



The 106th session of the General Assembly got off to a slow start but the pace is very fast these days. After hearing the governor's budget proposal, legislators are ready to get the budget passed and go home. Many House committees are planning to close by the end of April and there are high hopes of being finished with session by the end of May.

Monday night, the Senate passed legislation which would safeguard Tennessee wineries and allow continued business in the state. The 6th Circuit Court of Appeals ruled Tennessee's wine and grape law unconstitutional and without state legislation creating a new grape and wine law, Tennessee wineries would have been in jeopardy. The measure sponsored by Republican Senator Doug Overbey of Maryville was approved unanimously on Monday. The companion bill has been assigned to the House State and Local Government Committee.

The proposal will allow Tennesseans to buy up to five cases of wine at out-of-state wineries and carry them back into Tennessee. The bill requires winery licenses but authorizes issuance of Tennessee winery licenses to wineries that are located outside Tennessee; the bill removes the requirement that an individual must be a Tennessee resident in order to be issued a license.

Last year, the Tennessee General Assembly passed a bill called the "Tennessee Voter Confidence Act." Now there is movement to make changes to the law. On Wednesday, a joint committee met to hear from State Election Coordinator Mark Goins and Secretary of State Tre Hargett about the likelihood that voting precincts would have the required optical scan machines in place by 2010. The House and Senate both placed an amendment on the bill moving the

compliance deadline to 2012. Both testified that the 2012 was a more workable deadline since no machines in the state were yet certified by the Election Assistance Commission, the system required to certify in Tennessee. The Election Coordinator has been criticized as helping Republicans who feel like the 2000 election would have been decided differently had optical scan machines been used.

On Thursday, the House spent over an hour debating a bill that would allow judges to carry guns. Thirteen amendments were added to the bill but only one passed. The bill will allow current and retired judges to carry guns under the same circumstances as law enforcement officers. The bill as amended requires a judge to complete the firearms component of the Basic Law Enforcement Course at his own expense and yearly undergo the requalification requirement of the In-Service Training for police officers.

**Tennessee Legislation Service (c) 2009 M. Lee Smith Publishers
Friday, April 3, 2009**

CAMPAIGNS & LOBBYING

SB 0728 **Campaign contributions by corporations.** Allows representatives of any
HB 0105* corporation doing business with the state to make campaign contributions up to the
[\(Full Text\)](#) same contribution limits as individuals, LLCs, or partnerships on behalf of the
corporation. (S: Watson B.; H: McCormick)

Senate Status: Referred to Senate State & Local Government.

House Status: Set for House Elections Subcommittee 04/08/2009.

CRIMINAL LAW

SB 1243 **Offense of aiming a laser pointer at law enforcement.** Extends the offense of
HB 0815* pointing a laser or other device utilizing a laser beam with intent to cause bodily
[\(Full Text\)](#) injury or death at a law enforcement officer to also include firefighter, emergency
medical technician, or other emergency service personnel while the individual is
performing official duties. (S: Bunch; H: Campfield)

Senate Status: Referred to Senate Judiciary.

House Status: Set for House Calendar & Rules Committee 04/07/2009.

FAMILY LAW

SB 1714* **Infants voluntarily delivered to law enforcement offices.** Expands the list of acceptable facilities where infants can be voluntarily delivered to include law enforcement, fire, and emergency medical services facilities. (S: Overbey; H: Maddox)
HB 1679
([Full Text](#))

Senate Status: Set for Senate General Welfare Committee 04/08/2009.

House Status: Set for House Domestic Relations Subcommittee 04/08/2009.

GOVERNMENT ORGANIZATION

SB 0610 **Emergency communications funds transferal.** Removes authority to transfer emergency communications funds for the purpose of balancing expenditures and revenues to close fiscal year ending June 30, 2009. (S: Tracy; H: Fraley)
HB 0085*
([Full Text](#))

Senate Status: Referred to Senate Finance, Ways & Means from the Senate Floor 03/09/2009.

House Status: Taken off notice in House Finance Budget Subcommittee 03/25/2009.

GOVERNMENT REGULATION

SB 0198* **Rule making - approval from general assembly.** Requires approval of the general assembly before a permanent rule becomes effective and repeals provisions authorizing emergency and public necessity rules. (S: Bunch; H: Bell)
HB 0425
([Full Text](#))

Senate Status: Set for Senate Government Operations Committee 04/08/2009.

House Status: Referred to House Government Operations.

SB 1993 **DOS - public necessity rules.** Requires the department of safety to deliver a copy of any draft of a public necessity rule to the attorney general and reporter for approval and to the chair of the government operations committees of both houses. Broadly captioned. (S: Johnson J.; H: Lynn)
HB 1754*
([Full Text](#))

Senate Status: Referred to Senate Government Operations.

House Status: Caption bill held on House clerk's desk.

HEALTH CARE

SB 0207
HB 0106*
[\(Full Text\)](#) **Standards for the operation of emergency vehicles.** Requires the EMS board to develop certain standards for the operation and maintenance of emergency vehicles in regard to vehicle mileage. Specifies that the standards include requiring such vehicles that have an odometer reading of more than 200,000 miles to have a mechanical inspection at every 30,000 mile interval. Also requires such standards to prohibit out-of-state vehicles with over 200,000 miles being used in Tennessee to transport patients and to prohibit any vehicle with over 290,000 miles from being used to transport patients. (S: Stewart E.; H: Matheny)

Senate Status: Referred to Senate Transportation.

House Status: Set for House Professional Occupations Subcommittee 04/07/2009.

SB 0767
HB 0169*
[\(Full Text\)](#) **MHDD - report on meeting on transportation services.** Requires the department of mental health and developmental disabilities to file a report with the general assembly following each meeting on transportation service for persons with developmental disabilities, mental illness, and serious emotional disturbance. Requires such report to include discussions, proposals and agreements reached during the meeting. (S: Crowe; H: Casada)

Senate Status: Referred to Senate General Welfare.

House Status: Caption bill held on House clerk's desk.

SB 0772*
HB 1385
[\(Full Text\)](#) **Transportation of persons with a mental illness.** Considers any prescreening agent, physician, or licensed psychologist a state employee when assessing the need or absence of need for physical restraint during transportation to a psychiatric hospital. Obligates a task force to study the existing programs utilized for the transportation of involuntary patients to psychiatric hospitals and the feasibility of developing alternatives to transportation of emergency involuntary patients to psychiatric hospitals. (S: Overbey; H: Harrison)

Amendment: Senate General Welfare Committee amendment 1 deletes all language of the original bill and grants prescreening agents, physicians, or licensed psychologists state employee status and prohibits the entities that employ them and sheriffs from being held civilly liable for damages arising out of a transport if it is determined that an involuntary admission for mental health treatment patient does not need to be restrained or have vehicle security when being transported. Requires any secondary transportation agent, municipal law enforcement agency, friend, relative, clergy member, or other mental health professional authorized to transport an individual without the use of restraints or security to sign a form agreeing to pay any and all costs associated with the transport.

Senate Status: Set for Senate General Welfare Committee 04/08/2009.

House Status: Set for House Civil Practice Subcommittee 04/07/2009.

SB 1986
HB 1763*
[\(Full Text\)](#) **Copay reimbursements for Medicare and Medicaid enrollees.** Requires department of finance to fully fund copay reimbursements for Medicare and Medicaid dual eligible enrollees who utilize emergency medical services. (S: Crowe; H: Shipley)

Senate Status: Referred to Senate General Welfare.
House Status: Caption bill held on House clerk's desk.

LOCAL GOVERNMENT

SB 0506* **Cities to regulate 911 services.** Permits cities to regulate and coordinate 911 services within the city boundaries. (S: Burchett)
[\(Full Text\)](#)

Senate Status: Referred to Senate State & Local Government.

SB 0890 **Directors of county emergency management agencies.** Subjects director of county emergency management agency to the control of the chief local elected official in lieu of county governing body. (S: Faulk; H: Shipley)
HB 0713*
[\(Full Text\)](#)

Senate Co-Sponsor: Yager
House Co-Sponsor: Cobb T.

Senate Status: Set for Senate State & Local Government Committee 04/07/2009.

House Status: Set for House Calendar & Rules Committee 04/07/2009.

SB 2141 **Exempts Hamilton County sheriff from transportation duties.** Exempts Hamilton County sheriff or transportation agent from notification requirements when transporting a detainee, held according to a certificate of need for emergency treatment of mental illness, to a treatment facility and from requirement to remain at the treatment facility long enough for the person to be admitted. Relieves such sheriff or transportation agent from further transportation duties after such detainee has been delivered to such facility, placing further transportation duties on such facility personnel. (S: Berke; H: McCormick)
HB 1718*
[\(Full Text\)](#)

Senate Status: Referred to Senate General Welfare.

House Status: Referred to House Professional Occupations Subcommittee.

PUBLIC EMPLOYEES

SB 0725 **Residency requirements for police, firefighters and EMTs.** Requires no residency to be or become a full-time or part-time police officer, firefighter, EMT or EMT-P for any municipality in this state. Prohibits any municipality from imposing such a residency requirement or discriminating against such police officer, firefighter, EMT or EMT-P. (S: Tate; H: Kelsey)
HB 0469*
[\(Full Text\)](#)

Senate Co-Sponsor: Stanley.

House Co-Sponsors: Turner M.; Todd; McManus; Coley; Faulkner; Bell; Rich

Senate Status: Referred to Senate State & Local Government.

House Status: Failed in House Local Government Subcommittee 04/01/2009.

SB 1177* **Privatization of fire services.** Authorizes local governments to put to local

HB 1538 referendum whether the voters in a particular jurisdiction want to contract with private entities that offer emergency medical services or entities offering fire protection services. (S: Barnes; H: Litz)
[\(Full Text\)](#)

Senate Status: Taken off notice in Senate State & Local Government 03/17/2009.

House Status: Referred to House Local Government Subcommittee.

SB 1677* **Infectious disease acquired by firefighter, paramedic, EMT.** Creates a presumption that an infectious disease acquired by a firefighter, paramedic, emergency medical technician, or emergency medical technician advanced was suffered in the line of duty unless the contrary is shown by competent evidence. (S: Tate; H: Jones S.)
HB 1482
[\(Full Text\)](#)

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House Local Government Subcommittee.

SB 1985 **Constables - fee for transporting mentally ill patients.** Authorizes constables to collect mileage fees from sheriffs for transporting mentally ill patients at the same mileage rate as federal employees. (S: Crowe; H: Shipley)
HB 1764*
[\(Full Text\)](#)

Senate Status: Referred to Senate Judiciary.

House Status: Caption bill held on House clerk's desk.

PUBLIC FINANCE

SB 1083* **Appropriations - Bureau of TennCare.** Appropriates \$4 million to the Bureau of TennCare for the sole purpose of funding copay reimbursements for Medicare/Medicaid dual eligible enrollees who utilize emergency medical services for the fiscal year beginning July 1, 2009. (S: Harper; H: Jones U.)
HB 1649
[\(Full Text\)](#)
Senate Co-Sponsors: Crowe; Ketron

Senate Status: Referred to Senate Finance, Ways & Means.

House Status: House Budget Subcommittee deferred to last calendar.

SB 1988 **Tennessee Emergency Services Stimulus Act of 2009.** Establishes grant program administered by department to support emergency services in Tennessee. Specifies that the following services are eligible for these grants: fire departments; volunteer fire departments; rescue squads; local law enforcement, including police and sheriff's departments; emergency medical services; and fire academies, including the East Tennessee Fire School. (S: Crowe; H: Shipley)
HB 1765*
[\(Full Text\)](#)

Senate Status: Referred to Senate Finance, Ways & Means.

House Status: Set for House Finance Budget Subcommittee 04/08/2009.

TENNCARE

SB 1284* **Recovering of reimbursement costs from a third party.** Requires recipients of
HB 1965 TennCare benefits to provide written notice to the state prior to initiating any legal
[\(Full Text\)](#) proceeding to pursue reimbursement costs from a third party. (S: Bunch; H:
McCormick)

Senate Status: Referred to Senate General Welfare.

House Status: Referred to House Judiciary Civil Practice Subcommittee.

SB 1360 **Bureau of TennCare to reimburse crossover claims.** Requires the bureau of
HB 1113* TennCare to reimburse ambulance services for full benefit dual eligibles as
[\(Full Text\)](#) TennCare crossover claims at 100 percent of the federal medicare program's
allowable charge for participating providers. (S: Tate; H: Shepard)

Senate Status: Referred to Senate General Welfare.

House Status: Referred to House Professional Occupations Subcommittee.

SB 1361* **Medicaid reimbursements to physician assistants.** Revises limitation on Medicaid
HB 1999 reimbursements to physician assistants from not exceeding 60 percent of
[\(Full Text\)](#) reimbursements provided to licensed physicians under the Medicaid program to an
amount not exceeding 70 percent of such reimbursements. (S: Tate; H: Curtiss)

Senate Status: Referred to Senate Commerce, Labor & Agriculture.

House Status: Caption bill held on House clerk's desk.

SB 1362* **TennCare medical transportation reimbursement.** Requires providers of
HB 1998 emergency and nonemergency air and ground transportation for TennCare enrollees
[\(Full Text\)](#) are to be reimbursed by the bureau of TennCare and contracted MCOs for eligible
services at 80 percent of current Medicare reimbursement. (S: Johnson J.; H:
Curtiss)

Senate Status: Referred to Senate General Welfare.

House Status: Set for House Health Care Facilities Subcommittee 04/08/2009.

SB 1788 **Notification to general assembly - changes to TennCare.** Requires the department
HB 0219* of health to notify each member of the general assembly of any proposed TennCare
[\(Full Text\)](#) change in services or reimbursement that affects more than 250 beneficiaries. Also
requires the department to notify the general assembly when and TennCare change
is proposed that will affect current or future appropriations in an amount greater than
\$100,000. (S: Herron; H: Fincher)

Senate Status: Referred to Senate General Welfare.

House Status: Set for House Public Health and Family Assistance Subcommittee
04/07/2009.

SB 1881* **Reimbursement of crossovers claims.** Requires the bureau of TennCare to
HB 1634 reimburse ambulance services for TennCare crossover claims of full benefit dual
[\(Full Text\)](#) eligibles at one 100 percent of the Medicare program's allowable charge for

participating providers under its appropriate fee schedule. (S: Kyle; H: Jones U.)

Senate Status: Referred to Senate General Welfare.

House Status: Referred to House Public Health and Family Assistance Subcommittee.

TORT LIABILITY

SB 0773* **Civil liability - transportation of mentally ill persons.** Removes civil liability for
HB 1358 physicians or hospitals with regards to damages for actions arising out of the
([Full Text](#)) transport of a mentally ill person. (S: Overbey; H: Lundberg)

House Co-Sponsor: Ford D.

Senate Status: Senate Judiciary 03/25/2009 recommended. Sent to Senate Finance, Ways & Means.

House Status: Set for House Civil Practice Subcommittee 04/07/2009.

TRANSPORTATION GENERAL

SB 0613* **Interagency transportation coordination committee.** Creates interagency
HB 1313 transportation coordination committee, composed of representatives of certain state
([Full Text](#)) departments, to coordinate transportation efforts of state and local government.
Directs coordination committee to create a strategic transportation coordination plan that will guide their work for the next five years. (S: Tracy; H: Harmon)

Senate Status: Set for Senate Transportation Committee 04/07/2009.

House Status: Referred to House Transportation Rural Roads Subcommittee.

TRANSPORTATION VEHICLES

SB 0060 **Blood alcohol level test requirements in auto accidents.** Requires any law
HB 0121* enforcement officer to conduct a test to determine the blood alcohol level or drug
([Full Text](#)) content of any driver, regardless of consent, involved in an accident resulting in
injury or death if officer has probable cause to believe driver committed DUI,
vehicular assault, vehicular homicide, or aggravated vehicular homicide. (S: Bunch;
H: Bell)

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House Judiciary Criminal Practice Subcommittee.

SB 0534 **Required testing of suspected DUI offenders in accidents.** Requires any law
HB 0355* enforcement officer to conduct a test to determine blood alcohol of a driver involved
([Full Text](#)) in accident resulting in injury or death to another if the officer has probable cause to
believe driver committed DUI, vehicular assault, vehicular homicide, or aggravated
vehicular homicide. Requires such test to be performed whether or not the driver

consents to the test. States that the results of such test shall be admissible in evidence by either the state or the driver in any court or administrative hearing relating to such accident or the offense. (S: McNally; H: Hackworth)

Amendment: House Judiciary amendment 1 rewrites the bill. Requires any law enforcement official to conduct a test to determine the blood alcohol content of a driver involved in an accident resulting in injury or death to another if the officer has probable cause to believe that the driver committed DUI, vehicular homicide, or aggravated vehicular homicide. Removes vehicular assault from such offenses and, thus, removes the fiscal note. Requires such test to be performed whether or not the driver consents to the test. Allows, rather than requires, the results of such test to be admissible as evidence by either the state or the driver in any court or administrative hearing relating to such accident or the offense, subject to the TN rules of evidence.

Senate Status: Referred to Senate Judiciary.

House Status: Set for House Finance Budget Subcommittee 04/08/2009.

SB 1551
HB 0853*
[\(Full Text\)](#) **Fire extinguishers on certain trucks.** Expands existing equipment requirement of fire extinguishers on certain trucks to include pickup trucks commercially registered. (S: Burchett; H: Mumpower)

Senate Status: Referred to Senate Transportation.

House Status: Referred to House Transportation Public Safety Subcommittee.

SB 1843*
HB 1638
[\(Full Text\)](#) **License plates for firefighters and paramedics.** Authorizes issuance of license plates for firefighters and paramedics. (S: Kyle; H: Jones U.)

Senate Status: Referred to Senate Transportation.

House Status: House Transportation Public Safety Subcommittee deferred to 04/21/2009.

SB 1900
HB 1397*
[\(Full Text\)](#) **Use of blue flashing lights.** Authorizes personnel of certain emergency management agencies to use blue flashing emergency lights. Specifically allows use of blue flashing emergency lights by government owned motor vehicles operated by employees, personnel or officers of civil defense or emergency management agencies of the state, county or city and municipal governments. (S: Tracy; H: Evans)

Senate Status: Referred to Senate Judiciary.

House Status: Set for House Public Safety Subcommittee 04/07/2009.

UTILITIES

SB 0042
HB 0111*
[\(Full Text\)](#) **911 emergency fund interest not to be used for general fund.** Prohibits interest derived from the 911 Emergency Communications Fund from being transferred to the general fund. (S: Bunch; H: Bell)

Senate Status: Referred to Senate State & Local Government.

House Status: House Budget Subcommittee deferred to last calendar.

SB 0208

HB 0204*

[\(Full Text\)](#)

Public Safety and Emergency Communications Act. Sets a minimum of \$1.50 for the CMRS flat statewide rate for the emergency telephone service charge. Increases from 25 to 65 the percentage of CMRS emergency telephone service charge revenues the board must distribute to emergency communication districts. Requires the board to distribute an additional five percent of the revenue to the fifty lowest population districts determined by the federal decennial census. (S: Stewart E.; H: Matheny)

Senate Status: Referred to Senate State & Local Government.

House Status: Set for House State Government Subcommittee 04/08/2009.