

TENNESSEE GOVERNMENT UPDATE

NEWS FOR THE CLIENTS AND FRIENDS OF BASS, BERRY & SIMS PLC

April 1, 2011

In mid-legislative session, it is not unusual for bills on which there are sharp differences of opinion to be debated in committees. However, it is a rare occurrence for the speaker of either house to attend a committee meeting to cast the deciding vote on a bill. This legislative rarity happened in the Senate Judiciary Committee and in the subcommittee of the House Finance Committee this week.

Senate Speaker Ron Ramsey broke a tie vote in the Senate Judiciary Committee on a bill that will require popular elections for all Tennessee's state court judges. According to [Chas Sisk of *The Tennessean*](#), Ramsey says "he actually opposes holding elections for judges, but is using the bill to force the judicial system's hand."

The substantive issue (or the pretext, depending on one's view) is that the Tennessee Constitution requires the election of all judges, and Speaker Ramsey, as well as Beth Harwell, Speaker of the House, professes uncertainty that the current statute providing for "yes/no" retention elections for incumbent judges is constitutional. Ramsey's analysis is on his [Facebook page](#).

In the House, Speaker Harwell came to the meeting of the Finance Committee's subcommittee to vote in favor of a bill that will limit the right of teachers' associations to bargain collectively with cities and counties. The chairman of the committee, Mike Harrison (R-Rogersville), abstained from the vote resulting in a 6-6 vote that the speaker broke in favor of passage of the bill. [The Commercial Appeal has that story](#).

For the fourth year in a row, the Senate State and Local Government Committee heard testimony on a bill that would allow the sale of wine in grocery stores. Consideration of the bill was then postponed for two weeks. It currently appears that there are insufficient votes on the committee to move the bill forward. [The Commercial Appeal has the story](#).

In the tort reform arena, the subcommittee of the House Judiciary Committee heard additional witnesses, all of whom were injured Tennesseans who spoke against tort reform. Further consideration of the bill was postponed for another week, at which time the bill is expected to be amended and recommended to the full committee.

The General Assembly considered two "animal" bills this week. Both are described by [Tom Humphrey at *Knoxville News Sentinel*](#). One bill would allow white-tailed deer farming in Tennessee. It is opposed by the Tennessee Wildlife Resources Agency, the Tennessee Wildlife Federation and others.

The other bill was described by House Speaker Emeritus Jimmy Naifeh as "the monkey bill." As approved by the House Education Committee, the bill would prohibit school systems from limiting "any teacher in a public school system of this state from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and the scientific weaknesses of existing scientific theories covered in the course being taught." The bill includes a finding by the General Assembly that "the teaching of some scientific subjects, including, but not limited to, biological evolution, the chemical origins of life, global warming, and human cloning, can cause controversy."



J. Richard Lodge
(615) 742-6254
dlodge@bassberry.com



H. Lee Barfield II
(615) 742-6202
lbarfield@bassberry.com



Erica Bell Vick
(615) 742-7901
evick@bassberry.com

150 Third Avenue South, Suite 2800 • Nashville, TN 37201 • (615) 742-6200
The Tower at Peabody Place • 100 Peabody Place, Suite 900 • Memphis, TN 38103 • (901) 543-5900
1700 Riverview Tower • 900 South Gay Street • Knoxville, TN 37902 • (865) 521-6200