



The Research Review



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April 19, 2007



Chairman DeBerry presides over the Children and Family Affairs Committee meeting on April 18, 2007.

The Research Division
Rachel Jackson Building
320 Sixth Avenue North, 1st Floor
Nashville, TN 37243



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COMMERCE COMMITTEE
Matt Barnes

FINANCE, WAYS & MEANS
Patrick Boggs

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CONSERVATION & ENVIRONMENT**
Jeremy Maxwell

TRANSPORTATION & JUDICIARY
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STATE AND LOCAL GOVERNMENT
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Judy Narramore

GOVERNMENT OPERATIONS
Kristina Ryan

FINANCE, WAYS AND MEANS
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CONSUMER AND EMPLOYEE AFFAIRS
Lucy Wilson

JUDICIARY
Jamie Wyatt, Lead Analyst

PHOTOGRAPHY
Jed DeKalb
Phil Cicero
Theresa Montgomery
Photographic Services

GRAPHIC DESIGN
T. Bre Jackson

PRINTING SERVICES
Capitol Print Shop

RESEARCH DIVISION
(615) 741-3025 or
741-1100 Ext. 44982



Agriculture

Jeremy Maxwell

Comm. Givens



Agriculture Committee met Tuesday to consider eighteen bills on calendar. Before the bills were taken up, the committee heard testimony from Commissioner Givens and Dr. Jamie Jenkins, USDA's Farm Services Agency, on the state's extensive crop damage from last week's freeze and record lows. Commissioner also stated that Governor

Bredesen has requested a federal designation of agricultural relief for all ninety-five counties to assist the farmers.

The following bills were **referred to Calendar and Rules:** **HJR 99** (Sargent) recognizes the importance of spaying and neutering pets.

HB 1048 (Rowland) authorizes the sale of non-potentially hazardous foods prepared in home-based kitchens to be sold at farmers' markets.

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

HB 2229 (Tidwell) increases from \$15.00 to \$30.00 per day the amount that soil district supervisors receive for attending meetings of the soil district; authorizes soil districts to enter into agreements to help improve traditional areas of farm production and to encourage diversification and innovation of farming operations within the district.

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

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

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

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



Rep. Yokley

HB 2052 (Harmon) levies tax, in a certain amount, on moist snuff.

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

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

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

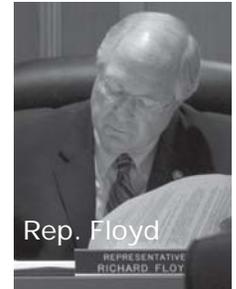
HB 1395 (Jones, U) allows restaurant to choose to have a designated smoking area or to allow children service in the establishment, but not both.

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

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

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

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



Rep. Floyd

The following bills were **taken off notice:**

HB 255 (Odom) adds swine to list of animals for which it is a Class E felony to own, train, or use for fighting for the purpose of amusement, sport, or gain.

HB 306 (Hood) requires all dogs to be licensed annually; all dogs must have current rabies shot to be licensed; reduces licensing fee for dogs that are spayed or neutered; licensing fees to go to city or county where dog lives.

HB 307 (Hood) enacts the "Animal Population Control Act of 2007," providing subsidized spay/neuter procedures and rabies vaccinations for cats and dogs.



Children & Family Affairs

Amelia Mitchell

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

HB 401 by Rep. S. Jones as amended prohibits a court from determining that a parent who is partially or completely unemployed in order to care for a child less than six years of age is willfully or voluntarily unemployed or underemployed for the purpose of determining child support.

The following bill was passed out to Finance, Ways & Means:

HB 2206 by Chairman J. DeBerry as amended mandates a preliminary inquiry into the possibility of informal adjustment in all cases involving delinquents.

The following bills were deferred one week:

HB 179 by Rep. Cooper
HB 321 by Chairman J. DeBerry
HB 490 by Rep. Sontany
HB 942 by Rep. Dean

The following bill was deferred to 2008:

HB 1323 by Rep. West



Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, April 17th and the following bills were sent to full committee:

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

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

The following bills were deferred one week:

HB 822 by Rep. Hood
HB 1284 by Rep. Crider
HB 1802 by Chairman J. DeBerry
HB 2055 by Rep. Roach
HB 1185 by Rep. S. Jones

The following bills were taken off notice:

HB 438 by Rep. DuBois
HB 1981 by Rep. DuBois

The following bill failed for lack of a majority vote:

HB 2227 by Rep. Hardaway enacts the “Equal and Fair Parenting Act” create a rebuttable presumption that equally shared custody is in the child’s best interest.

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, April 17th and the following bill was passed to full committee:

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



Children & Family Affairs

Amelia Mitchell

HB 966 by Rep. Campfield increases fee for expunging records from \$50 to \$75.

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

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

HB 1593 by Rep. Towns as amended requires expunction of the juvenile record of any juveniles who were an adjudicated delinquent from 1998 to the present if they are in the same jurisdiction or adjacent or the same county as their pretrial diversion.

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

The following bill was deferred one week:

HB 351 by Rep. Hardaway clarifies that a parent who attempts to support or visit a child has not willfully abandoned the child for the purpose of termination of parental rights in either foster care or adoption situations; clarifies that foster care agreements must be entered in any foster care arrangement, including private arrangements

The following bills were taken off notice:

HB 166 by Rep. Harwell

HB 423 by Rep. Kernell

HB 879 by Rep. P. Johnson

HB 1123 by Rep. Buck

HB 1262 by Rep. Lynn

HB 1361 by Rep. Kernell

HB 1902 by Rep. Kernell





Commerce

Matt Barnes

Full Committee



Rep. Shepard

The **Commerce Committee** did not meet this week. The Utilities, Banking and Small Business Subcommittee met in its place to hear HB 1421.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday with 20 bills on calendar. Chairman Shepard announced that the subcommittee will hear its last general calendar next week and will hear the special mandate calendar on May 2.

HBs 315, 316, 2256, 1353, 1481, 1452, 1343, 1948, 474, 681, 682, 2232, and 2286 were all rolled for one week. HB 1590 was rolled to the mandate calendar, and HBs 1032 and 1070 were taken off notice.

HB 2167 (Briley), as amended, requires insurance companies to set their medical malpractice rates based on the claims experience of each doctor instead of setting the premiums for all doctors in the same classification and same rate. *[passed to full committee as amended]*

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

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

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

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday morning and afternoon to hear HB 1421. HBs 415, 2259 and 2233 were rolled to the last calendar.

HB 2165 (Briley), as amended, permits cemetery owners to go to court to obtain relief from making payments into improvement care trust funds. When such funds are sufficiently large to ensure the permanent maintenance and upkeep of the associated cemeteries, the owners may ask to discontinue making contributions or to reduce contributions. *[passed to full committee as amended]*

HB 1421 (McDaniel), with an amendment that rewrites it, enacts the "Competitive Cable and Video Services Act," requiring an entity seeking to provide cable or video service over a cable system or video



Chairman Curtiss

service network to file an application with the Tennessee Regulatory Authority for a state-issued certificate of franchise authority. The original bill required the application to be filed with the Secretary of State. The amendment contains the language of the original bill in addition to certain changes and additions as presented by AT&T attorney Joelle Phillips. These have to do with right-of-way, PEG channels, consumer protection, the

definition of "gross revenue," and local government audit rights, among other changes. Phillips described the TRA's role as "ministerial" and not regulatory in nature.

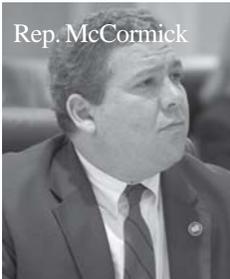


Commerce

Matt Barnes

Brian McGuire of AARP said the amendment meets the association's concerns over PEG channels, although more can be done. He said build-out and customer service are still major concerns. John Farris and Stacey Briggs with the cable association and Chad Jenkins of

TML said the amendment does not go far enough.



Rep. McCormick

Rep. McCormick offered an amendment to the amendment to include build-out language taken from legislation in Missouri. The provisions require a cable or video service provider that has more than 1 million telecommunication access lines in the

state and is using telecommunication facilities to provide cable or video service to provide access to cable or video service to at least 25 percent of households in the service area within 3 years and at least 50 percent of households within 6 years. The provider would not be required to meet the 50 percent requirement until 2 years after at least 30 percent of households with access to the service actually subscribe for 6 consecutive months. The subcommittee adopted this amendment to amendment 1 and then adopted amendment 1 as amended.

Rep. Kelsey presented three amendments that the subcommittee adopted. The first requires a franchise holder to designate network capacity sufficient for PEG channels within 90 days, instead of 180 days, after written request by a municipality or county. The amendment removes the provision whereby a franchise holder could take away PEG channel capability if a municipality or county does not use it for at least 15 hours of nonduplicative original programming per month.

The second of three amendments offered by Rep. Kelsey requires the mediation award provisions to stand "whether or not the parties agree with that determination."

The third amendment offered by Rep. Kelsey establishes that a PEG channel is deemed activated if the municipality or county simply certifies that it is being utilized for PEG programming within the municipality or county. The amendment deletes the language requiring the PEG channel to be utilized for at least 15 hours of nonduplicative original programming per month for it to be deemed activated. [*passed to full committee as amended*]



Rep. Kelsey



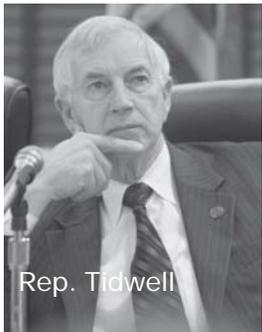
Conservation & Environment

Jeremy Maxwell

Conservation and Environment Committee

The Conservation and Environment Committee met Wednesday to consider four bills on calendar. The following bill was **referred to Calendar and Rules**:

HB 332 (Tidwell) replaces provision under which licensed professionals with proof of errors and omissions insurance are exempt from bonding requirements for subsurface sewage disposal systems with exemption for all state licensed professional engineers or registered engineer interns; limits applicability of bonding requirements for soil scientists, soil consultants, and percolation testers to persons whose approval has been suspended or revoked and later reinstated.



Rep. Tidwell

The following bill creates **summer study committee as amended**:

HB 865 (Harrison) excludes narrow run-off ditches from the definition of waters for purposes of the Water Quality Control Act.

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

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

HB 1163 (Sontany) enacts “Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act.”



Environment Subcommittee

The Environment Subcommittee met Wednesday to consider five bills. The following bill was **referred to full committee**:

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

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

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

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

HB 2136 (Fitzhugh) defines “conventional subsurface disposal system” and requires the commissioner of the department of environment and conservation to regulate such systems.

The following bill was **taken off notice**:

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

Wildlife Subcommittee

Wildlife Subcommittee did not meet Tuesday. The projected closing date is April 24.

Parks and Tourism Subcommittee

Parks Subcommittee did not meet Tuesday. The projected closing date is April 24.



Consumer & Employee Affairs

Lucy Wilson

The Consumer Affairs Subcommittee

HB 1519 by Sontany passed out of Consumer Affairs to the full committee. If this bill passes into law, an organization renewing their registration for solicitation of charitable funds would not have their application denied solely on the fact that they did not include a copy of a financial statement. This bill would also extend the time charitable organizations have to submit renewal information.

The following five (5) bills have been rolled one week:

HB 381 by Briley enacts the “Clean Credit and Identity Theft Protection Act of 2007.”

HB 1489 by Towns renames the “Tennessee Identity Theft Deterrence Act of 1999” to the “Tennessee Identification and Personal Information Protection Act of 2007.” The sponsor has an amendment that makes the bill. The bill was rolled one week to allow members to review the changes before voting.

HB 818 by McCord allows consumers to place a security freeze on their consumer credit reports.

HB 84 by Sontany enacts the “Tennessee Interior Design Consumer Protection Act” and prescribes qualifications of interior designers.



Rep. Jones

HB 1179 by Jones S includes any pre-owned motor vehicle that is purchased in a political subdivision in the section of the law that requires emissions testing or vehicle inspections instead of only subdivisions requiring both testing and inspections. It also requires a dealer to rescind the purchase agreement or make required repairs if vehicle fails test or inspection after sale.

HB 691 by Fitzhugh enacts the “Tennessee Mobile Telephone Lemon Law of 2007.”

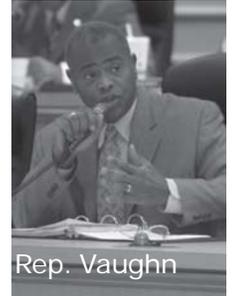
The following bills were taken off notice:

HB 367 by Rowland **HB 561 by Todd**
HB 1840 by Odom **HB 1064 by Maggart**
HB 2190 by Kernell

The Employee Affairs Subcommittee

passed five bills to the full committee.

HB 775 by Vaughn requires a claimant be given written notice of how to appeal to chancery court once a final denial of an unemployment compensation claim has been made. This bill passed to the full committee.



Rep. Vaughn

HB 729 by Hood is rewritten by an amendment that follows the bill to full committee. It requires the Department of Labor and Workforce Development to investigate and issue determinations on complaints made by state and local agencies and employees concerning the immigration status of workers in TN and sets consequences for violations.

HB 1568 by Curtiss makes changes in the law allowing any party to a workers’ compensation claim to appeal a workers’ compensation specialist’s order that denies workers’ compensation benefits. This bill prohibits submission of information that was not available in the initial request. However, a party may still file a new request for assistance based on new information that was not part of the previous request.

HB 1081 by Turner M changes the maximum total benefit for certain injuries under workers’ compensation. This bill establishes a different maximum total benefit for injuries occurring on or after July 1, 2007. For an injury after this date, the maximum total benefit under this bill is 400 times 100 percent of the state’s average weekly wage, except in instances of temporary total disability and permanent total disability.

HB 2307 by Turner M clarifies that in all cases of death of an employee covered by workers’ compensation where the employee leaves no dependents, the maximum benefit is \$20,000 payable the deceased employee’s estate plus medical, hospital, and funeral benefits.

Workers’ Compensation Legislation - The Employee Affairs Subcommittee decided to roll six (6) bills for two weeks. This allows time for the Workers’



Consumer & Employee Affairs

Lucy Wilson

Compensation Advisory Committee and the Joint Committee on Workers' Compensation to review and make recommendations on remaining workers' compensation legislation. The Subcommittee will hear the following bills at the May 1, 2007 meeting:

HB 2128 by Fitzhugh HB 2129 by Fitzhugh
HB 0073 by Turner M HB 1518 by Hackworth
HB 1818 by Hackworth HB 1603 by Overbey

The following two bills were taken off notice:
***HB 0212 by *Brown HB 727 by Hood**

The following three bills were rolled one week:
HB 684 by Fitzhugh HB 1584 by Fitzhugh
HB 278 by Mumpower

HB 1073 and HB 643 by Turner M were rolled to the first meeting of the Employee Affairs Subcommittee in 2008.



The House Consumer & Employee Affairs Committee passed three (3) bills out of committee.

HB 2139 by Pruitt is rewritten by an amendment. A trust must be filed with the Secretary of State before soliciting funds under the Fundraising for Catastrophic Illnesses statute. They must also file an annual report. This bill passed to Finance, Ways & Means.

HB 1983 by Dubois adds local law enforcement agencies to the Department of Labor and Workforce Development as agencies providing enforcement for the statute prohibiting hiring illegal immigrants. There was much concern expressed about funding to local agencies and about adequate training. An amendment was adopted that would make it optional whether local

law enforcement agencies provided enforcement. The bill was passed to Calendar and Rules.

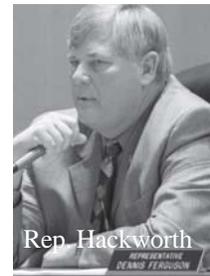
HB 625 by Turner M adopts the federal minimum wage as the state minimum wage, but provides for automatic increases in a certain amount whenever Congress fails to increase the minimum wage for five full calendar years. An amendment includes the State of Tennessee as an employer. This bill was passed to Calendar and Rules.

The following two bills were rolled one week:

HB 49 by Turner M authorizes unemployment insurance benefits to an individual who leaves work or is discharged due to circumstances resulting from being victim of domestic violence.

HB 65 by Turner M enacts "Pay Equity in the Workplace Act of 2007."

HB 454 by Hackworth limits the ability to negotiate medical fees that are lower than the workers' compensation comprehensive medical fee schedule. An amendment that followed the bill from the Employee Affairs Subcommittee authorizes an employer, trust, pool, insurer or network administrator to negotiate contracts for medical fees that are lower than the workers' compensation comprehensive medical fee schedule. This bill was rolled two weeks to be heard after the Workers' Compensation Advisory Committee and the Joint Committee on Workers' Compensation meet to make recommendations on remaining legislation.



HB 55 by Turner M requires any retailer issuing a gift certificate to permit the recipient of the gift certificate to redeem a percentage of the face value in cash. An amendment that follows the bill allows the consumer to redeem up to 10% of the value in cash after spending at least 90% in goods or services. The sponsor rolled this bill to the first calendar of 2008.

HB 2148 by Curtis was taken off notice.



Education

Pam Mason

There were no bills scheduled for consideration in the Education Committee this week. All lottery legislation in the committee was addressed by representatives of Higher Education in the state. Those addressing the committee were:

Dr. Robert Ruble, Tennessee Student Assistance Corporation
Dr. Richard Rhoda, Tennessee Higher Education Commission
Dr. David Wright, Tennessee Higher Education Commission
Dr. Rob Anderson, Tennessee Higher Education Commission
Dr. Robert Levy, University of Tennessee System
Dr. David Gregory, Tennessee Board of Regents
Dr. Claude Pressnell, Tennessee Independent Colleges and Universities

The presentation consisted of each of the lottery bills assigned to Education being discussed with the recommendations of the presenters given. Further consideration of the lottery bills is scheduled next week in the Higher Education subcommittee.

Higher Ed Subcommittee

Due to the length of the Full Committee on Wednesday, the Higher Ed Subcommittee did not meet. All bills on their calendar were deferred to next week.

K-12 Subcommittee

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



Chairman Towns

Referred to Full Committee:

HB 1302 – (West) provides that a teacher who receives a notice of charges may demand a hearing before an administrative judge instead of the school board. This legislation applies only to Davidson County.

HB 1062 – (Gresham) requires automatic revocation of teacher license when convicted of certain felony offenses.

HB 1772 – (Jones, U.) if a parent has not attended at least one parent-teacher conference, their child’s final report card must be withheld until the parent comes to the school to request the report card.

HB 1843 – (Borchert) requires any school bus purchased on or after July 1, 2007 to be equipped with a video recording system.

HB 1872 – (Hawk) authorizes the department of education to establish a virtual school and permits an LEA or charter school to sponsor a virtual school.

HB 1944 – (Winningham) removes provision in state curriculum that allows personal finance course to satisfy instruction requirement on the free enterprise system.

HB 2113 – (Maddox) requires LEAs to establish instruction program in grades seven through twelve on prevention of steroid abuse. The bill also sets penalties for teachers who do not report known illegal steroid use.

HB 2138 – (Pruitt) requires each LEA to establish an alternative school for students in grades seven through twelve and makes attendance mandatory.

HB 1943 – (Winningham) expands parent involvement opportunities in public schools.



Education

Pam Mason

Referred to Full Committee, if amended:

HB 81 – (Cooper) amendment rewrites the bill to have a satisfactory designation diploma for certain students. The bill also requires each LEA to provide remediation services to certain students.

HB 479 – (Brooks, H.) requires each LEA to adopt policy regarding transportation of students and their exiting from a point other than the student's normal destination.

HB 483 – (Coley) requires an education appropriations bill be passed by both houses of the General Assembly prior to the general appropriations bill. As amended, consideration of the higher education budget was removed.

HB 933 – (Brown) amendment rewrites the bill to allow teacher training on warning signs of early on-set mental illness in children and adolescents.

HB 1225 – (Gilmore) directs the advisory committee of the Council for Career and Technical Education to conduct a study on ways to integrate innovative curriculum in schools. A report of their findings shall be given to the chair of the education committees in both houses by February 1, 2008.

Referred to Summer Study

HB 825 (Dunn) requires minimum of two evaluations during any three-year period for all teachers.

Deferred 1 week:

HB 81 – (Cooper)

HB 2260 – (Litz)

HB 1943 – (Winningham)

HB 564 – (Harwell)

HB 1084 – (Casada)

HB 1186 – (Jones, S.)

HB 1046 – (Towns)

HB 1531 – (DeBerry, L.)

HB 1991 – (McCord)

HB 1371 – (Kernell)

HB 239 – (Overbey)

HB 346 – (Winningham)

HB 944 – (Hardaway)

HB 1436 – (DeBerry, J.)

HB 1977 – (Harwell)

HB 948 – ((Winningham)

HB 1098 – (Buck)

HB 208 – (Hawk)

HB 1530 – (DeBerry, L.)

HB 1790 – (Jones, U.)

HB 328 – (Tidwell)

HB 343 – (Winningham)

HB 569 – (McCormick)

HB 730 – (Hood)

HB 731 – (Hood)

HB 732 – (Hood)

HB 782 – (Campfield)

HB 1766 – Jones, U.)

HB 2067 – (Maddox)

HB 2294 – (Winningham)



Education

Pam Mason

Deferred to last Calendar:

HB 344 – (Winningham)

HB 562 – (Todd)

HB 374 – (Briley)

Taken off Notice:

HB 53 – (Turner, M.)

HB 477 – (Brooks, H.)

HB 565 – (Harwell)

HB 654 – (Hawk)

HB 826 – (Dunn)

HB 1050 – (Rowland)

HB 1479 – (Harwell)

HB 1516 – (Gresham)

HB 2048 – (Campfield)

HB 2071 – (Maddox)

HB 1799 – (Turner, L.)



Finance, Ways & Means

Julie Travis & Patrick Boggs

The Full Committee

The House Finance, Ways, and Means committee met on Tuesday, April 17th to hear seventeen bills presented before the committee as well as budget hearings for three departments. **HB 460 (Fitzhugh)** was rolled two weeks.

The following bills were referred to Calendar and Rules:



Chairman
Fitzhugh

HB 465 (Fitzhugh) – With an amendment by the Council on Pensions & Insurance, this bill is omnibus legislation designed to carry various changes needed by the Tennessee Consolidated Retirement Services. It authorizes a new computer system to be paid for out of the plan’s fund earnings, instead of out of the general fund.

HB 1006 (Curtiss) – This bill places the Home Improvement Contractors Board administratively under the State Board for Licensing Contractors. A subcommittee of the board will oversee home improvement contractors.

HB 1968 (Armstrong) – As rewritten by the Council on Pensions & Insurance, this bill defines “certain unfunded pension obligations” to include benefits that are placed into a county charter by referendum and are limited to local law enforcement officers. Bonds issued, in this case for Knox County public safety officers, are to be issued for the period of twenty years.

HB 1257 (Fitzhugh) – This legislation, rewritten by the committee, requires copies of academic textbooks made available to UT and Board of Regents colleges to be made available through the department

or through the library, if such textbooks are donated by the publisher, and for software included with textbooks to be made available using existing resources on the institution’s website.

HB 467 (Fitzhugh) – This clarifies exemptions to realty transfer taxes by stipulating that transfers of real estate to or from a revocable living trust are exempt from transfer tax only if the trust was created by the transferor or the transferor’s spouse. Also exempt from transfer taxes, under this bill, are those deeds executed by the trustee of a revocable living trust to implement a testamentary devise by the trustor of the trust.

HB 1496 (Miller) – This allows lottery retailers whose licenses have been suspended to return to selling lottery tickets after the completion of their sentence.

HB 222 (Moore) – This legislation requires the infections taskforce to focus on staph infections and to report back annually on such to the General Assembly for three years beginning in 2008.

HB 1760 (Moore) – This allows property assessors to correct assessments if the business in question was not in business on the purported assessment date.



Rep.
Moore

HB 627 (Overbey) – Names a section of U.S. 411 in Blount County after Clifford H. “Bo” Henry. As previously amended, the state will pay for these signs out of the highway fund.



Finance, Ways & Means

Julie Travis & Patrick Boggs

HB 1907 (Rinks) – This bill expands the use of deadly force in self defense or in defense of a third party. As amended, the bill establishes a presumption that the use of deadly force within a residence, dwelling or vehicle is based on a reasonable belief of imminent death or serious bodily injury to self, family or others when that force is used against another who unlawfully and forcibly enters and the person using force knew, or had reason to believe, that an unlawful and forcible entry occurred. The amendment provides some exceptions to the presumption and defines circumstances in which the force is not justified. Also, it creates immunity from civil liability in certain circumstances.

HJR 208 (Shepard) – This resolution names a bridge on S.R. 96 in Dickson County for Daniel F. Hal. As previously amended, the state will pay for the signs through the highway fund.

HB 243 (Shepard) – This bill grants an extension on the moratorium on creating any new nursing facility beds, except for 125 Medicare Skilled Nursing Facility (SNF) beds.

HB 2305 (M. Turner) – This Administration Bill makes various technical changes to the unemployment compensation laws. It requires a good cause be present for holding unemployment hearing or appeal by telephone. It also authorizes persons who get wages in lieu of notice to also receive compensation. Furthermore, it removes the requirement that persons who receive a back pay award must repay their unemployment benefits. (The Finance Office has received a funding letter from the Administration recognizing the fiscal impact of this bill.)

HB 2265 (M. Turner) – This Administration Bill revises the premium rate chart for select nongovernmental employers. (The Finance Office has received a funding letter from the Administration recognizing the fiscal impact of this bill).

HB 1736 (Winningham) – This allows the town of Oliver Springs to enact an occupancy tax on hotel stays, upon a two-thirds vote of the city governing body.

HB 1500 (Winningham) – This amends the County Purchasing Law of 1957 to give counties the authority to dispose of surplus property via online auctions.



Sec. Shaw, Speaker Naifeh

The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 18, 2006, with 63 bills on calendar.

Subcommittee Actions for these bills are as follows:

Deferred for one week:

SJR 91 (Sen. R. Finney, *Rep. Hensley*)
HB 196 (Hensley)
HB 1849 (Miller)
HB 2354 (Odom) *as amended w/BSAI*

Deferred for two weeks:

HB 2213 (Pinion)
HB 615 (M. Turner)



Finance, Ways & Means

Julie Travis & Patrick Boggs

Deferred for four weeks:

HB 1218 (McDonald)

Bills placed in the Study Committee

Subcommittee:

HJR 147 (Montgomery, McCord)

Behind the Budget:

HB 2170 (Sontany)

HB 1457 (Sontany)

HB 484 (Sontany)

HB 3 (Pruitt)

HB 1614 (Overbey)

HB 237 (Overbey)

HB 78 (Litz) *as amended w/BSA1*

HB 1337 (Briley)

HB 358 (Winningham)

HB 722 (Winningham)

HB 124 (Windle)

HB 107 (Shepard)

HB 1525 (Odom)

HB 194 (Maggart)

HB 2091 (Maddox)

HB 2078 (Maddox)

HB 2 (Maddox)

HB 2169 (Maddox)

HB 1814 (Hood)

HB 468 (Fitzhugh)

HB 848 (Eldridge)

HB 429 (DuBois)

HB 134 (H. Brooks)

HB 1957 (Armstrong)

Bills taken off-notice:

HB 1280 (Lynn)

HB 469 (Fitzhugh)

HB 471 (Fitzhugh)

HB 687 (Fitzhugh)

HB 688 (Fitzhugh)

HB 1398 (Fitzhugh)

HB 1585 (Fitzhugh)

HB 1586 (Fitzhugh)

HB 1587 (Fitzhugh)

HB 2134 (Fitzhugh)

HB 1955 (Armstrong)

HB 205 (Hawk)

Referred to full committee:

HB 458 (Sontany) – This bill specifically allows judges to sentence those with drug and alcohol convictions to treatment. Each person convicted of such an offense would be required to pay a \$100 treatment fee, with such funds going into the Alcohol and Drug Addiction Treatment (ADAT) fund. As amended in Budget Sub., all state funding is required to be paid out of the ADAT fund and applies only to those offenses committed on or after July 1 of this year. The funds expended pursuant to this act shall not exceed the funds generated. Indigent persons sentenced to treatment would have their costs paid for out of this fund.

HB 572 (Rowland) – This bill forbids cities from sending their parking tickets to collection without notifying the owner of the vehicle by mail. As amended by Budget Sub., the municipality must give a thirty days notice, through postal mail notification to the owner listed on the vehicle's registration papers, before the tickets are turned over for collection.

HB 1809 (Pruitt) – This authorizes Metropolitan Nashville - Davidson County to impose new taxes on hotels and motels and on rental cars for the purpose of financing the new downtown convention center.

HB 99 (Winningham, H. Brooks) – This bill authorizes local education agencies to partner with public and/or private postsecondary institutions to offer classes for which students can receive both high school and college (dual) credits.

HB 774 (Vaughn) – This specifies that teachers who were part-time and who become full-time educators will be eligible for health insurance coverage even if they did not partake of such benefits previously.



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Julie Travis & Patrick Boggs

HB 242 (Shepard) – This extends the expiration date of the nursing home bed tax to June 30, 2009. (This revenue recognition is included in the Governor’s FY07-08 Recommended Budget.)

HB 701 (McCord) – This names a section of U.S. 411 in Blount and Sevier counties, outside the city limits of Maryville, as the “Governor Sam Houston Memorial Highway.” The funding for the enactment of this bill is out of the highway fund.

HB 1383 (S. Jones) – With an amendment by the Budget Subcommittee, this proposal would establish a pilot program to enable the county clerks of Unicoi, Hamblen, Anderson, Knox, Davidson, Tipton, and Shelby counties to issue certified copies of birth certificates. It also authorizes county clerks to charge a fee of \$5 in addition to any fee established by the Department of Health.

HB 89 (Harmon) – This bill deletes Grundy County’s and Union County’s exemption on the list of counties where a clerk other than the Clerk of the General Sessions Court must serve as Juvenile Court Clerk, if that other court had jurisdiction over such matters prior to them being transferred to General Sessions Court.

HB 491 (Gresham) – This authorizes the Safety Department to contract with federal immigration officials to train Highway Patrol officers to enforce certain parts of federal immigration laws. At least one person in each Highway Patrol district office must be trained pursuant to this law. (The Finance Office has received a funding letter from the Administration recognizing the fiscal impact of this bill).

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



HB 1217 (Fincher) – This requires that ambulance services that operate in multiple counties

must maintain a separate license for each county. Services may obtain a renewal license for each county for \$250 instead of the \$2000 for the full license.

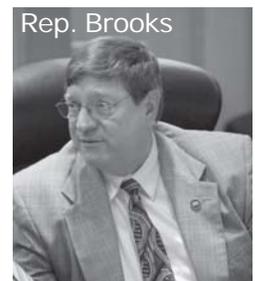
HB 121 (L. DeBerry) – This bill, as rewritten by the Budget Subcommittee, requires notification to the patient before substituting a generic anti-epileptic drug for a brand name one. If the pharmacist fails to do this, then substitution shall not be allowed.

HB 743 (Curtiss) – This requires public water utilities to include in their annual audits the average annual unaccounted for water loss percentage and requires the Comptroller to report these figures and identify the utility districts with such water loss to the General Assembly by February 1st of each year.

HB 404 (J. Cobb) – This names the bridge on S.R. 68 over Watts Bar Dam and Lock in Rhea and Meigs Counties after Aubrey J. “Red” Wagner. The subcommittee amended the bill to pay for the signage out of the highway fund.

HB 1159 (Buck, McCord) – This authorizes non-profit wildlife organizations to sell or transfer elk-take permits.

HB 2208 (H. Brooks) – This bill names a segment of S.R. 131 in Knox County after Zane Daniel. As amended in Budget Sub., the state will pay for this signage out of the highway fund.



HB 92 (Borchert) – This bill, as amended by the Council on Pensions & Insurance, authorizes entities established under the federal Economic Opportunity Act of 1964 to enter into TCRS. One of the entities grandfathered in with this amendment is the Highland Rim Economic Corporation.

HB 2243 (Borchert) – This Administration bill authorizes state or local employees who are reservists to receive twenty, instead of the current fifteen, working days of paid military leave each calendar year.



Finance, Ways & Means

Julie Travis & Patrick Boggs

BUDGET HEARINGS

Cover Tennessee

by Patrick Boggs

The Finance, Ways and Means Committee heard the budget presented for the Cover Tennessee group of insurance options on Wednesday April 11th, by Finance and Administration Commissioner Dave Goetz. All of the plan's programs are up and running in 1st Quarter of 2007, with people enrolled and covered. The base operating budget for FY 2006-07 was \$69.3 million dollars, and in the upcoming FY 2007-08, it will be expanded to \$95 million.



	FY 06-07	FY 07-08	FY 08-09
<u>CoverKids</u>	\$7M	\$21.2M	\$35M
<u>AccessTN</u> (program cost)	\$3.8M	\$10M	\$10M
(premium assistance)	\$13M	\$13M	\$13M
<u>CoverTN</u>	\$34M	\$34M	\$57M
<u>CoverRx</u>	\$11.5M	\$16.8M	\$16.8M
TOTALS	\$69.3M	\$95M	\$131.8M

Figures from p. 23 of handout provided to FWM Committee day of hearing.

For the CoverTN part of the package, 11,000 businesses pre-qualified through the CoverTN website; of those, 4,089 businesses have gone a step further and have pre-qualified through Blue Cross/Blue Shield, the program's provider. These businesses have an average of 4.5 employees each, and Cmsr. Goetz estimates that there are potentially 15,000 employees in these businesses that may ultimately avail themselves of this service. To increase awareness, the agency is airing radio and TV ads, and will start billboard advertising in the near future. The agency may also ask for additional funding for marketing in the supplemental budget request from the administration.

AccessTN has sent out 21,000 applications, and about 850 are currently enrolled. Of these enrollees, 73% receive premium assistance, on average \$400 apiece: 668 of those enrolled, or 78% are TennCare disenrollees.

CoverKids has 100 children currently enrolled from 66 families. This process takes longer, because the agency must ensure that none are TennCare/Medicaid eligible before enrolling them. Particularly frustrating for the agency is that, according to CMS, 30,000 children that were under the TennCare waiver and had to be moved onto CoverKids are being matched at a 2:1 federal match rate, instead of the better 3:1 match rate for federal dollars for the rest of the kids on this plan. The agency is also amending the waiver for this program to continue to cover these kids who have already been on dental and vision plans under TennCare.

CoverRx was the first of the Cover Tennessee package to become operational, opening on January 1, 2007. There are currently over 21,000 people enrolled in the pharmacy assistance program, so successful, in fact, that enrollment was temporarily halted to review operations; there are 3,500 on a waiting list for this plan. Enrollees in the TennCare Safety Net were automatically enrolled in this plan. Another reason to halt admissions is that drug utilization rates were higher than expected, though that is going down some. As per person costs continue to decrease, then CoverRx can be administered to more people; one reason given for the decrease is the pharmacy assistance program in the Mental Health program. The administration may request further funding for this plan in its supplemental budgetary requests, to reopen enrollment for the 3,500 people on the waiting list.



Finance, Ways & Means

Julie Travis & Patrick Boggs

TennCare

by Patrick Boggs

Representatives of TennCare, the state's Medicaid plan, appeared before the Finance, Ways and Means committee on Wednesday, April 11th to present their budget requests and improvements and answer questions about the administration of their program. Speaking for the agency was Mr. Darin Gordon, Deputy Commissioner. Their request is the smallest increase in the history of the TennCare program. The FY 2006 budget closed within budget and the FY 2007 is on track to do the same.

	FY 06	FY 07	Improvements requested	FY 08
State	\$2,058,120,300	\$2,650,322,900	\$56,273,400	\$2,688,332,400
Federal	\$4,457,929,700	\$4,523,513,200	\$92,143,600	\$4,588,750,400
Other	\$399,788,000	\$301,345,200	\$4,214,600	\$305,559,800
Total	\$6,915,838,000	\$7,475,181,300	\$152,631,600	\$7,582,642,600

Figures from p. B-168 of 2007-2008 Budget Document.

Included in the improvement requests are two classes of funds. \$23,983,300, or 43% of the state funding improvements requested would pass through to other agencies that do work on behalf of TennCare: Mental Retardation, Children's Services, and Human Services. The remaining 57%, a total of \$32,290,100, is broken down several ways.

- \$1.9 million increase because the actual rate at which the federal government is matching our dollars is decreasing. Tennessee is getting slightly wealthier relative to the other states, and the match percentage is going down from 63.735% to 63.695% this year.
- \$13 million to increase funding for Medicare/Medicaid dual eligible population
- \$17 million for an increase in medical and pharmacy spending.
- \$274,500 to expand the Weight Watchers program offerings. Under the pilot program, 1,400 participants who were considered obese (having a BMI greater than 30) took a 10-12 week program and lost a total of 8,000 lbs., or an average of 11lb. per week. This additional funding would expand the program to those considered overweight (having a BMI greater than 25).

The department has done several things to increase oversight and to continue to reduce the program's rate of growth. Contracts with MCO providers for several years had placed the financial risk with the state but this year the MCOs that provide in Middle Tennessee assumed the risk of providing care to the patients. Further, audits of the program found four findings in 2006 that needed corrective action, down from thirty-eight in FY 2003.



Finance, Ways & Means

Julie Travis & Patrick Boggs

The management of the program continues to push for further reductions. The Grier consent decree was renegotiated in federal court and that provided some relief; now, as in other Medicaid systems and in private insurance, doctors must receive prior authorization before providing services. Much attention was given to the attempt to decrease pharmacy benefit over-utilization, and now awareness will be placed on the too frequent use of emergency rooms. Currently, 40% of emergency room visits by TennCare enrollees are for non-emergency situations. Also, electronic medical records for patients were rolled out statewide, and all MCOs must pass standardized quality measures (HEDIS).



Scott Pierce, Chief Financial Officer
Darin Gordon, Deputy Commissioner
Dr. Wendy Long, Chief Medical Officer
TennCare



Government Operations

Kristina Ryan



Chairman
Kernell

The Government Operations Committee met on Wednesday, April 18, 2007 to consider its calendar. All bills that were deliberated this week were in committee for review purposes for other standing committees. Because of time constraints, only a portion of this week's calendar was completed.

The following bills were taken off notice:

HB 22 by Representative Shepard
HB 1176 by Representative Sherry Jones
HB 1177 by Representative Sherry Jones
HB 765 by Representative Niceley

The following bills were deferred for one week:

HB 1322 by Representative West
HB 2255 by Representative Briley
HB 1976 by Representative Hensley
HB 2222 by Representative Maddox
HB 725 by Representative Cooper

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

HB 762 by Representative Niceley – Agriculture
HB 1330 by Representative Briley – Consumer and Employee Affairs
HB 1797 by Representative McCord – Conservation and Environment
HB 1803 by Representative Buck – Conservation and Environment
HB 1806 by Representative Buck – Conservation and Environment
HB 1807 by Representative Buck – Conservation and Environment
HB 2115 by Representative Tidwell – Transportation
HB 2146 by Representative Fincher – Health and Human Resources
HB 1000 by Representative Campfield – Finance, Ways and Means
HB 1229 by Representative Kelsey - Education

Other Legislation

The committee reviewed and referred HB 9 by Representative Hawk to the Education Committee with a positive recommendation. Under this legislation, the Comptroller of the Treasury is authorized to promulgate rules and regulations in order to establish a grant program using funds in the K-12 lottery capital outlay special account created from this bill for capital outlay projects for K-12 facilities.



Rep. Hawk

HB 549 by Representative Shepard was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation transfers the Board of Pharmacy from the Department of Commerce and Insurance to the Division of the Health Related Boards within the Department of Health.

HB 1326 by Representative Briley was reviewed and referred to the Health and Human Resources Committee with a positive recommendation. This legislation creates the “Newborn Umbilical Cord Blood Initiative Act of 2007.” Under this bill, the Tennessee Commission for Newborn Umbilical Cord Blood Initiative is created to oversee a newborn umbilical cord blood bank network for medical treatment and scientific research. The commission would be comprised of 15 members, seven members appointed by the Governor, four members appointed by the Speaker of the House and four members appointed by the Speaker of the Senate. An amendment placed on the bill adds a sunrise provision to this commission.

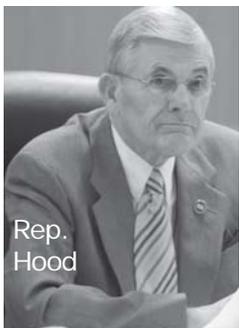


Government Operations

Kristina Ryan

The committee reviewed and referred **HB 1569** by Representative Curtiss to the Consumer and Employee Affairs Committee with a positive recommendation. This bill requires a worker's compensation specialist to issue orders for whether an employee's injury is compensable before issuing an order that benefits the injured employee. The bill was in committee because it authorized the Department of Labor and Workforce Development to amend current rules regarding independent medical examiners to comply with this bill. However, an amendment placed on the bill deleted the rulemaking provisions of this bill, therefore making the remainder of the bill outside the purview of this committee.

HB 1618 by Representative Overbey was referred to the Health and Human Resources Committee with a positive recommendation. This legislation creates the "Uniform Emergency Volunteer Health Practitioner's Act", which authorizes the Tennessee Emergency Management Authority (TEMA) to exercise emergency regulatory authority over health care practitioners and veterinary service providers. The bill authorizes TEMA to promulgate rules and regulations in order to implement the provisions of this legislation. In addition, the bill allows TEMA to issue orders regulating voluntary health practitioners during a declared emergency without rulemaking procedures.



Rep.
Hood

HB 1979 by Representative Hood was reviewed and referred to the Education Committee with a positive recommendation. Under this legislation, a Loan-Scholarship Board for Critical Shortage will be established in order to identify critical shortage in fields of study and notify the Tennessee Student Assistance

Corporation (TSAC) of these shortages. The composition of the Board will comprise of the Commissioner of Economic and Community Development, the Commissioner of Finance and Administration, the Commissioner of Commerce and Insurance, the Commissioner of Health, the

Commissioner of Education, one member appointed by the Speaker of the Senate and one member appointed by the Speaker of the House. The Tennessee Student Assistance Corporation (TSAC) is delegated rulemaking authority in order to oversee this program. An amendment placed on the bill would add a sunrise provision to this Board.

Joint Government Operations Subcommittee

Hearings

On Monday, April 16, 2007, the General Welfare, Health and Human Resources Committee of the Joint Government Operations Committee held a sunset hearing to hear the review of the Tennessee Commission on Aging and Disability. There were three findings on the entity that the Commission concurred in and have been making the necessary improvements. Senator Bo Watson made the motion to recommend the extension of the Tennessee Commission on Aging and Disability for four years.

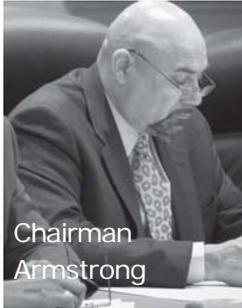
The Commerce, Labor and Transportation subcommittee of the Joint Government Operations Committee met on Monday, April 16th to discuss the audit of the Department of Transportation. This audit was a follow-up audit on the 2002 regular audit. Of the findings named in the 2002 audit, the Department was asked to follow-up on three items, which they had made vast improvements on. As a result, a motion made by Representative Susan Lynn was to extend the Department for four years.



Health & Human Resources

Judy Narramore

Full Committee



Chairman
Armstrong

The **Health & Human Resources Committee** did not meet this week. The full committee meeting time was earmarked for the Health subcommittees. **Chairman Armstrong** announced the full committee will meet at its regular time on Tuesday next. Additionally, Chairman Armstrong announced the **Health subcommittees will hold final meetings next week.**

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Tuesday, April 17, 2007, to consider 15 bills. Four bills were referred to full committee. **HB 0233 (Overbey)** as amended expands the scope of practice of speech language pathology to include the use of rigid and flexible endoscopes under certain conditions. **HB 0240 (Overbey)** as amended authorizes covenant not to compete provisions in specified health care provider employment agreements. Amendment 1 (Overbey) rewrites the bill to authorize and define the covenants not to compete for provider employment contracts and the purchase or sale of a provider's practice. Amendment 2 (verbal) adds a severability clause and changes the bill's effective date. Amendment 3 (M. Turner) removes radiologists from the bill and revises the amended contract restrictions for anesthesiologists. Amendments 4 – 5 (Odom) remove osteopathic physicians and emergency room physicians, respectively, from the bill. **HB 2182 (J. DeBerry)** requires registered dental assistants to pass course instruction and an examination in order to practice; authorizes the Board of Dentistry to administer portions of such examination on the Internet; and, increases the number of dental hygienists that a licensed dentist may allow to work under their general supervision from three to four. **HB 0773 (Vaughn)** requires health related licensing boards to determine within 20 days all costs to be imposed against a person sanctioned by a board; requires the board to

notify the person by certified mail of such costs; and, establishes that the person has 10 days from the delivery of the notice to file an appeal of the penalty.

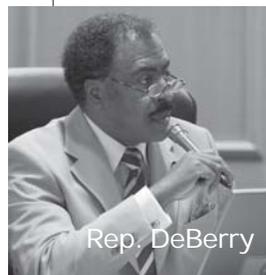
In other action, **Rep. Shepard** briefly discussed issues and concerns associated with **HB 1190** ("Safe Prescription Drug Act of 2007") and then rolled the bill one week at the request of Rep. Mumpower. **Rep. J. DeBerry** took **HB 0641** off notice. The remaining nine bills on calendar were rolled one week at the request of the sponsors: **HB 0271 (Mumpower)**, **HB 0313 (J. DeBerry)**, **HB 0806 (Odom)**, **HB 1056 (L. DeBerry)**, **HB 1885 (Overbey)**, **HB 2087 (Maddox)**, **HB 1306 (West)**, **HB 1310 (West)**, and **HB 1778 (U. Jones)**.

At the conclusion of the subcommittee meeting, Chairman Armstrong announced the Health Care Facilities Subcommittee will meet at noon on Wednesday, followed by the Public Health & Family Assistance Subcommittee at 12:30 PM.

As previously announced by Chairman Armstrong, the **final meeting of the Professional Occupations Subcommittee will be next week.**

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, April 18, 2007, to consider six bills. Four bills were referred to full committee. **HB 0301 (Overbey)** authorizes health care providers who make entries in hospital patient medical records to share such information upon request of a hospital. **HB 0697 (McCord)** as amended revises existing statutory definitions for *bad debts* and *charity care* relative to uncompensated care for purposes of the Joint Annual Report. **HB 2088 (Maddox)** as amended requires a personal support service agency to provide each service recipient a consumer notice before beginning service, and further, requires a personal support service agency to provide a notice to



Rep. DeBerry



Health & Human Resources

Judy Narramore

each personal support services worker who is placed with a service recipient before the worker provides any service to the recipient. **HB 2089 (Maddox)** as amended clarifies the existing licensure exemption provision for a person providing personal support services to one person with mental illness, serious emotional disturbance or developmental disability. **HB 1538 (J. DeBerry)** was taken off notice at the request of the sponsor. **HB 1901 (Rowe)** was rolled one week at the request of the sponsor.

As previously announced by Chairman Armstrong, the **final meeting of the Health Care Facilities Subcommittee will be next week.**

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met on April 18th to consider 15 bills. Six bills were referred to full committee. **HB 2063 (Maddox)** as amended creates the Department of Aging, along with a 25-member advisory council to advise the Commissioner of the Department on programs and funds related to older

Tennesseans, and transfers the existing duties of the Commission on Aging and Disability to the newly created Department of Aging. **HB 1339 (Briley)** requires licensed hospitals and birthing centers to offer pregnant patients the option to donate, to a publicly accessible certified cord blood bank, blood extracted from the umbilical cord following the delivery of a newborn if the donation can be made at no expense to the patient or hospital for collection or storage. **HB 1426 (J. DeBerry)** as amended requires that recipients of mental health services be given an opportunity to approve and sign a release that authorizes the mental health facility or program to release certain information about the recipient to specified individuals. The amendment gives the service recipient the discretion to alter or withdraw the release of information permitted by the bill as introduced. **HB 1532 (L. DeBerry)**

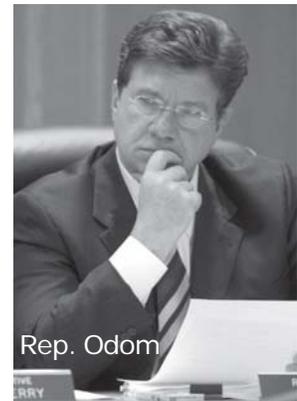
as amended requires the Department of Health to designate up to 10 adult day care centers or senior centers as model programs worthy of emulation with respect to specified activities. **HB 1230 (Kelsey)** as amended authorizes a study committee of the Public Health & Family Assistance Subcommittee to study the issue of prenatal care visits for TennCare enrollees. **HB 0704 (McCord)** requires licensing and regulatory oversight by the Department of Agriculture for deer processors, and thereby, makes processing of deer meat and carcasses subject to the provisions of the “Tennessee Meat and Poultry Inspection Act.”

In other action, **HB 2284 (Odom)** was discussed and subsequently rolled one week at the request of Chairlady Pruitt for clarification of the proposed amendment that rewrites the bill relative to electronic lab records. **HBs 1577 and 2126 (Fitzhugh)** were rolled one week at the request of the sponsor. Six bills were taken off notice at the request of the sponsors: **HB 0488 (Rowland), HB 0317 (J. DeBerry), HB 1756 (J. DeBerry), HB 1892 (J. DeBerry), HB 1617 (Overbey), and HB 1832 (Shepard).**

As previously announced by Chairman Armstrong, the **final meeting of the Public Health & Family Assistance Subcommittee will be next week.**



Rep. Maddox



Rep. Odom



Judiciary

Jamie Wyatt

The Full Judiciary Committee

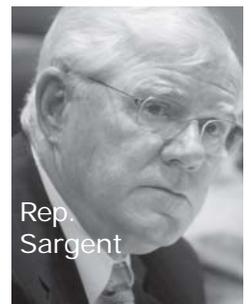
The Full Judiciary Committee considered thirty-two bills on its calendar. House bills 1099, 1100, and 1116 by Rep. Buck were rolled to the last committee calendar.

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

- **HB 299 by Rep. Overbey** makes it a Class C felony to knowingly, other than by accidental means, physically abuse or grossly neglect an impaired adult if such abuse or neglect results in serious mental or physical harm.
- **HB 867 by Rep. Mumpower** requires law enforcement to take a DNA sample from any person arrested for a violent felony on or after January 1, 2008 upon a finding of probable cause for the arrest by a magistrate or a grand jury and maintained by TBI. If the charges are dismissed or the defendant is acquitted at trial, the TBI shall destroy the sample and records provided there are no other pending warrants for an arrest or felony conviction that would require samples retention. There are a number of offenses that will be considered violent felonies for the purpose of DNA collection.
- **HB 1327 by Rep. Briley**, as amended, broadens eligibility for prior service credits used to determine entry level compensation for district public defenders.
- **HB 1328 by Rep. Briley**, as amended, creates forty additional assistant district public defender positions and requires the district public defenders conference to prepare a report with recommendations regarding the specific judicial districts to be designated.



- **HB 2314 by Rep. Odom** sets the minimum incarceration period for rape of a child at 25 years instead of 15 years. This is Tennessee's version of Jessica's Law.
- **HB 592 by Rep. Fincher**, as amended, reinstates the requirement that a person who was paid with a worthless check must elect whether to pursue the claim on the worthless check under the civil or criminal provisions of the law.
- **HB 1216 by Rep. Fincher** enacts the Tennessee Immigration Compliance Act. It requires public employers to register and participate in the federal work authorization program to verify information of all new employees. The bill prohibits a public employer from contracting for the performance of services unless the contractor or subcontractor participates in the program. The required compliance date is dependant on the number of employees. The bill also directs the governor to establish a memorandum of understanding with the U.S. Department of Justice or the federal department of homeland security concerning enforcement of federal immigration laws, detention and removal. Creates felony offenses for human trafficking for labor servitude and sexual servitude. It also permits a corporation to be prosecuted for such an act if certain conditions are met.
- **HB 1871 by Rep. Sargent** permits juvenile courts to create and operate drug court treatment programs. It requires the Department of Finance and Administration, Office of Criminal Justice Programs to administer drug court treatment programs by developing standards of operation for drug court treatment programs. The bill requires clerks of all courts of general sessions, circuit and





Judiciary

Jamie Wyatt

criminal courts and municipal courts exercising the jurisdiction of general sessions courts to collect \$75.00 from a defendant who has violated terms and conditions of a suspended sentence as a result of a positive drug screen. These funds are to aid the administration and operation of drug treatment programs created by exercising criminal jurisdiction. A participant in a drug court treatment program can't be a violent offender, must be drug abuser and willing to participate.

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

- **HB 314 by Rep. J. DeBerry** expands the current law on scrap metal by requiring dealers in scrap copper to obtain the right thumbprint of each seller of copper and maintain a record of such print for a period of 5 years. Violation of record keeping will result in a Class C misdemeanor.
- **HB 1480 by Rep. Buck**, as amended, provides that upon the court's acceptance of a defendant's guilty plea, notwithstanding the absence of a final sentencing and entry of judgment of the conviction, any defendant who is employed or practices a vocation, establishes a primary or secondary residence, or becomes a student in the state, and who enters a plea of guilty to a qualifying offense is required to register with a registering agency.
- **HB 105 by Rep. Shepard** reclassifies incest from a sexual offense to a violent sexual offense. This reclassification will require an offender to register with the sexual offender registry four times a year rather than annually. Also, the offender will be on the registry for life.
- **HB 148 by Rep. Dean**, as amended, makes a violation of T.C.A. § 39-17-113, which involves the payment of citations for persons who purchase radar detectors or jamming devices, an unfair or deceptive trade practice under the Tennessee Consumer Protection of 1977.
- **HB 206 by Rep. Hawk**, as amended, requires funeral establishments selling pre-need funeral services to identify to each purchaser that state law permits purchaser to execute a durable power of attorney for healthcare to ensure purchaser's wishes as to the disposition of his remains are followed and that the form is available at online at the Tennessee Commission on Aging website. The board of funeral directors and embalmers must draft a form containing this required information and have the purchaser sign an acknowledgment stating he received the information. The funeral establishment must retain a copy of this acknowledgment form.
- **HB 284 by Rep. Overbey** adds rape of a child and aggravated rape of a child to the felonies included in the felony murder statute. Also, the bill requires misdemeanor probation officers to conduct a search of the TBI's Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking database to determine whether the a new offender assigned to them is included on the sex offender registry. If so, the probation officer is required to inform the sentencing judge of probationer's status.
- **HB 548 by Rep. Shepard** makes it a Class A misdemeanor if a person is a spectator at a dog fight.



Judiciary

Jamie Wyatt

- **HB 1141 by Rep. Buck**, as amended, requires proceeds from forfeitures of conveyances, real or personal property used in the commission of a sexual offense against a person be transmitted to the Child Abuse Fund. Amendment #2 of the bill permits a county legislative body to vote to impose an additional fee of not more than ten dollars for the booking and processing of each person subject to arrest or summons. Such a fee shall be collected at the same time and in the same manner as other fees collected by a sheriff.



Rep. Buck

- **HB 1153 by Rep. Buck** grants jurisdiction to circuit and chancery court for purposes of hearing contract disputes for goods or services. Jurisdiction will depend on where the defendant can be found, the contract was executed, goods were provided or were to be provided, or where services were rendered or were to be rendered.
- **HB 1285 by Rep. Gresham**, as amended, as it relates to emergency management powers of the governor, prohibits the state, political subdivision or a public official from prohibiting or imposing additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display or use of firearms and ammunition or their components during any state of emergency, major or natural disaster.
- **HB 1454 by Rep. Buck** authorizes a court to grant an extension of bail when a defendant fails to appear. Also, the bill removes the requirement that a statement made by a physician or warden be sworn when accounting for a defendant's failure to appear.
- **HB 1505 by Rep. Fitzhugh** exempts qualified Archer Medical Savings Accounts and Health Savings Accounts from any claims of creditors of the participant or beneficiary, except the State of Tennessee.

Bills rolled 1 week:

HB 1783 by Rep. U. Jones
HB 2000 by Rep. U. Jones
HB 1566 by Rep. L. DeBerry
HB 132 by Rep. Bell
HB 362 by Rep. Rowland

Rolled 2 weeks:

HB 1334 by Rep. Briley
HB 2154 by Rep. Briley

Off Notice:

HB 1269 by Rep. Lynn
HB 1819 by Rep. Rowland

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss a number of bills this week. The Civil Practice & Procedure Subcommittee will have its last meeting on Tuesday, April 24, 2007 at noon.

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

- HB 106 by Rep. Shepard, as amended, deals with dogs running at large. Creates a Class C misdemeanor punishable by a fine only for an owner of a dog if a dog goes uncontrolled by the owner upon the premises of another without consent of the owner of such premise, or another authorized person, or goes uncontrolled upon a highway, public road, street or another place open to the public. It becomes a Class B misdemeanor punishable by a fine only if the dog running at large causes damage to the property of another. It becomes a Class A misdemeanor fine only if the dog running at large causes bodily injury to another. Class E felony for a violation where the dog causes bodily injury to more than one person or serious bodily injury and a D felony if the dog causes



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



Rep. Shepard

- HB 108 by Rep. Shepard, as amended, makes an owner civilly liable for any damages suffered by a person injured by the owner's dog while in a public place or lawfully in or on private property, including the property of the dog owner's. The bill provides that liability for these damages exist regardless of whether the dog has shown a past or present propensity for viciousness or the owner had knowledge of the dog's viciousness. There are exceptions to the liability for such things as the dog is a police or military dog and the injury occurred in the course of the dog's official duties, the injury occurred while the injured person was on the

owner's property with the intent to commit unlawful activity, the injury occurred while the dog was protecting the owner or another from attack by the injured person or an animal owned by the injured party, the injury occurred while the dog was securely confined in a crate, kennel, etc or the injury occurred as a result of the injured person disturbing, harassing, assaulting or otherwise provoking the dog.

- HB 742 by Rep. Curtiss clarifies the definition of gambling device or record to exclude devices which are incapable of accepting money, or anything of value, or incapable of dispensing money, or anything of value, or computer or software programs designed solely for devices which are not located within the state of Tennessee. This bill will allow a business to create software/motherboard within the state for gaming, but are not used in the state.

Rep. Bass



- HB 854 by Rep. Bass includes county and municipal correctional officers and dispatchers within the group of individuals whose job related critical counseling and therapy memos, work notes, products, case files and communications as confidential.
- HB 1055 by Rep. L. DeBerry, as amended, expunges public records of a person, upon petition by such person, who has been charged with a misdemeanor or felony while protesting or challenging a state law or municipal ordinance designed to maintain or enforce racial segregation or racial discrimination. The cost to remove and destroy the records will not be borne by the petitioner for a number of reasons such as the charge was dismissed, no true bill was returned by a grand jury, verdict of not guilty, the person was arrested and released without being charged, thirty-seven or more years have elapsed since date of conviction and the petitioner hasn't been convicted of any other offense, excluding minor traffic violations during such period, any period of supervision due to the conviction has been completed.



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- HB 1354 by Rep. S. Jones, as amended, authorizes eligible persons to enter upon private property of another for the purpose of accessing a cemetery or graves. The eligible person must notify the landowner in writing prior to accessing the cemetery and enter at reasonable times in a reasonable manner. They may exercise this purpose for visiting graves, maintaining grave site, burying human remains in a cemetery plot by persons granted rights of burial to such cemetery plot and conduct genealogical research. They are liable to the owner for any damage occurring from their ingress to or egress from the cemetery. An eligible person is defined as a family member, descendant and close friend of deceased buried in such cemetery and individuals engaging in genealogical research. For a friend of a deceased person or of the family or genealogical researcher to exercise this right, such persons must be designated in writing as such by a member of the family.
- HB 1424 by Rep. J. DeBerry authorizes local governments, under certain circumstances, to enjoin the continuation of public nuisances without notice or hearing.
- HB 1425 by Rep. J. DeBerry authorizes the Division of General Sessions Court of Shelby County with environmental jurisdiction to employ a referee to assist in the hearing of cases.
- HB 1591 by Rep. Bone extends governmental tort liability limits to non-governmental independent contractors or entities which contract with the Regional Transportation Authority for the provision of transportation or transit services or the operation or maintenance of facilities or rail lines associated with the Authority. The regional transportation authority's contracting party or party to the agreement will not be afforded any limits to its tort exposure for gross negligence in the performance of the contract or agreement.
- HB 1598 by Rep. K. Brooks creates a homestead exemption not to exceed \$25,000 for individuals with one or more minor children in individual's custody on real property that is owned by the individual and used as his principal place of residence.
- HB 1828 by Rep. Todd, as amended, makes personnel records or information of any law enforcement officer in the possession of a governmental entity treated as confidential. This information includes unpublished telephone numbers, bank account information, social security number, driver license information except where driving a vehicle is part of job duties, and the same information of immediate family members or household members.
- HB 1881 by Rep. Overbey expands the clinics in which volunteer health care provider is not liable for civil damages to include clinics that charge a nominal fee.
- HB 2248 by Rep. Ferguson makes it a Class E felony offense to knowingly, other than accidental means, abuse, neglect or exploit any adult. Increases the penalty from a Class A misdemeanor to Class E felony.
- HB 2263 by Rep. Odom authorizes state governmental entities to allow limitations of liability and warranty in contracts for personal services, professional services, and consultant services pursuant to rules promulgated by the Commissioner of Finance and Administration instead of requiring the Commissioner's approval for every limitation of liability or warranty.



Rep. Bone



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

The following bills were rolled 1 week due to time constraints:

HB 27 by Rep. Briley
HB 422 by Rep. Briley
HB 482 by Rep. Nicely
HB 918 by Rep. Fitzhugh
HB 1108 by Rep. Buck
HB 1993 by Rep. Overbey
HB 2086 by Rep. Maddox
HB 2096 by Rep. Maddox
HB 2162 by Rep. Briley
HB 2225 by Rep. Maddox
HB 2311 by Rep. Briley

Off Notice:

HB 18 by Rep. Shepard
HB 143 by Rep. McDonald
HB 590 by Rep. Lundberg
HB 758 by Rep. Matheny
HB 936 by Rep. Maggart
HB 970 by Rep. Overbey
HB 1297 by Rep. Todd
HB 1535 by Rep. Coley
HB 1857 by Rep. Hackworth
HB 1908 by Rep. Rinks
HB 2217 by Rep. Lynn

Bills sent to Summer Study:

HB 302 by Rep. Kelsey
HB 781 by Rep. Campfield
HB 902 by Rep. McDonald
HB 998 by Rep. Campfield. This bill was sent to the summer study committee addressing DUI issues.

HB 1255 by Rep. Overbey
HB 1352 by Rep. S. Jones
HB 1359 by Rep. L. Turner
HB 1548 by Rep. Hackworth. This bill was sent to the joint committee studying open records.
HB 2207 by Rep. Kelsey.

Bills that Failed:

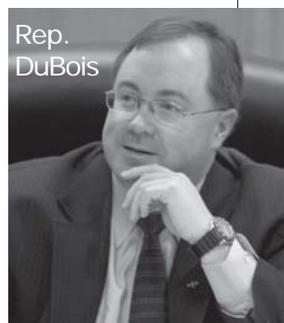
HJR 101 by Rep. Kelsey
HB 778 by Rep. Campfield
HB 792 by Rep. Campfield. This bill failed for a lack of a motion.
HB 863 by Rep. H. Brooks. This bill failed for a lack of a second.

Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met to discuss thirty-one bills. The Criminal Practice & Procedure Subcommittee is now closed. HB 1034 by Rep. J. DeBerry was sent to Summer Study. HB 1952 by Rep. Lynn failed. HB 999 by Rep. Campfield failed for a lack of a second.

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

- HB 582 by Rep. DuBois, as amended, provides that a defendant not required to be given first priority regarding sentencing involving incarceration and who is an especially mitigated or standard offender convicted of a Class C, D, or E felony should be considered a favorable candidate for alternative sentencing options absent evidence to the contrary. The amendment states that a defendant's prior convictions must be considered evidence to the contrary and the defendant being sentenced for a third or subsequent felony shall not be considered a favorable candidate for alternative sentencing. If a defendant with at least three felony convictions is otherwise





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eligible, the defendant may still be considered a favorable candidate if deemed appropriate by a drug court.

- HB 586 by Rep. DuBois, as amended, creates a Class E felony for any person, including an enrollee, recipient, or applicant, who knowingly obtains or attempts to obtain controlled substance benefits by knowingly and with the intent to deceive failing to disclose to a physician, nurse practitioner or other health care provider from whom the person obtains a controlled substance or a prescription for such, that the person has received either the same controlled substance or prescription of the same controlled substance or one of similar therapeutic use from another practitioner within the previous thirty days and the person used TennCare to pay for either the visit or for the prescription.
- HB 953 by Rep. Maggart, as amended, creates a Class E felony for a person who knowingly engages in any sexual activity with an animal, causes, aids, or abets another person to engage in any sexual activity with an animal, engages in organizes, promotes, advertises, participates in as an observer or performs service in the furtherance of any act involving sexual activity with an animal or photographs or films, for purpose of sexual gratification, a person engaged in a sexual activity with an animal.
- HB 1365 by Rep. Kernell increases from fifty dollars to five hundred the fine for the first offense of unlawful possession of a weapon with the intent to go armed. Increases from a Class C to a Class B misdemeanor the penalty for a second or subsequent violation.
- HB 1834 by Rep. J. DeBerry defines crime of force or violence as one of the following offenses: second degree murder, criminal attempt of first degree murder, attempted second degree murder, especially aggravated and aggravated robbery, robbery, and carjacking. The bill increases by one classification the punishment for crime of force committed in concert with two or more persons. It requires a presumptive sentence to be the maximum within the range for a Class A felony committed in concert with two or more persons.
- HB 1835 by Rep. J. DeBerry creates the offense of using a firearm in the commission of a felony. It imposes mandatory minimum sentences, not subject to parole or sentence credits for the offense. The fiscal note is \$60,323,700.00.
- HB 1167 by Rep. Sontany creates an offense of contributing to the delinquency of a minor for a parent when a child is found guilty for a second or subsequent act of vandalism to a government or publicly owned, operated or maintained entity.
- HB 1477 by Rep. Sontany, as amended, includes as admissible evidence a videotaped statement made by a child under thirteen describing any sexual contact or abuse performed with or on the child by another if the child is available to testify and the court finds in a hearing outside the jury that the statement circumstances provide sufficient safeguards of reliability. In making the determination, the court may consider the mental and physical age of the child, nature of abuse, relationship of the child and offender, reliability of the assertion, reliability of the child, and the child testifies or is available to be called as a witness by either party.
- HB 304 by Rep. Hood creates the Tennessee Unattended Children in Motor Vehicle Safety Act. The amendment clarifies that it is an offense for a person responsible for a child



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younger than seven years of age to knowingly leave that child in a motor vehicle located on public property or property open to the public generally without being supervised by a person who is at least thirteen years of age if the conditions present a risk to the child's health or safety, the engine of the motor vehicle is running, or the keys to the motor vehicle are located anywhere inside the passenger compartment of the vehicle. Violation of this offense is a Class B misdemeanor punishable only by a fine of \$200.00 for the first offense. A second or subsequent offense is punishable only by a fine of \$500.00. At the courts discretion, a person violating this law may be required to attend a community education course regarding the dangers of leaving a young child in an unattended motor vehicle.

- HB 2184 by Rep. Niceley authorizes Tennessee resident with a valid handgun carry permit to possess such weapon within the boundaries of any state park.
- HB 1877 by Rep. Towns creates a new aggravated criminal littering crime punishable as a Class A misdemeanor for the 1st offense. Elevates it to a Class E felony for the second offense with an amount exceeding 1,000 lbs. or 200 cubic feet or for a third offense with an amount exceeding 10 lbs. or 15 cubic feet. It gives environmental court exclusive jurisdiction over littering crimes. It lowers criminal littering from a Class A misdemeanor to a Class C misdemeanor. It offers a reward of \$50.00 to any person who reports information to police that leads to the apprehension and conviction of a person for littering. It authorizes all state and local law enforcement agencies, officers, and officials, and any enforcement agency, officer, or any official of any state or local commission or authority to enforce the prohibitions against littering and appoint a litter enforcement officer.

Rolled to the 1st Calendar of 2008:

HB 388 by Rep. Crider
HB 410 by Rep. Todd
HB 411 by Rep. Todd
HB 663 by Rep. Hill
HB 720 by Rep. Buck
HB 843 by Rep. Pruitt
HB 852 by Rep. Eldridge
HB 1030 by Rep. Todd
HB 1317 by Rep. West
HB 1833 by Rep. Sontany
HB 1235 by Rep. Kelsey

Off Notice:

HB 901 by Rep. Maggart
HB 1615 by Rep. Overbey
HB 2142 by Rep. Sontany
HB 2143 by Rep. Sontany
HB 2044 by Rep. J. DeBerry





State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government** full committee, fifteen bills were on the calendar for consideration. Four bills were passed to Calendar and Rules, six were passed to Finance, Ways, and Means, and the others were rolled or taken off notice.

Calendar and Rules:

-HJR 343 by Odom – Confirmation of appointment of Marvell R. Mitchell to the Tennessee Education Lottery Corporation.

-HJR 344 by Odom – Confirmation of appointment of James L. E. Hill to the Tennessee Education Lottery Corporation.

-HB 326 by Sargent – This bill changes procedure for submission of subdivision plats to the planning commission.



Rep. Rinks

-HB 1917 by Rinks – This bill requires applications for voter registration to be accepted and processed through the 29th day before election if the 30th day falls on Sunday.

Finance, Ways, and Means:

-HB 1146 by Buck – This bill requires 30 percent of passenger motor vehicles purchased by the state during a fiscal year to have an estimated highway gasoline mileage rating of at least 35 miles per gallon.

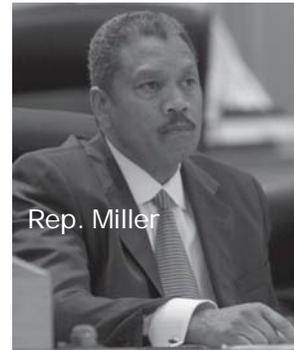
-HJR 155 by Brown – This bill requests a sculpture be created and displayed in the Capitol to honor and commemorate the first African-Americans who served in the General Assembly.

-HB 1195 by Harmon – This bill authorizes TRICOR to enter into an interagency agreement with the department of children's services to provide work training opportunities for juvenile offenders.

-HB 1575 by L. Miller – This bill allocates 0.5 percent of the department of correction's annual appropriations to the Tennessee Amachi Initiative for mentoring children with incarcerated parent.

-HB 1752 by U. Jones – This bill removes requirement that an aquarium exhibition facility must be an enclosed facility to qualify as a premier type tourist resort for the purposes of on-premises consumption of alcoholic beverages.

-HB 1995 by L. Miller – This bill authorizes certain parties to sue owner of building that is a public nuisance for compliance with building codes.



Rep. Miller

Rolled 1 Week:

-HB 1462 by Fitzhugh – This bill specifies that failure to pay the undisputed portion of the tax or any other delinquency on the property by the time of the hearing will result in dismissal of the hearing without further right to appeal.

-HB 1442 by Dunn – This bill prohibits a member of a county election commission or the state election commission from participating in the management or leadership of a political party organization or a candidate's campaign during such member's term of office.

-HB 1182 by S. Jones – This bill increases the recording fee for businesses transferring from one location to another within the same municipality from \$3.50 to \$5.00.



State & Local Government

Lawrence Hall, Jr.

Last Calendar:

-HB 1610 by L. Miller – This bill extends to Shelby County the authority that municipalities have to inspect, test, measure, and weigh any article for consumption or use within the county, and charge reasonable fees, and provide standards of weights, tests, and measures.

Off Notice:

-HB 1080 by M. Turner – This bill authorizes the registration of electronic records.

The **State Government** subcommittee considered twenty-two bills this week. Six bills were passed to full committee for consideration next week. All others were rolled to a later date or taken off notice.

Full Committee:

-HB 139 by Harmon – This bill authorizes the department to issue identification card to inmates upon their release from state custody and to charge a fee of \$6.00 for the card.

-HJR 329 by Shaw – This resolution names Army Aviation Support Facility in Jackson in honor of the late Chief Warrant Officer 3 William T. Flanigan Tennessee Army National Guard.

-HB 2240 by C. Cobb – This bill authorizes the department of general services to purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid price during a specified period of time.

-SJR 82 by Lynn – This resolution designates “Tennessee Treasures Too” by Michael Sloan as an official painting of Tennessee.

-HB 733 by Hood – This bill requires all persons 18 or older to provide proof of lawful presence prior to receipt of certain public benefits.

-HJR 263 by J. Cobb – This resolution names May 15, 2007 “State Trooper Recognition Day on the Hill.”

Rolled, Off Notice, or Failed:

- HB 2160 by Briley – 1 Week
- HB 219 by Odom – 1 Week
- HB 466 by Fitzhugh – Last Calendar
- HB 135 by Fitzhugh – Off Notice
- HB 459 by Fitzhugh – 1 Week
- HB 475 by Fitzhugh – 1 Week
- HB 690 by Fitzhugh – Off Notice
- HB 1582 by Fitzhugh – Last Calendar
- HB 1588 by Fitzhugh – Last Calendar
- HB 1221 by Gilmore – 1 Week
- HB 888 by McCord – 1 Week
- HB 894 by McCord – 1 Week
- HB 1236 by Kelsey - Failed
- HB 1276 by Lynn – 1 Week
- HB 1998 by U. Jones – 1 Week
- HB 1264 by Lynn – 1 Week



This week in **Local Government** subcommittee there were thirty-three bills on the calendar. The committee passed six bills to full committee to be considered next week and the others were either rolled, taken off notice, or set for a special calendar.





State & Local Government

Lawrence Hall, Jr.

Full Committee:

-HB 1791 by Montgomery – This bill authorizes municipalities to acquire public facilities from third parties under certain circumstances.

-HB 1792 by Montgomery – Redefines property included in central business improvement districts.

-HB 887 by Montgomery – This bill revises the time period to file an action to invalidate a tax title issued for property sold for delinquent taxes.

-HB 1600 by K. Brooks – This bill increases from 12 to 18 months the period in which a delinquent taxpayer may redeem his or her real property that was sold for unpaid property taxes.

-HB 759 by Matheny – Prohibits police departments, garages, and towing firms from charging preservation or storage fees for abandoned, immobile, or unattended motor vehicle taken into possession until all lienholders or record of such vehicle have been notified.



Rep. Matheny

-HB 632 by Overbey – This bill requires the governing board of each water, wastewater, and gas authority, created by private act, and the governing board of each utility district to establish ethical standards for its officials and employees.

Bills Rolled or Taken Off Notice:

- HB 1324 by Briley – Off Notice
- HB 1336 by Briley – Off Notice
- HB 2158 by Briley – Off Notice
- HB 930 by Winningham – Last Calendar
- HB 1801 by L. Turner – Off Notice
- HB 1529 by Odom – 1 Week
- HB 689 by Fitzhugh – Off Notice
- HB 1578 by Fitzhugh – Last Calendar
- HB 2127 by Fitzhugh – Last Calendar
- HB 1678 by Montgomery – 1 Week
- HB 386 by Sargent – Off Notice
- HB 1817 by Harmon – Last Calendar
- HB 433 by DuBois – Rolled 2008
- HB 1047 by C. Cobb – 1 Week
- HB 969 by Overbey – 1 Week
- HB 2289 by Shepard – 1 Week
- HB 1 by Maddox – 1 Week
- HB 2300 by Maddox – 1 Week
- HB 1074 by M. Turner – Off Notice
- HB 1787 by U. Jones – 1 Week
- HB 1788 by U. Jones – 1 Week
- HB 1789 by U. Jones – 1 Week
- HB 1611 by L. Miller – Off Notice
- HB 1612 by L. Miller – Off Notice

TACIR Study:

- HB 1267 by Lynn – TACIR for study
- HB 1946 by Lynn – TACIR for study

This week in **Elections Subcommittee** six-teen bills were on the calendar. Six bills were sent to full committee to be considered next week. This week was the final meeting for the elections subcommittee.



State & Local Government

Lawrence Hall, Jr.

Full Committee:

-HB 1054 by L. DeBerry – This bill prescribes certain uniform procedures to govern any election contest for the office of state senator.

-HB 1874 by Buck – This bill prohibits state and local elected officials from seeking elected state or local office after conviction of a state or federal felony related to public service.

-HB 1126 by Buck – This bill enacts the “Voter-Owned Elections Act.”

-HB1171 by Windle – This bill revises the arrangement of elected offices on ballots.

-HB 1999 by U. Jones – The bill authorizes the county legislative body of any county having a charter form of government or where a municipality located in such county is a home rule municipality to request a referendum on the adoption of any amendment to such charters.

-HB 1392 by U. Jones – This bill as amended resets certain election dates.

Bills Rolled or Taken Off Notice:

- HB 1374 by Kernell – Off Notice
- HB 408 by Todd – TACIR
- HB 409 by Todd – TACIR
- HB 1397 by Lynn – TACIR
- HB 1768 by U. Jones – Off Notice
- HB 1044 by Towns – Off Notice
- HB 1929 by Rinks – TACIR
- HB 938 by Maggart – TACIR

Failed:

- HB 626 by M. Turner – Failed
- HB 796 by Campfield – Failed



Transportation

Jeremy L. Elrod

Full Committee

The **House Transportation Committee** convened on April 17, 2007 to consider thirteen bills.

HB1154 (Buck), **HB1290** (Pinion), **HB1204** (Harmon), **HB1205** (Pinion) and **HB2253** (Pinion) were deferred one week. **HB481** (Harmon) was referred to summer study.



Chairman Pinion

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

HB1058 (Gresham) – Requires, rather than permits, judges to dismiss violations of the financial responsibility law if the person charged with the violation presents sufficient evidence of compliance on or before the court date.

HB1974 (Maggart) – Creates a Class C misdemeanor offense subject to a fine only for a parent or legal guardian to permit a child under the age of 18 to operate or be a passenger on an off-highway motor vehicle on certain property without wearing a helmet that meets the U. S. department of transportation standards. The bill also authorizes municipalities to adopt mirror ordinance and to issue a traffic citation in lieu of arrest for a violation. As amended, the maximum fine for a violation of this bill's helmet requirement is \$50.00, however the court costs that may be charged in conjunction with the imposition of the fine is limited to \$10.00.

HB553 (Bass) – Expresses intent of general assembly that county seats should be connected by four-lane highways to the nearest interstate by the best route available rather than by the shortest route available.

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

HB1214 (Borchert) – As amended, places \$1.00 of each vehicle registration fee collected in the state into a state veterans' home reserve. Funds in the reserve will be used exclusively to assist eligible veterans in Tennessee state veterans' homes.

HJR243 (Watson) – "Cherokee Memorial Bridge" spanning Hiwassee River on State Route 58 in Meigs County. An amendment was adopted for the highway signs to be paid for with highway funds.



Rep. Watson

HJR244 (Watson) – "Veterans Memorial Bridge" highway signs on a bridge spanning U.S. Highway 64 on State Route 68 in Ducktown, Polk County. An amendment was adopted for the highway signs to be paid for with highway funds.

HB2223 (Maddox) – "Herman Neal Walker Memorial Bridge" highway signs on a bridge spanning North Fork of Obion River on State Route 118 in Weakley County. An amendment was adopted for the highway signs to be paid for with highway funds.



Transportation

Jeremy L. Elrod

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met April 10, 2007, to consider eleven bills. Action on **HB1382** (S. Jones), **HB1283** (Hensley) **HB1867** (Hensley) **HB855** (Bass) and **HB1499** (Miller) was deferred for one week. **HB2116** (Tidwell) was taken off notice. **HB1101** (Buck) failed for a lack of a motion. **HB1417** (Watson) was referred to summer study.

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

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

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

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



Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on April 17, 2007 to consider eleven bills. **HB2135** (Fitzhugh), **HB190** (C. Johnson,) and **HB193** (C. Johnson) were deferred one week. **HB917** (Fitzhugh) and **HB1882** (Overbey) were taken off notice. **HB1499** (Miller) was moved to the Public Safety Subcommittee and heard there. **HB87** (Harmon) was deferred to 2008.

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

HB1826 (Bone) – Exempts purchase and sale of biodiesel produced in this state from the diesel tax. If biodiesel is blended with petroleum, only the biodiesel portion is exempt.

HB2216 (Ferguson) – Authorizes TDOT to establish grant program to assist governmental entities to increase number of vehicles in their fleets that use alternative fuel. It authorizes department of agriculture to provide research grants for converting Tennessee agricultural products into alternative fuel and specifies that refueling stations are eligible for grant funds to defray capital costs associated with biofuel tanks and pumps.

HB1206 (Pinion) – Defines “destroy,” for billboard regulation purposes, as causing damage to billboard requiring more than 60 percent of the cost to erect a new sign at the same location.

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

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