



TENNESSEE CABLE TELECOMMUNICATIONS ASSOCIATION

WEEKLY LEGISLATIVE UPDATE

Friday, May 9, 2008

Below is a legislative update which includes bills of interest to the Tennessee Cable Telecommunications Association. Please let us know if you need more information on any other bills or wish to make any changes to the bills listed within this report. Hyperlinks to the full text of each bill were added for your convenience. To utilize this feature, hold down the “control” key while clicking on the link with your mouse. This update is current through May 9, 2008.

TCTA Sponsored Legislation

GOVERNMENT REGULATION		
SB 1278 (Full Text)		<p>Powers of municipalities - electric systems and cable. Allows a municipal electric system to provide additional services when approved by a 2/3 vote of that municipality's legislature and a public referendum. Requires electric system have a separate division to provide cable television, internet, and related services. Prohibits use of pole attachments in exchange for monetary or in-kind compensation. Municipally owned utilities are required to allow pole attachments to any telegraph, telephone, or cable television provider meeting specifications of the law. Prohibits any municipality from granting any overlapping franchise for cable service within its jurisdiction unless such applicant receives approval by two thirds (2/3) majority vote of the legislative body of the municipality or county. (S: Burchett)</p> <p>Senate Co-Sponsor: Marrero</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture.</p>

<p>SB 3895 HB 3036 (Full Text)</p>		<p>Governmental regulations of certain utilities and carriers. Allows a municipality or county to grant overlapping franchises for cable service within its jurisdiction if it is approved by a 2/3 majority vote of the legislative body. (S: Burchett; H: Tindell)</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Referred to House Local Government Subcommittee.</p>
<p>LOCAL GOVERNMENT</p>		
<p>SB 1277 HB 1771 (Full Text)</p>		<p>Provision of cable and internet services. Limits a municipality's ability to enter into business relationships with a third party to provide cable, Internet, or related services. Requires both a 2/3 majority vote of a municipality's chief legislative body and a public referendum in approve the provision of cable and internet services. Prohibits a municipal electric system from lending funds or subsidizing revenues to the division delivering services. Requires the division to submit to an independent audit to be filed with comptroller annually. (S: Burchett; H: Jones U.)</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Referred to House Local Government Subcommittee.</p>
<p>PUBLIC FINANCE</p>		
<p>SB 2625 HB 2448 (Full Text)</p>		<p>Appropriations - FY 2007-2008. Makes appropriations for fiscal years beginning July 1, 2007 and July 1, 2008. (S: McNally; H: Fitzhugh)</p> <p>Senate Status: Referred to Senate Finance, Ways & Means. House Status: Referred to House Finance Budget Subcommittee.</p>
<p>UTILITIES</p>		
<p>SB 0832 HB 1914 (Full Text)</p>		<p>Access to utility pole attachments granted. Requires any municipally or cooperatively owned utilities to allow any authorized telegraph and telephone corporation or cable television entity access to pole attachments. Prohibits such utilities from receiving monetary compensation in excess of current law in exchange. (S: Cooper J.; H: Rinks)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Referred to House Commerce Utilities & Banking Subcommittee.</p>

SB 3181 HB 3435 (Full Text)		<p>Access for pole attachments. Requires municipally or cooperatively owned utilities to provide access to poles and conduit located in public rights of way to any telegraph and telephone corporation or cable television who requests a pole attachment agreement under certain terms and conditions. Clarifies that such pole attachment agreements may be refused only on the basis that the provision of the requested access is not technically feasible. (S: Stanley; H: Rinks)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Failed in House Utilities, Banking & Small Business Subcommittee 04/01/2008, for lack of a second.</p>
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Legislation of Active Interest

COMMERCIAL LAW		
SB 0367 HB 0322 (Full Text)		<p>Tennessee Franchise Disclosure Act of 2007. Enacts the "Tennessee Franchise Disclosure Act of 2007." Establishes rules for transactions involving franchises in this state. (S: Southerland; H: Litz)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 03/06/2007. House Status: Referred to House Government Operations.</p>
SB 3418 HB 3834 (Full Text)		<p>Consumer protection - misrepresentation in phone directory. Prohibits misrepresentation of geographic location in telephone directory or directory assistance database. Establishes civil penalty of \$5,000 to \$25,000 for violation. (S: Johnson J.; H: Johnson P.)</p> <p>Senate Co-Sponsors: Marrero; Burks; Kurita House amendment 1 makes the bill. Prohibits misrepresentation of geographic location, with intent to mislead, in local telephone directory. Adds to the definition of "local telephone directory" to include a directory assistance database or similar service. Clarifies that these provisions do not apply to call centers. Defines a "call center" as a location that utilizes telecommunication services for activities related to an existing customer relationship. Changes civil penalty for violation to a non-remedial civil penalty of a minimum of \$1,000 to a maximum of \$5,000 per violation. Clarifies that this section applies only to information supplied to a telephone directory published after July 1, 2008 and information that is published on the Internet after July 1, 2008.</p>

		<p>Senate Status: Senate passed 04/21/2008. House Status: House 04/21/2008 passed with amendment 1. Other Status: Signed by governor 05/06/2008.</p>
CRIMINAL LAW		
<p>SB 0014 HB 1108 (Full Text)</p>		<p>Prohibits TV or cable advertising that is harmful to minors. Prohibits owner or employee of a public or private television station or owner or employee of a cable television company from advertising or broadcasting material that is known to be or has reason to be considered obscene or harmful to minors. This bill is known as the Girls Gone Wild bill. (S: Jackson; H: Buck) Senate Co-Sponsors: Jackson; Bunch; Burks; Burchett; Marrero; Tate; Beavers; Black; Cooper J.; Crowe; Crutchfield; Finney R.; Finney L.; Ford O.; Harper; Haynes; Henry; Herron; Johnson J.; Ketron; Kilby; Kurita; Kyle; McNally; Norris; Ramsey; Southerland; Stanley; Tracy; Watson B.; Wilder; Williams Mike R.; Woodson House Co-Sponsor: Turner M. Senate amendment 1 includes satellite television providers in prohibitions of bill in addition to cable providers. Senate amendment 2 replaces "employee" with "officer" so that only the owner and officers of a cable or satellite television provider may be held liable for advertisement of obscenity.</p> <p>Senate Status: Senate 05/16/2007 passed with amendments 1 and 2. House Status: Taken off notice in House Civil Practice Subcommittee 04/08/2008.</p>
EDUCATION		
<p>SB 3702 HB 3051 (Full Text)</p>		<p>Internet use policies for public and private schools. Requires the development of acceptable Internet use policies for public and private schools to protect children from certain online material. Requires the director of schools to file such policies with the commissioner of education every two years. Policies must be approved by the local school board. Sets out specific provisions to be contained in the policies. Requires the commissioner of education to submit an annual report to the general assembly summarizing the filed policies. Requires private schools to use internet blocking or filtering technology. (S: Haynes; H: Winningham) House Co-Sponsor: Cooper B. Senate amendment 1 prohibits certain and specified inappropriate uses of the Internet by students, faculty, and administrators of schools.</p> <p>Senate Status: Senate 04/24/2008 passed with amendment 1. House Status: House passed 05/06/2008.</p>

		Other Status: Sent to the speakers for signatures 05/06/2008.
ENTERTAINMENT		
SJR 0613 (Full Text)		Impact on society of violence in electronic media. Creates special joint committee to study adverse societal impact of portrayal of violence in electronic media. (S: Herron) Senate Status: Held in Senate Delayed Bills Committee 03/24/2008.
HR 0227 (Full Text)		Digital Television Transition Act of 2009. Informs Tennessee citizens of the impending transition to the exclusively digital broadcasting of television signals on February 17, 2009, and advises citizens should take steps to ensure that their reception of television channels continues unabated, by either acquiring a digital converter box or by subscribing to a cable, satellite, or television service that provides digital capabilities to their analog televisions. (H: Shaw) House Status: House 03/17/2008 adopted. Other Status: Sent to House speaker for signature 03/17/2008.
ENVIRONMENT & NATURE		
SB 3055 HB 3213 (Full Text) Public Chapter (PDF)		Chickasaw basin authority in Shelby County. Specifies that the Chickasaw basin authority's jurisdiction includes rivers, streams and their drainage areas flowing within Shelby County. (S: Kyle; H: Turner L.) Senate Co-Sponsors: Marrero; Tate; Stanley Senate amendment 1, as amended, adds to this bill and present law an extension of jurisdiction for the Chickasaw Basin Authority over all programs related to the Wolf River and its respective drainage area without regard to county or municipal boundaries. Senate Status: Senate 02/25/2008 passed with amendment 1. House Status: House passed 03/24/2008. Other Status: Enacted as Public Chapter 0685 (effective 07/01/2008).
GOVERNMENT ORGANIZATION		
SB 2501 HB 3219 (Full Text)		Sunset - TRA. Sunsets the Tennessee regulatory authority on June 30, 2013. (S: Harper; H: Kernell) House Co-Sponsors: Cooper B.; Rowe Senate Status: Senate passed 04/21/2008.

		<p>House Status: House passed 05/06/2008. Other Status: Sent to the speakers for signatures 05/06/2008.</p>
GOVERNMENT REGULATION		
<p>SB 2903 HB 2948 (Full Text)</p>		<p>Limits businesses to be regulated by the general assembly. Limits new proposals to regulate a business by the general assembly to those that affect the public health, safety, and welfare. Limits new rules and regulations affecting businesses to those that affect the public health, safety, and welfare. (S: Stanley; H: Lynn) House Co-Sponsor: West</p> <p>Senate Status: Failed in Senate State & Local Government 04/15/2008. House Status: Taken off notice in House Finance Budget Subcommittee 05/07/2008.</p>
<p>SB 3772 HB 3462 (Full Text)</p>		<p>TRA regulation of communications services. Removes TRA's authority to regulate communications services in certain instances. Adds interconnected VoIP services to the list of competing telecommunications service providers regulated by TRA and defines VoIP. Changes the date that price regulation for basic local exchange telephone services is based on from June 6, 1995 to the date the incumbent local exchange telephone company applies for price regulation. Removes provisions regarding "non-basic services." Prohibits the authority from having regulatory jurisdiction over a telecommunications product or service for which existing and potential competition is an effective regulator of the price of those products or services. Prohibits the authority from regulating intrastate telecommunications services of incumbent local exchange telephone companies subject to price regulation that are not basic local exchange telephone services, interconnection services, or incumbent local exchange telephone companies providing basic services. Removes the ability of TRA to regulate incumbent local exchange telephone company's rates relative to price. Allows promotions run by telecommunications provides to go on perpetually rather than having to stop after six months. Removes the authority's ability to regulate bundled services under this part. States an incumbent local exchange telephone company is not obligated to provide basic local service to customers in a multi-tenant business or in a residential property under certain circumstances pertaining to the property manager's preferences. Provides exemptions from obligation to provide services for specific situations. (S: Southerland; H: Mumpower)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 01/29/2008. House Status: Referred to House Utilities, Banking & Small Business Subcommittee.</p>
LOCAL GOVERNMENT		

<p>SB 1914 HB 1458 (Full Text)</p>		<p>Governmental regulations of certain utilities and carriers. Removes provision by which municipalities operating electric plants may establish a business relationship with cable television and internet providers. Provides that a municipal electric system may provide additional services only after approval by a 2/3 majority vote of the legislative body of the municipality in which the municipal electric system is located and by a public referendum. Prohibits municipal electric system from lending funds to the separate entity that provides additional services under this section. Requires a detailed audit of the system to be filed with the comptroller. Requires municipally owned or cooperatively owned utility to allow pole attachments. Prohibits municipality or county from granting any overlapping franchise for cable service within its jurisdiction unless such applicant receives approval by 2/3 majority vote of the legislative body of the municipality or county. (S: Burchett; H: Tindell)</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Caption bill held on House clerk's desk.</p>
<p>SB 1944 HB 1287 (Full Text)</p>		<p>Utility service of competing entities. States that when a municipality annexes any part of the service area of an authority it exercises its exclusive right to provide municipal and utility services in the annexed area. (S: Beavers; H: Lynn)</p> <p>Senate Status: Taken off notice in Senate State & Local Government 04/17/2007. House Status: Taken off notice in House Local Government Subcommittee 04/11/2007.</p>
<p>MEDIA & PUBLISHING</p>		
<p>SB 3235 HB 3368 (Full Text)</p>		<p>Outdoor advertising permits. Eliminates the 18-month period of time in which certain locations must remain empty following the removal of a billboard. Applies to advertising in particular locations in Memphis, Nashville, Knoxville and Chattanooga. (S: Woodson; H: Harwell)</p> <p>Senate Status: Senate Transportation deferred to 03/12/2008. House Status: Referred to House Transportation Public Safety & Rural Roads Subcommittee.</p>
<p>PROPERTY & HOUSING</p>		
<p>SB 4058 HB 3858 (Full Text) Public</p>		<p>Submission of subdivision plats to planning commission. Clarifies that utility construction does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains. (S: Kilby; H: McCord)</p>

Chapter (PDF)		<p>Senate Status: Senate passed 03/27/2008. House Status: House passed 03/13/2008. Other Status: Enacted as Public Chapter 0746 (effective 04/10/2008).</p>
PUBLIC FINANCE		
SB 3986 HB 3782 (Full Text)		<p>Removes outdated language from governor's budget document. Deletes requirements that budget document include personal income statement for calendar year 1977 and actual state appropriations for fiscal year 1977-1978. (S: Kyle; H: Fitzhugh)</p> <p>Senate Status: Referred to Senate Finance, Ways & Means. House Status: Referred to House Finance, Ways & Means.</p>
SB 4059 HB 3464 (Full Text)		<p>Expending of funds not in the appropriations act. Removes current law provisions allowing for the executive branch to use the reserve for revenue fluctuations to meet expenditure requirements in excess of budgeted appropriation levels. (S: Black; H: Casada)</p> <p>Senate Status: Referred to Senate Finance, Ways & Means. House Status: Referred to House Finance Budget Subcommittee.</p>
SB 4213 HB 4219 (Full Text)		<p>Appropriations - FY 2007-2009 and FY 2008-2009. Makes appropriations for fiscal years 2007-2008 and 2008-2009. (Part of Administration Package.) (S: Kyle; H: Fitzhugh) Senate Co-Sponsors: Henry; McNally; Burchett House Co-Sponsors: Tindell; Shaw</p> <p>Senate Status: Senate Delayed Bills Committee released 02/11/2008. Referred to Senate Finance, Ways & Means. House Status: Referred to House Finance Budget Subcommittee.</p>
TAXES BUSINESS		
SB 3067 HB 3829 (Full Text)		<p>Joint select committee on business taxes - reports. Permits joint select committee on business taxes to report findings, recommendations, and proposals as it deems appropriate instead of requiring an annual report. (S: Kyle; H: Pinion)</p> <p>Senate Status: Referred to Senate Finance Tax Subcommittee.</p>

		House Status: Referred to House Finance Budget Subcommittee.
SB 3103 HB 4032 (Full Text)		<p>Collection of delinquent business taxes. Requires commissioner of revenue to institute proceedings to collect delinquent business taxes that have become more than six months delinquent. Current law requires commissioner to actually collect the tax. (S: Henry; H: McDaniel)</p> <p>House Co-Sponsor: Sontany Senate amendment 1, House Budget Subcommittee amendment 1 requires the commissioner of revenue to collect the tax, penalty and interest from the delinquent taxpayer after the tax has become delinquent for more than six months. Permits the county clerk or the proper city tax collector to collect the tax at any time before the commissioner notifies the taxpayer of an audit or takes any other authorized action.</p> <p>Senate Status: Senate 05/01/2008 passed with amendment 1. House Status: Set for House Finance, Ways & Means Budget Subcommittee 05/13/2008.</p>
TAXES GENERAL		
SB 4139 HB 4191 (Full Text)		<p>Report on study of tax laws to be filed annually. Clarifies that the commissioner is required to file report on study of tax laws on the first day of regular session in even-numbered years in addition to the first day of organizational session. Broadly captioned. (S: Kyle; H: McCord)</p> <p>Senate Status: Set for Senate Finance Tax Subcommittee 05/12/2008. House Status: Taken off notice in House Local Government Subcommittee 04/16/2008, pending call of the chair.</p>
TAXES SALES		
SB 1752 HB 0895 (Full Text)		<p>Services bundled with video programming services. Specifies that nontaxable services bundled with video programming services shall be taxable. (S: Ketron; H: Sargent)</p> <p>House Co-Sponsor: McDaniel Senate Finance amendment 1 defines "video programming services" as programming provided by or generally considered comparable to programming provided by a television broadcast station and includes cable television services, wireless cable television services (multipoint distribution service/multichannel multipoint distribution service) and video services provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. Levies a privilege tax of nine percent of the gross charges or fees for providing video programming services when such services are delivered to a subscriber in Tennessee. Clarifies that such tax does not apply to the first \$15.00 of gross charges or fees.</p>

		<p>Senate Status: Re-referred to Senate Calendar Committee 06/06/2007. House Status: Taken off notice in House Finance Budget Subcommittee 06/06/2007.</p>
<p>SB 1878 HB 1113 (Full Text)</p>		<p>Tax credits for telecommunications dealers. Reduces the time period for which a dealer may deduct taxes paid on items returned and refunded from 90 to 60 days. Broadly captioned. (S: Jackson; H: Buck)</p> <p>Senate Status: Taken off notice in Senate Finance Tax Subcommittee 05/22/2007. House Status: Caption bill held on House clerk's desk.</p>
<p>SB 4097 HB 4077 (Full Text)</p>		<p>Credit for resold telecommunications services. Includes long term care facilities within list of entities which may take credit against sales tax liability on resold telecommunication services for taxes paid to the vendor of the services. (S: Burchett; H: Fincher)</p> <p>Senate Status: Referred to Senate Finance Tax Subcommittee. House Status: Referred to House Finance Budget Subcommittee.</p>
<p>SB 4173 HB 4129 (Full Text)</p>		<p>Club dues, bundled services, software, kerosene. Repeals the sales tax exemption for the first \$150 in membership fees of recreation clubs or community services organizations effective 7/1/2008, rather than 7/1/2009. Repeals provision prohibiting deduction from the sales price for the value of exempt items bundled with taxable items. Provides that leases of software and installation or repair of software is taxable. Exempts from sales tax kerosene dispensed directly to the consumer through a metered pump for residential use. (Part of Administration Package - as amended this bill will become the technical corrections bill) (S: Kyle; H: Odom)</p> <p>Senate Status: Set for Senate Finance Tax Subcommittee 05/12/2008. House Status: Referred to House Finance Budget Subcommittee.</p>
UTILITIES		
<p>SB 0059 HB 0949 (Full Text)</p>		<p>Cable Equity Act of 2007. Allows cable television customers to choose which cable channels they wish to purchase on a per-channel rate. (S: Kilby; H: Winningham)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Caption bill held on House clerk's desk.</p>

<p>SB 0125 HB 0591 (Full Text)</p>		<p>Do-Not-Call Register - robo calls, solicitations for money. Enacts the "'Tennesseans' Right-To-Privacy Act of 2007," which prohibits use of automatic dialing-announcing equipment (ADAD equipment) for telephone solicitation purposes to phone subscribers who are on the Do-Not-Call-Register maintained by the TRA. Also prohibits the use of ADAD equipment to phone subscribers on the Do-Not-Call Register for political or charitable purposes. (S: Burchett; H: Lundberg) Senate Co-Sponsors: Crowe; Finney R. House Co-Sponsors: Williams K.; Vaughn; Matlock; Floyd; Coley; Bell; Rowland; Dean</p> <p>Senate Status: Senate passed 03/05/2007. House Status: Failed in House Utilities, Banking & Small Business Subcommittee 04/10/2007.</p>
<p>SB 0160 HB 1109 (Full Text)</p>		<p>Competitive Cable Services Act. Requires entities providing cable services to file an application with the secretary of state for a certificate of franchise authority. Allows service providers who serve fewer than 40 percent of total area customers to terminate that municipal franchise and seek a state-issued certificate that is fully transferable to any successor. Requires franchise fee and gives specifications. Allows comptroller to request audit of records. Requires certificate holder to designate an amount of network capacity for public, educational, and governmental (PEG) access channels for noncommercial programming and gives specifications for such provisions. Limits the authority of municipality or county to exercise its police power with respect to public rights-of-way. Prohibits cable service provider from denying service to any subscribers because of the residents' income and allows such residents to file a complaint if service denial occurs. (S: Jackson; H: Buck)</p> <p>Senate Status: Senate Commerce, Labor & Agriculture deferred to 05/15/2007. House Status: Referred to House Commerce Utilities & Banking Subcommittee.</p>
<p>SB 0832 HB 1914 (Full Text)</p>		<p>Access to utility pole attachments granted. Requires any municipally or cooperatively owned utilities to allow any authorized telegraph and telephone corporation or cable television entity access to pole attachments. Prohibits such utilities from receiving monetary compensation in excess of current law in exchange. (S: Cooper J.; H: Rinks)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Referred to House Commerce Utilities & Banking Subcommittee.</p>
<p>SB 1461 HB 0846 (Full Text)</p>		<p>Telecommunications, cable and broadband service areas. Reduces the area in which a cooperative is prohibited from providing services for telecommunications, cable and broadband. Current law prohibits areas in which another cooperative has 100,000 lines. This bill prohibits areas in which a cooperative has 75,000 lines. Broadly captioned. (S: Tate; H: Eldridge)</p>

		<p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 02/22/2007. House Status: Withdrawn in House 04/18/2007.</p>
<p>SB 1462 HB 0847 (Full Text)</p>		<p>Telecommunications cooperative. Allows a cooperative providing telephone services to use the word "telecommunications" in its title. Broadly captioned. (S: Finney L.; H: Eldridge)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 02/22/2007. House Status: Withdrawn in House 04/18/2007.</p>
<p>SB 1572 HB 2100 (Full Text)</p>		<p>Creates TN Broadband Access Corporation. Creates the nonprofit Tennessee broadband access corporation to facilitate the deployment of broadband access throughout the state. (S: Herron; H: Maddox)</p> <p>Senate Status: Referred to Senate Government Operations. House Status: Referred to House Government Operations.</p>
<p>SB 1658 HB 2105 (Full Text)</p>		<p>Municipal authority to provide broadband services. Allows municipalities that operate an electric plant to provide cable television, Internet, and related services. (S: Jackson; H: Maddox)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 03/08/2007. House Status: Taken off notice in House Local Government Subcommittee 05/09/2007.</p>
<p>SB 1933 HB 1421 (Full Text)</p>		<p>Competitive Cable and Video Services Act. Requires any entity or person seeking to provide cable or video service over a cable system or video service network facility in this state to file an application for a state-issued certificate of franchise authority with the secretary of state. Creates a unified franchising process for cable and video services and codifies the terms of the franchise in state law. Provides that holders of a state-issued certificate of franchise authority will pay franchise fees on cable or video services equivalent to those paid by incumbent cable service franchise holders. Also prohibits holder of a state-issued certificate of franchise authority from paying a franchise fee based on a percentage that exceeds the lesser of the incumbent cable service provider's franchise fee rate imposed by such municipality or county, if any, or five percent. Provides that no municipality, county or any other local governmental entity shall levy any additional tax, license, fee, or other assessment on a cable or video service provider for the use of public rights-of-way. Prescribes system for implementing governmental or educational programming. Allows complaints to be filed by potential residential subscribers being denied access. (S: Ketron; H: McDaniel)</p> <p>Senate Co-Sponsors: Jackson; Finney L.; Stanley</p>

House Co-Sponsors: McCormick; Cobb C.; McCord; Watson E.; Rinks; Curtiss; Jones U.; McCormick; Cobb C.; Vaughn; Overbey; Williams K.; Sargent; Montgomery; Strader; Ford D.; Niceley; Roach; Favors; Fraley; Dunn; Johnson P.; Dean; Lundberg; Gresham; Hawk; Brooks, Kevin; Hensley; Matheny; Brooks, Harry; Shepard; Hill; Johnson C.; Moore; Jones S.; Gilmore; Pruitt; Bibb; Turner M.; Floyd; Eldridge; Bell; Tidwell; Maggart; Cobb J.; Ferguson; Yokley; Lynn; Shaw; Bone; Armstrong; Harmon; Fitzhugh; Todd; Hackworth; Pitts; McDonald; Hardaway; Camper; Odom; Mumpower House amendment 1 rewrites the bill. Enacts the "Competitive Cable and Video Services Act" to create a state-issued franchise process. Provides definitions for relevant terms used in the bill, including gross revenue (defined broadly and including advertising and home shopping revenue), the franchising authority (the TRA), and large telecommunications provider. Defines "broadband Internet service" as an asymmetrical Internet connection of at least 1.5 megabits per second. Establishes that providers may decide whether to obtain a local franchise (by negotiating with municipality or county) or to obtain a state-issued certificate of franchise authority from the TRA, effective July 1, 2008. Provides for incumbent cable companies to opt-in to a state-issued franchise. Sets forth the application process and requirements to obtain the state-issued certificate of franchise, which lasts for 10 years. Sets at not to exceed \$5,000 the fee that the TRA may impose for a state-issued certificate of franchise. Sets at not to exceed \$500 the fee the TRA may impose for an amendment to such certificate. Requires holder of franchise authority to comply with all FCC requirements for emergency alert systems. Specifies that incumbent cable providers must leave any local emergency alert system in place through the date that their local franchise would have terminated, even if they opt-in to state-issued certificate of franchise. Requires existing providers to continue to pay local franchise fees directly to local governments. Requires new entrant holder of state-issued franchise authority to pay a five percent franchise fee quarterly directly to local government. Specifies that localities may not require providers to negotiate a local franchise. States that no regulation of VoIP is permitted. Applies FCC customer service standards to state franchises, while local franchise requirements apply to local franchises. Requires holder of state franchise to carry existing PEG channels with movement of PEG channels permitted under certain circumstances. Allows communities who currently do not have PEG channels to them based upon population tiers. Specifies that any additional cost for hook-up and transmission for PEG channels will be borne by the provider. Requires provider to provide converter boxes at a low cost to subscribers if required for PEG availability. Preserves local authority to police the right-of-ways. Requires 60-day notice when trenches are opened up as a condition of all trenching permits issued to utilities that are undergrounding their facilities to new developments. Prohibits providers from discrimination on basis of income, race or gender. Requires holder of state-issued certificate of franchise to offer service to low-income households (with regards to AT&T, means average income of less than \$35,000 or the median household income within the holder's franchise area; for all other providers, means average income of less than the median). Requires AT&T within 3.5 years of receiving a state-issued

franchise, to offer video service to 30 percent of the households within its telecom footprint, and specifies that 25 percent of total households with access must be low-income. Provides a broadband deployment incentive such that state franchise holder may for purposes of calculating the 30 percent build-out requirement count each household that did not have access to the holder's broadband as two households and each household that did not have access to any broadband as four households. Authorizes TRA to investigate complaints, impose monetary civil penalties, and revoke a certificate upon finding of "bad faith." Requires holders of state-issued franchises to file a plan for maximizing minority business participation and to file a report with results annually. Requires the TRA to submit an annual report to the General Assembly each year with the number of state franchise applications received, approved and denied, the areas covered, consumer complaints received. Creates the TN Broadband Deployment Fund. Creates a process by which a local government may subsidize the deployment of broadband to an area with no private provider, but requires that the TRA evaluate whether the area is historically un-served and whether any private provider plans to serve the area prior to permitting the joint venture. Conforms other existing cable television law with this bill's provisions. Includes an indemnification clause and a severability clause. House amendment 2 makes several changes and additions to the bill regarding state-issued certificates of franchise authority. Authorizes any county or municipality to include the franchise fees within the meaning of gross revenues upon which franchise fees are based. Requires any incumbent provider who chooses to terminate its local franchise agreement in order to obtain a state-issued certificate, and who is providing to a municipality or county an institutional data network funded pursuant to the local franchise agreement, that is in existence as of January 1, 2008, and funded via a line item per subscriber charge, to continue to provide the data network. Any holder of a state-issued certificate serving the municipality or county will be required to remit to the affected municipality or county the same per subscriber charge collected by the incumbent cable provider until the natural termination date of the local franchise. Authorizes all cable service providers who are required to remit a per subscriber charge for an existing data network pursuant to this bill to pass the charge through to the subscribers as a separate item on their cable bills. The per subscriber data network charges that are paid by any provider other than the incumbent will be credited to the incumbent in a manner consistent with the local franchise agreement. Authorizes an incumbent cable provider who provides to the county or municipality an institutional data network funded pursuant to the local franchise agreement, but who does not obtain a state-issued certificate, to petition the TRA for an order requiring all providers whose service area includes the affected municipality or county to contribute to the funding of the institutional network on a per subscriber basis. Replaces authorization for the TRA to charge a fee of up to \$5,000 for a state-issued certificate and up to \$500 for an amendment to a state-issued certificate. Establishes a fee scale for state-issued certificates that is based on the population of the service areas applies for. The amount of the fee will range from \$500 for service areas with a population of up to 50,000 to \$15,000 for service areas with a population over

2,000,000. Similarly, the fee for an amendment to a state-issued certificate will range from \$250 to \$1,000. Requires any holder of a state-issued certificate to pay an annual fee to the TRA to cover the costs of administering the customer complaint requirements of this bill. Authorizes state-issued certificate holders to recover the fee from their customers. For the fiscal year ending on June 30, 2009, the annual fee will be collected in the aggregate from all holders of state-issued certificates and will not exceed \$107,000. The amount of the fee to be assessed against each holder will be determined based on the number of subscribers that the holder has. The comptroller will be required to annually assess the sufficiency of the amount assessed and determine whether the fee should be increased or decreased for the following fiscal year. Removes the provision of bill that authorizes tolling of the statute of limitations during the time that the TRA is considering a complaint regarding an alleged overpayment or underpayment of franchise fees, based only upon agreement of the parties. Clarifies that a state-issued certificate holder will only be responsible for reimbursement of travel expenses associated with an out-of-state audit or document review when the audit or review results in a final and unappealable determination by the department that the holder underpaid the franchise fee by more than 10 percent for the applicable period. Replaces the requirement that any holder of a state-issued certificate who provides service, in a county or municipality where an incumbent provides free cable service to schools or government offices, must also provide comparable free services or pay half of the incumbent's published rate, instead requiring that any cable or video service provider or holder of a state-issued certificate who provides service, in a county or municipality where an incumbent provides free cable service to schools or government offices, to also provide comparable free services until the natural termination date of the incumbent's local franchise. Authorizes all providers in a municipality or county and the municipality or county to negotiate an alternate arrangement that is agreed to by all parties. Requires that a developer or property owner who fails to give notice to service providers of open trenching to be responsible for the cost of the new trenching for the installation of the service provider's equipment. Replaces this bill's provisions regarding minority, women, and disabled veteran-owned business participation with the following: (1) Requires that each applicant for a state-issued certificate of franchise authority include a minority owned business participation plan in the application and prohibits the TRA from issuing the certificate to any applicant that fails to include such plan; (2) Requires the plan to include a proposal for purchasing goods and services from minority owned businesses, information on programs to provide technical assistance to such businesses, and a statement of intent to follow the plan; (3) Requires the plan to strive to maximize participation of minority owned businesses; (4) Requires the TRA to annually review each holder of a state-issued certificate to determine compliance with such holder's minority owned business participation plan. In conjunction with the review, each holder must submit an annual report to the TRA concerning compliance with the plan. Requires the TRA to annually prepare and deliver a compliance report to the governor and the clerk of each house of the general assembly and post the compliance report on the TRA Website; and (5)

		<p>Specifies that if the holder of a state-issued certificate is determined by the TRA to be noncompliant with the holder's minority business participation plan, then the holder would be in violation of this bill's requirements, and if the holder fails to cure the noncompliance within a time specified by the TRA, then the TRA is authorized to assess a civil penalty of \$10,000 to \$100,000 per violation. Under this amendment, until July 1, 2018, unless the date is extended by the general assembly, in any areas determined by the TRA to be historically underserved where there is no access to broadband Internet services, a municipality or cooperatively owned utility will be prohibited from receiving or requesting in exchange for new pole attachments any pole attachment charge from a cable or video service provider, or a telecommunications joint venture seeking to provide new broadband Internet services to the area which exceeds 50 percent of the highest pole attachment rate charged by the municipality or cooperatively owned utility to a cable service provider prior to January 1, 2008. Corrects typographical errors in House amendment 1.</p> <p>Senate Status: Senate passed 05/01/2008. House Status: House 04/28/2008 passed with amendments 1 & 2. Other Status: Sent to the speakers for signatures 05/01/2008.</p>
<p>SB 2402 HB 2437 (Full Text)</p>		<p>Late fees to utility provider. Sets the maximum amount a utility provider may charge as a late fee at ten percent of the net amount due or the amount due and owing if paid on or before a specific due date indicated on the bill sent by the utility to the customer. Broadly captioned. (S: Harper; H: Moore) Senate amendment 1 limits this bill's applicability to the water or wastewater services provided in Davidson County only. House amendment 1 changes the effective date to July 1, 2009.</p> <p>Senate Status: Senate 05/07/2008 passed with previously adopted amendment 1. House Status: House 03/17/2008 passed with amendment 1.</p>
<p>SB 2767 HB 3405 (Full Text) Public Chapter (PDF)</p>		<p>TACIR study on service provided by utility districts. Requires TACIR to study whether utility districts should be allowed to provide service to any customer located within the boundaries of an adjoining utility district that, following petition by such customer, has refused or neglected to provide service to such customer within a reasonable period. Requires TACIR to report its findings and recommendations to the general assembly by January 20, 2009. (S: Bunch; H: Watson E.) House Co-Sponsors: Ford D.; Hill Senate amendment 1 rewrites the bill. Authorizes a utility district to provide utility service to a customer located within the boundaries of an adjoining utility district if the customer or the adjoining utility district files a request with the utility management review board for the customer to obtain utility service from the adjoining district and if the board finds that either the utility district where the customer is located refused to provide service to the customer or is unable or unwilling to provide service within a reasonable time at a reasonable cost as determined by</p>

		<p>the board; and the adjoining utility district is willing to provide utility service to the customer.</p> <p>Senate Status: Senate 02/21/2008 passed with amendment. House Status: House passed 04/21/2008. Other Status: Enacted as Public Chapter 0852 (effective 07/01/2008).</p>
<p>SB 2853 HB 2530 (Full Text)</p>		<p>Community Conscious Internet Service Providers Act of 2008. Creates the Tennessee community conscious internet provider seal to be given to Tennessee providers who comply with certain requirements. To display the seal providers must commit to the following: prohibit customers from publishing communication obscene or harmful to minors; take down any such communication as soon as notified; record IP addresses under their control for two years; cooperate with law enforcement and employees of the attorney general's office when necessary; hold all customers to the same standards. Details application process and defines various terms related to the enforcement of this section by the consumer affairs division of the department of commerce and insurance. (S: Johnson J.; H: Sargent)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 01/29/2008. House Status: Referred to House Commerce.</p>
<p>SB 2879 HB 2871 (Full Text)</p>		<p>Businesses can enroll on Do Not Call Register. Permits businesses to enroll on the Do Not Call Register. (S: Haynes; H: Moore) Senate Commerce amendment 1 makes a technical correction, changes the definition of "residential telephone subscribers" to include business telephone subscribers, and clarifies that the act will take effect upon passage only for the purpose of promulgating rules.</p> <p>Senate Status: Senate Commerce, Labor & Agriculture 03/11/2008 recommended with amendment 1. House Status: Failed in House Utilities, Banking & Small Business Subcommittee 04/01/2008, for lack of second.</p>
<p>SB 2915 HB 2474 (Full Text)</p>		<p>Location of cellular or wireless telecommunications towers. Requires the location and placement of any cellular or wireless telecommunications tower to be approved by the municipal or county legislative body. Permits the local governing body to establish requirements for placement and location of such towers including compatibility with the surrounding area in which the tower is to be placed, landscaping, off-street parking or set-back lines. (S: Marrero; H: Jones S.)</p> <p>Senate Status: Senate companion bill introduced. (S: Marrero) Referred to Senate Commerce, Labor</p>

		<p>& Agriculture.</p> <p>House Status: Taken off notice in House Local Government Subcommittee 02/06/2008.</p>
<p>SB 3325 HB 3291 (Full Text)</p>		<p>Rural electric and community services cooperatives. Requires all records of any rural electric and community services cooperative to be open for personal inspection by any member of such cooperative at all times during normal business hours. Requires the meetings of the board of directors of any rural electric and community services cooperative to be open to the public. Requires rural electric and community services cooperatives to comply with a specified course of action when adopting a plan that may result in the acquisition of real property for new or expanded electric power distribution facilities costing more than \$10,000, may require the use of eminent domain for acquisition of real property, or may result in the installation of new incoming power supply lines which traverse new routes or which carry higher voltages than existing supply lines. The conditions require the cooperative to provide at least 120 days public notice to counties that might be affected, conduct at least one public meeting at least 30 days prior to any action by the cooperative's board to adopt such a plan, provide alternatives considered, and describe the nature, need and amount of the proposed investment, and the demand projections to which the proposed investment responds. (S: Burks; H: Turner M.)</p> <p>Senate Status: Failed in Senate State & Local Government 04/08/2008.</p> <p>House Status: Taken off notice in House Local Government Subcommittee 04/09/2008.</p>
<p>SB 3370 HB 3845 (Full Text)</p>		<p>Requirements for new wireless telecommunications towers. Establishes limitations and requirements for the local approval and construction of any wireless telecommunications tower or antenna. Prohibits a local government authority from approving the construction of a new tower or antenna on privately owned property upon which no similar structure is already located, unless certain conditions are met. Also prohibits a local government authority from approving the construction of a new cellular or other wireless telecommunications tower or antenna until after a public hearing is held. (S: Beavers; H: Curtiss) Senate Commerce amendment 1 rewrites the bill. Removes fiscal note by narrowing bill's provisions to the municipal, county or regional planning commission or any municipal or county legislative body that has adopted planning and zoning regulations. Requires such authority that has adopted regulations before July 1, 2008 to plan for and regulate the siting of wireless telecommunications support structures in accordance with locally adopted regulations, state law or federal law on or before July 1, 2009. Specifies that an authority that adopts such regulations after bill's effective date shall enact support structure regulation within one year of such adoption.</p> <p>Senate Status: Re-referred to Senate Calendar Committee 04/21/2008.</p>

		House Status: House State Government Subcommittee deferred to 2010.
SB 3375 HB 3620 (Full Text)		<p>Municipal and electric cooperatives providing broadband. Redefines "telecommunications" to mean all broadband and Internet services, cable services, two-way transmission of video, audio or written content, video programming or any other service for the transmission of intelligence. Expands the authority of municipalities and electric cooperatives to provide such telecommunications services. (S: Jackson; H: Maddox)</p> <p>Senate Co-Sponsor: Ketron</p> <p>House Co-Sponsors: Pitts; Johnson C.; Johnson P.; Maggart Senate Commerce amendment 1 rewrites Section 2 of the bill. Authorizes a cooperative to provide telecommunications within the service area of the cooperative. Specifies that if the service area of a telephone cooperative is coextensive with the service area of a cooperative, the cooperative may provide such services within its service area, under the following conditions: (1) services will be utilized primarily for the operation of the electric distribution system; (2) service consists of serving as a re-seller or wholesaler of band width owned or leased by the cooperative; or (3) service is provided over the cooperative's electric power lines. States that such provisions shall not contravene, negate or prohibit any arrangement between a cooperative and telephone cooperative.</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 04/15/2008.</p> <p>House Status: Taken off notice in House Local Government Subcommittee 04/16/2008.</p>
SB 3645 HB 3357 (Full Text)		<p>Contractor serving excavation or demolition notice. Allows authorized contractor for public utility, electric or telephone cooperative, municipal electric system, or utility district to be deemed as the excavator serving notice of excavation or demolition. (S: Ketron; H: Hood)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 01/29/2008.</p> <p>House Status: Referred to House Utilities, Banking & Small Business Subcommittee.</p>
SB 3707 HB 3445 (Full Text)		<p>Expands protections for Do Not Call Registry. Exempts LEAs, law enforcement, and public safety and health agencies from restrictions prohibiting them from calling residences on the Do Not Call Register when communication is necessary. Removes the exemption allowing charitable organizations, businesses, and politicians to contact residences on the Do Not Call Register. Defines "automatic dialing-announcing equipment" (as used in robo calling) as any devices used for selecting or dialing telephone numbers and disseminating pre-recorded or synthesized voice messages to certain telephone numbers and prohibits its use for those residents listed on the Do Not Call Register. (S: Haynes; H: Rinks)</p>

		<p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Referred to House Utilities, Banking & Small Business Subcommittee.</p>
<p>SB 3809 HB 3522 (Full Text)</p>		<p>Pole attachments at just and reasonable rates. Requires municipally and cooperatively owned utilities to allow telecommunications providers and cable operators to make pole attachments at just, reasonable and non-discriminatory cost based rates. (S: Stanley; H: Fitzhugh)</p> <p>Senate Status: Senate State & Local Government deferred to 04/01/2008. House Status: Taken off notice in House Utilities, Banking & Small Business Subcommittee 03/18/2008.</p>
<p>SB 4021 HB 3959 (Full Text)</p>		<p>Competitive Cable and Video Services Act. Creates the Tennessee Cable and Video Service Authority (TCVSA) for the purposes of developing the state cable and video franchise agreement, conducting periodic review of the agreement, and making changes to such agreement. Establishes membership and powers of authority. Specifies that TRA is the state cable and video service franchising authority in Tennessee. Requires any person or entity seeking a state franchise to provide cable or video service in Tennessee to make application to the TRA. Specifies that the term of a statewide franchise is to be ten years. Providers applying for a state franchise are required to define the area or areas in which they propose to provide cable or video service in the state franchise agreement. Requires franchise fee for a state franchise to be based on a percentage of the franchisees' gross revenues. Specifies other powers of TRA in regards to the providers of cable or video service, including power to deny a franchise, receive complaints and conduct investigations. (22 pp.) (S: Burchett; H: Curtiss)</p> <p>Senate Status: Re-referred to Senate Commerce, Labor & Agriculture. House Status: Taken off notice in House Commerce 04/08/2008.</p>
<p>SB 4064 HB 3986 (Full Text)</p>		<p>Data retention by cellular communication service provider. Requires a provider of cellular communication service to take all necessary steps to preserve the cellular telephone communications of a user for 14 days after the user requests that such communications be preserved. Specifies that a violation of this requirement by a provider constitutes an unfair or deceptive act under the Consumer Protection Act. (S: Johnson J.; H: Sargent)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 03/04/2008. House Status: Taken off notice in House Consumer Affairs Subcommittee 03/18/2008.</p>

<p>SB 4126 HB 4180 (Full Text)</p>		<p>Telecommunications services regulated by TRA. Specifies that TRA does not have regulatory jurisdiction over a telecommunications product or service for which existing and potential competition is an effective regulator of the price. Also specifies that TRA does not have regulatory jurisdiction over the intrastate telecommunications services of incumbent local exchange telephone companies subject to price regulation that do not fall within the definition of basic local exchange services or interconnection services or an incumbent local exchange telephone company's basic local exchange telephone services in any exchange that meets the criteria established in TCA 65-37-105. Further specifies that TRA does not have regulatory jurisdiction over the retail offering of bundles of products or services. Prohibits TRA from requiring such entities to comply with TRA rules and requirements relating to retail service quality, end-user billing and other retail terms. Revises price regulation plan for basic local exchange telephone services and includes interconnection services in the scope of such regulation. Allows telecommunications providers to offer promotional incentives for more than six months. Revises provisions regarding price discrimination. Specifies that TRA does not have regulatory jurisdiction over interconnected VoIP services. Establishes requirements for incumbent local exchange telephone companies offering services to customers in multi-tenant business or residential property, including apartments, condos, and office buildings. (15 pp.) (S: Southerland; H: Mumpower)</p> <p>House Co-Sponsors: Cobb C.; McCormick; McCord; Hawk; Todd; Williams K.</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 03/11/2008. House Status: Taken off notice in House Utilities, Banking & Small Business Subcommittee 04/08/2008.</p>
<p>HB 3055 (Full Text)</p>		<p>TRA regulation over certain communication services. States the TRA does not have regulatory jurisdiction over a telecommunications product or service for which existing and potential competition is an effective regulator of the price of those products or services. Also clarifies that the TRA does not have regulatory jurisdiction over the intrastate telecommunications services of incumbent local exchange telephone companies subject to price regulation that do not fall within the definition of basic local exchange telephone services or interconnection services or an incumbent local exchange telephone company's basic local exchange telephone services in any exchange that meets certain criteria. In addition, specifies that TRA does not have regulatory jurisdiction over products or services the authority has found to be subject to effective competition or the retail offering of bundles of products or services. Adds interconnection services as a new classification of services who must apply for price regulation. Revises application criteria for incumbent local exchange telephone company implementing a price regulation plan. Specifies that the initial basic local exchange telephone service and interconnection service rates of an incumbent local exchange telephone company that was not subject to price regulation before January 1, 2008 are not to increase</p>

		<p>for one year from the date the incumbent local exchange telephone company becomes subject to such regulation. Specifies that TRA does not have regulatory jurisdiction over interconnected VoIP services. (15 pp.) (H: Mumpower)</p> <p>House Status: Referred to House Utilities, Banking & Small Business Subcommittee.</p>
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Monitored Legislation

CAMPAIGNS & LOBBYING		
SB 0476 HB 1511 (Full Text)		<p>Filing of employer disclosure report. Requires each employer of a lobbyist to file an employer disclosure report with the Tennessee ethics commission within 45 days following the conclusion of the six-month periods ending June 30 and December 31. Current law specifies the conclusion of the six-month periods ending March 31 and September 30. (S: Tracy; H: Tindell)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Referred to House Local Government Subcommittee.</p>
SB 0892 HB 0962 (Full Text)		<p>Election finance complaints - hearing postponements. Prohibits any action being taken on a complaint filed against a candidate within the 30 days prior to the election. Requires registry of election finance to postpone hearing until after the election with candidate having the option of waiving the postponement. (S: Ketron; H: Casada)</p> <p>Senate Status: Re-referred to Senate Calendar Committee 04/19/2007. House Status: Referred to House Elections Subcommittee.</p>
SB 0908 HB 0963 (Full Text)		<p>Commission of ethics and election finance. Combines the registry of election finance and the Tennessee ethics commission into the commission of ethics and election finance. (S: Ketron; H: Casada)</p> <p>Senate Status: Taken off notice in Senate State & Local Government 03/04/2008. House Status: Referred to House Government Operations.</p>
SB 0951 HB 0480		<p>Expands definition of lobbyist. Designates that any person communicating on behalf of a school board, municipal utility, utility district, or any department, agency or entity of state, county or</p>

(Full Text)		<p>municipal government is a lobbyist. (S: Harper; H: Moore)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Taken off notice in House State Government Subcommittee 02/27/2007.</p>
<p>SB 1639 HB 1131</p> (Full Text)		<p>Lobbyist and employer of lobbyist annual registration fees. Requires lobbyist and employer of lobbyist annual registration fees to be no less than \$50.00. (S: Jackson; H: Buck)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Caption bill held on House clerk's desk.</p>
<p>COMMERCIAL LAW</p>		
<p>SB 0256 HB 0381</p> (Full Text)		<p>Clean Credit and Identity Theft Protection Act of 2007. Permits consumers to put a security freeze on their account at the consumer reporting agencies. Specifies that the security freeze prohibits the consumer reporting agencies from releasing all or part of the credit report without the express authorization of the consumer. Prohibits the agency from releasing any information to a third party without prior authorization from the consumer, except they may report that a security freeze is in effect. Outlines procedures for consumer to request security freeze and to lift security freeze with reporting agencies. (S: Haynes; H: Briley)</p> <p>Senate Status: Taken off notice in Senate Commerce, Labor & Agriculture 04/24/2007. House Status: Taken off notice in House Consumer Affairs Subcommittee 03/18/2008.</p>
<p>SB 2285 HB 1489</p> (Full Text)		<p>Confidentiality of personal information. Renames "Tennessee Identity Theft Deterrence Act of 1999" to "Tennessee Identification and Personal Information Protection Act of 2007." Prohibits the disclosure of another persons' personal financial or identifying information by a person for money or anything else of value. Provides exceptions to the prohibition as follows: disclosure for the purposes of a consumer report to a consumer reporting agency; disclosure made with regard to a financial transaction card for or on behalf of the issuer; disclosure made to or by contractors or agents of such an issuer if the issuer is a retailer; or disclosure made by a court or law enforcement agency. (S: Ford O.; H: Towns) House Consumer and Employee Affairs amendment 1, as amended, rewrites the bill. Makes it illegal to engage in identity theft, and specifies the means by which the protection and confidentiality of social security numbers shall be legally provided.</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Taken off notice in House Calendar & Rules 06/06/2007.</p>

CRIMINAL LAW		
SB 1573 HB 2148 (Full Text)		<p>Identity theft deterrence - social security numbers. Prohibits any nonprofit business, for profit business, or governmental entity from using social security numbers as an identifier in electronic information systems, disclosing social security numbers, or requiring social security numbers in web transactions without a secure connection. Creates a Class B misdemeanor for any such entity to knowingly use or require social security number for personal identification, engaging in business transactions, or applying for credit or driver license. (S: Herron; H: Curtiss)</p> <p>Senate Status: Referred to Senate State & Local Government. House Status: Taken off notice in House Consumer Affairs Subcommittee 03/18/2008.</p>
EDUCATION		
SB 1865 HB 2048 (Full Text)		<p>Cyber-based public charter schools. Allows for authorization and conversion of cyber-based public charter schools. (S: Johnson J.; H: Campfield)</p> <p>Senate Status: Taken off notice in Senate Education 05/08/2007. House Status: Failed in House Education K-12 Subcommittee for lack of a second 05/01/2007.</p>
ENTERTAINMENT		
SB 1485 HB 1744 (Full Text)		<p>Visual Content Act of 2007. Requires the board of regents to develop a technical film-making course of study to be implemented in at least one community college in each grand division of the state. Also requires the commissioner of economic and community development to study the potential economic impact of recruiting and relocating video game industry companies to the state. Broadly captioned. (S: Burchett; H: Tindell)</p> <p>Senate Status: Referred to Senate Education. House Status: Caption bill held on House clerk's desk.</p>
ENVIRONMENT & NATURE		
SB 1537 HB 1163 (Full Text)		<p>Information Technology Equipment Collection & Recovery Act. Enacts the "Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act". Requires manufacturers to label certain technological equipment ("covered devices") and implement a cost-free plan of recovery before selling such equipment. Covered devices include</p>

		<p>any computing, display or printing device, including a desktop or notebook computer, computer monitor, portable computer, printer and inkjet printer. Prescribes options for collection of devices through mail, drop-off site, or annual event. Requires each manufacturer to report results of such program to the department before March 1, 2009 and department to subsequently annually report to the general assembly before June 1 of each year beginning in 2009. (S: Beavers; H: Sontany) House Conservation & Environment amendment 1 rewrites the bill to require manufacturers of computers to take back old components and make the process as simple as it was for the consumer to purchase the computer. House Conservation & Environment amendment 2 makes bill applicable to televisions. House Conservation & Environment amendment 3 clarifies the language of the bill but makes no significant changes. House Conservation & Environment amendment 4 provides a technical correction and enforcement stipulations. House Conservation & Environment amendment 5 changes the effective date from January 1, 2008 to January 9, 2009 and the reporting date from June 1, 2009 to June 1, 2010. House Conservation & Environment amendment 6 adds provisions regarding rural collection areas to protect counties that presently have collection systems in place. House Conservation & Environment amendment 7 specifies that the bill does not apply to computers sold or leased by a government entity or small business when in agreement with the manufacturer. Senate Environment, Conservation & Tourism amendment 1 makes technical changes. Senate Environment, Conservation & Tourism amendment 2 makes the bill applicable to televisions. Senate Environment, Conservation & Tourism amendment 3 clarifies the language of the bill. Senate Environment, Conservation & Tourism amendment 4 corrects a typographical error.</p> <p>Senate Status: Senate Environment, Conservation & Tourism 04/04/2007 recommended with amendments 1, 2, 3 & 4.</p> <p>House Status: Taken off notice in House Finance Budget Subcommittee 06/11/2007.</p>
GOVERNMENT ORGANIZATION		
SB 0957 HB 0536 (Full Text)		<p>Sunset - TN technology development corporation. Sunsets the Tennessee technology development corporation on June 30, 2011. (S: Harper; H: Kernell)</p> <p>Senate Co-Sponsor: Flinn</p> <p>House Co-Sponsors: Cooper B.; Rowe</p> <p>Senate Status: Referred to Senate Government Operations.</p> <p>House Status: Referred to House Government Operations.</p>
SB 0958 HB 0535		<p>Sunset - TRA. Sunsets the Tennessee regulatory authority on June 30, 2011. (S: Harper; H: Kernell)</p> <p>Senate Co-Sponsor: Flinn</p>

(Full Text)		<p>House Co-Sponsors: Cooper B.; Rowe</p> <p>Senate Status: Referred to Senate Government Operations.</p> <p>House Status: Referred to House Government Operations.</p>
<p>LOCAL GOVERNMENT</p>		
<p>SB 0155 HB 0062</p> <p>(Full Text)</p>		<p>TN Minimum Wage Act. Increases state minimum wage to \$6.15 per hour. Exempts tipped employees. (S: Jackson; H: Turner M.)</p> <p>Senate Co-Sponsor: Kilby</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture.</p> <p>House Status: Referred to House Consumer & Employee Affairs. House Government Operations will review if recommended.</p>
<p>SB 1423 HB 1369</p> <p>(Full Text)</p>		<p>Sale or lease of municipally-owned utility. Requires approval of county legislative body before more than 30 percent of assets of municipally-owned utility can be offered for sale or lease. (S: Marrero; H: Kernell)</p> <p>Senate Status: Referred to Senate State & Local Government.</p> <p>House Status: Referred to House Local Government Subcommittee.</p>
<p>SB 1457 HB 1044</p> <p>(Full Text)</p>		<p>Disposition of assets of municipal utility. Requires a referendum be conducted before a municipally-owned public utility can be offered for sale or lease. (S: Tate; H: Towns)</p> <p>Senate Status: Referred to Senate State & Local Government.</p> <p>House Status: Taken off notice in House Elections Subcommittee 04/17/2007.</p>
<p>SB 1458 HB 1040</p> <p>(Full Text)</p>		<p>Sale or lease of publicly funded entities. Requires a referendum be conducted before a publicly funded entity can be offered for sale or lease. (S: Tate; H: Towns)</p> <p>Senate Status: Referred to Senate State & Local Government.</p> <p>House Status: Referred to House Elections Subcommittee.</p>
<p>MEDIA & PUBLISHING</p>		
<p>SB 1618</p>		<p>Notice of sunset hearings. Requires public notice of sunset hearings be given on the general</p>

<p>HB 1085 (Full Text)</p>		<p>assembly's Web site and on the state comptroller's Web site in addition to the notices published in the newspapers. (S: Johnson J.; H: Casada)</p> <p>Senate Status: Taken off notice in Senate Government Operations 05/02/2007. House Status: Referred to House Government Operations.</p>
<p>SB 1791 HB 1352 (Full Text)</p>		<p>Posting public notices on web. Provides an additional method of posting public notices by state and local governments, the legal community, and private citizens through a public notice web site. Establishes initial fee of \$10 for posting notices, but is otherwise free to those accessing, searching, or using any web site function. (S: Haynes; H: Jones S.)</p> <p>Judicial Council comment: a representative of the Tennessee Press Association spoke to the Council in opposition to this bill. The Judicial Council expressed concern regarding the appropriateness of granting an exclusive franchise for the electronic posting of legal notices, and noted that it might be more appropriate for the Office of the Secretary of State to be responsible for operating and maintaining the Web site.</p> <p>Senate Status: Taken off notice in Senate State & Local Government 05/08/2007. House Status: House Civil Practice Subcommittee deferred to the summer study calendar. Other Status: Tennessee Judicial Council reviewed 03/22/2007 with comment.</p>
<p>RETAIL TRADE</p>		
<p>SB 1590 HB 0691 (Full Text)</p>		<p>Tennessee Mobile Telephone Lemon Law of 2007. Requires commercial mobile radio service providers, or their agents or dealers, to repair or correct, at no cost to the consumer, any defects in mobile phones which are reported within the period of warranty. Requires the provider, agent, or dealer to replace the phone with a comparable model when the defect significantly impairs the phone and when the dealer or provider is not able to repair the defect. (S: Herron; H: Fitzhugh)</p> <p>Senate Status: Referred to Senate Commerce, Labor & Agriculture. House Status: Taken off notice in House Consumer Affairs Subcommittee 03/18/2008.</p>
<p>TRANSPORTATION VEHICLES</p>		
<p>SB 2669 HB 2618 (Full Text)</p>		<p>Prohibits texting while driving. Prohibits sending or reading text messages while operating a motor vehicle. Specifies that a violation is a Class C misdemeanor, subject only to a fine, not to exceed \$50.00, and court costs, not to exceed ten dollars \$10.00. (S: Tracy; H: Lundberg)</p> <p>House Co-Sponsor: Harwell Senate Transportation amendment 1 changes the proposed penalty for</p>

		<p>sending a text message while operating a motor vehicle from a Class C misdemeanor, subject to a fine not exceeding \$50 and court costs not exceeding \$10, to a Class C misdemeanor punishable by a fine of \$50. Prohibits the Department of Safety from assigning a point value for driver's license suspension or revocation for any violation of text messaging while driving.</p> <p>Senate Status: Taken off notice in Senate Finance, Ways & Means 03/25/2008.</p> <p>House Status: House Transportation Public Safety & Rural Roads Subcommittee deferred to summer study committee.</p>
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