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## **TAMA Weekly Legislative Update April 5, 2013**

As the calendar turned to April this week, talk in the halls of the state capitol and legislative plaza turned to budget matters and whether or not adjournment would take place by April 19. On Tuesday, Finance and Administration Commissioner, Mark Emkes, presented the administration's amended budget for fiscal 2013-2014 to both the House and Senate Finance Committees. The proposal includes millions of dollars for a Health and Wellness Fund focused on engaging children in lifetime wellness habits and tobacco prevention in children and pregnant mothers. Total program funding for this initiative is just over \$43 million. In addition, the proposed budget continues to fully fund Education's BEP formula for K12 and the performance based formula for higher education. It also makes a significant deposit into the state's Rainy Day Fund.

Legislators in the House and Senate have filed 287 amendments to the budget bill. The Senate Finance Budget Subcommittee began meeting this week to provide an opportunity for senators to make a pitch for their budget requests. The subcommittee plans to meet several times next week to reconcile the legislative budget requests with the Governor's budget request. The goal is to send a final budget recommendation to the full Senate Finance committee by April 10 and onto the Senate floor by the end of the week.

On the House floor Thursday, the Flow Motion was adopted signaling the process of concluding the session. The Flow Motion allows bills to move from committee to committee and onto the floor without the 72-hour meeting notice required by the Rules of the House. Subcommittees, except for those of the House and Senate Finance Committee, have closed for the year and most standing committee have completed their business. Committees still open for business next week include: House Education, Finance, Health, Local Government, Government Operations, and Criminal Justice; and Senate Finance, Government Operations, State and Local Government, and Judiciary. Numerous controversial issues have been taken off the table for this year such as fairness in ticketing, annexation changes, and Haslam's school voucher program. Other issues have been compromised and are moving through the process towards final adoption.

The Fairness in Ticketing Act of 2012 was pulled by House sponsors this week after intense lobbying by both sides of the issue. The bill, backed by various performers and venues, would have required ticket brokers to register with the Department of Commerce and Insurance and to disclose details about their ticket offerings including the face value and the exact location of the seats offered. Opponents of the bill said it gave too much power to the venues and restricted the ticket purchasers' right to freely resell tickets lawfully purchased.

Governor Haslam sent a letter this week to various Senators informing them that he did not wish his proposal for school vouchers, or "opportunity scholarships," to advance this year. Haslam proposed a pilot program with 5,000 grants to students who qualify for free or reduced price lunches and attend low performing schools. The vouchers would allow these students to take tax money that would have gone to public schools to use for private school tuition.

Several legislators, including Sen. Brian Kelsey (R-Germantown) pushed to increase the qualifying income level and to remove the low performing school requirement. Kelsey said he would continue to push for vouchers despite the Governor's action this week.

Legislators will study the process local governments use to annex territory after legislation passed this week calling for a moratorium on annexations until 2015. This action stopped various bills which would have changed different aspects of the process. One such proposal, sponsored by Sen. Bo Watson (R-Cleveland) and Mike Carter (R-Ooltewah), would have required voter approval of any annexation. Tennessee is one of only a few states where voter approval is not required.

A proposal to revise procedures for dispensing compounded medications was agreed upon and will move toward approval before adjournment. This measure will allow non-patient specific dispensing of compounded medications in certain limited situations, including (1) drugs to be used in a health care facility or the prescribing practitioner's office when the product is not commercially available; and (2) drugs used by emergency medical services under authorized control when the drug is not commercially available. In addition, out-of-state compounding pharmacies must be inspected prior to licensing and pharmacies engaging in sterile compounding will be required to report on a quarterly basis to the Board of Pharmacy the quantity of sterile products compounded. This legislation was proposed as a result of the fungal meningitis outbreak.

**SB840 / HB322 Scott Young Blind Vendors Act.**

**Category** Health Care

**Sponsors** Sen. Bill Ketron / Rep. Joe Carr

**Description** Directs the Tennessee Code Commission to add a compiler's note at the end of TCA 71-4-502 that states the amendment to subdivision (4) by Chapter 976 of the Public Acts of 2012 shall be known as the "Scott Young Blind Vendors Act".

**Senate Status** 02/25/2013 - Senate passed.

**House Status** 03/18/2013 - House passed.

**Executive Status** 04/02/2013 - Sent to governor.

**SB941 / HB945 Prohibits disposal of aluminum cans and plastic bottles in landfills.**

**Category** Environment & Nature

**Sponsors** Sen. Steve Southerland / Rep. Art Swann

**Description** Prohibits a person from knowingly disposing of aluminum cans and plastic beverage bottles in landfills. Excludes accidental or "occasional" disposal of "small amounts". Authorizes the underground storage tanks and solid waste disposal control board to adopt rules that define "occasional" and "small" amounts. Allows a county or city to petition the commissioner for waiver from the prohibition.

**Senate Status** 04/04/2013 - Set for Senate Finance Calendar 1 04/08/13.

**House Status** 04/04/2013 - Set for House Agriculture & Natural Resources Committee 04/09/13.

**SB1168 / HB538 Tennessee Beverage Container Recycling Refunds Act.**

**Category** Environment & Nature

**Sponsors** Sen. Reginald Tate / Rep. Jim Coley

**Description** Enacts the "Tennessee Beverage Container Recycling Refunds Act." By September 1, 2013, requires all deposit beverage distributors operating within the state to register with the department of revenue. After September 1, 2013, requires any person who desires to conduct business in the state as a deposit beverage distributor to register with the department of revenue no later than one month prior to commencement of business. Requires all deposit beverage distributors to maintain records reflecting the manufacture and import of beverages in deposit beverage containers as well as in refillable beverage containers. Specifies that these records are to be made available, upon request, for inspection by the department of environment and conservation and the department of revenue. Beginning October 1, 2013, requires every deposit beverage distributor to pay to the department of revenue a container-recovery fee for each deposit beverage container manufactured in or imported into this state. Prohibits a local government from imposing or collecting any assessment or fee on deposit beverage containers for the same or similar purpose. Beginning March 1, 2015, requires every deposit beverage distributor to pay to the department of revenue a deposit on each deposit

beverage container manufactured in or imported into the state. Beginning April 1, 2015, requires every deposit beverage distributor to charge the dealer or consumer a deposit equal to the refund value for each deposit beverage container sold in this state. Also beginning April 1, 2015, requires every dealer to charge the consumer at the point of sale a deposit equal to the refund value for each deposit beverage container sold in this state, except on beverages intended for on-premises consumption. Beginning April 1, 2015, specifies that every deposit beverage container sold in this state shall have a Tennessee refund value of five cents. The refund value is the amount of the deposit required. Establishes the deposit beverage container fund into which shall be deposited the container-recovery fee, the deposit beverage container deposit, and other specified moneys. Specifies how the moneys in the fund are to be used. Requires a sum sufficient to be allocated annually from the fund to reimburse the department of transportation for the loss of funding of the existing county litter grants program. Specifies that the deposit beverage container program is to be administered by the division of solid waste management within the department, with accounting functions performed by the department of revenue. (32 pp.)

**Senate Status** 03/20/2013 - Taken off notice in Senate Energy, Agriculture & Natural Resources Committee.

**House Status** 02/06/2013 - Referred to House Agriculture & Natural Resources Subcommittee.