

Lt. Governor Ron Ramsey

State of Tennessee

Capitol Hill Week

Legislature Adjourns 2010 Legislative Session

(NASHVILLE, TN), June 10, 2010 -- The 106th General Assembly adjourned to become a part of Tennessee history in the early morning hours of June 10. Although the state's budget and the education reforms adopted during the Special Session highlighted this year's action, the 2010 legislative session will also be remembered for passage of several other important measures. This includes money-saving legislation overhauling the way the state contracts for goods and services, a new law to curb drunk driving by increasing the use of interlock devices, job creation initiatives and several measures continuing the state's war against violent crime and child sex offenders.

"Tennesseans asked us to reduce the size of government and make it more efficient and that's exactly what we accomplished," said Lt. Governor Ron Ramsey (R-Blountville). "Republicans defeated the \$128 million tax hike proposed by the Governor and balanced the budget by tightening the belt on spending."

"We strengthened Tennessee's position as a state that encourages job growth and implemented education reforms that will better prepare our students to fill those jobs," said Lt. Governor Ramsey. "Education and job creation go hand in hand and this session showed those were our priorities."

"The budget was the overriding issue this session," said Republican Caucus Chairman Diane Black (R-Gallatin). "The budget we passed decreases spending, does not raise taxes and focuses on maintaining essential services."

"We also continued to make improvements in the war on crime during the 2010 legislative session despite adoption of a lean budget," Black added. "This includes approval of measures to crack down on sex offenders and the next phase of the "crooks with guns" legislation to attack violent crime. In addition, we passed legislation addressing the concerns of small businesses regarding a new workers' compensation law. The new law finds common ground to address

gaps in coverage for workers in the various construction fields without harming small business owners by providing a mechanism for exemption.”

“Certainly a highlight of the 2010 legislative year was the passage of the education reforms in January,” said Senate Education Chairman Dolores Gresham (R-Somerville). “Everyone was focused on passage of these major reform bills and working toward the same goal. The result was passage of landmark legislation to improve education in our state that will benefit Tennessee children for decades to come.”

The first week of the two-week session on education focused on improving K-12 education and putting Tennessee in position to be a leader in the Race to the Top competition, which helped the state win approximately \$500 million in federal funds. The second week saw the legislature turn its attention to the goal of how to get more Tennesseans to pursue a post-secondary education that fits their academic and workplace needs. It also included a focus on measures to help ensure that students are successful in completing their college degrees or post-secondary academic programs.

General Assembly approves legislation calling for jails to send information regarding prisoners who are in the U.S. illegally to ICE

In the last week of action on Capitol Hill, the Senate and House approved a conference committee report and sent to the governor legislation calling for Tennessee jails to send information to the federal Immigration and Customs Enforcement office (ICE) regarding prisoners who do not have documentation that they are in the U.S. legally. The bill, [Senate Bill 1141](#), sponsored by Senator Dolores Gresham (R-Somerville), requires the jail keeper to fax, email or send a copy of the booking information.

“This legislation simply makes sure that ICE and Homeland Security are informed regarding anyone who has been booked into Tennessee jails who are in the U.S. illegally,” said Senator Gresham. “I am very pleased this bill has been approved.”

Lawmakers worked out differences in the bill in a conference committee during the last two days of the session. The House adopted the conference committee plan and approved the bill by a vote of 56 to 30. The Senate then took up the matter, passing it by a vote of 24 to 7.

The legislation calls for statewide standards to be developed by the POST (Police Officers Standard Training) Commission. This provision helps to ensure that Tennessee will not be open to lawsuits that have been problematic in other localities with similar laws. The bill does not apply to any county or municipality that enters into a memorandum of understanding with the United States Department of Homeland Security or ICE concerning enforcement of federal immigration laws, which has more stringent standards.

“All counties should provide this information to protect our citizens,” said Gresham, who is a retired Lt. Colonel in the U.S. Marines. “It is a matter of national security that must be addressed.”

Senate approves Health Freedom Act for second time this session but measure falls 6 votes short of passage in House of Representatives

The Tennessee Senate approved legislation this week sponsored by Senator Mae Beavers (R-Mt. Juliet) and Senator Diane Black (R-Gallatin) to protect the freedom of Tennessee patients to make their own health care choices, regardless of federal action taken in Washington. The action marked the second time the Senate overwhelmingly approved the measure. The bill, however, failed by six votes in the House of Representatives along party lines with Republicans voting in favor of the measure.

The Tennessee Health Freedom Act, [Senate Bill 3498](#), was approved in the State Senate on February 18 by a vote of 26 to 1, with 5 members abstaining. That bill was killed in a House Subcommittee last week.

The content of that legislation, however, was attached as an amendment to another bill that was advancing through the House of Representatives. That legislation, [Senate Bill 2560](#), was approved by both the House and Senate on the last legislative day, but in different forms.

A conference committee, made up of both House and Senate members, was appointed to work out the differences in the bill and came up with a solution acceptable to the Senate. That version did not seek to “nullify” any federal law, as it would have still allowed individuals the option to participate in a federal program. However, it acknowledged the right of Tennesseans to refuse to participate in a government-run health insurance program. It also called on the state’s Attorney General to take action in the defense or prosecution of rights protected under the legislation.

“The Tennessee Health Freedom Act would protect a citizen’s right to participate, or not participate, in any healthcare system, and would prohibit the federal government from imposing fines or penalties on that person’s decision,” said Senator Beavers. “It was passed overwhelmingly by the Senate twice.”

“The health care law passed by Congress is ‘big brother’ at his worst and is Exhibit A in the people’s case against Washington’s abuse of power,” said Senator Black. “The citizens of Tennessee believe they should be able to choose whether or not they want to participate in a federal health care plan. That is what this bill sought to accomplish.”

Financial experts predict that the federal healthcare plan will consume any anticipated growth in Tennessee’s revenues once the economy recovers, crippling the state’s ability to make future improvements in critical needs like education, job investment and public safety.

The federal health care law will also penalize citizens beginning in 2014 if they do not buy insurance.

Two bills advance in final legislative hours to protect children

Two bills sponsored by Senator Tim Burchett (R-Knoxville) to protect children from sex

offenders were approved in the final hours of the 2010 legislative session, including one measure to set up a Tennessee Second Look Commission to review cases and procedures related to child sexual abuse.

The Commission would review cases from the initial report of alleged abuse through to a finding or criminal conviction of abuse. Burchett said it is an important first step in understanding how the system fails endangered kids.

“The facts show that our present court system fails kids, even after the abuse has been reported,” said Senator Burchett. “We must find a better way to protect these kids which is the purpose of the study.”

The Commission will review cases and procedures related to severe child sexual abuse to determine if they were handled in a manner that provides adequate protection to the children. Only two percent of the 750,000 pedophiles identified by computer in the United States have been investigated according to expert testimony provided to the legislature last year. The Commission would be administratively attached to the Tennessee Commission on Children and Youth.

The legislation, [Senate Bill 2701](#), now goes to the governor and would be effective upon his signature.

The second bill sponsored by Burchett and approved by the full legislature before adjournment, prohibits any sexual or violent sexual offender who is required to be on the Sexual Offender Registry from establishing a primary or secondary residence with two or more other such offenders. Similarly, no person, corporation or other entity may knowingly permit more than three such sexual or violent sexual offenders to establish a residence in any house, apartment or other residence.

The legislation, [Senate Bill 3290](#), comes after a residence of multiple child sex offenders was established in Nashville. Parents of children in the neighborhood expressed great concern that such a residence could be located in a family-oriented community.

“Parents in residential neighborhoods should not have to worry about establishment of a residence to house multiple child sex offenders,” Burchett added. “I am very pleased both of these child protections bills were approved during our 2010 legislative session.”

In Brief...

Advocating for small business – State lawmakers approved and sent to the governor legislation this week to create a small business advocate within the Office of the Comptroller of the Treasury, utilizing existing personnel. The measure, [Senate Bill 3484](#), sponsored by Lt. Governor Ron Ramsey (R-Blountville), calls for the advocate to mediate and assist with resolution of issues concerning small business owners and state departments and agencies. The bill also requires the small business advocate to prepare an annual report on their office’s activities, findings and recommendations for transmission to the governor, members of the

General Assembly and the heads of the affected departments and agencies to make sure officials are notified about any problems or concerns.

Domestic Violence / Counseling – Legislation that would allow the court to order domestic abuse perpetrators to attend counseling programs was passed by the General Assembly this week. The legislation prescribes counseling programs the judges can order, if they choose, including intervention programs that are certified by the Domestic Violence State Coordinating Council. The bill increases the maximum penalty for those convicted of the crime from \$200 to \$225, with the proceeds going to grants for domestic violence shelter programs. The measure, [Senate Bill 2709](#), is sponsored by Senator Rusty Crowe (R-Johnson City) and if signed by the governor will take effect on July 1, 2010.

Elections / Felons pay court costs – State lawmakers gave final approval to legislation requiring that convicted felons must pay all court costs imposed before being eligible to have their voting rights restored. Currently, a person convicted of a felony must be pardoned, discharged from custody or supervision, and have paid all restitution to the victim of the offense to have his or her rights of suffrage restored. This legislation, [Senate Bill 440](#), sponsored by Senator Doug Overbey (R-Maryville), would add the payment of court costs as well. The House added an amendment to provide that, if the felon is found indigent by court officials, they can be excused from the requirement.

Regular Session / K-12 / Students in extracurricular activities / random drug tests -- Legislation authorizing local schools to adopt a policy to use random drug testing on a student participating in voluntary extracurricular activities was approved. Parents or guardians of the students must be notified about the random drug tests and must give written consent before the student can participate. The results of the test shall remain confidential in the student's records. If the child tests positive for illegal drugs, the school system may not suspend or expel the child. It, rather, requires the school provide information on inpatient, outpatient and community-based drug and alcohol programs to the child and his or her parents if the test is positive. The legislation, [Senate Bill 2621](#), sponsored by Senator Jim Tracy (R-Murfreesboro), is designed to get these students the help they need to address drug use before it is too late.

Regular Session / K-12 / JROTC -- The General Assembly approved a military-related bill in the last week of the legislative session to ensure that military personnel who have taught as JROTC instructors for at least two years and are licensed to teach another subject are credited with their years of service in JROTC instruction for the purpose of salary rating. The legislation, [Senate Bill 942](#), is sponsored by Senator Bo Watson (R-Hixson).

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