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RESEARCH REVIEW

The House Finance Committee

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RESEARCH REVIEW
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HOUSE RESEARCH DIVISION STAFF

AGRICULTURE
Jeremy Maxwell

CHILDREN & FAMILY AFFAIRS
Amelia Mitchell

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CONSERVATION & ENVIRONMENT
Jeremy Maxwell

CONSUMER & EMPLOYEE AFFAIRS
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STATE & LOCAL GOVERNMENT
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TRANSPORTATION
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ASSISTANT
Traveda Jordan

PHOTOGRAPHY
Jed DeKalb
Andrew McMurtrie
Theresa Mongomery

DESIGN & LAYOUT
John Newman

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HOUSE RESEARCH DIVISION
Denise Sims, Director

7th Floor, Rachel Jackson Building
Nashville, TN 37243
615-741-3025
www.capitol.tn.gov

Representative Lundberg

THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider three bills on calendar. **HB 3913 (Lundberg)** was *referred to Calendar & Rules*. This bill creates a Class A misdemeanor offense for a person who was previously convicted of animal cruelty if such person subsequently violates an animal custody restriction imposed by the sentencing court.

The following bill was *deferred to summer study*:
HB 3858 (Towns)

The following bill *failed for lack of motion*:
HB 627 (Maggart)

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee met Tuesday to consider three bills on calendar.

The following bill was *deferred in subcommittee*:
HB 3748 (Sontany)

The following bill was *taken off notice:*
HB 3682 (Cobb, T)

The following bill *failed for lack of motion:*
HB 163 (Weaver)

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CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday April 6th and considered the following legislation:

Passed to Calendar & Rules:

HB 3425 by Rep. Litz, under certain instances, abolishes the requirement to run a publication for an unknown father when there is no legal father at the time the adoption is filed.

Representative Litz

Deferred one week:

HB 3423 by Rep. Litz states that a man shall not be a legal parent based solely on scientific testing, but such testing may be a basis for a court of competent jurisdiction to establish paternity.

HB 3422 by Rep. Litz and Hackworth as amended, states that the provisions of Title 36 shall be liberally construed for the accomplishment of its policy and purpose. It shall also be construed in conjunction with the provisions of Section 36-1-143, relative to the termination of parental rights, if such provision becomes law.

HB 3427 by Rep. Hackworth as amended establishes a presumption that each parent, age 18 and over, has knowledge of a parent's legal obligation to support his or her child or children.

HB 3647 by Rep. Stewart as amended enacts amendments to the Uniform Interstate Family Support Act.

HB 3850 by Rep. Richardson as amended requires DCS to promote collaboration and accountability between various entities including continued departmental accreditation with the Council on Accreditation for Children & Family Services or its equivalent.

Representative Richardson

HB 33 by Hardaway as amended requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

HB 3114 by Rep. Sherry Jones as amended develops "Tennessee's Transitioning Youth Empowerment Act of 2010." This will authorize DCS to provide services to youth who are transitioning to adulthood from state custody.

HB 2992 by Chairman DeBerry requires a child-placing agency to collect medical and social history on a foster child within 30 days of foster care placement.

Taken off notice:

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

HB 2916 by Rep. Bell as amended states that the court shall order a custody arrangement which permits both parents to enjoy the maximum participation possible in the life of the child which is consistent with the child's best interests. The court shall base these findings on all relevant factors including, but not limited to, the location of the residence of both parents, the child's need for stability and those factors outlined in Section 36-6-106.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** is closed subject to the call of the chair.

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** is closed subject to the call of the chair.

FULL COMMITTEE

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

HB 2970 (Odom) changes the reporting deadline of the Tennessee Advisory Commission on Intergovernmental Relations to the General Assembly on the effectiveness

Representative Odom

of Tennessee's current underground utility damage prevention program from January 29, 2010, to January 17, 2011.
[*passed to Calendar & Rules*]

HB 3801 (Armstrong) as amended, extends the sunset provisions for AccessTN, CoverTN, and CoverKids until June 30, 2015.
[*passed to Calendar & Rules*]

HB 3433 (Bell) as amended, enacts "Tennessee Health Freedom Act" which declares that it is the public policy of Tennessee that every person has the right to decline or choose any mode of securing health care services without penalty or threat of penalty imposed by the federal government. The amended bill also directs the Attorney General to seek injunctive or other relief if necessary to preserve the rights set forth in the legislation. A second amendment includes a severability clause should part or parts of the act be held void. A third amendment was discussed that would make an individual who decides to decline health insurance ineligible in the future for any federally-funded health care services. This amendment was tabled. Committee members also received a copy of Attorney General Opinion 10-43. In it, the Attorney General opines that a court would likely determine that HB 3433 is preempted by the recently-enacted federal health care legislation. After further debate, a motion to adjourn was made, seconded, and favorably voted upon.
[*rolled for one week*]

<u>The following bills were *rolled for one week*:</u>
HB 3759 (West)
HB 3654 (Stewart)
HB 3717 (Carr)
HB 3504 (Fitzhugh)
HB 3782 (Gilmore)
HB 2622 (Lynn)
HJR 745 (Lynn)
HJR 722 (Lynn)

HB 3937 (Maddox) was *taken off notice*.

UTILITIES & BANKING SUBCOMMITTEE

The **Utilities & Banking Subcommittee** is closed subject to the call of the chair.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday and moved two bills to the full committee.

Representative Mumpower

HB 3191 (Mumpower) as amended, enacts the "Tennessee Appraisal Management Company Registration & Regulation Act." Under this legislation, appraisal management companies would be under the same rules and regulations as individual appraisers. The subcommittee heard testimony last week that these companies are currently operating without any regulations and this legislation would hold them to the same standards as licensed appraisers.
[*moved to full committee*]

HB 2927 (Sargent) as amended, makes changes to the TNInvestco Program. The subcommittee heard additional testimony from Commissioner

Reagan Farr with the Department of Revenue. The amendment expands the program to include the two alternates from the original selection process. Also, the TNInvestco funds would remain under the state's control in trust funds managed by the Treasurer until investments are made. The amendment includes a key-man provision that requires each firm to designate key people and indicate who will fill those positions in the event those key people need to be replaced. The Department of Economic & Community Development would also have statutory authority to oversee each firm's investment strategy to ensure it remains consistent with their original application. [*moved to full committee*]

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday to consider fourteen bills.

HB 3322 (Hackworth) imposes certain new coverage requirements for chemotherapy for cancer. Rep. Shepard motioned to have the Tennessee Cancer Coalition work on this issue and report back to the subcommittee next year as well as ask the proponents of the bill to meet with members of the insurance industry to work together in crafting any legislation. [*rolled to 2011*]

HB 396 (Fincher) as amended, requires health insurance companies to cover colorectal cancer screenings. An amendment was added to clarify that this is a mandated benefit where it had been previously referenced in the law that insurers had to simply offer the benefit in their plans. The subcommittee heard testimony from the insurance industry and NFIB. [*rolled for one week*]

HB 3940 (Lundberg) as amended, provides standards for procedures by health insurance carriers to assure that covered persons and health care providers have the opportunity for the resolution of grievances. Under this legislation, there would be a system for first level and second level review of grievance and requirements for an expedited review process. [*rolled for one week*]

The following bills were *rolled for one week*:
HB 128 (Hardaway)
HB 3923 (Hardaway)
HB 1323 (Harmon)
HB 3949 (Sargent)
HB 3229 (McCord)
HB 3921 (Shepard)
HB 2874 (Curtiss)
HB 2875 (Curtiss)
HB 3167 (Curtiss)
HB 3832 (Turner M)

HB 3730 (Tidwell) was *taken off notice*.

THE FULL COMMITTEE

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

The following bills were *referred to Calendar & Rules as amended:*
HB 3842 (Maddox), as amended, makes the bill. It revises various provisions of the Tennessee Petroleum Underground Storage Tank Act. This amendment specifies that the fund would additionally be used for the investigation, identification, and for the reasonable and safe cleanup of locations from which underground storage tank systems have been removed. It also defines the persons who are the "responsible party" under this act. This amendment adds to the list of unlawful acts that constitute

Representative Maddox

Class C misdemeanors under the Act to include submitting to the department of environment and conservation any document known to contain any false or fraudulent statement or entry, knowingly making any false or fraudulent statement or representation, or knowingly falsifying, concealing or covering up a material fact. This amendment adds that the commissioner may issue an order to the responsible party to close the UST system or use the petroleum underground storage tank fund to permanently close the UST system and seek cost recovery. It revises the provision to specify that owners or operators of such tanks "with respect to releases eligible for fund reimbursement would be liable for all costs not covered by the fund" instead of " who have paid the required fees are liable for all costs up to entry level

into the fund." Additionally, petroleum site owners with respect to releases eligible for fund reimbursement would be secondarily liable for all costs not covered by the fund, and all other petroleum storage site owners would be liable for all costs as provided in the Act.

HB 3287 (Lynn), as amended, makes the bill. This bill states it is the position of the general assembly that the state of Tennessee should not participate in any Federally-mandated carbon cap-and-trade system and shall officially oppose the establishment of such a system by the Federal government.

HB 958 (McCord), as amended, makes the bill. It requires the technical advisory committee to file an annual report of its findings and recommendations with the commissioner of environment and

Chairman McCord

conservation, the chair of the environment, conservation and tourism committee of the senate and the chair of the conservation and environment committee of the house of representatives. The commissioner shall perform a thorough and ongoing study of, and prepare recommendations regarding options for, the protection of watersheds and the control of sources of pollution, including any significant developments in the administration of the Inter-basin Water Transfer Act, in order to assure the future quality of potable drinking water supplies throughout the state.

The following bill was *referred to Finance, Ways & Means as amended:*
HB 3936 (McCord), as amended, makes the bill. It creates a seven-member Tennessee wildlife resources advisory committee to review and make recommendations to the general assembly on pending legislation that would affect the mission of the wildlife resources commission. The bill also seeks to improve communication between the general assembly and commission. Two members will be appointed by the speaker of the house, two members will be appointed by the speaker of the senate and three members from the Tennessee wildlife resources commission will be appointed by the chairman of the wildlife resources commission.

The following bill was *referred to Finance, Ways & Means:*
SJR 306 (Floyd) establishes the North Hamilton - Rhea County Creek Management Task Force to study land use practices to manage long-term flooding and develop workable solutions for citizens and governmental entities in the area. Removes language requiring the district's state representative and state senator to attend meetings of the North Hamilton – Rhea County Creek Management Task Force and instead strongly urges them to participate.

The following bills were *deferred one week:*
HB 134 (Faulkner)
HB 3904 (Winningham)
HB 2411 (Watson)
HB 2837 (Floyd)
HB 3683 (McCord)

PARKS SUBCOMMITTEE

Parks Subcommittee met Tuesday to consider one bill on calendar. **HB 2519 (Faulkner)** was *referred to full committee*. This bill allows any park ranger, ranger naturalist, park manager, or any other similar employee who has used an equine to carry out such person's duties as a law enforcement officer or employee of the division of parks and recreation to take possession of such animal upon the division's determination to retire the equine.

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

ENVIRONMENT COMMITTEE

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

WILDLIFE SUBCOMMITTEE

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

THE FULL COMMITTEE

The House Consumer and Employee Affairs Committee met on Wednesday, April 7, 2010, to hear five (5) bills on calendar.

Rolled One Week:
Discussion continued on **HB 3163 by Curtiss** (SB 3591 by Ketron) as amendments were considered and the bill was further refined. The bill creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers' compensation insurance to cover themselves.

HB 2774 by Hardaway (SB 3378 by Marrero B) would require child protective restraints in shopping carts.

HB 3525 by Maddox (SB 3336 by Herron) makes permanent the temporary suspension imposed by HB7/ SB1 of the 2010 Extraordinary Session of the requirement that independent contractors in the construction industry obtain workers' compensation insurance.

Rolled to the Last Calendar:
HB 3162 by Curtiss (SB 3603 by Ketron) lengthens suspension of the requirement that sole proprietors and partners maintain workers' compensation insurance on themselves from March 28, 2011, until June 30, 2011.

HB 3557 by Rowland (SB 3750 by Bunch) establishes certain presumptions and conclusive determinations regarding the determination of whether a person is an "employee" or an "independent contractor" for purposes of the workers' compensation law.

EMPLOYEE AFFAIRS SUBCOMMITTEE

Employee Affairs Subcommittee met Wednesday, April 7, 2010 to hear three (3) bills.

Remains in Committee:
SJR 0831 by L Finney names April 20, 2010, as "Equal Pay Day."

Off Notice:
HB 3104 by McManus (SB 3302 by Kelsey)

Failed:
HB 3431 by McDonald (SB 3261 by Berke)

Employee Affairs Subcommittee is closed subject to the call of the Chair.

CONSUMER AFFAIRS SUBCOMMITTEE

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

FULL COMMITTEE

The **House Education Committee** met on Wednesday, April 7th. Their actions are as follows. The calendar for next week will be the last calendar for this year.

Referred to Calendar & Rules:
HB 2341 (S. Jones) – As amended, this legislation requires that a study be done on the education of youths in juvenile detention facilities by January 15, 2011. The data shall be compiled by the Department of Education and forwarded to the Select Committee on Children and Youth and the chairs of the House and Senate Education Committees. The goal of the study is to ensure BEP funding is allocated properly for students in these institutions and that grades and attendance records are forwarded properly among institutions and LEAs.

HB 2641 (Cooper) – This bill requires the State Board of Education to study integrating GIS into the career and technical education curriculum and to report back to the House and Senate Education committees by March 1, 2011. Separately, the Department of Labor and Workforce Development is to study implementing the addition of GIS into the adult education curriculum and to report back to the House and Senate Education committees by March 1, 2011.

Referred to Finance, Ways & Means:
HB 2130 (Mumpower) – This legislation requires a grant of $500 be

given out of lottery scholarship funds to completers of the Tennessee scholars program. This is to be given in addition to the lottery scholarship that the student receives. The effective date was updated via committee amendment.

Rolled 1 week:
HB 1371 (Kernell)
HB 3499 (Hensley)
HB 3503 (Fitzhugh)
HB 1870 (Brown)
HB 2072 (J. DeBerry)
HB 377 (Coley)
HB 209 (Coley)
HB 3875 (U. Jones)
HB 3868 (U. Jones)
HB 3867 (U. Jones)
HB 3149 (Winningham)
HB 3544 (Maddox)
HB 3546 (Maddox)
HB 564 (H. Brooks)
HB 3028 (H. Brooks)
HB 3693 (H. Brooks)
HB 3334 (H. Brooks)
HB 2759 (H. Brooks)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met, completed its business for the year, and is now closed at the call of the chair.

Passed to the full committee:
HB 2996 (J. DeBerry) – This bill sets the start date for schools as the first Monday in August unless a majority of the local school board votes otherwise. It mandates summer school attendance for students who do not test proficient on their TCAPs, and these students must retake their TCAP at the conclusion of the summer school term. The score that the student receives on the retest shall substitute for the previous score. Makes the requirement that schools' AYP will be announced by the fourth Monday in July each year.

HB 3545 (Maddox) – As amended, this bill requires each local board of education to adopt a policy whereby TCAP test scores compromise between 15-25% of a final grade for the spring semester for students in grades 3-8 in math, English/language arts, science, and social studies. Also, the bill opens a 2 week window for the administration of TCAP tests to 3rd through 8th graders. Testing shall begin no earlier than the first Monday on or after April 22nd, and must not be given prior to the 150th day of instruction. This requirement may be waived in the event of natural disaster, inclement weather, or outbreaks of illness.

Representative Cooper

Representative DeBerry

HB 15 (Ferguson) – This bill, as amended, allows counties to select to elect their school superintendents, if they had elected superintendents on July 1, 1992, and gives provisions for the transition back to doing so.

HB 3794 (Winningham, M. Turner) – This bill, as amended, prohibits any person who has been adjudicated as a mental defective; been judicially committed or hospitalized in a mental institution; has had a court appoint a conservator by reason of mental defect; has been judicially determined to be disabled by reason of mental illness, developmental disability, or other mental incapacity; or has been found by a court to pose in immediate likelihood of serious harm from receiving a license to teach or from entering a teacher training program.

Referred to State Board of Education:
HB 821 (Campfield)

Taken off notice:
HB 3745 (Mumpower)
HB 3406 (Faulkner)
HB 3962 (Pitts)
HB 3118 (Dunn)

Bills failed:
HB 3484 (Ferguson) – dies for lack of second

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** is closed at the call of the chair.

FINANCE, WAYS & MEANS

Julie Travis

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, April 6, 2010 to consider twenty-two bills on the full committee's calendar and to hear further testimony from the Division of Intellectual Disabilities over questions arising from their departmental budget hearing. The following is a list of the final action taken on the legislation heard before the full committee this week:

Deferred 1 week:
HB 206 (Coley)
HB 3428 (Hackworth), *as amended*

Recommended for passage and thus referred to Calendar and Rules:
HB 3046 (Fitzhugh) – This bill, as amended by the House Commerce Committee, declares that the Tennessee Regulatory Authority does not have jurisdictional or regulatory authority over carbon dioxide that is transported via an interstate pipeline. Carbon dioxide transported by pipelines would instead be regulated under the federal Natural Gas Pipeline Safety Act.

HB 3924 (Fitzhugh) – This highway sign bill designates the segment of U. S. Highway 70A/79 within Crockett County from the Haywood County – Crockett County boundary to the Crockett County – Gibson County boundary as the *"Veterans Memorial Highway"* and directs the Department of Transportation to manufacture and erect suitable signs. As amended in House Finance, Crockett County is required to direct the funding for the signs to TDOT within one year of the bill's passage if such signs are to be installed.

HB 3355 (Hackworth) – This legislation authorizes local governments to conduct criminal background or fingerprint analysis, with cooperation from the Tennessee Bureau of Investigation and the Federal Bureau of Investigation, for beer permit applicants. This bill authorizes the TBI to assess appropriate fees.

HB 3709 (Towns) – This bill, as rewritten in the House Health & Human Resources Committee, requires, after July 1, 2010, as vacancies arise on the Board of Barber Examiners, at least one of the four barber members must be an instructor, owner, employee, or manager of a barber school.

HB 3732 (Borchert) – This bill authorizes the sale of alcoholic beverages for on-premises consumption at a restaurant within a Tennessee River Resort District with an indoor seating capacity of at least 40 people and an outdoor seating capacity of at least 75 people.

HB 3879 (B. Cooper) – This bill, as amended in the full Finance committee, urges the Department of Human Services to convene a meeting of interested LEAs, juvenile and other courts, DAs, and other relevant entities to plan parental and caretaker training classes for underprivileged parents and caretakers who receive temporary assistance (TANF dollars), regarding relevant statutes and parental responsibility relative to school attendance, training, homework, and school decorum.

HB 2483 (Harmon) – This legislation authorizes TRICOR to develop policies for the sale of TRICOR products to offenders in the custody of the Department of Correction.

HB 2485 (Harmon) – This bill, as rewritten in the House State & Local Government Committee, authorizes TRICOR to sell as surplus property TRICOR equipment and raw materials to businesses, government, non-profit organizations, or by public auction. It

also states that it is the intent of the General Assembly that TRICOR has as part of its mission to offset the costs of incarceration by generating revenue through the sale of products in lieu of state appropriated funds.

HB 3218 (Hawk) – Known as the *"Mercury Product Disposal Contract Act,"* this legislation requires generators of mercury-added consumer products to remove such mercury-added products from the stream of solid waste disposal. As amended in the House State and Local Government Committee, the bill defines a "covered generator" as any generator that employs 10 or more employees. This act would require the Department of Revenue to include in its registration form an inquiry regarding the recycling of mercury-added products in its registration packet to each person who is required to register with the Department, and it also requires any updates to these forms to be done only upon the occasion of the next scheduled printing or software update. The legislation also requires inspectors, during their inspections, to make property owners aware of this act. The term "disposed of" is defined within the bill as meaning that which is originally placed in a solid waste container whose contents are destined for delivery to a solid waste landfill for disposal or to an incinerator, boiler, or industrial furnace for burning. The bill also requires the Department of Revenue to establish and maintain a link on the Department's web site to information concerning the Mercury Product Disposal Control Act. It also adds medical devices and restorative dental materials to the list of "mercury-containing excluded products," which also include photographic film and paper, pharmaceutical and biological products, any substance that can be sold over the counter without a prescription as defined by federal law, button batteries used in hearing aids, radios, cameras, and other devices, as well as any device or material from which elemental mercury or mercury compounds have been removed.

Representative Hawk

HB 725 (Hensley) – This bill, as rewritten in House Conservation & Environment Committee, specifies that no person shall hunt on or over any baited area where such person knows or reasonably should have known that the area is or has been baited.

HB 2663 (Lundberg) – This highway sign bill designates the 4.4 mile segment of State Route 44 in Sullivan County from Bridge No. 82-SR044-12.29 to Bridge No. 82-SR044-7.89 as the *"Veterans Memorial Highway"* and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs are required to be installed only if the related costs for the signs are paid to TDOT by Sullivan County within one year of the effective date of this act.

HB 2548 (Lundberg) – This bridge sign bill designates Bridge No. 82-SR075-6.62 located 2.4 miles south of State Route 126 on State Route 75 in Sullivan County as the *"PFC Roy W. Neal Memorial Bridge"* and directs the Department of Transportation to manufacture and erect suitable signs. The late Private First Class Roy W. Neal made the ultimate sacrifice for his country on May 28, 1968, while serving in Vietnam. The costs associated with the signs will, therefore, be funded in accordance with TCA §54-1-133.

HB 1338 (McDonald) – This bill extends, from 60 days to 75 days, the amount of time authorized for the Chief Administrative Officer of a county to complete an inventory of certain items after taking office. The bill was further amended in the House Transportation Committee to add language expressing the intent of this General Assembly to name an appropriate bridge or bridges on State Route 840, also known as the Tennessee National Guard Parkway, as the *"CW2 Billie Jean Grinder Memorial Bridge,"* the *"Captain Marcus Ray Alford Memorial Bridge,"* and the *"Staff Sergeant Michael Wayne Tinsley, Sr. Memorial Bridge."* All three service members were members of the Tennessee Army National Guard and died in the line of duty while in service to their country. The bill directs the Department of Transportation to manufacture and erect suitable signs with the related costs being funded in accordance with TCA §54-1-133. The final decision in selecting the appropriate bridge or bridges shall be made in consultation

Representative McDonald

with the representative and senator representing the district in which these three honorable individuals resided.

HJR 807 (McDaniel) – This highway sign bill designates the box culvert on U.S. Highway 64 that is located one-tenth of one mile west of such highway's intersection with State Route 114 in Wayne County as the *"Frank Davidson Memorial Bridge"* and directs the Department of Transportation to manufacture and erect suitable signs. The bill requires Wayne County to direct the funding for the signs to the Department within one year for the resolution to become effective.

HB 2372 (Montgomery) – This bill, as rewritten by the House Children & Family Affairs Committee, terminates the responsibilities of the surrendering adoptive parent or parents for future child support or other future financial responsibilities after the Department of Children Services accepts the surrender of a child who was placed for adoption by DCS, and surrendering the child is determined to be in the child's best interest. Any past child support arrearages or other financial obligations incurred for the care of the child prior to the execution of the surrender are not eliminated. This only applies to adoptive parents of children who were in the custody of DCS immediately prior to the adoption. As further amended, the bill will sunset on June 30, 2012.

HB 3471 (Naifeh) – This highway sign bill designates the segment of Interstate 40 from the Fayette County/ Shelby County line westward to its intersection with the Sam Cooper Boulevard in Shelby County as the *"Isaac Hayes Memorial Highway"* and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. As amended in the House Finance Committee, the designating signs shall be erected only if Tipton County designates the funding for the manufacture and installation of such signs to TDOT within one year of the effective date of this act.

HB 3250 (Ramsey) – This bill, as rewritten in the House Education Committee, requires that schools place their first automated external defibrillator in the gymnasium or physical education area. Further placed AEDs (upon being purchased in the future) shall be placed in areas accessible during an emergency.

HB 148 (Sargent) – As rewritten in the House Commerce Committee, this bill requires all documents filed with the Department of Commerce and Insurance concerning a rating organization's rates, supplementary rate information, policy forms, endorsements, or supporting information be open for public inspection unless the organization provides information to the Commissioner that the information is a trade secret and the Commissioner deems it so. If the information is determined not to be trade secret information, it will be returned to the organization. Furthermore, it authorizes copies of public information be provided to anyone who submits a request and pays reasonable duplication charges.

HJR 806 (Shepard) – This highway sign bill designates the segment of State Route 49 in Dickson County from such route's intersection with St. Paul Road northeasterly to its intersection with Timber Ridge Road as the *"SGT Kenneth W. Harris, Jr. Memorial Highway"* and directs the Department of Transportation to manufacture and erect suitable signs. The late Sergeant Kenneth W. Harris, Jr., United States Army Reserve, was killed in action while serving on active duty in support of Operation Iraqi Freedom. The costs associated with such signage shall be funded in accordance with TCA §54-1-133.

HB 1420 (Tidwell) –This legislation enacts the *"Soil Scientist Licensing Act of 2009."* As amended in the House Commerce, Government

Representative Tidwell

Operations, and Finance committees, this legislation requires the Commissioner of Commerce & Insurance to license and regulate soil scientists, effective January 1, 2011. The bill establishes minimum educational and experience requirements for licensure application. As amended, it requires the Commissioner of Commerce and Insurance to consider all operating cost reductions that are suggested by the advisory committee in establishing recurring or nonrecurring fees for such licensees, and authorizes the Commissioner to appoint a five-member advisory committee to be administratively attached to the Division of Regulatory Boards. This five-member Soil Science Advisory Committee (SSAC) will be required to implement the act and to provide rulemaking authority. As amended, the legislation requires the Commissioner of Commerce & Insurance to consider all operating cost reductions that are suggested by the SSAC in establishing recurring or nonrecurring fees. The advisory committee members are required to serve without benefit of compensation, per diem, or reimbursement for any travel expenses

in attending the meetings or in performance of their duties. The Commissioner is also required, with the passage of this legislation, to annually prepare a roster showing the names and places of business of all licensed soil scientists in the state. Copies of the roster are to be filed with the Secretary of State's office where a licensee may obtain a copy free of charge; however, the public must pay a fee in a sum sufficient to cover the actual cost of duplication for such copy of the roster. The bill specifies that the new license does not affect any other profession related to soil science that already requires licensure or registration. Violation of this act is set as a Class B misdemeanor, with the Commissioner being authorized to assess a civil penalty of up to $1,000 per violation.

BUDGET SUBCOMMITTEE

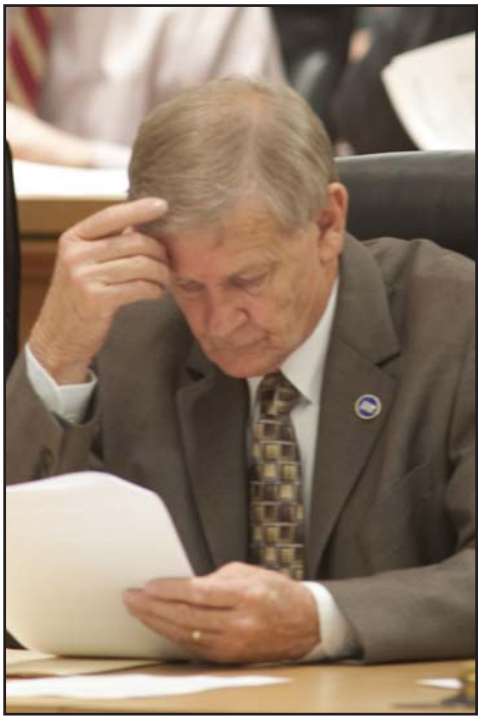
The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 7, 2010 with fifty-nine bills on its calendar, along with testimony on certain pieces of legislation. Subcommittee action on these bills is as follows:

Deferred for One Week:
HB 2474 (Winningham)
HB 2750 (Todd)
HB 2894 (Maggart)
HB 2740 (Lundberg)
HB 2496 (Hardaway)
HB 3094 (Fitzhugh)
HB 3607 (Fitzhugh)
HB 3589 (Fitzhugh)
HB 2975 (Fitzhugh)
HB 2671 (Evans)
HB 2349 (Dennis)
HB 3170 (Curtiss)
HB 3157 (Curtiss)
HB 2776 (Casada)
HB 3142 (Bell)
HB 3252 (Armstrong)
HB 3718 (Armstrong)
HB 3310 (Armstrong)
HB 3806 (M. Turner)
HB 1947 (Shaw)
HB 3193 (Shaw)
HB 2928 (Sargent)
HB 3015 (Sargent)
HB 3449 (Pitts)
HB 3549 (Maddox)
HB 3526 (Maddox)
HB 3268 (S. Jones)
HB 3130 (Harwell)
HB 3438 (Harrison)
HJR 796 (Bone)
HB 3136 (Bone)

Behind the Budget:
HB 3634 (Todd)
HB 3657 (Stewart)
HB 3659 (Stewart)
HB 3213 (Stewart)
HB 2788 (Maggart)
HB 2789 (Maggart)
HB 2656 (Maggart)
HB 3277 (Maggart)
HB 2865 (Haynes), *as amended*
HB 3413 (Brown), *as amended*
HB 1860 (Brown) – *lottery*
HB 3719 (Bass)
HB 3479 (Matlock) – *lottery*

Off Notice:
HB 3639 (Todd)

Referred to Full Committee:
HB 3417 (Winningham) – As amended in the House State & Local Government Committee, this legislation authorizes Industrial Development Corporations to finance roads, streets, utilities or other public improvements until June 30, 2012 for any project identified in an economic impact plan that is located in a mixed-use development of more than 500 acres and in a county where at least 30 percent of the population is 18 years old or younger.



Representative Winningham

HB 3125 (Todd) – As amended in the House Judiciary Committee, this bill allows a person with a handgun carry permit to carry a handgun in an establishment open to the public where liquor, wine, beer, or other alcoholic beverages are served for consumption on the premises. It also clarifies and makes uniform the language constituting valid postings in establishments where firearms are prohibited; it increases the penalty for a permit holder consuming alcohol within such establishments. It increases the penalty for unlawfully carrying a firearm in places where alcohol is served, creating a Class B misdemeanor, punishable by fine only of $500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Effective September 1, 2010, a component of the classroom portion of all Department of Safety approved handgun courses shall be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, the judgment and ability to safely handle a firearm, and the provisions of TCA § 39-17-1321. The amendment that made the bill also deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to TCA §§ 57-4-203 and 57-3-204.

HB 2219 (Stewart) – This bill requires the Commissioner of Finance and Administration to establish a position within state government, referred to as the EFFECTs person or position, whose focus shall be establishing an accountability process within state government to insure that state government is efficient, forward-looking, focused, energetic, competent, and transparent. The EFFECTs position created with this legislation would be required to be filled by an existing state employee. Job objectives and responsibilities for the EFFECTs position are also established within this piece of legislation.

HB 1428 (Niceley) – This is the equine slaughter bill. As rewritten in the House Agriculture Committee, this bill requires the Department of Agriculture to establish and administer a program for the licensure, licensure renewal, permitting, inspection, and regulation of equine slaughter and processing facilities within this state, effective October 1, 2009. The department has the authority with this bill to revoke or suspend the license or permit issued for such an equine slaughter or processing facility upon finding non-compliance of the rules and regulations set forth by the department for the sanitary maintenance and operation of the facilities, premises, and equipment. This bill requires the Department of Ag. to establish fees in an amount sufficient to fully fund the regulatory program, including, but not limited to, the implementation of a fee-for-service system in conducting inspections. If an action is filed in circuit or chancery court, the person filing the action is required to post a surety bond in the amount of 20% of the total estimated cost of building the facility or the operational cost of an existing facility; however, the bonding requirements shall not apply to indigent persons. Also addressed in the bill, as amended, are actions and remedies available to the court's discretion in the awarding of attorneys fees, the liability for financial loss, and the challenging of losses in court. The Commissioner of the Department of Agriculture is required to promulgate rules and regulations to effectuate the purposes of this act, in accordance with the Uniform Administrative Procedures Act. The bill also prohibits the Department from promulgating rules, expending any funds, or using any resources for the regulatory program until the federal restrictions have been removed to permit a feasible market for meat from horses slaughtered and processed in the United States or until the time that the Commissioner, at his discretion, determines that the need for state inspection of horse meat is apparent.

HB 3421 (Litz) – As amended in the House Consumer & Employee Affairs Committee, this bill requires direct deposit of unemployment insurance benefits to a claimant's bank account if the claimant submits a written request in addition to a voided check. It prohibits the inclusion of a claimant's social security number except for the last four digits on a check or other documents when benefits are paid by check, and it requires the Department of Labor and Workforce Development to reissue a check within 90 days of the original check if the claimant files a written report that the check was not received and the claimant was not negligent.

HB 3407 (Harmon) – This bill increases the fee to obtain motor vehicle accident reports from the current $4 to $10. The Budget Subcommittee amended the bill to add language requiring all revenue generated from this fee increase to be earmarked by the Dept. of Safety to be used to operate and maintain the TITAN system (Tennessee Integrated Traffic Analysis Network) and to develop and maintain a system to facilitate the online sale of such motor vehicle accident reports.

HJR 820 (Faulkner) – This resolution requests approval from the Tennessee Valley Authority for the construction of the Campbell County Lighthouse Lodge and Convention Center. According to the resolution, the Campbell County Commission passed a resolution requesting the State request TVA's approval for the construction of the Campbell Co. Lighthouse Lodge and Convention Center and three Campbell County Executives have requested the same. A copy of HJR 820 is required to be transmitted to the Chairman of the Board of the TVA.

HB 3055 (Watson) – As amended in the House Conservation & Environment Committee, this bill defines the carrying capacity of the Ocoee River between Rogers Branch and Caney Creek to be

Representative Watson

4,250 commercial customers on dates which the commercial usage exceeded 4,250 in the previous year. It also requires that each date on which the carrying capacity was capped for the last season to also be capped on the same date for the next season unless the commercial usage fell below 4,050 customers. It authorizes the Hiwassee/ Ocoee Scenic River State Park management to increase or decrease the daily commercial carrying capacity at the lower Ocoee River Recreational area to the extent staffing and infrastructure will allow; provided that any decrease will not go below 4,000. The legislation also authorizes the Commissioner of TDEC to promulgate rules and regulations.

HB 3404 (Ramsey) – This bill authorizes all three forms of municipal governments to change the date of municipal elections to coincide with the August or November general election. Municipalities that choose to do so must file a copy of the municipal ordinance with the state coordinator of elections. Under current law, mayor-aldermanic cities may change to any election date, city manager-commission cities may change to the November election date, and modified city manager-council cities may change to the November election date.

HB 3448 (Pitts) – As rewritten in the House State & Local Government Committee, this bill adds new language limiting the use of an agricultural property's market value to the determination of rollback tax liability. It also prohibits the application of the present use value for land when calculating transfer or inheritance taxes.

HB 2885 (Mumpower) – This bill creates a small business advocate position in the Comptroller's office. The advocate is to be chosen from among existing personnel. It also requires state departments and agencies to appoint a contact person to respond to the small business advocate as needed. As amended in House Commerce, additional language was added to require the Comptroller to implement this act without using additional resources.

HJR 793 (Marsh) – This highway sign bill designates the segment of State Route 64 in Bedford County from mile marker 10.8 eastward to mile marker 12.0 as the "*Rear Admiral Jerry Creighton Breast Highway*" and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. As amended in the Budget Subcommittee, Bedford County will designate funding for the signage to TDOT within one year of the effective date of this resolution if such signs are to be manufactured and installed.

HB 3691 (Coleman) – As rewritten in the House Judiciary Committee, this legislation allows an individual who has severe mental illness or incompetency to not have to personally execute a bail bond, and the sheriff or clerk may allow a responsible substitute to take out the bond. It also allows, rather than requires, an arresting officer to request an evaluation for involuntary commitment if the officer believes the individual is a danger to himself or others. It requires law enforcement officers who believe a defendant arrested for an offense against a person poses a substantial likelihood of serious harm to request an examination of the defendant by a member of a community mental health crisis response service to determine if the defendant is subject to admission to a hospital or treatment resource. The examination must be completed within 12 hours or the defendant shall be allowed to admit bail.

HB 2187 (K. Brooks) – As amended in the House State & Local Government Committee, this bill removes the State's Comptroller of the Treasury from the Audit and Budget Committee of the Tennessee Housing Development Agency and replaces him with the State Treasurer. Both the State Treasurer and the Comptroller remain as officers of the agency; however, the Treasurer serves as treasurer of THDA and the Comptroller serves as secretary of the Bond Finance Committee of THDA.

GOVERNMENT OPERATIONS

Will Walker

The **Government Operations Committee** met on April 7, 2010 to consider 26 bills

The following bills were rolled:

HB 3353 (by Curtiss)
HB 3596 (by J. Turner)
HB 3597 (by J. Turner)
HB 3934 (by J. Turner)
HB 1273 (by Kernell)
HB 3476 (by Kernell)
HB 2459 (by Lynn)
HB 2855 (by Lynn)
HB 2453 (by Lynn)
HB 2454 (by Lynn)
HB 2456 (by Lynn)

The following bills were taken off notice:

HB 2864 (by Haynes)
HB 2966 (by Faulkner)

The following bill was recommended for passage and referred to Agriculture:

HB 2840 by Floyd – As amended, this bill Requires ice cream truck owners to require each applicant for a position as an ice cream truck worker to submit to a criminal history records check with the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) as a condition of initial employment. The owner is responsible for paying all TBI and FBI fees for conducting the records check. The owner and Department of Agriculture shall keep a copy of the criminal history disclosure form and the results of the inquiry. The Department must notify the appropriate district attorney general of any falsification of information on the disclosure form in writing. Requires the Department of Agriculture to issue an identification card to eligible ice cream worker applicants for a fee. Prohibits an ice cream truck worker applicant from being eligible for the position if he or she is required to register as a sex offender for a victim who was a minor or if he or she has been convicted of an assaultive offense, criminal homicide, kidnapping and false imprisonment, robbery, or sexual offense that is a felony under Title 39, Chapter 13. Creates a Class A misdemeanor offense for any person to knowingly employ an individual in violation of the provisions of the bill.

The following bills were recommended for passage and referred to Health & Human Resources:

HB 3529 by Maddox – This bill requires the Commission on Aging and Disability to implement the responsibilities delegated to it within the provisions of the Long-Term Care Community Choices Act of 2008 and report to the Select Oversight Committee on Long-Term Care on an annual basis.

HB 3805 by Shepard – This bill removes the Division of Health Related Board's power to enforce the provisions of all regulatory laws designed to prevent unlawful practices of the healing arts within the state and the power to suspend or revoke a license to practice if the licensee is found guilty of certain acts or offenses. As well, it removes the requirement that the director of the Division be appointed from a list of three nominees submitted by a committee composed of the chairs of the regulatory boards. The bill removes the requirement for the Division to provide the Board of Pharmacy with the names of all nurse practitioners and physician assistants who are authorized to write and sign

Representative Turner

prescriptions and/or issue legend drugs and the names of their supervising physicians. The director of the Division may employ all consultants, inspectors, and other personnel necessary to carry out the function of the agencies attached to the Division without the consent of the concerned regulatory board. The Division may no longer adopt regulations or establish a reasonable fee for the directory listing all persons licensed to practice any branch of the healing arts. It removes the utilization of screening panels by the regulatory boards and commissions within the Division. It authorizes the Board of Dentistry to appoint a separate entity to administer clinical and didactic examinations to registered dental assistants for eligibility to perform teeth polishing. The Board of Medical Examiners will no longer provide a licensee with a contested case hearing to revoke an expired license. The Board of Veterinary Medical Examiners will be able to

suspend or limit a license for longer than two years. The Board's authority to grant a rehearing within 30 days after a trial disciplining a licensee is removed.

The following bill was recommended for passage and referred to Judiciary:

HB 3792 by M. Turner – As amended, this bill Creates the Tennessee Criminal Justice Coordinating Council consisting of 19 members. The Council is charged with collaborating with and coordinating the services of state and local governmental agencies and non-governmental entities in the criminal justice system to increase public safety. The Council is administratively attached to the Department of Finance and Administration (F&A). Authorizes reimbursement of travel expenses for all members.

The following bill was recommended for passage and referred to Conservation and Environment:

HB 3554 by Ferguson – This bill authorizes local animal control agencies, without a search warrant, to inspect all animals, facilities and records of any person possessing live Class I wildlife. Requires animal control agencies to file with the Tennessee Wildlife Resources Agency (TWRA) written reports of any violations. Authorizes the Wildlife Resources Commission to penalize Class I permit holders for violations noted in local animal control reports. Exempts Lewis County from the provisions of this bill. Requires the Wildlife Resources Commission and the Animal Control Association to develop training guidelines for local animal control agencies.

The following bill was recommended for passage and referred to Education:

HB 3688 by J. DeBerry – This bill Creates a scholarship program for students who have an annual household income less than 2.5 times the income standard for eligibility for the federal free and reduced price lunch program, reside in Tennessee, and were eligible to attend a public K-12 school in the preceding semester or starting school for the first time. Eligible students may attend a participating school until graduation from high school or reaching 21 years of age. Participant schools include another school within the same local education agency (LEA), a public charter school, or a private school. Creates guidelines for the awarding of scholarships to students. Waives tuition at participating private schools beyond the scholarship amount for those students who qualify for free and reduced price lunch. Requires the Department of Education (DOE) to keep state BEP dollars that would have been generated by the student and given to the LEA if the scholarship amount is less than the amount needed for tuition. Creates participation eligibility requirements for non-public K-12 schools. Requires DOE to create a standard application form to be used for admission into a private school and to send participating schools student records in accordance with federal law. Sets forth provisions to disqualify private schools from program participation. Creates a pilot program consisting of one public elementary school, one middle school, and one high school that is in the LEA that has failed to meet adequate yearly progress for the greatest number of years. The schools that are chosen shall be the ones that have failed to meet AYP requirements for the greatest number of years.

The following bill was recommended for passage and referred to Transportation:

HB 1324 by Winningham – This bill was referred to Transportation with the understanding that it would be amended in that committee. As amended, this bill will define the term "all terrain vehicles" (ATV), and authorizes the Department of Revenue (DOR) to register ATV's. This bill will also create a new license plate category for ATV's. Establishes a registration fee, and specifies authorized use of ATV's, as well as uses which are prohibited. This bill will also authorize local government jurisdictions to prohibit use of ATV's by lawfully enacted resolutions.

The following bills were recommended for passage and referred to Calendar & Rules:

HB 3475 by Kernell – This bill Requires a public hearing to be conducted prior to the adoption of a permanent rule if such rule was filed previously as an emergency rule, unless the emergency rule was required by an agency of the federal government and adoption might jeopardize the loss of a federal program or federal funds.

HB 995 by Lynn – As amended, this bill extends the Fireworks Advisory Council to June 30, 2012.

HB 2446 by Lynn – This bill Removes the authority of the Government Operations Committee to stay the 75-day period between the filing of a rule with the Secretary of State's office and the effective date of the rule. The amendment to the bill requires proposed legislation be first referred to the appropriate standing committee and then to the Government Operations Committee for consideration, as well as prohibits using emergency rules for initial rules for the licensure or certification of a profession, occupation or business. This would allow interested persons an opportunity to comment on the proposed rules before a final version is submitted to the secretary of state

HB 2452 by Lynn – As amended, this bill designates the Energy Efficient Schools Council, the Interstate Insurance Product Regulation Compact, and the TN Center for Diabetes

Prevention & Health Improvement to Sunset in 2012.

HB 2471 by Lynn – This bill Extends the Council on Children's Mental Health Care until June 30, 2014.

HB 2621 by Lynn – This bill extends the Board of Dentistry to June 30, 2013.

Representative Lynn

HEALTH & HUMAN RESOURCES

Judy Narramore

FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday morning, April 6, 2010, with 16 bills and one SJR on calendar. **HB 3758 (West)** as amended that requires the Division of Intellectual Disabilities Services (DIDS) to provide written notice to the House and Senate health committees of its intent to propose legislation to permit closure of any state-owned or state-operated facility that provides residential services to persons with mental retardation or other developmental disabilities at least 60 days prior to the next legislative session and provide this same notice by registered mail to each resident and the resident's immediate family or guardian, prohibits DIDS from closing such facilities without legislation that specifically authorizes the closure or a specific line item appropriation in the Appropriations Act, authorizes DIDS to seek relief from the provisions of this legislation in the chancery court of the county where the facility is located if a health or safety emergency exists for a facility or federal action requires closure of the facility, establishes that DIDS is subject to the notice provisions for any facility in which the Division has announced plans to close prior to July 1, 2010, other than a facility closing pursuant to a federal court order or settlement, ceases all actions in furtherance of the planned closing or downsizing of Clover Bottom Developmental Center, including laying off employees and/or moving residents unless the actions are mandated by court order, prohibits closing or downsizing actions from resuming until DIDS constructs 30 community homes in Middle Tennessee, gives notice of the 30 homes to families and guardians of Clover Bottom residents and develops a plan to transfer persons employed at Clover Bottom, and allows DIDS to continue a reduction-in-force to reduce the Clover Bottom workforce to the level required to operate the 30 community homes was referred to FW&M. **HB 3346 (H. Brooks)** was rolled to last calendar at the request of the sponsor. **HB 3814 (McDonald, M. Turner)** as amended that requires

Representative West

the Department of Health to issue an advisory to the Department of Education no later than July 15 of each year that will be distributed to K-12 schools and early childhood programs explaining the risks of community associated methicillin resistant staphylococcus aureus (MRSA) infections and providing guidance on recognizing and preventing MRSA infections and requires the Departments of Health and Education to post links to this information on their web sites was referred to C&R. **HB 1895 (Haynes)** was rolled one week at the request of the sponsor. Committee members considered testimony and discussion on **HB 3834 (Sontany, M. Turner)** at length, adopted Amendment 1 to HB 3834 that rewrites the bill to authorize the Commissioner of Health to charge a registration fee for each rabies vaccination certificate in an amount not to exceed that required by the cost of the program, and then rolled the bill one week at the request of Rep. Mumpower. The Committee considered **HB 3316 (Matheny)**, adopted Amendment 1 to HB 3316 that rewrites the bill to establish that if an appeal to chancery court is filed concerning a decision granting a certificate of need (CON) to an entity when an administrative law judge has ruled to affirm or deny such decision, all costs of the appeal will be assessed against the person filing the appeal if the chancery court decision on appeal is the same as the Health Services and Development Agency and the administrative law judge decision, and then rolled the bill one week at the request of Rep. Fincher. **HB 3177 (Dean)** as amended by Government Operations concerning restrictions on healthcare provider contracts was referred to C&R. **SJR 0797 (carried in House by L. DeBerry)** that designates the Medical Education and Research Institute in Memphis as a Simulation Center of Excellence in Tennessee was referred to C&R.

In other action, Speaker Pro Tem L. DeBerry requested Chairman Armstrong appoint a committee to meet with Rep. Kernell and representatives of the Department of Human Services to work out a compromise that will resolve their differences with **HB 2145 (Kernell)** that requires the Child Care Certificate Program Policies & Procedures Manual developed by the Department of Human Services to be promulgated as a rule in accordance with the Uniform Administrative Procedures Act relative to child care agencies and authorizes the appeal of any adverse action taken against a child care agency to the Child Care Agency Licensing Board of Review. **Chairman Armstrong** appointed the following members to the special committee and requested they submit a recommendation to the full committee: Reps. Mumpower, L. DeBerry,

Chairman Armstrong

Richardson, White, J. DeBerry, and Dennis. As committee time expired, HB 2145 and all remaining bills on calendar were rolled one week, to include: **HBs 3950, 2562, 3947, 3156, 3368, 2655, 2873, 3770**.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** held its **final meeting** Tuesday morning, April 6, 2010, with one bill on calendar. **HB 3580 (Hensley)** that requires an advanced practice nurse or physician's assistant to be under the direct supervision of a licensed physician or osteopathic physician who is actively practicing spinal injections when performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves, or block of major peripheral nerves in a licensed facility, defines "direct supervision" as being physically present in the same building as the advanced practice nurse at the time the invasive procedure is performed, and grants the physician's licensure board authority to discipline a physician for violation, including civil penalties up to $1000, was referred to full committee 9-4-1 on a roll call vote after a motion by Rep. Odom to refer HB 3580 to summer study failed 6-7-1 on a roll call vote.

Having completed its business of the 106th General Assembly, the Professional Occupations Subcommittee closed subject to the call of the chair.

HEALTH CARE FACILITIES SUBCOMMITTEE

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

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** is closed subject to the call of the Chair.

FULL COMMITTEE

The **Judiciary Committee** passed out five bills on Tuesday during its full committee meeting.

HB 2805 (McDonald) as amended**,** limits of the civil and criminal liability for local education agencies that donate food to a county jail, charity or non-profit organization.
[*passed to Calendar & Rules*]

HB 2951 (Brooks H) as amended, states that a person violates the existing Class B misdemeanor of obstructing service of process when a person acting as a supervisor knows that the person to be served is at work and the supervisor refuses to either make the person available or permit the process server reasonable access to the person during normal business hours.
[*passed to Calendar & Rules*]

HB 0185 (Floyd) as amended, codifies the common law doctrine of "unclean hands." The legislation states that fraud, deceit, intentional misrepresentation and similar unconscionable or inequitable conduct are contrary to the public policy of the state and have long been condemned by the common law doctrine of unclean hands. According to the Tennessee Judicial Council, this legislation would enable reliance on Tennessee law by Georgia courts when there is a determination of which state's laws should govern in conflicts cases. Georgia mandates that only statutory law of a foreign state can be recognized by its courts.
[*passed to Calendar & Rules*]

HB 0172 (Casada) as amended, states that the fee for locating an heir will be determined by the contract between the heir and the person who locates the heir. The fee cannot exceed one-third the heir's interest. Proof of the relationship between the heir and the decedent can be by affidavit of pedigree or heirship, vital record, or other proof satisfactory to the court.
[*passed to Calendar & Rules*]

Representative Floyd

HB 3164 (Curtiss) revises the tax on unauthorized substances based on the decision of the Tennessee Supreme Court in *Waters v. Farr* to impose the tax on the dealer of unauthorized substances. An amendment was adopted that makes the bill. The sponsor has been working with the Attorney General in revising the language to address the concerns that led the court to strike down the original statute.
[*passed to Finance, Ways & Means*]

The following bills were *rolled one week*:
HB 2719 (Campfield)
HJR 0030 (Casada)
HB 2284 (Ferguson)
HB 3964 (Ferguson)
HB 0719 (Niceley)
HB 2779 (Hill)
HB 2780 (Hill)
HB 3894 (Hill)

HB 2781 (Hill)
HB 2872 (Hill)

HB 3338 (Carr)
HB 3768 (Dennis)
HB 3057 (Dennis)
HB 3284 (Coleman)

The following bills were *taken off notice*:
HB 2718 (Campfield)
HB 3254 (Armstrong)

CRIMINAL PRACTICE AND PROCEDURE SUBCOMMITTEE

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, and passed out sixteen bills to the full committee.

HB 3064 (Campfield) as amended, makes information contained in handgun carry permit records confidential and not subject to public inspection.
[*moved to full committee*]

HB 2659 (Faulkner) as amended, places certain requirements for complaints filed against law enforcement officers and firefighters. The officer or firefighter would also be given notice that a complaint has been filed.
[*moved to full committee*]

HB 3516 (DeBerry J) eliminates parole for any person committing a criminal offense on or after July 1, 2010. Any person who receives parole for an offense committed before July 1, 2010, but has their parole revoked because they committed a new criminal

offense, shall serve 100% of the sentence imposed by the court for such subsequent offense.
[*moved to full committee*]

HB 2997 (DeBerry J) requires the TBI to remove all data on a sexual offender from the sexual offender registry within 30 days of receipt of notice of the offender's death.
[*moved to full committee*]

HB 3518 (DeBerry J) broadens the definition of child abuse and child neglect or endangerment to include placing the child at a substantial risk of injury or harm.
[*moved to full committee*]

HB 29 (Hardaway) increases the penalty for abuse of corpse from a Class E felony to a Class C felony if the defendant caused the death of such person. It also expands the discretionary sentence enhancement factors to include mutilation of victim's body after death if the defendant is convicted of second degree murder.
[*moved to full committee*]

HB 1129 (Hardaway) enacts the "Crime Free School Zone Act" which enhances fines for criminal offenses committed within a school zone. An amendment was added that removed the maximum sentence and fine if the offense was a Class A felony. The amendment also requires the offender to perform community service as part of any suspended sentence or parole.
[*moved to full committee*]

HB 2783 (Hill) as amended, creates the new offense of aggravated domestic assault. The amendment also defines aggravated domestic assault as punishable under the high-end range of aggravated assault.
[*moved to full committee*]

HB 3240 (McCord) removes the authority of the Governor to commandeer or limit the sale or transportation of firearms, ammunition, or firearm or ammunition components during a state of emergency, major disaster, or natural disaster.
[*moved to full committee*]

HB 3412 (Brown) as amended, provides guidelines for the reporting of brutality, abuse, neglect or child sexual abuse and notifications between the Department of Children Services and local law enforcement agencies.
[*moved to full committee*]

HB 3537 (Maddox) designates fees for certain laboratory procedures conducted by the TBI for other law enforcement agencies, and allocates proceeds from such fees to a fund for use by TBI.
[*moved to full committee*]

HB 3538 (Maddox) increases mandatory drug testing fee from $100 to $250 and additionally imposes fine on granting of pretrial or judicial diversion. TBI will place the proceeds from these fees in a specific fund to pay for personnel, equipment, etc.
[*moved to full committee*]

HB 3543 (Maddox) increases the fee to conduct a blood alcohol drug test (BADT) from $100 to $250. It also adds reckless driving and simple possession or casual exchange of a controlled substance to offenses for which a fee to conduct a BADT must be collected.
[*moved to full committee*]

HB 1304 (Jones S) includes child abuse, aggravated child abuse, child neglect or endangerment, and aggravated child neglect or endangerment in the offenses ineligible for judicial diversion.
[*moved to full committee*]

HB 3577 (Jones S) corrects cross-reference errors in definitions of domestic abuse victims and domestic abuse.
[*moved to full committee*]

HB 2881 (Rich) authorizes the Department of Safety to make available to public through an electronically searchable database whether person has an unrevoked handgun carry permit based upon information provided by the requester. The Department could sale permit holder addresses in bulk, but without any names or other identifying information. All other handgun carry permit information would be confidential.
[*moved to full committee*]

Representative Hill

Representative Rich

The **Civil Practice and Procedure Subcommittee** met on Wednesday, and passed out four bills to the full committee.

HB 3882 (Kernell) as amended, states that a governmental entity shall not reject a request for records on the grounds that the governmental entity is involved or contemplating litigation, unless the record is covered by an exemption.
[*moved to full committee*]

Representative Sontany

HB 2952 (Brooks H) prohibits law enforcement officers from being punished or rewarded according to number of traffic citations issued or collected upon.
[*moved to full committee*]

HB 3380 (Sontany) establishes a time limit of one year from the date of violation, regardless of the date of discovery, to elect to void a deposition because it was taken before a prohibited person.
[*moved to full committee*]

HB 3385 (Sontany) as amended**,** makes revisions to the Tennessee Court Reporters Act of 2009.
Under this legislation, a licensed court reporter is not required to be a notary public to record any court proceeding, administrative law proceeding, deposition, or any other proceeding, and that transcripts taken by a licensed court reporter are not required to be notarized. The amendment extends the effective date from January 1, 2010 to January 1, 2011, and extends the eligibility for licensure by grandfathering from July 1, 2009, to January 1, 2010.
[*moved to full committee*]

The following bills were *taken off notice*:
HB 2649 (Tidwell)
HB 3226 (McCord)

The following bills were *sent to summer study*:
HB 2888 (Turner M)
HB 3178 (Turner M)
HB 0126 (Hardaway)
HB 0130 (Hardaway)
HB 2437 (Hardaway)
HB 3880 (Kernell)
HB 3881 (Kernell)

No action was taken on the following bills:
HB 3058 (Niceley)
HB 3224 (McCord)
HB 3226 (McCord)
HB 3464 (McCord)
HB 3905 (McCord)

The Civil Practice & Procedure Subcommittee will meet immediately before full Judiciary Committee next Tuesday to consider HB 3058 (Niceley).

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Chairman Todd

Representative Curtiss

FULL COMMITTEE

The **State & Local Government Committee** passed out eighteen bills on Tuesday during its full committee meeting.

SJR 765 (Gresham) would urge the State Capitol Commission to place a bust of former Lt. Gov. John Wilder in the State Capitol.
[*passed to Calendar & Rules]*

HB 3248 (Casada) as amended would allow the Country Boy Restaurant in Leipers Fork to sell wine.
[*passed to Calendar & Rules]*

HB 3165 (Curtiss) as amended would create an incentive for 911 districts to consolidate or select the direct dispatch method. It would seek to consolidate costs by ensuring that all inhabitants of a county pay the same price for 911 emergency telephone service. Verbal amendments were added in the committee to take Shelby, Cumberland, and Bledsoe Counties out of the legislation.
[passed to Finance, Ways & Means]

HB 2703 (Montgomery) as amended would allow the Central Business Improvement Zone in the city of Sevierville to increase interest rates on the bonds they have issued.
[passed to Finance, Ways & Means]

HB 2522 (Matheny) as amended would allow deputy sheriffs to campaign for, and hold, elected office. However, the deputy sheriff is not allowed to campaign while on duty, in uniform, or on official time. There is an additional restriction that will not allow the deputy sheriff to use their official position to reflect their personal political feelings, or to exert pressure or attempt to influence another person's political views. The individual that is running for office can't be terminated from their current job solely based on the fact that he/she is running for office.
[passed to Finance, Ways & Means]

HB 1339 (Litz) as amended would allow the Department of Transportation to accept a functional replacement for real property.
[*passed to Calendar & Rules]*

HB 2914 (Cooper B) as amended would urge the Comptroller to study the number of state inmates who have been incarcerated for crimes for which they have not been convicted.
[*passed to Calendar & Rules]*

HB 3968 (Barker) is a local bill that would decrease the number of alderman in the Town of Rives from six to three. It would also reduce the number of alderman that serve as committee members from three to two, and would decrease the number of alderman required for a quorum from four to two.
[*passed to Calendar & Rules]*

HB 3705 (Towns) as amended would allow candidates to enter into payment plans for civil penalties that are issues by the Registry of Election Finance. The scheduling of payments is clarified by this legislation, including a requirement that the monthly payments be at least 5% of the total penalty assessed.
[*passed to Calendar & Rules]*

HB 3935 (Kernell) would clarify the length of terms and the membership of the West Tennessee Seismic Safety Commission
[*passed to Calendar & Rules]*

HB 195 (Bass) as amended would standardize the qualifying dates and times for the election of the Giles County Charter Commission. This bill

was rolled one week to allow further discussion.
[*rolled for one week*]

HB 3443 (Hill) removes the specific authority for Johnson City to implement redevelopment districts with tax increment financing. It also provides for the allocation and payment of property taxes on redevelopment districts subject to tax increment financing.
[passed to Finance, Ways & Means]

HB 3892 (Hill) exempts county governments that have adopted the County Purchasing Law of 1957 from bidding for group health insurance contracts. This legislation only applies to Washington County.
[*passed to Calendar & Rules]*

HB 2635 (DeBerry J) would exempt from taxation real property buildings on land owned by charitable institutions and developed for construction of residences for low-income households
[*passed to Calendar & Rules]*

HB 3604 (Fitzhugh) as amended would change references in the statute to the Office of Local Finance, Director of Local Finance, Bond Finance, and Director of Bond Finance to Comptroller of Finance. These offices are being consolidated into the State and Local Finance office within the Comptroller's office.
[*passed to Calendar & Rules]*

HB 3606 (Fitzhugh) removes the exception of counties with a population of at least 50,000 people from the property tax rate adjustment in special school districts.
[passed to Finance, Ways & Means]

HB 3446 (Yokley) as amended would create a special joint committee to study the feasibility of providing relief to senior citizens by capping or freezing their utility rates.
[*passed to Calendar & Rules]*

HB 3591 (Miller L) as amended would require the Department of General Services to develop a plan to increase state expenditures of state dollars to promote small businesses in the state. A minimum goal of 20% would be set for small businesses to receive contracts that are awarded by the state for goods or services. The Department of General Services would also be required to study the opportunities that are available to small businesses and to consider factors that could be enhanced to improve those opportunities.
[passed to Finance, Ways & Means]

HB 2675 (Todd) would require individuals that are seeking a restaurant license to submit food sale information to the Alcoholic Beverage Commission in order to receive or renew a license for the on-premises consumption of alcoholic beverages.
[passed to Finance, Ways & Means]

The following bills were *rolled for one week:*
HJR 852 (Jones S)
HB 3576 (Rowland)
HB 2665 (Lundberg)
HB 2688 (Lundberg)
HB 2998 (DeBerry J)
HB 3070 (Jones U)
HB 499 (Todd)

Representative Yokley

HB 3456 (Odom)

HB 3347 (Curtiss) was *taken off notice*

HB 2899 (Dean) *failed in committee*
HB 3715 (Hardaway) was *sent to the desk*
HJR 0005 (Hardaway) was *sent to the desk*

ELECTIONS SUBCOMMITTEE

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

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved four bills to the full committee.

HJR 0708 (Lynn) designates September 2010 as "American Indian Heritage Month"
[*passed to the full committee*]

HJR 0890 (Bone) urges the restoration of presumption of service connection for Agent Orange exposure to veterans of the U.S. Navy and Air Force who served in the waters of airspace of the Republic of Vietnam, Thailand, Laos, or Cambodia.
[*passed to the full committee*]

HB 2911 (Gilmore) as amended would prohibit nuclear waste from being dumped in Tennessee landfills. It would also require the Tennessee Department of Environment and Conservation to increase their current monitoring guidelines for landfill facilities in the state. There would be a minimum 3.5 cent per pound fee on all items that are contaminated or potentially contaminated with radioactive material that is received at a processing, storage, disposal, or refurbishing facility in the state. An additional amendment was added in the committee to provide strict guidelines for the cleaning of vehicles that leave solid waste disposal facilities in the state. These guidelines would

Representative Gilmore

help limit the potential for waste to contaminate the areas surrounding the facility.
[*passed to the full committee*]

HB 3402 (Turner M) as amended would require any waste processor to apply for a special permit to allow the facility to accept and process radioactive waste at their landfill. There is a requirement for a notice to be posted in the community's newspaper, which would contain info on the landfill and the type of waste that will be processed there. After a period of 120 days, the permit will be granted if the application is approved and the facility can begin to accept the radioactive waste.
[*passed to the full committee*]

HB 2826 (Cobb T) as amended would prohibit any radioactive waste processor in Tennessee from processing by-product material or any other radioactive substance through blending, mixing or any other method.
[*failed to move out of the committee*]

LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Wednesday and moved twelve bills to the full committee.

HB 2827 (Coley) as amended would authorize community organizations the right to petition and enter upon property to remove litter. All of the liability involved in entering the property would be placed on the community organization, instead of the municipality.
[*passed to the full committee*]

HB 3451 (Coleman) as amended would create a special joint committee to study property tax relief for veterans.
[*passed to the full committee*]

HB 3197 (Faulkner) as amended would require that any civil penalties that are imposed on a business that illegally sold alcohol to a minor are held until the individual that is responsible for the illegal purchase of alcohol is charged. The amendment also requires the minimum 48 hour minimum sentence that was in the original legislation.
[*passed to the full committee*]

Representative Cobb

HB 3914 (Jones U) would include the Pyramid in Memphis in the definition of a qualified public use facility for convention center and tourism financing. An amendment that made technical changes was added in the committee.
[*passed to the full committee*]

HB 2044 (Brown) as amended would add the Tiffany Theater and Memorial Auditorium in Hamilton County to the definition of a "historic performing arts center" to allow alcoholic beverages to be sold at the facility.
[*passed to the full committee*]

HB 3956 (Stewart) would allow multifamily residential property to destroy present facilities and reconstruct new facilities even after a change in zoning.
[*passed to the full committee*]

HB 2713 (Turner M) would revise the provisions governing a municipality annexing by ordinance territory outside its urban growth boundary.
[*passed to the full committee*]

HB 3864 (Mumpower) allows the City of Kingsport to expand its urban growth boundaries to include tracts of land that are 10 acres or smaller when certain criteria are met.
[*passed to the full committee*]

HB 2429 (Cobb J) requires an election to be held by voters who live in territory that is proposed for annexation by an ordinance. It also restores the right to trial by jury in quo warranto actions contesting the validity of municipal annexation.
[*passed to the full committee*]

HB 3506 (Fitzhugh) exempts from taxation property owned by a nonprofit National Guard association operating a group insurance trust.
[*passed to the full committee*]

HB 3779 (Todd) prohibits annexing municipalities from providing garbage

collection services to newly annexed territories for five years from the date of annexation, unless the collectors who served that are prior to annexation are contracted or otherwise compensated. [*passed to the full committee*]

HB 3979 (Ferguson) is a local bill that sets the salary for the Roane County attorney to 60% of the general sessions judges' salary. It also provides for the payment of reasonable travel expenses related to the county attorney's office upon showing receipts. [*passed to the full committee*]

The following bills were *taken off notice:*
HB 3160 (Curtiss)
HJR 0070 (Turner M)
HB 2828 (Swafford)
HB 3658 (Stewart)
HB 3729 (Hardaway)
HB 3731 (Tidwell)
HB 0037 (Hardaway)

HB 2829 (Swafford) *failed to move out of committee*
HB 799 (Campfield) *failed to move out of committee*

FULL COMMITTEE

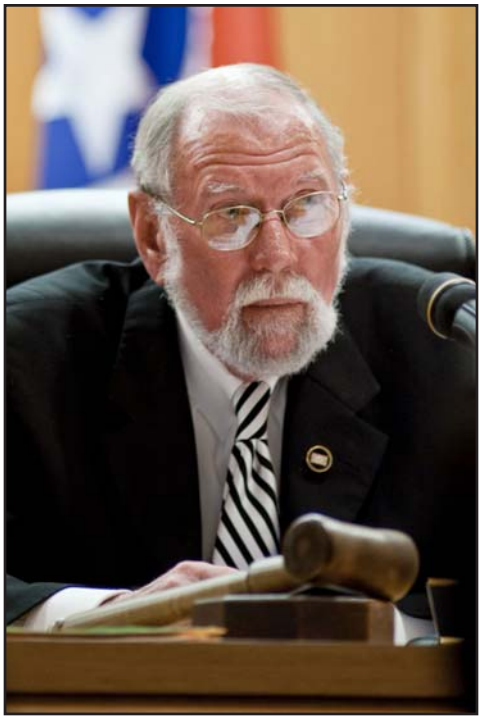
The **House Transportation Committee** convened April 6, 2010 to hear eleven bills.

HB2196 (Camper) taken off notice

HB2544 (K. Brooks), HB3120 (Gilmore), HB2797 (McCord), **HB3684 (McCord), HB3024 (Harmon), HB2516 (Faulkner) and HB3684 (McCord)** were deferred for one week.

HB3489 (Ferguson) was passed by the committee and referred to the **Calendar and Rules Committee.** It allows highway maintenance or utility vehicles to operate a white, amber, or white and amber light system on any location on the vehicle.

HB3025 (Harmon) was passed by the committee and referred to the **Finance, Ways and Means Committee**. As amended, it changes some requirements of passenger transportation services. The bill allows the transportation provider to avoid maintaining $1,000,000 liability insurance if it is self-insured. Instead of an annual safety examination, each transportation provider shall undergo an annual safety compliance review by the Department of Safety. Also, motor vehicles transporting TennCare enrollees will be explicitly included in the requirements.


Chairman Harmon

HB3146 (Winningham) was passed by the committee was placed in the **Omnibus Special License Plate Bill.** It authorizes issuance of honorably discharged registration plates to civilian veterans of the United States Army Corps of Engineers.

HB1426 (Niceley) was discussed by the committee and failed.

RURAL ROADS SUBCOMMITTEE

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

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met April 6, 2010 to consider sixteen bills.

HB36 (Hardaway), HB149 (Mumpower), HB2733 (Mumpower), HB2738 (Mumpower), **HB2883 (Mumpower), HB1372 (Kernell) and HB1882 (Barker)** were rolled to the call of the chair.

The following bills were passed by the committee and referred to the full **Transportation Committee:**
HB3408 (Harmon) – Raises the fine for violations of safety belt laws to $50.00 and specifies the manner in which such money is to be distributed.
HB1333 (P. Johnson) – As amended, clarifies that a court will determine how long a driver license revocation will be for a person convicted of vehicular homicide.
HB3262 (P. Johnson) – Prohibits use of traffic surveillance cameras to enforce or monitor traffic offenses.

HJR917 (Fitzhugh, Dean) – "Elmer Eugene Byrum, Jr. Memorial Highway" highway signs on a segment of S.R. 19 in Lauderdale County.

HB1312 (Harmon) – Requires that all trailers, semi-trailers, and pole trailers having a gross vehicle weight rating of 10,000 pounds or more must comply with safety rules and regulations of the department of safety.

HB3780 (Harmon) – Extends ordinary duration of driver licenses from five to eight years, and increases fees for driver licenses and photo identification cards.

HB3371 (Haynes) – Prohibits traffic citations for failure to stop completely before turning right at an intersection based solely on evidence from surveillance cameras.

HB3930 (P. Johnson) – Directs the comptroller to conduct a survey on the effectiveness of traffic surveillance cameras; requires a POST certified law enforcement officer to review photographic evidence of a traffic violation before citation is issued.

On April 7, 2010, the **Public Safety & Rural Roads Subcommittee** met briefly to consider **HJR992 (West),** which calls for "John M. Stone, Sr., Highway" highway signs on a segment of U.S. Highway 70 in Metropolitan Nashville and Davidson County. The bill was passed by the subcommittee and referred to the full **Transportation Committee**.

The **Public Safety Subcommittee** closed subject to the call of the chair.