THURSDAY, FEBRUARY 22, 1990

SIXTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Brother Don Helton, Old Hickory Church of Christ, Old Hickory, Tennessee.

Representative Ben West, Jr., led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

The Speaker announced that Representative Duer was excused due to personal reasons.

REPORT OF COMMITTEE ON CALENDAR AND RULES
February 22, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the **Regular Calendar** for **Monday, February 26, 1990**: House Bill(s) No(s). 2100, 1814, 2104, 2509, 1697, 1634, 2147, 1718, 1882, 1880, 1711, 1680,

1654, 1851 and 2004.

We have also set the following bills on the **Regular Calendar** for **Wednesday, February 28, 1990:** House Bill(s) No(s). 1275, 424 and 1699; also, House Joint Resolution(s) No.(s) 514.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, February 26, 1990:** House Bill(s) No(s). 2099, 1761, 1924, 1598 and 1919; also, Senate Joint Resolution(s) No.(s) 469.

We further report that the following was/were referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1759.

PHILLIPS, Chairman.

REGULAR CALENDAR

***House Bill No. 0166** -- Election Laws -- Allows state employees to be deputy election registrars. Amends TCA, Title 2, Ch. 12.

The Speaker moved that, pursuant to **Rule No. 14,** House Bill No. 166 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1899 -- Public Defenders -- Clarifies district public defenders duties; requires additional qualifications. Amends TCA, Title 8, Ch. 14, 16-21-107.

Rep. Purcell moved that **House Bill No. 1899** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1899 by adding before the period at the end of the first sentence in the amendatory language of Section 3 the following language "and it appears there is good cause to believe no conflict of interest is likely to arise".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1899 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____. Tennessee Code Annotated, Section 8-14-301, is amended by adding after the first sentence the following language:

The Public Defender of Shelby County and the Public Defender of Davidson County shall also be members of the conference.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 1899,** as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 93
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

House Bill No. 1954 -- Election Laws -- Removes certain restrictions on absentee voting for students and certain others who are gainfully employed. Amends TCA, Title 2, Ch. 6.

Rep. Bivens moved that House Bill No. 1954 be reset to the Calendar for Thursday, March 1, 1990, which motion prevailed.

***House Bill No. 1599** -- Foster Care -- Requires installation of smoke detectors in foster homes. Amends TCA, Titles 37, 68, 71.

On motion, House Bill No. 1599 was made to conform with Senate Bill No. 1759.

On motion, **Senate Bill No. 1759,** on same subject, was substituted for House Bill No. 1599.

Rep. Phillips moved that **Senate Bill No. 1759** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 95
Noes. 1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Givens -- 1.

A motion to reconsider was tabled.

House Bill No. 1922 -- Highways, Roads and Bridges -- Exempts state authorized development on scenic highways from building restrictions. Amends TCA 54-17-115.

Rep. Scruggs moved that **House Bill No. 1922** be passed on third and final consideration.

Rep. Scruggs moved that House Bill No. 1922 be reset to the Calendar for Monday, February 26, 1990, which motion prevailed.

House Bill No. 2014 -- Alcoholic Beverages -- Permits removal of identification stamp on certain retail containers; provides for collection of tax. Amends TCA 57-3-303.

On motion, House Bill No. 2014 was made to conform with Senate Bill No. 1878.

On motion, **Senate Bill No. 1878,** on same subject, was substituted for House Bill No. 2014.

Rep. DeBerry moved that **Senate Bill No. 1878** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 68
Noes. 26

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott,

Clark, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Hassell, Head, Henry (Putnam), Hillis, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 68.

Representatives voting no were: Burchfield, Chiles, Coffey, Cole, Crain, Davis (Gibson), Gunnels, Halteman, Harrill, Herron, Hobbs, Holcomb, Hubbard, Jackson, Kent, McAfee, McDaniel, Moody, Odom, Pinion, Scruggs, Stallings, Stamps, Turner, C. (Shelby), Wolfe, Wood -- 26.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1878 and have this statement entered in the Journal.

Rep. Frank S. Niceley

REGULAR CALENDAR, CONTINUED

House Bill No. 2039 -- Drug and Alcohol Rehabilitation -- Enacts "Drug Offender School Program Act of 1990". Amends TCA, Title 39, Ch. 17, Pt. 4; Title 55, Ch. 10, Pt. 4.

Rep. C. Turner (Shelby) moved that **House Bill No. 2039** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2039 by inserting the following between the first and second sentences of subsection (2) of the amendatory language of SECTION 3:

> If the court determines that such person by reason of indigency cannot afford to pay a fee to attend such school, the court shall waive the fee and the person shall attend the school without charge.

FURTHER AMEND by deleting from subsection (1) of the amendatory language of SECTION 3 the words "with regard to" and substituting instead the word "for".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 2039, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 97
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1917 -- Motor Vehicles -- Exempts certain vehicles from being weighed. Amends TCA 47-26-803.

On motion, House Bill No. 1917 was made to conform with Senate Bill No. 1869.

On motion, **Senate Bill No. 1869,** on same subject, was substituted for House Bill No. 1917.

Rep. Ridgeway moved that **Senate Bill No. 1869** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 97
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas,

Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 1904** -- Election Laws -- Clarifies use of punch card ballots in certain counties. Amends TCA 2-5-206.

Rep. Hillis moved that House Bill No. 1904 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 97
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1588 -- Correctional Programs -- Authorizes commissioner to make grants for community corrections plans under certain conditions; sets supervision fee.

On motion, House Bill No. 1588 was made to conform with Senate Bill No. 1606.

On motion, **Senate Bill No. 1606**, on same subject, was substituted for House Bill No. 1588.

Rep. Love moved that **Senate Bill No. 1606** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 96
Noes. 2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representatives voting no were: Gunnels, Niceley -- 2.

A motion to reconsider was tabled.

***House Bill No. 1578** -- Education -- Authorizes tuition and fees to be charged to non-resident pupils. Amends TCA 49-6-3003, 49-6-3104.

Rep. Callicott moved that House Bill No. 1578 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 91
Noes. 7

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Armstrong, Clark, Givens, Head, Holt, Purcell, West -- 7.

A motion to reconsider was tabled.

***House Bill No. 1586** -- Alcoholic Beverages -- Establishes structure for business relationship between beer wholesalers and manufacturers and importers. Amends TCA, Title 57, Ch. 5. Repeals TCA 57-6-102, 104.

On motion, House Bill No. 1586 was made to conform with Senate Bill No. 1682.

On motion, **Senate Bill No. 1682**, on same subject, was substituted for House Bill No. 1586.

Rep. Wheeler moved that **Senate Bill No. 1682** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	5

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 89.

Representatives present and not voting were: Bragg, Crain, Herron, Holcomb, Moody -- 5.

A motion to reconsider was tabled.

House Bill No. 1866 -- Election Laws -- Clarifies provisions in state election laws. Amends TCA 2-2-118, 132, 2-5-206, 208, 216, 2-5-101, 2-6-130.

Rep. Purcell moved that House Bill No. 1866 be reset to the Calendar for Monday, February 26, 1990, which motion prevailed.

House Bill No. 1767 -- Alcoholic Beverages -- Enacts "The Alcohol Abuse Prevention Act of 1990". Amends TCA, Title 33.

Rep. Kent moved that **House Bill No. 1767** be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House 1767 by deleting Sections 1 through 14 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 33, Chapter 8, is amended by deleting Sections 33-8-201--33-8-203 in their entirety and by substituting instead Sections 2 through 11 of this act as a new part to be appropriately designated.

Section 2. This act shall be known and may be cited as "The Alcohol Abuse Prevention Act of 1990" and shall establish programs and procedures to permit the detention and treatment of persons intoxicated or incapacitated by alcohol. The provisions of this act apply to a county and take effect only when that county has adopted application of this act through the county legislative body and has established programs and procedure for the detention and treatment of such persons.

(a) It is the policy of this state that intoxicated persons should be afforded a continuum of treatment so they might lead normal lives as productive members of society.

(b) The general assembly finds that alcoholism and intoxication are matters of statewide concern.

(c) The general assembly recognizes the character and pervasiveness of alcohol abuse and alcoholism and that public intoxication and alcoholism are health problems which should be handled by public health rather than criminal procedures when proper facilities, procedures, and services as defined and set forth herein are available.

(d) The general assembly finds that this health problem has been seriously neglected and that the costs and the waste of human resources caused by alcohol abuse and alcoholism are massive, tragic and no longer acceptable.

(e) The general assembly finds that the best interests of this state demand a locally oriented attack on the massive alcohol abuse and alcoholism problem.

(f) The general assembly finds that the handling of intoxicated persons as criminals contributes to jail overcrowding and the consumption of resources needed for the handling of more serious and violent matters.

Section 3. As used in this act, unless the context otherwise requires:

(1) "Approved private treatment facility" means a private agency meeting the standards prescribed by the department;

(2) "Approved public treatment facility" means a not-for-profit treatment agency operating under the direction and control of or approved by the health department of any county to which this act applies or providing treatment under this article through a contract with the department;

(3) "Department" means the health department of any county to which this act applies;

(4) "Director" means the director of the health department of any county to which this act applies;

(5) "Health officer" means an employee of the county Health Department trained in detecting intoxication and/or incapacitation of persons due to the consumption of drugs and/or alcohol and also trained in the proper handling and transport of such persons;

(6) "Health professional" means a person trained and licensed in the health science including medical doctors, registered nurses and licensed practical nurses;

(7) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment or is unable to take care of his basic personal needs or safety or lacks sufficient understanding or capacity to make or communicate rational decisions concerning his person;

(8) "Intoxicated person" or "person intoxicated by alcohol" means any person who meets a condition or the conditions set forth in Tennessee Code Annotated, Section 39-17-310;

(9) "Licensed physician" means either a physician licensed by the state of Tennessee or a hospital-licensed physician employed by the admitting facility;

(10) "Magistrate" or "judicial commissioner" means those officials as defined by Tennessee Code Annotated, Section 40-5-101 or created by Tennessee Code Annotated, Section 40-5-201; and

(11) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care vocational

rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons.

Section 4. To carry out the purposes of this act counties may:

(a) Make any contract necessary or incidental to the implementation of this act, including contracts with public and private not-for-profit agencies, organizations, and individuals to provide funds for services rendered or furnished to alcoholics or intoxicated persons.

(b) Solicit and accept any gift or grant of money, services or property from any private source or from the state or federal government or any of its agencies or any political subdivision thereof and cooperate in making application for such grants.

(c) Coordinate activities, cooperate with alcoholism programs and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this state and other states for the treatment of alcoholics and intoxicated persons and for the common advancement of alcoholism programs.

(d) Keep records and engage in research and the gathering of relevant statistics.

(e) Do whatever is necessary or convenient to execute the authority expressly granted herein.

(f) Acquire, hold, or dispose of real property, or any interest therein, and construct, lease, or otherwise provide treatment facilities for alcoholics and intoxicated persons.

Section 5. A person charged with or convicted of a crime may be admitted under Section 33-6-101 to an appropriate treatment resource in accordance with the provisions of law relating to probation, parole, or other disposition of persons charged with or convicted of criminal offenses.

Section 6.

(a) Any county may, pursuant to this act, provide facilities and services for the treatment and housing of person intoxicated and/or incapacitated by alcohol in lieu of arrest. In such county or counties when any person is intoxicated or incapacitated by alcohol and is clearly dangerous to the health and safety of himself or others, such person may be taken into protective custody by law enforcement authorities or health officers, acting with probable cause, and taken to an approved treatment facility. For purposes of determining whether a person is

clearly dangerous to the health and safety of, himself the degree of intoxication alone is sufficient if the enforcement officer reasonably believes that the individual is unable to avoid severe impairment or injury from specific risks by or as a result of intoxication.

(b) In determining whether a person should be taken to a treatment facility in lieu of arrest hereunder the law enforcement officer or health officer shall consider all of the following:

(1) Whether the person is likely to engage in a violation of the law while being transported to the treatment facility or while at said facility;

(2) The type of services available at the treatment facility that are not readily available at the jail to which the person would be taken upon arrest;

(3) Whether the treatment facility has space available; or

(4) The amenability of the person to the treatment provided by the treatment facility.

(c) A law enforcement officer or health officer, in detaining the person, is taking such person into protective custody. In so doing, the detaining officer may protect himself by reasonable methods, but shall make every reasonable effort to protect the detainee's health and safety. A taking into protective custody under this section is not an arrest and no entry of other records shall be made to indicate that the person has been arrested or charged with a crime. Any warrantless search conducted under the provisions of this act is strictly limited by the circumstances justifying the search. A law enforcement officer or health official who acts in compliance with this section is acting in the course of official duties and shall not be held criminally or civilly liable therefor.

(d) The law enforcement officer or health officer shall, upon presenting the detained person to the treatment facility, make written application for the detainee's evaluation and treatment at the facility. Such application shall be directed to the administrator of the facility and shall state the circumstances requiring evaluation, detention and treatment including the applicant's personal observations and the specific statements of other persons having relevant knowledge of the person's intoxication and/or incapacitation and the danger he poses to himself or others, upon which he relies in initially detaining the person and in making the application. A copy of the application shall be furnished to the person to be

detained. The facility may adopt policies governing the eligibility and criteria for admission.

(e) If the approved treatment facility administrator or his designee, after examination by a health professional for the purpose of determining whether the person is intoxicated and/or incapacitated by alcohol approves the application consistent with purposes of this act and the admission policies, the person may be detained for evaluation and treatment for such period of time as the grounds for the detention as stated in the application for admission exist. Provided, however, that without regard to the decision of the facility administrator, all such persons detained hereunder shall be presented to a magistrate or judicial commissioner without unnecessary delay for the purpose of determining whether said person can be held and treated pursuant to this act. Provided further, that without regard to the decision of the facility administrator or magistrate or judicial commissioner, any person who refuses treatment or evaluation or requests release shall be released immediately unless he is detained in accordance with Tennessee Code Annotated, Section 33-6-103.

(f) If the approved treatment facility administrator or his designee, or the magistrate or judicial commissioner, determines that the application fails to sustain the grounds for detention as set forth in subsection (a) of this section, the application for detention shall be refused and the person detained shall be immediately released, and the person shall be encouraged to seek voluntary treatment if appropriate.

(g) When the administrator, based upon the recommendation of the health professional, determines that the grounds for commitment no longer exist, he shall discharge the person committed under this section unless the person seeks and obtains voluntary treatment under Tennessee Code Annotated, Section 33-6-101.

(h) In those cases where involuntary commitment becomes necessary, such commitments shall be governed by Tennessee Code Annotated, Title 33, Chapter 3, Part 6.

Section 7.

(a) The registration and other records of treatment facilities shall remain confidential and are privileged.

(b) Notwithstanding subsection (a), the director may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection (b) shall not be published in a way that discloses patients' names or other identifying information.

Section 8.

(a) Patients in any approved treatment facility shall be granted opportunities for visitation and communication with their families and friends consistent with an effective treatment program. Patients shall be permitted to consult with counsel at any time. Further, the facility administrator shall in determining whether to detain a person hereunder, give due consideration to the immediate effect on the individual's employment and shall detain such individual only when his or her immediate welfare dictates.

(b) Neither mail nor other communication to or from a patient in any approved treatment facility may be intercepted, read or censored. The approved treatment facility may adopt reasonable policies regarding the use of the telephone in the facility.

Section 9. All arrests and court proceedings for public intoxication or drunkenness in this state shall be under the provision of Section 39-6-925--39-6-928, to the exclusion of any common law or statutory offense now being enforced. No county, municipality or other political subdivision of this state shall adopt any local law, ordinance, resolution or regulation having the force of law rendering public intoxication or drunkenness in and of itself or being a common drunkard or being found in enumerated places in an intoxicated condition, an offense, a violation of the subject of criminal or civil penalties or sanctions of any kind. Nothing herein contained shall affect any laws, ordinances resolutions or regulations against drunken driving, driving under the influence of alcohol, or other similar offenses that involve the operation of motor vehicles, machinery or other hazardous equipment. Any fines collected under Section 39-6-925 shall be retained by the unit of local government over which the court has jurisdiction.

Section 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 11. This act shall take effect January 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that House Bill No. 1767, as amended, be reset to the Calendar for Monday, February 26, 1990, which motion prevailed.

CONSENT CALENDAR

House Resolution No. 0103 -- Memorials, Recognition -- Honors older workers during "Hire the Older Worker Week".

House Joint Resolution No. 0640 -- Memorials, Personal Occasion -- Honors fifty year marriage of Mr. and Mrs. F. L. Brown.

House Joint Resolution No. 0644 -- Memorials, Personal Achievement -- Congratulates Melissa Gibson, America's Modern Miss Tennessee Pre Teen.

House Joint Resolution No. 0645 -- Memorials, Recognition -- Honors senior workers during "Hire the Older Worker Week".

House Joint Resolution No. 0646 -- Memorials, Recognition -- Honors senior workers during "Hire the Older Worker Week".

House Joint Resolution No. 0647 -- Memorials, Condolence -- Honors memory of Edna Caroline Phillips McDaniel.

House Bill No. 2588 -- Campbell County -- Prohibits disposal of certain garbage.

House Bill No. 2590 -- Washington County -- Clarifies authority over dog and cat control program. Amends Chapter 167, Private Acts of 1986.

Senate Joint Resolution No. 0477 -- Memorials, Public Service -- Commends law enforcement officers.

Senate Joint Resolution No. 0478 -- Memorials, Congratulations -- Congratulates Lincoln County Fair, 1989 Grand Champion Fair.

Senate Joint Resolution No. 0480 -- Memorials, Professional Achievement -- Congratulates Patricia Devillier on receipt of 1989 Community Health Nursing Award.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2588 was objected to by Rep. Cross.

Under the rules, House Bill No. 2588 was/were placed at the foot of the calendar for Monday, February 26, 1990.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the

Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. 98
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 959

Pursuant to Rule No. 73, Representative Davidson moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 959, which motion prevailed.

The Speaker appointed Representatives Davidson, Starnes, DeBerry, Ronnie Davis, Rhinehart, Naifeh, Winningham and Jim Henry as the House members of the Conference Committee on Senate Bill No. 959.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, February 26, 1990:

Senate Bill No. 1607: Rep. Rhinehart.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 78, so the all bills filed after the tenth legislative day, with the exception of local bills,

be referred to the delayed bills committee for their consideration. This referral shall occur after referral to standing committee on second consideration. Such bill shall not be heard by the standing committee prior to approval by the delayed bills committee. The motion prevailed.

RULES SUSPENDED

Rep. Hassell moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 500 out of order, which motion prevailed.

Senate Joint Resolution No. 0500 -- Memorials, Personal Occasion -- Recognizes Wyeth Chandler on sixtieth birthday for outstanding accomplishments.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hassell, the resolution was concurred in by the following vote:

Ayes. 91
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hassell moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 501 out of order, which motion prevailed.

Senate Joint Resolution No. 0501 -- Memorials, Professional Achievement -- Commends Brother Theodore R Drahmann on receipt of Greater Memphis State's Educator of the Year Award.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hassell, the resolution was concurred in by the following vote:

Ayes. 95
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hassell moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 502 out of order, which motion prevailed.

Senate Joint Resolution No. 0502 -- Memorials, Condolence -- Honors memory of C. Cleveland Drennon, Jr.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hassell, the resolution was concurred in by the following vote:

Ayes. 97
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore

(Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McAfee moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 554 from the Conservation and Environment Committee for immediate consideration, which motion prevailed.

House Joint Resolution No. 0554 -- Naming and Designating -- Designates April State Park Month.

On motion of Rep. McAfee, the resolution was adopted by the following vote:

Ayes. 95
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. DeBerry moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 493 out of order, which motion prevailed.

Senate Joint Resolution No. 0493 -- Naming and Designating -- Designates print shop elevator as Larry N. Hill elevator.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, the resolution was concurred in by the following vote:

Ayes. 95
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 95.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 514: Rep(s). Burnett added as prime sponsor(s).

House Bill No. 1235: Rep(s). Coffey added as prime sponsor(s).

House Bill No. 1767: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 1999: Rep(s). Huskey and Niceley added as sponsor(s).

House Bill No. 2224: Rep(s). Halteman added as sponsor(s).

House Bill No. 2507: Rep(s). Herron added as prime sponsor(s).

House Bill No. 2560: Rep(s). Coffey added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

***House Joint Resolution No. 0642** -- Highway Signs -- Clarifies the distinction between Knights Campground Road and Dixon Road in Bedford County. by *Phillips.

The Speaker referred House Joint Resolution No. 642 to the Transportation Committee.

***House Joint Resolution No. 0643** -- General Assembly, Studies -- Continues special joint committee created by House Joint Resolution 25 studying regulatory endeavors of local governments. by *Copeland, *Kisber, *Rhinehart.

The Speaker referred House Joint Resolution No. 643 to the State and Local Government Committee.

House Joint Resolution No. 0649 -- Memorials, Condolence -- Honors memory of Annie Elligan McDonald. by *Robinson C B, *Starnes, *Wood, *Turner B, *McAfee, Copeland.

The Speaker referred House Joint Resolution No. 649 to the Calendar and Rules Committee.

House Joint Resolution No. 0650 -- Memorials, Condolence -- Honors memory of Carl Skeen. by *Davis J K, *Scruggs, *Bittle, *Moody, *Davis R E, *Robinson Ruth, *Niceley.

The Speaker referred House Joint Resolution No. 650 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 2594 -- Niota -- Changes term of office and election date for certain city officers. Amends Chapter 48, Private Acts of 1919, as amended. by *Webb.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

***Senate Bill No. 0255** -- Nurses, Nursing -- Revises certain provisions relative to the practice of professional nursing. Amends TCA 63-7-101, 103.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1121.

***Senate Bill No. 1011** -- Alcoholic Beverages -- Authorizes retail sales by beer manufacturers in certain circumstances. Amends TCA, Title 57, Chs. 5, 6.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1433.

***Senate Bill No. 1781** -- Workers' Compensation -- Makes issuance of certificate of compliance with insurance requirements of Workers' Compensation Law conclusive evidence of such compliance. Amends TCA, Title 50, Ch. 6, Pt. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1973.

Senate Bill No. 1854 -- Telecommunications -- Enacts "Unsolicited Telefacsimile Advertising Act".

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1684.

***Senate Bill No. 1924** -- Highway Signs -- Deletes exemption of certain counties from the specific service sign system. Amends TCA 54-5-1109.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2327.

Senate Bill No. 1926 -- Liens -- Clarifies extent of nurseryman's lien. Amends TCA 66-11-101, 118.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1718.

***Senate Bill No. 2342** -- Education -- Authorizes LEA to operate school system on alternative plan under certain circumstances. Amends TCA, Title 49, Ch. 1, Pt. 2.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2224.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2592 -- Rossville -- Passed second consideration and referred to the held on Clerk's desk pending approval by local delegation.

***House Bill No. 2593** -- Day Care -- Passed second consideration and referred to the General Welfare Committee.

REPORT OF DELAYED BILLS COMMITTEE
February 22, 1990

Pursuant to suspension of **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following general bill/general bill of local application for consideration by the appropriate standing committee: House Bill No. 2574.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, House Bill(s) No(s). 2584, 2587 and 2593 was/were referred to the Delayed Bills Committee.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
February 22, 1990

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2592.

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
February 22, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, February 26, 1990**: House Joint Resolution(s) No(s). 649 and 650; also, House Bill(s) No(s). 2592.

PHILLIPS, Chairman.

REPORT OF CHIEF ENGROSSING CLERK
February 22, 1990

MR SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 501 and 2174; and House Joint Resolution(s) No(s). 609, 610, 624 and 629; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS
February 22, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 102; find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
February 22, 1990

The Speaker announced that he had signed the following: House

Resolution(s) No(s). 102.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 619, 621 and 627; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED
February 22, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1576, 1601, 1637, 1673, 1697, 1707, 1708 and 1776.

ENGROSSED BILLS
February 22, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1578 and 1904; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1744; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 800; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS
February 22, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1744 and 1816; House Resolution(s) No(s). 103; also, House Joint Resolution(s) No(s). 619, 621 and 627; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS
February 22, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1899, 2039 and 2590; also, House Joint Resolution(s) No(s). 554, 640, 644, 645, 646 and 647; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1625, 1839, 1910, 1966 and 1990; also, Senate Joint Resolution(s) No(s). 500, 501 and 502; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 481 and 482; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0481 -- Memorials, Heroism -- Congratulates Kenneth Davidson and David Woodruff on their successful emergency landing.

Senate Joint Resolution No. 0482 -- Memorials, Congratulations -- Honors Fairview High School freshman engineering team for placing second in national competition.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1626, 1750, 1848, 1928, 2199 and 2238; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1626** -- Election Laws -- Clarifies provisions in state election laws. Amends TCA 2-2-118, 132, 2-5-206, 208, 216, 2-5-101, 2-6-130.

***Senate Bill No. 1750** -- Municipal Government -- Revises beginning date for commissioner's term of office. Amends TCA 6-20-109.

***Senate Bill No. 1848** -- Election Laws -- Authorizes national committee of political party to contribute to state political party executive committee. Amends TCA 2-19-132, 133.

***Senate Bill No. 1928** -- Motor Vehicles -- Creates presumption of fitness to drive motor vehicle if operator has good driving record. Amends TCA 55-50-505.

Senate Bill No. 2199 -- Bond Issues -- Authorizes investment of bond proceeds in certain securities. Amends TCA 5-8-301, 6-56-106, 7-82-108.

***Senate Bill No. 2238** -- Pardons and Paroles -- Authorizes parole board to begin custodial parole after inmate reaches custodial parole eligibility date. Amends TCA 40-20-110.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1876, 1909, 1989 and 2126; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1876** -- Alcoholic Beverages -- Enacts "The Alcohol Abuse Prevention Act of 1990". Amends TCA, Title 33.

***Senate Bill No. 1909** -- Election Laws -- Authorizes runoff elections in cities having mayor alderman government. Amends TCA, Title 6.

Senate Bill No. 1989 -- Correctional Programs -- Allows use of state prison labor by federal government. Amends TCA, Title 41, Ch. 9.

*Senate Bill No. 2126 -- Taxes, Privilege -- Imposes tax on unlawful sale or possession of controlled substances; establishes formula for distribution of proceeds. Amends TCA, Title 67, Ch. 4, Pt. 4.

SIGNED
February 22, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1744.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
February 22, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1816; House Joint Resolution(s) No(s). 619, 621 and 627; also, House Resolution(s) No(s). 103.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 22, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1744; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
February 22, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1744; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

THURSDAY, FEBRUARY 22, 1990 -- SIXTY-NINTH LEGISLATIVE DAY

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, February 26, 1990.