



Purchasing Used Equipment

Wednesday the Senate State and Local Government Committee adopted the amendment proposed by Senator Mark Norris in last week's committee meeting to SB2608 by Watson. Senator Watson's original bill contained the language "*and the price is not more than ten percent (10%) higher than the highest value of the documented range*". Two weeks ago the full House passed that exact language in HB2552 by Dean by a vote of 96-0. Senator Norris' amendment changed the language to "*and the price is no more than the highest value documented.*" His amendment removed the 10% cap. Before the committee vote Senator Yager asked me if the amendment was acceptable to county highway officials. I responded by saying we would prefer and supported no changes to the current statute but we could live with Senator Norris' amendment. After that the committee voted 8-0 to adopt the amendment. If we had not agreed to accept Senator Norris' compromise amendment we would have been back to Senator Berke's bill (SB2734) "*and the price is no more than seventy percent (70%) of the documented range.*" Berke's amendment would have effectively destroyed our ability to purchase used equipment. The current used equipment market may be "soft" but you still cannot buy good used equipment 30% below market value. Senator Berke's bill is not dead! It was rolled to the last committee meeting just to be sure nothing changed in Senator Watson's bill until the full Senate acts.

If the Senate Committee's amendment passes the full Senate, and I am confident at this time it will, then the Senate and the House must conform to one version of the bill. The bill must pass both chambers in the exact same form to become law. If the House and Senate cannot agree then it will go to a joint conference committee to decide which amendment will pass. If the bill goes to a conference committee, we will be working with Rep. Dean and Senator

Watson in an attempt to pass the House version which is more acceptable to us.

Utilities – Rights-of-Way

You may recall last year there was a big push by some members of the Tennessee General Assembly to pass legislation to give the One-Call program more control over county rights-of-way. That legislative effort was not successful but it did generate a study committee to review and report to the Tennessee General Assembly on all aspects of the underground utility damage prevention program. The Tennessee Advisory Commission on Intergovernmental Relations conducted public hearings last winter as required by law. TCHOA and other public agencies presented testimony both pro and con before the TACIR Board. TACIR was required by statute to report their findings and recommendations to the general assembly by January 29, 2010. Senator Norris (SB2945) proposed a one year extension to that required reporting moving the date to January 17, 2011. That extension date was agreeable to all interested stakeholders. During Senator Norris' request to extend the reporting deadline he also requested all stakeholders agree to work this year to resolve, if possible, many of the issues facing potential new legislation next year. TCHOA is agreeable to work with Senator Norris and other agencies but our position is very clear that "*the county rights-of-way is a county asset and county highway officials are totally responsible for maintaining the integrity and safe utilization of that county asset for all taxpayers not utility companies.*"

**County Government Day
Next Tuesday & Wednesday
See you there!**