

**FRIDAY, MAY 27, 2005**  
**FORTY-EIGHTH LEGISLATIVE DAY**

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

The proceedings were opened with prayer by Representative Pinion.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

**EXCUSED**

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

Representative Windle; active military duty.

Representative Yokley; personal reasons.

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COMMUNICATION  
May 27, 2005

The Honorable Jimmy Naifeh  
Speaker of the House of Representatives  
19 Legislative Plaza  
Nashville, TN 37243

Dear Speaker Naifeh:

I hereby resign as Chairman of the Constitutional Protections Subcommittee.

Respectfully,

/s/ Representative Chris Newton

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 719:** Rep(s). Davis and Mumpower as prime sponsor(s).

**House Joint Resolution No. 722:** Rep(s). McMillan and Fitzhugh as prime sponsor(s).

**House Bill No. 267:** Rep(s). Dunn, Brooks (Knox), Niceley and Campfield as prime sponsor(s).

**House Bill No. 369:** Rep(s). Moore, Pruitt, Sontany, Langster, Matheny, McKee and Roach as prime sponsor(s).

**House Bill No. 509:** Rep(s). Hill, Davis, Cochran, McDonald, Todd, Campfield, DuBois, Coleman, Hargrove and Fitzhugh as prime sponsor(s).

**House Bill No. 563:** Rep(s). Marrero, Brown and Favors as prime sponsor(s).

**House Bill No. 1728:** Rep(s). Towns as prime sponsor(s).

**House Bill No. 1784:** Rep(s). Matheny and Campfield as prime sponsor(s).

**House Bill No. 2130:** Rep(s). Hargrove as prime sponsor(s).

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**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2300; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 2300** -- TennCare - Changes responsibility for administering TennCare from department of health to department of finance and administration; excuses state from processing TennCare applications for categories of enrollees that are no longer covered; makes TennCare foundation permissive instead of mandatory; requires comptroller to report annually to both speakers regarding cost and use of prescription drugs in nursing homes. Amends TCA Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68 and Title 71. by \*Kyle. (\*HB2321 by \*McMillan, \*Favors.)

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 28, 2005:

**House Joint Resolution No. 725** -- Memorials, Recognition - Brother Mel Meyer. by \*Hargrove.

**House Joint Resolution No. 727** -- Memorials, Professional Achievement - Richard Courtney, GNAR Realtor of the Year. by \*Odom.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 250** -- Municipal Government - Requires a municipality that supplies electric services to persons in a county other than the one where the municipality is located to appoint at least one, but not more than two, additional persons to the board of public utilities; new member must reside in county other than the one in which the municipality is located and must receive services from such municipality. Amends TCA Title 7. by \*Finney. (HB1334 by \*Tindell, \*Montgomery)

**\*Senate Bill No. 585** -- Lottery, Charitable - Authorizes either clerk to transmit notice to the secretary of state and each attorney general upon authorization of annual events by the general assembly instead of requiring the clerk of the house last approving such authorization to so transmit. Amends TCA Title 3. by \*Cohen, \*Kyle. (HB1590 by \*McMillan, \*Maddox)

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**Senate Bill No. 834** -- Child Custody and Support - Requires that the child support guidelines not determine a stay-at-home parent of a child who is not yet in first grade to be willfully and voluntarily unemployed or underemployed and that the child support guidelines not attribute any income to that parent other than income the parent actually earned. Amends TCA Title 36, Chapter 5. by \*Black, \*Bryson, \*Fowler, \*Burks, \*Finney, \*Hagood, \*Beavers, \*Ketron, \*Jackson, \*Harper. (\*HB760 by \*Clem, \*Jones S, \*Marrero, \*Vaughn, \*Johnson C, \*Dunn, \*Turner M)

**\*Senate Bill No. 1227** -- State Employees - Increases state match on employee contributions to 401(k) plans from \$20.00 per month to \$50.00 per month. Amends TCA Title 8, Chapter 25, Part 3. by \*Herron, \*Crutchfield, \*Williams, \*Cooper, \*Kilby. (HB2125 by \*Fitzhugh, \*Tindell, \*McDonald, \*Jones U, \*Turner M, \*Rinks, \*Miller L, \*Jones S, \*Moore, \*Langster, \*Newton, \*Vaughn, \*Borchert, \*Marrero, \*Brown, \*DeBerry L, \*McKee, \*Fowlkes, \*McDaniel, \*Harrison)

**\*Senate Bill No. 1256** -- Adoption - Requires that an interpreter be provided to a surrendering parent or guardian who is not fluent in English; interpreter must be provided prior to the final hearing on an adoption. Amends TCA Title 36, Chapter 1, Part 1. by \*Kyle, \*Burks. (HB1728 by \*Kernell, \*Brooks (Shelby))

**\*Senate Bill No. 1304** -- Special License Plates - Increases from three to five years moratorium between time plate has become obsolete and invalid until re-authorization by the general assembly. Amends TCA Title 55, Chapter 4. by \*Jackson. (HB1751 by \*Pinion)

**\*Senate Bill No. 1382** -- Sunset Laws - University of Tennessee board of trustees, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9. by \*Harper. (HB1520 by \*Kernell, \*Brooks (Shelby), \*Cooper B)

**Senate Bill No. 2117** -- Workers' Compensation - Requires an insurance carrier that is determined by a court or administrative tribunal to have unreasonably increased an employer's premium to reimburse the employer for legal fees related to defending the effort to increase the premium. Amends TCA Title 50, Chapter 6 and Title 56. by \*Kyle. (\*HB2044 by \*Maddox, \*Turner M)

### CONSENT CALENDAR

**\*House Bill No. 2420** -- Gibson County - Authorizes Gibson County special school district to issue and sell school bonds in amount not to exceed \$3 million Amends Chapter 62 of the Private Acts of 1981. by \*Crider.

**House Bill No. 2421** -- Manchester - Subject to local approval, creates a new charter of incorporation. Amends Chapter 65 of the Acts of 1905; as reenacted. by \*Matheny.

**House Bill No. 2424** -- Ripley - Subject to local approval, rewrites the charter. Amends Chapter 223 of the Acts of 1901. by \*Fitzhugh.

**House Resolution No. 156** -- Memorials, Death - Reverend Albert Glenn Jewell. by \*Bone.

**House Resolution No. 157** -- Memorials, Interns - Amy Stinnett. by \*Watson.

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**House Resolution No. 159** -- Memorials, Professional Achievement - Kingsport Police Department, reaccreditation by the Commission of Accreditation for Law Enforcement Agencies. by \*Godsey, \*Shepard, \*Vaughn.

**House Resolution No. 160** -- Memorials, Retirement - Michael Lynn Cook. by \*Ferguson.

**House Resolution No. 161** -- Memorials, Interns - Antisha Rena Partee. by \*Miller L.

**House Resolution No. 162** -- Memorials, Recognition - Clarke Training School historical marker. by \*Shaw, \*DeBerry L, \*Turner L, \*Jones U, \*Langster, \*Pruitt, \*Towns, \*Cooper B, \*Favors, \*Vaughn, \*DeBerry J, \*Brown.

**House Joint Resolution No. 707** -- Memorials, Personal Occasion - Dellie Oakley, 90th Birthday. by \*Tidwell.

**House Joint Resolution No. 709** -- Memorials, Recognition - Dr. Stan M. Dickerson. by \*DuBois, \*Odom.

**House Joint Resolution No. 710** -- Memorials, Sports - J. J. Clark, UT Cross Country Coach. by \*Odom.

**House Joint Resolution No. 711** -- Memorials, Recognition - McDowell Elementary Chorus. by \*DuBois.

**House Joint Resolution No. 714** -- Memorials, Sports - Walter State Community College Women's Basketball Team. by \*Litz.

**House Joint Resolution No. 715** -- Memorials, Sports - Head Coach Ken Campbell and the Walters State Senators baseball team. by \*Litz.

**House Joint Resolution No. 716** -- Memorials, Sports - Walter State Community College Men's Basketball Team. by \*Litz.

**House Joint Resolution No. 717** -- Memorials, Personal Occasion - Mary Frances Blair Sharkey, 80th Birthday. by \*DeBerry L.

**House Joint Resolution No. 718** -- Memorials, Heroism - Lance Corporal Steven Charles Tyler Cates, United States Marine Corps. by \*Bone, \*Lynn.

**House Joint Resolution No. 719** -- Memorials, Recognition - Jack Perkins. by \*Cochran.

**House Joint Resolution No. 720** -- Memorials, Retirement - Ralph Overton. by \*Shepard.

**House Joint Resolution No. 721** -- Memorials, Interns - Keniqua Marie McAdams. by \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 722** -- Memorials, Interns - Russell Joel Blair. by \*Naifeh.

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**Senate Joint Resolution No. 461** -- Memorials, Interns - Deeann Jean Stratton. by \*Williams.

**Senate Joint Resolution No. 484** -- Memorials, Interns - Naydia R. Spears. by \*Norris.

Rep. Litz moved that all members voting aye on House Joint Resolution(s) No(s). 714, 715 and 716 be added as co-prime sponsors, which motion prevailed.

Rep. DuBois moved that all members voting aye on House Joint Resolution(s) No(s). 709 and 711 be added as co-prime sponsors, which motion prevailed.

Rep. Shaw moved that all members voting aye on House Resolution No. 162 be added as co-prime sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**SUPPLEMENTAL CONSENT CALENDAR**

**House Bill No. 1453** -- Sunset Laws - Department of safety, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Kernell, \*Brooks (Shelby), \*Cooper B.

On motion, House Bill No. 1453 was made to conform with **Senate Bill No. 933**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 1499** -- Sunset Laws - Tennessee registry of election finance, June 30, 2009. Amends TCA Title 2, Chapter 10 and Title 4, Chapter 29. by \*Kernell, \*Brooks (Shelby), \*Cooper B.

On motion, House Bill No. 1499 was made to conform with **Senate Bill No. 1105**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1116** -- Sexual Offenses - Redefines "victim" for purpose of sexual offenses to include defendant's spouse; deletes separate offenses of spousal rape and spousal sexual battery. Amends TCA Title 39, Chapter 13, Part 5. by \*McMillan, \*Maddox, \*Sontany, \*Todd, \*Baird, \*Marrero.

**House Bill No. 1566** -- DUI/DWI Offenses - Deletes separate offenses of child endangerment, aggravated child endangerment, and especially aggravated child endangerment and makes them sentence enhancements for DUI violation; requires law enforcement and judges to report information of person committing DUI accompanied by child under 18 to children's services as other cases of suspected child abuse or neglect. Amends TCA Title 37 and Title 55. by \*Overbey, \*Brooks (Shelby).

**House Bill No. 364** -- Motor Vehicles, Titling and Registration - Exempts disabled veterans from paying a renewal fee for the renewal of permanent placards. Amends TCA Section 55-21-103. by \*Newton.

On motion, House Bill No. 364 was made to conform with **Senate Bill No. 316**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 857** -- Sexual Offenses - Increases scope of offense of sexual battery by authority figure by including situation in which the defendant at time of offense was in a position of trust with the victim. Amends TCA Section 39-13-527. by \*Newton, \*Johnson R, \*McKee.

On motion, House Bill No. 857 was made to conform with **Senate Bill No. 879**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1587** -- Lobbying, Lobbyists - Requires registry of election finance to develop system for electronic registration and reporting. Amends TCA Title 3, Chapter 6, Part 1. by \*McMillan, \*Maddox.

**\*House Bill No. 110** -- Safety - Authorizes death benefit of \$25,000 from general fund to volunteer rescue squad workers killed in the line of duty. Amends TCA Title 7, Chapter 51, Part 2. by \*Coleman, \*McDaniel, \*Yokley.

On motion, House Bill No. 110 was made to conform with **Senate Bill No. 181**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2156** -- Flags - Requires all official flags of the United States or the state of Tennessee that are given to a recipient free of charge or sold or offered for sale in this state be manufactured in the United States. by \*Sargent, \*Sharp, \*DuBois, \*Casada, \*Johnson P, \*Harwell, \*Hill, \*Eldridge, \*Maggart, \*Rowland, \*Gresham, \*Hensley, \*Niceley.

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**\*House Joint Resolution No. 683** -- Highway Signs - "Lillamay Community Bridge," SR 249 over Brush Creek in Cheatham County. by \*Johnson P.

**\*House Joint Resolution No. 668** -- Naming and Designating - Names Tennessee National Guard Armory. by \*Fitzhugh.

**\*House Joint Resolution No. 688** -- Highway Signs - "Chief Willie Barnes Memorial Highway," I-40 from Exit 204 to Exit 205 in Davidson County. by \*Odom, \*Turner M, \*Moore.

**\*House Joint Resolution No. 348** -- General Assembly, Directed Studies - Creates special joint committee to study disproportionate confinement of minorities in the juvenile justice system. by \*DeBerry L.

**Senate Joint Resolution No. 356** -- Naming and Designating - "National Marina Day," August 13, 2005. by \*Ramsey, \*Herron.

**\*Senate Joint Resolution No. 277** -- General Assembly, Statement of Intent or Position - Urges Congress to stop budget cuts in agriculture-related programs and initiatives. by \*Burks, \*Kilby.

**\*Senate Joint Resolution No. 251** -- General Assembly, Statement of Intent or Position - Encourages the use of renewable energy. by \*Cooper.

**\*Senate Joint Resolution No. 229** -- Highways, Roads and Bridges - "Army of Tennessee Memorial Highway," S.R. 240 in Lawrence County. by \*Jackson, \*Henry.

**\*Senate Joint Resolution No. 80** -- General Assembly, Studies - Reauthorizes select joint committee on veterans affairs. by \*Crowe, \*Kilby.

**\*Senate Joint Resolution No. 161** -- Highway Signs - "Lance Corporal Steven Charles Tyler Cates Memorial Bridge," U.S. 70 spanning Cedar Creek in Mt. Juliet. by \*Beavers, \*Kurita.

**\*Senate Joint Resolution No. 438** -- Highway Signs - "James L. Simmons Bridge," Robinson Creek on S.R. 75 in Sullivan County. by \*Ramsey.

Rep. Odom moved that all members voting aye on House Joint Resolution No. 688 be added as co-prime sponsors, which motion prevailed.

**OBJECTION -- SUPPLEMENTAL CONSENT CALENDAR**

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

**House Bill No. 1116:** by Rep. Sargent

**House Bill No. 1587:** by Rep. Sargent

**House Bill No. 2156:** by Rep. Sargent

**House Joint Resolution No. 348:** by Rep. McMillan

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**Senate Joint Resolution No. 80:** by Rep. Hargett

**Senate Joint Resolution No. 438:** by Rep. Hargett

Under the rules, House Bill(s) No(s). 1116, 1587, 2156, House Joint Resolution No. 348 and Senate Joint Resolution(s) No(s). 80 and 438 were placed at the heel of the Supplemental Regular Calendar for May 27, 2005.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 2321** -- TennCare - Changes responsibility for administering TennCare from department of health to department of finance and administration; excuses state from processing TennCare applications for categories of enrollees that are no longer covered; makes TennCare foundation permissive instead of mandatory; requires comptroller to report annually to both speakers regarding cost and use of prescription drugs in nursing homes. Amends TCA Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68 and Title 71. by \*McMillan, \*Favors. (SB2300 by \*Kyle)

Rep. McMillan requested that House Bill No. 2321 be moved down 20 places on the Calendar.

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**Senate Bill No. 707** -- Child Custody and Support - Requires child support guidelines to be reviewed by department of human services every three years instead of every four years. Amends TCA Title 36, Chapter 5. by \*Haynes, \*Burks. (\*HB122 by \*Jones S, \*Marrero, \*Sontany, \*Fowlkes)

Further consideration of Senate Bill No. 707 previously considered on May 26, 2005, at which time the House adopted Amendment(s) No(s). 2 and reset the bill for today's Calendar.

Rep. S. Jones moved that Senate Bill No. 707, as amended, be passed on third and final consideration.

Rep. S. Jones moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. S. Jones moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cooper moved the previous question, which motion prevailed.

Rep. S. Jones moved that **Senate Bill No. 707** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 267** -- General Assembly - Requires newly elected or appointed members of the general assembly to attend a four-hour ethics training course. Amends TCA Title 3, Chapter 1, Part 1. by \*Stanley. (SB432 by \*Ketron)

On motion, House Bill No. 267 was made to conform with **Senate Bill No. 432**; the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 432 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 432 By deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following new section:

Section 3-1-115. An orientation shall be provided to all members elected or appointed to serve for their first term or partial term of office in the general assembly which shall include, as part of the orientation, instruction on ethics laws and rules which pertain to members of the general assembly.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Stanley moved that **Senate Bill No. 432**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 252** -- Traffic Safety - Requires license suspension of at-fault driver who hits pedestrian minor and causes serious bodily injury on school property or in area with special speed limits. Amends TCA Title 39 and Title 55. by \*Stanley, \*Hargett. (SB1752 by \*Person, Curtis)

On motion, House Bill No. 252 was made to conform with **Senate Bill No. 1752**; the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 1752 be passed on third and final consideration.

On motion, Rep. Fowlkes withdrew Judiciary Committee Amendment No. 1.

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On motion, Rep. Fowlkes withdrew Judiciary Committee Amendment No. 2.

Rep. Swafford moved the previous question, which motion prevailed.

Rep. Stanley moved that **Senate Bill No. 1752** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	19
Present and not voting .....	2

Representatives voting aye were: Armstrong, Bone, Briley, Brown, Buck, Bunch, Campfield, Cobb, Coleman, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Fitzhugh, Fowlkes, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Jones S, Langster, Litz, Lynn, Maddox, Maggart, Matheny, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Moore, Mumpower, Newton, Odom, Overbey, Pinion, Pruitt, Rinks, Roach, Rowland, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Baird, Borchert, Brooks (Knox), Clem, Cochran, Curtiss, Davidson, Davis, Ferguson, Fraley, Johnson R, Jones U, Kernell, McCord, Montgomery, Niceley, Pleasant, Sharp, Shaw -- 19.

Representatives present and not voting were: Cooper B, Marrero -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2130** -- Telecommunications - Creates Tennessee Broadband Task Force. Amends TCA Title 7, Chapter 52, Part 4; Title 40 and Title 67. by \*Maddox, \*Fitzhugh. (SB2152 by \*Herron)

On motion, House Bill No. 2130 was made to conform with **Senate Bill No. 2152**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 2152 be passed on third and final consideration.

Rep. Hargrove requested that Commerce Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Maddox moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2152 by deleting all language after the enacting clause of the introduced bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, Part 4, is amended by adding the following language:

Section 7-52-408.

(a) There is hereby created the Tennessee Broadband Task Force to examine the deployment of broadband in the state including, but not limited to, the following aspects of broadband service: regulation, cost, access to facilities, and market competition.

(b) The task force shall be composed of fourteen (14) members as follows:

(1) One (1) member from the office of the governor;

(2) One (1) member of the house of representatives appointed by the speaker of the house;

(3) One (1) member of the senate appointed by the speaker of the senate;

(4) One (1) member appointed by the governor representing the incumbent local exchange carriers;

(5) One (1) member appointed by the governor representing the competitive local exchange carrier;

(6) One (1) member appointed by the governor representing internet service providers;

(7) One (1) member appointed by the governor representing municipal utilities;

(8) One (1) member appointed by the chair of the Tennessee regulatory authority;

(9) The comptroller of the treasury or the comptroller's designee;

(10) One (1) member appointed by the governor representing a cellular phone provider;

(11) One (1) member appointed by the governor representing the Tennessee public television council;

(12) One (1) member appointed by the governor representing a cable television provider; and

(13) One (1) member appointed by the chair of the Tennessee emergency communications board.

(14) One (1) member appointed by the governor representing a provider of direct-to-home satellite services.

In making such appointments, the appointing authorities shall strive to ensure that the composition of the task force represents the diversity of persons in Tennessee by considering race, gender, age, and geographical and political interests.

Section 7-52-409. A majority of the members shall constitute a quorum. The speakers of the respective houses each shall appoint a co-chair from the members named to the task force. The task force shall meet quarterly and may meet more often upon a call of the co-chair.

Section 7-52-410.

(a) The task force shall prepare a baseline assessment of broadband deployment in Tennessee, and update such assessment as needed. Such assessment shall be submitted to the governor, the speaker of the senate, the speaker of the house of representatives and the Tennessee regulatory authority by January 1, 2006.

(b) The assessment shall include, but not be limited to, the number of digital subscriber lines in Tennessee and their location and use. Comparable information shall also be obtained for broadband deployment through cable systems. Nothing in this act shall require private industries to release proprietary information, including the penetration of customers or customer information.

(c) Telephone utilities and cable service providers shall submit information to the task force as needed to enable the task force to prepare the baseline assessment and updates on broadband deployment.

(d) The staff of the Tennessee regulatory authority shall provide such support and services as will aid the task force in completing its study.

Section 7-52-411. The task force shall complete its report by January 1, 2006.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Hargrove withdrew Commerce Committee Amendment No. 1.

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Rep. Maddox moved that **Senate Bill No. 2152**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1840** -- Traffic Safety - Requires driver of motorcycle or motorized bicycle to wear either a crash helmet or a bicycle helmet conforming to standards of specified testing agencies. Amends TCA Section 55-9-302. by \*Tidwell. (\*SB928 by \*Southerland, \*Burchett, \*Williams, \*Crowe, \*Jackson, \*Fowler)

On motion, House Bill No. 1840 was made to conform with **Senate Bill No. 928**; the Senate Bill was substituted for the House Bill.

Rep. Tidwell moved that Senate Bill No. 928 be passed on third and final consideration.

Rep. Pinion requested that Transportation Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Fitzhugh moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 928 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-302(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The driver of a motorcycle, motorized bicycle as defined in chapter 8 of this title, or motor-driven cycle and any passenger thereon shall be required to wear either a crash helmet meeting federal standards contained in 49 CFR § 571.218 or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

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(1) Except as provided in subdivisions (2), (3) and (4), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR § 571.218;

(2) Notwithstanding any provision in 49 CFR § 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided that no ventilation airway shall exceed one and one-half inches (1 ½") in diameter;

(3) Notwithstanding any provision in 49 CFR § 571.218, the protective surface shall not be required to be a continuous contour; and

(4) Notwithstanding any provision in 49 CFR § 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

On motion of Reps. Fitzhugh and Tindell, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

On motion, Rep. Pinion withdrew Transportation Committee Amendment No. 1.

Rep. Sharp moved the previous question, which motion prevailed.

Rep. Tidwell moved that **Senate Bill No. 928**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes.....1

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Brooks (Knox), Brown, Buck, Bunch, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Campfield -- 1.

A motion to reconsider was tabled.

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**\*House Bill No. 669** -- Teachers, Principals and School Personnel - Allows children of full-time public school technology coordinators to receive same tuition discount at state institutions of higher education as children of full-time certified public school teachers presently receive, which is 25 percent discount. Amends TCA Section 49-7-119. by \*Maddox, \*Brooks (Shelby). (SB1629 by \*Norris, \*Burks)

On motion, House Bill No. 669 was made to conform with **Senate Bill No. 1629**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that **Senate Bill No. 1629** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes.....1

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Ferguson, Fitzhugh, Fowlkes, Fraley, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Kelsey -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 954** -- Education - Rewrites process of request for proposals in construction management services provided to local boards of education. Amends TCA Section 49-2-203. by \*Hargett, \*Todd, \*McCormick. (SB1343 by \*Burchett)

On motion, House Bill No. 954 was made to conform with **Senate Bill No. 1343**; the Senate Bill was substituted for the House Bill.

Rep. Hargett moved that Senate Bill No. 1343 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1343 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(3)(C)(ii), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C)

(ii) Construction management services which are provided for a fee and which involve preconstruction and construction administration and management services, are deemed to be professional services and may be performed by a qualified person licensed under title 62, chapter 6. Construction management services are to be procured for each project through a written request for proposals process through advertisement made pursuant to Section 49-2-203(a)(3)(A). Advertisement is not required if the project is a continuation of phased construction at the same site. A board may include, in a single written request for proposals, process, new school construction at a single site and multiple renovation projects at multiple sites if the construction at all sites will occur at substantially the same time. The written request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include the construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees and costs, or any additional factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criterion for evaluation. The contract for such services will be awarded to the best qualified and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which such construction manager coordinates or oversees the planning, design, bid or construction phases of the project, except in instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager can perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A school system, at its own discretion, may perform work on the project with its own employees and include the coordination and oversight of this work as part of the services of the construction manager;

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion of Reps. Winningham and Hargett, Education Committee Amendment No. 1 was adopted.

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Rep. Fitzhugh moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1343 by deleting the third and fourth sentences in their entirety from the amendatory language of Section 1, as amended, and by substituting instead the following language:

A board may include, in a single written request for proposal process, new school construction or renovation projects at up to three (3) sites if construction at all sites occur at substantially the same time.

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1, as amended:

Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced.

On motion of Reps. Fitzhugh and Hargett, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Armstrong moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1343 By deleting in the amendatory language of Section 1 the language and punctuation "design,".

On motion, Amendment No. 3 was adopted.

Rep. Hargett requested that Senate Bill No. 1343 be moved down 5 places on the Calendar.

**House Bill No. 1728** -- Adoption - Requires that an interpreter be provided to a surrendering parent or guardian who is not fluent in English; interpreter must be provided prior to the final hearing on an adoption. Amends TCA Title 36, Chapter 1, Part 1. by \*Kernell, \*Brooks (Shelby). (\*SB1256 by \*Kyle, \*Burks)

On motion, House Bill No. 1728 was made to conform with **Senate Bill No. 1256**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1256 be passed on third and final consideration.

On motion, Rep. J. DeBerry withdrew Children and Family Affairs Committee Amendment No. 1.

On motion, Rep. Fitzhugh withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

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Rep. Kernell moved that **Senate Bill No. 1256** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, the House took up the Message Calendar at this time as follows:

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 581** -- DUI/DWI Offenses - Authorizes judge to sentence first-time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Section 55-10-403. by \*Curtiss, \*Brooks (Shelby). (\*SB79 by \*Burks, \*Herron)

**Senate Amendment No. 2**

AMEND House Bill No. 581 By deleting subdivision (A) of the amendatory language of SECTION 1 as amended by Senate Judiciary Committee Amendment No. 1 and substituting instead the following:

(A) In addition to the forty-eight (48) hour minimum period of incarceration required by this subsection for persons convicted of first offense driving under the influence of an intoxicant, the court shall require such offender to remove litter from state, county or city highways and streets for a period of forty-eight (48) hours.

Rep. Curtiss moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 581**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 632** -- Alcoholic Beverages - Includes Baneberry Golf Resort in Jefferson County in definition of premier type tourist resort for purposes of consumption of alcoholic beverages on the premises. Amends TCA Section 57-4-102. by \*Newton, \*Jones U, \*Litz. (\*SB599 by \*Cohen)

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 632**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 632 (Senate Bill No. 599) has met and recommends that the following amendments be deleted:

Senate Amendment No. 2 and Senate Amendment No. 4

The Committee further recommends that the following amendments be adopted:

House Amendment No. 2, House Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 3 and the following new amendment:

by deleting the effective date section and substituting instead the following new sections to be appropriately designated:

SECTION \_\_. Tennessee Code Annotated, Section 57-4-102(24), is amended by adding the following new subdivision to be appropriately designated:

( ) A commercially operated facility having all of the following characteristics. Such facility:

(i) Is a fully staffed 24 hours per day lodge located on thirty-six (36) acres of land offering at least one (1) meal per day along with hiking, biking, and horseback riding;

(ii) Has twelve (12) oversized rooms with king beds, private baths, and high speed internet access in the main lodge;

(iii) Has seventeen (17) one (1) and two (2) bedroom cabins which have full kitchens, wood burning fireplaces, hot tubs, and high speed internet access;

(iv) Has an eighteen hundred (1,800) square foot meeting facility with a capacity of up to one hundred twenty-five (125) persons, and a board room with a capacity of up to twelve (12) persons; both of which have high speed internet access;

(v) Has a volleyball court, a horseshoe pit, and picnic areas through out the property; and

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(vi) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin.

SECTION \_\_. This act shall take effect on August 1, 2005, the public welfare requiring it.

/s/ Senator Steve Cohen      /s/ Representative Chris Newton  
/s/ Senator Tim Burchett      /s/ Representative Ulysses Jones  
/s/ Senator Curtis Person      /s/ Representative John Litz

Rep. U. Jones moved that the Report of the Conference Committee on **House Bill No. 632** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....64  
Noes.....20  
Present and not voting .....7

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Cobb, Coleman, Cooper B, Curtiss, DeBerry L, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Hawk, Johnson C, Jones S, Jones U, Kernell, Langster, Litz, Maddox, Marrero, McCord, McCormick, McDaniel, McKee, McMillan, Miller L, Montgomery, Moore, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Shaw, Shepard, Sontany, Strader, Tidwell, Tindell, Towns, Turner L, Turner M, Vaughn, West, Winningham, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Bunch, Campfield, Clem, Davidson, DeBerry J, Dunn, Harwell, Hensley, Hill, Hood, Johnson P, Kelsey, Lynn, Maggart, Matheny, McDonald, Rowland, Sharp, Stanley, Swafford -- 20.

Representatives present and not voting were: Cochran, Davis, DuBois, Godsey, Johnson R, Todd, Watson -- 7.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 698** -- Handgun Permits - Adds requirement that applicant be a United States citizen to criteria for handgun carry permit eligibility. Amends TCA Section 39-17-1351. by \*Pleasant, \*Todd, \*Baird. (SB1627 by \*Norris, \*Kilby, \*Burks, \*Miller)

Rep. Pleasant moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1 to **House Bill No. 698**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 698**

Pursuant to **Rule No. 73**, Representative Pleasant moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 698, which motion prevailed.

The Speaker appointed Representatives Pleasant, Fowlkes and Briley as the House members of the Conference Committee on House Bill No. 698.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1010** -- Clerks, Court - Simplifies and makes more uniform the statewide system of court costs and fees. Amends TCA Title 8; Title 10; Title 16; Title 18; Title 22; Title 26; Title 30; Title 36; Title 38; Title 39; Title 40; Title 50; Title 55; Title 67 and Title 68. by \*Fowlkes, \*Coleman, \*Shaw. (SB1768 by \*Person, Curtis)

**Senate Amendment No. 1**

AMEND House Bill No. 1010 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Sections 8-21-402, 10-7-111, 10-7-117, 18-5-106, 30-2-709, and 36-2-314, are amended by deleting the sections in their entirety.

SECTION 2. Tennessee Code Annotated, Section 16-22-109(c), is amended by deleting the reference to § 8-21-401(a)(6) and substituting § 8-21-401.

SECTION 3. Tennessee Code Annotated, Section 22-2-204, is amended by deleting subdivision (a)(3).

SECTION 4. Tennessee Code Annotated, Section 26-5-108, is amended by deleting subdivision (b)(2).

SECTION 5. Tennessee Code Annotated, Section 30-2-306(b), is amended by deleting the subdivision in its entirety.

SECTION 6. Tennessee Code Annotated, Section 30-2-314(c), is amended by deleting the following language:

For these services the probate court clerk shall receive three dollars (\$3.00) for each notice given.

SECTION 7. Tennessee Code Annotated, Section 36-5-3009, is amended by deleting subsection (a) and by re-numbering subsequent sections accordingly.

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SECTION 8. Tennessee Code Annotated, Section 36-5-3009, is further amended by deleting subsection (d) and substituting instead the following:

(d) The clerk will file any request for transfer and carry out the requirements of this part, even without receiving the appropriate fee for such request. If not paid, such sum shall be added to the cost bill to be assessed by the transferee court.

SECTION 9. Tennessee Code Annotated, Section 36-5-3111, is amended by deleting subsection (a) and by re-numbering subsequent sections accordingly.

SECTION 10. Tennessee Code Annotated, Section 36-5-3111, is further amended by deleting subsection (d) and substituting instead the following:

(d) The clerk will file any request for registration and carry out the requirements of this part, even without receiving the appropriate fee for such request. If not paid, such sum shall be added to the cost bill to be assessed by the registering court.

SECTION 11. Tennessee Code Annotated, Section 40-11-215, is amended in subsection (a) by deleting the language:

“, and a redemption fee of two dollars and fifty cents (\$2.50)”;

and further amended in subsection (c) by deleting the language:

“ less the two dollars and fifty cents (\$2.50) redemption fee, which shall be retained by the clerk as fees for issuing the redemption certificate”;

and further amended in subsection (d) by deleting the language:

“, and the redemption fee of two dollars and fifty cents (\$2.50)”.

SECTION 12. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language “provided, that such cost for destruction shall not exceed twenty-five dollars (\$25.00)” from subdivision (a)(1) and by deleting the language “; provided such fee shall not exceed twenty-five dollars (\$25.00)” from subdivision (a)(6)(C).

SECTION 13. Tennessee Code Annotated, Section 50-6-244, is amended by deleting subdivisions (c)(2) and (c)(3) in their entirety.

SECTION 14. Tennessee Code Annotated, Section 67-5-2403, is amended by deleting subsection (b) and (c) in their entirety.

SECTION 15. Tennessee Code Annotated, Section 67-5-2410, is amended by deleting subdivision (c)(1) in its entirety and substituting instead the following:

(c)

(1) The sheriff shall receive as costs to be taxed against each delinquent, seven dollars and fifty cents (\$7.50) for serving all original processes and the statutory fees for all other services performed by the sheriff, and the clerks of the courts shall receive the statutory fees provided in § 8-21-401.

SECTION 16. Tennessee Code Annotated, Section 68-3-402, is amended by deleting subsection (c) in its entirety.

SECTION 17. Tennessee Code Annotated, Section 8-21-401, is amended by deleting the section in its entirety and substituting instead the following:

§ 8-21-401

(a) Except as provided otherwise, the costs provided in this statute shall be collected at the time services are rendered by the clerk or other officer of the court; however, this requirement for fees to be paid in advance shall not affect the manner in which costs are taxed and collected in criminal cases nor shall it affect the ability of a party to initiate a judicial proceeding by filing a pauper's oath. The payment of costs in advance in civil cases shall be deemed to satisfy the requirement for security to be given pursuant to § 20-12-120. The fees listed below do not include officer's fees for service of process as provided for in § 8-21-901 and elsewhere. These fees also do not include state and local litigation taxes.

(b) Fees in Civil Cases in Circuit and Chancery Court

(1)

(A) Unless otherwise provided below, court clerks in civil cases in courts of records shall charge a standard court cost of two hundred and twenty-five dollars (\$225) at the institution of a case. The types of cases covered by this fee would include, but not be limited to, actions for enforcement of contracts or breach of contract actions; injunctions; all torts, personal injury and property damage cases including malpractice and wrongful death suits; employment discrimination suits; civil rights suits; tax disputes; special remedies; other property disputes and any other type of actions not otherwise designated in this statute or elsewhere by law.

(B) In divorce cases involving minor children, the clerk shall charge a standard court cost of two hundred dollars (\$200) at the institution of a case. In divorce cases that do not involve minor children, the clerk shall charge a standard court cost of one hundred twenty-five dollars (\$125) at the institution of a case.

(C) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred and fifty dollars (\$150) at the institution of a case:

(i) Appeals to the circuit or chancery court from juvenile court, general sessions court, probate courts, municipal courts or an administrative hearing; writs of certiorari from lower courts or administrative hearings;

(ii) Transfers of cases from foreign counties;

(iii) Requests for writ of mandamus;

(iv) Worker's compensation actions;

(v) Condemnations/inverse condemnations; and

(vi) Quo warranto proceedings.

(D) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred dollars (\$100) at the institution of a case: adoptions, legitimations, paternity cases, restoration of citizenship, termination of parental rights, other domestic relations matters not otherwise designated, name changes, minor settlements, enforcement of foreign judgments, civil expungements where authorized by law, and orders of protection.

(E) In the following specific actions, the clerk shall charge a standard court cost of seventy-five dollars (\$75.00): child support enforcement and modification, including interstate support cases and civil contempt actions, and requests for modification of a parenting plan.

(F) In delinquent property tax cases, the clerk shall assess a filing fee of forty-two dollars (\$42.00) per parcel. For each parcel of property for which the judge issues an order to sell, there shall be a fee of one hundred dollars (\$100) for clerk's services related to that action.

(2)

(A) For the purposes of determining the fees of the clerk of court, when any third party complaint in a civil case is filed, the party filing the complaint shall be charged the same fee as was charged at the initiation of the original civil proceeding.

(B) The fee for cross-filings and counter complaints in civil cases in courts of record shall be one hundred dollars (\$100).

(c) The clerks of the various courts administering estates, guardianships, conservatorships, and other probate matters are entitled to demand and shall receive for their services the following fees:

(1) For opening and closing an estate, other than a small estate - \$225.

(A) For filing and docketing claims, giving notice and filing release on each claim for a decedent's estate, to be paid by claimant - \$11.00.

(B) For filing exceptions to claims against estates, mailing notices and entering order - \$42.00.

(2) For filing small estate affidavits - \$36.00.

(3) For filing a request for letters of guardianship and conservatorship; issuing all initial process and cost bond; entering order and issuing certificate of guardianships and conservatorship (not including fee of the sheriff); and including final accounting and order closing (regardless of court where files) - \$160.

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(4) For filing a new request for removal of disabilities of minority, and incompetence, filing affidavits and entering orders; for filing a new request to legitimate a person, change a name or correct a birth certificate and enter orders; for filing a new request for habeas corpus, filing cost bond, issuing process and enter orders (not including fee of the sheriff) - \$100.

(5) For filing requests under the Mental Health Law, compiled in title 33, issuing notices, entering return, and entering judgments after hearing (not including fee of the sheriff) - \$50.00.

(6) For filing and docketing any request, on an existing case other than a request to close the case, not otherwise provided for - \$18.00.

(7) For entering any order, on an existing case other than closing order, not otherwise provided for - \$12.00.

(8) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law, other than initial process - \$6.00.

(9) For filing any document not otherwise provided for in probate court - \$7.00.

(10) For filing, reviewing, recording annual or interim settlement or accounting and entering order approving settlement only - \$40.00.

**(d) Fees in Criminal Cases in Courts of Record.**

**(1)**

(A) Unless otherwise provided below, court clerks in criminal cases in courts of records shall charge a standard court cost of three hundred dollars (\$300). This fee would apply per case per defendant.

(B) The clerk would charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation, any post judgment actions or expungements.

(C) The clerk would charge a fee of seventy-five dollars (\$75.00) for criminal contempt actions (including criminal contempt proceedings in civil courts), for failure to appear, calling in a surety (in criminal cases), requests for bonding company release, requests to reinstate a driver license and requests for relief.

(D) Reimbursement from the state would be limited to the fees as currently allowed by law.

(e) Fees for Proceedings in Juvenile Court.

(1)

(A) Unless otherwise provided below, court clerks in juvenile proceedings shall charge a standard court cost of one hundred dollars (\$100). This fee shall apply to all juvenile proceedings not otherwise designated including, but not limited to requests to establish support/nonsupport; proceedings related to parentage; paternity cases; and legitimations.

(B) For requests for modification of child support the clerk shall charge a fee of seventy-five dollars (\$75.00).

(C) In the following actions, the clerk of the juvenile court shall charge a fee of forty-two dollars (\$42.00): juvenile traffic cases, consent orders, diversion and nonjudicial disposition of juvenile cases, voluntary motions to grant custody, marriage waivers, attachment pro corpus, bench warrants.

(D) In the following actions, the clerk of the juvenile court shall charge a fee of twenty-five dollars (\$25.00): restricted licenses, drug screenings, entering order of appeal and taking appeal bond, entering judgment from appellate court, entering order allowing rehearing, and special pleas.

(E) In the following actions, the clerk of the juvenile court shall charge a fee of sixty-two dollars (\$62.00): delinquency and unruly cases and felony and misdemeanor cases in juvenile court.

(f) Civil Actions in General Sessions Court

(1) General Sessions Civil Filing Fee - \$62.00

Unless otherwise provided elsewhere in this statute, court clerks in civil cases in general sessions court shall charge a standard filing fee of sixty-two dollars (\$62.00). This fee is intended to cover all initial court clerk's costs for initiating a civil proceeding in general sessions court including, but not limited to, hearings regarding short term mental health commitments, appeals of decisions denying the issuance of handgun permits, and requests not otherwise provided for. This fee would not apply to orders of protection which would have the same fee (when costs are adjudged) as in courts of record of one hundred dollars (\$100).

(2) When a general sessions court is exercising concurrent civil jurisdiction with a court of record, the clerk shall charge the litigation taxes and court costs applicable in courts of record.

(g) Criminal Actions in General Sessions Court.

(1)

(A) General Session Criminal Base Fee - \$62.00. This fee would be charged per conviction per defendant. For cases involving traffic citations, instead of sixty-two dollars (\$62.00) the base court cost shall be forty-two dollars (\$42.00).

(B) Failure to Appear - \$40.00. In cases where the defendant fails to appear or pay fines or costs and the court issues an attachment, bench warrant, capias or other process to compel the defendant's attendance at the court, the defendant would be charged an additional fee for clerk's costs of forty dollars (\$40.00).

(C) Calling in Surety - \$40.00. The clerk would charge this fee each time a scire facias or other proceeding is instituted to bring in a surety or make action against a bond in criminal cases for failure to appear.

(D) The clerk would charge a fee of seventy-five dollars (\$75.00) for requests for bonding company release or requests to reinstate a driver license.

(E) The clerk would charge a fee of one hundred dollars (\$100) for expungements.

(h) Clerk's Commissions

(1) Except as provided in subdivisions (2) and (3), for receiving and paying over all taxes, fines, forfeitures, fees and amercements, the clerk of the court is entitled to a five percent (5%) commission.

(2) In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission for receiving and paying over all taxes, fines, forfeitures, fees and amercements, shall be ten percent (10%) except as provided in subdivision (3).

(3) For receiving and paying over all privilege taxes on litigation, the clerk of the court is entitled to a six and seventy-five hundredths percent (6.75%) commission. The total amount of commissions receivable by the clerk of the court during any fiscal year shall not be less than the amount received by such clerk during the fiscal year ending June 30, 2005; provided, that if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005, then the total amount of commissions receivable by the clerk of the court for that fiscal year shall be reduced by a percentage equal to the percentage reduction in statewide litigation tax collections for that fiscal year.

(i) Other Fees of Court Clerks. The following fees apply uniformly in all courts (general sessions, juvenile, probate, circuit or chancery) and may be charged in addition to the fees for cases listed above.

(1) Standard Post Judgment Fee. Unless otherwise provided, court clerks in criminal and civil cases in all courts shall charge a standard post judgment fee of twenty-five dollars (\$25.00). This fee is charged per occurrence and would be charged regardless of whether judgment is enforced by garnishment, execution, levy or other process. This fee would also apply to postjudgment interrogatories, publications, motions to set installment payments and orders and pleas.

(2) For issuing a subpoena or subpoena duces tecum, the fee shall be six dollars (\$6.00).

(3) In all cases in all courts, the clerk shall charge a fee of five dollars (\$5.00) for each requested continuance. In addition to this fee, the clerk shall also collect a courtroom security enhancement fee of two dollars (\$2.00). The revenues from this two dollar (\$2.00) fee shall be deposited into the county general fund. All revenue from this fee shall be used exclusively for the purposes of providing security and enhancing the security of court facilities in the county. For each fiscal year, the court security committee created by § 16-2-505(d)(2) shall develop and submit recommendations to the county legislative body regarding how such funds shall be utilized. The fees for continuances shall be taxed at the judge's discretion and collected at the conclusion of the case. If multiple litigants request a continuance, the judge, in his or her discretion, may assess these fees to one or more parties.

(4) For making copies as requested other than for an original filing and other than when preparing a record upon appeal (per page), the fee shall be fifty cents (50¢).

(5) For making certification and seal, providing a copy of an abstract or providing driver license certification, the fee shall be five dollars (\$5.00).

(6) For receiving funds paid into court on confirmation of private sales and/or other funds paid into the clerk pursuant to court order, and collecting and paying out the proceeds, the fee shall be forty dollars (\$40.00). This fee also applies where there is a pre-judgment judicial attachment or similar process to bring property into the court's possession prior to judgment.

(7) For selling real or personal property under decree of court and receiving, collecting, and paying out the proceeds, a commission not to exceed ten percent (10%) on the amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits, in the discretion of the court. (The clerk shall collect the sheriff's fee, plus the sheriff's fee for each additional defendant in proceeding to sell real estate.)

(8) The clerks of the various courts have the authority to invest idle funds held under their control, not otherwise invested. Such investments shall be in banks or savings and loan associations operating under the laws of the state or under the laws of the United States; provided, that such deposits are insured under the federal deposit insurance corporation or the federal savings and loan insurance corporation. Such investments shall not exceed the amounts that are federally insured unless otherwise fully collateralized under a written collateral agreement or unless the funds are deposited with an institution that is a member of the state collateral pool. The interest on such investments shall become part of the fees of the court clerk and the clerk shall be required to account for interest received the same as with other fees received. Any funds authorized to be invested may be invested by the clerk in the local government investment pool administered by the state treasurer.

(9) Nothing in this section shall be construed to relieve the clerks of courts from the responsibility of investing funds held under their control pursuant to court order or under the rules of court. The interest on those investments shall accrue to the benefit of those directed by the court or by agreement of the parties to the litigation.

(10) For investing funds, the clerk shall receive a fee of five percent (5%) of the earnings of such investment.

(11) For preparing a record on appeal from a court of record to an appellate court, the fee shall be three-hundred (\$300).

(12) Whenever the clerk is required by law or by a judge to send documents by certified or registered mail, the clerk is entitled to recover his or her actual costs for mailing the documents.

(j) Earmarked Funds for Computerization. Out of all the general filing fees charged by court clerks, two dollars (\$2.00) of the amount collected shall be earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer related expenses at the discretion of the clerk. Such amount shall be preserved for these purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(k) Costs in Extraordinary Cases. In any extraordinary cases, the clerk may petition the judge to award reasonable costs in excess of the amounts provided in this section to reimburse the clerk for the additional services demanded by the case. In such cases, the clerk may also petition the judge to require an appropriate cost bond. For the purposes of this statute, an extraordinary case is defined as one in which there are ten or more plaintiffs or ten or more defendants.

(l) Charges to the State Unchanged. Notwithstanding any provision of this section to the contrary, any fees increased by this section which are assessed against the state or which otherwise represent a cost to the state in criminal cases, child support actions, mental health proceedings, actions under the Adult Protective Services Act, actions with regard to child care licensing, and collection efforts brought by the Department of Human Services shall be limited to the amounts chargeable prior to the effective date of these changes.

(m) Indigent parties. No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath in accordance with Rule 29 of the Rules of the Tennessee Supreme Court.

(n) The fees provided for in this section shall not apply to circuit court clerks, criminal court clerks, clerks and masters of chancery courts, clerks of courts of general sessions, county clerks, clerks of juvenile and probate courts, and clerks of law and equity courts in counties with a charter form of government that has a population of not less than three hundred and fifty thousand (350,000) nor more than four hundred and fifty thousand (450,000) according to the 2000 federal census of population or any subsequent federal census. In those counties, the clerks shall instead charge the fees provided for in 8-21-409. For the purpose of administering court costs and clerk's fees in counties affected by this subsection, any statutory reference to 8-21-401 shall be deemed to be a reference to 8-21-409.

SECTION 18. The following provisions are enacted as a new section in Title 8, Chapter 21, Part 4:

8-21-409

(a) Circuit court clerks, criminal court clerks, clerks and masters of chancery courts, clerks of courts of general sessions, clerks of trial justice courts, county clerks, clerks of juvenile and probate courts, and clerks of law and equity courts in counties with a charter form of government that has a population of not less than three hundred and fifty thousand (350,000) nor more than four hundred and fifty thousand (450,000) according to the 2000 federal census of population or any subsequent federal census, are authorized to demand and receive for their services, where appropriate, the following fees for services indicated:

(1) ISSUING PROCESS

(A) For issuing summons for each defendant, order of publication, attachment for property or witness, replevin, injunction, refunding bonds in equity cases, any notice required by law, fieri facias, scire facias, venditioni exponas, writ of possession, distringas, capias, writ of error, writ of certiorari, writ of supersedeas, or any other writ, ancillary attachments, distress warrants, and criminal summons ..... \$ 5.00

(B) For issuing subpoena to bring in paper or record, etc., and for issuing subpoena for each witness ..... 2.00

(C) For issuing state's warrant with affidavit ..... 4.00

(D) For issuing forcible entry and detainer warrant, or any other civil warrant in general sessions courts, or trial justice courts ..... 3.00

(E) For each additional name on any state or civil warrant ..... 1.00

(F) For summons to answer in city's or county's suit for taxes for each defendant ..... 3.00

(G) For issuing order to sheriff to summon jurors or commissioners to divide land ..... 3.00

(H) For preparation and issuance of garnishment to officer ..... 2.00

(I) For each copy of the above processes when required by law ..... 1.50

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(J) For each recognizance, bond or mittimus ..... 2.00

**(2) FILING INSTRUMENTS**

For filing each bond, bill, complaint, motion or other pleading, document, exhibit, or article, affidavit, record or paper, presentment or indictment, criminal warrant pending action from grand jury ..... 2.00

**(3) TAKING ACKNOWLEDGMENT ON LEGAL INSTRUMENTS**

(A) For qualifying each surety on a bond or for taking an affidavit ..... 2.00

(B) For affixing the seal on any legal instrument ..... 2.00

(C) For taking a deposition .....5.00

(D) For empaneling a jury ..... 2.00

(E) For examining a party in interrogatories ..... 5.00

**(4) RULE ENTRIES**

(A) For each order, bond, bill, complaint, motion or other pleading, document, exhibit, or article, affidavit, record or paper, presentment or indictment, criminal warrant, criminal summons, pending action from grand jury and return of process entered upon the rule, trial, or execution docket ..... 2.00

(B) For making and entering on execution docket each bill of costs ..... 3.00

(C) For entering each judgment ..... 3.00

(D) For entering judgment against state or county, where defendant is shown by execution to be insolvent ..... 3.00

(E) For entering order of appeal to any appellate court ..... 3.00

(F) For each probate of a witness ..... 1.50

(G) For furnishing each bill of costs .... 2.00

(5) MINUTE ENTRIES AND COPIES OF LEGAL INSTRUMENTS

(A) For entering minutes or a transcript of record, or copies of any pleadings, papers, and proceedings in a cause, per one hundred (100) words (four (4) figures are to be counted as a word) ..... 1.00

(B) Copy of indictment or presentment for a defendant in jail, copy of indictment in minute book, copy of indictment to warden of penitentiary .... 2.00

(C) Certified copy of sentence furnished to warden of penitentiary and certified copies and statements of sentence to workhouse for superintendent thereof and for county executive ..... 3.50

(D) For transcript of judgment and bill of costs for comptroller or treasurer..... 2.50

(E) For every certificate not included in some other service ..... 2.00

(F) Copy of commitment or acquittal to judicial cost accountant ..... 2.50

(G) Furnishing appointed attorneys, indigent defendants or petitioners with copies of documents at \$2.00 for the first page and \$1.00 for each additional page, not to exceed ..... 10.00

(6) COMMISSIONS

(A) Except as provided in subdivision (B), for receiving and paying over all taxes, fines, forfeitures, fees and amercements, the clerk of the court is entitled to a five percent (5%) commission.

(B) For receiving and paying over all privilege taxes on litigation, the clerk of the court is entitled to a six and seventy-five hundredths percent (6.75%) commission. The total amount of commissions receivable by the clerk of the court during any fiscal year shall not be less than the amount received by such clerk during the fiscal year ending June 30, 2005; provided, that if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005, then the total amount of commissions receivable by the clerk of the court for that fiscal year shall be reduced by a percentage equal to the percentage reduction in statewide litigation tax collections for that fiscal year.

(C) For selling property under decree of court, and receiving, collecting and paying out the proceeds, a commission not to exceed five percent (5%) on the amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits in the discretion of the court.

(D) On confirmation of private sales and receiving, collecting and paying out the proceeds, a commission of two percent (2%).

(E) Additional compensation allowable by court for accounts and settlements of administration and reports under reference.

(F) For receiving and paying out workers' compensation installment payments, five percent (5%) on the dollar.

(7) MISCELLANEOUS

(A) For drawing deed of conveyance under orders of the court, reciting all proper facts ..... \$ 20.00

(B) For deciding upon exceptions to answers, for each exception ..... 2.00

(C) For tax encumbrances report and services connected therewith ..... 3.00

(D) For receiving and recording a bank's sworn statement of capital stock paid up, and its financial condition, for executing trusts ..... 2.00

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(E) For each certificate as to tax bill, required to be made to the county trustee in such case ..... 1.00

(F) Workers' compensation settlements under § 50-6-304:

(i) For filing proceedings and entering any judgment thereon, minimum ..... 20.00

(ii) For each certified copy of the final judgment ..... 3.00

(G) For receiving and handling motor vehicle license and/or submitting abstracts on motor vehicle violations ..... 2.00

(H) For preparing and mailing correspondence notifying defendants and attorneys of record of the setting of criminal and civil cases on the court docket ..... 2.00

(I) For proceedings in adoption and legitimation cases, change of name, registration of citizenship cases, (plus any litigation tax, if applicable) ..... 75.00

(J) For proceedings in uncontested divorces (plus any litigation tax and divorce referee fees, if applicable) ..... 75.00

(K) For proceedings in expunging public records in the criminal, circuit, or general sessions courts, pursuant to § 40-35-313 or where an indictment, presentment or warrant was dismissed as a result of a diversion program according to §§ 40-15-102--40-15-105, inclusive ..... 40.00

(L)

(i) In criminal cases in a court of record, the circuit or criminal clerk has the option to charge a flat fee in lieu of itemizing the fees as set forth in subsection (a); the clerk's fee in misdemeanor and felony cases shall be (plus any state and local litigation tax applicable) ..... 250.00

(ii) In criminal cases in general sessions court, the clerk has the option to charge a flat fee in lieu of itemizing the fees as set forth in subsection (a); the clerk's fee for each conviction in criminal cases in general sessions court shall be ..... 40.00

(M) In the following cases the clerk may, at the clerk's option, charge a flat fee instead of itemizing the fees set out in subsection (a):

(i) The clerk's fee in contempt cases shall be ..... 35.00

(ii) The clerk's fee for cases involving child support enforcement shall be ..... 35.00

(iii) The clerk's fee for cases involving default judgments shall be, for each case ..... 75.00

(N) The clerk shall notify the office of the comptroller of the treasury and the county executive of the clerk's election to charge a flat fee in lieu of itemizing fees. The election to charge a flat fee shall apply to all cases set out in the previous item. Elections become effective on July 1, after notice, and shall remain effective indefinitely unless the clerk gives notice to the office of the comptroller of the treasury and to the county executive of a change in the election.

(O) For petitions for visitation of a minor child (including grandparent visitation) ..... 75.00

(P) For petitions for custody or change of custody of minor child ..... 75.00

(Q) For petitions to enter a foreign judgment ..... 75.00

(R) For filing and docketing petitions and orders not otherwise provided ..... 75.00

(S) For proceedings in claims for abandoned mineral interests cases pursuant to § 66-5-108 ..... 35.00

(T) In all cases where a fine is imposed, but is to be paid in installments, the clerk shall charge a fee for services in administering a deferred payment plan in accordance with § 40-24-101, in the amount of five percent (5%) of the total, not to exceed fifteen dollars (\$15.00).

(b) The clerks of the various courts of the state administering estates, guardianships, conservatorships and other probate matters are entitled to demand and shall receive for their services the following fees:

(1) For filing petition, entering order, recording bond and issuing original letters of administration in intestacy cases ..... \$60.00

(2) For filing petition to probate will and entering order, without issuing letters testamentary ..... 48.00

(3) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary when bond is waived, recording will ..... 66.00

(4) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary when bond is waived, recording will ..... 66.00

Plus for each additional page of will in excess of three (3) pages ..... 1.00

(5) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond ..... 72.00

(6) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond ..... 72.00

Plus for each additional page of will in excess of three (3) pages ..... 1.00

(7) For forwarding by mail the notice to the commissioner required by § 67-8-406(a) ..... 6.00

(8) For giving notice to creditors of the qualification of a personal representative as required by § 30-2-306(a) ..... 4.00

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(9) For each notice of claim against estate given as required by § 30-2-314 ..... 4.00

(10) For filing petition for letters of guardianship, issuing process and cost bond, entering order, and issuing original certificate of guardianship (not including fee of the sheriff) ..... 60.00

(11) For filing petition for removal of disabilities of minority, and entering order ..... 30.00

(12) For filing petition for removal of disabilities of insanity, filing affidavits and entering order ..... 30.00

(13) For filing petition for allowing year's support to spouses and entering all orders and reports ..... 30.00

(14) For filing petition to legitimate person, entering order, issuing certificates to be forwarded to the Tennessee office of vital records, maximum ..... 60.00

(15) For filing petition for change of name, and entering order, maximum ..... 60.00

(16) For filing inventory and recording same in inventory record book ..... 10.00

(17) For entering each order not otherwise provided for ..... 12.00

(18) For filing petition for habeas corpus, filing cost bond, issuing process, and entering order (not including fee of the sheriff) ..... 60.00

(19) For filing and recording annual settlement of guardians, conservators, administrators and executors and entering order approving settlement only ..... 30.00

Plus for each additional page in excess of three (3) pages ..... 1.00

(20) For filing and recording final settlement of guardians, conservators, administrators and executors and entering order approving settlement only ..... 36.00

Plus for each additional page in excess of three (3) pages ..... 1.00

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(21) For filing petition under the Mental Health Law, compiled in title 33, issuing notices of hearing, entering returns, and entering judgments after hearing (not including fees of sheriff) ..... 50.00

(22) For entering order increasing bonds of guardians, conservators, executors and administrators and recording bond ..... 22.00

(23) For issuing each additional copy of letters of administration, testamentary, guardianships and conservatorships ..... 6.00

(24) For each certificate issued, except under acts of congress ..... 4.00

(25) For each certificate issued under acts of congress ..... 6.00

(26) For issuing supplemental certificate showing letters to be in force ..... 6.00

(27) For making certified copies of documents, per page ..... 2.00

Plus for certificate ..... 2.00

(28) For making photocopies of documents, per page ..... 1.00

(29) For filing exceptions to claims against estates, mailing notices and entering orders ..... 42.00

(30) For filing petition for delayed or corrected birth certificate, and entering order ..... 36.00

(31) For filing and docketing claims against decedent's estate, each claim ..... 5.00

For filing release of each claim ..... 2.00

(32) For filing and docketing petition and order not otherwise provided for ..... 30.00

(33) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law ..... 11.00

(34) For filing small estate affidavits (includes certifying to one (1) copy) ..... 30.00

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- Each additional copy ..... 2.00
- (35) For filing petition and cost bond in causes involving sale of real estate ..... 18.00
- (36) For filing each answer in such causes ..... 7.00
- (37) For filing each report in such causes ..... 7.00
- (38) For issuing summons and return in such causes (includes copy of process) ..... 11.00
- (39) For entering orders pro confesso in such causes ..... 7.00
- (40) For issuing and entering order of publication in such causes ..... 7.00
- (41) For filing each amended petition in such causes ..... 10.00
- (42) For entering order appointing guardian ad litem in such causes ..... 12.00
- (43) For entering final order in each of such causes ..... 12.00
- (44) Commissions on funds paid into court on confirmation of private sales and/or other funds paid into the clerk pursuant to court order, and receiving, collecting and paying out the proceeds, a maximum commission of two percent (2%).
- (45) For selling property under decree of court and receiving, collecting, and paying out the proceeds, a commission not to exceed five percent (5%) on the amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits, in the discretion of the court.

(c) Indigent parties. No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath in accordance with Rule 29 of the Rules of the Tennessee Supreme Court.

(d) In each new case filed, the clerk may, at the clerk's option, charge an additional fee for data entry, such fee shall be ..... \$ 2.00.

(e) Fee for entering each continuance ..... 5.00.

(f) Investments

(1) The clerks of the various courts have the authority to invest idle funds held under their control, not otherwise invested. Such investments shall be in banks or savings and loan associations operating under the laws of the state or under the laws of the United States; provided, that such deposits are insured under the federal deposit insurance corporation or the federal savings and loan insurance corporation. Such investments shall not exceed the amounts that are federally insured unless otherwise fully collateralized under a written collateral agreement or unless the funds are deposited with an institution that is a member of the state collateral pool. The interest on such investments shall become part of the fees of the court clerk and the clerk shall be required to account for interest received the same as with other fees received. Any funds authorized to be invested may be invested by the clerk in the local government investment pool administered by the state treasurer.

(2) Nothing in this section shall be construed to relieve the clerks of courts from the responsibility of investing funds held under their control pursuant to court order or under the rules of court. The interest on those investments shall accrue to the benefit of those directed by the court or by agreement of the parties to the litigation.

(3) For investing funds, the clerk shall receive a fee of five percent (5%) of the earnings of such investment.

(g)

(1) In delinquent property tax cases, the clerks of the courts shall receive a fee for basic services, to be specified by order of the courts, against each delinquent upon the filing of the complaint. Additionally, the clerk shall receive for other services the statutory fees allowed the clerks under existing laws.

(2) For annually providing the to the county trustee the list of delinquent taxpayers mandated by 67-5-2403, the clerk shall receive a fee of five dollars (\$5.00) for each property listed for each year which shall be added to all the fees and costs in such suits.

SECTION 19. Tennessee Code Annotated, Section 16-15-5007, is amended by deleting the following language:

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In order to defray the additional expenses the administrative director of the courts will incur in adequately serving the general sessions judges, there is levied a litigation tax of one dollar (\$1.00) on each civil case filed in general sessions court, or in a court where the general sessions judge serves as judge. The litigation tax imposed by this section does not apply to cases in juvenile court. The revenue generated by such tax shall be transmitted to the state treasurer for deposit, and fifty percent (50%) of the proceeds shall be credited to the account of the administrative director of the courts to be used to defray the expenses of serving the general sessions courts and the Tennessee general sessions judges' conference. The remaining fifty percent (50%) of the proceeds shall be used to defray the cost of retirement pay of retired general sessions judges.

SECTION 20. Tennessee Code Annotated, Section 16-18-305(b), is amended by deleting the following language:

Notwithstanding the apportionment provisions of § 67-4-606, or any other law to the contrary, all revenue derived from such privilege tax shall be forwarded by the clerk to the state treasurer and shall be deposited into the civil legal representation of indigents fund authorized and created under § 16-3-808.

and substituting instead the following:

The revenue generated by the privilege tax levied by this subsection shall be apportioned in accordance with the provisions of § 67-4-606.

SECTION 21. Tennessee Code Annotated, Section 39-13-709, is amended by deleting subsection (c)(2) in its entirety and by substituting instead the following:

Ninety-five percent (95%) of the tax paid hereunder shall be deemed a litigation tax imposed pursuant to § 67-4-602 and shall be includible as an amount subject to apportionment pursuant to § 67-4-606.

SECTION 22. Tennessee Code Annotated, Section 40-24-107(a)(5), is amended by deleting the words "for deposit in the fund established by this section" and by substituting instead the words "for apportionment pursuant to the provisions of § 67-4-606".

SECTION 23. Tennessee Code Annotated, Section 40-24-107(b), is amended by deleting the words "deposited upon receipt to the criminal injuries compensation fund" and by substituting instead the words "apportioned pursuant to the provisions of § 67-4-606".

SECTION 24. Tennessee Code Annotated, Section 67-4-602, is amended by deleting the section in its entirety and substituting instead the following:

67-4-602. Tax Imposed

(a) There is levied a privilege tax on litigation of twenty-nine dollars and fifty cents (\$29.50) on all criminal charges, upon conviction or by order, instituted in this state.

(b) There is levied a privilege tax on litigation of twenty-three dollars and seventy-five cents (\$23.75) in all civil cases in this state in chancery court, circuit court, or general sessions court when exercising state court jurisdiction. When a general sessions court is exercising state court jurisdiction, except with regard to cases in juvenile court, there is levied an additional privilege tax of one dollar (\$1.00).

(c) There is levied a privilege tax on litigation of seventeen dollars and seventy-five cents (\$17.75) in all civil cases in this state in general sessions court when not exercising state court jurisdiction.

(d) In all civil cases in municipal courts in this state the clerk of the court shall collect a litigation tax in accordance with the provisions of § 16-18-305. When a municipal court is exercising general sessions jurisdiction, the clerk of the court shall collect a privilege tax on litigation in those cases that is the same as the tax collected by other general sessions courts in comparable cases.

(e)

(1) In addition to any other tax imposed by this chapter, there is levied a privilege tax on litigation of three dollars (\$3.00) on all criminal charges, upon conviction or by order, instituted in the general sessions court in any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725) according to the 1980 federal census or any subsequent federal census. Notwithstanding the apportionment provisions of § 67-4-606, each levy of this tax shall be paid into the office of the county clerk of such county with the proceeds to be credited to a separate reserve account in the county fund. The proceeds shall be disbursed to expand the use of the appropriate law enforcement officers for walking patrols within public housing subdivisions and in localities within such county that traditionally experience greater incidence of crime. The proceeds may also be used by the respective police department to fund police cadet programs conducted by such department in localities within such county that traditionally experience greater incidence of crime.

(2) Five percent (5%) of the proceeds collected under subdivision (e)(1) shall be retained by the office of the county clerk collecting the tax for the purpose of effectuating the provisions of this subsection (e).

(f)

(1) In addition to any other tax levied by this chapter, there is levied an additional privilege tax on litigation of one dollar (\$1.00) on all criminal charges, upon conviction or by order, instituted in any state or county court for any violation of title 55, chapter 8 or for a violation of any ordinance governing use of public parking space.

(2) Notwithstanding the provisions of this chapter or any private act or resolution of a county legislative body to the contrary, no litigation taxes shall apply to any charge prosecuted for an offense under § 55-8-188.

(g) The privilege taxes imposed by § 40-24-107 are deemed litigation taxes, collectible by the respective court clerks as otherwise provided in § 67-4-603 and subject to apportionment according to § 67-4-606; however, the designation of these taxes as litigation taxes shall not change the clerk's fee provided for in § 40-24-107 nor shall it alter the priority of collection or distribution of monies collected by the clerk in cases where these taxes are levied.

(h) The privilege tax imposed by § 39-13-709, after deduction for administrative costs under subsection (c)(1) thereof, is deemed a litigation tax, collectible by the respective court clerks as otherwise provided in § 67-4-603 and subject to apportionment according to § 67-4-606; however, the designation of these taxes as litigation taxes shall not change the clerk's fee provided for in § 39-13-709(c)(1) nor shall it alter the priority of collection or distribution of monies collected by the clerk in cases where these taxes are levied.

(i) Every person from whom the clerks of the various courts are required to collect the tax imposed by this section shall be liable for the tax imposed by this section.

SECTION 25. Tennessee Code Annotated, Section 67-4-603, is amended by adding the following as a new subsection:

(\_) The clerks of the various courts shall collect and remit the various privilege taxes on litigation as well as the various fines, fees and court costs which are remitted to the state and shall report them on forms prescribed by the commissioner.

SECTION 26. Tennessee Code Annotated, Section 67-4-606, is amended by deleting the section in its entirety and substituting instead the following:

(a) The privilege tax collected under this part shall be paid into the state treasury and the proceeds shall be divided as follows:

(1) Three hundred twenty ten thousandths percent (0.0320%) of the proceeds shall be deposited in a fund established for the operation of the Tennessee corrections institute. This amount shall not revert to the state general fund and shall not be subject to impoundment or allotment reserve, but shall be managed on a revolving non-quarter basis;

(2) Four and four thousand four hundred thirty ten thousandths percent (4.4430%) of the proceeds shall be credited to a separate reserve account in the general fund to be used only by the departments of education and safety to promote and expand driver education through the public schools of this state and to promote safety on the highways, subject to the general law with respect to the allocation of funds by the commissioner of finance and administration as follows:

(A) Seventy-five percent (75%) of the amount provided for in this subdivision (a)(2) shall be allocated to the department of education to be used only for the purposes as set forth in this subdivision (2); and

(B) Twenty-five percent (25%) of the amount provided for in this subdivision (a)(2) shall be allocated to the department of safety to be used only for the purposes as set forth in this subdivision (2);

(3) Twenty-five and four thousand four hundred eighty-three ten thousandths percent (25.4483%) of the proceeds shall be allocated to the general fund;

(4) Four and eight thousand one hundred eighty-six ten thousandths percent (4.8186%) of the proceeds shall be held in the state treasury and disbursed and used only for the purpose of providing funds to aid in meeting the cost of benefits provided for county judges by title 8, chapters 34-37. This amount shall be used to secure actuarial soundness, and shall not be used to improve any retirement benefit, increase any actual contribution or for any purpose other than that stated in this section;

(5) Nine and four thousand eight hundred fifty-four ten thousandths percent (9.4854%) of the proceeds shall be held in the state treasury and disbursed and used only for the purpose of providing funds to aid in meeting the costs of benefits provided for county officials by title 8, chapters 34-37. This amount shall be used to secure actuarial soundness, and shall not be used to improve any retirement benefit, decrease any actual contribution or for any purpose other than that stated in this section;

(6) Six thousand five hundred fifty-three ten thousandths percent (0.6553%) of the proceeds shall be held in the state treasury and disbursed only upon request of the administrative director of the courts and used only for the purpose of funding the state court clerks' conference established in § 18-1-501. No state funds shall be obligated or expended pursuant to this section for the purpose of funding the state court clerk's conference unless such meeting is held in a state facility when practical. In the event it is not practical to hold such meeting in a state park, the reasons and cost therefore must be set forth in writing by the affected agency head and shall be forwarded to the commissioner of finance and administration;

(7) Eight thousand four hundred six ten thousandths percent (0.8406%) of the proceeds shall be allocated to the victims of crime assistance fund created pursuant to § 9-4-205;

(8) Fifteen and eight thousand four hundred seventy-one ten thousandths percent (15.8471%) of the proceeds shall be allocated to the criminal injuries compensation fund;

(9) One and three thousand seven hundred fifty-five ten thousandths percent (1.3755%) of the proceeds shall be allocated to the victims of drunk drivers compensation fund;

(10) Three and seven thousand six hundred fifty-three ten thousandths percent (3.7653%) of the proceeds shall be transferred to the state treasury and used entirely to fund the provisions of § 40-14-207;

(11) Five thousand five hundred twenty-nine ten thousandths percent (0.5529%) of the proceeds shall be credited to the account of the administrative director of the courts to be used to defray the expenses of serving the general sessions courts and the Tennessee general sessions judges' conference;

(12) Five thousand five hundred twenty-eight ten thousandths percent (0.5528%) of the proceeds shall be used to defray the cost of retirement pay of retired general sessions judges;

(13) Nineteen and two thousand nine hundred two ten thousandths percent (19.2902%) of the proceeds shall be transferred to the state treasurer who shall credit the same to the public defender program;

(14) Seven and four thousand seven hundred one ten thousandths percent (7.4701%) of the proceeds shall be credited to the civil legal representation of indigents fund authorized and created under §16-3-808;

(15) Two and three thousand fifty-six ten thousandths percent (2.3056%) of the proceeds shall be deposited in the state general fund and earmarked for grants to local governments for the purchase and maintenance of and line charges for electronic fingerprint imaging systems. These grants shall be awarded and administered by the office of criminal justice in the department of finance and administration. The general assembly may appropriate a portion of the earmarked funds derived from this subsection (a)(15) to the Tennessee bureau of investigation for the purchase, installation, maintenance, and line charges for electronic fingerprint imaging systems. Prior to the purchase of any electronic fingerprint imaging system, a law enforcement agency or local government shall obtain certification from the Tennessee bureau of investigation that such equipment is compatible with the Tennessee bureau of investigation's and the federal bureau of investigation's integrated automated fingerprint identification system;

(16) Three thousand four hundred twenty-six ten thousandths percent (0.3426%) of the proceeds shall be credited to the sex offender treatment fund created pursuant to § 39-13-709; and

(17) Two and seven thousand seven hundred forty-seven ten thousandths percent (2.7747%) of the proceeds shall be credited to a separate reserve account in the general fund to be used only by the department of education to promote and expand driver education through the public schools of this state.

(b) Notwithstanding any provision of this section to the contrary, the total amount allocated to a fund or program for any fiscal year pursuant to subsection (a), except the general fund, shall not be less than the amount allocated to such fund or program during the fiscal year ending June 30, 2005; provided, that if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005, then the total amount allocated to a fund or program for that fiscal year shall be reduced by a percentage equal to the percentage reduction in statewide litigation tax collections for that fiscal year.

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SECTION 27. Tennessee Code Annotated, Section 16-18-305, is amended by adding the following as a new, appropriately designated subsection:

( ) For receiving and paying over all privilege taxes on litigation, the clerk of a municipal court is entitled to a two percent (2%) commission.

SECTION 28. This act shall take effect January 1, 2006, the public welfare requiring it.

**Senate Amendment No. 2**

AMEND House Bill No. 1010 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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

**Senate Amendment No. 3**

AMEND House Bill No. 1010 by deleting subsection (a) of § 8-21-401 of the amendatory language of SECTION 17 of Amendment No. 1 and substituting instead the following language:

(a) Except as provided otherwise by law, the costs provided in this statute in civil cases are chargeable and may be collected at the time the services are requested from the clerk or other officer of the court; however, nothing in this statute should be construed to limit the ability of a party to initiate a judicial proceeding by filing a pauper's oath. In cases where payment of the clerk's fees would create a substantial hardship for a party, judges are encouraged to use the discretion provided in Rule 29 of the Tennessee Rules of the Supreme Court to find that the party is indigent even if that person does not meet the Legal Services Corporation's poverty guidelines. If a party, other than a party who initiated a proceeding under a pauper's oath, pays costs at the time the services are requested, such payment shall be deemed to satisfy the requirement for security to be given for costs pursuant to § 20-12-120. In proceedings covered by subdivision (b)(1)(A), below, and in workers compensation complaints, the attorney filing the action shall have the option to sign a cost bond in lieu of the party paying the clerk's fees at the time services are requested. These requirements for fees to be paid or security provided when services are requested from the clerk do not apply in criminal cases. The fees listed below do not include officer's fees as provided for in § 8-21-901 and elsewhere. These fees also do not include state and local litigation taxes.

**Senate Amendment No. 4**

AMEND House Bill No. 1010 by deleting from subsection (f)(1) of § 8-21-401 of the amendatory language of SECTION 17 of Amendment No. 1 the language "sixty-two dollars (\$62.00)" wherever it appears in such subsection and substituting instead the language "forty-two dollars (\$42.00)".

**Senate Amendment No. 5**

AMEND House Bill No. 1010 by deleting § 8-21-401(d)(1)(C) of the amendatory language of SECTION 17 of Amendment No. 1 and substituting instead the following:

(C) The clerk shall charge a fee of seventy-five dollars (\$75.00) for criminal contempt actions (including criminal contempt proceedings in civil courts), for failure to appear, requests for bonding company release from final forfeiture, requests to reinstate a driver license and requests for relief.

FURTHER AMEND by deleting § 8-21-401(g)(1)(C) of the amendatory language of SECTION 17 of Amendment No. 1 and substituting instead the following:

(C) Calling in Surety - \$40.00. The clerk shall charge the defendant this fee each time a scire facias or other proceeding is instituted to bring in a surety or make action against a bond in criminal cases for failure to appear.

FURTHER AMEND by deleting § 8-21-401(g)(1)(D) of the amendatory language of SECTION 17 of Amendment No. 1 and substituting instead the following:

(D) The clerk shall charge a fee of seventy-five dollars (\$75.00) for requests for bonding company release from final forfeiture or requests to reinstate a driver license.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1, 2, 3, 4 and 5 to **House Bill No. 1010**, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Davis, Godsey -- 2.

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A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1090** -- Campaigns and Campaign Finance - Limits amount person can contribute to state political party or caucus of such political party established by members of either house of the general assembly to \$25,000 per election. Amends TCA Title 2, Chapter 10, Part 3. by \*McMillan, \*Rinks, \*Hargrove, \*Litz, \*Yokley, \*Sontany, \*Coleman, \*Cobb, \*Fitzhugh, \*Turner M, \*Brown. (\*SB999 by \*Haynes, \*Burks)

Further consideration of House Bill No. 1090 previously considered on May 24, 2005, May 25, 2005 and May 26, 2005, at which time it was reset for today's Message Calendar.

Rep. McMillan requested that House Bill No. 1090 be moved to the heel of the Message Calendar.

**EXCUSED**

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

Representative Brooks (Shelby); illness.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1213** -- Motor Vehicles - Authorizes persons 18 years or older riding a motorcycle as a driver or passenger in a parade traveling at a speed of not more than 30 miles an hour to ride without a crash helmet. Amends TCA Section 55-9-302. by \*Davidson. (\*SB1324 by \*Burchett, \*Henry, \*Miller, \*Southerland, \*Burks)

**Senate Amendment No. 1**

AMEND House Bill No. 1213 By deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-9-302(b) is amended by adding the following language as a new, appropriately designated subdivision:

(4) In a parade at a speed not exceed thirty (30) miles per hour, if the person is eighteen (18) years or older;

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

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Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1213.

Rep. Tidwell moved the previous question on the motion to concur, which motion prevailed.

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1213**, which motion prevailed by the following vote:

Ayes .....	76
Noes.....	14
Present and not voting .....	1

Representatives voting aye were: Baird, Bone, Borchert, Briley, Brooks (Knox), Buck, Bunch, Casada, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Dunn, Eldridge, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Johnson C, Johnson P, Johnson R, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Pinion, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Armstrong, Brown, Campfield, Clem, Favors, Hargett, Hood, Kernell, Odom, Overbey, Pleasant, Shaw, Turner L, Turner M -- 14.

Representatives present and not voting were: DuBois -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1405** -- Probation and Parole - Allows certain probation officers who meet POST certification standards and are employed by probation offices operated by governmental entities to serve warrants, make arrests, and bring probationers before the court when directed by the court to do so. Amends TCA Title 40, Chapter 28 and Title 40, Chapter 35, Part 3. by \*Tindell, \*Armstrong. (SB1957 by \*Burchett)

**Senate Amendment No. 1**

AMEND House Bill No. 1405 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following as a new subsection:

(o)

(1) A probation officer meeting the requirements of this subsection shall have the authority to serve warrants and make arrests pursuant to such warrants that relate solely to their duties as probation officers. A probation officer shall also have the authority to bring probationers before the court when directed by the court to do so. While acting in the performance of their duties as probation officers, they shall have the same authority as a peace officer while serving warrants and making arrests pursuant to such warrants that relate solely to their duties as probation officers.

(2) The provisions of subdivision (1) shall only apply to a probation officer:

(A) In a county having a charter form of government;

(B) Employed by a probation office operated by a governmental entity;

(C) Who has completed training equal to the training required by the standards of the peace officer's standards and training commission (POST); and

(D) Who successfully completes at least forty (40) hours of appropriate in-service training each year.

(3) Because a probation officer meets the standards and requirements of subdivision (2), does not mean such officer is eligible for the pay supplement for state certified officers authorized in § 38-8-111.

(4) The provisions of this subsection shall not apply to a state probation officer employed by the board of probation and parole and paid by the state of Tennessee.

SECTION 2. This act shall take effect on July 1, 2005, the public welfare requiring it.

Rep. Tindell moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 1405**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1439** -- Sunset Laws - Tennessee higher education commission, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by \*Kernell, \*Brooks (Shelby), \*Cooper B. (\*SB942 by \*Harper, \*Finney)

**Senate Amendment No. 1**

AMEND House Bill No. 1439 by deleting Section 2 of the introduced bill in its entirety and substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding a new item thereto, as follows:

( ) Tennessee higher education commission, created by § 49-7-201;

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1439**, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1452** -- Sunset Laws - Elevator safety board, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 121. by \*Kernell, \*Brooks (Shelby), \*Cooper B. (\*SB932 by \*Harper, \*Finney, \*Beavers)

**Senate Amendment No. 2**

AMEND House Bill No. 1452 by adding the following new section before the effective date section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ . Tennessee Code Annotated, Section 68-121-109 is amended by adding the following new subsection:

(c)

(1) As provided in the applicable codes of the American Society of Mechanical Engineers (ASME) as adopted by the Tennessee Elevator Safety Board, each elevator shall have a means of two-way communication. Such code requirement of two-way communication may be satisfied with a dedicated line, a line consolidation technology that enables the simultaneous operation of more than one (1) communication device or an intercom system where a central answering location is staffed twenty-four (24) hours a day.

(2) If the state chooses to upgrade its two-way communication system in elevators in state facilities, funds in the facilities revolving fund may be used for such upgrade.

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1452**, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1620** -- Boards and Commissions - Provides that establishment that derives more than 50 percent of its gross revenue from the sale of sexually-oriented material is an "adult bookstore" under the Adult-Oriented Establishment Registration Act regardless of the name under which the material is sold. Amends TCA Title 7, Chapter 51, Part 11. by \*Overbey, \*Strader. (SB1980 by \*Burchett, \*Kilby, \*Jackson, \*Burks, \*Williams, \*Person, Curtis, \*Cooper, \*Hagood, \*Ramsey, \*McLeary, \*Bowers, \*Kurita, \*Beavers, \*Black, \*McNally, \*Harper, \*Finney, \*Fowler, \*Ketron, \*Tracy)

**Senate Amendment No. 2**

AMEND House Bill No. 1620 By deleting subsection (a)(1) of the amendatory language of SECTION 1 as amended by Senate Judiciary Committee Amendment # 1 and substituting instead the following:

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(1) A violation of this part shall, for a first offense, be a Class B misdemeanor punishable by fine only of five hundred dollars (\$500) and shall result in the suspension or revocation of any license.

**Senate Amendment No. 3**

AMEND House Bill No. 1620 By deleting subsection (a)(2) of the amendatory language of SECTION 1 as amended by Senate Judiciary Committee Amendment # 1 and substituting instead the following:

(2) A second or subsequent violation of this part is a Class A misdemeanor and shall result in the suspension or revocation of any license.

Rep. Overbey moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 1620**, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1952** -- Taxes, Sales - Extends special allocation of sales tax revenue on tickets and concessions to municipalities with an East Coast Hockey League or Central Hockey League franchise. Amends TCA Title 67, Chapter 6. by \*Bone, \*McMillan. (SB2131 by \*Beavers, \*Kurita, \*Miller)

**Senate Amendment No. 2**

AMEND House Bill No. 1952 by amending the amendatory language of Sections 1 and 2 by adding the language "and only if such municipality or any board or instrumentality thereof reimburses the state for any costs to reallocate apportionments of such tax revenue under this section" between the language "franchise for that municipality," and the language "then an amount shall be apportioned".

AND FURTHER AMEND by deleting the new section added by House Amendment No. 1.

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Rep. Bone moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1952**, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2274** -- Environmental Preservation - Enacts the Cumberland Plateau Conservation Foundation to preserve and protect natural resources in certain counties. Amends TCATitle 11, Chapter 7. by \*McMillan, \*McDonald, \*Coleman, \*Moore, \*Fowlkes, \*Johnson R, \*DuBois, \*Marrero. (SB2259 by \*Kyle)

**Senate Amendment No. 3**

AMEND House Bill No. 2274 by deleting in its entirety subsection (h) of the third un-numbered amendatory Section in SECTION 2 of the bill as amended and by substituting instead the following:

(h) The board shall submit an annual report to the governor, speaker of the house, speaker of the senate, comptroller of the treasury, chairperson of the senate environment, conservation and tourism committee, chairperson of the house conservation and environment committee, chairperson of the senate government operations committee, and chairperson of the house government operations committee by June 30 of each year. Such report shall include detailed information on the operation and financial status of the trust fund and any non-profit entity created pursuant to section \_\_\_(f).

Rep. McDonald moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2274**, which motion prevailed by the following vote:

Ayes .....75  
Noes.....12  
Present and not voting .....4

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Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Casada, Cobb, Coleman, Cooper B, Crider, Curtiss, Davidson, DeBerry L, DuBois, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Gresham, Hackworth, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hood, Johnson C, Johnson R, Jones S, Kelsey, Kernell, Langster, Litz, Maddox, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Moore, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Sargent, Shaw, Shepard, Sontany, Stanley, Strader, Tidwell, Tindell, Towns, Turner L, Turner M, Vaughn, Watson, West, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Campfield, Clem, Cochran, Davis, Dunn, Godsey, Hargett, Hill, Lynn, Maggart, Mumpower, Swafford -- 12.

Representatives present and not voting were: Johnson P, Rowland, Sharp, Todd -- 4.

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 2274 and have this statement entered in the Journal: Rep(s). Watson.

### SPECIAL ORDER

Rep. Hargett moved that immediately following the conclusion of the Message Calendar, the House take up items on the Regular Calendar that are not required to follow the passage of the Appropriations Bill. The motion, seconded by Rep. McMillan, prevailed.

Without objection, it was so ordered.

### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE MESSAGE

**House Bill No. 1090** -- Campaigns and Campaign Finance - Limits amount person can contribute to state political party or caucus of such political party established by members of either house of the general assembly to \$25,000 per election. Amends TCA Title 2, Chapter 10, Part 3. by \*McMillan, \*Rinks, \*Hargrove, \*Litz, \*Yokley, \*Sontany, \*Coleman, \*Cobb, \*Fitzhugh, \*Turner M, \*Brown. (\*SB999 by \*Haynes, \*Burks)

Further consideration of House Bill No. 1090 previously considered on today's Message Calendar.

### BILL HELD ON DESK

Rep. McMillan moved that House Bill No. 1090 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

**Senate Bill No. 1343** -- Education - Rewrites process of request for proposals in construction management services provided to local boards of education. Amends TCA Section 49-2-203. by \*Burchett. (\*HB954 by \*Hargett, \*Todd, \*McCormick)

Further consideration of Senate Bill No. 1343 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1, 2 and 3.

Rep. Hargett moved that Senate Bill No. 1343, as amended, be passed on third and final consideration.

Rep. Crider moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1343 By deleting the language "or renovation" from the amendatory language of Section 1, as amended by House Amendment No. 2.

Rep. Crider moved adoption of Amendment No. 4, which motion failed by the following vote:

Ayes .....	33
Noes.....	48
Present and not voting .....	5

Representatives voting aye were: Briley, Buck, Cobb, Cooper B, Crider, Dunn, Eldridge, Fowlkes, Godsey, Hackworth, Harmon, Hawk, Hensley, Johnson C, Jones S, Kelsey, Kernell, Langster, Litz, Maddox, Matheny, McCormick, McDaniel, Newton, Niceley, Odom, Pinion, Pruitt, Rinks, Shaw, Shepard, Tidwell, Turner M -- 33.

Representatives voting no were: Armstrong, Baird, Bone, Borchert, Brooks (Knox), Brown, Bunch, Casada, Clem, Cochran, Coleman, Curtiss, DeBerry J, DeBerry L, DuBois, Favors, Fitzhugh, Hargett, Hargrove, Harrison, Harwell, Hood, Johnson P, Johnson R, Lynn, Maggart, Marrero, McDonald, McKee, McMillan, Moore, Mumpower, Overbey, Pleasant, Roach, Rowland, Sargent, Sharp, Sontany, Stanley, Strader, Swafford, Tindell, Todd, Vaughn, Watson, West, Winningham -- 48.

Representatives present and not voting were: Campfield, Davis, Fraley, Hill, McCord -- 5.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Hargett moved that **Senate Bill No. 1343**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	3
Present and not voting .....	1

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Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Crider, Maddox, Turner M -- 3.

Representatives present and not voting were: Cooper B -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1784** -- Short Term Loans and Lenders - Revises various provisions governing title pledge loans. Amends TCA Section 45-1-104; Section 45-15-102; Section 45-15-103; Section 45-15-104; Section 45-15-105; Section 45-15-106; Section 45-15-107; Section 45-15-108; Section 45-15-109; Section 45-15-110; Section 45-15-112; Section 45-15-113; Section 45-15-114; Section 45-15-115; Section 45-15-116; Section 45-15-117; Section 45-15-118 and Section 45-15-119. by \*Curtiss, \*Sargent, \*Cobb. (SB2025 by \*Cooper, \*Burks)

Rep. Curtiss moved that House Bill No. 1784 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Hargrove requested that Commerce Committee Amendment No. 1 as House Amendment No. 2 be placed at the heel of the Amendments.

On motion, Rep. Fitzhugh withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Curtiss moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Curtiss moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 1784 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-15-102, is amended by deleting subdivisions (1) through (4) and substituting instead the following:

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(1) Ensure a sound system of making title pledge loans through statewide licensing of title pledge lenders by the department of financial institutions;

(2) Establish licensing requirements;

(3) Provide for the examination and regulation of title pledge lenders by the department of financial institutions; and

(4) Ensure financial responsibility to the public;

SECTION 2. Tennessee Code Annotated, Section 45-15-103, is amended by deleting the section in its entirety and substituting instead the following language: As used in this chapter, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of financial institutions or the commissioner's designated representative;

(2) "Control" means possession, direct or indirect, of the power to direct or cause the direction of management and policies of a person whether through the ownership of voting securities by contract or otherwise; provided, that no individual shall be deemed to control a person solely on account of being a director, officer, or employee of such person. For purposes of this subdivision, a person who, directly or indirectly, owns, controls, holds the power to vote, or holds proxies representing twenty-five percent (25%) or more of the then outstanding voting securities issued by another person is presumed to control such other person. For purposes of this subdivision, the commissioner may determine whether a person, in fact, controls another person;

(3) "Controlling person" means any person in control of a title pledge lender;

(4) "Department" means the department of financial institutions;

(5) "Month" means thirty (30) days;

(6) "Person" means an individual, any sole proprietorship, general partnership, corporation or limited liability company duly qualified to do business in Tennessee;

(7) "Pledged property" means any titled personal property or personal property certificate of title that is deposited with a title pledge lender in the course of the title pledge lender's business and is the subject of a title pledge agreement or property pledge agreement;

(8) "Pledgor" means the individual or individuals obligated to repay the loan;

(9) "Property pledge agreement" means any written bailment or similar agreement whereby a title pledge lender agrees to make a loan of money to a pledgor, and the pledgor agrees for the title pledge lender to take physical possession of unencumbered titled personal property owned by the pledgor, and to take possession of the personal property certificate of title. The pledgor shall have the exclusive right to redeem the titled personal property by repaying the loan of money in full and by complying with the property pledge agreement. When the titled personal property is redeemed, the title pledge lender shall return the titled personal property and the certificate of title to the pledgor. The property pledge agreement shall provide that upon failure by the pledgor to redeem the titled personal property at the end of the original thirty-day agreement period, or the end of any subsequent thirty-day renewal or renewals thereof, the title pledge lender shall be allowed to sell or otherwise dispose of the titled personal property;

(10) "Title pledge agreement" means a thirty-day written agreement whereby a title pledge lender agrees to make a loan of money to a pledgor, and the pledgor agrees to give the title pledge lender a security interest in unencumbered titled personal property owned by the pledgor. The pledgor shall agree for the title pledge lender to keep possession of the certificate of title. The pledgor shall have the exclusive right to redeem the certificate of title by repaying the loan of money in full and by complying with the title pledge agreement. When the certificate of title is redeemed, the title pledge lender shall release the security interest in the titled personal property and return the personal property certificate of title to the pledgor. The title pledge agreement shall provide that upon failure by the pledgor to redeem the certificate of title at the end of the original thirty-day agreement period, or at the end of any thirty-day renewal or renewals thereof, the title pledge lender shall be allowed to take possession of the titled personal property. The title pledge lender shall retain physical possession of the certificate of title for the entire length of the title pledge agreement, but shall not be required to retain physical possession of the titled personal property at any time. A title pledge lender may only hold unencumbered certificates of title for pledge;

(11) "Title pledge lender" means any person engaged in the business of making title pledge agreements and/or property pledge agreements with pledgors;

(12) "Title pledge office" means the location at which, or premises in which, a title pledge lender regularly conducts business; and

(13) "Titled personal property" means any personal property, the ownership of which is evidenced and delineated by a state-issued certificate of title.

SECTION 3. Tennessee Code Annotated, Section 45-15-104(b), is amended by deleting the language "of §47-9-610, §47-14-112, or §47-14-117" and by substituting instead the language "of §47-14-112 or §47-14-117".

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SECTION 4. Tennessee Code Annotated, Section 45-15-105, is amended by deleting the section in its entirety, and by substituting instead the following language:

(a) No person shall engage in the business of title pledge lending without having first obtained a license. A separate license shall be required for each location from which such business is conducted. Any person engaged in the business of title pledge lending on November 1, 2005 under a license issued by the county clerk, may continue to engage in the business without a license issued by the commissioner until the commissioner has acted upon the application for a license if the application is filed by December 31, 2005.

(b) Any loan made without a license is void, in which case the person making the loan forfeits the right to collect any moneys, including principal, interest, and any other fee paid by the pledgor in connection with the title pledge agreement and/or property pledge agreement. The person making the loan shall return to the pledgor the pledged property, the titled personal property pledged, or the fair market value of such titled personal property, and all principal, interest, and any other fees paid by the pledgor. The pledgor is entitled to receive reasonable attorney's fees and costs in any action brought by a pledgor to recover from the person making the loan, the pledged property, the titled personal property, and the principal, interest and any fees paid by the pledgor.

SECTION 5. Tennessee Code Annotated, Section 45-15-106, is amended by deleting the section in its entirety and substituting instead the following language:

(a) To qualify for a license, an applicant shall satisfy the following requirements:

(1) The applicant has a tangible net worth (tangible assets less liabilities) of not less than seventy-five thousand dollars (\$75,000) for each location;

(2) The financial responsibility, financial condition, business experience, character, and general fitness of the applicant shall reasonably warrant the belief that the applicant's business will be conducted lawfully and fairly. In determining whether this qualification has been met, and for the purpose of investigating compliance with this chapter, the commissioner may review and approve:

(A) The relevant business records and the capital adequacy of the applicant;

(B) The financial responsibility, financial condition, business experience, character, and general fitness of any person who is a director, officer, or five percent (5%) or more shareholder of the applicant or owns or controls the applicant; and

(C) Any record on the part of the applicant or any person referred to in subdivision (2)(B) of any criminal activity, any fraud or other act of personal dishonesty, any act, omission or practice which constitutes a breach of a fiduciary duty or any suspension, removal or administrative action by any agency or department of the United States or any state, from participation in the conduct of any business.

(b) The requirements set forth in subdivisions (a)(1) and (2) are continuing in nature.

(c) Each application for a license shall be in writing and under oath to the commissioner, in a form prescribed by the commissioner, and shall include the following:

(1) The legal name, residence and business address of the applicant and, if the applicant is a partnership, association, or corporation, of every member, officer, managing employee and director thereof;

(2) The location in Tennessee at which the registered officer of the applicant shall be located; and

(3) Other data and information the commissioner may require with respect to the applicant, its directors, trustees, officers, members, managing employees or agents.

(d) Each application for a license shall be accompanied by:

(1) A filing fee, in an amount prescribed by the commissioner by rule but not to exceed eight hundred dollars (\$800), which shall not be subject to refund but which, if the license is granted, shall constitute the license fee for the first license year or part thereof. The filing fee shall be applicable to each location;

(2) A balance sheet and income statement for the immediately preceding fiscal year end prepared in accordance with generally accepted accounting principles by a certified public accountant or public accounting firm not affiliated with the applicant. For a newly created entity, the commissioner may accept only a balance sheet prepared by a certified public accountant or public accounting firm not affiliated with the applicant accompanied by a projected income statement demonstrating that the title pledge lender will have adequate capital after payment of start-up costs; and

(3) A surety bond, issued by an insurer regulated under title 56 and not affiliated with the applicant, in the amount of twenty-five thousand dollars (\$25,000) for each location. However, in no event shall the aggregate amount of the surety bond required for a single title pledge lender exceed two hundred thousand dollars (\$200,000). In lieu of the surety bond, the applicant shall file an irrevocable letter of credit, in the amount of the surety bond, issued by any federally insured bank, savings bank or credit union, not affiliated with the applicant. The surety bond or irrevocable letter of credit shall be in a form satisfactory to the commissioner and shall be payable to the commissioner for the benefit of any person who is injured pursuant to a title pledge or property pledge transaction by the fraud, misrepresentation, breach of contract, financial failure or violation of any provision of this chapter by a title pledge lender. In the case of a bond, the aggregate liability of the surety in no event shall exceed the principal sum of the surety bond. In the case of an irrevocable letter of credit, title pledge lenders shall obtain letters of credit for terms of not less than three (3) years and renew such letters of credit annually. If the title pledge lender fails to pay a person or the commissioner as required by this chapter, then a person may bring suit against the title pledge lender directly on the surety bond or irrevocable letter of credit in any court of competent jurisdiction, or the commissioner may bring suit in the chancery court of Davidson County, on behalf of such persons, either in one (1) or successive actions. The surety bond or irrevocable letter of credit shall be maintained by the title pledge lender for not less than three (3) years, following the expiration, revocation, suspension, or surrender of the license.

(e) Upon the filing of an application in a form prescribed by the commissioner, accompanied by the fee and documents required in this section, the commissioner shall investigate to ascertain whether the qualifications prescribed by this section have been satisfied. If the commissioner finds that the qualifications have been satisfied, and approves the documents, the commissioner shall issue to the applicant a license to engage in the title pledge lending business in Tennessee. A license issued pursuant to this subsection shall remain in force and effect through the remainder of the fiscal year ending October 31 after its date of issuance unless earlier surrendered, suspended or revoked pursuant to this chapter.

(f) If the commissioner determines that an applicant is not qualified to receive a license, the commissioner shall notify the applicant in writing that the application has been denied, stating the basis for denial. If the commissioner denies an application, or if the commissioner fails to act on an application within ninety (90) days after the filing of a properly completed application, the applicant may make written demand to the commissioner for a hearing before the commissioner on the question of whether the license should be granted. Any hearing shall be conducted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In such hearing, the burden of proving that the applicant is entitled to a license shall be on the applicant. A decision of the commissioner following any hearing on the denial of license is subject to review under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(g) The license shall be kept conspicuously posted in the place of business of the title pledge lender.

(h) The license is not transferable or assignable.

(i) The licensing year shall end on October 31. Each license may be renewed upon application by the license holder showing continued compliance with the requirements of this section and the payment to the commissioner annually, on or before October 1, of each year, a license fee, in an amount prescribed by the commissioner by rule but not to exceed eight hundred dollars (\$800) for each licensed location.

(j) The commissioner may establish a biennial licensing arrangement for the filing of the application for license renewal but in no case shall the license fee be payable for more than one year at a time.

(k)

(1) A change in control of a title pledge lender shall require thirty (30) days prior written notice to the commissioner. In the case of a publicly traded corporation, such notification shall be made in writing within thirty (30) days of a change or acquisition of control of a title pledge lender.

(2) Upon notification of a change in control, the commissioner may require such information as deemed necessary to determine whether an application for license is required. The commissioner may waive the filing of an application if, in the commissioner's discretion, the change of control does not pose any risk to the interests of the public.

(3) Costs incurred by the commissioner in investigating a change of control notification shall be paid by the person requesting such approval, subject to limitations set forth in § 45-15-108 (b).

(4) Whenever control of a title pledge lender is acquired or exercised in violation of this subsection, the license of the title pledge lender shall be deemed revoked as of the date of the unlawful acquisition of control. Such title pledge lender, or its controlling person, shall surrender the license to the commissioner on demand.

SECTION 6. Tennessee Code Annotated, Section 45-15-107, is amended by deleting the existing language in its entirety and substituting instead the following language:

(a) The commissioner may, after notice and opportunity for a hearing, suspend or revoke any license if the commissioner finds that the title pledge lender has knowingly or through lack of due care:

(1) Engaged in conduct of a manner which would warrant the denial of an application;

(2) Refused to permit the commissioner to make any examination authorized by this chapter;

(3) Failed to pay the annual license fee imposed by this chapter, or an examination fee imposed by the commissioner under the authority of this chapter;

(4) Committed any fraud, engaged in any dishonest activities or made any misrepresentations;

(5) Made a false statement in the application for the license or failed to give a true reply to a question in the application;

(6) Demonstrated incompetency or untrustworthiness to act as a title pledge lender; or

(7) Violated any provisions of this chapter or any administrative regulation issued pursuant thereto or has violated any other law in the course of such title pledge lender's dealings as a title pledge lender.

(b) If the reason for revocation or suspension of a title pledge lender's license at any one (1) location is of general application to all locations operated by a title pledge lender, the commissioner may revoke or suspend all licenses issued to a title pledge lender.

(c) A hearing shall be held on written notice given at least twenty (20) days prior to the date of the hearing and shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. Tennessee Code Annotated, Section 45-15-108, is amended by deleting the existing language in its entirety and substituting instead the following language:

(a) The commissioner may promulgate reasonable regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the enforcement of this chapter. A copy of any rule or regulation adopted by the commissioner shall be mailed to each license holder at least thirty (30) days before the date it takes effect.

(b) To assure compliance with the provisions of this chapter, the commissioner may examine the relevant business, books and records of any title pledge lender. The commissioner may charge and collect the reasonable and actual expenses for any compliance examination conducted under this chapter.

(c) The commissioner, for the purpose of discovering violations of this chapter and for the purpose of determining whether persons are subject to the provisions of this chapter, is hereby authorized to examine persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business which requires a license under this chapter, including all relevant books, records and papers employed by such persons in the transaction of their business, and to summon witnesses and examine them under oath concerning matters relating to the business of such persons, or such other matters as may be relevant to the discovery of violations of this chapter, including, without limitation, the conduct of business without a license as required under this chapter.

(d) All books and records required to be preserved by this chapter or any regulation of the commissioner or required by any federal statute, regulation, or regulatory guideline, as applicable to each title pledge lender, shall be preserved and made available to the commissioner as provided in this chapter, for a period of twenty-five (25) months on all rejected applications and for a period of twenty-four (24) months on loans paid in full. The title pledge lender may cause any or all records at any time in its custody to be reproduced and/or preserved by itself or by any other person who agrees in writing to submit its operations to the examination of the commissioner to the extent that such operations directly affect such record-keeping by any microphotographic process, electronic and/or mechanical data storage technique or any other means. Any such record reproduced and/or preserved by any such process, technique or means shall have the same force and effect as the original record and be admitted into evidence equally with the original. All records of the title pledge lending business shall be maintained separately by the title pledge lender from any other business in which the title pledge lender may engage.

(e) Commencing July 1, 2005, the commissioner shall have the authority to have full access to all records of a person engaged in the business of title pledge lending for the sole purpose of making a written report to the general assembly no later than February 1, 2006. The scope of the report shall be within the discretion of the commissioner, but shall at a minimum include an analysis of the rates and terms of title pledge loans and the reasonableness and appropriateness thereof.

SECTION 8. Tennessee Code Annotated, Section 45-15-109, is amended by deleting the existing language in its entirety and substituting instead the following:

(a)

(1) Each title pledge lender shall notify the commissioner fifteen (15) days prior to any change in the principal place of business of a title pledge lender.

(2) Each title pledge lender shall notify the commissioner in writing within fifteen (15) days of any change among the president, chief executive officer, treasurer or chief financial officer or among the general partners or partners of a title pledge lender.

(b) Within fifteen (15) days of the occurrence of any one (1) of the events listed below, a title pledge lender shall file a written report with the commissioner describing such event and its expected impact on the activities of the title pledge lender in the state:

(1) The filing for bankruptcy or reorganization by the title pledge lender;

(2) The institution of administrative proceedings, including any revocation or suspension proceedings against the title pledge lender by any state or governmental authority;

(3) The denial of the opportunity to engage in business by any state or governmental authority;

(4) Any felony indictment of the title pledge lender or any of its officers, directors or principals;

(5) Any felony conviction of the title pledge lender or any of its officers, directors, principals; and

(6) Such other events as the commissioner may determine and identify by rule.

(c)

(1) Each title pledge lender shall file a report with the commissioner, commencing on October 1, 2007 and every odd numbered year thereafter, containing the following information:

(A) The names and addresses of persons owning controlling interest in each title pledge lender;

(B) The location of all places of business operated by the title pledge lender and the nature of the business conducted at each location;

(C) The names and addresses of all affiliated entities regulated under title 45, doing business in this state;

(D) Balance sheets, statements of income and expense, prepared by a certified public accountant or public accounting firm not affiliated with the title pledge lender, and such other statistical information as may be reasonably required by the commissioner, consistent with generally accepted accounting practices, for the purpose of determining the general results of operations under this chapter; and

(E) If the title pledge lender is a corporation, the names and addresses of its officers and directors; if the title pledge lender is a partnership, the names and addresses of the partners; and if the title pledge lender is a limited liability company, the names and addresses of the board of governors of the limited liability company.

(2) If the title pledge lender holds two (2) or more licenses or is affiliated with other title pledge lenders, a composite report may be filed, but may not be required.

(3) All such reports shall be filed in such form as may reasonably be required by the commissioner and shall be sworn to by a responsible officer of the title pledge lender.

(4) The information submitted by title pledge lenders pursuant to this subsection shall be confidential and may not be disclosed or distributed outside the department by the commissioner except that the commissioner is authorized to disclose confidential information to any local, state or federal agency as the commissioner deems proper.

(5) The commissioner shall submit to the governor and general assembly, a biennial analysis and recapitulation of such reports for the preceding calendar year for the purpose of reflecting the general results of operations under this chapter.

SECTION 9. Tennessee Code Annotated, Section 45-15-110, is amended by deleting the existing language in its entirety and substituting instead the following language:

(a) Every title pledge lender shall keep a consecutively numbered record of each and every title pledge agreement or property pledge agreement executed by the title pledge lender and pledgor. Such record, as well as the title pledge agreement or property pledge agreement itself, shall include the following information:

(1) The make, model, and year of the titled personal property;

(2) The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the titled personal property,

(3) The name, residential address, date of birth, and physical description of the pledgor;

(4) The date the title pledge agreement or the property pledge agreement is executed by the title pledge lender and the pledgor;

(5) The identification number of the photo identification and the type of identification, including the issuing agency, accepted from the pledgor; and

(6) The maturity date of the title pledge agreement or property pledge agreement which shall be thirty (30) days after the title pledge agreement or property pledge agreement is executed by the title pledge lender and the pledgor.

(b) The following information shall also be printed on the title pledge agreement or property pledge agreement:

(1) The name and physical address of the title pledge office;

(2) In not less than 14-point bold type, the name and address of the department of financial institutions as well as a telephone number to which consumers may address complaints.

(3) The following statement in not less than 14-point bold type that:

(A) THIS LOAN IS NOT INTENDED TO MEET LONG-TERM FINANCIAL NEEDS.

(B) YOU SHOULD USE THIS LOAN ONLY TO MEET SHORT-TERM CASH NEEDS.

(C) YOU WILL BE REQUIRED TO PAY ADDITIONAL INTEREST AND FEES IF YOU RENEW THIS LOAN RATHER THAN PAY THE DEBT IN FULL WHEN DUE.

(D) THIS LOAN IS A HIGHER INTEREST LOAN. YOU SHOULD CONSIDER WHAT OTHER LOWER COST LOANS MAY BE AVAILABLE TO YOU.

(E) YOU ARE PLACING AT RISK YOUR CONTINUED OWNERSHIP OF THE PERSONAL PROPERTY THAT YOU ARE PLEDGING FOR THIS LOAN, INCLUDING YOUR MOTOR VEHICLE IF THAT IS THE PROPERTY PLEDGED.

(F) IF YOU FAIL TO REPAY THE FULL AMOUNT OF THIS LOAN ON OR BEFORE THE END OF THE MATURITY DATE OR RENEWAL OF THE LOAN THE TITLE PLEDGE LENDER MAY TAKE POSSESSION OF THE PROPERTY PLEDGED AND SELL THE PROPERTY IN THE MANNER PROVIDED BY LAW.

(G) IF YOU ENTER INTO A TITLE PLEDGE AGREEMENT OR PROPERTY PLEDGE AGREEMENT, YOU HAVE A LEGAL RIGHT OF RESCISSION. THIS MEANS YOU MAY CANCEL YOUR CONTRACT AT NO COST TO YOU BY RETURNING THE MONEY YOU BORROWED BY THE NEXT BUSINESS DAY AFTER THE DATE OF YOUR LOAN.

(H) IF THE TITLE PLEDGE AGREEMENT OR PROPERTY PLEDGE AGREEMENT IS LOST, DESTROYED OR STOLEN, YOU SHOULD IMMEDIATELY SO ADVISE THE TITLE PLEDGE LENDER IN WRITING.

(4) The statement that "The pledgor represents and warrants, to the best of the pledgor's knowledge, that the titled personal property is not stolen and has no liens or encumbrances against it, the pledgor has the right to enter into this transaction and the pledgor will not apply for a duplicate certificate of title while the title pledge agreement or property pledge agreement is in effect."

(5) The pledgor shall sign the title pledge agreement or property pledge agreement and shall be provided with a copy of such agreement. The title pledge agreement or property pledge agreement shall also be signed by the title pledge lender, or the lender's employee or agent. If the pledgor has been issued a social security number, the title pledge lender shall keep on file the social security number of the pledgor. The social security number shall not be printed on the title pledge agreement or property pledge agreement in order to protect the privacy of the pledgor.

(c) The title pledge lender shall be required to record the lender's security interest in the titled personal property by noting a lien on the certificate of title for all title pledge transactions, but shall not be required to note liens for property pledge transactions in which the title pledge lender retains possession of both the titled personal property and the certificate of title during the entire term of the transaction.

SECTION 10. Tennessee Code Annotated, Section 45-15-113, is amended by adding the following language as a new, appropriately designated subsections:

( ) A pledgor has the right to cancel the pledgors obligation to make payments under a title pledge agreement or property pledge agreement until the close of the next business day after the day when the pledgor signs a title pledge agreement or property pledge agreement if the pledgor returns the original check or cash to the location where the loan was originated. For the purpose of this section, "business day" means any day that the title pledge office is open for business.

( ) Notwithstanding any provision of this chapter to the contrary, beginning with the third renewal or continuation and at each successive renewal or continuation thereafter, the pledgor shall be required to make a payment of at least five percent (5%) of the original principal amount of the title pledge transaction in addition to interest and fees authorized by this chapter. Interest and fees authorized by this chapter at each successive renewal or continuation shall be calculated on the outstanding principal balance. Principal payments in excess of the five percent (5%) required principal reduction, shall be credited to the outstanding principal on the day received. If at the maturity of any renewal requiring a principal reduction, the pledgor has not made previous principal reductions adequate to satisfy the current required principal reduction, and the pledgor cannot repay at least five percent (5%) of the original principal balance and any outstanding interest and fees authorized by this chapter, the title pledge lender may, but shall not be obligated to, defer any required principal payment until the end of the title pledge agreement or property pledge agreement. No further interest or fees may accrue on any such principal amount thus deferred.

SECTION 11. Tennessee Code Annotated, Section 45-15-114, is amended by deleting the existing language in its entirety and substituting instead the following language:

(a) Upon expiration of a property pledge agreement and the final renewal of the agreement, if any, the title pledge lender shall retain possession of the titled personal property and the certificate of title for at least twenty (20) days. If the pledgor fails to redeem the titled personal property and the certificate of title before the lapse of the twenty (20) day holding period, the pledgor shall thereby forfeit all right, title and interest in and to the titled personal property to the title pledge lender, who shall thereby acquire an absolute right of title to the titled personal property, and the title pledge lender shall have the right and authority to sell or dispose of the unredeemed pledged property.

(b) The title pledge lender has, upon default by the pledgor of any obligation pursuant to the title pledge agreement, the right to take possession of the titled personal property. In taking possession, the title pledge lender or the lender's agent may proceed without judicial process if this can be done without breach of the peace; or, if necessary, may proceed by action to obtain judicial process. After taking possession of the titled personal property, the title pledge lender shall retain possession of the titled personal property and the certificate of title for a twenty (20) day holding period. There shall be no further interest or other fees charged to the pledgor from the commencement of the twenty (20) day holding period.

(1) If, during the twenty (20) day holding period, the pledgor pays the repossession charge, and redeems the titled personal property and certificate of title by paying all outstanding principal, interest and fees authorized by this chapter owed by the pledgor to the title pledge lender, the pledgor shall be given possession of the titled personal property and the certificate of title without further charge.

(2) If the pledgor fails to redeem the titled personal property and certificate of title during the twenty (20) day holding period, then the title pledge lender shall have a period of sixty (60) days in which to sell the titled personal property in a commercially reasonable manner. For purposes of this section, "commercially reasonable" is a sale that would be commercially reasonable under Tennessee Code Annotated, Title 47, Chapter 9, Part 6. The proceeds of the commercially reasonable sale shall be applied to the principal, interest and all fees authorized by this chapter owed by the pledgor to the title pledge lender, including the actual direct costs of the sale. Any surplus from the sale of the titled personal property shall be remitted to the pledgor after such sale and shall not be retained by the title pledge lender. The commissioner shall prescribe by rule the manner in which the title pledge lender shall remit any surplus to the pledgor.

(c) If the pledgor loses the title pledge agreement or property pledge agreement or other evidence of the transaction, the pledgor shall not thereby forfeit the right to redeem the pledged property, but may promptly, before the lapse of the redemption date, make affidavit for such loss, describing the pledged property, which affidavit shall, in all respects, replace and be substituted for the lost evidence of the pledge transaction.

SECTION 12. Tennessee Code Annotated, Section 45-15-115, is amended by deleting the existing language in its entirety and substituting instead the following:

(a) A title pledge lender shall not:

(1) Accept a pledge from a person less than eighteen (18) years of age, or from anyone who appears to be intoxicated;

(2) Make any agreement giving the title pledge lender any recourse against the pledgor other than the title pledge lender's right to take possession of the titled personal property and certificate of title upon the pledgor's default or failure to redeem, and to sell or otherwise dispose of the titled personal property in accordance with the provisions of this chapter;

(3) Enter into a title pledge agreement in which the amount of money loaned, when combined with the outstanding balance of other outstanding title pledge agreements the pledgor has with the same lender secured by any single certificate of title, exceeds two thousand five hundred dollars (\$2,500) or enter into a property pledge agreement in which the amount of money loaned exceeds two thousand five hundred dollars (\$2,500);

(4) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this chapter;

(5) Fail to exercise reasonable care to protect from loss or damage titled personal property or certificate of title in the physical possession of the title pledge lender;

(6) Purchase pledged titled personal property that was repossessed in the operation of its business;

(7) Maintain more than one (1) title pledge office or place of operation for each title pledge lender under each license. Provided, however, any such title pledge lender may move from one (1) place of business to another, as permitted in § 45-15-109(a)(1);

(8) Keep open any title pledge office before eight o'clock a.m. (8:00 a.m.) or after six o'clock p.m. (6:00 p.m.) on any day during the year with the exception of November 25 through December 24 of each year. During such period, a title pledge lender may open such place of business at eight o'clock a.m. (8:00 a.m.) and shall be entitled to close at nine o'clock p.m. (9:00 p.m.). No title pledge lender shall be open on Sunday;

(9) Enter into a pledge agreement unless the pledgor presents a clear title to titled personal property at the time that the loan is made, and such title is retained, after noting of the lien by the state, in the physical possession of the title pledge lender. If the title pledge lender files a lien against such property without possession of a clear title to such property, the resulting lien shall be void;

(10) Capitalize or add any accrued interest or fee to the original principal of the title pledge agreement or property pledge agreement during any renewal of the agreement;

(11) Sell or otherwise charge for any type of insurance in connection with a title pledge agreement or property pledge agreement. Nothing in this subdivision shall prohibit a title pledge lender from offering a pledgor the option to purchase memberships in automobile clubs or associations as defined in Tennessee Code Annotated, Section 55-18-101, provided that the title pledge lender informs the pledgor in writing that the membership is optional, that the membership can be purchased elsewhere. and that the purchase of the membership has no bearing on whether the pledgor receives a loan;

(12) Charge a prepayment penalty;

(13) Advertise using the words "interest free loans" or "no finance charges" or engage in any other false or misleading advertising;

(14) Require a pledgor to provide any additional guaranty as a condition to entering into a title pledge agreement;

(15) Use any collection tactics in violation of the Federal Fair Debt Collection Practices Act, 15 U.S.G. §§ 1692, et seq.

(16) Renew or otherwise consolidate a title pledge agreement or property pledge agreement with the proceeds of another title pledge agreement or property pledge agreement made by the same title pledge lender;

(17) Use any device or agreement, including agreements with affiliated title pledge lenders, with the intent to obtain greater charges than otherwise would be authorized by this chapter; or

(18) Violate the provisions of this chapter or any rule promulgated pursuant thereto by the commissioner.

SECTION 13. Tennessee Code Annotated, Section 45-15-117, is amended by deleting the existing language in its entirety and substituting instead the following: Any person who intentionally violates any provision of this chapter commits a Class A misdemeanor.

SECTION 14. Tennessee Code Annotated, Section 45-15-118 is amended by deleting the existing language in its entirety and substituting instead the following language:

(a) If, after notice and opportunity for a hearing, the commissioner finds that a person has violated this chapter, or any administrative regulation issued pursuant thereto, the commissioner may take any or all of the following actions:

(1) Order the person to cease and desist violating the chapter or any administrative rules issued pursuant thereto;

(2) Require the refund of any fees collected by such person in violation of this chapter; and

(3) Order the person to pay the commissioner a civil penalty of not more than one thousand dollars (\$1,000) for each transaction in violation of this chapter or each day that a violation has occurred and continues.

(b)

(1) The commissioner may enter into consent orders at any time with any person to resolve any matter arising under this chapter. A consent order shall be signed by the person to whom it is issued, or a duly authorized representative, and shall indicate agreement to the terms contained therein. A consent order need not constitute an admission by any person that any provision of this chapter, or any rule, regulation or order promulgated or issued hereunder has been violated, nor need it constitute a finding by the commissioner that such person has violated any provision of this chapter or any rule, regulation or order promulgated or issued under this chapter.

(2) Notwithstanding the issuance of a consent order, the commissioner may seek civil or criminal penalties or compromise civil penalties concerning matters encompassed by the consent order.

(3) In cases involving extraordinary circumstances requiring immediate action, the commissioner may take any enforcement action authorized by this chapter without providing the opportunity for a prior hearing, but shall promptly afford a subsequent hearing upon an application to rescind the action taken which is filed with the commissioner within twenty (20) days after receipt of the notice of the commissioner's emergency action.

(c)

(1) Any person aggrieved by the conduct of a title pledge lender under this chapter in connection with the title pledge lender's regulated activities may file a written complaint with the commissioner who may investigate the complaint.

(2) In the course of the investigation of the complaint, the commissioner may

(A) Subpoena witnesses;

(B) Administer oaths;

(C) Examine any individual under oath; and

(D) Compel the production of records, books, papers, contracts or other documents relevant to such investigation.

(3) If any person fails to comply with a subpoena of the commissioner under this chapter or to testify concerning any matter about which the person may be interrogated under this chapter, the commissioner may petition any court of competent jurisdiction for enforcement.

(4) The license of any title pledge lender under this chapter who fails to comply with a subpoena of the commissioner may be suspended pending compliance with the subpoena.

(5) The commissioner shall have exclusive administrative power to investigate and enforce any and all complaints filed by any person which are not criminal in nature, which complaint relates to the business of title pledge lending.

(d)

(1) The commissioner, after notice and opportunity for hearing, may censure, suspend for a period not to exceed twelve (12) months, or bar a person from any position of employment, management or control of any title pledge lender, if the commissioner finds that the:

(A) Censure, suspension, or bar is in the public interest and that the person has committed or caused a violation of this chapter or any rule, regulation or order of the commissioner; or

(B) Person has been:

(i) Convicted or pled guilty to or pled nolo contendere to any crime; or

(ii) Held liable in any civil action by final judgment, or any administrative judgment by any public agency;

if the criminal, civil or administrative judgment involved any offense reasonably related to the qualifications, functions, or duties of a person engaged in the business in accordance with the provisions of this chapter.

(2) Persons suspended or barred under this subsection are prohibited from participating in any business activity of a title pledge lender and from engaging in any business activity on the premises where a title pledge lender is conducting its business. This subsection shall not be construed to prohibit suspended or barred persons from having their personal transactions processed by a title pledge lender.

(3) This subsection shall apply to any violation, conviction, plea, or judgment on or after November 1, 2005.

SECTION 15. Tennessee Code Annotated, Section 45-15-116, is amended by deleting the words "county clerk" and replacing them with the word "commissioner" wherever they appear in such section.

SECTION 16. Tennessee Code Annotated, Section 45-15-119, is amended by deleting the section in its entirety and substituting instead the following language: No incorporated municipality, city or taxing district in this state shall enact an ordinance or resolution or promulgate any rules or regulations relating to this chapter. The provisions of any ordinance or resolution or rules or regulations of any municipality, city or taxing district relative to title pledge lending are superseded by the provisions of this chapter.

SECTION 17. Tennessee Code Annotated. Section 45-1-104, is amended by deleting the language "or persons licensed under the Title Pledge Act of 1995, chapter 15 of this title".

SECTION 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. Section 7 (e) shall take effect July 1, 2005, the public welfare requiring it. For all other purposes, this act shall take effect on November 1, 2005, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

On motion, Rep. Hargrove withdrew Commerce Committee Amendment No. 1 as House Amendment No. 2.

Rep. Curtiss moved that **House Bill No. 1784**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

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Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 509** -- Special License Plates - Extends prohibition period for license plates that fail to meet minimum issuance or renewal requirements from three years to five years after such failure and defines "a plate substantially the same in appearance or content" for purposes of such requirements. Amends TCA Title 4, Title 54 and Title 55. by \*Pinion, \*Winningham. (SB1596 by \*Norris)

On motion, House Bill No. 509 was made to conform with **Senate Bill No. 1596**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 1596 be passed on third and final consideration.

On motion, Rep. Buck withdrew Transportation Committee Amendment No. 1.

Rep. Fitzhugh moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1596 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

(\_) FCA - Fellowship of Christian Athletes;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Fellowship of Christian Athletes new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

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(b) The new specialty earmarked license plates provided for in this section shall include the designation "FCA" and shall be designed in consultation with the Middle Tennessee area director of the Fellowship of Christian Athletes; provided that such area director shall consult with the area directors representing West and East Tennessee, respectively.

(c) In accordance with § 55-4-215, the funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Middle Tennessee area Fellowship of Christian Athletes to be distributed in equal shares to the West Tennessee, Middle Tennessee and East Tennessee divisions of the Fellowship of Christian Athletes to be used in furtherance of such organizations' activities in Tennessee.

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Nature Conservancy;

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Nature Conservancy new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with the director of the Tennessee Chapter of the Nature Conservancy.

(c) In accordance with § 55-4-215, the funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee Chapter of the Nature Conservancy to be used in furtherance of such organization's activities in Tennessee.

SECTION 5. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Big Brothers Big Sisters;

SECTION 6. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Big Brothers Big Sisters new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official logo or other emblem representative of the Big Brothers Big Sisters organization in an appropriate design. Such plates shall be designed in consultation with Big Brothers Big Sisters of Middle Tennessee.

(c) In accordance with § 55-4-215(a)(1), the funds produced from the sale of such new specialty earmarked license plates shall be allocated to Big Brothers Big Sisters of Middle Tennessee, who shall distribute such funds to eligible Big Brothers Big Sisters agencies across Tennessee. Such funds shall be used exclusively to fund programs and activities in furtherance of Big Brothers Big Sisters' mission to help children reach their potential through professionally supported, one-to-one relationships with measurable impact.

SECTION 7. Tennessee Code Annotated, Section 55-4-202(c)(5)(F), is amended by deleting such subdivision in its entirety and by redesignating subsequent subdivisions accordingly.

SECTION 8. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following language as a new subdivision to be appropriately designated:

( ) International Association of Firefighters;

SECTION 9. Tennessee Code Annotated, Section 55-4-260, is amended by deleting such section in its entirety and by substituting instead the following language:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, and who are certified as members of the International Association of Firefighters, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an International Association of Firefighters new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The application for such new specialty earmarked plates shall be accompanied by proof satisfactory to the commissioner certifying the applicant to be a member of the International Association of Firefighters.

(c) The new specialty earmarked plates provided for in this section shall contain the logo of the International Association of Firefighters and shall be designed in consultation with the executive director of the Tennessee chapter of the International Association of Firefighters.

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(d) Funds produced from the sale of International Association of Firefighters new specialty earmarked license plates shall be allocated to the Tennessee Firefighters Emergency Relief Fund in accordance with the provisions of § 55-4-215.

(e) An International Association of Firefighters new specialty earmarked license plate shall not convey any rights or privileges to the driver of a motor vehicle upon which such plates are displayed. No driver or passenger of a motor vehicle shall engage in any firefighting or emergency services situation unless such person is otherwise authorized by law to perform such duties.

SECTION 10. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by inserting the following as a new, appropriately designated subdivision:

( ) Tennessee Wildlife Federation;

SECTION 11. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by inserting the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee wildlife federation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with the executive director of the Tennessee wildlife federation.

(c) In accordance with § 55-4-215, the funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee wildlife federation to be used in furtherance of that organization's activities in Tennessee.

SECTION 12. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Eagle Scout;

SECTION 13. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an Eagle Scout new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

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(b) The new specialty earmarked plates provided for in this section shall contain a pictorial representation of the Eagle Badge or other significant emblem in an appropriate design. Such plates shall be designed in consultation with the Tennessee Councils of the Boy Scouts of America.

(c) The funds produced from the sale of Eagle Scout new specialty earmarked license plates shall be allocated in accordance with the provisions of §55-4-215; provided that the funds allocated pursuant to §55-4-215(a)(1) shall be distributed in equal shares to the six (6) Tennessee Councils of the Boy Scouts of America, such Councils being currently known as: Cherokee Area Council, Chattanooga; Chickasaw Council, Memphis; Great Smoky Mountain Council, Knoxville; Middle Tennessee Council, Nashville; Sequoyah Council, Johnson City; and West Tennessee Council, Jackson. Such funds shall be used exclusively to fund programs and activities for Eagle Scouts in Tennessee.

SECTION 14. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee Food Bank Network;

SECTION 15. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee food bank network new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The purpose of such plates is to recognize the importance of providing food to Tennesseans in need and to emphasize some of the many positive values that Tennesseans embrace, including respect, compassion, self-sufficiency and honesty.

(c) The new specialty earmarked license plates provided for in this section shall contain a logo or other design that embodies the concepts delineated in subsection (b). Such plates shall be designed in consultation with the board of directors of the Tennessee Food Bank Network.

(d) Funds produced from the sale of Tennessee Food Bank Network new specialty earmarked license plates shall be allocated to the Tennessee Food Bank Network in accordance with the provisions of § 55-4-215.

SECTION 16. Tennessee Code Annotated, Section 55-4-265, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

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(d) The funds produced from the sale of Ducks Unlimited specialty earmarked license plates authorized by this section shall be allocated to Ducks Unlimited in accordance with § 55-4-217.

SECTION 17. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

(\_) Small mouth bass;

SECTION 18. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a small mouth bass new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain a design of a small mouth bass and shall be designed in consultation with the executive director of the Tennessee wildlife resources agency.

(c) The funds produced from the sale of such small mouth bass new specialty earmarked license plates shall be allocated to the Tennessee wildlife resources agency in accordance with the provisions of § 55-4-215. Such funds shall be deposited in the wildlife resources fund established §70-1-401, to be used exclusively for management, protection, propagation and conservation of fish and wildlife species and the protection and enhancement of such species habitats.

SECTION 19. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

§55-4-2\_\_.

(a)

(1) Subject to the requirements of §55-4-201, the commissioner is authorized, and shall issue, a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a national guard plate enumerated in §55-4-202(c)(3), a memorial plate enumerated in §55-4-202(c)(4), or a military plate enumerated in §55-4-202(c)(5)(I); provided, however, such owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and, except for an owner or lessee eligible for a memorial plate enumerated in §55-4-202(c)(4) and as provided in §55-4-228(d)(1)(A) for an enlisted national guard member, pay the regular fee applicable to motorcycles and the applicable fee specified in §55-4-203 prior to the issuance of any such plate.

(2) Nothing in this section shall be construed as authorizing the issuance of an additional plate or plates free of charge to an eligible owner or lessee, whether for a motorcycle, authorized motor vehicle, or a combination of the two (2), above the total number of free plates authorized by §55-4-235 (former prisoners of war), §55-4-236 (recipients of the Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross), §55-4-237 (disabled veterans, including those disabled veterans who choose to receive the Purple Heart plate pursuant to §55-4-237(d)), or §55-4-228(d)(1)(A) (enlisted national guard members), as applicable.

(b) The motorcycle plates authorized by this section shall be substantially the same in design and configuration, allowing for variations due to size restrictions, as the regular motor vehicle registration plates authorized by §55-4-202(c)(5)(I)(i) for combat veterans, §55-4-202(c)(5)(I)(vi) for the Marine Corps League, §55-4-228 for national guard members, §55-4-231 for Silver Star and Bronze Star recipients, §55-4-235 for former prisoners of war, §55-4-236 for recipients of the Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross, §55-4-237 for disabled veterans, §55-4-238 for Pearl Harbor survivors, §55-4-239 for holders of the Purple Heart, §55-4-242 for members of the United States reserve forces, §55-4-243 for enemy evadees, §55-4-244 for active and retired members of the United States military and the United States military reserves in good standing, §55-4-253 for honorably discharged veterans, or §55-4-318 for handicapped veterans, as applicable.

(c) The funds produced from the sale and renewal of such motorcycle plates shall be allocated in accordance with §55-4-216 for the military plates enumerated in §55-4-202(c)(5)(I), and in accordance with §55-4-219 for the national guard plates enumerated in §55-4-202(c)(3) and the memorial plates enumerated in §55-4-202(c)(4), as applicable.

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SECTION 20. The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 21. This act shall take effect July 1, 2005, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Fitzhugh moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1596 By adding the following language to precede the final section of the bill as amended and by redesignating the remaining section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

(\_) Friends of the Big South Fork National River and Recreation Area;

SECTION \_\_. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in §55-4-203, shall be issued a Friends of the Big South Fork National River and Recreation Area new specialty earmarked license plate for a motor vehicle authorized by §55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall be designed in consultation with a representative of Friends of the Big South Fork National River and Recreation Area, Inc.

(c) In accordance with §55-4-215, the funds produced from the sale of such Friends of the Big South Fork National River and Recreation Area new specialty earmarked license plates shall be allocated to the Friends of the Big South Fork National River and Recreation Area, Inc. Such funds shall be used exclusively for the assistance of the National Park Service in the care of the Big South Fork National River and Recreation Area.

(d) The provisions of §55-4-201(f) shall not apply to this section.

SECTION \_\_. Notwithstanding the time limitations of § 55-4-201(h)(1), the Tennessee Councils of the Boy Scouts of America new specialty earmarked license plates authorized for issuance pursuant to § 55-4-320 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION \_\_. Notwithstanding the time limitations of § 55-4-201(h)(1), the Elephant Sanctuary in Tennessee new specialty earmarked license plates authorized for issuance pursuant to § 55-4-321 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION \_\_. Notwithstanding the time limitations of § 55-4-201(h)(1), the Regional Medical Center at Memphis (The MED) new specialty earmarked license plates authorized for issuance pursuant to § 55-4-317 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION \_\_. Notwithstanding the time limitations of § 55-4-201(h)(1), the American Cancer Society Relay for Life new specialty earmarked license plates authorized for issuance pursuant to § 55-4-316 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION \_\_. Notwithstanding the time limitations of § 55-4-201(h)(1), The Children's Hospital at Johnson City Medical Center new specialty earmarked license plate authorized for issuance pursuant to § 55-4-313 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

On motion, Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 was adopted.

Rep. P. Johnson moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1596 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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SECTION \_\_\_\_ Tennessee Code Annotated, Section 55-10-308, is amended by inserting the following language and punctuation at the end of the last sentence of the section:

; except that this restriction shall not apply to drug interdiction officers employed by any such municipality while such officers are actively serving with any judicial district drug force.

On motion, Amendment No. 4 was adopted.

Rep. Pinion moved that **Senate Bill No. 1596**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 625** -- Education - Requires school term to begin after August 25 and end no later than June 10; allows local boards of education to determine opening and closing dates. Amends TCA Section 49-6-3004. by \*McCord, \*Tindell. (\*SB516 by \*Miller)

On motion, House Bill No. 625 was made to conform with **Senate Bill No. 516**; the Senate Bill was substituted for the House Bill.

Rep. McCord moved that Senate Bill No. 516 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. L. DeBerry moved adoption of Study Resolution Subcommittee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 516 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. There select oversight committee on education shall examine and study the dates for starting and ending the school year in public schools in Tennessee.

SECTION 2. All appropriate state agencies shall provide assistance to the committee upon request of the chair.

SECTION 3. The oversight committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fourth General Assembly no later than February 1, 2006.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Study Resolution Subcommittee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Montgomery moved the previous question, which motion prevailed.

Rep. McCord moved that **Senate Bill No. 516**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 907** -- Codes - Allows municipalities and counties to adopt requirements for companies or persons to post a permit bond when constructing a building or other structure. by \*Maggart. (SB823 by \*Black)

On motion, House Bill No. 907 was made to conform with **Senate Bill No. 823**; the Senate Bill was substituted for the House Bill.

Rep. Maggart moved that Senate Bill No. 823 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

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Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 823 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Nothing in this act shall be construed to apply to nor alter or affect any municipality, county or metropolitan government which on the effective date of this act has similar or more stringent requirements than those required in this act relative to bonding requirements and insuring that a contractor secures the required business license from the municipality, county or metropolitan government.

On motion, State and Local Government Committee Amendment No. 2 was adopted.

Rep. Lynn moved the previous question, which motion prevailed.

Rep. Maggart moved that **Senate Bill No. 823**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Kelsey -- 1.

A motion to reconsider was tabled.

**House Bill No. 369** -- Correction, Dept. of - Requires the commissioner of correction to formulate and implement a salary policy to pay correctional officers at a level at least equal to the southeastern US average for such officers. Amends TCA Title 4, Chapter 6; Title 8 and Title 41, Chapter 1. by \*Winningham, \*Jones S, \*Turner M, \*Fraley, \*Pinion, \*Tindell, \*Baird, \*Ferguson. (\*SB70 by \*Kilby, \*Burks, \*Chism, \*Kyle, \*Jackson, \*McLeary, \*Burchett)

Rep. Winningham moved that House Bill No. 369 be passed on third and final consideration.

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Rep. Fitzhugh moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 369 By deleting the amendatory language of Section 1 of the printed bill in its entirety and by substituting instead the following language:

Section 4-6-106. The commissioner of correction shall formulate and implement a compensation plan for correctional officers by which such officers are paid at least the average compensation of correctional officers in the southeastern United States with similar qualifications and years of service. Such plan shall be revised annually to reflect changes in the southeast average compensation. The commissioner shall report annually to the general assembly on the components and ranges in such plan. Such compensation plan shall only be implemented in years in which funds are appropriated to pay the average compensation as determined by such survey.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Winningham moved that **House Bill No. 369**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes.....3

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Casada, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Campfield, Clem, Kelsey -- 3.

A motion to reconsider was tabled.

**House Bill No. 563** -- Criminal Procedure - Requires a two-year period of supervision when probation is granted for certain misdemeanor offenses. Amends TCA Title 40, Chapter 35, Part 3. by \*Towns. (\*SB517 by \*Miller, \*Jackson, \*Person, Curtis, \*Bowers)

On motion, House Bill No. 563 was made to conform with **Senate Bill No. 517**; the Senate Bill was substituted for the House Bill.

Rep. Towns moved that Senate Bill No. 517 be passed on third and final consideration.

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On motion, Rep. Fowlkes withdrew Judiciary Committee Amendment No. 1.

Rep. Towns moved that **Senate Bill No. 517** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1088** -- Hospitals and Health Care Facilities - Revises certificate of need requirements for relocation and partial replacement of nursing home beds and facilities. Amends TCA Title 68, Chapter 11. by \*McMillan, \*Maddox. (\*SB1007 by \*Ford)

On motion, House Bill No. 1088 was made to conform with **Senate Bill No. 1007**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that **Senate Bill No. 1007** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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**\*House Bill No. 2137** -- Education - Broadens Tennessee Public Charter Schools Act of 2002. Amends TCA Title 49, Chapter 13. by \*Jones U, \*Montgomery, \*Swafford, \*DeBerry L, \*Godsey, \*Sargent, \*Harwell. (SB2167 by \*Hagood, \*Black, \*Bryson, \*Ketron, \*Tracy, \*Beavers, \*Finney, \*Fowler, \*Miller, \*Norris, \*Person, Curtis, \*Ramsey, \*Southerland)

Further consideration of House Bill No. 2137 previously considered on May 25, 2005 and May 26, 2005, at which time it was reset for today's Calendar.

Rep. U. Jones requested that House Bill No. 2137 be moved down 10 places on the Calendar.

**\*House Bill No. 2186** -- Local Education Agency - Requires LEAs to establish a parents' report card pick up day each school year. Amends TCA Title 49. by \*Montgomery. (SB2234 by \*Hagood)

Further consideration of House Bill No. 2186 previously considered on May 25, 2005 and May 26, 2005, at which time it was reset for today's Calendar.

Rep. Montgomery requested that House Bill No. 2186 be moved to the heel of the Calendar.

**Senate Bill No. 927** -- Cheatham County - Adds constables in Cheatham County to those constables having law enforcement powers presently authorized to use blue flashing emergency lights, either alone or in combination with red flashing emergency lights, in their motor vehicles when they are wearing law enforcement uniforms approved by the county's governing body. Amends TCA Section 55-9-414. by \*Kurita. (\*HB826 by \*Johnson P)

Further consideration of Senate Bill No. 927 previously considered on March 10, 2005 and March 17, 2005, at which time the House adopted Amendment(s) No(s). 1, withdrew Amendment(s) No(s). 2. It was also considered on March 24, 2005, at which time it was reset for today's Calendar.

Rep. P. Johnson moved that Senate Bill No. 927, as amended, be passed on third and final consideration.

Rep. P. Johnson moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Rinks moved to refer Senate Bill No. 927 to the State and Local Government Committee.

Rep. P. Johnson moved that the motion to refer Senate Bill No. 927 to the State and Local Government Committee, be tabled, which motion prevailed by the following vote:

Ayes .....	47
Noes.....	43
Present and not voting .....	3

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Representatives voting aye were: Bone, Buck, Bunch, Campfield, Casada, Clem, Cochran, Crider, Curtiss, Davis, DuBois, Dunn, Eldridge, Ferguson, Fraley, Godsey, Gresham, Hargett, Harrison, Harwell, Hawk, Hensley, Hill, Johnson C, Johnson P, Johnson R, Kelsey, Lynn, Maggart, Matheny, McCormick, McDaniel, Montgomery, Mumpower, Newton, Niceley, Overbey, Pleasant, Roach, Rowland, Sargent, Sharp, Stanley, Strader, Swafford, Watson, West -- 47.

Representatives voting no were: Armstrong, Baird, Borchert, Briley, Brooks (Knox), Brown, Coleman, Cooper B, Davidson, DeBerry J, DeBerry L, Favors, Fitzhugh, Fowlkes, Hackworth, Hargrove, Harmon, Hood, Jones S, Jones U, Kernell, Langster, Litz, Maddox, Marrero, McCord, McDonald, McMillan, Miller L, Odom, Pinion, Pruitt, Rinks, Shaw, Shepard, Sontany, Tindell, Towns, Turner L, Turner M, Vaughn, Winningham, Mr. Speaker Naifeh -- 43.

Representatives present and not voting were: Cobb, Moore, Tidwell -- 3.

Rep. Hill moved the previous question, which motion failed by the following vote:

Ayes .....	48
Noes.....	43

Representatives voting aye were: Bone, Brooks (Knox), Buck, Bunch, Casada, Clem, Cobb, Cochran, Crider, Curtiss, Davis, DuBois, Eldridge, Ferguson, Fraley, Godsey, Hargett, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Kelsey, Lynn, Maggart, Matheny, McCormick, McDaniel, McKee, Mumpower, Niceley, Overbey, Pleasant, Roach, Rowland, Sargent, Sharp, Stanley, Strader, Swafford, Todd, Watson, West -- 48.

Representatives voting no were: Armstrong, Baird, Borchert, Briley, Brown, Campfield, Coleman, Cooper B, Davidson, DeBerry J, DeBerry L, Dunn, Favors, Fitzhugh, Fowlkes, Gresham, Hackworth, Hargrove, Jones S, Jones U, Kernell, Langster, Litz, Maddox, Marrero, McDonald, McMillan, Miller L, Montgomery, Moore, Odom, Pinion, Pruitt, Rinks, Shaw, Shepard, Sontany, Tidwell, Tindell, Towns, Turner L, Turner M, Vaughn -- 43.

After further debate, Rep. Swafford moved the previous question, which motion failed by the following vote:

Ayes .....	48
Noes.....	39

Representatives voting aye were: Baird, Brooks (Knox), Bunch, Casada, Clem, Cochran, Crider, Curtiss, Davis, DuBois, Dunn, Eldridge, Ferguson, Fraley, Godsey, Gresham, Hargett, Harmon, Harrison, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Lynn, Maggart, Matheny, McCormick, McDaniel, McKee, Montgomery, Mumpower, Newton, Niceley, Overbey, Pleasant, Roach, Rowland, Sargent, Sharp, Stanley, Strader, Swafford, Todd, Watson, West -- 48.

Representatives voting no were: Armstrong, Bone, Borchert, Briley, Brown, Campfield, Coleman, Cooper B, Davidson, DeBerry L, Favors, Fitzhugh, Fowlkes, Hackworth, Hargrove, Jones S, Jones U, Kernell, Langster, Litz, Maddox, Marrero, McDonald, McMillan, Miller L, Moore, Odom, Pinion, Pruitt, Rinks, Shaw, Shepard, Sontany, Tidwell, Tindell, Towns, Turner L, Turner M, Vaughn -- 39.

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After further debate, Rep. Gresham moved the previous question, which motion prevailed.

Rep. P. Johnson moved that **Senate Bill No. 927**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	54
Noes.....	32
Present and not voting .....	5

Representatives voting aye were: Baird, Borchert, Brooks (Knox), Buck, Bunch, Campfield, Casada, Clem, Cochran, Crider, Curtiss, Davis, DuBois, Dunn, Eldridge, Ferguson, Godsey, Gresham, Hargett, Harrison, Hawk, Hensley, Hill, Johnson C, Johnson P, Kelsey, Litz, Lynn, Maggart, Matheny, McCormick, McDaniel, McKee, Montgomery, Moore, Mumpower, Newton, Niceley, Overbey, Pinion, Pleasant, Roach, Rowland, Sargent, Sharp, Shepard, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Watson, West -- 54.

Representatives voting no were: Armstrong, Bone, Briley, Brown, Cobb, Coleman, Cooper B, Davidson, Favors, Fitzhugh, Fowlkes, Hackworth, Hargrove, Hood, Jones S, Jones U, Langster, Maddox, Marrero, McCord, McDonald, McMillan, Miller L, Odom, Pruitt, Rinks, Shaw, Sontany, Turner L, Turner M, Vaughn, Mr. Speaker Naifeh -- 32.

Representatives present and not voting were: DeBerry J, Fraley, Harwell, Kernell, Towns -- 5.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill No. 955.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 2, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 955** -- Pest Control - Requires new charter in category 7 pest control business to have \$50,000 surety bond for first three years and \$10,000 thereafter; requires all chartered pest control companies to have physical address and maintain physical address. Amends TCA Title 62, Chapter 21, Part 1; Section 62-21-103 and Section 62-21-108. by \*Hargett. (SB1651 by \*Hagood)

**Senate Amendment No. 2**

AMEND House Bill No. 955 by deleting the language “(a)” from Section 2.;

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AND FURTHER AMEND by deleting in its entirety subsection (b) from Section 2.

Rep. Hargett moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 955**, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**BILL PLACED ON CALENDAR**

Rep. Winningham moved that **House Joint Resolution No. 347**, held on the Clerk's desk, be placed on the next Consent Calendar, which motion prevailed.

**RULES SUSPENDED**

Rep. Odom moved that the rules be suspended to allow the Wildlife Subcommittee to meet during the House recess for the sole purpose of hearing **Senate Joint Resolution No. 44**, which motion prevailed.

**RULES SUSPENDED**

Rep. McMillan moved that the Committee on Calendar and Rules meet during the House recess to consider **House Bill No. 1590**, which motion prevailed.

**RECESS MOTION**

On motion of Rep. McMillan, the House stood in recess until 1:30 p.m., today.

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**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 113:** Rep(s). P. Johnson, Rowland, Todd, Baird, Pleasant, Kelsey, Kernell, Maggart, Towns, Hackworth, Cooper, Harmon, Ferguson, Fraley, Curtiss, Davidson, M. Turner, Hood, Niceley, C. Johnson, Sharp, Watson, Clem, Cochran, Swafford, McDaniel, Matheny, McCormick, Strader, Montgomery, Harrison, Godsey, Newton, Dunn, Davis and Hill as prime sponsor(s).

**House Joint Resolution No. 134:** Rep(s). P. Johnson, Rowland, Todd, Baird, Pleasant, Maggart, Kernell, Kelsey, Towns, Hackworth, Cooper, Harmon, Ferguson, Fraley, Curtiss, Davidson, M. Turner, Hood, Gresham, Hensley, Niceley, C. Johnson, Sharp, Watson, Clem, Cochran, Swafford, Crider, McDaniel, Campfield, DuBois, Matheny, McCormick, Strader, Montgomery, Harrison, Newton, Davis, Dunn and Hill as prime sponsor(s).

**House Joint Resolution No. 347:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 724:** Rep(s). Lynn as prime sponsor(s).

**ENGROSSED BILLS  
May 27, 2005**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 713.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 485, 486, 487, 488, 489, 490, 491, 492, 493 and 494; all adopted for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 463** -- Memorials, Retirement - Dr. Donald M. Elkins. by \*Burks.

**Senate Joint Resolution No. 464** -- Memorials, Academic Achievement - James Glover Wright, Valedictorian, Humboldt High School. by \*McLeary.

**Senate Joint Resolution No. 465** -- Memorials, Academic Achievement - Dustin Michael McCormick, Salutatorian, Humboldt High School. by \*McLeary.

**Senate Joint Resolution No. 466** -- Memorials, Academic Achievement - Carol Perritt, Salutatorian, McKenzie High School. by \*McLeary.

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**Senate Joint Resolution No. 467** -- Memorials, Academic Achievement - Rachael Clark, Valedictorian, McKenzie High School. by \*McLeary.

**Senate Joint Resolution No. 468** -- Memorials, Retirement - Ralph Overton. by \*Jackson.

**Senate Joint Resolution No. 469** -- Memorials, Academic Achievement - Jordan Walter, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 470** -- Memorials, Academic Achievement - Jessica Leigh Plunkett, Valedictorian, Hickman County High School. by \*Jackson.

**Senate Joint Resolution No. 471** -- Memorials, Academic Achievement - Brandon McClary, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 472** -- Memorials, Academic Achievement - Kristen Carol Hood, Salutatorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 473** -- Memorials, Academic Achievement - Daniel Wayne LaRoue, Valedictorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 474** -- Memorials, Academic Achievement - Holly Forrest, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 475** -- Memorials, Academic Achievement - Benjamin Lewis Totty, Salutatorian, Hickman County High School. by \*Jackson.

**Senate Joint Resolution No. 476** -- Memorials, Academic Achievement - Justin Blaine Matthews, Valedictorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 477** -- Memorials, Academic Achievement - Loren Brown, Salutatorian, Dickson County High School. by \*Jackson.

**Senate Joint Resolution No. 478** -- Memorials, Academic Achievement - Laura Ellen Simmons, Valedictorian, McEwan High School. by \*Jackson.

**Senate Joint Resolution No. 479** -- Memorials, Academic Achievement - Sara Elizabeth Bryan, Salutatorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 480** -- Memorials, Academic Achievement - Amber Brooke Miller, Salutatorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 481** -- Memorials, Academic Achievement - April Lynn Cummins, Valedictorian, McEwan High School. by \*Jackson.

**Senate Joint Resolution No. 482** -- Memorials, Academic Achievement - Julie Ann Hagewood, Valedictorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 483** -- Memorials, Academic Achievement - Toshia Wren, Valedictorian, Dickson County High School. by \*Jackson.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 485** -- Memorials, Academic Achievement - Andrew Bulso, Valedictorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 486** -- Memorials, Academic Achievement - Erica Tachoir, Salutatorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 487** -- Memorials, Academic Achievement - Amanda Middleton, Valedictorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 488** -- Memorials, Academic Achievement - Peter Snell, Valedictorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 489** -- Memorials, Academic Achievement - Jenny Noles, Salutatorian, Central High School. by \*McLeary.

**Senate Joint Resolution No. 490** -- Memorials, Academic Achievement - Glenn Weaver, Salutatorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 491** -- Memorials, Academic Achievement - Derek Brown, Salutatorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 492** -- Memorials, Academic Achievement - William Jeffery Parrish, Salutatorian, Gibson County High School. by \*McLeary.

**Senate Joint Resolution No. 493** -- Memorials, Academic Achievement - Kimberly Ann Scott, Valedictorian, Gibson County High School. by \*McLeary.

**Senate Joint Resolution No. 494** -- Memorials, Academic Achievement - Heather Overall, Valedictorian, Central High School. by \*McLeary.

**ENGROSSED BILLS**

**May 27, 2005**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1566, 2420, 2421, 2424, also, House Joint Resolution(s) No(s). 668, 683, 688, 707, 709, 710, 711, 714, 715, 716, 717, 718, 719, 720, 721 and 722.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 27, 2005**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1879.

The Senate concurred in House Amendment(s) No(s). 13 and 14 and nonconcurred in House Amendment(s) No(s). 1 as amended, 11, 7 and 10.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**ENGROSSED BILLS  
May 27, 2005**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 369 and 1784.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2315; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 2315** -- Appropriations - Makes appropriations for fiscal years 2004-2005, 2005-2006. by \*Henry, \*Kyle. (\*HB2331 by \*McMillan, \*Fitzhugh, \*Tindell, \*Shaw, \*Fraleay)

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 698.

The Senate acceded to the request of the House for appointment of conference committee:

The Speaker appointed a Conference Committee composed of Senators Ketron, Kurita and Norris to confer with a like Committee from the House in open conference to resolve the differences between bodies on House Bill No. 698.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 581.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 632.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, House Bill(s) No(s). 1405, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS  
May 27, 2005**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 156, 157, 159, 160, 161, 162, 163 and 164; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 27, 2005**

The Speaker signed the following: House Resolution(s) No(s). 156, 157, 159, 160, 161, 162, 163 and 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 27, 2005**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar No. 2 for May 27, 2005**: House Bill(s) No(s). 1590.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for May 27, 2005:

**House Resolution No. 163** -- Memorials, Interns - Neil Umsted. by \*Miller L.

**House Resolution No. 164** -- Memorials, Interns - Thallen J. Womack. by \*Miller L.

**House Joint Resolution No. 723** -- Memorials, Recognition - Captain Hunter L. Belcher, Tennessee National Guard, recipient of the General Douglas MacArthur Leadership Award. by \*Bone.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**House Joint Resolution No. 724** -- Memorials, Death - James Allen Hendrixson. by \*Bone.

**House Joint Resolution No. 726** -- Memorials, Interns - Heather Allene Baughman. by \*Tindell, \*Armstrong.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for May 27, 2005:

**Senate Joint Resolution No. 463** -- Memorials, Retirement - Dr. Donald M. Elkins. by \*Burks.

**Senate Joint Resolution No. 464** -- Memorials, Academic Achievement - James Glover Wright, Valedictorian, Humboldt High School. by \*McLeary.

**Senate Joint Resolution No. 465** -- Memorials, Academic Achievement - Dustin Michael McCormick, Salutatorian, Humboldt High School. by \*McLeary.

**Senate Joint Resolution No. 466** -- Memorials, Academic Achievement - Carol Perritt, Salutatorian, McKenzie High School. by \*McLeary.

**Senate Joint Resolution No. 467** -- Memorials, Academic Achievement - Rachael Clark, Valedictorian, McKenzie High School. by \*McLeary.

**Senate Joint Resolution No. 468** -- Memorials, Retirement - Ralph Overton. by \*Jackson.

**Senate Joint Resolution No. 469** -- Memorials, Academic Achievement - Jordan Walter, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 470** -- Memorials, Academic Achievement - Jessica Leigh Plunkett, Valedictorian, Hickman County High School. by \*Jackson.

**Senate Joint Resolution No. 471** -- Memorials, Academic Achievement - Brandon McClary, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 472** -- Memorials, Academic Achievement - Kristen Carol Hood, Salutatorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 473** -- Memorials, Academic Achievement - Daniel Wayne LaRoue, Valedictorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 474** -- Memorials, Academic Achievement - Holly Forrest, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 475** -- Memorials, Academic Achievement - Benjamin Lewis Totty, Salutatorian, Hickman County High School. by \*Jackson.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 476** -- Memorials, Academic Achievement - Justin Blaine Matthews, Valedictorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 477** -- Memorials, Academic Achievement - Loren Brown, Salutatorian, Dickson County High School. by \*Jackson.

**Senate Joint Resolution No. 478** -- Memorials, Academic Achievement - Laura Ellen Simmons, Valedictorian, McEwan High School. by \*Jackson.

**Senate Joint Resolution No. 479** -- Memorials, Academic Achievement - Sara Elizabeth Bryan, Salutatorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 480** -- Memorials, Academic Achievement - Amber Brooke Miller, Salutatorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 481** -- Memorials, Academic Achievement - April Lynn Cummins, Valedictorian, McEwan High School. by \*Jackson.

**Senate Joint Resolution No. 482** -- Memorials, Academic Achievement - Julie Ann Hagewood, Valedictorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 483** -- Memorials, Academic Achievement - Toshia Wren, Valedictorian, Dickson County High School. by \*Jackson.

**Senate Joint Resolution No. 485** -- Memorials, Academic Achievement - Andrew Bulso, Valedictorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 486** -- Memorials, Academic Achievement - Erica Tachoir, Salutatorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 487** -- Memorials, Academic Achievement - Amanda Middleton, Valedictorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 488** -- Memorials, Academic Achievement - Peter Snell, Valedictorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 489** -- Memorials, Academic Achievement - Jenny Noles, Salutatorian, Central High School. by \*McLeary.

**Senate Joint Resolution No. 490** -- Memorials, Academic Achievement - Glenn Weaver, Salutatorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 491** -- Memorials, Academic Achievement - Derek Brown, Salutatorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 492** -- Memorials, Academic Achievement - William Jeffery Parrish, Salutatorian, Gibson County High School. by \*McLeary.

**Senate Joint Resolution No. 493** -- Memorials, Academic Achievement - Kimberly Ann Scott, Valedictorian, Gibson County High School. by \*McLeary.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 494** -- Memorials, Academic Achievement - Heather Overall, Valedictorian, Central High School. by \*McLeary.

**CONSENT CALENDAR  
May 27, 2005**

The following local bills have been placed on the Supplemental Consent Calendar No. 2 for **May 27, 2005**: House Bill(s) No(s). 2423.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. McMillan, the roll call was dispensed with.

**SUPPLEMENTAL CONSENT CALENDAR NO. 2**

**House Bill No. 2423** -- Munford - Subject to local approval, rewrites charter. Amends Chapter 619 of the Private Acts of 1919; as amended. by \*Naifeh, \*Gresham.

**House Joint Resolution No. 113** -- Memorials, Recognition - Boy Scouts of America, 95th Anniversary. by \*Lynn, \*DuBois, \*Campfield, \*Sargent, \*Hensley, \*Gresham.

**House Joint Resolution No. 134** -- Memorials, Recognition - Cub Scouts, 75th Anniversary. by \*Lynn.

**House Resolution No. 163** -- Memorials, Interns - Neil Umsted. by \*Miller L.

**House Resolution No. 164** -- Memorials, Interns - Thallen J. Womack. by \*Miller L.

**House Joint Resolution No. 723** -- Memorials, Recognition - Captain Hunter L. Belcher, Tennessee National Guard, recipient of the General Douglas MacArthur Leadership Award. by \*Bone.

**House Joint Resolution No. 724** -- Memorials, Death - James Allen Hendrixson. by \*Bone.

**House Joint Resolution No. 726** -- Memorials, Interns - Heather Allene Baughman. by \*Tindell, \*Armstrong.

**Senate Joint Resolution No. 463** -- Memorials, Retirement - Dr. Donald M. Elkins. by \*Burks.

**Senate Joint Resolution No. 464** -- Memorials, Academic Achievement - James Glover Wright, Valedictorian, Humboldt High School. by \*McLeary.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 465** -- Memorials, Academic Achievement - Dustin Michael McCormick, Salutatorian, Humboldt High School. by \*McLeary.

**Senate Joint Resolution No. 466** -- Memorials, Academic Achievement - Carol Perritt, Salutatorian, McKenzie High School. by \*McLeary.

**Senate Joint Resolution No. 467** -- Memorials, Academic Achievement - Rachael Clark, Valedictorian, McKenzie High School. by \*McLeary.

**Senate Joint Resolution No. 468** -- Memorials, Retirement - Ralph Overton. by \*Jackson.

**Senate Joint Resolution No. 469** -- Memorials, Academic Achievement - Jordan Walter, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 470** -- Memorials, Academic Achievement - Jessica Leigh Plunkett, Valedictorian, Hickman County High School. by \*Jackson.

**Senate Joint Resolution No. 471** -- Memorials, Academic Achievement - Brandon McClary, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 472** -- Memorials, Academic Achievement - Kristen Carol Hood, Salutatorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 473** -- Memorials, Academic Achievement - Daniel Wayne LaRoue, Valedictorian, Richland High School. by \*Jackson.

**Senate Joint Resolution No. 474** -- Memorials, Academic Achievement - Holly Forrest, Valedictorian, Waverly High School. by \*Jackson.

**Senate Joint Resolution No. 475** -- Memorials, Academic Achievement - Benjamin Lewis Totty, Salutatorian, Hickman County High School. by \*Jackson.

**Senate Joint Resolution No. 476** -- Memorials, Academic Achievement - Justin Blaine Matthews, Valedictorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 477** -- Memorials, Academic Achievement - Loren Brown, Salutatorian, Dickson County High School. by \*Jackson.

**Senate Joint Resolution No. 478** -- Memorials, Academic Achievement - Laura Ellen Simmons, Valedictorian, McEwan High School. by \*Jackson.

**Senate Joint Resolution No. 479** -- Memorials, Academic Achievement - Sara Elizabeth Bryan, Salutatorian, Giles County High School. by \*Jackson.

**Senate Joint Resolution No. 480** -- Memorials, Academic Achievement - Amber Brooke Miller, Salutatorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 481** -- Memorials, Academic Achievement - April Lynn Cummins, Valedictorian, McEwan High School. by \*Jackson.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 482** -- Memorials, Academic Achievement - Julie Ann Hagewood, Valedictorian, Creekwood High School. by \*Jackson.

**Senate Joint Resolution No. 483** -- Memorials, Academic Achievement - Toshia Wren, Valedictorian, Dickson County High School. by \*Jackson.

**Senate Joint Resolution No. 485** -- Memorials, Academic Achievement - Andrew Bulso, Valedictorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 486** -- Memorials, Academic Achievement - Erica Tachoir, Salutatorian, Pope John Paul II High School. by \*Black.

**Senate Joint Resolution No. 487** -- Memorials, Academic Achievement - Amanda Middleton, Valedictorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 488** -- Memorials, Academic Achievement - Peter Snell, Valedictorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 489** -- Memorials, Academic Achievement - Jenny Noles, Salutatorian, Central High School. by \*McLeary.

**Senate Joint Resolution No. 490** -- Memorials, Academic Achievement - Glenn Weaver, Salutatorian, Jackson Christian School. by \*McLeary.

**Senate Joint Resolution No. 491** -- Memorials, Academic Achievement - Derek Brown, Salutatorian, Trenton-Peabody High School. by \*McLeary.

**Senate Joint Resolution No. 492** -- Memorials, Academic Achievement - William Jeffery Parrish, Salutatorian, Gibson County High School. by \*McLeary.

**Senate Joint Resolution No. 493** -- Memorials, Academic Achievement - Kimberly Ann Scott, Valedictorian, Gibson County High School. by \*McLeary.

**Senate Joint Resolution No. 494** -- Memorials, Academic Achievement - Heather Overall, Valedictorian, Central High School. by \*McLeary.

**House Joint Resolution No. 347** -- Memorials, Professional Achievement - Commissioner James Neeley, Distinguished Service Award. by \*Winningham, \*Maddox.

Rep. Miller moved that all members voting aye on House Resolution(s) No(s). 163 and 164 be added as co-prime sponsors, which motion prevailed.

Rep. West moved that all members voting aye on House Joint Resolution No. 347 be added as co-prime sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

Ayes .....91  
Noes.....1  
Present and not voting .....1

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner M -- 1.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 1879** -- Sewage - Requires soil scientists and consultants and subsurface sewage disposal installers to be bonded for defective workmanship in such sewage system installations prior to certification by the department of environment and conservation. Amends TCA Title 68, Chapter 221, Part 4. by \*Herron, \*Black, \*Burks. (\*HB105 by \*McDonald)

Rep. McDonald moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 as amended, 11, 7 and 10 to **Senate Bill No. 1879**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 1405** -- Probation and Parole - Allows certain probation officers who meet POST certification standards and are employed by probation offices operated by governmental entities to serve warrants, make arrests, and bring probationers before the court when directed by the court to do so. Amends TCA Title 40, Chapter 28 and Title 40, Chapter 35, Part 3. by \*Tindell, \*Armstrong. (SB1957 by \*Burchett)

**BILL RETURNED**

Rep. Tindell requested that House Bill No. 1405 be returned to the Senate, which motion prevailed.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**BILL TRANSMITTED TO THE SENATE**

Rep. Tindell moved that the Clerk transmit a copy of **House Resolution No. 158**, adopted on May 26, 2005, to the Senate, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 581** -- DUI/DWI Offenses - Authorizes judge to sentence first-time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Section 55-10-403. by \*Curtiss, \*Brooks (Shelby). (\*SB79 by \*Burks, \*Herron)

Rep. Curtiss moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2 to **House Bill No. 581**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 581**

Pursuant to **Rule No. 73**, Representative Curtiss moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 581, which motion prevailed.

The Speaker appointed Representatives Curtiss, Hargrove and Overbey as the House members of the Conference Committee on House Bill No. 581.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 581.

The Senate acceded to the request of the House for appointment of conference committee:

The Speaker appointed a Conference Committee composed of Senators Burks, Fowler, Haynes, Jackson, Person and Ramsey to confer with a like Committee from the House in open conference to resolve the differences between the bodies on House Bill No. 581.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 581**

Pursuant to **Rule No. 73**, Representative Curtiss moved that the Speaker appoint three additional Committee members of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 581, which motion prevailed.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

The Speaker appointed Representatives Harrison, McDaniel and Harmon as the additional House members of the Conference Committee on House Bill No. 581.

**RECOGNITION IN THE WELL**

**AMENDMENT WITHDRAWN**

Rep. Crider was recognized in the Well, where he moved that Amendment No. 2 to **House Joint Resolution No. 348** be withdrawn, which motion prevailed.

**RECESS MOTION**

On motion, the House stood in recess for 15 minutes.

**MESSAGE FROM THE SENATE**

**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1120; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 1120** -- Lottery, Charitable - Urges secretary of state to provide necessary assistance to small and disadvantaged organizations in completion of forms and filings. Amends TCA Title 3, Chapter 17. by \*Burks. (HB1546 by \*Winningham, \*Hargrove)

**MESSAGE FROM THE SENATE**

**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1367; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 1367** -- Administrative Procedure (UAPA) - Continues permanent rules filed with secretary of state after January 1, 2004. by \*Harper. (HB1442 by \*Kernell, \*Brooks (Shelby), \*Cooper B)

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. McMillan, the roll call was dispensed with.

**REGULAR CALENDAR, CONTINUED**

Without objection, the House proceeded with the Regular Calendar as follows:

**\*House Bill No. 2331** -- Appropriations - Makes appropriations for fiscal years 2004-2005, 2005-2006. by \*McMillan, \*Fitzhugh, \*Tindell, \*Shaw, \*Fraleley. (SB2315 by \*Henry, \*Kyle)

On motion, House Bill No. 2331 was made to conform with **Senate Bill No. 2315**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2315 be passed on third and final consideration.

Rep. Hensley moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2315 By adding the following as a new section immediately before the effective date section and by redesignating the effective date section accordingly:

SECTION \_\_\_\_\_. Notwithstanding any other provision of this act to the contrary, if the memorandum of understanding concerning a new waiver-based spend down program entered into by the commissioner of finance and administration on April 26, 2005 takes effect on or before August 1, 2005 and the medically needy are not disenrolled from the TennCare program, then the funds appropriated to fund the implementation of Senate Bill 2300/House Bill 2321 shall not be expended to fund such bill and such funds shall be appropriated to fund continued coverage of the medically eligible in the TennCare program. If such memorandum of understanding does not take effect by August 1, 2005, then funds appropriated to implement the provisions of Senate Bill 2300/House Bill 2321 shall be expended to fund the implementation of such bill; provided, however, such funds may not be expended before August 1, 2005.

After further discussion, Rep. McMillan moved that Senate Bill No. 2315 be reset for the Regular Calendar on May 28, 2005, which motion prevailed.

**SPECIAL ORDER**

Without objection, the following bills on the Regular Calendar were taken up at the sponsors' request and all remaining bills were reset for Saturday, May 28, 2005 as follows:

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2186** -- Local Education Agency - Requires LEAs to establish a parents' report card pick up day each school year. Amends TCA Title 49. by \*Montgomery. (SB2234 by \*Hagood)

Further consideration of House Bill No. 2186 previously considered on today's Calendar.

On motion, House Bill No. 2186 was made to conform with **Senate Bill No. 2234**; the Senate Bill was substituted for the House Bill.

Rep. Montgomery moved that Senate Bill No. 2234 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2234 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-50-1304, is amended by deleting the second sentence of the section and substituting instead the following:

The executive director shall have demonstrated expertise in foreign language or cultural issues and programs.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion of Reps. Winningham and Montgomery, Education Committee Amendment No. 1 was adopted.

Rep. Niceley moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Niceley moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. McCord moved the previous question, which motion prevailed.

Rep. Montgomery moved that **Senate Bill No. 2234** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes.....0

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Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2137** -- Education - Broadens Tennessee Public Charter Schools Act of 2002. Amends TCA Title 49, Chapter 13. by \*Jones U, \*Montgomery, \*Swafford, \*DeBerry L, \*Godsey, \*Sargent, \*Harwell. (SB2167 by \*Hagood, \*Black, \*Bryson, \*Ketron, \*Tracy, \*Beavers, \*Finney, \*Fowler, \*Miller, \*Norris, \*Person, Curtis, \*Ramsey, \*Southerland)

Further consideration of House Bill No. 2137 previously considered on today's Calendar.

Rep. U. Jones requested that House Bill No. 2137 be moved down 2 places on the Calendar.

**House Bill No. 1442** -- Administrative Procedure (UAPA) - Continues permanent rules filed with secretary of state after January 1, 2004. by \*Kernell, \*Brooks (Shelby), \*Cooper B. (\*SB1367 by \*Harper)

On motion, House Bill No. 1442 was made to conform with **Senate Bill No. 1367**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1367 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1367 By deleting Section 2 of the bill, as amended, in its entirety and by substituting instead the following:

SECTION 2. Representatives of the department of human services income shares advisory committee are hereby directed to meet and confer with the joint government operations committees on or before October 1, 2005, regarding matters relative to the implementation and effectiveness of child support guidelines.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 1367**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes .....91  
Noes.....1  
Present and not voting .....1

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Marrero -- 1.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

**House Bill No. 1520** -- Sunset Laws - University of Tennessee board of trustees, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9. by \*Kernell, \*Brooks (Shelby), \*Cooper B. (\*SB1382 by \*Harper)

On motion, House Bill No. 1520 was made to conform with **Senate Bill No. 1382**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1382 be passed on third and final consideration.

On motion, Rep. Cooper withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 1382** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

A motion to reconsider was tabled.

**\*House Bill No. 2137** -- Education - Broadens Tennessee Public Charter Schools Act of 2002. Amends TCA Title 49, Chapter 13. by \*Jones U, \*Montgomery, \*Swafford, \*DeBerry L, \*Godsey, \*Sargent, \*Harwell. (SB2167 by \*Hagood, \*Black, \*Bryson, \*Ketron, \*Tracy, \*Beavers, \*Finney, \*Fowler, \*Miller, \*Norris, \*Person, Curtis, \*Ramsey, \*Southerland)

Further consideration of House Bill No. 2137 previously considered on today's Calendar.

On motion, House Bill No. 2137 was moved down 1 place on the Calendar.

**House Bill No. 1546** -- Lottery, Charitable - Urges secretary of state to provide necessary assistance to small and disadvantaged organizations in completion of forms and filings. Amends TCA Title 3, Chapter 17. by \*Winningham, \*Hargrove. (\*SB1120 by \*Burks)

On motion, House Bill No. 1546 was made to conform with **Senate Bill No. 1120**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1120 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Hargrove moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1120 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, a 501(c)(3) organization seeking to operate an annual event for the annual event period beginning July 1, 2004, and ending June 30, 2005, shall file an annual event application with the secretary prior to 5:00 p.m. central daylight time on May 27, 2005. The secretary shall review all annual event applications timely submitted in a manner consistent with the provisions of Title 3, Chapter 17, Part 1, and shall allow any such organization to file one (1) date change. The secretary shall transmit an omnibus list of qualified applicants to the clerk of the senate and the clerk of the house of representative prior to 8:00 p.m. central daylight time on May 27, 2005, in a manner consistent with Title 3, Chapter 17, Part 1.

SECTION 2. Any annual event authorized pursuant to this act shall be conducted in accordance with Title 3, Chapter 17, Part 1.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 1120**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes.....0

Representatives voting aye were: Armstrong, Baird, Bone, Borchert, Briley, Brooks (Knox), Brown, Buck, Bunch, Campfield, Casada, Clem, Cobb, Cochran, Coleman, Cooper B, Crider, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, DuBois, Dunn, Eldridge, Favors, Ferguson, Fitzhugh, Fowlkes, Fraley, Godsey, Gresham, Hackworth, Hargett, Hargrove, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones S, Jones U, Kelsey, Kernell, Langster, Litz, Lynn, Maddox, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McDonald, McKee, McMillan, Miller L, Montgomery, Moore, Mumpower, Newton, Niceley, Odom, Overbey, Pinion, Pleasant, Pruitt, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Vaughn, Watson, West, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2137** -- Education - Broadens Tennessee Public Charter Schools Act of 2002. Amends TCA Title 49, Chapter 13. by \*Jones U, \*Montgomery, \*Swafford, \*DeBerry L, \*Godsey, \*Sargent, \*Harwell. (SB2167 by \*Hagood, \*Black, \*Bryson, \*Ketron, \*Tracy, \*Beavers, \*Finney, \*Fowler, \*Miller, \*Norris, \*Person, Curtis, \*Ramsey, \*Southerland)

Further consideration of House Bill No. 2137 previously considered on today’s Calendar.

On motion, House Bill No. 2137 was made to conform with **Senate Bill No. 2167**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 2167 be passed on third and final consideration.

Reps. Winningham and U. Jones moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2167 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-104(3), is amended by deleting the punctuation “;” at the end of the subdivision and by substituting instead the punctuation “.” and by adding the following language at the end of the subdivision:

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The membership of a charter school's governing body shall include at least one (1) parent representative whose child is currently enrolled in the charter school. Such parent representative shall be appointed by the governing body within six (6) months of the school's opening date;

SECTION 2. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational options for students. The prospective student population will be:

(1) Students who were previously enrolled in a charter school; or

(2) Students who were previously enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system, giving priority to at-risk students; or

(3) Students who, in the previous school year, failed to test proficient in the subjects of language arts/ reading or mathematics in grades three (3) through eight (8) on the Tennessee comprehensive assessment program examinations; or

(4) Students who, in the previous school year, failed to test proficient on the gateway examinations in language arts/ reading or mathematics.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(C) Prior to 2008, at which time the general assembly is scheduled to evaluate the effectiveness of charter schools for the purpose of re-enactment or extension of the charter school statute, charter schools created for the purpose stated in subdivision (a) shall not exceed, statewide, fifty (50) in number, twenty (20) of which shall be located within a home rule municipality of a county with a population greater than eight hundred ninety seven thousand and four hundred (897,400), and four (4) of which shall be located within a county with a population greater than eight hundred ninety seven thousand and four hundred (897,400).

SECTION 4. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language "November 15" and by substituting instead the language "October 1".

SECTION 5. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by adding the following sentence to the end of the subdivision:

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“An LEA’s decision whether to convert an eligible public school may not be appealed to the state board of education” to the end of the subdivision.”

SECTION 6. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language “November 15” and by substituting instead the language “October 1”.

SECTION 7. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language “November 15” and by substituting instead the language “October 1”.

SECTION 8. Tennessee Code Annotated, Section 49-13-124, is amended by designating the current language as subsection (a) and by adding the following as a new subsection (b):

(b) The chartering authority may endorse the submission of the qualified zone academy bond application to the local taxing authority if the project is a qualified project under §1397 (e) of the Internal Revenue Code of 1986 or any subsequent corresponding Internal Revenue Code of the United States, as from time to time may be amended, and the Tennessee state school bond authority act, and the applicant can demonstrate that it meets the ten percent (10%) matching funds requirement as prescribed by the Internal Revenue Code and has provided sufficient security for the bonds.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section:

49-13-1\_\_.

(a) The office of education accountability in the office of the comptroller, created by Tennessee Code Annotated 4-3-308, shall review relevant state and national charter school research related to school and student achievement, with particular emphasis on curriculum design and teaching methods. The office shall report its findings to the senate and house education committees by February 1, 2006.

(b) The office of education accountability in the office of the comptroller shall conduct a comprehensive study of the charter schools across Tennessee to:

(1) evaluate each charter school’s status in achieving the purposes established in § 49-13-102; and

(2) recommend measures for improvement.

(c) The report shall include a comparison of any relevant test data from Tennessee’s public traditional and charter schools and shall include an evaluation of effective teaching methods and governance structures intended to promote learning for all students in Tennessee’s public charter schools. The report shall also include information on other states’ charter school legislation and corresponding results.

(d) The office of education accountability shall report its findings and recommendations to the General Assembly no later than February 1, 2008.

SECTION 10. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Todd moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2167 by deleting the language "Students who were previously enrolled in" and by substituting instead the language "Students who are assigned to, or were previously enrolled in" in subdivision (a)(2) of Section 2 of the bill as amended.

Rep. Godsey moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Stanley moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 2167**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	58
Noes .....	31
Present and not voting .....	4

Representatives voting aye were: Armstrong, Baird, Brooks (Knox), Buck, Campfield, Casada, Clem, Cochran, Davis, DeBerry L, DuBois, Dunn, Fowlkes, Godsey, Gresham, Hargett, Hargrove, Harwell, Hensley, Hill, Hood, Johnson C, Johnson P, Johnson R, Jones U, Kelsey, Langster, Lynn, Maggart, Marrero, Matheny, McCord, McCormick, McDaniel, McKee, Montgomery, Mumpower, Newton, Niceley, Overbey, Pinion, Pleasant, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Sontany, Stanley, Strader, Swafford, Tindell, Todd, Watson, West, Mr. Speaker Naifeh -- 58.

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Representatives voting no were: Bone, Borchert, Brown, Bunch, Cobb, Coleman, Curtiss, Davidson, DeBerry J, Eldridge, Favors, Ferguson, Fitzhugh, Fraley, Hackworth, Harmon, Harrison, Hawk, Jones S, Kernell, Litz, McDonald, McMillan, Miller L, Odom, Pruitt, Tidwell, Towns, Turner M, Vaughn, Winningham -- 31.

Representatives present and not voting were: Cooper B, Crider, Maddox, Moore -- 4.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 559:** Rep(s). U. Jones as prime sponsor(s).

**House Bill No. 36:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 498:** Rep(s). Coleman as prime sponsor(s).

**House Bill No. 918:** Rep(s). Coleman and Langster as prime sponsor(s).

**House Bill No. 963:** Rep(s). Hawk as prime sponsor(s).

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 638 and 2102; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 638** -- Aged Persons - Removes deduction for patient income from the \$13.00 per day reimbursement that residential homes for the aged are to receive for certain residents. Amends TCA Section 12-4-320. by \*Ford. (\*HB656 by \*DeBerry L, \*Brooks (Shelby))

**Senate Bill No. 2102** -- Criminal Offenses - Revises activities that are considered to be criminal offenses involving the sexual exploitation of minors. Amends TCA Title 39. by \*Burchett, \*Miller. (\*HB2082 by \*DeBerry J)

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2410, 2414, 2415, 2416, 2417, 2418 and 2419; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

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**MESSAGE FROM THE SENATE**  
**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 98, 122, 138, 204, 222, 254, 376, 428, 441, 465, 508, 645, 666, 700, 709, 757, 795, 931, 936, 998, 1088, 1090, 1399, 1414, 1506, 1751, 1972, 2076, 2077, 2124, 2199, 2255 and 2321; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2314; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 2314** -- Bond Issues - Authorizes issuance of bonds to fund state projects. by \*Henry, \*Kyle. (\*HB2330 by \*McMillan, \*Fitzhugh, \*Tindell, \*Shaw)

**MESSAGE FROM THE SENATE**  
**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2038; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 2038** -- Health, Dept. of - Enacts the "Child Nutrition and Wellness Act of 2005 " to educate public about child nutrition and wellness and to advocate the improvement of child nutrition and wellness. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by \*Black, \*Miller. (HB2055 by \*Bowers, \*Brooks (Shelby), \*Cooper B, \*Marrero, \*DeBerry J, \*DuBois, \*Favors)

**MESSAGE FROM THE SENATE**  
**May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2409; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 2409** -- Bond Issues - Authorizes issuance of \$100,000,000 in bonds to institutions of higher education for purpose of capital outlay and maintenance. by \*Henry. (\*HB2014 by \*Fitzhugh)

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**ENROLLED BILLS  
May 27, 2005**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 131, 132, 180, 246, 272, 285, 290, 294, 337, 345, 368, 401, 654, 676, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705 and 706.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 27, 2005**

The Speaker signed the following: House Joint Resolution(s) No(s). 131, 132, 180, 246, 272, 285, 290, 294, 337, 345, 368, 401, 654, 676, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705 and 706.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 396; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 396** -- Redistricting, Congressional - Declares intent that congressional redistricting shall comply with federal and state constitutional mandates and applicable judicial decisions. Amends TCA Title 2 and Title 3. by \*Herron, \*Ramsey, \*Haynes. (HB1801 by \*Rinks, \*McMillan, \*Hargett)

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 131, 132, 180, 246, 272, 285, 290, 294, 337, 345, 368, 401, 654, 676, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705 and 706; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1315; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 1315** -- Lottery, Scholarships and Programs - Establishes dual enrollment grants to pay costs of postsecondary attendance from net lottery proceeds for certain students who are receiving college credit in courses at eligible postsecondary institutions while completing high school. Amends TCA Title 49, Chapter 4, Part 9. by \*McNally, \*Cohen. (HB1532 by \*Winningham, \*Hackworth, \*Cooper B, \*Newton)

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1975; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1784; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 628; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

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

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK  
May 27, 2005**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 131, 132, 180, 246, 272, 285, 290, 294, 337, 345, 368, 401, 654, 676, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705 and 706.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
May 27, 2005**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2423, also, House Joint Resolution(s) No(s). 113, 134, 347, 723, 724 and 726.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 27, 2005**

The Speaker signed the following: Senate Bill(s) No(s). 98, 122, 138, 204, 222, 254, 376, 428, 441, 465, 508, 645, 666, 700, 709, 757, 795, 931, 936, 998, 1088, 1090, 1399, 1414, 1506, 1751, 1972, 2076, 2077, 2124, 2199, 2255 and 2321.

**MESSAGE FROM THE GOVERNOR  
May 27, 2005**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 89, 100, 113, 316, 462, 675, 863, 927, 995, 999, 1262, 1323, 1337, 1432, 1582, 1656, 1677, 1735, 1891, 1945, 1997, 2030, 2287, 2293, 2306, 2401, 2403, 2406, also, House Joint Resolution(s) No(s). 86, 110, 215, 250, 441, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 629, 633, 635, 636, 637, 638, 639, 640, 642, 643, 644, 645, 646, 648, 649, 650, 652, 653, 657, 658, 659, 660, 661, 662, 663, 664, 665, 667, 669, 673, 671, 672, 674, 675, 677, 678, 679, 680, 681, 682, 684, 685, 686 and 687; with his approval.

STEVEN E. ELKINS for ROBERT E. COOPER, JR., Counsel to the Governor.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1120; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 369; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1879.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1 as amended, 11, 7 and 10.

The Speaker appointed a Conference Committee composed of Senators Beavers, Herron and Williams to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1879.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2420, 2421 and 2423; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 668, 707, 709, 710, 711, 713, 714, 715, 716, 717, 718, 719, 720, 721 and 722; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 927.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, MAY 27, 2005 – FORTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR  
May 27, 2005**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 307 and 670, with his approval.

STEVEN E. ELKINS for ROBERT E. COOPER, JR., Counsel to the Governor.

**SIGNED  
May 27, 2005**

The Speaker signed the following: Senate Bill(s) No(s). 1120.

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1831; passed by the Senate as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 1831** -- Taxes, Sales - Allows the use of sales tax revenue by municipalities for the revitalization of the public square, subject to certain restrictions. Amends TCA Title 6 and Section 67-6-103. by \*Herron. (\*HB963 by \*Fitzhugh, \*Hawk)

**MESSAGE FROM THE SENATE  
May 27, 2005**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1405.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**RECESS MOTION**

On motion of Rep. McMillan, the House stood in recess until 9:00 a.m., Saturday, May 28, 2005.