



TCHOA Legislative Update

This legislative edition will include those bills listed in the last edition of the TCHOA News and any updates or changes since last week. Any updates/changes are indicated by **bold type**. Following those bills are any new pieces of legislation of interest and their status.

INTERIM SUCCESSOR LAW - HB2866 by Pinion, Harmon, Cobb, Fraley, and C. Johnson; SB2813 by Tracy, and Roller - establishes a statutory procedure for the chief administrative officer of the county highway department to designate an interim successor by person or title to fulfill all official duties of the office prescribed by law until the county legislative body can meet to appoint a qualified successor. TCHOA supports. **Passes House Transportation Sub-committee 02/05/08. Scheduled to be heard in the full House Transportation Committee 02/12/08.**

APPROPRIATIONS - HB2811 by Harmon, and Pinion; SB2812 by Tracy - Appropriates \$10,000,000 one time money from state surplus to the county state aid program for resurfacing county roads. TCHOA supports. **Assigned to Senate Finance Committee.**

APPROPRIATIONS - HB2641 by Harmon, and Pinion; SB 2731 by Tracy, and Ketron - Appropriates \$100,000,000 one time money from state surplus to the Department of Transportation for highway maintenance, allocates 28.6% to the county highway department for county road maintenance. TCHOA supports. **Assigned to Senate Finance Committee.**

HIGHWAYS, ROADS, AND BRIDGES - HB2926 by Harmon, and Pinion; SB2750 by Tracy - Prohibits dedicated transportation funds from being transferred to the state general fund. TCHOA supports. **Assigned to Senate and House Finance Committees.**

HIGHWAYS, ROADS, AND BRIDGES - HB2839 by Sargent; SB2953 by Johnson - Eliminates 1% administrative deduction from fuel tax collections and directs those additional funds to county highway departments, cities and TDOT. TCHOA supports. **Assigned to Senate Transportation Committee.**

MOTOR VEHICLES - HB0760 by Matheny, SB1848 by Finney - Requires the Department of Safety to do a safety inspection of all county highway motor vehicles and establishes penalty provision by the Commissioner of Safety for non-compliance. TCHOA opposes. **Scheduled for House Local Government Sub-committee 02/13/08.**

MINING AND QUARRYING - HB2764 by Floyd; SB2781 by Watson - Expands list of mineral regulated pursuant to the Mineral Surface Mining Laws of 1972 to include limestone and dimension stone. TCHOA Opposes. *This provision would bring local governments that own and operate limestone quarries under "land reclamation" requirements of the Mineral Surface Mining Law.* **Scheduled for House Environment Sub-committee 02/13/08.**

COUNTY GOVERNMENT - HB3508 by U. Jones; SB3131 by Burchett - Redefines the procedures the county legislative body must follow in filling a vacancy of an elected county official and vacancies in the county legislative body. Also requires the county legislative body to fill all vacancies in county offices within 120 days after receiving notice of such vacancy. TCHOA neutral at this time. **Assigned to House Local Government Sub-committee.**

TAXES, GASOLINE, PETROLEUM PRODUCTS - HB3106 by Curtiss; SB3659 by Ketron - Changes the point of taxation on gasoline, fuel alcohol, and other fuel substitutes from when the products first comes to rest in the state to measuring the taxable gallons removed. Gasoline would be taxed the same a diesel fuels. TCHOA neutral at this time. **Assigned to Senate Tax Sub-Committee**

Legislation sponsored by the TN Safe Water Coalition

TCHOA Board of Directors authorized the association to be a pro-active member of this coalition and support legislative efforts on behalf of the coalition membership.


WATER - HB4185 by McCord; SB4119 by Southerland - Redefines waters of the state that are subject to TDEC rules and regulations and establishes a new classification of surface water "Limited Resource Waters". TCHOA supports. **Assigned to Senate Environment, Conservation & Tourism Committee.**

WATER POLLUTION - HB3772 by McCord, Cobb, and Tidwell; SB3796 by Southerland, and Finney - Establishes a permit applicant's "Bill of Rights" that provides applicant basic due process, including notice of application defects, timely review of applications, prompt and meaningful administrative and judicial review of permitting decisions, etc. TCHOA supports. **Assigned to Senate Environment, Conservation & Tourism Committee.**

WATER - HB4184 by McCord; SB by 4116 by Southerland - Requires the Department of Environment and Conservation to submit an annual summary report to the Senate Committee of Environment, Conservation and Tourism and the House Committee of Conservation and Environment containing the number of enforcement orders, number of consent orders, number of contested orders, etc. TCHOA supports. **Assigned to Senate Environment, Conservation & Tourism Committee.**

New Legislation

Mining & Quarrying - HB3995 by Ferguson; SB39828 by Kilby - Removes mining operations from TN Coal Surface Mining Law of 1980 and places oversight authority under the Department of Environment & Conservation, Division of Water Pollution Control. Expands list of minerals regulated to include limestone, cut, and dimension stone. TCHOA Opposes. *This provision would bring local governments that own and operate limestone and chert quarries under the rules and regulations administered by the Department of Environment & Conservation.*



Mining & Quarrying - HB4198 by Odom; SB4198 by Kyle - Establishes TN Non-Coal Surfacing Mining Law - Places rule/regulation making authority and enforcement of Act under the Department of Environment & Conservation, Water Quality Control Board. Requires "reclamation" of all mining sites including but not limited to rock harvesting, surface mining, etc. Establishes a permitting process, bonds, mining & reclamation plans, revegetation plan and after-use plan be submitted to the department before future or current site locations can be expanded. TCHOA Opposes. *If this proposal is approved it will require all counties that own any type of quarry (limestone, chert, gravel, sand, etc.) to comply with new TDEC rules and regulations that would **virtually stop** our quarry operations. These new rules/regulations, if approved, would escalate surface mining costs which would directly impact the cost of road construction materials. This is an administration bill.*

Underground Fuel Storage Tanks - HB4199 by Odom; SB4200 by Kyle - Greatly expands the commissioner of the Department of Environment & Conservation's general supervision and control over the placement and storage of petroleum substances in petroleum underground storage tanks, release prevention, release detection, release correction, closure, etc. Also allows for unlimited use of UST funds for TDEC's administrative cost of operating the UST program. TCHOA opposes. This is an administration bill.

TCHOA participated in a year long legislative study group that completed its work in the later part of 2004 that resulted in legislation in 2005 that totally revamped the law governing UST's. These new laws have been in effect just over 2 years. This new legislative initiative appears to be a major overhaul of the committee's work without any committee input or knowledge. After TCHOA questioned this new proposal, the study committee members were notified Friday afternoon via email.



Note from the Executive Director

TCHOA does not normally take a position or work on local government Private Acts; however, HB 2736 by Tidwell; SB2777 by Herron is an exception. This legislation would increase the mineral severance tax on sand and gravel in Perry County from 5 cents per ton to 10 cents per ton. The additional 5 cent increase would go to the county general fund NOT to the highway department. Several years ago TCHOA entered into an agreement with TRBA (TN Road Builders Association) that allowed a state general law to be adopted that authorized a mineral severance tax up to 15 cents per ton. This requires proceeds to be obligated to the highway department by a resolution of the county commission. Currently 66 counties have enacted legislation or passed a resolution implementing a mineral severance tax. Of those counties, 56 obligate the proceeds to the highway department. The seven counties that do not obligate the proceeds to the highway department were adopted by private act before TCHOA and TRBA entered into their agreement. TCHOA opposes this private act legislation. If this legislation proceeds we will be asking our Senators/Representatives to pass when the vote is taken on the floor.

Regional Meeting Dates

Region I	Pending
Region II	March 11, 2008, 11:30 a.m. Cumberland Mtn. State Park
Region III	March 12, 2008, 11:30 a.m. Williamson Co. Ag Center
Region IV	March 6, 2008, 11:30 a.m. Boyette's

County Government Day



County Government Day is scheduled for April 8-9, at the Sheraton Downtown Nashville. Although we don't have an agenda yet, our schedule will follow previous agendas for this statewide conference. We will have a general membership meeting the afternoon of Tuesday, April 8. After the meeting we will once again head across the street to Legislative Plaza to attend the House Transportation Committee. There is no structured event for that evening, but in downtown Nashville, there is plenty to see and do. Wednesday morning we will have our conference wide breakfast with high ranking state officials as our speakers. After breakfast, we will head again to Legislative Plaza to attend the Senate Transportation Committee scheduled for 10:30 a.m. Please make plans to attend this very important event. If you've not registered, please do so today. For a copy of the registration form, you can go to our website - www.tnhighwayofficials.org - and download one. If you have any questions, please call either Debbie or Rodney at 615-532-3767.

How To Track Legislation

The Tennessee General Assembly's website is a valuable tool for keeping up-to-date on the bills listed as well as other bills you may be interested in. To take advantage of the tracking capabilities follow these simple steps.

1. Go to www.legislature.state.tn.us
2. Select "Legislation" on the left hand side of your screen
3. Follow the instructions on this page to bring up a bill by its number. This brings up a page that gives you the bill number, sponsor(s) and caption of the bill. Below this information is the chronological order of action taken on the legislation. If you click on the highlighted bill number at the top of the page, this opens up a pdf file of the bill. You can print this for your use.

Save these dates!
April 8-9, County Government Day Nashville
June 3-4, Post Legislative Conference
Gatlinburg
October 29-31, Fall Conference Memphis