McElroy of Nashville testified before the committee on the need for more local control on blasting standards. The subcommittee is planning a visit on May 18th at 1:30 to Ms. Ground's house to get a firsthand look at the property damage that can be caused by blasting. *[moved to summer study]*



HB 2105 (Shepard) was moved to the summer study on mandates.

The following bills were *rolled to 2010*:

- HB 2201 (Bone)**
- HB 276 (Dean)**
- HB 272 (Dean)**
- HB 381 (Sargent)**

conservation & environment

Jeremy Maxwell



Vice Chair Tidwell, Chairman McCord

THE FULL COMMITTEE

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

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

SJR 288 (Kyle, Barnes, Marrero B) - General Assembly, Confirmation of Appointment - Julie Schuster, Tennessee Wildlife Resources Commission

SJR 289 (Kyle, Herron, Finney L) - General Assembly, Confirmation of Appointment - Jeffrey H. Griggs, Tennessee Wildlife Resources Commission

SJR 290 (Kyle, Watson, Berke) - General Assembly, Confirmation of Appointment - Judge William L. Brown, Tennessee Wildlife Resources Commission

ENVIRONMENT SUBCOMMITTEE

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

The following bills were *referred to full committee as amended*:

HB 1615 (McCord) deletes the original bill in its entirety. It defines “wet weather conveyance” for the purposes of permitting by the Department of Environment and Conservation. The bill requires TDEC to develop rules for wet weather conveyance determinations, and it also requires TDEC to make determinations concerning wet weather conveyances upon request.

HB 1616 (McCord) deletes the first un-designated subsection of the original bill. It declares any publicly funded project to be in the best interest of the public. As a result, when the Department of Environment and Conservation must make a finding concerning social and economic necessity to justify degradation of an Exceptional Tennessee Water, the burden of proof current law places upon an applicant to prove that such a degradation is necessary would be placed upon the opponent to provide clear and convincing evidence that the degradation is not necessary. Due to the fiscal impact of this amendment, Chairman McCord offered a second amendment to create a study committee to further look into this bill

The following bills were *rolled to 2010*:

- HB 790 (Gilmore)**
- HB 977 (McCord)**
- HB 1617 (McCord)**

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

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

THE FULL COMMITTEE

The Full Committee heard eight bills on calendar; four were referred to Finance, Ways & Means, one to Government Operations Committee, two rolled one week and one failed.

Passed as amended to Finance, Ways & Means:

HB 0461 by Odom increases the number of nonvoting members on the Workers' Compensation Advisory Council from seven to eight by adding a person nominated by the Tennessee Chiropractic Association.

HB 0574 by Cooper B is rewritten by the amendment. It increases various fees for inspections conducted by the Department of Labor and Workforce Development (LWFD) through the Elevator and Amusement Device Safety Board.

HB 1963 by Sargent restricts the amount of permanent and partial disability (PPD) benefits that an employee can receive if employee was not eligible or authorized to work in the US at the time of injury and the employer did not know of the employee's work status.

Passed to Finance, Ways & Means:

HB 1500 by Fitzhugh adds injuries that will not be held compensable under Tennessee's workers' compensation law. Injuries incurred during an employee's recreational activities are not compensable unless: 1) participation was expressly required by the employer; or 2) the activity was made part of the services of the employee; or 3) the employer derives substantial direct benefit

from the activity beyond the intangible value of improvement in employee health or morale.

Passed as amended to Government

Operations Committee:

HB 2268 by Moore as amended authorizes the Commissioner of Commerce & Insurance to establish by rule, requirements for securities posted by self-insured

employers; penalties for failure of the self-insured employer to pay premium taxes timely; and requires self-insured employers to file actuarial report annually instead of every two years.

Rolled One Week:

HB 2324 by Curtiss addresses the issue of a dwindling balance in the Unemployment Trust Fund. The bill raises the taxable wage base from \$7,000 to \$9,000. It imposes an additional .6 percent tax for all positive and reserve ration employers on certain premium tables until the Unemployment Trust Fund has a balance exceeding \$650,000,000.



HB 1777 by Hackworth 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.

Failed

HB 480 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.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee passed the six bills on the calendar to Full Committee.

Passed to Full Committee:

HB 857 and HB 1192 by Mumpower are similar bills and address silent PPO’s. A **Silent PPO** is an organization that accesses a discounted rate for services from a physician, hospital or other health care provider without direct authorization from the provider to do so. The sponsor is working on an amendment.

Passed as amended to Full Committee:

HB 1899 and HB 1839 by Pitts address the issue of a premium cost for sole proprietors, partners and officers of a limited liability company by requiring the premiums be computed under a specific construction classification code. The sponsor is working on an amendment.

HB 1471 by Casada, as amended, authorizes any employee who retains the right to reconsideration of an award of permanent partial disability benefits for a workers’ compensation injury that occurs on or after July 1, 2009, and whose pre-injury employer is sold or acquired after such award is made, to seek reconsideration from the successor

employer if either the employee’s employment with the successor employer is involuntarily terminated through no fault of the employee or the employee’s rate of pay is reduced to a level below the rate of pay that the employee had at the time of the injury.

HB 1472 by Casada, as amended, revises present law concerning medical records of persons who are treated for work related injuries.

The **EMPLOYEE AFFAIRS SUBCOMMITTEE** and **CONSUMER AFFAIRS SUBCOMMITTEE** are closed, subject to the call of the chair.



education

Patrick Boggs

THE FULL COMMITTEE

The Education Committee met Wednesday with 17 bills on calendar. Actions are as follows.

Referred to Calendar & Rules:

HB 1823 (Winningham) – This bill requires the State Board of Education to review policies that LEAs employ to supervise the handout of drugs to treat behavioral concerns and to report back to the Select Oversight Committee on Education.

HB 896 (Winningham) – This bill, as amended in committee, gives the Commissioner of Education the authority to waive the 180 day requirement for

classroom instruction in the event of natural disaster or the outbreak of illness.

HB 1104 (J. DeBerry) – This bill requires that students who miss school to attend court proceedings not be punished on attendance records. As amended, it requires that students be given the opportunity to make up missed work.

HB 715 (McCormick) - This bill, as amended by the committee, 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.

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

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.

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, as amended, gives them that right if they are suspended as well.

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



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 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.

Referred to Government Operations:

HB 881 (Maddox) – This bill establishes a loan program out of lottery scholarship dollars for individuals wishing to train for careers as commercial truck drivers.

Rolled one week:
HB 1825 (Winningham)
HB 1860 (Brown)

Rolled to last calendar:
HB 777 (M. Turner)

Rolled to 2010:
HB 2028 (Maddox)

Taken off notice:
HB 1647 (U. Jones)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met on Wednesday. This was the final meeting of the K-12 subcommittee, and the committee is now closed, at the call of the chair.

Sent to the Full Committee:

HB 2146 (Harwell) – This bill, as amended, changes how the state and local education agencies approve charter schools. Chartering agreements between LEAs shall be for a period of 10 years. The bill also opens up charter school enrollment to students who receive free and reduced price lunches in school systems that have greater than 12,000 average daily membership. This bill exempts schools that convert from being regular zoned public schools into charter schools from the statewide caps on the number of charter schools in Tennessee. This bill also requires the LEA to allocate to each charter school the per pupil expenditure that the school district spends, including BEP funds, Title I funds, ESEA funds, and capital outlay funds.

HB 549 (Hardaway) – This bill prohibits certain school districts from reducing funding on a year over year basis. It also prohibits these school districts from using state funds to supplant local funds provided for educational purposes.

HB 1868 (Brown) – This bill authorizes LEAs to enter into cooperative arrangements to provide further learning opportunities.

HB 1873 (Brown) – This bill requires each LEA’s improvement plan to include parental involvement in planning for attendance in higher education institutions by its students.

HB 885 (Cooper) – This bill, as amended, enacts the “Tennessee Promise Zone Act.” It enacts a pilot project in State House of Representatives’ districts 15 in Knox County and 86 in Shelby County. It would use state education revenues to guarantee funding for college education for children that live within the promise zone. The expenditure of funds would be overseen by a board.

HB 1393 (McCord) – This bill, as amended in subcommittee, requires LEAs to not start the school year before August 1 unless agreed to by 2/3 majority of the school board.

HB 983 (Shaw) – This bill requires that a parent have a conversation with the appropriate school administrator within ten days of their child’s reinstatement from a suspension of ten days or more. Such contact may be made by phone or email as well as in person. An amendment that rewrites the bill was adopted in subcommittee.

HB 1525 (Hawk) – This bill, as amended, requires the Select Oversight Committee on Education to study the



Rep. Hawk

possibility of opening cyber-based charter schools. The Comptroller of the Treasury is directed to provide a written report on cyber-based charter schools in other states. The joint committee is required to report back House and Senate standing Education committees by January 2010.

HJR 308 (Bell) – This resolution requires the Select

Oversight Committee on Education to study assaults on special education teachers during regular meeting times.

Rolled to 2010:

HB 1507 (Winningham)
HB 15 (Ferguson)
HB 952 (Winningham)
HB 816 (Campfield)
HB 1739 (Niceley), as amended
HB 1865 (Brown)
HB 1175 (Todd)

HB 797 (Campfield)

Taken off notice:

HB 2148 (U. Jones)
HB 552 (Hardaway)
HB 553 (Hardaway)
HB 1425 (Lollar)
HB 1509 (Winningham)
HB 1364 (Miller)
HB 947 (Lynn)
HB 2298 (M. Turner)
HB 967 (McCord)
HB 1530 (Sargent)

Bills failed:

HB 795 (H. Brooks)
HB 2164 (L. Turner)

Sent to Education Oversight for study:

HB 2087 (Towns), as amended
HB 599 (Kelsey)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** met Tuesday with 8 bills calendared. The subcommittee completed its business for this year’s session, and is now closed, at the call of the chair.

Sent to the Full Committee:

HB 1861 (Brown) – This bill is essentially a caption to allow students with lottery scholarships to attend Tennessee Temple University. Although an amendment was not presented to the subcommittee, it is the intention of the sponsor of the bill to place such an amendment on in full committee.

Rolled to 2010:

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

Sent to Education Oversight for study:

HB 1222 (Hawk) – Cindy Moore, Vice-President of the Board of Directors of the Tennessee Association of Independent Colleges and Schools testified before the committee in favor of this bill

Taken off notice:

HB 1862 (Brown)

finance, ways & means

Julie Travis



Chairman Fitzhugh, Vice Chair Sargent

THE FULL COMMITTEE

The Finance, Ways and Means Committee met Tuesday to hear twenty-two bills and budget hearings for the Dept. of Labor and Workforce and the Dept. of Finance and Administration. The following actions on legislation were taken by the full committee:

Deferred for one week:

HB 616 – Todd
HB 631 – Tindell
HB 633 – Tindell

Taken Off Notice:

HB 1420 – Tidwell

Referred to Government Operations:

HB 2134 (Harwell) – As amended in the full committee, 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 Finance Committee 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. The bill was recommended for passage as amended and referred to the House Government Operations Committee because of the rule making authority granted within the bill.

Referred to Calendar & Rules:

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.

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 669 (Hackworth) – As amended in full committee, 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 for any conviction for failing to show proof of insurance after July 1, 2009, and upon the request of the Commissioner of Safety, the Commissioner of Revenue shall not renew the registration of any vehicle until proof of insurance is shown.

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 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 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. Upon receipt of a letter from the Department of Health’s Bureau of Health Licensure and Regulation referencing the board’s financial situation, the full Finance Committee amended the bill changing the diversion of the fees normally received by the Board to a separate fund within the Treasury to be used exclusively for the electrolysis program until their debt is completely paid. Upon elimination of the Board’s debt, the unexpended and unobligated fees remaining in the account shall not be transferred into the General Fund, but will continue to pay for their expenses. Only fines on penalties imposed by the Commissioner may be deposited into the General Fund with this amendment.

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 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 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.

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 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 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 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 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.

SJR 127 (Sen. Black / Rep. Maggart) – As amended in the full Finance Committee, 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 committee 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.

STUDY SUBCOMMITTEE

On Wednesday, May 6, 2009, the Study Committee Subcommittee of the House Finance, Ways, and Means Committee met with twelve bills on its calendar. The following actions on legislation were taken by the Study Subcommittee:

Deferred to the next meeting of Study Sub.:

- HB 2199 – L. Miller
- HJR 32 – West
- HB 687 – Winningham

Deferred to January 2010 of Study Sub.:

- HB 1745 – Curtiss
- HB 131 – Hardaway
- HJR 76 – Hardaway

Taken Off Notice in Study Sub.:

- HJR 115 – H. Brooks

Recommended for approval to the Budget Subcommittee:

HB 50 (Gilmore) – As amended in Study Sub., this bill urges

the Health Equity Commission to study the disproportionate impact that HIV/AIDs has on the African-American community.

HB 529 (Hackworth) – This bill extends for four additional years the Joint Select Committee to Study Business Taxes, from June 30, 2009 to June 30, 2013.

HJR 4 (Hardaway) – As amended in Study Sub., this HJR creates a special joint study committee to examine the issues relating to the investigation and prosecution of civil rights crimes’ unsolved and cold cases from the civil rights era. As directed in the amended resolution, the study committee will only meet on days when the General Assembly is in session, or when other standing committees are scheduled to meet, to thus reduce the fiscal impact of the proposal. Their findings and reports must be submitted by May 1, 2010, at which time the study committee shall cease to exist.

HB 1972 (Harmon) – As amended in the House Conservation & Environment Committee, this bill creates a 16-member special joint study committee to study and develop ways and means to implement comprehensive water planning in Tennessee, both at the state level and at the local level of public water systems. The committee’s reporting deadline is February 1, 2010.

HJR 119 (L. Miller) – As amended in Study Sub., this HJR requires TACIR in consultation with the University of Memphis, to study the financial impact of legal gambling unrelated to a state lottery on the tax revenues collected within the southeastern United States. The reporting deadline for this study committee is January 1, 2010.



BUDGET SUBCOMMITTEE

On Wednesday, May 6, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with forty-six bills on its regular calendar and two on an addendum. Subcommittee action on these bills is as follows:

Deferred for One Week:

HJR 113 – Armstrong
HB 92 – J. Cobb
HB 1517 – Curtiss (*as amended w/BSA1*)
HB 1760 – Curtiss
HB 348 – Hackworth
HJR 83 – Hardaway
HB 1947 – Shaw
HB 1543 – Stewart
HB 1278 – Stewart
HB 1484 – Tindell
HB 2264 – M. Turner

Deferred for Two Weeks:

HB 1833 – Armstrong
HB 290 – Coley
HB 206 – Coley
HB 2389 – Fitzhugh
HB 2124 – Sargent

Deferred to the Last Calendar:

HB 1246 – Curtiss
HB 1998 – Curtiss
HB 518 – Shaw
HB 614 – Todd

Deferred to the Lottery Calendar:

HB 474 – Harmon

Deferred to Jan. 2010:

HB 1909 – C. Johnson

Taken Off Notice:

HB 39 – Hardaway
HB 132 – Hardaway
HB 223 – Hardaway

Behind the Budget:

HB 2198 – L. Miller
HB 241 – Rich
HB 264 – Watson

Referred to Study Sub:

HB 1943 – Maddox
HB 963 – McCord
HB 297 – Richardson

Referred to Full Committee:

HB 1996 (Bone) requires a non-participating manufacturer of cigarettes to post a corporate surety bond of \$100,000 in favor of the State of Tennessee in order for the non-participating manufacturer in the Tobacco Master Settlement Agreement to be included in the directory of approved tobacco product manufacturers. It also authorizes the State to execute any such surety bond for recovering amounts not placed into escrow, as required by the Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999, and for recovering penalties and attorneys' fees.

HB 2308 (Curtiss) is an administration bill which requires offenders under the jurisdiction of the Board of Probation and Parole who transfer residence to another state pursuant to the interstate compact for the supervision of adult offenders to pay to the Board an application fee for the transfer. It also requires the board of probation and parole to set the amount of the application fee by rule.

HB 2364 (Curtiss) revises the composition of the fiscal review committee's subcommittee on contract services, putting into law their current practice.

HB 1501 (Fitzhugh), as amended with the Budget Subcommittee Amendment, authorizes the State Funding Board, in accordance with policy guidelines approved by resolution of the Board and duly acknowledged by both the House and Senate Finance, Ways and Means Committees, to authorize the State Treasurer to enter into short-term arrangements or obligations not authorized elsewhere for the sole purpose of meeting the liquidity needs of the State Pooled Investment Fund. It also requires the State Treasurer to report any such arrangements to the House and Senate Finance, Ways and Means Committees. According to the Department of the Treasury, this bill as amended would permit the Treasurer to use agency securities as collateral to raise liquidity funding or enter into stand-by arrangements to provide liquidity.

HB 351 (Hackworth), as amended with the Budget Subcommittee Amendment, increases the maximum fine to \$5,000 for simple assault and \$15,000 for aggravated assault, if the victim is a law enforcement officer. Simple assault is still punishable as a Class A or a Class B misdemeanor, and aggravated assault is still punishable as a Class C or a Class D felony. This bill, as amended, just increases the fine amount able to be charged to a person who has assaulted an officer of the law.

HB 214 (Harmon), as amended and rewritten in the House State & Local Government Committee, increases from 5,000 to 25,000, the maximum number of barrels of beer that may be sold by a manufacturer of alcoholic beverages in a retail setting at the manufacturer's location each year.

HB 2194 (Harmon) authorizes school districts to remain separate in counties where the municipal and county governments consolidate, if one or more of the local education agencies is a special school district that is not authorized to consolidate in its original governing act. Special school districts operating as such may continue to do so in the event of county and municipal government consolidation. School districts may also remain separate and continue to operate autonomously.

HB 1673 (Matlock) authorizes utility districts to own and operate natural gas vehicle fueling stations.

HB 1448 (McCord), as amended in Budget Subcommittee, reworks the makeup of the Judicial Selection Commission. It authorizes the Speaker of the Senate and the Speaker of the House of Representatives each to appoint eight members, two from each of the three grand divisions and two at-large members, with at least six members being lawyers. At least one of the members appointed at large by each Speaker shall be a non-lawyer. The one at-large, joint appointment made by both speakers together shall be a non-lawyer. Effective September 1, 2009, the membership of the Judicial Selection Commission shall be replaced pursuant to this act. The initial terms of the new members will be staggered with four of the Senate Speaker's appointments, four of the House Speaker's appointments, and the joint appointment having a term of two years. The remaining eight members will have an initial term of four years each. Each member is required to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment to the Commission. It requires any member appointed from one of the grand divisions to have been a resident of that grand division for at least one year immediately prior to his or her appointment. No member of the Commission can be a registered lobbyist in this state. It reduces from six to four years the length of term for Commission members, and automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office. The Commission is deemed as a governing body, thus requiring all meetings to be open to the public; however, it does authorize the Commission to conduct private interviews with possible nominees. Private interviews are required to be limited to discussion between Commission members and possible nominees and at no time shall the Commission

deliberate toward a decision in these private interviews. The Commission is authorized to vote anonymously. The Commission is required to select and certify three nominees, within 60 days of receipt of a written notification from the Governor that a judicial vacancy has occurred. The Governor is required, within 60 days, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009. It requires the Governor, after receiving the Commission's nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. It reduces the membership of the Judicial Evaluation Commission from twelve to nine and reduces from six to five the number of members appointed by the Judicial Council with three members being state court judges, one lawyer, and one non-lawyer. No more than two appointees can reside in the same grand division. Also, it reduces, from three to two, the number of members appointed by the Speakers. Each Speaker will appoint one lawyer and one non-lawyer. No more than one of the appointees can reside in the same grand division. It also extends the sunset provision for the Judicial Selection and Evaluation Commissions to June 30, 2013.

HB 1629 (McCord) requires DCS to provide certain post adoption services which include crisis intervention, family and individual counseling, support groups for parents and children, referral services for community, education, mental health, and medical provider systems, respite services, case management, and networking of families and community providers to families who have adopted children who DCS had legal responsibility immediately preceding the adoption or to biological families of children adopted through DCS.

HB 467 (Mumpower) is a hwy./bridge sign bill in the Cedar Grove Community, designating the Bridge No. 82-SR-044-7.89 on State Route 44 at its intersection with Possum Creek Road in the Cedar Grove community of Sullivan County as the "*SP4 Arthur Wayne Glover Memorial Bridge*" and directs the Department of Transportation to manufacture and erect suitable signs. The cost of such signage shall be funded in accordance with TCA § 54-1-133.

HB 1347 (Pruitt), as amended in the House State & Local Government Committee, prohibits municipal revenue derived from ad valorem taxes to be utilized for convention center expenditures, and authorizes the use of up to one third of the one percent hotel privilege tax currently earmarked in Nashville for the promotion of tourism for the purpose of funding Nashville's new convention center.

HB 2037 (Sargent) requires law enforcement officers to request proof of financial responsibility in all motor vehicle violations. Current law only requires proof of insurance in all moving violations.

HB 1155 (Shepard), as amended and rewritten in the House State & Local Government Committee, creates a direct shippers license to be issued through the Alcoholic Beverage Commission that will allow a wine manufacturer or supplier licensed in Tennessee or in any other state to ship up to nine liters of wine per month, and up to 27 liters per year directly to a Tennessee resident, 21 years old and older. Any shipper licensed by the state must hold a federal basic permit pursuant to the Federal Alcohol Administration Act. It also creates a Class E felony, punishable by fine only, for shipping wine into the state without a license.

HB 1263 (Shepard), as amended in the House Transportation Committee, makes various changes to the statutory provisions governing Regional Transportation Authorities and the provisions for issuance of bonds.

HB 1468 (Shepard) authorizes housing authorities to pay energy efficiency and sustainable development costs in redevelopment projects.



HB 2376 (Shepard) removes the destruction of a weapon as an option for disposing of confiscated weapons. Under current law, weapons may be sold, retained for law enforcement purposes, or destroyed.

government operations

Amber Rice

The **Government Operations Committee** met on May 6th to consider twenty-one bills.

The following bills were deferred for one week: **HB 1204 by Rep. McCord, HB 792 by Rep. Bass, HB 738 by Rep. Mumpower, HB 1273 by Rep. Kernell, HB 991 by Rep. Lynn, HB 999 by Rep. Lynn, and HB 1815 by Rep. Lynn.**

The following bills were taken off notice: **HB 1125 by Lundberg and HB 1073 by Rep. Lynn.**

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

HB 230 by Rep. Todd- 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 rules and regulations adopted by the board.

HB 1015 by Rep. Lynn- Extends the State Board for Licensing Contractors to June 30, 2010.

HB 1098 by Rep. Lynn- Extends Child Care Advisory Council to June 30, 2014.

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

HB 1512 by Rep. Tindell- Authorizes commercial pest control operators to enter into termite warranty agreements without initial treatment being provided. Requires commercial pest control operators to perform initial inspection prior to any warranty agreement.

HB 997 by Rep. Lynn- As amended, extends the Pest Control Board to June 30, 2014.

HB 1039 by Rep. Lynn- As amended, extends the Registry of Election Finance to June 30, 2015.

HB 1081 by Rep. Lynn- As amended, extends the Department of Commerce and Insurance to June 30, 2011.

HB 1083 by Rep. Lynn- As amended, extends the Commission on Firefighting Personnel Standards and Education to June 30, 2015.

HB 1092 by Rep. Lynn- As amended, extends the Department of Agriculture to June 30, 2014.

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

HB 1892 by Rep. Coleman- Creates the Judicial Nominating Commission and the Judicial Performance Evaluation Commission to replace the Judicial Selection Commission and the Judicial Evaluation Commission. The newly created Commissions shall terminate on June 30, 2014.

HB 852 by Rep. Odom- Creates a special joint study committee to review statutes, rules and regulations regarding the prevention of damage to underground utilities.

The following bill was referred to **Finance, Ways and Means with a negative recommendation**:

HB 2141 by Rep. Lundberg- Deletes the organizations authorized to make nominations for members of the Judicial Selection Commission. Decreases from 17 to 15 the membership of the Commission, comprised of five members from each grand division, with five members of the total being non-lawyers. Effective July 31, 2009, current membership is replaced by new appointments with the term of office of each new member beginning on August 1, 2009. Any member who serves any portion of a six-year term shall be considered to have served a term for purposes of the two-year limitation. Requires the Commission to hold open meetings when certifying all candidates, rather than three, for judicial vacancies and requires the Commission to rate such nominees before sending the names to the Governor. Requires Senate confirmation of the Governor's nominee to fill a vacancy for any state court judge. Increases from a simple majority to a 60 percent majority the vote that a judge must receive in a retention election. Extends the sunset provision for the Judicial Selection and Evaluation Commissions to June 30, 2011.

health & human resources

Judy Narramore

THE FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday, May 5, 2009, with 16 bills and two resolutions on calendar. **HB 1821 (Casada)** was rolled to the last calendar at the request of the sponsor. **HB 2344 (Jones S)** as amended that exempts 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 was referred to C&R. **HB 0950 (Lynn)** was rolled one week at the request of the sponsor. **HB 1126 (Lundberg)** that 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 was referred to C&R. After discussion and testimony, **HB 1475 (Fincher)**

that would combine the State Board of Cosmetology and the Board of Barber Examiners to create a State Board of Cosmetology and Barber Examiners was referred to summer study. **HB 1495 (Maggart)** concerning polysomnography was rolled one week at the request of Rep. Ferguson; testimony expected. After extended discussion, **HB 1607 (Maggart)** as amended that 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 was referred to Gov Op. **HB 1646 (Jones U)** was rolled one week at the request of the sponsor. **HB 1674 (Ferguson)** as amended that 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 was referred to FW&M. **HB 1732 (Hackworth)** that 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



Chairman Armstrong

participating providers was referred to FW&M. **HJR 0259 (Ford)** that designates June 18, 2009, as *Lymphedema Awareness Day* was referred to C&R.

As committee time expired, the remaining bills on calendar were rolled one week: **HB 1353 (Floyd)** (amendment adopted); **HB 1655**

(Armstrong); **HB 1669 (Tindell)**; **HB 2145 (Kernell)** (motion pending and further testimony expected); **HB 2265 (Jones S, Turner M)**; **HB 2282 (Ferguson, Turner M)**; and, **SJR 0201 (DeBerry J)**.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday, May 5th to consider 11 bills on its *final calendar*; five bills were referred to full committee. **HB 0722 (Niceley)** as amended clarifies the practice of naturopathy. **HB 1114 (Shepard)** as amended authorizes home health care services provided in the recipient's home to follow the recipient into the community under certain circumstances, authorizes home health nurses or aids to accompany a recipient outside of the home during the course of prior approved services if certain criteria are met, and prohibits any additional reimbursement to home health agencies for accompanying recipients outside the home. **HB 1268 (Favors)** requires the Division of Health Related Boards of the Department of Health to undertake a statewide communication and awareness effort to

inform any licensed or certified health care practitioners of their duty to report incidents of domestic abuse. **HB 1651 (Armstrong)** as amended revises certain podiatric licensure requirements, extends the term of office, from three to four years, for members of the Board of Podiatric Medical Examiners and increases their per diem from \$50 to \$100, establishes accreditation requirements for hospitals (Joint Commission or American Osteopathic Association) and ambulatory surgical treatment centers (Joint Commission, Accreditation Association for Ambulatory Health Care, or American Association for Accreditation of Ambulatory Surgical Facilities) in which licensed podiatrists may perform ankle surgery, and requires that a podiatrist who performs ankle surgery in an ambulatory surgical treatment center first have surgical privileges to perform ankle surgery at a local hospital. **HB 1871 (Ramsey)** as amended clarifies that the existing statutory language, "to the extent possible within budget limitations," does not relieve metropolitan health departments with dental staffs and clinical facilities of their obligation to occasionally provide indigent adult patients with proper emergency dental services for the relief of pain and infection, and authorizes the reduction of state funding or exclusion from participation in state administered programs if metropolitan health departments fail to comply.

In other action, **HB 0394 (Fincher)** was taken off notice at the request of the sponsor. **HB 1546 (DeBerry J)** was rolled to 2010 at the request of the sponsor. **HB 1872 (Ramsey)** was taken off notice at the request of the sponsor. As subcommittee meeting time expired, the remaining three bills on calendar were rolled to the next meeting time: **HB 1275 (Ferguson)** (amendment expected); **HB 1715 (Turner M)** (amendment pending); and, **HB 2337 (Winningham)** (further testimony expected). The subcommittee stands in recess until Thursday, May 7, 2009, immediately following session.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **final meeting** of the **Public Health & Family Assistance Subcommittee** was held Tuesday afternoon May 5th with three bills on its *final calendar*. **HB 1810 (Hill)** as amended exempts a house or residential structure where seriously ill children and their families are provided temporary accommodations in



Pub. Hlth. Chair Hensley

proximity to their treatment hospitals and where food is prepared or provided by volunteer personnel (e. g., Ronald McDonald house) from certain regulations for food service establishments. After extended discussion and testimony, **HB 2319 (Turner M)**, the Tennessee Healthful Menu Act,

was referred to summer study. **HB 1756 (Hensley)**

establishes a new methodology for disposition of family planning funds that requires the Department of Health to issue a single request for proposal (RFP) for the distribution of all public and private funding for women's health services.

There being no further business before the subcommittee, the **Public Health & Family Assistance Subcommittee is closed subject to the call of the Chair.**

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** is closed subject to the call of the Chair.

judiciary

Jeffrey T. Malotte, Esq.

THE FULL COMMITTEE

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, May 6, 2009 with 76 bills on calendar.

To Calendar & Rules:

HB 2189 (DeBerry L), as amended, makes confidential information regarding a public employee's health savings account, retirement account, and pension account. Amendment #1 (005746672) makes the bill.

HB 0619 (Maggart), as amended, admits into evidence a videotaped statement made by a child under the age of 13 years describing any act of sexual contact or physical abuse if child unavailable and statement reliable.

Amendment #1 (00796733) makes the bill, done so in light of Tennessee Attorney General's Opinion 09-67.

HB 1429 (Pitts) redefines "serious bodily injury" to include a broken bone of a child who is eight years of age or younger.

HB 1545 (DeBerry J), as amended, exempts persons licensed by the board of any of the professions of healing arts from liability for civil damages resulting from the delivery of health services for a nominal charge.

Amendment #1 (00641802) releases health care providers from liability when they engage in providing voluntary medical services.

HB 1277 (Gilmore), as amended, provides that the records of a person charged with a crime who is found not guilty of the crime are automatically destroyed rather than requiring the person to petition the court for destruction. Amendment #1 (00665271) requires the judge to inquire of the acquitted if he/she wishes to have the records destroyed.

HB 2034 (Maddox) revises definitions of "adult" and "imminent danger" in the adult protection statute. Amendment expected on the House Floor.

HB 0325 (Jones S), as amended, clarifies that the department and any state or local agency records that contain information that identifies the person who made a report of child abuse or neglect are confidential. Amendment #1 (00613733) makes TCA citation corrections.

HB 1407 (Jones S) requires private schools and church-related schools to turn over records on a child

who is the subject of a child abuse investigation and to cooperate fully with the investigation.

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.

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

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.

HJR 0053 (Hardaway), as amended, urges the Department of Transportation to study establishment of voluntary emergency notification system on electronic billboards. Amendment #1 (00794103) makes the lead agency the TEMA.

HB 0736 (Hardaway), as amended, requires the court clerk to provide a debtor an itemized statement showing any balance due for any judgment required by the court or by agreement of the parties to be paid to the court through the clerk's office; requires that as debtor makes payment the debtor be provided a receipt showing balance owed. Amendment #1 (00676571) makes the bill.

HB 0435 (Shipley) requires county mayors to administer certain funds for litter control programs.

HB 2325 (Stewart) authorizes bureau of TennCare to bring administrative proceedings to recover TennCare funds under certain circumstances.

HB 1209 (Watson), as amended, 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 is 00653902.

HB 1781 (West), as amended, 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. Amendment #1 (00764171) deletes § 1 of the bill. Oral Amendment #1 deletes § 2(b) of the amendment, thus removing the criminal penalties.

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

HB 1736 (Fincher), as amended, grants a shooting range that had been in operation for at least 30 years prior to December 16, 2008, the right to continue operating at the same location and such right shall not be amended, restricted, or terminated due to zoning changes. Amendment #1 (00612572) resolves technical issues.

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; streamlines current forfeiture procedures pertaining to real property; permits forfeiture of property used in the commission of a crime; and provides an innocent spouse exception.

HB 2249 (Fincher), Amendment #1 (00779133) is intended to prevent a mentally deranged individual from purchasing a firearm (specifically, the intent is in response to the shootings at Virginia Tech).



To Finance, Ways & Means:

HB 0925 (Hawk), as amended, prohibits department of safety from requiring applicant provide social security number on application for permit or on certificate of completion of handgun safety course; prohibits course instructor from withholding proof of completion based solely on applicant not providing social security number. Amendment #1 (00712271) deletes § 1 of the bill, thus keeping in place TCA § 39-17-1351(c)(4).

HB 0606 (DeBerry J) establishes attempt to commit first degree murder as a dangerous felony for the

offense of possessing a firearm during commission of a dangerous felony.

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) makes the bill.

HB 0611 (DeBerry J) establishes enhanced sentences for crimes of force or violence committed while acting in concert.

HB 0607 (DeBerry J) requires service of a certain percentage of the sentence that certain repeat offenders

receive upon conviction for aggravated robbery with a firearm.

HB 2193 (DeBerry J) provides that all aggravated burglaries a defendant commits within a 24-hour period count as separate prior convictions for purposes of determining if the defendant is a multiple, persistent, or career offender under the criminal sentencing reform act.

HB 0612 (DeBerry J) increases the classification of aggravated robbery from Class B felony to Class A felony when accomplished by use of a firearm or explosive device.

HB 0666 (DeBerry J) adds additional offenses to the definition of “dangerous felony” for purposes of the offenses of employing or possessing a firearm during the commission of a dangerous felony.

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 0969 (McCord), as amended, requires that person losing right to vote because of a felony conviction must pay all fines and court costs imposed before right to vote is restored. Amendment #1 (00585873) makes the bill and provides an exception for the indigent via an evidentiary hearing finding of indigency.

HB 0714 (McCord), as amended: Amendment #1 (00700396) makes changes to the criminal trespass statute, makes changes to the illegal entry onto railroad property statute, and makes changes to the utility right of way statute. Amendment #2 (00744071) (on another subject altogether) makes changes to the charter statute.

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) defines the crime as “knowing that the report is false.”

HJR 0075 (Stewart), as amended, repeals prohibition that fine in excess of \$50.00 cannot be imposed except by jury and provides that general assembly set the maximum amount of fine assessed without jury up to a \$500 limit. Amendment #1 (00658233) makes punctuation corrections.

HB 0898 (Watson), as amended, 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. Amendment #1 (00701571) makes the bill.

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

To Government Operations:

HB 0386 (Sontany), as amended, enacts the “Commercial Breeder Act.” Amendment #1 (00789271) makes the bill. Amendment #2 (00789871) requires reimbursement of governmental costs in caring for any dog or cat, and that the security bond posted pursuant to TCA § 39-14-210 may be used for such reimbursement.



To Summer Study:

HB 1394 (Johnson P).
HB 0887 (Sontany).

Taken Off Notice:

HB 1614 (McDonald).
HB 1786 (West).
HB 1440 (Coleman).
HB 1446 (Coleman).
HB 1547 (Coleman).

Rolled:

All bills not otherwise noted are rolled for 1 week.

**CIVIL PRACTICE & PROCEDURE
SUBCOMMITTEE**

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, May 5, 2009 and Wednesday, May 6, 2009 with 44 bills on calendar.

NOTE: The subcommittee is closed.

ANNOUNCEMENTS: Chairman Kelsey thanked Anastasia Campbell, Esq. and Chase Johnson for their assistance to the subcommittee.

To the full Committee:

HB 2018 (Kelsey) authorizes the governor to make interim appointments to fill judicial vacancies if the judicial selection commission sunsets on June 30, 2009.

HB 2296 (Gilmore), as amended, enacts the "Tennessee Viatical Settlement Act of 2009." Amendment #1 (00802263) and Amendment #2 (00791563) will be discussed further in full committee.

HB 1183 (Ford), as amended, prohibits any state, county, or municipal elected official, or in the case of a constitutionally elected peace officer, such officer's deputy, from acting as a professional bondsman, unless acting in such capacity on the effective date of this act. Amendment #1 (00747705) serves as a grandfather clause.

HB 1503 (Coleman) clarifies certain procedural elements of service of garnishments.

HB 1504 (Coleman) establishes immunity from civil liability for persons furnishing, disclosing, or requesting information without malice pursuant to public records laws.

HB 1637 (Jones U), as amended, revises the law concerning qualifications for and practices of notary publics in certain circumstances; creates protections for true owners of residential real property where deeds have been signed by persons involved in fraudulent and criminal activities concerning such property. Amendment #1 (00610402) makes the bill. Oral Amendment #1 removes § 4 of Amendment #1.

HJR 0108 (Lynn), as amended, urges Congress to recognize Tennessee's sovereignty under the tenth amendment to the Constitution. Amendment #1 (00783564), as orally amended, makes the bill.

HB 1598 (Lynn), as amended, prohibits a government entity from substantially burdening a person's free exercise of religion unless it demonstrates the application of the burden is essential to further a compelling government interest and is the least restrictive means of furthering that interest. Amendment #1 (00640331) changes subsection (d) to comply with federal law. Amendment #2 (00678633) states, "Nothing in this act shall be deemed to establish or eliminate a defense to a civil action under a federal or state civil rights law."

HB 2109 (Floyd), as amended, limits the civil liability of persons who own, lease, occupy, or control land when others use such land to engage in certain off-road activities and are injured due to the inherent risks associated with engaging in such activities. Amendment #1 (00675002) makes the bill.

HB 2377 (DeBerry J) revises the membership of the judicial selection commission and the judicial evaluation commission; decreases term of commission members from six to four years; requires senate confirmation of governor's nominee to fill a vacancy for any state court

judge; increases the vote from a majority vote to 60 percent vote that a judge must receive in a retention election; extends the sunset provision for the judicial selection and evaluation commissions to June 30, 2011.

HB 1479 (DeBerry J), as amended, creates the unified family court pilot program. Amendment #1 (00802333) makes the bill.

HB 1592 (Bone) exempts Wilson County from the requirement that appeals from the Probate Court (i.e., General Sessions Court acting as the Probate Court) must be heard anew in Chancery Court de novo.

HB 1931 (Bone), as amended, limits tort liability of agritourism professionals under certain circumstances. Amendment #1 (00793205) makes the bill.

HB 1775 (Jones S), as amended, enacts the “Tennessee Court Reporter Act of 2009.” Amendment #1 (00734352) makes technical corrections.

HB 1453 (Coleman) provides that court-approved attorney fees in medical malpractice case are conclusively presumed to be reasonable in any subsequent action before the board of professional responsibility based on a complaint concerning the amount or reasonableness of the attorney fees.

HB 2233 (Coleman), as amended, adds the necessity of showing by clear and convincing evidence to the extraordinary good cause needed for a court to excuse noncompliance with certain requirements for medical malpractice filings. Amendment #1 (00805933) makes the bill.

HB 2299 (Coleman), as amended, extends immunity to person who causes injury or death to another or damage to property in performing services requested by government during an emergency, including training exercises, unless damage results from gross negligence or willful misconduct; limits immunity for persons who provide emergency shelters under certain circumstances. Amendment #1 (00784571) makes the bill.

HB 2284 (Ferguson) enacts the “Elderly and Disabled Adults Protection Act of 2009.” (Amendment 00732995 is expected in the full Committee.)

HJR 0104 (Campfield), as amended, affirms Tennessee’s sovereignty under the tenth amendment to the United States Constitution. Amendment #1 (00808961) deletes one of the “whereas” clauses. Oral

Amendment #1 deletes a separate clause: the “whereas” clause appearing before “Be It Resolved....”

HB 2369 (Turner L) increases time for enforcement of breach of fiduciary duty of directors of for-profit corporations from one year to three years; increases statute of repose from three years to six years.

HB 1707 (Curtiss), as amended, broadens the scope of the “Personal Rights Protection Act of 1984.” Amendment #1 (00723963) makes the bill.

To Summer Study:

HB 1849 (Coley).
HB 2154 (McCord).
HB 2089 (Towns).
HB 0367 (Matheny).
HB 1576 (Lundberg).
HJR 0103 (Towns).
HB 2000 (Curtiss).

Taken Off Notice:

HB 1771 (Dunn).
HB 1772 (Dunn).
HB 2340 (Jones S).
HB 0190 (Casada).
HB 0193 (Hill).
HB 2232 (Coleman).
HB 2236 (Coleman).
HB 2237 (Coleman).
HB 2315 (Coleman).
HB 1150 (Kelsey).
HB 0664 (Sargent).
HB 1151 (Ferguson).

Fails:

HB 2205 (Ramsey).
HB 2377 (DeBerry J).



Rolled to 2010:

HB 1486 (Todd).
HB 317 (DeBerry J).

**CRIMINAL PRACTICE & PROCEDURE
SUBCOMMITTEE**

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, May 6, 2009 with 7 bills on calendar.

NOTE: Chairman Watson closed the subcommittee and made no announcements.

To the full Committee:

HB 1700 (West) enacts the “Exclusionary Rule Reform Act.” An amendment is expected.

Rolled to the 1st Calendar of 2010:

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 State and Local Government full committee there were eighteen bills on the calendar for consideration. Seven were passed to Calendar and Rules and four were passed to Finance, Ways and Means. All other bills were rolled to later calendars.

To Calendar and Rules:

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

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.

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

HB 1370 by Lollar - Establishes TWRA as the exclusive agency to participate in the mining or recovery of lead deposited as the result of the discharge of a firearm at shooting ranges on certain state property;

state’s share of any profits from such reclamation to be earmarked for scholastic clay target programs.

HB 670 by Dennis - Requires a keeper of a jail to notify the department of homeland security by facsimile transmission or other means of prisoners whose citizenship status in this country cannot be determined at time of arrest from documents in the prisoner’s possession or if person is in this country illegally.

HB 1297 by Maddox - Redefines “person entitled to redeem property” to include only persons who on the date of the tax sale own a legal or equitable interest in the property sold at the tax sale.

To Finance, Ways and Means:

HB 1573 by West – This bill requires longevity pay to state employees to be issued by a separate check unless the employee elects not to receive a separate check.

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

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.

STATE GOVERNMENT SUBCOMMITTEE



This week in State Government Subcommittee ten bills were passed to full committee as the committee conducted its final meeting. All other bills were deferred to 2010.

To the Full Committee:

HB 1692 by Mumpower - Grants state recognition to certain Indian tribes, bands, and groups; provides means for

other Indian tribes, bands, and groups to receive state recognition.

HB 2238 by Odom - Allows ethics commission to provide information on the status of a complaint to the named complainant and the alleged violator.

HB 129 by Hardaway - Directs human rights commission to develop a Title VI compliance plan applicable to certain state governmental entities; sets out duties of human rights commission in regards to Title VI provisions.

HJR 382 by Hardaway - Directs department of correction to study feasibility of state of Tennessee providing funding for halfway houses. -

-HB 592 by Coleman - Requires ethics commission to issue written advisory opinions to members of the general assembly upon request.

HB 1578 by Windle - Permits a person being interviewed concerning periodic routine searches for contraband of employees of the department of correction

to record interviews and interrogations and requires the interviewer to record such interviews; limits the application of present law permitting the dismissal of an employee for failing to take a polygraph examination only to situations relating to such searches for contraband.

HB 1662 by Armstrong - Modifies description and requirements of eligible properties for certain redevelopment or urban renewal plans containing tax increment financing.

HB 2101 by Towns - Permits any state employee to obtain employment with another employer while working as a state employee so long as there are no conflicts with the employment schedule as a state employee.

HB 746 by Odom - Prohibits certain public officials and employees from obtaining employment with certain vendors for a period of three years after leaving office or employment.

HB 196 by Weaver - This bill increases the number of interested persons necessary to petition an agency requesting the adoption, amendment, or repeal of a rule from five or more to 10 or more.

LOCAL GOVERNMENT SUBCOMMITTEE

This week in Local Government Subcommittee there were thirty-six bills on the calendar. Nineteen bills were passed to full committee. All remaining bills were deferred to 2010. The subcommittee conducted its last meeting this week.

To the Full Committee:

HB 2175 by DeBerry L -

Exempts Shelby County from prohibition against correcting clerical mistakes in tax reports or schedule filed by a taxpayer with the assessor.

HB 1813 by Odom - Authorizes all political subdivisions of the state and any other state or local



governmental entities that are authorized to assess taxes on real property to sell their tax receivables.

HB 1779 by Casada - Establishes review of Utility Management Review Board decisions by the Tennessee Regulatory Authority.

HB 1587 by Curtiss - Allows any city, town, or county to charge a records maintenance fee, not to exceed \$5.00, for each record the city, town, or county is required to maintain and to use the fees to offset the cost of maintaining such records.

HB 2166 by Faulkner - Requires POST commission to establish standards for certification of railroad police officers.

HB 938 by Ferguson - Allows Roane County to abolish or remove law enforcement powers from the office of constable upon two-thirds vote of the county legislative body.

HB 1976 by Fitzhugh - Includes wastewater facilities within the definition of local government for certain purposes.

HB 1705 by Hensley - Exempts contracts for construction management agent or advisor services from competitive bidding process for local governments.

HB 1928 by Hensley - Subject to local approval, authorizes the county legislative body to approve or disapprove certain solid waste facilities based on specific criteria.

HB 1196 by Maggart - Adds to qualifications to be a sheriff that person must have five years of full-time POST-certified law enforcement experience and must have resided in county for one year prior to qualifying date.

HB 1702 by McCord - Redefines “hotel” to clarify that the property of Blackberry Farm may not be contiguous and may be divided by a public or private road.

HB 1688 by Moore - Provides that any insurance company formed as a successor in interest shall not receive a reduction in its apportionment ratio for property tax purposes if the previous company already received such reduction.

HB 1921 by Montgomery - Clarifies the authority of the legislative body of a municipality to approve the

acquisition of a public facility that had been improved or constructed by a third party and to issue revenue bonds to finance all costs and expenses incurred in connection with the acquisition of the facilities.

HB 1542 by Stewart - Allows counties and municipalities to create exemption to local option sales tax for replacement trees purchased toward commercial or public utility property’s required tree density.

HB 2095 by Towns - Requires a referendum be conducted before a publicly funded entity can be sold or leased; “sale or lease” means that more than 30 percent of the assets of the entity are subject to sale or lease.

HB 1933 by Jones U - Authorizes conveyance of certain property purchased at tax sale by Shelby County, or included municipality, to adjoining property owners upon actual or in-kind payments of property’s fair market value.

HB 2360 by Jones U - Adds Rarity Pointe in Loudon County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

HB 1633 by Jones U - Exempts from licensing requirements transactions between collectors involving sale, purchase, or exchange of commemorative bottles containing an alcoholic beverage.

HB 309 by Sargent - Revises the manner of amending the comprehensive growth plan after the initial three-year period following the approval of the initial growth plan.

ELECTIONS SUBCOMMITTEE IS CLOSED.

THE FULL COMMITTEE

The **House Transportation Committee** convened May 5, 2009. There were seven bills on the calendar.

HB2196 (Camper) was rolled to the last calendar.

HB1321 (Harmon) and **HB1318 (Harmon)** were taken off notice.



Rep. Hill

HB1376 (Hill) was passed by the committee and referred to the **Omnibus Special License Plate Bill**. As amended, it creates a specialty earmarked license plate for Niswonger Children's Hospital, allocating 50% of the funds to the Mountain States Health Foundation for developing and expanding the Niswonger Children's Hospital.

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

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.

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.

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

HB1325 (Harmon) was passed by the committee and referred to the **Calendar and Rules Committee**. As amended, requires TDOT to study to use of HOT lanes, and reporting its findings to the House and Senate Transportation Committees by February 1, 2010.

RURAL ROADS SUBCOMMITTEE

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

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met May 5, 2009 to consider four bills.

HB1429 (Niceley) was rolled to 2010.

HJR381 (Hardaway) failed.

The following bills were passed by the committee and referred to the full **Transportation Committee**:
HB541 (Litz) – As amended, requires that a state agency or political subdivision of the state, that uses surveillance cameras at intersections, not cite any vehicle that legally entered the intersection during the green or yellow interval. Also, the bill will require signage not less than 500 feet and no more than 1000 feet before the intersection. Should the state agency or political subdivision issue a citation in violation of this bill, then any citation based solely on evidence generated by the surveillance camera will be deemed void.

HB1202 (McCord) – As amended, prohibits surveillance cameras, except for Smart Way cameras, on interstates except in TDOT work zones. Also, the bill requires that a state agency or political subdivision of the state, that uses surveillance cameras at intersections, not cite any vehicle that legally entered the intersection during the green or yellow interval. The bill will require signage not less than 500 feet and no more than 1000 feet before the intersection. Should the state agency or political subdivision issue a citation in violation of this bill, then any citation based solely on evidence generated by the surveillance camera will be deemed void.

The committee closed subject to the call of the chair.

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