



Hometown Connections

May 11, 2007

The legislative bulletin is distributed each Friday while the General Assembly is meeting in regular session. The bulletin provides a summary of the week's action on legislation affecting municipalities and offers a preview of key bills and amendments to be considered by the General Assembly in the upcoming week. If you have questions regarding any of the issues discussed in the bulletin or any other legislative matter, please do not hesitate to contact your TML staff at 615-255-6416 or visit our Web site at www.TML1.org. In addition, the General Assembly's Web site at www.legislature.state.tn.us/ is also an excellent resource for those seeking information on the status of specific legislation.


View Committee Action Live on your Computer!

The General Assembly's web site now offers VIDEO STREAMING so that you can view legislative action live on your computer. To access this feature, visit the web site listed above, choose either "House", or "Senate" on the left side of the screen; choose "Schedules," which brings you to a list of the committee meetings. Select the camera icon next to the committee you would like to watch, and begin viewing!

PENDING BUSINESS

Hometown Connection Call to Action !

Cable Franchise Bill scheduled for Senate and House Commerce


 **Statewide Cable Franchise:** SB 1933/ HB 1421 (Ketron/ McDaniel) allows for statewide franchising of cable TV; forbids local fees and taxes except the 5% franchise fee; eliminates customer service standards, prohibits build-out requirements, limits management of the rights-of-way, and effectively eliminates PEG channels. On April 17 the House Subcommittee on Utilities and Banking passed the cable and video franchising bill, as amended, by a vote of 8-6. The subcommittee adopted 5 amendments, including three PEG amendments and a build-out requirement modeled after a Missouri bill. On May 8, the Senate Commerce adopted identical amendments. While some of these amendments made marginal improvements to the bill, the bill effectively eliminates local control of franchising, substantially weakens consumer protections, limits municipal authorities, and reduces municipal revenues. More than 30 amendments have been filed that have yet to be considered by either Committee. ***The Senate and House Commerce Committees are expected to complete consideration of all amendments and vote on this legislation on May 15.***

Contact your legislators and voice opposition to SB 1933 / HB 1421, AT&T's "Competitive Cable and Video Services Act." After you contact your legislator, be sure to fill out a legislator contact form and return to TML. You can access the form on-line at http://www.tml1.org/hometown_connections/form_leg_contact.php.

Floor Calendar


House: No bills of municipal interest are scheduled.


Senate:


 **Acquisition of Property from Third Parties:** SB 1806/ HB 1791 (R. Finney/ Montgomery) authorizes municipalities to acquire public facilities from third parties under certain circumstances; revises certain provisions concerning special assessments and bonds for such acquisitions. *SB 1806 is scheduled for the Senate floor May 14.*


Committee Calendar


House:


 **Purchase of Used or Secondhand Items:** HB 1788/ SB 1723 (U.Jones/ Ketron) expands the ability of local governments to purchase secondhand items from governmental agencies as well as private individuals or entities provided the price range is comparable with national standard. **This is a TML- sponsored bill.** *HB 1788 is scheduled for the House State & Local Government Committee May 15.*


 **Solid Waste:** HB 2289/ SB 2267 (Shepard/ Kyle) was amended to increase the disposal fee on tires from \$1.00 on all tires to \$1.25 on passenger vehicle tires, and \$3.00 on tractor trailer tires and agricultural vehicle tires. This amendment also increases the tipping fee from 75 cents to 90 cents. *HB 2289 is scheduled for the House State & Local Government Committee May 15.*


 **RFP Authority for Municipalities:** HB 1789/SB 1722/ (U.Jones/Ketron/) allows municipalities to use competitive sealed proposals to purchase goods and services instead of competitive bids when the purchasing agent determines that the use of competitive bidding is either not practicable or not advantageous to the municipality. **This is a TML-sponsored bill.** *HB 1789 is scheduled for the House State & Local Government Committee May 15.*


 **Owner-Occupied Parcels:** HB 969/ SB 1623 (Overbey/ R. Finney) allows municipal ordinances prohibiting weed growth and debris on private property to be enforced against owner- occupied properties. **This is a TML-sponsored bill.** *HB 969 is scheduled for the House State & Local Government Committee May 15.*


 **Issuing Traffic Tickets:** HB 1290/ SB 348 (Pinion/ Tracy) was amended to mandate 75% of revenues generated by issuance of speeding tickets on interstates by municipalities with population of 5,000 or less be placed in the state general fund with the remaining 25% retained by the municipality. *HB 1290 is scheduled for the House Budget Subcommittee May 16.*

 **Single Article Cap Increase:** HB 1461/SB 1468 (Ferguson/ R. Finney/) will be amended to allow local governments to collect local sales and use taxes on purchases of single articles up to \$3,200. **This is a TML – sponsored bill.** *HB 1461 is scheduled for the House Budget Subcommittee May 16.*


 **Hotel/Motel tax:** HB 459/ SB 1366 (Fitzhugh/ Haynes) requires any new hotel/motel tax revenues or any increase after the effective date of this bill to be used for the direct promotion of tourism. *HB 459 is scheduled for the House State & Local Government Committee May 15.*

 **Contested Annexations :** HB 763/ SB 45 (Niceley/ Woodson) was amended to further clarify the burden of proof in contested annexations. *SB 45 is scheduled for the Senate Judiciary Committee May 15.*

 **Acquisition of Property from Third Parties:** HB 1791/ SB 1806 (Montgomery/ R. Finney) authorizes municipalities to acquire public facilities from third parties under certain circumstances; revises certain provisions concerning special assessments and bonds for such acquisitions. *HB 1791 is scheduled for the House State & Local Government Committee May 15.*


 **Video Programming Taxes:** SB 1752/ HB 895 (Ketron/ Sargent) specifies that nontaxable services bundled with video programming services shall be taxable. *HB 895 is scheduled for the House Budget Subcommittee May 16.*


Municipal Officer Training: HB 2127/ SB 2059 (Fitzhugh/ McNally) is a joint effort between the State Comptroller's office and MTAS to create a certification program for municipal finance officers. *HB 2127 is scheduled for the House State & Local Government Committee May 15.*

 **Annexation Notification:** HB 779/ SB 672 (Campfield/ Bunch) requires municipality to mail a copy of the annexation ordinance or resolution to each property owner being annexed. *HB 779 is scheduled for the*

House State & Local Government Committee May 15.

Inspection of Manufactured and Modular Homes: HB 1428/ SB 733 (Pinion/ Southerland) was amended to allow a service release to be used during the construction of modular and manufactured homes for the purposes of installing and testing heating and air conditioning systems. *HB 1428 is scheduled for the House Budget Subcommittee May 16.*


 **Senior Citizen Property Tax Freeze:** HB 1033/ SB 2 (J. Deberry/ Norris) allows municipalities and counties to freeze the property taxes of homeowners age 65 or over with incomes below \$50,000. *HB 1033 is scheduled for the House State & Local Government Committee May 15.*


 **Adult-oriented Businesses:** HB 1678/ SB 1263 (Montgomery/ Burchett) prohibits adult oriented businesses from being located within one-fourth mile of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence or a place of worship, and also prohibits adult-oriented establishments from being located within 1,000 feet of a child care facility, a private, public, or charter school, a public park, a residence, or a place of worship. This bill was amended to allow local governments to establish stricter standards. *HB 1678 is scheduled for the House State & Local Government Committee May 15.*


Gender-friendly Fire Stations: HB 620 / SB 1295 (M. Turner / Harper) requires all newly constructed fire stations to have separate restroom facilities, showers, and locker rooms for both men and women and further requires counties and cities to develop a plan to convert existing fire stations to gender-friendly facilities by January 1, 2008. Failure to comply could result in a loss of a portion of state- shared taxes. *HB 620 is scheduled for the House Budget Subcommittee May 16.*


Sales Tax on Cigarettes and Food: HB 2354/ SB 2326 (Odom/ Kyle) was amended to allocate \$21 million to Agriculture enhancement grant programs, increase the tax on cigarettes by 20 cents per pack, remove the tax on the following “essential food items” as defined by WIC: infant formula, infant juice, infant cereal; orange, grapefruit, apple, pineapple, grape and tomato juices; breakfast cereals high in folic acid and approved by the department of revenue; peanut butter; reduced fat, low fat, fat free, and whole milk; dried beans and peas; carrots; canned tuna (not smoked); mozzarella, cheddar, Colby, Monterey jack and processed American cheeses; and white or brown eggs (not specialty). *HB 2354 is scheduled for the House Finance Committee May 15.*


Senate:


 **Tort Liability:** SB 38/ HB 18 (Jackson/ Shepard) increases local government liability exposure for medical costs and is estimated to increase local government expenses by at least \$1 million. *SB 38 is scheduled for the Senate Judiciary Committee May 15.*

 **Annexation Jury Trials:** SB 45/ HB 763 (Woodson/ Niceley) allows jury trials in annexation cases. *SB 45 is scheduled for the Senate Judiciary Committee May 15.*


 **Underage Drinking:** SB 1709/ HB 2085 (Herron/ Maddox) removes the 150,000 population requirement for cities to have jurisdiction for ordinances that mirror certain criminal statutes. **This is a TML-sponsored bill.** *SB 1709 is scheduled for the Senate Judiciary Committee May 15.*


 **Hotel/Motel Tax:** SB 1366/ HB 459 (Fitzhugh/ Haynes/) requires any new hotel/motel tax revenues or any increase after the effective date of this bill to be used for the direct promotion of tourism. *SB 1366 is scheduled for the Senate Finance Committee May 15.*


 **Municipal Courts:** SB 778/ HB 721 (Bunch/ DuBois) limits city court jurisdiction to state misdemeanors with penalties of \$50 and jail for 30 days. *SB 778 is scheduled for the Senate Judiciary Committee May 15.*

 **Guns in Bars:** SB 1885/ HB 1143 (Jackson/ Buck), SB 23/ HB 702 (Jackson/ McCord), and SB 1651/ HB 1118 (Jackson/ Buck) authorizes a person with a handgun permit who is not consuming alcohol to carry handgun


into buildings where beer or alcoholic beverages are being served. *SB 1885 and SB 23 are scheduled for the Senate Judiciary Committee May 15.*


 **Guns in Parks:** SB 2143/ HB 2184 (Burchett/ Niceley) was amended to allow any resident, who has a valid handgun carry permit, to possess his or her handgun in any municipal park, playground, or civic center as well as any building or property owned, used or operated by a municipal, county or state government. *SB 2143 is scheduled for the Senate Judiciary Committee May 15.*

 **Nuisance Abatement:** SB 1625/HB 970 (R. Finney/ Overbey) defines “nuisance” to include the violation of municipal codes and ordinances when the violation endangers an individual or the public welfare. **This is a TML-sponsored bill.** *HB 970 is scheduled for the Senate Judiciary Committee May 15.*

 **Streamlined Sales Tax:** SB 2223/ HB 2281 (Kyle/ Odom) delays the implementation of streamlined sales tax provisions on sourcing until July 1, 2009. *SB 2223 is scheduled for the Senate Finance Committee May 15.*

Eminent Domain: SB 166/ HB 482 (McNally/ Niceley) requires that property acquired by eminent domain that is not used for the purpose acquired within 10 years must be offered back to the previous owner. *SB 166 is scheduled for the Senate Judiciary Committee May 15.*

 **Eminent Domain:** SB 167/ HB 560 (Niceley/ Dubois) requires a two-thirds vote of governing body before eminent domain may be exercised by municipality or county or their entities. *SB 167 is scheduled for the Senate Judiciary Committee May 15.*

 **Video Programming Taxes:** SB 1752/ HB 895 (Ketrone/ Sargent) specifies that nontaxable services bundled with video programming services shall be taxable. *SB 1752 is scheduled for the Senate Finance Committee May 15.*

Municipal Courts: SB 839/ HB 889 (R. Finney/ McCord) extends the jurisdictions of municipal courts to enforce ordinances that mirror criminal statutes to any municipality located within a county containing premier type tourist resorts. *SB 839 is scheduled for the Senate Judiciary Committee May 15.*

Sales Tax on Cigarettes and Food: SB 2326/ HB 2354 (Kyle/ Odom) was amended to allocate \$21 million to Agriculture enhancement grant programs, increase the tax on cigarettes by 20 cents per pack, remove the tax on the following “essential food items” as defined by WIC: infant formula, infant juice, infant cereal; orange, grapefruit, apple, pineapple, grape and tomato juices; breakfast cereals high in folic acid and approved by the department of revenue; peanut butter; reduced fat, low fat, fat free, and whole milk; dried beans and peas; carrots; canned tuna (not smoked); mozzarella, cheddar, Colby, Monterey jack and processed American cheeses; and white or brown eggs (not specialty). *SB 2326 is scheduled for the Senate Finance Committee May 15.*

WEEK IN REVIEW

House:

The following bill was “taken off notice”: **HB 1578** by Rep. Fitzhugh, which allows the governing body of a municipality or county, in setting the certified tax rate after a reappraisal, to adjust the rate based on the projected increase in the cost of services, not to exceed a 3% increase; **HB 2105** by Rep. Maddox, which allows municipalities that operate an electric plant to provide cable television, Internet, and related services; **HB 363** by Rep. Rowland, which abolishes the statutory authority for any municipality to annex territory by ordinance; requiring every annexation to be approved by referendum.

The following bills either passed or failed in their respective committees, or on the House floor: **HB 968** by Rep. Overbey, which clarifies that municipal courts may enforce ordinances prohibiting the accumulation of junk vehicles on private property passed by a vote of 97-1 in the House; **HB 223** by Rep. Moore, which directs the Tennessee Commission on Firefighting Personnel Standards and Education to approve all fire curricula offered through the

Tennessee Fire Services and Codes Academy, passed by a vote of 98-0 in the House; **HB 180** by Rep. B. Cooper, sets a limit of \$400 for unpaid fines for certain city or county traffic offenses for purposes of driver license reinstatement unless an installment payment plan is in place, was amended to only apply to Shelby County and passed by a vote of 96-0; **HB 2184** by Rep. Niceley, was amended to allow any resident, who has a valid handgun carry permit, to possess his or her handgun in any municipal park, playground, or civic center as well as any building or property owned, used or operated by a municipal, county or state government, passed in the House Judiciary Committee and was referred to the House Calendar and Rules Committee; **HB 698** by Rep. McCord, which was amended to provide that any traffic ticket issued through the use of surveillance cameras be considered a non-moving violation, passed in the House Transportation Committee and was referred to the House Finance Committee; **HB 2310** by Rep. Odom, which increases the maximum amounts that may be charged for certain fees by promulgating authorities attached to Department of Environment and Conservation and directs that such funds be used to expand existing local government grant program, including the availability of new grants to remedy water quality issues associated with landfills, passed in the House Finance Committee and was referred to the House Calendar and Rules Committee.

Senate:

The following bill was placed in the “general subcommittee” (which temporarily stops the movement of the bill): **SB 8** by Sen. Jackson, which increases local government liability exposure for medical costs.

The following bills passed or failed in committee or on the Senate Floor: **SB 1623** by Sen. R. Finney, which allows municipal ordinances prohibiting weed growth and debris on private property to be enforced against owner-occupied properties, passed by a vote of 24-2; **SB 291** by Sen. Burchett which sets a limit of \$400 for unpaid fines for certain city or county traffic offenses for purposes of driver license reinstatement unless an installment payment plan is in place, was amended to only apply to Shelby County and passed by a vote of 27-1; **SB 888** by Sen. Ketron, which abolishes the statutory authority for any municipality to annex territory by ordinance; requiring every annexation to be approved by referendum, failed in the Senate State & Local Government Committee.

**Don't Delay – Register Today!
TML 68th Annual Conference
Knoxville Convention Center
June 10-12, 2007**

The conference will kick off Sunday, June 10, with a festive jazz brunch in the exhibit hall featuring Rocky Wynder Trio and conclude on Tuesday, June 12, with the annual awards breakfast and keynote speaker, Bruce Pearl, UT Men's Basketball Coach. For a complete schedule or to register for the conference online please visit www.TMLI.org. Registration deadline is May 18, 2007. Please contact Sylvia Trice, Director of Conference Planning, at (615) 425-3903 or for more information.