

## **Law and Legislation Committee Report**

Chair Wurzburg reported that the committee met on February 18, 2014. Executive Director Watts noted that the current update emphasizes three bills that we are following very actively. Senate Bill 2054 that would rename the commission the "Tennessee Affirmative Action Commission" and restructure the makeup of the committee by granting the Senate and House speakers the authority to appoint an equal number of members with the Governor which would be five each and would vacate all current commissioners as of July 1, 2014. We have a fiscal note on this bill of \$239,000.

The bill has been set for hearing in Senate Government Operations every Wednesday for the last five weeks and the bill has been rolled every time. The bill is scheduled again for Wednesday the March 26, 2014 at 8:30 a.m.

On Tuesday of this week House Bill 2449 was amended to drop the name change and restructure the commission to nine members, three from each of the grand divisions. The sponsor is Rep. Matlock who indicated that nine would be a better balance for the commission and that would be two each appointed by the Senate and House speakers and five appointed by the Governor. We have not seen a Senate amendment to that effect. We will be there on Wednesday morning. There are twenty one bills on the agenda and this bill is number twenty and the meeting is scheduled for two hours. Many of the bills are sunset hearings on the agenda.

Commissioner McDaniel asked if the legislature does not deal with these bills by adjournment of the session that things would remain as they are. Executive Director Watts answered "yes" and noted that we will continue to send commissioners an update every Thursday as we follow these bills.

Commissioner Wurzburg thanked staff for keeping the commissioners updated on this legislation and asked if it would be helpful for commissioners who know any of the

legislators to get counsel to brief them and then talk with them about the bills. She noted that the bills seem to be sending the commission backwards instead of forward. General Counsel Rose indicated she is available for any commissioner to get a further explanation. Commissioner Wurzburg asked staff to call on commissioners if they need to come to the hearings.

Executive Director Watts reported that Chair Garrett has been at the hearings and will be at the next one on Wednesday at 8:30 a.m. and anyone that would like to come by is welcome.

Commissioner Coleman asked on the house modification HB2449 would it also require all commissioners vacate on July 1, 2014 and the answer was "yes." He suggested that we argue continuity if the bill passes so that we don't end up with a complete block of new commissioners. He suggested that we argue some kind of phased continuity rather than vacating them all at one time.

Executive Director Watts noted that staff recommended that originally when we talked to the sponsors. We have talked to the Government Operations Committee members, the sponsor in the House and the Senate and recommended that if there was a change that it should be a phased in process.

Commissioner Wurzburg asked other than balance, what rationale did the sponsors have for these bills. Executive Director Watts answered that the commission appointments were not what we focused on when we talked with legislators. We focused on the name change because we thought that would be more detrimental and we thought we would lose money if that happened. We have received good feedback from Government Operations' committee members who said that the name change would not happen.

Commissioner McDaniel asked what the rationale for the name change was, especially since the name they have proposed is opposite of what he assumed would be the mentality of the legislator. He noted we have a Human Rights Act and it seems as though

you have a human rights commission that enforces those laws and since the law does not mention affirmative action.

Executive Director Watts pointed out that around the country twenty nine states are named "human rights commissions" and of the 96 agencies that contract with EEOC state and local 44 are human rights commissions. Senator Bell, the sponsor had indicated that the name was confusing and that it reminded him of international peace keeping and he thought it would be better if we were named the "Affirmative Action Commission" because it reflected more of what we did.

Senate Bill 2294 is in the House and is Rep. DeBerry's bill. It does not seem to be moving but is on the agenda again on Wednesday. This committee has a tremendously full agenda so we are not sure what is going to happen. We have talked to the sponsor and we have a fiscal note of \$119,806 because this would create a new protected class which would be students of higher education and we don't currently enforce this protected class. We have talked to Senator Haile who is the Senate sponsor and he is deferring to Rep. DeBerry to move that forward.

Senate Bill 2126 with respect to caps on liability, we have placed a \$458,113 fiscal note on this bill because they want to remove the liability issue from individuals. The individual liability issue covers both employment and housing so the fiscal note that we have is to cover housing because if they pass this bill we would lose our substantial equivalency with HUD and would not be able to dual process cases and that would be a significant loss. We have talked to the sponsor who is Senator Johnson and the House sponsor is Rep. Dennis and we understand they are working on this but they have not talked to us about the fiscal note and there is no way we can budge on that. All of these are coming back up next week so we will keep you informed.

Commissioner Houston made a motion to approve the Law and Legislative committee report and Commissioner Coleman seconded the motion. A vote was taken and passed.