

# TENNESSEE GOVERNMENT

## *Update*

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

---

Wednesday afternoon, April 18, the Tennessee Senate voided the September 15, 2005 special election of Ophelia Ford, the sister of former Senator John Ford. After only a brief discussion, the Senate voted 26-6-1 to adopt the Ad Hoc Committee report on the special election. Citing voter fraud, that report found the special election incurably flawed.

After a 10-minute recess (engineered to allow Ford to leave with as little disruption as possible), Ophelia Ford stood to say that “God chose me to do this.” Ford, who was not accused of any personal wrongdoing in the election, is a candidate for re-election (now just *election*) to the seat. She told the Senate she would be back. The seat will be filled temporarily by an interim senator chosen by the Shelby County Commission.

A 14-member task force on broadband access in Tennessee, already a year behind, organized this week to begin an assessment of how many high-speed Internet connections are already in the state. Chair Mark Maddox (D-Dresden), the House sponsor of the enabling legislation, said he hopes to have a report ready by September. The committee meets again May 18. Tennessee Regulatory Authority Chair Ron Jones said 45 companies serve the state with Internet access, all of which make broadband available.

Driver’s license tests in Tennessee must all be given in English if the House passes HB 0242/SB 0303. The Senate bill passed Wednesday after defeating (14-15-4) a heavily debated amendment by Senator Tommy Kilby (D-Wartburg), which would have given authority to the Department of Safety to administer tests in other languages. The final vote on SB 0303 was 18-14, on a straight party line division. Sponsor Bill Ketron (R-Murfreesboro) quoted Theodore Roosevelt as America needing to be a “land of one language.” The House bill is scheduled for the Transportation Committee on Tuesday, April 25.

Angered by a House member who sidetracked two of his bills, the chair of the Senate Transportation Committee Wednesday blocked the approval of the Department of Safety budget. According to Senate Transportation Chair Mark Norris (R-Collierville), House

Transportation Chair Phillip Pinion (D-Union City) went into the House Public Safety and Rural Roads Subcommittee and moved two bills to January 2007. The Senate companions of the two bills were Norris'. One of the bills concerned adoption of the Kroll report that recommends changing certain practices at the Department of Safety. Norris said that when he heard of Pinion's postponing of the two bills, "We pulled the plug on their budget request this morning. They are in there for a supplemental \$5 million to implement the Kroll report, and I said, 'Time-out. What's going on?'"

The CEO members of the Tennessee Business Roundtable questioned Governor Phil Bredesen closely on two wage issues – the adoption of a minimum wage bill, which Bredesen defended adroitly, and a gender equality bill, with regard to which the governor mis-stepped badly enough to have to "clarify" his remarks the following day. The governor was twice challenged on the Democratic proposal to set a minimum wage in Tennessee higher than the federally mandated level. The governor said he and others in the room benefited from (for instance) tax laws which were indexed to the consumer price index. Governor Bredesen said he thought the 40,000 persons estimated to be working for minimum wage (or less) should benefit from the same treatment, i.e. having the minimum wage adjusted for price increases since it was last raised in the 1990s. "I do not believe [these earners] are in jobs that could be moved out of state," he said. "Something I would ask this group ... if not to support it, at least to stand aside. When a business executive asked him about an "equity bill," which he characterized as a law to drive employers into court over pay issues, the governor answered that he generally considers the marketplace rather than the courts as the proper venue for establishing job worth. He added he did not know of any such bill. The bill was the "gender equality" bill championed in the House by House Majority Leader Kim McMillan (D-Clarksville) who quickly saw to it that the governor was briefed on her bill. Tom Humphrey of the *Knoxville News-Sentinel* quoted Bredesen in Friday's paper:

When asked at the business gathering about the bill, Bredesen said he thought the questioner was referring to "some major bill to open up the pay equity issue for similar jobs and different circumstances and bring that into the courts. I had reservations about that as a concept," he said, but he now understands it simply adjusts a law "already on the books and clarifies what the penalties and what the recourses were."

The gender equity issue may be moot; the Senate version sort of failed (3-1-4) in Senate Commerce, Labor & Agriculture Committee this week.

The House and Senate remained apart on amendments to an eminent domain bill designed to redefine key phrases in Tennessee law following the *Kelo* decision by the U.S. Supreme Court in 2005. In the House, consideration of the bill by the full House has not been re-scheduled. The Senate Judiciary Committee was expected on April 25 (Tuesday) to take up a half-dozen proposed amendments that would also affect the procedures and processes by which the local government may exercise eminent domain. In the Senate, Senator David Fowler (R-Signal Mountain) this week signed on as co-sponsor to the main bill, originally sponsored by Sen. Doug Jackson (D-Dickson). The

two were expected to manage the bill through Senate Judiciary Committee and on the floor of the Senate, forcing the House to react to any changes. It is likely the bill would end up in a conference committee.

Senators Roy Herron (D-Dresden) and Steve Southerland (R-Morristown) joined in a bipartisan attempt to break a six-year deadlock to enact anti-predatory lending legislation. Two bills dealing with this topic passed Tuesday from the Senate Commerce Committee without any of the interested parties seeing the measures beforehand. The bills as amended closely track suggested industry language. That left consumer advocates maneuvering to see if the bill could or should be amended. The alternative would be to continue the work on the bill in 2007.

**J. Richard Lodge, Jr.**

PHONE: (615) 742-6254

FAX: (615) 742-2754

E-MAIL: [dlodge@bassberry.com](mailto:dlodge@bassberry.com)



**Leslie K. Hafner**

PHONE: (615) 259-6342

FAX: (615) 742-2801

E-MAIL: [lhafner@bassberry.com](mailto:lhafner@bassberry.com)