

Legislative report for LWV TN

May 26, 2011

Key Bill list – (*Bills that are on notice for this coming week or that are representative of one of the League's priorities.*)

Responsible Budget

SB 0033 Burks

HB 0046 Sexton

Repeal of Hall Income Tax. Decreases tax rate for Hall Income Tax from six percent to four percent in 2013 and from four percent to two percent in 2014. Repeals the Hall Income Tax in 2015.

Senate Status: Senate Finance Tax Subcommittee deferred to 2012.

House Status: House General Subcommittee of Finance deferred to 2012.

SB 0261 Ramsey

HB 1141 Sexton

Increases Hall income tax exemptions. Increases the Hall income tax exemption for taxpayers 65 years of age or older beginning January 1, 2012. For single filers exemption increases to \$26,200, instead of \$16,200; for persons filing jointly, exemption increases to \$37,000, instead of \$27,000.

Senate Status: Senate 05/21/2011 passed.

House Status: House passed 05/21/2011.

Other Status: Sent 05/21/2011 to the speakers for signatures.

SB 0483 Overbey

HB 0738 Harrison

Patient safety organization. Allows any private organization to apply to the department of health to be designated as a patient safety organization. Authorizes the department to designate as a patient safety organization each applicant that: has a mission statement indicating its primary purpose is to conduct activities to improve patient safety, has qualified staff to review patient safety work product, is not a component of a health insurer, and certifies that its mission does not create a conflict of interest with health care facilities that submit patient safety work product to it. Broadly captioned.

Amendment: Senate General Welfare amendment 1 deletes the original bill. Enacts the Annual Coverage Assessment Act which establishes an annual coverage assessment on hospitals of 4.52 percent of a covered hospital's annual coverage assessment base and shall be paid in equal quarterly installments. The Bureau of TennCare will send a notice of payment and a return form to each covered hospital 30 days prior to the payment date. Imposes a penalty of \$500 per day on a hospital that does not pay the assessment by the due date. Creates provisions for the collection of assessments if a hospital ceases to operate after the effective date of the Act. Prohibits a covered hospital from increasing charges or adding surcharges based on or as a result of the annual coverage assessment. Prohibits a TennCare managed organization from implementing across the board reductions in rates that are in existence on July 1, 2011, for hospitals and physicians by category or type of provider unless mandated by the Centers for Medicare and Medicaid Services (CMS). Creates the Maintenance of Coverage Trust Fund consisting of all annual coverage assessment collections and investment earnings credited to the assets of the Fund. Funds collected along with federal matching funds shall be expended

for benefits and services that would have been subject to reductions or eliminations from the FY10- 11 TennCare budget and for one-time funding for specific TennCare programs in FY11-12. The implementation of the annual coverage assessments is dependent on approval by CMS. Critical access hospitals, state mental hospitals, rehabilitation and long-term acute hospitals, St. Jude Children's Research Hospital, and state and local government hospitals are exempt from the annual coverage assessment. Beginning September 1, 2011 and on a quarterly basis thereafter, TennCare is required to report the status of the determination and approval by CMS, the balance of the funds, and the extent to which the funds have been used, to the Select Oversight Committee on TennCare, both Finance, Ways, and Means Committees, the Senate General Welfare, Health, and Human Resources Committee, and the House Health and Human Resources Committee. The provisions of the bill will take effect July 1, 2011 and will expire on June 30, 2012.

Senate Status: Senate 04/21/2011 passed with amendment 1.

House Status: House passed 04/28/2011.

Other Status: Enacted as Public Chapter 0189 (effective 07/01/2011).

SB 1417 Henry

HB 1913 Stewart M.

Single Article Cap Removal Act. Eliminates the cap on sales tax on items that cost more than \$3,200; extends the 9.75% rate to the full value of all "big ticket items"

Senate Status: Taken off notice in Senate Finance Tax Subcommittee 05/04/2011.

House Status: Referred to House General Subcommittee of Finance.

SB 1489 Marrero

HB 1912 Stewart M.

Out of State Sales Tax Act. Requires out of state vendors (internet and catalogue) to collect Tennessee sales tax if they use in-state affiliates to solicit business.

Senate Status: Referred to Senate Finance Tax Subcommittee.

House Status: Referred to House General Subcommittee of Finance.

SB 1614 Marrero

HB 1914 Stewart M.

TN Small Business Protection Act. Closes Corporate tax loopholes by requiring combined reporting of income by multi-state corporations; reduces the sales tax on food.

Senate Status: Referred to Senate Finance Tax Subcommittee.

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

SJR 0221 Kelsey

Constitutional amendment - income tax. Proposes additional language in Article II, Section 28 to explicitly prohibit the general assembly from levying, authorizing or otherwise permitting any state or local tax upon payroll or earned personal income or any state or local tax measured by payroll or earned personal income.

Senate Status: Senate 05/18/2011 adopted.

House Status: House deferred to first calendar of 2012.

HJR 0231 Casada

Constitutional amendment - income tax. Proposes an amendment to Article II, Section 28 to prohibit any state or local tax upon payroll or earned personal income or any state or local tax measured by payroll or earned personal income.

House Status: House 05/19/2011 substituted SJR 221 for this resolution. House reset for 5/20/2011.

Elections & Open Government

SB 0001 Norris

HB 0846 McCormick

Redistricting - state senatorial districts. Deletes references to the 102nd general assembly and replaces them with language referring to the 107th general assembly for purposes of redistricting in regard to state senatorial districts. Also deletes references to the November 2002 general election and replaces such language with the November 2012 election. Clarifies the legislative intent that all senate districts be contiguous and that contiguity by water is sufficient.

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 0002 Norris

HB 0845 McCormick

Redistricting - state representative districts. Specifies that geographic areas, boundaries and population counts used for redistricting are to be based on the 2010 federal decennial census rather than the 2000 census. Also specifies provisions concerning districts, terms and vacancies prior to November 2012 elections. Clarifies that state house districts are not affected by reapportionment of county legislative bodies.

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 0003 Norris

HB 0844 McCormick

Redistricting - congressional districts. Updates census references to specify the 2010 federal decennial census rather than the 2000 census for purposes of the TIGER system. Clarifies that the legislative intent is that all congressional districts be contiguous and that contiguity by water is sufficient.

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 0016 Ketron

HB 0007 Maggart

Voting - must present government ID. Requires all voters voting in-person to present a valid government ID to vote. Requires the voter to vote a provisional ballot, instead of voting normally after proving identity by an affidavit, if the voter voting in-person cannot present a valid government ID. Requires the counting of provisional ballots to be completed within four days, instead of the current two days. Requires that such provisional ballots will only be counted if the voter returns and provides a valid government ID after casting the provisional ballot. Allows voters who are indigent or have a religious objection to being photographed to complete an affidavit and vote.

Amendment: House amendment 1 includes the requirements for a photo ID for early voting as well as regular voting. House amendment 2 prevents identification cards issued to a student by an institution of higher education containing the student's photograph from being valid photographic proof in order to vote.

Senate Status: Senate passed 05/20/2011.

House Status: House 04/14/2011 passed with amendments 1 and 2.

SB 0115 Campfield

HB 0284 Dennis

Electronic Publication of Legal Notices Act. Enacts the Electronic Publication of Legal Notices Act which, creates a pilot project in Knox county to allow legal notices to be posted on the Internet rather than in a newspaper. Establishes the requirements and conditions for publishing such notices on an official government website. Requires the government agency to keep and make available for public inspection all records of complaints and service accessibility failures reported.

Senate Status: Senate State & Local Government Committee deferred to summer study.

House Status: House General Subcommittee of Judiciary deferred to 2012.

SB 0289 Bell

HB 0036 Dunn

Duties of county administrators of elections. Clarifies and adds to the duties of county administrators of elections. Requires that such administrators are responsible for the preparation of a plan for placing precinct voting locations and presentation of such plan to the election commission for approval, preparation of a plan for early voting sites and presentation to the election commission for approval, and, upon request, assist municipal or county governments, local boards of education, and members of the general assembly concerning redistricting in 2012, as well as after each two year period following a decennial census.

Senate Status: Senate 03/03/2011 passed.

House Status: House passed 04/07/2011.

Other Status: Enacted as Public Chapter 0109 (effective 4/25/2011).

SB 0352 Norris

HB 0324 Todd

Proof of citizenship for registering to vote. Requires administrator of elections to reject any voter registration application that does not include satisfactory evidence of U.S. citizenship. Requires voter registration records to include signed statement declaring that the voter is a U.S. citizen.

Amendment: House State and Local amendment 1 deletes the original bill. Requires the Coordinator of Elections to compare the statewide voter registration database with the Department of Safety database to ensure non-United States citizens are not registered to vote in this state. Authorizes the Coordinator of Elections to compare the statewide voter registration database with relevant federal and state agencies and county records for the same purpose. If evidence exists that a registered voter is not a citizen, the Coordinator shall notify the county election commission who will send a notice to the voter inquiring about his or her eligibility to vote. If the voter does not provide evidence of citizenship, the voter shall be purged from the voter registration database. The voter may appeal to the State Election Commission, who shall conduct a hearing and render a decision. The voter database will be changed to reflect the decision of the State Election Commission with respect to the voter.

Senate Status: Senate passed 5/11/2011 with amendment 1.

House Status: House passed 5/11/2011.

Other Status: Enacted as Public Chapter 0235 (effective 01/01/2012).

SB 0772 Ketron

HB 1115 Todd

Changes to election procedures. Revises various election law procedures concerning registration notification forms. Allows county election commission to appoint election officials up to 60 days, instead of 45 days, before each election. Removes the requirement that a sample ballot be published in the newspaper five days before the election. Requires early voters to vote no later than seven days, instead

of five days, before the election. Requires applications for absentee ballots to include the applicant's birthday, in addition to current requirements. Allows municipalities to require non-resident property owners to vote on the municipal ballot by absentee mail ballots.

Amendment: Senate amendment 1 deletes section 5 of the bill, which would have changed from five to seven the number of days before the day of an election, a voter who desires to vote early shall go to the county election commission office. Senate amendment 2 deletes section 6 of the bill, which would have changed the period for early voting from at most ten and at least five days before the day of the election to at most ten days and at least seven days before the day of the election.

Senate Status: Senate 05/20/2011 passed with amendments 1, 2 and 3.

House Status: House re-passed 05/21/2011 after lifting the tabling motion, reconsidering their actions, and withdrawing House amendments 1 and 2.

Other Status: Sent 05/21/2011 to the speakers for signatures.

SB 1203 Yager

HB 0386 Dunn

Delayed implementation of the Voter Confidence Act. Delays the implementation of the Tennessee Voter Confidence Act until the general assembly includes a specific appropriation in the general appropriations act to cover all increased costs to counties directly attributable to such act.

Amendment: Senate State and Local amendment 1 deletes the original bill. Authorizes a county election commission to utilize a voting system using a precinct-based optical scanner. Requires all new precinct-based optical scanners purchased or leased to be certified as having met the applicable voluntary voting systems guidelines. In addition, the precinct-based optical scanners shall be tested to ensure the scanners operate in accordance with the guidelines. The State Coordinator of Elections shall provide to the county election commission necessary assistance and guidance in the selection of a precinct-based optical scanner. To the extent federal funding through the Help America Vote Act (HAVA) remains available to purchase or lease new precinct-based optical scanners, the Coordinator shall provide financial assistance for purchasing or leasing such machines. Requires the Coordinator to provide a list of authorized printers for any county election commission to utilize for the printing of ballots. Authorizes the Coordinator to explore the feasibility of utilizing ballot-on-demand technology. Removes the mandate that precinct-based optical scanner voting systems be in place no later than the general election of 2012.

Senate Status: Senate passed 5/12/2011.

House Status: House passed 05/05/2011 with amendment 1.

Other Status: Sent to governor 05/16/2011.

SB 1360 Finney L.

HB 1731 Tindell

Elderly voter who cannot obtain copy of birth certificate. Allows a person age 65 or older who is unable to obtain copy of such person's birth certificate to vote by executing affidavit of identity on a form provided by the county election commission.

Senate Status: Taken off notice in Senate State & Local Government Committee 05/10/2011.

House Status: Taken off notice in House General Subcommittee of State & Local Government.

SB 1370 Finney L.

HB 0810 Turner M.

TN Fair and Independent Congressional Redistricting Act. Enacts the "Tennessee Fair and Independent Congressional Redistricting Act of 2011." Creates a congressional redistricting commission consisting of five members consisting of individuals who have not held public office, served as an employee of a

political party or candidate, or has been a registered lobbyist for at least one year prior to selection. Requires the new commission to establish a redistricting plan and submit it to the general assembly by September 30. (13 pp.)

Senate Status: Referred to Senate Government Operations.

House Status: House General Subcommittee of State & Local Government deferred to 2012.

SB 1604 Marrero

HB 1736 Kernell

Access to public records. Prohibits the nondisclosure of records open to public inspection otherwise justified by common law, rule of court, or rule promulgated pursuant to a statute allowing an agency to prohibit access when the reason for nondisclosure is a party's involvement in civil litigation or a criminal proceeding or contemplation of such involvement and the records were in existence prior to the initiation or contemplation of the proceeding.

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice in House State & Local Government 04/26/2011.

SB 1666 Ketron

HB 1443 Maggart

Flood motor vehicle - certificate of title. Adds a cross-reference in the certificate of titling sections to a definition for flood motor vehicle. Broadly captioned.

Amendment: Senate amendment 1 rewrites the bill. Allows individuals who cannot afford a **photo identification card for the purposes of voting to receive a free one** provided such individuals sign an affidavit that they cannot afford the fee normally associated with receiving such an identification card.

Senate Status: Senate 05/21/2011 passed with amendment 1. Senate amendment 1 rewrites the bill.

Allows individuals who cannot afford a photo identification card for the purposes of voting to receive a free one provided such individuals sign an affidavit that they cannot afford the fee normally associated with receiving such an identification card.

House Status: House passed 05/21/2011.

Other Status: Sent 05/21/2011 to the speakers for signatures.

SB 1805 Bell

HB 0414 Casada

Repeal of TN Voter Confidence Act. Repeals the "Tennessee Voter Confidence Act", which requires that each county use precinct-based optical scanner voting systems by the November 2012 general election.

Senate Status: Senate State & Local Government Committee deferred to 04/19/2011.

House Status: House General Subcommittee of State & Local Government deferred to 2012.

SB 1951 Overbey

HB 1875 Gotto

Allows custodians of public records to charge labor costs. Deletes language prohibiting a custodian from assessing a charge to view a public record. Allows custodians of public records to charge for labor costs associated with producing the records, if it requires one hour or longer to produce the documents. Defines labor costs to mean hourly wages of any employees.

Amendment: House State and Local amendment 1 deletes the original bill. Excludes from the definition of public or state records all electronic or mechanical devices or equipment used to create or store public or state records, including cell phones and computers.

Senate Status: Senate 05/12/2011 passed with amendment 1.

House Status House passed 05/18/2011.

Other Status: Sent to governor 05/19/2011.

Health Care

SB 0079 Beavers

HB 0115 Weaver

Tennessee Health Care Freedom Act. Declares that the public policy of this state is that every person within this state is free to choose or to decline to choose any mode of securing health care services without penalty or threat of penalty. Also declares that the public policy of this state is that every person within this state has the right to purchase health insurance or to refuse to purchase health insurance. Specifies that the government may not interfere with a citizen's right to purchase health insurance or with a citizen's right to refuse to purchase health insurance. Also specifies that the government may not enact a law that would restrict these rights or that would impose a form of punishment for exercising either of these rights. States that any law to the contrary is to be void ab initio.

Amendment: Senate amendment 1, House Commerce amendment 1 specifies that the legislation should not interfere with child support cases in which purchasing an insurance policy is required of one party by the court. Senate amendment 2, House Commerce amendment 2 specifies that employers are authorized to require the purchase of insurance as a condition of employment.

Senate Status: Senate 02/23/2011 passed with amendments 1 and 2.

House Status: House passed 03/07/2011.

Other Status: Enacted as Public Chapter 0009 (effective 03/18/2011).

SB 0326 Beavers

HB 0369 White M.

Health Care Compact. Enacts health care compact, declaring that member states have the primary responsibility to regulate health care policy within their states. Makes effective upon adoption by the member states and consent of the federal congress. Declares that member states have the right to federal funding according to mandatory spending formula. Creates an interstate advisory health care commission.

Amendment: SENATE GOVERNMENT OPERATIONS AMENDMENT 1 deletes the language of the original bill. Requires Tennessee to join a health care compact with other states to retain regulatory authority over health care in member states. Requires member states to seek the consent of Congress to this compact. Consent would authorize states to enact laws that supersede all federal laws regarding health care within member states. Permits member states to receive federal funding for health care, unconditioned on any action or policy by the member states. The funding would be based on the actual federal spending on health care in the member state during federal fiscal year 2010, adjusted for population changes in the state and inflation. Creates an Interstate Advisory Health Care Commission empowered to study health care regulatory issues and make nonbinding recommendations to the legislatures of the member states. Prohibits the Commission from taking any actions within a member state that contravene any laws of that state. SENATE GOVERNMENT OPERATIONS AMENDMENT 2 sunsets the Health care compact on June 30, 2013. SENATE GENERAL WELFARE AMENDMENT 1 makes a typographical error by changing Title 68 to Title 69. SENATE FINANCE AMENDMENT 1 specifies that the funds necessary for the state of Tennessee to perform the duties as a member state to the Interstate Advisory Health Care Commission shall be earmarked from the administrative fees from Federal monies received by the state. SENATE FINANCE AMENDMENT 1 specifies that the funds necessary for the state to perform the duties as a member of the Interstate Advisory Health Care Commission shall be earmarked from the administrative fees from federal monies received by the state. Specifies that the state retains the authority to decline to participate in the Interstate Advisory Health Care Commission

and may pay for the costs of administering health care in the state in lieu of administration costs of the commission by use of the administrative fees received from federal monies.

Senate Status: Senate 05/16/2011 passed with previously adopted amendments 1,2,3, and 4.

House Status: House Health & Human Resources deferred to 2012.

Environment

SB 0211 Watson B.

HB 0628 Cobb J.

Sunset - oil and gas board. Extends the oil and gas board to June 30, 2016. Revises appointment process of membership of oil and gas board.

Senate Status: Senate passed 04/18/2011.

House Status: House passed 03/07/2011.

Other Status: Enacted as Public Chapter 0172 (effective 7/1/2011).

SB 0577 Stewart E.

HB 0291 McDonald

Prohibition on surface mining at specified elevation levels. Prohibits the commissioner of environment and conservation from issuing or renewing a permit, certification, or variance that allows surface coal mining operations that will disturb ridgelines above 2,000 feet elevation above sea level with exceptions made for underground mining.

Amendment: House General Subcommittee of Conservation and Environment amendment 1 provides an exception to the prohibition on the granting of permission for surface coal mining that would disturb specified ridgelines to allow renewals of permits, certificates, and variances if the surface area affected is not increased, activities are not expanded, and ownership is not transferred.

Senate Status: Taken off notice in Senate Environment, Conservation & Tourism Committee 03/30/2011.

House Status: House General Subcommittee of Conservation & Environment deferred to last calendar.

SB 0578 Stewart E.

HB 0290 McDonald

Prohibits surface coal mining if it disturbs ridgeline. Prohibits the commissioner of environment and conservation from issuing or renewing a permit that would allow surface coal mining operations to alter or disturb any ridgeline that is over 2,000 feet elevation above sea level. Allows the commissioner to issue or renew a permit that would authorize the construction or maintenance of ridgeline crossings including utility, rail or pipeline crossings or road crossings necessary to obtain access to underground or surface mining activities or to obtain access to reclamation activities.

Senate Status: Failed in Senate Environment, Conservation & Tourism Committee 03/30/2011.

House Status: Referred to House General Subcommittee of Conservation and Environment.

SB 1591 Marrero

HB 1853 Richardson

Issuance of permits for drilling oil and natural gas. Requires person seeking permit to drill to post sign near entrance to site notifying public of permit to drill application at least 30 days before the drill permit hearing. Requires such drill notice to be circulated in the local newspaper, mailed out to certain agencies, and posted in any other means found necessary by the commissioner. Allows interested persons to request a public hearing for any drill application.

Senate Status: Taken off notice in Senate Environment, Conservation & Tourism 04/13/2011.

House Status: Taken off notice in House General Subcommittee of Conservation and Environmen
04/19/2011.

HR 0098 Richardson

Methods for natural gas extraction. Urges the department of environment and conservation, Tennessee Oil and Gas Association, League of Women Voters, and Tennessee Conservation Voters to collaborate in proposing regulations to oversee use of hydrological fracturing as method of modern natural gas extraction.

House Status: House adoped 5/9/2011.

Other Status: Sent to House speaker for signature.

Education

SB 0333 Burks

HB 0184 Windle

Elected school superintendents. Allows any county or city operating a school system to re-establish the elected office of school superintendent upon two-thirds vote of governing body of county or city. Specifies that such ordinance or resolution once approved is not operative until approved by voters in an election. Also specifies that term of elected superintendent of schools is four years and lays out qualifications of candidates.

Senate Status: Taken off notice in Senate Education 04/13/2011.

House Status: Failed in House General Subcommittee of Education 04/20/2011.

SB 0787 Campfield

HB 0902 Niceley

Reestablishment of the office of superintendent. Permits a county or municipality to establish the office of elected superintendent if approved by voters, as an alternative to allowing the local school board to make the appointment. Permits school systems with superintendents elected by a vote of the people in office on July 1, 1992 to reestablish the office by resolution requiring a two-thirds vote of the county or municipality and approval in a county election. Requires the election for superintendent be included in the August elections if the resolution passes. Requires the office to be filled by popular vote for a four year term to begin the following September. Prohibits contract extensions of any current director of public schools if the county votes to re-establish the office. Outlines superintendent qualifications the state board of education must establish including, but not limited to, requirements of a teacher's professional license, master's degree in education administration, and five years experience in both teaching and administration.

Senate Status: Taken off notice in Senate Education 04/20/2011.

House Status: Failed in House Education Committee.

SB 1480 Burks

HB 1607 McDonald

Re-establishes office of elected school superintendent. Requires the re-establishment of elected office of school superintendent for counties or municipalities operating school systems. Requires the state board to establish minimum requirements for license of qualifications for a superintendent, including the applicant must hold a teaching license with endorsement as a principal or supervisor of instruction and the applicant must hold a master's degree with a major in education administration. Specifies other qualifications of candidates.

Senate Status: Referred to Senate Education.

House Status: Failed in House General Subcommittee of Education 03/16/2011.

Judicial Selection

SB 0082 Faulk

HB 1017 Lundberg

Expands governor's power to appoint appellate court judge. Permits the governor to fill a vacancy in the office of an appellate court by appointing any person who is duly licensed to practice in this state and who is fully qualified under the law of this state if the governor is not satisfied with the list of nominees submitted by the judicial selection commission. Also permits the governor to fill the position by appointment if the commission does not furnish a list of nominees within 60 days after receiving written notice from the governor that a vacancy has occurred. However, if the governor appoints a judge who is not from the list of nominees submitted by the commission, the judge appointed shall run in a contested election.

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Judiciary.

SB 0127 Campfield

HB 0173 Casada

Election of judges. Requires election of all judges. Requires that each election term must be eight years. Provides process for judicial vacancies.

Senate Status: Taken off notice in Senate Finance Committee 05/17/2011.

House Status: Taken off notice in House Judiciary 05/03/2011.

SB 0281 Bell

HB 0231 Dunn

Nonpartisan elections of supreme court justices. Provides for election of supreme court justices by districts in nonpartisan elections. Requires general assembly to draw contiguous districts after decennial congressional apportionment. Prohibits candidates from personally soliciting campaign contributions. Prohibits campaign treasurer from disclosing contributions to candidate. In case of vacancies, election would be held at next August election more than 30 days after the vacancy, with the governor to appoint interim successor.

Senate Status: Referred to Senate Judiciary.

House Status: Referred to House General Subcommittee of Judiciary.

SJR 0023 Beavers

Constitutional amendment - election of attorney general. Proposes a constitutional amendment to provide for the popular election of the attorney general and reporter for the state.

Senate Status: Taken off notice in Senate Finance, Ways & Means 05/17/2011.

SJR 0183 Norris

Constitutional amendment - election of appellate judges. Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges. Amendment: Senate Judiciary amendment 1 permits, instead of requires, Supreme Court and Appellate judicial appointments through retention elections.

Senate Status: Taken off notice in Senate Finance, Ways & Means 05/19/2011.

Other bills related to League areas of interest –

SB 0113 Johnson J.

HB 0130 Maggart

Teachers' unions: cannot negotiate professional service. Prohibits teachers' unions and professional employees' organizations from negotiating terms or conditions of professional service with local boards of education. Maintains existing negotiated contracts.

Amendment: SENATE AMENDMENT 5, as amended, rewrites the bill to replace the present law Education Professional Negotiations Act, as described in the above bill summary. Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of the bill would be suspended. However, any contract or agreement entered into under the Education Professional Negotiations Act before the effective date of the bill would remain in full force and effect until the expiration of the contract or agreement, provided that no such contract or agreement may be extended or renewed beyond its date of expiration. It is the policy and purpose of this bill to ensure the rights of professional employees to participate in collaboration with boards of education individually and also through representatives of their own choosing. No professional employee, group of professional employees, or professional employee organization may be denied the opportunity to represent themselves or groups of professional employees in discussions authorized under this bill. This bill requires the Tennessee Organization of School Superintendents, in conjunction with representative organizations of school leaders and administrators and professional employees' organizations, to develop a training program in the principles and techniques of collaborative problem-solving between the local boards of education and the professional employees. This training program must be developed by January 1, 2012, at which time a summary report of the training program and related materials must be presented to the education committees of each house. The training program must be implemented within each LEA by July 1, 2012. No collaboration pursuant to this bill may be conducted by a local board of education until the training program has been implemented within the LEA. This bill replaces the present law provisions of the Education Professional Negotiations Act regarding negotiations between the local board of education and professional employees, as described in the above bill summary. This bill instead requires the local board of education to participate in collaboration with professional employees, or their various designated representatives, with respect to only the following terms and conditions of employment: salaries or wages; grievance procedures; insurance; working conditions; leave; payroll deductions; and fringe benefits, not including pensions or retirement programs of the Tennessee consolidated retirement system or locally authorized early retirement incentives. However, after such collaboration, the board would have final authority for the specification of the terms and conditions. No other terms or conditions of employment may be the subject of such collaboration and no collaboration may be conducted on the following subjects: (1) Differentiated pay plans and other incentive compensation programs including stipends and associated benefits that are based on professional employee performance that exceeds expectations, or that aid in hiring and retaining highly qualified teachers for hard to staff schools and subject areas; (2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations; (3) Evaluation of professional employees pursuant to federal or state law or state board of education policy; (4) Staffing decisions and state board of education or local board of education policies relating to innovative educational programs, innovative high school programs, virtual education programs, and other programs for innovative schools or school districts that may be enacted by the general assembly; and (5) All personnel decisions concerning assignment of professional employees, including filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs, reductions in force, and recall. No employment policy adopted pursuant to

this bill may include provisions that require personnel decisions to be determined on the basis of tenure, seniority or length of service. The director of schools may communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including the terms and conditions of professional service that are subject to collaboration. This bill specifies that any items considered during the course of collaboration that require funding may not be considered effective until the body empowered to appropriate the funds has approved a budget that includes sufficient funding. If the amount of funds appropriated is less than the amount required to address the matters of collaboration, the parties may continue to confer to implement such items to the extent possible within the amount of funds appropriated. This bill requires each local board of education to develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual would be binding on the LEA until a new or renewed manual is adopted. The procedures for establishing policies must include providing notice of the local board's intent to consider or establish a policy to professional employees, parents, other education stakeholders, and the general public at least 15 calendar days prior to the scheduled meeting relative to the policy. Such notice must include a description of the policy to be considered or established. Generally, every three years, or more frequently at the discretion of the local board of education, the professional employee manual would be reviewed by the local board of education; revised, if deemed advisable, after receiving input from professional employees and the general public; and adopted. By January 1, 2012, TOSS, in consultation with each interested professional employees' organization and the Tennessee School Boards Association, must develop and publish a model professional employee manual to aid local boards of education in the development of their professional employee manuals. TOSS must incorporate in the model manual those provisions addressing procedures for establishing local board of education policies identified as appearing in a majority of current contracts, agreements or policies entered into under the present Education Professional Negotiations Act. The state board of education must notify each local board of education when the model manual is revised. Each local board of education must develop and adopt an initial professional employee manual by April 17, 2012. This bill would not prohibit a local board of education from meeting and conferring with professional employees or their representatives to develop the initial professional employee manual. The initial professional employee manual would take effect July 1, 2012. However, any contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the present Education Professional Negotiations Act prior to the effective date of the bill would remain in effect until its expiration, at which time the professional employee manual adopted by the local board of education would take effect. Any proposed or adopted manual must be posted for review on the Web site of the local board of education. If a local board of education does not have a web site, then the local board would instead make available at least two copies of the proposed and adopted professional employee manual in each school library within the jurisdiction of the LEA. Professional employees employed by, and retired professional employees formerly employed by, the LEA must be provided a 45 calendar day period to submit written input to the local board of education relative to the proposed professional employee manual. If the proposed professional employee manual is revised by the local board of education in response to such input, then the revisions would be made available for review as described above. The local board of education must conduct at least one public hearing after the period for input has ended. If revisions are made to the proposed professional employee manual, then no public hearing relative to the proposed manual may be held earlier than seven calendar days from the date the proposed manual is made available for review. Any public hearing held relative to the proposed professional employee manual must be held at a location and time reasonably calculated to afford professional employees, parents, other education stakeholders, and otherwise interested members of the general public the opportunity to provide input relative to the proposed professional

employee manual. Under present law, it is unlawful for a board of education or its designated representative to: (1) Impose or threaten to impose reprisals on professional employees, or discriminate against professional employees, due to their exercise of guaranteed rights; (2) Interfere with, restrain or coerce employees in the exercise of their right to form, join, or be assisted by employee organizations; (3) Refuse or fail to negotiate in good faith or execute a written memorandum incorporating any agreements reached with representatives of a recognized professional employees' organization; (4) Refuse to permit a professional employees' organization to have access at reasonable times to areas in which professional employees work, use institutional bulletin boards, mail boxes or other communication media or use institutional facilities at reasonable times for the purpose of holding a meeting concerned with the exercise of guaranteed rights. However, if a representative has been selected or designated, a board of education may deny such access or usage to any professional employees' organization other than the representative until such time as a lawful challenge to the majority status of the representative is sustained; (5) Encourage or discourage membership in any organization by discrimination in hiring, granting of tenure or other terms or conditions of employment; (6) Discharge or discriminate against an employee because the employee has filed an affidavit, petition or complaint or given any information or testimony; (7) Dominate, interfere or assist in the administration of any professional employee organization; or (8) Refuse to in good faith mediate, arbitrate or participate in fact-finding efforts. This bill rewrites these provisions to instead specify that it would be unlawful for a board of education or "its management personnel" to: (1) Perform an action described above in (1), (2), (5), (6), and (7); (2) Refuse or fail to participate in good faith collaboration under this bill; (3) Refuse to permit any professional employees' organization to have access at reasonable times before or after the instructional day to areas in which professional employees work, to use institutional bulletin boards, mail boxes or other communication media or to use institutional facilities as permitted by a local board's policy or procedure for community use at reasonable times for the purpose of holding a meeting concerned with the exercise of the rights guaranteed by this bill; (4) Refuse, upon request of professional employees, to permit the employees from having a representative from the employees' professional employees' organization or any individual of their choosing to represent the professional employees in employment or other legal issues including the filing of grievance complaints; or (5) Refuse to permit a professional employees' organization from distributing information, setting up displays, or speaking at an in-service where one or more professional employees' organizations have been invited to do so. Under present law, it is unlawful for a recognized professional employees' organization or its representatives to: (1) Cause or attempt to cause a board of education to engage in conduct violative of such present law; (2) Refuse or fail to negotiate in good faith with a board of education or to execute a written contract incorporating any agreements reached; (3) Interfere with, restrain or coerce professional employees or a board of education in the exercise of granted rights; (4) Refuse to good faith mediate, arbitrate or participate in fact-finding efforts; (5) Engage in a strike; (6) Urge, coerce or encourage others to engage in unlawful acts; or (7) Enter onto the school grounds for the purpose of contacting professional employees in such a manner and at such times as will interfere with the normal operations of the school, except that agreement may be reached in any memorandum of agreement for grievance investigations and process by the recognized professional employees' organization. This bill rewrites these provisions to instead make it unlawful for a recognized professional employees' organization or its representatives to: (1) Perform an action described above in (3), (5), or (6); (2) Cause or attempt to cause a board of education to engage in conduct violative of this bill; (3) Refuse or fail to participate in good faith collaboration under this bill with a board of education; (4) Enter onto the school grounds for the purpose of contacting professional employees in such a manner and at such times as will interfere with the normal operations of the school; or (5) Coerce or attempt to intimidate professional employees who choose not to join a professional employee organization. Under present law, a complaint of an unlawful act must be filed in the chancery court of the county where the

professional employees' organization is seeking or has attained recognition. No complaint may be issued based upon any unlawful act occurring more than six months prior to the filing of the complaint. This bill rewrites these provisions to instead specify that a complaint of an unlawful act would be filed with, or initiated by, the board of education. If no reasonable resolution is reached between the parties, then a complaint may be filed in the chancery court of the county where the local education agency is located. No complaint may be issued based upon any unlawful act occurring more than three months prior to the filing of the complaint. Under present law, when local boards of education have determined which employees have engaged in or participated in a strike, the employees may be subject to dismissal or forfeit of their claim to tenure status if they presently have attained tenure, and the employees may revert to probationary teacher status for the next three-year period. Any employee who engaged in or participated in a strike who is not a tenured teacher may also be subject to dismissal. This bill rewrites these provisions and instead specifies that when local boards of education have determined which employees have engaged in or participated in a strike, the employees shall be subject to dismissal, reprimand or reversion to any point in probationary status at the discretion of the local board of education. This bill removes the present law provisions of the Education Professional Negotiations Act regarding the recognition of professional employee organizations; memorandum of agreements; and mediation and arbitration. Under present law, the following functions must be performed in accordance with any locally negotiated agreement, among other things: (1) Transfers of a teacher within the same school system must be acted upon in accordance with board policy and any locally negotiated agreement; (2) The placement of a teacher on a preferred list for reemployment in the first vacancy the teacher is qualified by training and experience to fill; and (3) The employment, transfer, suspension, non-renewal and dismissal of personnel by the director of schools. This bill removes the requirement that such functions be performed in accordance with any locally negotiated agreement. Generally, present law requires the local board of education to dismiss teachers, principals, supervisors and other employees upon sufficient proof of improper conduct, inefficient service or neglect of duty, except that no one may be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense. This bill instead requires the local board of education to establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty, except that no one may be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense. Generally, under present law, the commissioner of education, upon application by the LEA, may waive any state board rule or regulation that inhibits or hinders the LEA's ability to implement innovative programs designed to improve student achievement. Generally, under present law, the commissioner may authorize up to 24 school systems, or any part thereof, to operate as innovative educational programs that emphasize school-based decision making and the creation of small learning communities. In these alternative programs, the commissioner may waive certain rules and regulations, including regulations relative to reporting requirements and premium pay for educators, without giving rise to any contractual right to such pay. However, under present law, the above provisions may not be construed to impact agreements negotiated under the present Educational Professional Negotiations Act. This bill removes this provision. HOUSE AMENDMENT 1 rewrites the bill: (1) Redefines a "professional employee organization" and specifies that a recognized professional employees' organization would be a teacher's union. This amendment uses the terms "recognized professional employees' organization" and "teacher's union" interchangeably; (2) Revises the conditions of employment that would be subject to negotiation and specifies certain conditions of employment that would not be subject to negotiation; (3) Removes the present law provisions of the Act regarding management personnel and specifies that the board of education may select as its negotiator the director of schools, any member of the board or "any member of the management team", instead of "any full-time, system-wide management personnel"; (4) Revises certain unlawful activities; (5) Revises

present law regarding the initial recognition of a professional employee's organization; and (6) Revises other provisions of the Act. **PROFESSIONAL EMPLOYEES' ORGANIZATIONS AND TEACHER UNIONS:** Generally, under present law, the representatives of the board of education and a recognized professional employees' organization must negotiate in good faith certain conditions of employment. A "professional employees' organization" is any organization with membership open to professional employees that exists for the purpose, in whole or in part, of dealing with boards of education concerning, among other things, grievances, wages, hours of employment or conditions of work. This amendment specifies that professional employees' organizations exist for "the purpose of promoting the professional status and growth of educators and the welfare of students", instead of for "the purpose, in whole or in part, of dealing with boards of education". This amendment specifies that a recognized professional employees' organization would be a teacher's union, and this amendment uses the terms "recognized professional employees' organization" and "teacher's union" interchangeably. Under this amendment, "teachers' union" means a professional employees' organization that, in addition to promoting the professional status and growth of educators and the welfare of students, is recognized to negotiate with a local board of education concerning, among other things, grievances, wages, hours of employment or conditions of work. **CONDITIONS OF EMPLOYMENT SUBJECT TO NEGOTIATIONS:** This amendment specifies that a local board of education would be required to negotiate with the recognized professional employees' organization only those conditions of employment for which the responsibility or performance requires the professional employee to be licensed by the department of education. This amendment specifies that the following conditions of employment would not be subject to negotiations between the board of education and the teachers' union: (1) Differentiated pay plans and other incentive compensation programs, including stipends, and associated benefits that are based on professional employee performance which is above expectations or that aid in hiring and retaining highly qualified teachers for hard to staff schools and subject areas; (2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations; (3) Evaluation of professional employees pursuant to federal or state law or state board of education policy; (4) Salaries, benefits, staffing decisions and state or local board of education policies relating to innovative educational programs, innovative high school programs, virtual education programs and other such programs; and (5) All personnel decisions concerning assignment of professional employees, including filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs and reductions in force, and recall. No agreement would include provisions that require personnel decisions to be determined on the basis of seniority or length of service. Under present law, the representatives of the board of education and a recognized professional employees' organization must negotiate in good faith certain conditions of employment, including payroll deductions and working conditions. This amendment removes the requirement that the board and the recognized professional employees' organization negotiate payroll deductions in good faith. This amendment specifies that the board and the recognized organization are not required to negotiate in good faith those working conditions that are prescribed by general law, private act or rules and regulations of the state board of education or the department of education. **MANAGEMENT PERSONNEL:** Under present law, the board of education may select as its negotiator the director of schools, any member of the board or any full-time, system-wide management personnel. The board may annually designate and certify specific individuals as management personnel. Such individuals must be allowed to retain membership in the recognized professional employees' organization, but will not be considered to be a part of the negotiating unit. Upon request, the designated management personnel will represent the board in all negotiation activities. Management personnel are not eligible to represent the recognized professional employees' organization, to vote on whether to accept or reject items to be negotiated or items that have been negotiated or to derive benefits from the negotiation efforts, except those benefits that go to all professional employees of the

school system. All management personnel must be certified to the recognized organization within the first two months of the school system's fiscal year. If a certified management person terminates employment or is transferred to a position that disqualifies the person, the board has 30 days following the filling of the vacated position to name and certify a replacement. The board of education may not name and certify more than: (1) Two management personnel if the school system has an average daily attendance (ADA) of less than 1,000 students; (2) Three management personnel if the school system has an ADA of between 1,001 and 2,000 students; (3) Four management personnel if the school system has an ADA of between 2,001 and 5,000 students; (4) Five management personnel if the school system has an ADA of between 5,001 and 10,000 students; (5) Six management personnel if the school system has an ADA of between 10,001 and 50,000 students; (6) Seven management personnel if the school system has an ADA of between 50,001 and 100,000 students; and (7) Eight management personnel if the school system has an ADA of at least 100,001. This amendment removes the above provisions regarding management personnel and instead specifies that the board of education may select as its negotiator the director of schools, any member of the board or "any member of the management team". Under this amendment, "management team" means employees who devote a majority of their time to the system-wide area or areas of professional personnel management, fiscal affairs or general management and principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching. This amendment specifies that any member of the management team would not be considered to be a "professional employee" under the Act.

UNLAWFUL ACTIVITIES: Under present law, it is unlawful for a board of education or its designated representative to refuse to permit a professional employees' organization to have access at reasonable times to areas in which professional employees: (1) Work or use institutional bulletin boards, mail boxes or other communication media; or (2) Use institutional facilities at reasonable times for the purpose of holding a meeting concerned with the exercise of professional employee rights. However, if a representative has been selected, then a board of education may deny such access or usage to any professional employees' organization other than the representative until such time as a lawful challenge to the majority status of the representative is sustained. This amendment removes this provision regarding access by a non-representative organization. This amendment revises the above (1) to specify that the organization would be allowed such reasonable access before or after the instructional day. This amendment revises (2) to specify that the organization would be allowed such use of institutional facilities as permitted by a local board's policy or procedure for community. This amendment makes it unlawful for a recognized professional employees' organization or its representatives to coerce or attempt to intimidate professional employees who choose not to join the recognized bargaining organization.

INITIAL RECOGNITION OF A PROFESSIONAL EMPLOYEES' ORGANIZATION: Under present law, the initial recognition of a professional employee's organization is for 24 months and is automatically extended for an additional 24 months unless between October 1 and October 15 of the second 12 months of any recognition period: (1) The board of education challenges and substantiates that the recognized organization does not, in fact, possess a majority of the professional employees as paid members; or (2) Another professional employees' organization files application for recognition with the board, together with signed petition cards that constitute a majority of the professional employees. In such event, an election between the competing organizations is held. This amendment replaces the above provisions regarding initial recognition. This amendment instead specifies that the initial recognition would be for 24 months. The recognition may be extended for an additional 24 months if, between October 1 and October 15 of the second 12 months of any recognition period, the teachers' union demonstrates that a majority of the professional employees of the local board of education belong to the union as full dues paying members. The union's demonstration would be made by showing that the number of members whose dues are paid through payroll deduction plus the number of members who pay dues through methods other than payroll deduction is greater than 50 percent of the total number of the local board's

professional employees. A member's payment of dues by means other than payroll deduction would be verified through proof of receipt of payment. If a teachers' union fails to demonstrate that a majority of the professional employees of the local board of education belong to the union as full dues paying members as described above, then the teachers' union may not submit a new request for recognition before October 1 of the next year. OTHER PROVISIONS: Under present law, a memorandum of agreement between the representatives of the board of education and a recognized professional employees' organization must be presented to the board of education and to the membership of such organization for ratification or rejection. This amendment revises this provision to require that the memorandum of agreement be presented to all of the professional employees covered by the memorandum, regardless of whether or not they are members of the organization. This amendment specifies that the recognized professional employees' organization may not select more persons as negotiators than the board of education selections. Under present law, when the board of education and the recognized professional employees' organization are presented with petitions bearing the signatures of a majority of the professional employees in the negotiating unit indicating they no longer desire to be represented by the recognized organization, an election committee is established to conduct a decertification election on whether the organization should be decertified. This amendment specifies that such an election committee would be established when the board of education and the recognized organization are presented with petitions bearing the signatures of "at least 30 percent", instead of "a majority", of the professional employees in the negotiating unit. This amendment specifies that the director of schools may communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including conditions of professional employees' employment that are within the scope of negotiations. Under present law, when agreement is reached by the representatives of the board of education and the recognized professional employees' organization, they must jointly prepare a memorandum of understanding, and, within 14 calendar days, present it to their appropriate governing authorities for ratification or rejection. If either governing authority rejects or modifies any part of a proposed memorandum, the matter must be returned to the parties for further negotiation. This amendment removes the requirement that the proposed memorandum be returned for further negotiation if either governing authority rejects or modifies any part of it. This amendment removes all references to "locally negotiated agreements" in present law regarding education. This amendment states that it does not abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization before the effective date of this amendment. Any such contract or agreement would remain in full force and effect until the expiration of the contract or agreement. HOUSE AMENDMENT 1 rewrites the bill and revises various provisions of the present Education Professional Negotiations Act (the Act). As described below, this amendment: (1) Redefines a "professional employee organization" and specifies that a recognized professional employees' organization would be a teacher's union. This amendment uses the terms "recognized professional employees' organization" and "teacher's union" interchangeably; (2) Revises the conditions of employment that would be subject to negotiation and specifies certain conditions of employment that would not be subject to negotiation; (3) Removes the present law provisions of the Act regarding management personnel and specifies that the board of education may select as its negotiator the director of schools, any member of the board or "any member of the management team," instead of "any full-time, system-wide management personnel"; (4) Revises certain unlawful activities; (5) Revises present law regarding the initial recognition of a professional employees' organization; and (6) Revises other provisions of the Act. PROFESSIONAL EMPLOYEES' ORGANIZATIONS AND TEACHER UNIONS: Generally, under present law, the representatives of the board of education and a recognized professional employees' organization must negotiate in good faith certain conditions of employment. A "professional employees' organization" is any organization with membership open to professional

employees that exists for the purpose, in whole or in part, of dealing with boards of education concerning, among other things, grievances, wages, hours of employment or conditions of work. This amendment specifies that professional employees' organizations exist for "the purpose of promoting the professional status and growth of educators and the welfare of students," instead of for "the purpose, in whole or in part, of dealing with boards of education." This amendment specifies that a recognized professional employees' organization would be a teacher's union, and this amendment uses the terms "recognized professional employees' organization" and "teacher's union" interchangeably. Under this amendment, "teacher's union" means a professional employees' organization that, in addition to promoting the professional status and growth of educators and the welfare of students, is recognized to negotiate with a local board of education concerning, among other things, grievances, wages, hours of employment or conditions of work.

CONDITIONS OF EMPLOYMENT SUBJECT TO NEGOTIATIONS: This amendment specifies that a local board of education would be required to negotiate with the recognized professional employees' organization only those conditions of employment for which the responsibility or performance requires the professional employee to be licensed by the department of education. This amendment specifies that the following conditions of employment would not be subject to negotiations between the board of education and the teacher's union: (1) Differentiated pay plans and other incentive compensation programs, including stipends, and associated benefits that are based on professional employee performance which is above expectations or that aid in hiring and retaining highly qualified teachers for hard to staff schools and subject areas; (2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations; (3) Evaluation of professional employees pursuant to federal or state law or state board of education policy; (4) Salaries, benefits, staffing decisions and state or local board of education policies relating to innovative educational programs, innovative high school programs, virtual education programs and other such programs; and (5) All personnel decisions concerning assignment of professional employees, including filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs and reductions in force, and recall. No agreement would include provisions that require personnel decisions to be determined on the basis of seniority or length of service. Under present law, the representatives of the board of education and a recognized professional employees' organization must negotiate in good faith certain conditions of employment, including payroll deductions and working conditions. This amendment removes the requirement that the board and the recognized professional employees' organization negotiate payroll deductions in good faith. This amendment specifies that the board and the recognized organization are not required to negotiate in good faith those working conditions that are prescribed by general law, private act or rules and regulations of the state board of education or the department of education.

MANAGEMENT PERSONNEL: Under present law, the board of education may select as its negotiator the director of schools, any member of the board or any full-time, system-wide management personnel. The board may annually designate and certify specific individuals as management personnel. Such individuals must be allowed to retain membership in the recognized professional employees' organization, but will not be considered to be a part of the negotiating unit. Upon request, the designated management personnel will represent the board in all negotiation activities. Management personnel are not eligible to represent the recognized professional employees' organization, to vote on whether to accept or reject items to be negotiated or items that have been negotiated or to derive benefits from the negotiation efforts, except those benefits that go to all professional employees of the school system. All management personnel must be certified to the recognized organization within the first two months of the school system's fiscal year. If a certified management person terminates employment or is transferred to a position that disqualifies the person, the board has 30 days following the filling of the vacated position to name and certify a replacement. The board of education may not name and certify more than: (1) Two management personnel if the school system has an average daily

attendance (ADA) of less than 1,000 students; (2) Three management personnel if the school system has an ADA of between 1,001 and 2,000 students; (3) Four management personnel if the school system has an ADA of between 2,001 and 5,000 students; (4) Five management personnel if the school system has an ADA of between 5,001 and 10,000 students; (5) Six management personnel if the school system has an ADA of between 10,001 and 50,000 students; (6) Seven management personnel if the school system has an ADA of between 50,001 and 100,000 students; and (7) Eight management personnel if the school system has an ADA of at least 100,001. This amendment removes the above provisions regarding management personnel and instead specifies that the board of education may select as its negotiator the director of schools, any member of the board or "any member of the management team." Under this amendment, "management team" means employees who devote a majority of their time to the system-wide area or areas of professional personnel management, fiscal affairs or general management and principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching. This amendment specifies that any member of the management team would not be considered to be a "professional employee" under the Act.

UNLAWFUL ACTIVITIES: Under present law, it is unlawful for a board of education or its designated representative to refuse to permit a professional employees' organization to have access at reasonable times to areas in which professional employees: (1) Work or use institutional bulletin boards, mail boxes or other communication media; or (2) Use institutional facilities at reasonable times for the purpose of holding a meeting concerned with the exercise of professional employee rights. However, if a representative has been selected, then a board of education may deny such access or usage to any professional employees' organization other than the representative until such time as a lawful challenge to the majority status of the representative is sustained. This amendment removes this provision regarding access by a non-representative organization. This amendment revises the above (1) to specify that the organization would be allowed such reasonable access before or after the instructional day. This amendment revises (2) to specify that the organization would be allowed such use of institutional facilities as permitted by a local board's policy or procedure for the community. This amendment makes it unlawful for a recognized professional employees' organization or its representatives to coerce or attempt to intimidate professional employees who choose not to join the recognized bargaining organization.

INITIAL RECOGNITION OF A PROFESSIONAL EMPLOYEES' ORGANIZATION: Under present law, the initial recognition of a professional employees' organization is for 24 months and is automatically extended for an additional 24 months unless between October 1 and October 15 of the second 12 months of any recognition period: (1) The board of education challenges and substantiates that the recognized organization does not, in fact, possess a majority of the professional employees as paid members; or (2) Another professional employees' organization files application for recognition with the board, together with signed petition cards that constitute a majority of the professional employees. In such event, an election between the competing organizations is held. This amendment replaces the above provisions regarding initial recognition. This amendment instead specifies that the initial recognition would be for 24 months. The recognition may be extended for an additional 24 months if, between October 1 and October 15 of the second 12 months of any recognition period, the teacher's union demonstrates that a majority of the professional employees of the local board of education belong to the union as full dues paying members. The union's demonstration would be made by showing that the number of members whose dues are paid through payroll deduction plus the number of members who pay dues through methods other than payroll deduction is greater than 50 percent of the total number of the local board's professional employees. A member's payment of dues by means other than payroll deduction would be verified through proof of receipt of payment. If a teacher's union fails to demonstrate that a majority of the professional employees of the local board of education belong to the union as full dues paying members as described above, then the teacher's union may not submit a new request for recognition before October 1 of the next year.

OTHER PROVISIONS: Under present law, a memorandum of

agreement between the representatives of the board of education and a recognized professional employees' organization must be presented to the board of education and to the membership of such organization for ratification or rejection. This amendment revises this provision to require that the memorandum of agreement be presented to all of the professional employees covered by the memorandum, regardless of whether or not they are members of the organization. This amendment specifies that the recognized professional employees' organization may not select more persons as negotiators than the board of education selects. Under present law, when the board of education and the recognized professional employees' organization are presented with petitions bearing the signatures of a majority of the professional employees in the negotiating unit indicating they no longer desire to be represented by the recognized organization, an election committee is established to conduct a decertification election on whether the organization should be decertified. This amendment specifies that such an election committee would be established when the board of education and the recognized organization are presented with petitions bearing the signatures of "at least 30 percent," instead of "a majority," of the professional employees in the negotiating unit. This amendment specifies that the director of schools may communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including conditions of professional employees' employment that are within the scope of negotiations. Under present law, when agreement is reached by the representatives of the board of education and the recognized professional employees' organization, they must jointly prepare a memorandum of understanding, and, within 14 calendar days, present it to their appropriate governing authorities for ratification or rejection. If either governing authority rejects or modifies any part of a proposed memorandum, the matter must be returned to the parties for further negotiation. This amendment removes the requirement that the proposed memorandum be returned for further negotiation if either governing authority rejects or modifies any part of it. This amendment removes all references to "locally negotiated agreements" in present law regarding education. This amendment states that it does not abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization before the effective date of this amendment. Any such contract or agreement would remain in full force and effect until the expiration of the contract or agreement. HOUSE AMENDMENT 9 removes the provision specifying that a local board of education must negotiate with the recognized professional employees' organization only those conditions of employment for which the responsibility or performance requires the professional employee to be licensed by the department of education. This amendment restores the requirement that the board and the recognized professional employees' organization negotiate payroll deductions in good faith. This amendment restores the requirement that the proposed memorandum be returned for further negotiation if either governing authority rejects or modifies any part of it. Under the bill, salaries and benefits, among other things, relating to innovative educational programs, innovative high school programs, virtual education programs and other such programs are not subject to negotiations between the board of education and the teachers' union. This amendment removes this provision prohibiting the board of education and the teachers' union from negotiating such salaries and benefits. HOUSE AMENDMENT 13 specifies that the board of education would select at least four persons as its negotiators. This amendment adds that it is intent of the general assembly that the provisions of the bill would not lessen insurance benefits established for licensed personnel as of the effective date of bill. Senate Status: Senate 05/20/2011 adopted conference committee report. House Status: House 05/19/2011 adopted conference committee report. Other Status: Sent 05/20/2011 to the speakers for signatures.

SB 0272 Berke
HB 0348 McDonald

Corporation's contributions to political candidates. Requires corporations to file statement of contributions and expenditures when using corporate funds to aid in either the election or defeat of any political candidate. Requires the statement of contributions and expenditures to include specific language and list several items, including shareholder and officer information and employed lobbyists. Senate Status: Taken off notice in Senate State & Local Government 04/26/2011. House Status: Failed 04/13/2011 in House General Subcommittee of State & Local Government.

SB 0286 Bell
HB 0090 Hardaway

Equally shared parenting as standard custody arrangement. Enacts the "Equal and Fair Parenting Act." Creates a rebuttable presumption that equally shared parenting is the custody arrangement in the best interest of a child.

Senate Status: Referred to Senate Judiciary.

House Status: House General Subcommittee of Children & Family Affairs deferred to the first calendar of 2012.

SB 0375 Bell
HB 0402 Watson E.

Proper identification required for voting. Requires a voter to present one form of identification, including the person's name, address, and photograph. Requires identification to be a passport or government employee issued or military issued identification, in addition to certain forms of state issued identification. Allows voters without proper identification to cast provisional ballots. Allows indigent persons to sign certain documents to have fees waived in order to receive a proper identification card issued by the department of safety.

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 03/02/2011 in House General Subcommittee of State & Local Government.

SB 0377 Bell
HB 0393 Watson E.

Voter registration form must include citizenship. Requires voter registration forms to include additional information, including proof of citizenship. Specifies that proof of citizenship for such registration includes the applicant's driver license number, birth certificate copy, passport copy, naturalization information, certain Native American information, or other certain information. Also requires voters to provide an identification containing the person's address, photo, and name.

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 03/02/2011 in House General Subcommittee of State & Local Government.

SB 0472 Woodson
HB 0376 Haynes R.

Inspection of voter registration forms for deficiencies. Changes the requirement that a county election commission member of the majority and minority party check every new voter registration form filed for deficiencies at all regularly scheduled meetings to instead require the forms be checked at random at every commission meeting.

Amendment: House amendment 1 requires members of the county election commission to randomly inspect new voter registration forms for deficiencies at least quarterly at a regularly scheduled meeting. Requires the Coordinator of Elections to audit at least ten county election commissions annually to

ensure that all required information fields on the permanent registration forms are being completed with minimal errors and that voters with deficient registrations are given the opportunity to correct such deficiencies.

Senate Status: Senate 04/25/2011 passed.

House Status: House 03/31/2011 passed with amendment 1.

Other Status: Enacted as Public Chapter 0181 (effective 07/01/2011).

SB 0492 Haynes J.

HB 0321 Fitzhugh

Voter-Owned Elections Act. Enacts the "Voter-Owned Elections Act," which is to ensure the vitality and fairness of democratic elections in TN and to protect the constitutional rights of voters and candidates from the detrimental effects of increasingly large amounts of money being raised and spent in TN to influence the outcome of elections. Establishes the TN Democracy Fund as an alternative source of campaign financing for candidates who obtain a sufficient number of qualifying contributions from registered voters and who voluntarily accept strict fund-raising and spending limits. The fund is also established to finance the election campaigns of certified candidates for office and to pay administrative enforcement costs of the registry; it is a nonlapsing fund and any interest generated by the Fund is credited to the Fund. Requires the registry of election finance to administer this act and the TN Democracy Fund. Sets a procedure for depositing money received in the Fund. Requires any individual choosing to participate in the Voter-Owned Elections Act to file with the registry a declaration of intent to participate as a candidate for a state office. Requires participating candidates to obtain a minimum number of qualifying contributions from registered TN voters as follows: a candidate for governor needs at least 7,000, state senator at least 400, and state representative at least 200. Requires the registry to publish guidelines outlining permissible campaign-related expenditures. Establishes a procedure for distributing to certified candidates revenues from the Fund in amounts determined. Requires any noncertified candidate who has as an opponent a certified candidate or any entity that intends to make independent expenditure to support or oppose a certified candidate, to report to the registry on the 40th and 20th days before an election a statement of the amount that noncertified candidate or entity intends to spend for that election. Requires the registry to ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information. Establishes a Voter-Owned Elections Advisory Council that is required to advise the registry on the rules and opinions it adopts for the enforcement and administration of the Voter-Owned Elections Act and on the funding needs of the TN Democracy fund. Requires the council to consist of five members to be appointed by the governor. Requires two appointees to be appointed for one-year terms, two to be appointed for two-year terms, and one to be appointed for a three-year term according to random lot. Establishes any violators to be subject to a civil penalty of up to \$10,000 per violation, in addition to any other penalties that may be applicable. Establishes that a candidate found in violation may be required to return to the Fund all amounts distributed to the candidate from the Fund. (14 pp).

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

SB 0620 Campfield

HB 1212 Ragan

Committee to assess constitutionality of all federal laws. Creates the "Tennessee Nullification Reaffirmation Act." Requires the general assembly to appoint a committee to review all federal laws and regulations to ensure that they are all constitutional, according to the federal and Tennessee constitutions. Requires such committee make a recommendation for nullification within 30 days.

Requires the general assembly to vote on the nullification following the recommendation. Prohibits the federal law or regulation from being recognized within the state if the general assembly votes to nullify it.

Senate Status: Referred to Senate Government Operations.

House Status: Failed 03/30/2011 in House General Subcommittee of State & Local Government.

SB 0771 Ketron

HB 1268 Sparks

Pilot project on convenience vote centers. Amends provisions concerning the establishment of convenient voting centers to direct implementation in 2011-2012 instead of 2009 and limits participation to Rutherford county instead of Knox county. Prohibits participation during the May primary, August and November regular election, and the presidential preference primary. Clarifies it is the duty of the county election commission to establish a program that establishes voting centers for the pilot project. Requires a minimum of two polling centers are established in each participating municipality unless the participating municipality has less than 5,000 registered voters.

Amendment: House amendment 4 additionally authorizes Knox, Hamblen, and Shelby counties to participate in the pilot project for convenience voting centers.

Senate Status: Senate 05/20/2011 passed.

House Status: House 05/16/2011 passed with amendment 4, which additionally authorizes Knox, Hamblen, and Shelby counties to participate in the pilot project for convenience voting centers.

Other Status: Sent 05/20/2011 to the speakers for signatures.

SB 0923 Beavers

HB 0708 Weaver

Time period for early voting. Decreases the amount of time granted for early voting from five days before the day of the election to seven days. Allows early voting in counties with a population of 20,500 to take place no more than ten days nor less than seven days before the day of the election, except for years in which a presidential election is held.

Amendment: Senate amendment 9 rewrites this bill to change the early voting period when a presidential preference primary is held or an election is held at the same time as a presidential preference primary, to not more than 20 days nor less than seven days before the day of the election, instead of not more than 20 nor less than five days before the day of the election.

Senate Status: Senate 05/19/2011 passed with amendment 9.

House Status: House passed 05/21/2011.

Other Status: Sent 05/21/2011 to the speakers for signatures.

SB 0950 Yager

HB 1114 Todd

Audits by coordinator of elections. Requires the coordinator of elections to audit the county election commissions in the administration of election laws. Grants the coordinator authority to issue subpoenas and summon witnesses, compel discovery documents, take depositions, and require testimony on any issue related to the investigation or audit.

Amendment: House amendment 1 changes "audit" to "review" throughout the bill. Senate amendment 2 specifies that the coordinator of elections may issue subpoenas, summon witnesses, administer oaths to such witnesses, take the depositions of witnesses, compel the production of documents, exhibits, recordings and require testimony on any issue related to the review when in the course of conducting an investigation or review when relative to the administration of the election laws. Specifies that when

such a subpoena is issued, such subpoena will be issued to a person for the purpose of testifying before the state election commission in an open meeting.

Senate Status: Senate 05/09/2011 passed with amendment 2.

House Status: House 05/12/2011 concurred in Senate amendment 2.

Other Status: Sent to governor 05/16/2011.

SB 1075 Haynes J.

HB 1662 Moore

Reduces sales tax on food. Reduces the state sales tax on food from 5.5 percent to 5 percent beginning in fiscal year 2011-2012.

Senate Status: Taken off notice in Senate Finance, Ways & Means Committee 05/20/2011.

House Status: House General Subcommittee of Finance deferred to 2012.

SB 1159 Norris

HB 0973 DeBerry J.

Ballot-on-demand printers for early voting. Allows county election commissions to use ballot-on-demand printers during early voting periods if the county's legislative or governing body approves by a majority vote. Establishes a standard for the printing of a sufficient number of ballots for any election.

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 03/30/2011 in House General Subcommittee of State & Local Government.

SB 1168 Norris

HB 1774 Miller L.

Local government records open for public inspection. Permits local governments to adopt an open records policy through a majority vote. Requires government contracts obligating public funds and any record or document, excluding trade secrets, to be open for public inspection unless determined that disclosure would seriously harm the ability of the local government to contract and therefore will remain undisclosed for five years from the date of the determination. Requires company documents containing marketing information and capital plans remain confidential if so agreed.

Amendment: House State and Local amendment 1 rewrites the bill. Specifies that any document produced by a local government shall be public unless the chief executive officer of the local government in consultation with the local government attorney, determines that a document or information is of such a sensitive nature that its disclosure or release would seriously harm the ability of the local government to compete or conclude agreements or contracts for economic or community development. Specifies that such material will remain confidential for up to five years, after which time it can be made public. Requires company documents containing marketing information and capital plans remain confidential if so agreed. Defines "sensitive material," for the purposes of the provisions, include information about payment in lieu of tax agreements or contracts for economic or community development.

Senate Status: Referred to Senate State & Local Government.

House Status: Held on House clerk's desk.

SB 1219 Yager

HB 0996 Todd

Written denial of a public records request. Clarifies that any legal authority may be cited in the written denial of a public records request. Broadly captioned.

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 1226 Yager

HB 1150 Todd

Uniform Military and Overseas Voters Act. Establishes standardized voting procedures for military and overseas citizens. Requires the secretary of state to develop an electronic transmission system for overseas voters' registration applications. Such system must be capable of accepting federal postcard applications. Requires that overseas voter be assigned to the voting precinct of their last place of address in TN. Specifies that application for a military-overseas ballot is timely if received by the fifth day before the election and that application for a primary election is effective, whether timely or not, as an application for the general election or a runoff election. Requires military-overseas ballots to be submitted by midnight on the date of the election. Prohibits ballot from being rejected on the basis that it has a late postmark, an unreadable postmark or no postmark. Requires the secretary of state to implement an electronic free-access system by which individuals may check that status of their military-overseas ballot. Provides for such voters to request e-mail delivery of ballots. Specifies that ballots may not be invalidated for failure to satisfy nonsubstantive requirements, such as envelope size. Prohibits notarization from being required. (11 pp.)

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 03/23/2011 in House General Subcommittee of State & Local Government.

SB 1431 Bell

HB 1593 Powers

Use of ballot-on-demand technology by counties. Requires any county election commission desiring to use ballot-on-demand technology to have approval by the coordinator of elections 60 days before any election.

Amendment: SENATE AMENDMENT 1 rewrites the bill. Requires any county election commission desiring to use ballot-on-demand technology to have approval by the coordinator of elections 60 days before any election. Requires that the coordinator of elections and the state election commission provide an approved list of available ballot-on-demand technology from which the county election commission must select for use. Requires that prior to the county election commission voting to utilize such technology, the commission must hold a public meeting with an opportunity for public comment. Requires the county election commission to provide election officials and members of the public who are present an opportunity to have demonstrated to them the ballot-on-demand technology and the opportunity to experiment with the ballot-on-demand technology being considered for use in the county. HOUSE STATE AND LOCAL GOVERNMENT AMENDMENT 1 is the same as Senate amendment 1 but contains a different drafting code.

Senate Status: Senate 05/19/2011 passed with amendment 1, which rewrites the bill. Requires any county election commission desiring to use ballot-on-demand technology to have approval by the coordinator of elections 60 days before any election. Requires that the coordinator of elections and the state election commission provide an approved list of available ballot-on-demand technology from which the county election commission must select for use. Requires that prior to the county election commission voting to utilize such technology, the commission must hold a public meeting with an opportunity for public comment. Requires the county election commission to provide election officials and members of the public who are present an opportunity to have demonstrated to them the ballot-on-demand technology and the opportunity to experiment with the ballot-on-demand technology being considered for use in the county.

House Status: House deferred to 05/20/2011.

Other Status: Sent to governor for signature.

SB 1475 Marrero
HB 1687 DeBerry L.

Voting by homeless person. Allows a homeless person to vote at the county election commission office. Requires such person to execute affidavit of identity prior to voting on a form provided by the county election commission.

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House General Subcommittee of State & Local Government.

SB 1552 Ketron
HB 1505 Haynes R.

Delays implementation of voter confidence act. Delays implementation of the Tennessee Voter Confidence Act for two years.

Senate Status: Referred to Senate State & Local Government.

House Status: Referred to House State & Local Government.

SB 1870 Kyle
HB 0074 Hardaway

Voter registration with no postmark. Requires county election commission to accept and not return a mail voter registration form received within seven days prior to the registration deadline if the form lacks a postmark or has insufficient postage.

Senate Status: Referred to Senate State & Local Government.

House Status: Taken off notice 03/23/2011 in House General Subcommittee of State & Local Government.

SB 1872 Kyle
HB 0472 Pitts

Voters who reside outside precinct of permanent address. Requires the state election coordinator to study the feasibility of permitting registered voters who reside outside the precinct listed as their permanent residence on their permanent voter registration card to vote only for candidates running for statewide office.

Senate Status: Senate 04/21/2011 passed.

House Status: House State & Local Government deferred to TACIR after adopting an amendment.

SB 1873 Kyle
HB 0812 Turner M.

Reduces state sales tax on food. Reduces the state sales tax on food and food ingredients, which is presently 5.5 percent, by .5 percent per year in any fiscal year following a year in which the amount of surplus state revenue collected above budgeted estimates exceeds \$50 million.

Senate Status: Taken off notice in Senate Finance, Ways & Means Committee 05/20/2011.

House Status: Referred to House General Subcommittee of Finance.

SB 1991 Stewart E.
HB 1610 McDonald

Evaluations of professional employees of LEAs. Alters provisions regarding teacher evaluations to require each probationary teacher receive an evaluation at least once each semester. Requires such probationary teacher to be reinstated if the evaluation requirement is not met, unless the teacher is

dismissed for cause. Requires the state board of education to adopt guidelines to assist LEAs in developing plans for the integration of parental involvement and participation standards in the evaluation of teacher effectiveness and performance.

Senate Status: Referred to Senate Education.

House Status: Taken off notice 04/20/2011 in House General Subcommittee of Education.

SB 2062 Norris

HB 0156 Carr

Allows governor to employ special counsel. Allows the governor to employ special counsel for the following: to defend the state in any action, to prosecute any action on behalf of the state, or to initiate any action or otherwise represent the interest of the state. Requires the attorney general and reporter who chooses not to defend the state to send a written report to the governor certifying the reasons for such decision within 30 days of receiving the governor's written request. Broadly captioned.

Senate Status: Referred to Senate State & Local Government.

House Status: House General Subcommittee of Judiciary deferred to 04/20/2011.

SJR 0018 Kelsey

Constitutional amendment - income tax. Proposes an amendment to clarify the constitutional language that currently prohibits the tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payroll.

Amendment: Senate amendment 1 clarifies that the constitutional amendment will prohibit the general assembly from levying any tax upon personal income or payroll or any tax measured by personal income or payroll, except that the general assembly will be authorized to levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem. Senate amendment 2 removes the requirement that the proposed constitutional amendment be published by posting the amendment on the web site of the secretary of state or the general assembly. This amendment clarifies that the amendment must be published in conformity with Article XI, Section 3 of the Constitution of Tennessee, which requires that, if the amendment is agreed to by a majority of all the members elected to each house of the general assembly, the amendment must be entered on their journals with the yeas and nays thereon, and referred to the general assembly then next to be chosen; and published six months previous to the time of making such choice. House General Subcommittee of Finance amendment 1 freezes the combined rate of local and state sales tax, beginning July 1, 2015, at the rate that was in effect on November 4, 2014.

Senate Status: Senate 03/09/2011 adopted with previously adopted amendments 1 and 2.

House Status: Taken off notice 04/13/2011 in House General Subcommittee of Finance.

SJR 0020 Faulk

Constitutional amendment - election of attorney general. Proposes a constitutional amendment to provide for the popular election of the attorney general and reporter for the state.

Senate Status: Referred to Senate Judiciary.

SJR 0032 Ketron

U.S. Constitution amendment - vote to increase federal debt. Makes application for an amendments convention under Article V of the Constitution of the United States to consider an amendment to the federal constitution requiring at least two-thirds majority of the legislatures of the separate states to approve an increase in the federal debt.

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

SJR 0038 Bell

Constitutional amendment - election of attorney general. Proposes an amendment to Article VI, Section 5 of the Constitution of the State of Tennessee, to provide for the popular election of the Attorney General and Reporter for the state.

Senate Status: Referred to Senate Judiciary.

HJR 0010 Casada

Constitutional amendment - income tax. Amends Article II, Section 28, and Article XI, Section 9 of the Constitution of Tennessee, relative to taxation, to clarify that the legislature shall not levy any tax upon personal income, other than income derived from stocks and bonds, and to prohibit the legislature from levying any tax upon or measured by employer payroll. Clarifies that the General Assembly shall not authorize any county, municipality or other political subdivision of the state to tax incomes, payrolls, estates, or inheritances.

House Status: Taken off notice 04/13/2011 in House General Subcommittee of Finance.

HJR 0015 Hardaway

Searchable database on state expenditures. Urges department of finance and administration to create searchable database Web site detailing the who, what, when, where, and why of state expenditures.

House Status: Taken off notice 04/27/2011 in House General Subcommittee of Finance.

HJR 0017 Hardaway

Joint study committee on tax reform. Establishes a special joint legislative committee to study tax reform. Committee is charged with examining state, local, and state-shared taxes with regard to adequacy, elasticity, effect of economic fluctuations, and effect of e-commerce.

House Status: House Finance Study Committee Subcommittee deferred to 2012.

HJR 0032 Casada

Tennessee Health Care Freedom Amendment to Constitution. Prohibits public officials in Tennessee from taking any action that would violate the public policy that every person is free to choose or decline to choose any mode of securing health care services.

House Status: Referred to House General Subcommittee of Commerce.

HJR 0041 Campbell S.

Requires 2/3 majority to create or raise a tax. Proposes an amendment to the Constitution of Tennessee that requires a two-thirds majority vote in the affirmative of members of both houses of the General Assembly in order to create a new tax or raise an existing tax.

House Status: Referred to House General Subcommittee of State & Local Government.