

Health Reform At-A-Glance

How the recent Supreme Court ruling will affect municipal governments

BY BONNIE JONES
MTAS HR Consultant

On June 28, the Supreme Court upheld Health Care Reform in the landmark case *NFIB v. Sebelius*, specifically stating that the government did have the authority to require individuals to purchase health insurance via a tax penalty (otherwise called the Individual Mandate). The court held that although the insurance mandate was not constitutional under the commerce clause, it was in fact valid under the government's taxing powers.

A portion of Health Care Reform (HCR) has already gone into effect, and most group plans have been amended with the following:

- Dependents covered until age 26
- Higher annual limits/elimination of caps
- Free or reduced cost wellness benefits
- Creation of high risk pool (PCIP) pre-existing condition insurance plan
- Greater protection for children with pre-existing conditions
- Business tax credits
- Patient bill of rights
- Expanded rights of appeal
- Early Retirement Reinsurance Program
- Individual coverage and pricing assistance by the state (healthcare.gov)

What's in store for group health plans?

Employers offering group benefits will continue to be able to provide coverage through employer sponsored benefit plans. The market changes will impact rates, but it is too early to forecast the full financial impact on group rates based on HCR. Some analysts say small em-

ployers will save, while bigger employers may see increases in rates.

49 Employees or Less

Cities with less than 50 employees will be treated as a small business under the act and must notify workers of their health care options under state health exchanges. Employers with less than 50 full-time equivalent (FTE) are exempt from the employer coverage requirements and applicable penalties under HCR.

50 Employees or More

The largest impact will be on cities and towns with more than 50 applicable employees. Cities with 50 or more employees must provide affordable and minimum credible health coverage to employees by 2014 or face financial penalties.

If a city with 50 or more FTE employees does not provide the minimum required coverage and an employee obtains coverage in the Exchange or if the city offers coverage but has employees that obtain coverage through the Exchange, the city would be required to pay a penalty (determined monthly; 1/12 of \$3,000 x number of full-time employees who receive insurance in the Exchange or 1/12 of \$2,000 x the total number of full-time employees, less the first 30 full-time employees (whichever is the lesser amount).

200 Employees or More

Auto enrollment options are required. The employer must auto-enroll new full-time employees. Opt out notices are required.

Temporary/Seasonal Employees

Cities are not required to provide health insurance to seasonal or temporary employees. However, seasonal or temporary employees See **HEALTH CARE** on Page 7

Congress returns to focus on spending agreement

By Carolyn Coleman
NLC Federal Relations

As the Congressional recess draws to an end and the national political conventions conclude, House and Senate members return to Washington, DC, Sept. 10 for a short pre-election session. During the eight-day session, Congress is expected to focus on enacting a bipartisan spending agreement, also known as a continuing resolution (CR), in order to avoid a government shutdown—leaving other significant legislative issues for the post-election lame-duck session. After the brief session, Congress will recess until after the November elections.

Earlier this summer, House Speaker John Boehner (R-OH) and Senate Majority Leader Harry Reid (D-NV) announced that congressional leaders had reached a deal to adopt a stop-gap spending bill that will fund the government through the first quarter of 2013. With the federal government's fiscal year ending on Sept. 30, the measure is necessary because Congress has been unable to enact a single appropriations bill for the new fiscal year. Besides avoiding a government shutdown, the agreement allows lawmakers to avoid a repeat of last year's bitter fiscal spending fight immediately before and after the election.

"Leader Reid and I have reached an agreement by which the House and Senate will approve a six-month continuing resolution in September to keep the government operating into next year. During the August district work period, committee members and their staff will write legislation that can be passed by the House and Senate in September and sent to President Obama to be signed into law," Boehner said in a statement.

After Oct. 1, the CR will extend government funding for six months at a pro-rated level of \$1.047 trillion, the annual spending level for 2013 agreed to under last year's Budget Control Act. The length of the agreement also allows Congress to spend the lame-duck session figuring out what to do about tax cuts that expire at the end of the year, as well as how to deal with the \$110 billion in defense and non-defense spending cuts set to go into effect at the beginning of 2013 as a result of the Budget Control Act.

For local governments, the agreement likely means, and NLC will urge, that federal funding for local projects and initiatives will continue at the current fiscal year's level at least until the CR expires in March 2013.

"This agreement reached between the Senate, the House and the White House provides stability for the coming months, when we will have to resolve critical issues that directly affect middle-class families," Reid said in a statement. "I hope that we can face the challenges ahead in the same spirit of compromise."

The White House also applauded the agreement.

"The agreement reached by House and Senate leadership to fund the government through the first quarter of 2013 is a welcome development, and we are encouraged that both sides have agreed to resolve this issue without delay," White House spokesman Jay Carney said in a statement. "The President has made clear that it is essential that the legislation to fund the government adheres to the funding levels agreed to by both parties last year, and not include ideological or extraneous policy riders. The President will work with leaders in both parties to sign a bill that accomplishes these goals."



Goodlettsville celebrates Little League World Series U.S. Champs



Goodlettsville Little League players are applauded by fans as they arrive home to Goodlettsville City Hall after an exhausting four-week tournament that put this city of 16,000 in the national spotlight. The team won the national championship game against a team from Petaluma, Calif., and finished as runners-up at the Little League World Series after a loss to Japan. The City of Goodlettsville hosted a "Celebration of Champions" to honor the Goodlettsville Little League World Series U.S. Champs on Sept. 8 complete with a parade and fireworks.

Photos by Jae Lee/Tennessean

Business/school partnerships, the place where education meets the workforce

BY VICTORIA SOUTH
TML Communications Coordinator

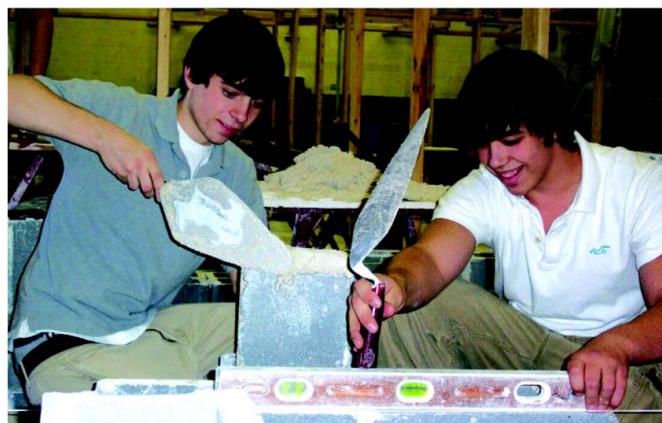
"To infinity and beyond" might be the classic phrase that launched the career of a successful Disney character, but what lies "beyond" for Tennessee's students is still a matter of grave concern among the state's business leaders and education proponents.

Gov. Bill Haslam, in a recent series of statewide conversations among employers and educators, emphasized the need to better link post-secondary education to high-quality jobs. The call to action comes in response to concerns among leaders in business and industry about a serious lack of skills among Tennessee's job candidates ranging from a lack of basics in reading, writing and communicating to skills in critical thinking and problem solving.

As Knoxville mayor, Haslam placed a strong emphasis on workforce development partnerships along the campaign trail, where in 2010, he announced a plan to install regional jobs base camps across the state to help align and coordinate local economic development efforts and produce strategies to leverage each region's unique assets.

Today, the JOBS4TN initiative features jobs base camps in each of nine regions across the state, where directors work closely with businesses and postsecondary institutions to create partnerships that help businesses meet workforce demands and help university, community college, and technical center graduates obtain good jobs.

"It is our responsibility to produce a quality workforce that meets the needs of Tennessee employers and is attractive to companies inter-



The days of only needing a strong back and strong hands for factory work is gone, according to Manufacturing Institute insiders. Today's industries in Tennessee feature state-of-the-art technology and sophisticated facilities requiring more highly educated, skilled workers. Pictured: Students participate in a carpentry exercise at East Ridge High School Construction Career Academy.

ested in doing business here," Haslam said. "We need to do a better job of connecting employers and educators to prepare our graduates for the jobs of the future."

The discussions, which took place in Blountville, Jackson, Knoxville, Memphis, Nashville, Cookeville and Chattanooga, also provided an opportunity for existing programs and partnerships between employers and educators to shine.

Examples of workforce/education agreements include a partnership between the Tennessee Valley Authority and Chattanooga State Community College that led to the creation of an entirely new degree program designed to help TVA meet its rising demand for radiation protection technicians. Chattanooga State's Memorandum of Understanding with TVA required TVA to consider graduates for jobs.

In Clarksville, the state helped

foster a relationship between Austin Peay State University and Hemlock Semiconductor, a new major employer for that region.

The statewide roundtables re-emphasized a common theme—that state and post-secondary education institutions must connect more closely with companies to anticipate years in advance what skills and competencies are needed for future jobs as innovation continues.

"More people need to understand that what will be needed in 20 years is not what is needed now," Tennessee Education Commissioner Kevin Huffman expressed in a comprehensive report on the state's most pressing challenges by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) *Charting a Course to Tennessee's Future*. As the report indicates, a steady decline since

See **EDUCATION** on Page 3

NEWS ACROSS TENNESSEE



BY TML STAFF REPORTS

ALCOA

The Smoky Mountains foothills city of Alcoa has built its own brine-making facility in preparation for winter weather. The city used about \$32,000 in state street aid funds to build the mixing tank, which is about the size of a two-car garage. Front-end loaders will dump rock salt into the tank as water is pumped in from below. Equipment in the tank mixes the two into brine that has about a 24 percent saline content. A truck-mounted tank will be used to spray the brine onto the streets. That helps keep snow from bonding to the pavement as it falls.

BRISTOL

U.S. Solutions Group, Inc., a Teleperformance company, will open a call center in Bristol at the former Touchstone building located at 2536 West State Street. The announcement represents an investment of \$ 4.1 million and the creation of 548 jobs. In operation since 2001, U.S. Solutions Group, Inc. was established in response to the demand of America's leading corporations for high-quality, customized outsource services. The company provides custom, complex integrated call center based solutions for its clients. U.S. Solutions Groups, Inc. was recently acquired by Teleperformance, with 249 facilities in 49 countries.

BRISTOL

The city was recently awarded a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. "Tara Musick and her staff are commended for a job well done," said City Manager Jeff Broughton. The CAFR was judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

GALLATIN

Students at Volunteer State Community College are studying the water quality of area streams and creeks. The research is part of a nationwide grant program funded by the National Science Foundation. Vol State is one of 26 community colleges nationwide to participate in the Community College Undergraduate Research Initiative. Hundreds of students from nine different classes this fall will be taking samples, charting measurements and compiling the information in a database, which will help environmental engineers determine area water quality. The classes cover a wide variety of science fields including biology, microbiology, chemistry, environmental science and geology.

FRANKLIN

A video that was created for Franklin

Mayor Moore's State of the City presentation earlier this year is a finalist for a national award from the City-County Communications and Marketing Association (3CMA). The video is one of three finalists selected from 115 entries in the TV and Video category. Communications Manager Milissa Reiersen wrote, produced, and voiced the video, working closely with Water Management Director Mark Hilty and consultants. An outside video company, Think Squared Media, shot and edited the video. The educational video explains the city's Integrated Water Resource Plan and future water plans for the next 30 years. Franklin will find out this month if they won the Savvy, Silver Circle or an Award of Excellence at the 3CMA annual conference in Portland, Ore.. You can watch the Integrated Water Plan video on the city's YouTube page at http://www.youtube.com/watch?v=8BCeCSGGE6Q&list=PL98DCF65FD2A2F257&index=30&feature=plpp_video

FRANKLIN/ HENDERSONVILLE

MONEY magazine's *America's 100 Best Small Cities*, this year includes Franklin and Hendersonville. Franklin was selected based on the city's strong historic heritage blended with modern elements. The city's well-preserved 15-block historic district features parking garages equipped with charging stations for electric cars. The city is also home to major employers like Nissan and Community Health Systems. The magazine cites Hendersonville as the heartland of country music, home to stars like Taylor Swift, Conway Twitty and Johnny Cash. The city's top-notch schools, rapid growth, shopping, restaurants, and plentiful supply of white-collar jobs make it a choice location, according to the survey.

GALLATIN

The Tennessee Valley Authority plans to spend as much as \$1 billion at the Gallatin Fossil Plant by 2017 by installing a series of pollution controls designed to reduce harmful emissions by as much as 95 percent. Without the changes, the plant probably won't meet future U.S. Environmental Protection Agency rules and would have to shut down, according to Scott Hadfield, Gallatin plant manager. The Gallatin Fossil Plant burns 13,000 tons of coal a day and produces enough electricity to power the equivalent of 300,000 homes. It's a workhorse for TVA — running 24 hours a day — and at about 30 miles northeast of downtown Nashville, it's the closest coal-fired power plant to Music City. But burning coal produces harmful pollutants — including mercury, sulfur dioxide and nitrogen oxides. The toxins can cause a host of respiratory and other health problems and lead to premature death. Planned upgrades include the installation of four large scrubbers to cut down on sulfur dioxide emissions and a selective catalytic reduction system — much like a giant version of a car's catalytic converter — to reduce nitrogen oxide levels.

HUNTINGDON

Behlen Manufacturing will lay off

35 employees and move the manufacturing section of its Huntingdon facility to plants in Columbus, Neb. or Baker City, Ore. The move will occur no later than Oct. 31. The local plant manufactures live equipment, including bail feeders, feed bunks, some dog kennels, tillers and other equipment.

LEBANON

A custom metal parts manufacturer that opened a facility in Wilson County in 2001 is expanding and adding jobs. Genesee A&B will nearly double its 42,000-square-foot facility with about 40,000 additional square feet. The \$2.1 million expansion is to accommodate additional equipment for new projects the company has gained, which also will result in 34 more employees. Custom metal stamping, used for vehicle brackets, has been a growth area for the Genesee. The company has become a strong supplier for top companies locally for custom metal stampings that had primarily come out of the Midwest. Jobs that will be added are tool and dye makers, press operators, welders, tow motor drivers, shipping and receiving personnel and maintenance.

MANCHESTER

Tennessee-based arts, educational and environmental programs are getting a big boost from volunteers. The Manchester-based four-day music and arts festival announced that it made \$82,000 in donations to nine organizations across Tennessee via its charitable arm, the Bonnaroo Works Fund, which is sustained by a portion of festival ticket sales. Several Middle Tennessee organizations received donations between \$2,500 and \$15,000 including the Manchester Arts Center, Notes for Notes, Junior Achievement of Middle Tennessee and Land Trust for Tennessee. Organizations applied for funding last fall through a grant process on the Bonnaroo website. The East Tennessee Foundation vetted the applicants, and the nine recipients were selected by an independent panel of judges. In addition to Bonnaroo Works Fund's donations, officials announced that local organizations — including the Coffee County Chamber of Commerce and numerous sports, arts and education groups — earned more than \$200,000 through volunteering at Bonnaroo's concession booths. The June festival donates a portion of concession sales to its participating organizations. Jeff Cuellar, Bonnaroo's director of community relations, said many of those organizations earn almost all of their annual funding by volunteering at Bonnaroo.

MARYVILLE

Heater manufacturer Ceramaspeed Inc. announced plans to invest \$3.5 million and add 40 new jobs in Blount County. Ceramaspeed has purchased the German company Ispording and will relocate into the former Klote International facility, a 55,000-square foot industrial building in Maryville. The expansion marks a stark turnaround laid off some of its Blount County employees and shifted work to its plant in Mexico in the wake of the Great Recession.

NASHVILLE

The Recording Academy is moving its annual live nominations concert special to Music City. The show will air Dec. 5 live on CBS from Bridgestone Arena. This is the fifth

Greeneville police laud driver safety, new canine partners



Two 16-month-old German shepherds became new additions to the Greeneville Police Department to work alongside K-9 officers on every shift. Rex and Grim join veteran K-9's Hakim and Benno, after their month of extensive training. Grim will patrol with Officer David Shell, and Rex will be the partner of Lt. Steve Spano, a K-9 officer for nearly five years. The dogs' primary duties will be to detect illegal drugs and to track human scent at or near crime scenes.



Greeneville Assistant Police Chief Craig Fillers presents a "Saved by the Belt" award to Patricia Mathes and her granddaughter Sophie.

Patricia Mathes credits seat belts for protecting her life, and more importantly, the life of her three-year-old granddaughter, Sophie Mathes. Mathes was traveling toward town on the Asheville Highway recently, when she swerved to miss a car exiting a parking lot. The collision caused her car to spin around, strike a drainage tile, and land on its top. Mathes' safe actions before the crash were simple — she made sure Sophie was secured in her car seat, and she had put on her own seatbelt. "It doesn't take that long to make sure your child is safe," said Craig Fillers, assistant chief of the Greeneville Police Department, who nominated Mathes for the award, hoping others will follow her example. "One of the purposes of the "Saved by the Belt" award is to reinforce the life-saving importance of occupant protection for individuals involved in motor vehicle crashes and encourage others to use them." For more information about the "Saved by the Belt" awards, visit www.tntrafficsafety.org.

time The Recording Academy has held "The Grammy Nominations Concert Live," but the first outside Los Angeles. Neil Portnow, president/CEO of The Recording Academy, said he likes his staff to examine how the Grammys are presented from time to time. That's what led to The Recording Academy's nominations out of a hotel ballroom and onto the concert stage, and taking a year in Nashville seemed like a logical next step. The Recording Academy will reveal nominees in several categories for the 55th annual Grammy Awards, to be held Feb. 10 in Los Angeles, during the hourlong special that will feature a handful of performances by former Grammy winners and nominees.

TULLAHOMA

The Tullahoma Municipal Airport became one of only three airports in Tennessee to earn the prestigious Red Carpet Award presented by the Tennessee Aeronautics Commission (TAC). The award recognizes the local airport's appearance, manage-

ment, project management and customer service. Five stringent criteria must be met to be considered for the award including selling aviation fuel 24 hours a day, prompt reporting of aviation fuel sales tax to the Tennessee Department of Revenue and having an airport passenger waiting area with rest rooms.

TULLAHOMA

National HealthCare Corporation, one of the nation's leading operators of senior care services, announced that it has selected Tullahoma for a new state of the art healthcare facility. The new skilled nursing and rehabilitation facility, which will be located on Cedar Lane, will have 90 beds and at full operation will directly employ more than 100 employees. Projected capital investment of the project will be \$10.75 million. NHC plans to begin construction on the approximately 62,000 square foot facility by the first of September and construction is expected to take approximately 12 months.

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Education meets the workforce with business – school partnerships

EDUCATION from Page 1

1990 in the state's traditionally stable manufacturing base, coupled with the rise of global technology, has created a gap in highly skilled workers in Tennessee. Many of the jobs lost have been relatively low-skilled, low wage jobs, according to TACIR's report. "Employers can more easily shift these to other countries or eliminate them with investments in improved equipment and technology," TACIR notes. It is a blow felt disproportionately among Tennessee's once factory dependant rural communities.

"Volkswagen in Chattanooga, needs 40 technical maintenance people and have had to recruit nationwide," said Gardner Carrick, vice president of Strategic Initiatives for the Manufacturing Institute. In a meeting with industry leaders, government and members of the education and economic development sectors in Jackson, Carrick concedes that the massive layoffs and closures also produced an overall lack of confidence in the industry contributing to the lack of workers.

"Manufacturing has suffered



Deputy Gov. Claude Ramsey addresses the attendees of "From Cradle to Career: A Regional Collaboration for Workforce Development Strategies" held Aug. 30 in Jackson.

Although Kingsport's public school system has been widely recognized for excellence, the majority of the community's best and brightest chose to pursue careers in other cities.

districts—major cities as well as suburban and rural areas.

But while *Education Week* notes an emphasis on STEM studies, those in science, technology, engineering and math, helped bump the performance measurements on the science and math portions of the test, as in previous years, an achievement gap exists among students by race and ethnicity. Syndicated columnist Pam Strickland, sums up the state's dilemma in the *Knoxnews Sentinel*, "Tennessee students' ACT scores were next to last in the country," she said, adding "while 59 percent of the state's graduating seniors were considered by ACT to be ready for college level English, the majority of students were not ready for college in the other three subjects, with 43 percent college ready in reading, 29 percent in math and 21 percent in science."

Pew Researcher David Connelly notes there is a fundamental difference between "college eligible" and "college ready." "In the United States, students can go to college after graduating high school with a D average, or not even graduating at all," Connelly laments. "That is true nowhere else in the world..."

According to an investigative report by WTVF/Channel 5, when they enter college, 60 to 70 percent of these students will have to take at least one remedial class to help them catch up. "Remediation costs the state nearly \$25 million and that does not include the University of Tennessee campuses," the report said. However, as part of the reforms

In 2001, the city launched the "Educate and Grow" program offering free two-year scholarships at Northeast State Technical Community College (NESTCC) to any local high school graduate who met the college's entrance requirements. With Sullivan County's decision to participate, the two governments expanded the area's conventional K-12 public school program to an optional K-14 program. The city then developed a state-of-the-art downtown academic village conveniently located near Kingsport's public transit system.

Today, Kingsport's Academic Village boasts 2,000 students in five cutting edge educational facilities—the Regional Centers of Advanced Manufacturing, Advanced Technology and Health Professions, Automotive Technology and the Higher Education Center, all geared toward assuring potential businesses of a competent, educated workforce to meet any industrial challenge.

"Tennessee is leading the way in K-12 education reform on a national level, and the Haslam administration is committed to continuing that momentum," said Deputy Governor Claude Ramsey, the keynote speaker in Jackson. "We've also made significant progress with post-secondary education, and the governor believes the time is right to take that work to the next level."

According to the Tennessee Department of Education, nearly all the state's 136 districts saw an increase in proficiency levels, while two-thirds improved in every subject of TCAP Achievement Tests for grades 3-8. The district by district results follow unprecedented gains on the statewide level, where students' scores saw the largest growth in TCAP history, under the state's continuing education reforms as First to the Top initiatives. The reforms include: improving young students' academic readiness, improving high school graduates' readiness for colleges and careers and attaining higher rates of graduates enrolling and succeeding in post-secondary education.

Currently, 169 schools are celebrating newfound success as "Reward Schools" for students' performance on TCAP tests. Under the state's new achievement measures, since Tennessee's February waiver from the Federal No Child Left Behind Law, the school reward program singles out the top five percent of schools that show significant growth and/or academic achievement on standardized tests across 70

Kingsport's Cities of Service pairs education/retired business leaders to promote economic development

While necessity may be the mother of invention, some believe innovation will be a deciding characteristic of tomorrow's workforce, according to TACIR's latest report *Charting a Course to Tennessee's Future*.

As a 2009 Innovations in American Government Award winner, Kingsport bucks the trend when it comes to pairing education and business initiatives.

The city has one of the largest STEM (Science, Technology, Math) concentrations in the state. Many individuals in the area are retirees of the city's major STEM employers, such as Eastman Chemical Co., Domtar Paper Mill and BAE Systems.

Through Kingsport's membership with the Cities of Service Coalition and positive relationship with AARP, a new initiative, Impact Kingsport, continues to engage these highly productive, educated retirees, by utilizing their years of experience and business contacts in a proactive strategy to help grow Kingsport's economic

base.

Cities of Service is a bipartisan coalition of mayors who have committed to work together to engage citizens to address pressing needs through impact volunteerism.

By linking qualified volunteer consultants with interested companies, it is anticipated that Kingsport will have a competitive advantage in recruiting new businesses and in expanding existing businesses.

Impact Kingsport works hand in hand with the city's existing efforts to make its workforce more competitive through its downtown Academic Village, where the city's Educate and Grow Scholarships provide local high school graduates two years of college at no cost.

As Kingsport's stable of volunteer consultants march forward with business recruitment, expansion and development, the city's college graduates should have greater opportunity to apply for high quality jobs within their own community.

under the Complete College Tennessee Act (CCTA) administered by the Bredesen administration and adopted in 2010, today's remedial structure is more in line with students' interests and normal course work, which could be beneficial to Tennessee's growing segment of non-traditional students. As TACIR indicates, the aging of Tennessee's population will make adult education even more crucial to the workforce.

"Placement into developmental instruction at Board of Regents institutions has become more skill-based and less course-based," said Richard Rhoda, executive director of the Tennessee Higher Education Commission. "Placement now focuses on an individual student's actual skill gaps so that these are targeted more efficiently, enabling the student to move into college-level coursework in accelerated fashion."

Seeking to transform public higher education through changes in academic, fiscal and administrative policies at the state and institutional level, the CCTA's comprehensive reform agenda is based on the need for more Tennesseans to be better educated and trained, while also acknowledging the state's diminished fiscal capacity to support higher education.

Gov. Haslam, in the Chattanooga roundtable, stressed that one route toward new state funding for higher education lies in discontinuing out-dated curriculum among Tennessee's business schools and colleges. "If you want to invest in something new and creative, what are you going to divest?" he asked.

"Cities can be very important partners with higher education and business in helping facilitate the CCTA," said Rhoda. "By partnering with local business, higher education, and workforce development, leaders may look at the data and identify the barriers to successful postsecondary participation by traditional and adult students in their communities," he said. "A community can then decide how – through the pooling of resources – it can take productive steps to make postsecondary education more accessible to those who want to pursue it."

"The status quo is not good enough for our students," Ramsey reminded Jackson attendees. "We need to examine the financial structure, the quality of our state institutions and programs, and whether we are keeping up with the dynamic training needs of employers who want to put Tennesseans to work. It is going to take all of us working together to tackle these issues."



Jackson Chamber of Commerce President/CEO Kyle Spurgeon and the Jackson Regional Partnership kick off a meeting among industry leaders, government, education and economic development officials to spur job growth in the region.

from the perception of not being a very desirable career," he told TT&C. "Parents began directing their children toward four-year college degrees in medicine, health care, law, accounting and other fields outside manufacturing."

The meeting, "From Cradle to Career: A Regional Collaboration for Workforce Development Strategies," hosted by the Jackson Chamber of Commerce, served as a platform for leaders to ponder solutions toward helping the region become more prepared to compete for job growth. Manufacturers and academia also presented ideas and initiatives about how to better integrate traditional education with industry-based certifications that will be recognized by the manufacturing industry.

"We in the industry have been working with technical schools and community colleges to improve and update and expand the programs that focus on manufacturing," Carrick explains. "It's a marriage of industry certification with a traditional education career path. Someone who can't go for a full two years at a community college, can earn a certification to get a job as early as one semester."

The term "stackable credentials," means students will earn college credit toward an associate degree, while picking up industry certification along the way. According to Carrick, under the plan, students can earn certifications with the American Plumbing Society, for example, as they progress through a welding program.

However, Carrick stressed the rebirth of manufacturing in Tennessee will require new perceptions of the industry among students in order to draw the highly educated, skilled workforce of tomorrow. "We as an industry, need to better showcase the jobs and careers that are out there and help educate young people and their parents that these are not the manufacturing jobs of yesterday," he said. "What used to be a dirty assembly-type job is now an advanced, computer-based, clean environment that's going to pay a higher wage than most other jobs in a region."

Nowhere else in Tennessee is the concept of education and business taken more seriously than in Kingsport. In the early 90s, when 12,600 manufacturing jobs simply disappeared from the region's historically strong manufacturing base, the city found itself lacking in a diversified economic base as well as a skilled workforce.

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STATE BRIEFS

BY TML STAFF REPORTS

Fire Depts. develop registry

While working to beat back a fire death rate well above the national average, fire departments across Tennessee also are struggling with limited budgets to support fire prevention education. Now they are asking the community for help. With the help of an online tool, fire departments now are able to invite others to purchase materials they need. The online tool, Sparky's Wish List, works much like a modern bridal registry. Fire departments register for the items they need (DVDs, posters, stickers, etc.) and others go online to make the purchases. The materials ship directly to the fire departments. Twenty Tennessee fire departments from all across the state already have created wish lists, with the cost of individual items starting at \$12.50. For more information, visit <http://www.sparkywishlist.org/give>.

TN lottery to build new headquarters

The Tennessee Lottery plans to build a new 75,000-square-foot headquarters in Nashville. The quasi-public entity, which now occupies 65,000 square feet of space in Metro Center, has issued a request for proposals to developers. State law requires that the lottery's headquarters stay in Nashville, according to spokesperson Kym Gerlock. "The lottery prefers a location with good access for travelers coming from all parts of the state," she said. "Preferably close to a major Interstate highway intersection."

U.S./China Trade deficit costs 56,000 jobs in Tennessee

A report by the nonpartisan Economic Policy Institute, indicates that since China joined the World

Trade Organization in 2001, more than 2.7 million American jobs, more than 56,000 of them in Tennessee, have been sacrificed because of the U.S. trade deficit with China. That equates to slightly more than 2 percent of the Tennessee's total employment. Tennessee was the 15th in the nation for jobs displaced as a percentage of its total workforce. Of those 2.7 million jobs lost, 2.1 million were in manufacturing. The hardest hit state was California. It lost 474,700 jobs to China over the decade.

TDOT receives pavement preservation award

The Tennessee Department of Transportation (TDOT) has been chosen to receive the 2011 James B. Sorenson Excellence in Pavement Preservation Award. This national award focuses on pavement preservation programs and is given annually by the Foundation for Pavement Preservation, Inc., a non-profit trade association that works in close cooperation with the Federal Highway Administration (FHWA) and others promoting the importance of protecting and preserving investments in pavement infrastructure. TDOT Commissioner John Schroer accepted the award at the National Pavement Preservation Conference held at the Renaissance Hotel in downtown Nashville. TDOT was recognized because of its outstanding support and for the implementation of a Pavement Preservation program. The program enables the department to develop cost-effective strategies for maintaining each state owned roadway while maximizing the state's investment in Tennessee's entire transportation system. With future budget challenges and increasing materials costs, this approach has become critical in stretching available resources.

TN homeowners benefit from mortgage loan settlement

A preliminary report shows Tennessee homeowners are benefiting from a settlement reached with the nation's top five mortgage servicers.

Tennessee and 48 other attorneys general and federal agencies reached the agreement with the servicers in April after a series of state and federal investigations into improper foreclosures and industry practices.

The settlement is designed to provide assistance to struggling homeowners.

The report, released this week by a settlement monitor Joseph A. Smith, shows Tennessee homeowners received \$36 million in relief during the first quarter of the settlement, which was from March through June.

Overall, nearly 2,000 homeowners in Tennessee either have received or are in the process of receiving relief during the period covering the report, according to the Tennessee Attorney General's Office. Nationally, more than 130,000 homeowners have received relief under the settlement so far, the report found.

Under the settlement in February, reached in response to evidence that the foreclosure process had been riddled with fraud, the country's five largest mortgage servicers promised \$25 billion, including about \$140 million in Tennessee, to help stem the tide of homeowner losses. About \$20 billion of that was to be in relief to homeowners, primarily through various forms of debt forgiveness. Although it may seem that banks have already satisfied more than half of their commitment, only a portion of the \$10.5 billion will count, because of the way the relief is tallied. The banks — Ally Financial, Bank

of America, Citigroup, JPMorgan Chase and Wells Fargo — reported that the bulk of the help so far had come in the form of short sales, in which lenders allow homeowners to sell for less than what they owe. Many homeowners have been stuck in their homes because they have lost so much value. The banks reported \$8.7 billion in debt written off through short sales.

But the central provision of the settlement, reducing the principal owed on homes, had seen far less progress. Banks reported a total of only \$750 million in principal reduction, and Bank of America, which has the highest obligations under the settlement, reported none.

Still, Smith, the independent monitor, said, "I think this is a good first step."

When it was announced, the settlement, initially described as \$26 billion, was expected to help roughly 1 million homeowners get their mortgage debt reduced by lenders or obtain refinancing at lower rates. In Tennessee, the state recently launched a telephone hotline to assist homeowners who are struggling to make mortgage payments.

Homeowners can call toll-free 855-876-7283 (Monday-Friday, 8 a.m.-5 p.m.) and speak to a representative who can direct homeowners to a free foreclosure prevention counselor and explain various housing assistance programs. Although the mortgage settlement only covers select homeowners whose loans are serviced by the nation's five largest servicers, the hotline is available to all Tennessee homeowners.

Homeowners who are having trouble with the five servicers covered by the settlement may also report problems to the Office of Mortgage Settlement Oversight at <http://www.mortgageoversight.com>.

TREEDC receives 2012 Governor's Environmental Stewardship Award

The 2012 Governor's Environmental Stewardship Awards at the Ellington Agriculture Center campus in Nashville recognized 11 honorees whose efforts have made a positive impact on Tennessee's natural resources. Among them, The Tennessee Renewable Energy and Economic Development Council (TREEDC) demonstrated exceptional leadership in 2011 by partnering with 75 cities and counties to facilitate the advancement of renewable energy and energy efficiency in Tennessee.

TREEDC assisted several small communities with solar and biodiesel development in 2011 and also started a joint program with TVA to help bring more renewable energy to the state via its partnership with the Green Power Switch Program.

As part of their efforts, TREEDC hosted six free clean energy forums across the state, reaching out to more than 500 citizens to learn more about the environmental and economic benefits of renewable energy.

TREEDC's outreach is designed to plan and facilitate development of Tennessee's abundant natu-



Representatives of the Tennessee Renewable Energy and Economic Development Council accept the 2012 Governor's Environmental Stewardship Award for Excellence in Energy and Renewable Resources. (l-r front): TDEC Commissioner Bob Martineau; Ducktown Mayor James Talley, president of TREEDC; Warren Nevad, UT MTAS/TREEDC director; Deputy Gov. Claude Ramsey; Memphis Councilman Edmund Ford, Jr.; Dr. Susan Elkins, Tennessee Tech University vice president. Back row (l-r) Emanuel Bailey, TREEDC board member; Dennis Tennant, Tennessee Tech University associate director; and Gainesboro Mayor John Fox, TREEDC vice-president.

ral renewable resources to spur sustainable economic development and to provide long-term energy security to the citizens of Tennessee,

extending to private businesses, local governments, farmers, energy and service providers, resource agencies and universities.

Work searches now part of unemployment requirements

Beginning Sept. 1, 2012, the Tennessee Department of Labor and Workforce Development began implementation of the Unemployment Insurance Accountability Act of 2012 requiring all unemployment claimants in Tennessee to demonstrate valid work search activity and maintain a work search log. Failure to comply with the new law will result in a loss of benefits.

Notices were mailed to all claimants receiving Tennessee Unemployment Compensation informing them of the new requirements to continue receiving benefits. Those receiving federal extended unemployment benefits are already required to document work search activity.

"The Accountability Act is aptly named as it raises the bar of accountability for those receiving unemployment benefits," said TN Labor Commissioner Karla Davis. "Documenting three work searches

each week will require a small effort, but the consequences of not doing them are very serious."

Labor and Workforce Development will conduct random audits of 1,000 claimants' work search documentation each week to verify work search activity. If work search claims are found to be fraudulent, the department will stop a claimant's benefits immediately and can suspend payments for eight weeks.

Claimants are required to conduct three work searches each week. A valid work search activity is considered any of the following:

1. Registering at www.jobs4tn.gov and applying for jobs online
2. Completing a job application in person or online
3. Mailing a job application and/or resume, as instructed in a public notice
4. Making in-person visits with employers who may have job openings

5. Sending job applications to employers

6. Interviewing with potential employers in person or by telephone

7. Registering for work with private employment agencies, placement services or hiring unions

8. Using the employment resources available at Tennessee Career Centers that may lead directly to a job

9. Attending job search seminars, career networking meetings, job fairs or employment-related workshops that offer instruction in improving individual skills for obtaining employment

Claimants who don't receive guidance and work search logs in the mail can find information both on the Tennessee Department of Labor and Workforce Development's Internet site at www.tn.gov/labor-wfd or at the nearest Tennessee Career Center. For Career Center locations visit <http://www.tn.gov/labor-wfd/cc/cccounty.shtml>

**PEOPLE IN THE NEWS**

BY TML STAFF REPORTS

Kendell Poole, director of the Tennessee Governor's Highway Safety Office, has been elected the new Chairman of the Governors Highway Safety Association (GHSA), the national nonprofit organization representing state and territorial highway safety offices across the country. Poole's priorities as chairman will be to assist states with implementation of the highway safety programs authorized under the new federal highway bill and to continue the organization's national leadership on key highway safety issues including drunk driving, occupant protection, distracted driving and speeding.



Poole

Kenny Martin, Mt. Juliet's Economic Development director, has been appointed city manager. Martin has served as interim city manager since De-



Martin

ember 2011 following the resignation of former City Manager Randy Robertson. Martin began his work with the city March 30, 1990, as a police officer before his promotion to police chief.

Mt Juliet's Chief Building Inspector, **Dwayne Hicks**, has been promoted to Assistant Public Works director after the previous assistant director resigned from the position. Hicks started with the city on Jan. 10, 2011 as the chief building inspector. He hails from the city of Tullahoma with certifications in ICC, SBCCI, BOCA, State of Tennessee, and more.

Brian Collins has been approved as Memphis' new finance director. Collins, 56, will be in charge of the day-to-day functions of the division and the city's roughly \$609 million operating budget, while working with the Housing and Community development director on a long-range strategic financial plan. Collins previous experience includes the Postal Employees Credit Union and as senior vice president and general manager for First Hori-

zon. Collins follows Roland McElrath, who recently retired from the post to become controller of Memphis Light, Gas and Water Division.

Winston Brooks will serve as Tullahoma's new Community Coordinator. Brooks' responsibilities will include administration of state and federal grants, enhancement of tourism opportunities, community relations, public information, event planning, assisting development organizations and other communication duties. For 15 years, Brooks, who lived in Chattanooga, was involved in a wide gamut of community-related media properties including a weekly newspaper, community magazine, tourism guides, and private and public web sites. Brooks plans to energize Tullahoma's social media.

Matt Henderson,

a veteran Sevier County firefighter, has been named the city's new fire chief. Henderson joined the Sevierville Fire Department in 1995 and was promoted to fire lieutenant in 2008. Henderson is also the chief of the Sevier County Volunteer Fire Department, having served with that agency since 1992.



Henderson

John Mehr, special agent in charge for the Tennessee Bureau of Investigation in Jackson, has retired after more than 37 years. Mehr, 60, was hired with the bureau in 1975, and served in offices across the state as a drug crimes supervisor, field investigations unit agent and more. He has been involved in cases — from undercover operations to nationwide manhunts and international investigations.

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New advocacy network harnessing UT support



Carey Smith, assistant director for UT Advocacy

BY VICTORIA SOUTH
TML Communications Coordinator

In an age of dwindling resources, there's still plenty of strength in numbers at the University of Tennessee, where an expanding network of alumni, students, faculty, staff and friends, who believe in the university's value to all Tennesseans, are ready to share that message with state and federal elected officials.

Launched by the Office of Government Relations, the UT Advocacy program corresponds with the university's fifth strategic goal to promote awareness and advocacy for the University of Tennessee System and its distinctive contributions to improving the education, economic development and quality of life of the citizens of Tennessee. It is the first program of its type in the state, according to Assistant Director for Advocacy Carey Smith.

"The whole program is about harnessing the energy of all the people who love this university with one goal in mind, to make the place better," Smith said from her downtown office on Capitol Blvd. in Nashville. "We're such a huge constituency at UT. We've got 50,000 students, 325,000 alumni, and more than 14,000 employees. What was missing before was a mechanism to bring us all together."

Fresh from a speaking engagement at UT's Institute for Public Service's Annual Conference in Chattanooga, Smith notes that issues calling for advocates each year are diverse. "Each year has its own unique needs," she explains. "Funding will always be an issue, but then there are things that crop up like weapons on campus. If it gets to a point that we need to involve and advocate, we'll post a call to action on our website and e-mail our advocacy base to target talking points

about the issue, asking them to please call their elected officials and take a stand."

Smith is working on the program's latest initiative, a higher education survey for the general election going to all Tennessee legislative candidates. The survey includes questions on everything from state support for higher education funding, to campus safety and lottery legislation.

"While we don't endorse candidates, our goal is to educate people affiliated with or who support UT on what the candidates are saying," she said. "We want to see what positions are out there. And we want our advocates to be informed when they go to the polls. So often these questions don't get asked during an election."

The survey's results are expected to be released in mid to late September, and will appear on the UT Advocacy website, a user friendly, up-to-date tool propelling the advocacy program. The site provides information, an advocacy sign up sheet, and a behind-the-scenes look at current political issues impacting the university. It also features a Twitter account.

"Here participants can learn about critical political issues at UT, and how to increase their impact as advocates," Smith explains. "You can also register to receive advocacy alerts, the mechanism that will call you to action during the legislative session when the university needs you most."

And while UT advocates are invited to speak out for the university, the program engages participants on a variety of levels. "You can simply receive information, or engage on a grander scale by getting involved on a campaign or a committee," notes Smith. "The goal is not to have everybody agree on every single issue at the university, but keeping people informed, to have them understand higher education issues impacting UT and providing them with the tools they need to make a positive impact."

Popular activities, such as UT's Day on the Hill, provides prime opportunities for advocates willing to share their thoughts and feelings about the university with legislators, according to Smith. "Advocates can tell state representatives about all the great things the university is doing, or how that UT degree changed their lives." The website also includes a warm greeting from University President Dr. Joe DiPietro.

"President DiPietro is the voice of higher education for the state and a frequent presence in Nashville and among legislators," Smith said. "He has been very involved in helping us bring visibility to the program, speaking about advocacy at several events and encouraging audiences to get involved in the program. The President certainly leads by example, and is a constant advocate for the university and higher education."

While nationwide, advocacy programs for higher education are still relatively new, according to Smith, the programs are becoming more visible platforms across the country. "You would think this is something we should have been doing 75 years ago," she said, "but

really, one of the oldest programs in the country is only 25 years old. In some states such as Washington, Minnesota and Illinois, it has been proven that when universities come together with one loud voice, we can really change the conversation about higher education in the state."

"We can change outcomes," Smith surmises. "And until elected officials understand that UT issues are absolutely critical to constituents as well, UT will never be that 800 lb gorilla in the room when it comes to legislative activity."

To learn more about UT Advocacy, or to sign up to become a university advocate, visit the UT Advocacy website <http://advocacy.tennessee.edu/>

To view the University of Tennessee System's five year Strategic Plan: *Defining the Future*, visit <http://president.tennessee.edu/strategicplan/index.html>

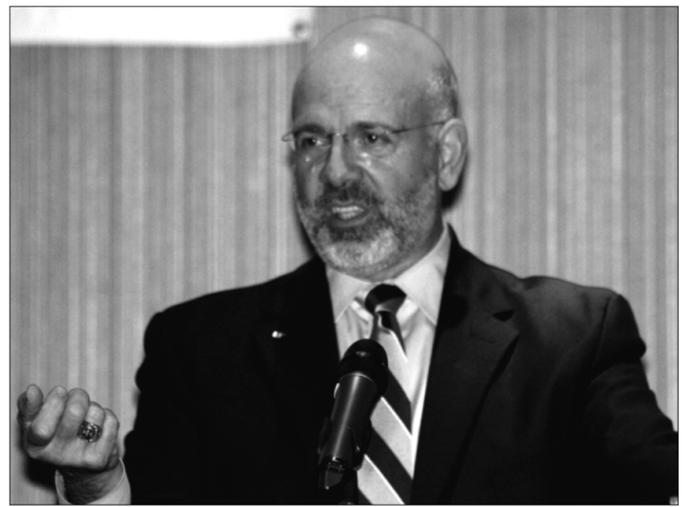


Photo by Victoria South

UT President Dr. Joe DiPietro speaks to Institute for Public Service (IPS) employees about the University's strategic goals and initiatives at the recent IPS Conference at the Downtown Chattanooga Hotel.

Achievement Awards presented to MTAS employees at IPS conference

At the recent 2012 Institute for Public Service Annual Conference held in Chattanooga, several MTAS employees were honored with much-deserved institute-wide awards:



Justin O'Hara



Linda Winstead



Stephanie Allen



Kay Stegall



Sid Helmsley



Lisa Shipley



P.J. Snodgrass served as the MTAS project team leader for The Training Partner Implementation project. She was awarded alongside other representatives from all of the IPS agencies.

Presented by IPS Vice President Dr. Mary Jinks, Justin O'Hara, MTAS Information Technology consultant and Linda Winstead, MTAS administrative specialist, both received Five Franklin Awards, presented to individuals who have made a significant contribution on at least one major project during the last year, resulting in high customer impact and high customer value.

Stephanie Allen, MTAS legal consultant, received a Public Service Achievement Award, presented to a public service staff member with less than three years of service with IPS and based on exceptional performance and productivity.

Kay Stegall, MTAS Finance and Accounting consultant, received the Trailblazer Award.

The Robert S. Hutchison Outstanding Public Service Professional Award went to Knoxville legal consultant Sid Helmsley. The award is presented to a staff member who has consistently shown extraordinary commitment to the public service mission, the institute and the university.

Named for the most influential executive director in the history of the Municipal Technical Advisory Service, the coveted Victor Hobbday award was presented to Lisa Shipley, Knoxville Information and Technology manager.

Transforming assets into opportunities: empowering communities through the Arts

By Shannon Ford
Community Arts Development

As a means of exploring the role arts and cultural enterprise can take in strengthening communities, the Tennessee Arts Commission will host Transforming Assets Into Opportunities: Empowering Communities through the Arts at the Inn at Pickwick Landing from Oct. 23 - 25, 2012. This conference will bring together artists, arts administrators, arts supporters and community planners to explore how the arts can fuel community and economic development. Presenters will discuss a variety of strategies and tools that can help communities stimulate innovative and creative enterprises, while building vital public spaces, distinctive identities, and thriving social networks.

A welcoming reception will take place the evening of Oct. 23, with a day and a half of plenary sessions and workshops following on Oct. 24 & 25. Included in the conference schedule will be an opportunity for participants to share their ideas

about the goals and priorities the Tennessee Arts Commission should undertake as a part of the agency's next five-year strategic plan. This plan will serve as a guide for the Commission's grants policies and programming from 2014 until 2019.

During these uncertain economic times, local communities across the nation are re-examining how arts and cultural enterprises contribute to the long-term economic vitality, livability, and sustainable growth of cities, towns and rural areas. While arts advocates and cultural leaders have long espoused a variety of benefits that can be realized through investment in the arts, there is a growing recognition by policy-makers and business leaders that creativity is an essential quality of a competitive work-force, and that it can be a catalyst for innovation, entrepreneurship and invention, which are hallmarks of dynamic, robust economies. Arts and cultural enterprises, industries that are devoted to nurturing, cultivating, and celebrating creativity, are in a unique position to partner with gov-

ernments, non-profits, and businesses to support policy environments and revitalization efforts that advance lasting community and economic development.

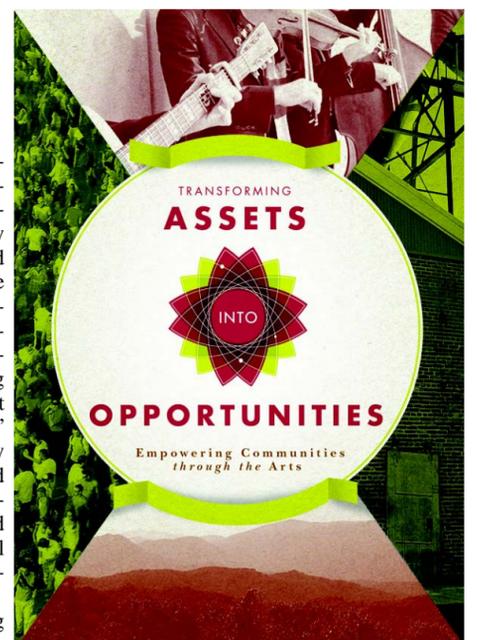
In the National Endowment for the Arts' 2010 white paper, *Creative Placemaking*, authors Ann Markusen and Anne Gadwa write, "Economic development quickens because arts and cultural investments help a locality capture a higher share of expenditures from local income. Instead of traveling elsewhere for entertainment and culture, or going to a big-box retailer or shopping mall, residents are patrons of local talent and venues, earnings that re-circulate at a higher rate in the local economy."

Further, the authors identify cultural industries as a lion in sheep's clothing, stating, "Few economic sectors are as large, diverse, entrepreneurial, and export-generating as the American arts and cultural enterprise writ large. Whether approached as industries (what cultural firms make), occupations (what cultural workers do), or a set

of organizations (producing firms, non-profit, public agencies and community groups), the arts and cultural sector is the nation's most under-rated economic engine, producing millions of well-paying jobs. It is our most competitive sector." They go on to identify commonly faced challenges in undertaking culture-based revitalization, as well as components of successful ventures.

In the coming weeks, speaker biographies, workshop descriptions, and registration instructions will be posted on the conference microsite.

Please visit the site at www.tn.gov/arts/transformconference.html, and make plans to attend. Assistance for the conference registration fee will



Tennessee Arts Commission will host Empowering Communities through the Arts at the Inn at Pickwick Landing from Oct. 23 - 25.

be available on first-come, first-served basis through the Commission's Special Opportunity program, www.tn.gov/arts/grant_categories.htm.

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One of five Americans struggling to afford food, Gallup survey finds

 BY JAKE GROVUM
Stateline.org Staff Writer

Despite record food stamp enrollment around the country and an economy considered to be on a modest upswing, the Great Recession is continuing to take its toll on many Americans who struggle to put food on the table, a Gallup survey recently found.

Nearly one in five Americans found it difficult to pay for food in the past year, according to the survey. Recent gains in job creation and falling unemployment have offered little relief: The number of Americans who said they struggled to afford food so far this year is almost identical to the number in 2011.

Of those surveyed, 18.2 percent said they had trouble. In 2011, the number was 18.6 percent. The most recent survey included 177,000 adults (with 1,000 interviews conducted each day) between January and June.

This year's drought and the potential for skyrocketing food prices could worsen the problem in some regions of the country. The U.S. Department of Agriculture said in July that the full extent of the drought on food prices is not yet known, but that it expects prices to continue to rise. Food costs are expected to increase as much as 3.5 percent, in part, because of higher feed prices.

That uncertainty aside, though, the regional impact of the drought, rising food prices and other economic difficulties is apparent in the Gallup survey. Results varied

widely among states, with some states having double the difficulty rate than others.

States in the northern plains have the lowest number of residents who said they had trouble affording food. North Dakota, for example, had the lowest percentage with 9.6 percent, followed by South Dakota at 11.8 percent. Vermont, Wisconsin and Minnesota rounded out the bottom five, with Nebraska, Montana and Kansas close behind. Those states also tend to have lower unemployment rates than others, and their residents typically have less trouble affording food, according to Gallup.

But for a number of states in the south, the confluence of recession, rising prices and a history of food-access issues has exacerbated the problem. One out of every four adults in Mississippi, for instance, reported difficulty affording food in the past year, the highest rate of any state in the country. Alabama was close behind at 23 percent, followed by Delaware, Georgia and Nevada in the top five. **Tennessee made the top 10 list with 21.3 percent of its residents struggling to afford food.** The full 50-state results can be found at www.gallup.com.

The survey puts a fine point on the broader debate over safety net spending occurring in Washington and in many states around the country. Extended unemployment benefits have ended, and Congress is debating proposals to cut back spending on the state-federal Supplemental Nutrition Assistance Program, commonly known as food stamps. As of May this year, the most

recent month for which data was available, more than 46 million were receiving SNAP benefits, an increase from 28 million just four years ago.

As *Stateline* reported last month, dual proposals in Congress would cut between \$4 billion and \$16 billion from the food stamp program, potentially costing thousands their benefits. Those cuts have been tied up by partisan bickering over the broader farm bill, but have worried advocates nonetheless.

"One of our concerns will be that the drought will cause food prices to go up," Kansas Rep. Barbara Ballard, who co-chairs the National Conference of State Legislatures' Human Services & Welfare Committee, said in a previous interview. "I believe they know the cuts are too high."

But while those food stamp cuts have been put off for now, cuts to other safety net programs have advocates concerned about the poor or unemployed. Earlier this month, Idaho became the last state to end its extended unemployment benefits, since it no longer met the requirement to offer them thanks to its improving economy.

That means no state in the country offers the full 99 weeks of unemployment benefits that were offered during the worst of the recession, even though long-term unemployment remains high in many areas. The Center for Budget and Policy Priorities estimates that has cost more than 500,000 people their benefits as the assistance has tapered off around the country.

NATIONAL BRIEFS

The nation's students can expect to see more fruits and vegetables in their school lunches under new federal guidelines aimed at adding more nutrition to their diets. The regulations shouldn't be a shock to schools and students in Northwest Georgia, which adopted similar guidelines in 2004 under a multidistrict nutrition program called Pyramid Partners. Students this year will see more varieties of vegetables, fruits and salads than at any time since federally subsidized lunch programs began in the 1940s. Under the U.S. Department of Agriculture's new standards, which became effective July 1, calorie limits also are set for meals. Schools now are required to serve larger portions of fruits and vegetables, and students must take at least one fruit or vegetable serving per meal. Schools must offer dark-green vegetables, orange/red vegetables and legumes at least once a week, eliminate all added transfat and serve only 1 percent or nonfat milk.

Americans are feeling worse about the economy than they have in a long time. Despite improving U.S. job and housing markets, consumer confidence fell to the lowest level it's been since November 2011, according to The Conference

Board, a private research group. August's reading indicates that the gains in the job and housing markets aren't big enough to put to rest Americans' economic fears. The index now stands at the lowest it's been since November 2011 when the reading was at 55.2. Home prices rose 0.5 percent in June from the same month last year, the first year-over-year increase since the summer of 2010, according to The Standard & Poor's/Case-Shiller home price index. The job market also is slowly on the mend. Employers added 163,000 jobs in July, the most since February. But that's not enough to keep up with a rising population, and the unemployment rate increased to 8.3 percent from 8.2 percent in June. Most economists say stronger growth is needed to produce enough jobs to lower unemployment — and make Americans feel better. The economy grew at an annual rate of 1.5 percent from April through June, down from 2 percent in the first quarter and 4.1 percent in the fourth quarter of 2011. In addition to worries about jobs and business conditions, Americans' outlook also may be influenced by gas prices. They fell sharply from a peak of \$3.94 in early April, but have started to surge again in recent weeks. Americans also are worried that the U.S.

economy will go off a "fiscal cliff" at the end of the year. That's when tax increases and deep spending cuts will take effect, unless Congress reaches a budget agreement by then. Despite their economic worries, Americans who have jobs appear to be optimistic about one thing: their future earnings potential. According to the index, the proportion of consumers expecting an increase in their incomes improved to 15.7 percent from 14.2 percent.

According to an analysis of U.S. Bureau of Labor Statistics, and reported in *Nashville BizBlog*, total employment for all federal, state and local government jobs dropped by 162,800 positions between the midpoints of 2011 and 2012, a decline of 0.7 percent. Across Tennessee, however, 10,800 government jobs were added, reaching 428,400 positions. That growth — in both raw and percent change — is the second-highest in the country, according to *On Numbers*, an affiliate of *Nashville Business Journal*. Tennessee is among 15 states that saw growth in government jobs. The Volunteer State is one of two states whose growth in government jobs exceeded 2 percent: Tennessee at 2.59 percent and West Virginia at 5.56 percent.

COMING UP

Sept. 21: Southeast TN Women's Summit in Chattanooga at the Chattanooga Hotel. Hosted by The Tennessee Economic Council on Women - Southeast Tennessee Development District Advisory Council and the Tennessee Women's Political Caucus. Features workshops on business development, political empowerment, marketing and social media and teen leadership led by women leaders from across the state. Keynote speakers include Clarksville Mayor Kim McMillan, the first woman in Tennessee history to be elected Majority Leader of the Tennessee House of Representatives. The summit will offer a forum for women to learn, discuss and network with leaders in the professional community; discover new ways to achieve their personal and professional goals; connect with other women and resources in their communities and help other women and their communities prosper. Breakout sessions include: making it at any age, political empowerment, and girl enrichment. To register or for more information, contact Jenni Berz at 423-266-4050.

Sept. 22: The Woods and Wildlife Field Day. University of Tennessee agriculture specialists will host a seminar on forest management at the research and education center and the arboretum in Oak Ridge. It is designed for landowners who have 10 or more acres of forested property. Topics include wildlife management, timber management, and best management practices for production and harvesting. Admission is free and includes lunch, but registration is required. The event begins at 8 a.m. EDT. The aim of the event is to equip landowners to make decisions that will balance goals related to fiscal management of property as well as wildlife and forest sustainability. More information and online registration is at <http://forestry.tennessee.edu/> or call 865-483-3571.

TENNESSEE MUNICIPAL LEAGUE STAFF
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TENNESSEE TOWN & CITY
 (ISSN No. 0040-3415) Publication No. 539420
 — Official publication of the Tennessee Municipal League. **Publisher:** Margaret Mahery (mmahery@TML1.org); **Editor:** Carole Graves (cgraves@TML1.org). **Phone:** 615-255-6416. **Advertising:** Publisher reserves the right to reject any advertising deemed unacceptable. Fax classified ads to *TT&C*: Attention Mona Lawrence at 615-255-4752, or e-mail mlawrence@TML1.org. Fax advertising copy to *TT&C*: Attention Debbie Kluth at 615-255-4752, or e-mail to dkluth@TML1.org. Opinions expressed by non League officials or staff do not necessarily reflect policies of TML. *Tennessee Town & City* is published, semi-monthly, 20 times per year at 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894. Periodicals postage paid at Nashville, TN. Subscription rates: \$6 per year to members, \$15 to nonmembers, \$1 a copy. **Postmaster:** Send changes of address to Tennessee Town & City, 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894.

No loan is too large or too small



The city of Dyersburg closed a \$4.5 million loan to use on various municipal projects.



The town of Cumberland Gap closed a \$5,000 Highway Safety Grant Anticipation Note.

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Supreme Court ruling affects city governments

HEALTH CARE from Page 1
may be used in the calculation of determining health care reform participation requirements (i.e., 50 FTE threshold). Part-time workers are exempt, except when determining the total number of employees for health insurance. Penalties are based on the number of full-time employees – not FTEs.

Medicaid Expansion

The court ruled that the Medicaid Expansion was constitutional, but further stated the federal government could hold only a portion of the Medicaid matching funds if they did not agree to expand Medicaid eligibility.

W-2 Reporting Requirements

Reporting new 2012 numbers will start in 2013. Employers will need to add a new number (value of benefits) to employees W-2 statements. It would be advisable to discuss this change with employees prior to the new W-2 change going into effect.

In summary, HCR is here and will stay in one form or fashion. While changes are likely, the concept of health insurance reform as an expansion of coverage appears to be here for the long term.

Some additional information

- Much of the required employee summaries may be provided electronically but must be made available in paper on an individual request basis.
- An employee is defined by the IRS – not the Affordable Care Act

(ACA). The IRS uses a common law employee definition. An FTE is an employee who works an average of 30 hours per week or more. Additional clarification is expected to come later.

- Flexible Spending Account rules apply to healthcare accounts. The new limits do not apply to dependent care accounts (pre-taxed accounts for daycare expenses).
- Loss ratio rules (MLR) only apply to fully insured plans

As a whole, health care reform remains much the way it was prior to this decision. The primary change as a result of the Supreme Court decision surrounds Medicaid.

We are awaiting clarification and guidance on much of what is contained in the Patient Protection Affordable Care Act (PPACA). In the meantime, your city should be continuing to implement the changes as required by health care reform.

Here are some helpful links on the recent Supreme Court decision and Health Care Reform:

<http://admin.wlswd-2.lawoffice.com/CM/Alerts/Alerts116.asp>

<http://www.zanebenefits.com/blog/bid/97281/>

<http://health.heraldtribune.com/2012/07/02/health-care-reform-101-your-questions-answered/>

The full opinion can be read here:

<http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf>

Statewide series presenting innovative solutions for rural economic development

Registration is now open for the Tennessee Main Street and Tennessee Downtowns Creative Community Summits to be held in September in Jackson, Franklin and Greenville. Sponsored by the Tennessee Department of Economic and Community Development and USDA Rural Development, the summits will focus on innovative solutions and strategies to generate economic growth in rural communities. The summits are free of charge; however, seating is limited. Please visit www.tennesseemainstreet.org/workshop.html to register.

"The Creative Community Summits are a direct response to needs identified during our recent rural development roundtables held across the state," Bill Hagerty, ECD commissioner, said. "By leveraging the natural assets of our rural communities and helping prepare our rural areas for competing in today's global economy, we will lay the ground work for future economic growth."

The Creative Community Summits will be held in three locations:

- Tuesday, Sept. 25 - The NED, Jackson,
- Wednesday, Sept. 26 - The Franklin Theatre, Franklin,
- Thursday, Sept. 27 - The Niswonger Performing Arts Center, Greenville,

These day-long summits will offer attendees interactive presentations,

educational sessions, networking opportunities and access to resources across the state that will encourage businesses and communities to refocus and improve their marketing strategies and turn their business or marketplace into a destination. Topics include "Growing Destination Businesses" with nationally recognized speaker Jon Schallert and "Cultivating Local Heritage Tourism, Arts, Culture and Agriculture to Jump Start a Rural Economy" presented by the National Trust Main Street Center Senior Program Officers Kathy LaPlante and Norma Ramirez de Miess.

"The summits are an excellent opportunity for stakeholders, business leaders and community partners to hear from national experts on what is working for similar communities across the country and learn what communities can do in their own backyards to encourage economic development and growth," Dan Hawk, ECD Rural Development director, said.

Each summit is free of charge, and lunch is included for the first 200 registrants at each location. Additional lunch tickets may be purchased once the 200 capacity is met.

For more information or to register to attend one of the Creative Community Summits, visit www.tennesseemainstreet.org/workshop.html.

Sustainability meets economic development in Bartlett Chamber energy efficiency program

A unique program initiated by the Bartlett Area Chamber of Commerce is helping area businesses reduce energy costs. Launched in 2010, the Team Green Zone was created to assist its members in becoming more proactive with energy efficiency programs.

The Chamber's TGZ team provides businesses a step-by-step procedure for reducing their carbon footprint, how to establish and market an environmental "Green" policy and, most importantly, how to improve operational efficiencies which can positively impact the bottom line.

The initiative was launched in response to inquiries from industry and business leaders on how they could "go green" and be more proactive with energy efficiency programs.

A simple call to the team initiates the process. The Chamber's TGZ team will conduct energy evaluations and offer improvement strategies using best management practices for each individual facility from a car wash to a large hospital. Using the National Action Plan for Energy Efficiency, they evaluate existing buildings and work with site owners to develop and implement solutions.

They will first establish a baseline for energy use and benchmark compared to other similar buildings. Relying on the Energy Star Guidelines for Energy Management, TGZ establishes measurable goals and estimates potential for improvement. An action plan is then developed to ensure a systematic process is in place for implementing energy performance measures. This plan is updated annually to reflect recent achievements, changes in performance and shifts in priorities.

The typical business owner, often an expert in his/her field, may not be able to dedicate the time to understand how energy efficiency programs work or how to implement the project. And as a result, many potential projects end there without the expertise and guidance of qualified contractors. With the wide array of expertise available through TGZ, the owner receives a qualified assessment and action plan that is fea-



TGZ's Clayton Poff shows equipment used to conduct energy evaluations and step by step procedures for improving energy efficiency.

sible for his/her facility along with the proper professionals assigned to the project. Working closely with the owner, staff, and facilities manager, the professional contractor is able to implement energy upgrades according to the plan. At a later date, a reassessment will be done to evaluate the effectiveness of the upgrades and determine if other actions are needed.

The TGZ also helps connect efficiency solution "seekers" with "providers." Looking through the yellow pages can be a maze to find the right contractor for the job. The Team Green Zone lists more than 25 companies with more than 400 industry professionals, from electricians to energy focused certified public accountants.

Participants have different goals but one of the TGZ larger customers, Brother International Corporation, has achieved certification through Energy Star and after installation of two solar farms rated at 60 kilowatts each, they have been feeding the local electrical grid.

Ken Lee, operations manager for TGZ, knows that the return on investment is critical for the program to succeed because sound business judgment is mandatory for not only for growth, but survival in the competitive market. According to Lee, one of the main excuses businesses often use for not participating in green programs is that they can't afford it. Lee says the success of this program has shown that businesses can't afford not to participate.



Brother International Corporation, has achieved certification through Energy Star and after installation of two solar farms rated at 60 kilowatts each.

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2012 Summary of Public Acts that effect municipalities

BY JOSH JONES
MTAS Legal Consultant

ALCOHOLIC BEVERAGES

Chapter No. 592 (HB3011/SB2843). ABC authorized to issue wholesaler license to a corporation that acquires a partnership or LLC. Amends T.C.A. § 57-3-203(g) by authorizing the Alcoholic Beverage Commission to issue a wholesale alcoholic beverage license to a corporation that has acquired all of the assets of a Tennessee partnership or limited liability company. The acquired partnership or limited liability company must have been in continuous operation within Tennessee for 10 or more years. The acquiring corporation must have been domiciled in Tennessee for no less than 25 years, have a majority of its assets in Tennessee and its officers in actual control of the wholesale operations must be actively present at the premises. *Effective March 21, 2012*

Chapter No. 691 (HB2679/SB3552). Farm wine permit created. Amends T.C.A. §§ 57-3-201 and 207 by creating a new ABC-issued permit for a farm wine producer. A farm winery must produce its own locally-grown product and comply with other provisions related to wineries. *Effective April 11, 2012*

Chapter No. 742 (HB2196/SB2532). Entity issuing beer permit may revoke such permit. Amends T.C.A. § 57-5-108(a) by clarifying that the local government entity that issues a beer permit has the authority to revoke or suspend that permit. *Effective April 16, 2012*

Chapter No. 790 (HB3039/SB2563). Limited service restaurant revenue from food may exceed 50 percent. Amends Tennessee Code Annotated, Title 57, Chapter 4, by authorizing the revenue from food sales of a limited service restaurant licensee to exceed 50 percent. Lowers seating capacity of a restaurant, as defined by alcoholic beverage statutes, from 75 to 40 persons. Amends privilege taxes for ABC license holders. *Effective April 23, 2012*

Chapter No. 881 (HB3633/SB3581). Beer permit/alcoholic beverage license reciprocal revocation/suspension pilot program established. Amends Tennessee Code Annotated, Title 54, by creating a pilot program in Hancock, Union, Grainger, Claiborne, Cocke, Jefferson, Hawkins, Hamilton and Knox counties whereby the suspension or revocation of a local beer permit may be reported to ABC which must schedule a show cause hearing to revoke or suspend the violator's license to sell alcoholic beverages. ABC may not levy fine in lieu of suspension or revocation. Likewise, upon the suspension or revocation of a license to sell alcoholic beverages the ABC may notify the local beer board which must schedule a hearing on the suspension or revocation of the local beer permit. *Effective April 23, 2012*

Chapter No. 964 (HB2402/SB2420). Beer board to file annual report with ABC. Amends T.C.A. § 57-5-605 by requiring a local beer board to annually file a report with the Alcoholic Beverage Commission. Report must contain various statistical data including, but not limited to the following: number of permits issued; number of violations for sale to a minor; whether violations occurred in an establishment participating in the Responsible Vendor program; penalties imposed. Report is due on February 1 of each year. *Effective May 10, 2012*

Chapter No. 1035 (HB1171/SB1038). Referendum on sale of alcoholic beverages for on premises consumption authorized in tourism development zone. Amends Tennessee Code Annotated, Title 57, by authorizing a municipality that has created a tourism development zone to conduct a referendum to authorize the sale of alcoholic beverages for consumption on premises. Referendum to be placed on November 2012 ballot and costs are to be paid by municipality. Also provides that if any municipality in Robertson County has authorized the sale of alcoholic beverages for on premises consumption then the city of Orinda may conduct a referendum to authorize the sale of alcoholic beverages for consumption on the premises,

population requirements notwithstanding. *Effective May 21, 2012*

ANNEXATION

Chapter No. 837 (HB3061/SB2987). Notice to Department of Revenue required upon annexation becoming effective. Amends T.C.A. § 6-51-115 by requiring a municipality to notify the Department of Revenue of an annexation upon becoming effective as opposed to the current requirement that such notice be given prior to the effective date. *Effective April 25, 2012*

BOARDS, COMMISSIONS & AUTHORITIES

Chapter No. 610 (HB2754/SB2601). Library board provisions amended. Amends T.C.A. § 10-3-103 by declaring that a library board shall be between seven and 11 members. Removes prohibition on more than five members being of the same sex. *Effective March 23, 2012*

Chapter No. 706 (HB3463/SB3007). Housing authority provisions amended. Amends Tennessee Code Annotated, Title 13, Chapter 20 by authorizing a housing authority to enter into management contracts with other authorities outside its jurisdiction for management of a housing project or mixed-finance project. Also authorizes a housing authority to enter into an agreement with a municipality related to the redevelopment or urban renewal projects for the municipality. Authorizes two authorities to merge upon passage of a resolution finding that such is in the best interest of each authority. This resolution must be approved by the governing body of any city or county subject to the merger. Also authorizes an authority to dissolve upon the passage of a resolution determining that such is in the best interest of the authority. This resolution is subject to the approval of the governing body of any creating city and/or county. *Effective April 11, 2012*

Chapter No. 835 (HB3627/SB3616). Authority for Regional Transportation Authority to exercise eminent domain revoked. Amends Tennessee Code Annotated, Title 64, Chapter 8, Part 2 and Section 29-20-107 by removing the authority of a regional transportation authority to exercise eminent domain. Also amends definition of "authority" in these provisions to include the newly reconstituted Regional Transportation Authority of Middle Tennessee. Limits tort exposure of third party who contracts with a RTA. *Effective April 25, 2012*

Chapter No. 1033 (HB1013/SB1715). Four Lake Regional Industrial Development Authority board membership altered. Amends Tennessee Code Annotated, Title 64, Chapter 5, Part 2, by changing the makeup of the Four Lake Regional Industrial Development Authority board. Terminates the ex officio seats of the municipal mayors. Changes procedure for filling vacancies on the board. *Effective May 21, 2012 for purposes of making appointments; effective July 1, 2012 for all other purposes.*

BUSINESS REGULATION

Chapter No. 675 (HB3371/SB2825). Hold period for scrap metal and jewelry dealers decreased. Amends Tennessee Code Annotated, Title 38, Chapter 1, Part 2, by decreasing, from 30 to 20, the number of days a scrap metal or jewelry dealer must hold purchased items. *Effective April 4, 2012*

Chapter No. 684 (HB2437/SB3626). Dismantler exempt from obtaining title of a vehicle more than 12 years old. Amends T.C.A. § 55-3-202 by exempting a motor vehicle dismantler and recycler or scrap metal processor purchasing a vehicle for scrap from obtaining the title if such vehicle is more than 12 years old. Certain information must be collected and retained and vehicle may not be crushed for three days. States that these provisions preempt any local provisions. *Effective April 10, 2012*

Chapter No 778 (HB3822/SB3397). Pawnbrokers must have computer system in operation. Amends Tennessee Code Annotated, Title 45, Chapter 6, Part 2, by requiring a licensed pawnbroker to have a computer system in opera-

MTAS October MAP Class Schedule

Wage and Salary Administration

Wage and Salary Administration is the creation of a system of orderly payments that are equitable (fair) to the employee and to the employer - and that provides sufficient motivation to employees to exert considerable effort in the performance of their jobs. This course will identify and outline the basic purposes and components of an established and equitable wage and salary system within local government.

Participants will identify the purposes of a compensation system; describe the compensation of employees relative to internal worth; describe the compensation of employees relative to external worth; and describe the compensation of employees on an individual basis of job performance. Participants will explore four different methods to rank jobs within the local government setting.

Time

All classes are from 8:30am to 12:30pm

Oct. 9 - Bartlett
Oct. 11 - Franklin
Oct. 17 - Jackson
Oct. 18 - Knoxville
Oct. 30- Collegedale

Training Facilities

Collegedale, Collegedale City Hall, 4910 Swinyar Drive
Franklin, Williamson County Ag Expo Park, 4215 Long Lane
Jackson, West Tennessee Research and Education Center, Seminar Room 150,605 Airways Boulevard
Knoxville, University of Tennessee Conference Center, 600 Henley Street, 4th floor.
Bartlett, Location to be determined

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The registration fee for MAP courses for Tennessee city officials is \$40 each. A fee of \$55 is charged for non-city officials. Registration is required. Seating is limited at all sites, so please register in advance.

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If you need assistance with registration or payment, call 865-974-0411.

tion capable of electronically transferring information regarding pledged goods in text file format to a requesting law enforcement agency. *Effective July 1, 2012*

Chapter No. 1062 (HB0101/SB1329). No adult-oriented establishment within 1000' of a family recreation center. Amends T.C.A. §§ 7-51-1401 and 1407 by adding a family recreation center to the list of locations that no adult-oriented establishment or adult cabaret can be located within 1000' of. Family recreation center includes an ice skating rink, roller skating rink, skateboarding area, paintball field, mini-golf course, bowling alley, go-cart track, climbing facility, athletic field or other similar place. *Effective May 21, 2012*

CIVIL PROCEDURE

Chapter No. 759 (HB2809/SB2140). Legislation must contain express language to create private right of action. Creates a new T.C.A. § 1-3-119 clarifying that for legislation enacted by the General Assembly to confer or create a private right of action, it must contain express language stating such. *Effective July 1, 2012*

CODE ENFORCEMENT

Chapter No. 517 (HB2341/SB2203). 2010 ADA Standards for Accessible Design adopted. Amends T.C.A. § 68-120-204(a)(1) by adopting the 2010 ADA Standards for Accessible Design and any further amendments, supplements or subsequent editions as the standards for any public building constructed, enlarged, or substantially altered or repaired after July 1, 2012. State Fire Marshal has authority to adopt additional codes by rule. *Effective February 23, 2012*

Chapter No. 589 (HB3448/SB3236). Tennessee Modular Building Act amended. Amends Tennessee Code Annotated, Title 68, Chapter 126, Part 3, by redefining a ready-removable structure. Specifies that a ready-removable structure must still meet applicable state and local electrical permitting requirements, local building permitting requirements and have hardwired smoke alarms. Further clarifies that no ready-removable structure may be modified for use as residential, recreational, or emergency housing. *Effective July 1, 2012*

Chapter No. 663 (HB 2848/SB2740). Abandoned construction pilot program made permanent. Amends T.C.A. § 13-21-102 by making permanent the abandoned and suspended construction pilot project in Williamson and Sumner counties. *Effective April 4, 2012*

Chapter No. 839 (HB2639/SB2492). Procedure for adopting sprinkler requirements amended. Amends T.C.A. § 68-120-101 by requiring a two-thirds vote of the governing body to adopt an ordinance mandating sprinklers in one and two-family dwellings. If passage requires two readings, then the ordinance must be read in two specially called meetings at least two weeks apart. If passage requires three readings, then at least two readings must occur on two different days no less than two weeks apart. Must be a standalone ordinance. Mandatory sprinkler requirements

shall not apply to manufactured homes. *Effective April 27, 2012*

CONTRACTS

Chapter No. 565 (HB2409/SB2561). Retainage amount in contracts with governmental entities lowered to 5 percent. Amends T.C.A. § 50-7-504 by lowering from 10 percent to 5 percent the amount to be retained in maintenance, works or building projects with governmental entities for more than \$100,000 and taking more than six months and with subcontractor liability more than \$10,000. This amount is withheld by the contractor for 30 days following notice or until there is compliance with unemployment compensation provisions. *Effective March 13, 2012*

COURTS

Chapter No. 677 (HB2826/SB2552). Municipal court judge may solemnize a marriage in any county in the state. Amends T.C.A. § 36-3-301 by authorizing a municipal court judge to solemnize a marriage in any county in the state. *Effective April 4, 2012*

Chapter No. 1088 (HB3225/SB2886). TBI lab fee clarified. Amends Tennessee Code Annotated, Titles 6, 7, and 38 by clarifying that the \$13.75 TBI lab fee is assessed upon the forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation whether considered a fine, a bond or a tax. *Effective July 1, 2012*

CRIME & CRIMINAL PROCEDURE

Chapter No. 535 (HB2638/SB2508). Equal Access to Public Property Act of 2012. Amends Tennessee Code Annotated, Title 39, Chapter 14, by adding a new Part 4 entitled the Equal Access to Public Property Act of 2012. Makes it an offense to camp on any state-owned lands unless such area is designated as a camping area. Camping equipment used in violation of these provisions is subject to forfeiture. Prohibition does not extend to local government owned lands. *Effective March 2, 2012*

Chapter No. 612 (HB2491/SB2287). Offense of falsely impersonating military personnel. Creates a new T.C.A. § 58-1-119 which makes it an offense to falsely impersonate or represent to another, whether by conduct, dress, verbally or in writing, that such person or another person is or was a member of the armed forces of the United States with the intent to deceive. Contains exceptions for instructional, law enforcement, theatrical, historical, ceremonial and educational purposes and if worn as a costume. *Effective July 1, 2012*

Chapter No. 613 (HB2489/SB2369). Civil remedy for victim of human trafficking created. Amends Tennessee Code Annotated, Title 39, Chapter 13, Part 3, by creating a civil remedy for a victim of human trafficking. Victim may seek restitution for a broad range of items including expenses incurred in relocating. Local law enforcement must verify necessity of relocation. *Effective July 1, 2012*

Chapter No. 660 (HB2768/SB2645). Offense of harvesting of wild ginseng on another's property. Creates a new T.C.A. § 70-8-204 by

making it an offense to knowingly dig, harvest, collect or remove wild ginseng on any land such person does not own.

Effective July 1, 2012

Chapter No. 666 (HB2858/SB2787). Trained phlebotomist authorized to draw blood for DUI test. Amends Tennessee Code Annotated, Title 55, Chapter 10, Part 4, by authorizing a trained phlebotomist or other properly trained person to draw blood for a DUI test at the request of a law enforcement officer. Extends civil immunity and chain of custody requirements to such persons. *Effective April 4, 2012*

Chapter No. 688 (HB2834/SB2679). Civil immunity granted for good faith reporting of certain injuries. Amends T.C.A. § 38-1-101 by creating immunity for good faith reporting of certain crime-related injuries by medical personnel and other persons who are required to make such reports. *Effective April 10, 2012*

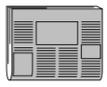
Chapter No. 741 (HB2226/SB2194). Tax-evading software criminalized. Creates a new T.C.A. § 39-14-704 which makes it an offense to knowingly sell, purchase, possess, install or use any automated sales suppression device, zipper or phantom-ware, all of which are designed to evade the payment of sales taxes. *Effective July 1, 2012*

Chapter No. 753 (HB2853/SB2997). Promotion of prostitution added to crimes requiring registration on sex offender registry. Amends T.C.A. § 40-39-202 by adding promotion of prostitution to the list of crimes requiring registration on sex offender registry upon conviction. Second offense requires registration on violent sexual offender registry. *Effective July 1, 2012*

Chapter No. 764 (HB2373/SB2235). Offense of selling or purchasing an immediate methamphetamine precursor. Amends T.C.A. § 39-17-431 by redefining the offense of selling or purchasing an immediate methamphetamine precursor as an attempt to sell the product knowing that it will be used to produce methamphetamine or with reckless disregard of its intended use or an attempt to purchase the product with the intent to manufacture methamphetamine or deliver the product to another person whom they know intends to do so, or with reckless regard of the other person's intent. *Effective April 19, 2012*

Chapter No. 766 (HB2763/SB2566). Offenses committed by public officials in their official capacity not eligible for pretrial diversion. Amends Tennessee Code Annotated, Title 40, by making elected and appointed public officials, including municipal officials, ineligible for diversion. *Effective July 1, 2012*

Chapter No. 812 (HB2368/SB2230). Controlled substance schedule rewritten. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 4, by completely rewriting the schedule of controlled substances. Adds numerous chemical compounds to the list of controlled substances. *Effective April 25, 2012*



CLASSIFIED ADS

Advertising: \$9.25 per column inch. No charge to TML members. Send advertising to: TT&C Classified Ads, Mona Lawrence, 226 Capitol Blvd. Suite 710, Nashville TN 37219; e-mail: mlawrence@TML1.org; or fax: 615-255 4752.

BENEFITS OPERATIONS MANAGER

MEMPHIS. The city is seeking qualified applicants for the position of Benefits Operations Manager. The position works under the general supervision of the Benefits Officer. Provides supervision to professional and support staff to ensure accomplishment of city benefit projects and processes through coordination with the human resource business partners. Manages the day-to-day administration of employee benefits/call center operations and interprets plan provisions and requirements. Resolves administration and policy issues and questions. Coordinates activities with vendors, active employees, retirees, and COBRA participants. Assists in analyzing and implementing benefit program trends. Identifies, designs, and proposes best practices and competitive benefit programs to support organizational strategies and associate needs. Assists in analyzing and implementation of cost and utilization data and recommends changes to achieve cost containment goals. Manages timely and accurate enrollment of new hires, qualifying events, terms, and data transmission to third parties. Leads all aspects of the annual open enrollment process including preparing communication material. Works with internal and external resources to identify optimal media and creating specific and accurate plan materials. Advises Benefits Officer and the leadership team on interpretation of plan provisions. Serves as liaison with internal clients and external vendors on benefit topics or employee issues. Participates in the budget preparation and budget management process. Maintains a high level of proficiency and knowledge of benefits and vendor systems, including the Benefit Enrollment System. Identifies and reports operational problems and sees them through to resolution. Reviews service center audits for call center, pension and other related projects. Minimum qualifications a bachelor's degree in Business or Public Administration or a related field and seven (7) years of professional experience in Human Resources to include experience in benefits design and administration with three (3) of the seven (7) years in a supervisory capacity; or any combination of experience and training which enables one to perform the essential job functions. Specific experience in managing the operations of a call center preferred. Certified Associate Benefit Specialist (CEBS) certification, Certified Benefits Professional or Professional in Human Resources (PHR) certification is preferred. Working knowledge of Excel, Word, PowerPoint and Oracle is preferred. Proof of education required. Annual Salary: \$64,616.01 - \$94,502.44; Bi-weekly: \$2,485.23 - \$3,634.71 Human Resources/Benefits J.O. #12-080. To view the complete online job description, visit: <https://ebusiness.memphistn.gov>.

CITY MANAGER

MILLINGTON. The city is seeking a new City Manager. Positions that report directly to the city manager include the directors of: Arts, Recreation & Parks, Office of Planning and Economic Development, Public Works, Finance and Personnel along with the Police and Fire Chiefs. This position is responsible to an eight member board of mayor and aldermen. The successful candidate should have a bachelor's degree in public administration, finance, or a related field and a minimum of five (5) years of senior administrative level experience in local government. A Certified Public Manager and/or ICMA Credentialed Manager are preferred. This position requires strong supervisory, budgeting, and communication skills. Interested individuals may view the full job description at the city's website: <http://www.cityofmillington.org/job.aspx>. Letters of application, salary requirements, resumes, and three professional references with contact information should be sent to: City of Millington, Attention: Personnel Director, 7930 Nelson Road, Millington, TN 38053. Position will remain open until filled, with priority to those resumes received by Sept. 28, 2012.

ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

CHEATHAM COUNTY. The Joint Economic and Community Development Board of Cheatham County is accepting applications for the position of Director of Economic and Community Development. This full-time po-

sition reports to the county mayor and is responsible for the recruitment of new businesses to the county, as well as assisting existing industries with expansion projects. The full job description and application, along with instructions for applying can be found at: www.cheathamconnect.com. EOE.

HUMAN RESOURCE DIRECTOR

GREENEVILLE. HR Director oversees all facets of the town's personnel matters: recruiting, hiring, training, employee benefits, employee disciplinary oversight, and risk management. Will interface with all departments (225 employees) and will act as liaison with several external agencies. Desire proven teamwork skills that strengthen organizational development. Minimum 4-year college degree in HR, business, public administration or related field. Master's preferred. At least 4 years experience in HR, govt. experience preferred. Send resume to City Administrator Todd Smith, 200 N. College St., Greeneville, TN 37745. 423-639-7105.

POLICE CHIEF

CENTERVILLE. The town is accepting applications for the position of Police Chief. Centerville is a small (pop 3600) rural town located in Hickman County. Education preference is a four year degree in law enforcement, with five years of administrative responsibilities. A two-year degree in a law enforcement discipline with seven years of administrative responsibilities or a high school graduate with 10 years in law enforcement with four years of administrative responsibilities may be considered. Must have current Tennessee Post

Certification. Position is also over the Centralized Communications Center, which serves all of Hickman County. All applications must be received by 1pm Sept. 28, 2012 and may be picked up at the City Hall business office. Applications will also be sent by e-mail. E-mail is: mayor@centerville.tn.org. Mail applications to: Mayor, 102 E. Swan Street, Centerville, TN 37033.

SENIOR CIVIL ENGINEER

COLLIERVILLE. This position, in Development Services performs responsible professional engineering work in complex capital improvement projects, civil engineering projects and stormwater issues. Requires Bachelor's degree in Civil Engineering or closely related field; supplemented by four years progressively responsible engineering experience and/or training involving civil engineering, engineering design, engineering plan review, surveying, and personal computer operations; or any equivalent combination, training, and experience which provides the requisite knowledge, skills and abilities for this job. This position is responsible for all stormwater management activities for the town. Registration as a Professional Engineer (P.E.) in the state of Tennessee is preferred, but not required. Tennessee Department of Environmental and Conservation (TDEC) Level 1 certification is preferred, but not required. Valid Motor Vehicle Operator's License is required at the time of hire. Salary range \$58,000.00-\$63,000.00 (depending on qualifications) with excellent benefits package. Applications may be obtained at the Human Resources Department, 500 Poplar View Parkway, Collierville, TN. Applicants must fill out the official Town of Collierville application to be considered for this position. Applications and resumes are subject to disclosure. This position will remain open until September 21, 2012. EOE



Sept. Dandridge

Free Concerts in September. Every Thursday evening in September at 7 pm, free music under the stars behind the Old Town Hall on Main Street. Food and drinks for purchase. Sept. 13, slick R&B with "Paula Michelle," former back up singer for Ray Charles. Sept. 21, Southern Drawl Band's southern country rock, contemporary and reggae. Closing the season Sept. 27 "Grits with Doug Renaldo opens with classic rock; R&B, and saxophonist, Doug Rinaldo's jazz and blues, formerly with Tony Bennett, Gladys Knight and the Pips, and the Charlie Daniels Band, then Larry Grisham's famous blues and jazz. Bring a chair or blanket. In the event of rain, alternate site will be indoors at the Field of Dreams, Dandridge Community Center, west of Food City on U.S. highways 25 and 70.

Sept. 29: Thompsons Station

Fall Festival Thompson's Station Park, 1513 Thompsons Station Rd West, 9am - 5pm. Free family fun including arts and crafts vendors, food, children's games and activities, live music, a chili cook-off and more. For more information, call 615-794-4333 or email thompsons-station.com.

Sept. 29: Dandridge

6th Scots-Irish Festival Historic downtown Dandridge. The only Scots-Irish Music Festival in the U.S. The music festival honors the Town's earliest settlers dating back to 1783. Bagpipe and Snare Drum Competitions, Dance and Athletic demonstrations, Celtic wares, food, and more on the shores of Lake Douglas. Admission is free. For more information, call 865-397-7420 ext.17 or visit the website at www.scotsirish.com.

Sept. 29: Dandridge

First Annual Douglas Dash Runners of all ages invited to this one-mile race. Features views of Douglas Lake, English Mountain, and historic downtown Dandridge. Registration from 7:30am - 8:45am, followed by race at 9am, concluding with the awards ceremony at 10am. Cash awards presented to the top male and female finishers. Additional awards will be given to the top three finishers in each of 16 age/gender divisions. For more information, visit the website www.mainstreetdandridge.com/Douglas_Dash.html or call 865-397-7420 ext.17.

Oct. 6: Chattanooga

The Scenic City's Cook-off Sponsored by the Junior League of Chattanooga, food and fun at AT&T field. Contestants team up to have their culinary creations evaluated by a secret panel of judges for a chance to win the title of "Best Stew in Town." For just \$10, enjoy all the stews and chili you can handle and great entertainment. For more information, email the JLC at jlcscavorcookoff@gmail.com or call 423.267.5053.

Oct. 12-14: Maryville

Foothills Fall Festival Three days of world class concerts, juried arts and crafts, activities, and shows. Sixteen acres of free family fun including rides, inflatables, games and shows. For a complete schedule of concerts and events, visit the festival website at www.foothillsfallfestival.com/

Oct. 13: Parrottsville

15th Heritage Day Festival Parrott-LaRue-Myers Memorial Park, Old Parrottsville Highway. From 9 am -6 pm. local music, food, craft vendors, horse-drawn buckboard rides, children's games, a quilt show, baking contest, flower show, beauty pageant, and many other contests throughout the day. Monster truck rides and helicopter rides for young and old. For more information, visit the festival website at parrottsville.tn.com or call 423-623-8340.

Oct. 12-14: Lewisberg

10th Goats, Music & More Festival Held at Lewisberg's Rock Creek Park, goat shows, musical entertainment and activities for the whole family. Fainting goat and Boer goat shows, arts & crafts show, food vendors, children's activities and acoustic, bluegrass, country and rock and roll music. Bring your best barbeque recipe and enter the Kansas City Barbeque Society sanctioned Lewisburg Rotary Club BBQ Cook-Off or simply bring those taste buds and enjoy a unique taste of the South. Walk or run in the 5th Annual 5K Goat Gallop Fri. at 7 am. For more information, visit the festival website at www.goatsmusicandmore.com/index.php/home

Oct. 21-23: Chattanooga

11th Annual Oktoberfest Held at the First Tennessee Pavilion German festivities, dancing and music for the whole family Grilled brats, German potato salad and fresh sauerkraut will lure you in, but the selection of more than 36 local and season brews will keep you. Large variety of arts & crafts. For a complete schedule of events, visit ChattanoogaOktoberfest.com



Gary Wade's rise in Tennessee politics from mayor to Chief Justice of Supreme Court

BY GAEL STAHL

Gary Wade began and ended this interview crediting his success to wonderful parents, family, educators, professional colleagues, the good people of Sevier and Knox counties, and an outstanding Tennessee governor or two. He was certainly blessed on all fronts.

He hit the jackpot with his father Dwight Wade, a small town businessman and his mother Kate Reagan Wade, a seventh generation mountain girl, whose Reagan family married into the Ogle family after the War of Independence. The Ogles were the first family to settle in Gatlinburg and the largest family in Sevier County by far. The Reagans settled nearby in the southern end of Sevier and ended up in the Sugarlands where the Sugar-land Center, the Smokey Mountain Park headquarters, is situated today. The first Reagan, Timothy, came to Sevier County shortly after the Revolutionary War. Wounded twice, he survived, made his way to Sevier and fathered a prolific family. Fourth generation Ephraim Reagan had 24 children all of whom reached adulthood and had 99 grandchildren. Gary, a sixth generation Wade, is practically related to everyone who ever born in Sevier County.

Wade's father, born in 1907, started a small department store across from the courthouse at age 22 in 1929. He survived the Depression and in 1971 retired while Gary Wade was in law school. After he sold the store he still went to work at the store every day until three days before his death in 2008 going on 102. Wade's mother died at a youngish 88. From Pigeon Forge, she was the first trained beautician in Sevier County and had her own business for seven years before marrying Dwight Wade back when Sevierville was a town of fewer than 2,000 residents.

Gary Wade, the third oldest son, went to Sevierville schools and except for his birth in a Knoxville hospital and seven years at the University of Tennessee while getting a bachelor's and law degree, he has lived every day of his life in Sevier County. He loved his teachers in grade and high school, especially high school principal, Jack Ogle, a distant relative who was his positions coach (center and line-backer) in football. He also played basketball and enjoyed history and English. His love for Shakespeare taught by an Englishman, Dr. Norman Sanders, was shared by his college girl friend and future wife Sandy from Pigeon Forge. His father paid for as much education as his boys wanted to take at a state school as long as they did not marry or buy a car. One brother bought a car and found himself independent. Wade and Sandy were married during in his last year of law school, and he found himself independent. Fortunately Sandy had a job and put him through school, helped him settle down and get serious about his professional career.

The most memorable thing about his undergraduate years was joining a new fraternity of top-notch fellows who elected him president of the fraternity giving him his first taste of significant leadership during his senior year.

At UT law school he bonded with and got to know all 200 fellow students but he had tough, demanding professors, who for the first time, really challenged him academically. He called law school an academic boot camp, because it was taught by professors with military training who stressed how demanding law practice could be. Wade didn't appreciate that until he began to work with clients with serious problems. The best part of law school by far was getting involved in the University of Tennessee Clinic where he could represent clients unable to afford counsel, investigated their cases, researched the law, and represented them in court under the supervision of the legal clinic staff.

As soon as Wade began working at the law firm of Robert Ogle, his future partner, they were extremely busy. Wade felt so honored to represent the people in his community that he forgot rule No. 1 – to ask for a fee in advance. Ogle, a distant cousin, reminded him. Over the next 15 years, their firm would become the largest firm in town. Since the firm specialized in everything, Wade spent a lot of time in court and long hours doing his own research and investigation. They charged reasonable fees based on what clients could afford to pay. Those who could afford to pay nothing were not turned away but received pro bono services. In 1987, Gov. Ned McWherter named Wade to the Court of Criminal Appeals. In 2006, Gov. Phil Bredesen appointed him to the state Supreme Court. On Sept. 1 he became chief justice.

Sandra and Gary, married in 1972, have three adult children and four grandchildren.

TT&C: How did you happen to become Sevierville mayor?

GW: That's a story. When I walked into the law office in 1973, Bob had become Sevierville city attorney. The city of Pigeon Forge had just incorporated and needed to retain counsel for legal advice. After Bob assigned me to do that, I realized I'd never been taught anything about municipal law, zoning laws, police department and human resource issues that went to court. So I learned it and it became my favorite area of law. Then my friend, Sevierville City Administrator Hulet Chaney, asked me to run for city council. He said it did not conflict with my being Pigeon Forge attorney and that I might learn a lot. Gosh, did I learn a lot. I was elected in 1975 when I was 26 years old. I served two years and was elected mayor for 10 years. This was a volunteer job so everything I did for the city took place after 7 p.m. It probably gave me the best education in my life in dealing with people. Being mayor basically put me in charge



Gary Wade sworn in as Chief Justice of the Tennessee Supreme Court.

of garbage pick up and quieting barking dogs. Fortunately we had a great city manager in Hulet Chaney, but I never forgave him when six months after encouraging me to run for mayor, he told me he was taking a job as CEO for Tennessee Farmers Insurance Company later called Farm Bureau. I told him I didn't know anything about running a city but he said not to worry, you're ready to go. He hit the door and I literally fell into the proverbial privy but came out smelling like a rose because within a month or so I found Russell Treadway, a 24-year-old with a master's degree and a year's municipal experience in Southern Virginia. I was 29 by then. I didn't realize how young we were until a neighbor asked if 24 (and 29) wasn't a bit young to lead a town. Luckily, Russell was a consummate pro.

TT&C: You two took the city a long way.

GW: Russell was with me nine and half years when I told him my law practice, wife, and children were jealous mistresses and as much fun as I was having, it was time for me to hang it up. I quickly found I had more law clients than I could handle. Maybe some people had not been employing me because I was busy being mayor. While I was young with boundless energy and could handle the major responsibilities, the thing that really suffered was my family. When you're young you make mistakes in your priorities. My practice was so demanding and successful by then with five lawyers and the paralegals that I felt like the little boy sticking fingers in the dike every morning and hoping not to be overcome. We specialized in everything. Then one day, in the 15th year of my law practice, Ned McWherter called and asked if I would be interested in an appellate judgeship. The rest is pretty much history. I made my decision in the interest of having more time with my family and getting some control over my time. My son by then was a teenager and my daughters were beginning school and it was time for me to be a better husband and a better father. I was fortunate my judgeship was in the Court of Criminal Appeals which gave me some control over my time. Oh, I gave it plenty of effort but I didn't get the midnight and after midnight calls on weekends that any country lawyer with a large domestic practice usually gets.

TT&C: You began this interview talking about the people who influenced your success in life.

GW: There are three or four people you can point to in your life that make a difference. Bob Ogle giving me a job in the first place was certainly one of them. Bob, a vigorous, good lawyer at 65, was not happy about my becoming a judge. Yet, he allowed me to take my faithful friend, who was far brighter than me, my secretary/office assistant for 15 years Joann Whaley, to the Court of Criminal Appeals, where she stayed with me another 15 years until she retired. I was so grateful to him. Hulet Chaney, by urging me to run for local office, was a second major influence. That's something I wouldn't have thought about doing. And then Gov. Ned McWherter calling and asking me if I might consider being a judge came totally out of the blue. I'd never thought about being a judge. That one phone call from Ned made a huge difference in my life.

A person early on who had the same type of impact was my principal and coach Jack Ogle. He played a major role in teaching me how to conduct myself as a man. I see myself as the proverbial turtle you see on a fence post. You know that he got a lot of help along the way. That fits me to a T.

TT&C: While you were a popular mayor, didn't it seem strange that a leader in the state Democratic Party called to offer you a judgeship?

GW: Nearly everybody's a Republican in Sevier County and the rest of us are suspects. I knew Speaker McWherter from discussing with him issues we faced from our city's ownership of its electric utility and the way in lieu taxes were distributed. There was a proposal to change the formula that would have impacted the city badly. That conversation led to others and we talked more than two hours. He wanted to know about this county and its people because he was interested in running for governor and was studying his prospects. While I wasn't able to be a significant donor or help much in his 1986 campaign, I thought he was a fine person and an excellent House speaker and governor and an easy man to like.



Chief Justice Wade

TT&C: Were you, by chance, a Democrat in a Republican County?

GW: Funny you asked that. My father was a Democrat. In Sevier County 75 percent were pro Union. All my people fought for the Union. I never figured out how Dad became a Democrat except he loved FDR. So did his mother. The Depression made ardent yellow dog Democrats out of them. My mother came from a Republican family, so we grew up liking both parties. Because of Dad, who was a Democrat, and because of my relationship with Ned McWherter, I was perceived as a Democrat. We have retention (yes/no) elections. Judges don't run in partisan elections as a member of a political party. I hope no litigant ever walks into a courtroom and thinks it is important as to whether you're a Democrat or a Republican. I feel comfortable on either side of the aisle. Nowadays, being nonpartisan is probably the least popular position you can take, given the intense partisan divide between parties on a national basis.

TT&C: You were a cofounder of the Friends of the Great Smoky Mountains National Park. Why is that significant?

GW: That's an important aspect of my career. In 1993, I was lucky to be asked by the park superintendent, Randy Pope, to be on the founding board of the Friends of the Great Smoky Mountains National Park. The board made me its president. The Park Service has never had enough funds appropriated from the federal government to do all they need to do. I was lucky, with the help of others, to be able to develop an organization that takes care of things the park service can't do. When I went to the Supreme Court, I had to step down and now serve in an emeritus capacity with the Friends, who are delightful people that love the park and preserve wild life, plants, trees, and wild flowers, and maintain the trails, and historical structures. It's a most special part of my life. The main source of income has been the license plates of the Friends. They are No. 1 in popularity. You have to thank the General Assembly for allowing that and for those who are willing to pay an extra fee to support the park.

TT&C: You were named Tennessee Appellate Judge of the Year in 2004 and founded the Tennessee Judicial Conference Bar Foundation that provides need-based scholarships to law students?

GW: It was a wonderful honor. Periodically they'll give an appellate judge of the year award and I was just one of several very fine judges named to that. It was a distinct honor to spend a year as president of the Judicial Conference, during which time I felt we needed to do something for our legal colleagues. Several agreed with me that one way we could give back was to help law students having a tough time financially. The average debt of a UT grad when they get out of school these days is about \$65,000. That can take years to pay off. We asked judges to donate and hold a golf tournament each year. The judges and friends of judges have developed about 15 scholarships that we distribute pretty much on a need basis to those who distinguish themselves in some way. I got credit for it because I was president at the time and I've continued to serve on the board.

TT&C: Gary R. Wade Boulevard in Sevierville was named for you in 1987 about the time Charles G. Seivers Boulevard was dedicated in Clinton?

GW: That's right! Bones was one of the icons in TML. When he started the TML Bond Fund he asked me to serve as treasurer of the board

and I've never seen anybody as competent and energetic as Bones Seivers. He was just so amazing that after I got to know him and saw how right on he was about everything he did, whenever he would call I'd always answer the phone by saying, "I vote yes," before hearing what he had to say. The biggest project we had when I was mayor was to acquire the current municipal site in Sevierville. We bought some acreage for a planned development and built streets through it and to it to extend the downtown a couple of blocks. But the way I'm going to be remembered in Sevierville is as a road. Totally unexpected things like that are what you cherish most. I'll be forgotten, but I'll be remembered as a name on a road.

TT&C: What has your experience as a Supreme Court judge been like and what do you expect as chief justice?

GW: The breadth and depth of the issues we've had to face have easily been the most demanding challenge of my professional life. The budget issues we had to address during the last five years when we've had to cut 21 percent of our budget have been heart wrenching. Cuts typically mean in government that you lose people, valued employees, and we have had to make some priority judgments.

I want us to get back to doing what we do best, the resolution of disputes and the development and interpretation of the laws that are on the books today. Ascertaining the best way to resolve conflicts between people and entities has been a daily chore for me. I told my colleagues to just hold on for dear life. They were so talented and energetic that it was tough to keep up. That reminds me of what I said while I was presiding judge of the Court of Criminal Appeals. I had some really talented judges on that court, four of whom were first in class. I quoted a French general who said, "I must hurry for I am their leader and there they go." I think that will apply perfectly to my tenure as chief justice. I will try to hurry and keep up with my colleagues.

TT&C: Does the state judicial system have a budget?

CW: No. Our budget represents only 0.4 percent of the state budget and it's almost all in salaries of judges across the state and we're just trying to keep up. If you're not going forward, you're really going backward. This court is talented, energetic and hard working and we've left no stone unturned. I credit my colleagues for that. I'm more of a big picture person and they have taught me that every detail is essential in the law. Making adjustments frankly have been difficult. I spent 19 years exclusively in criminal law and while I practiced primarily civil law in my practice, for those 19 years I didn't keep up with civil law so I had to reeducate myself first and foremost. For example, workers compensation. I handled a case in 1987 but statutes have gone through two major changes during that time and it was a whole new area of the law for me when I arrived on the scene. While that's not necessarily a complex area of law it continues to be tweaked by the General Assembly and just trying to keep up with the changes has been like trying to drink water through a fire hose.

TT&C: Some legislators complain that the Supreme Court isn't strict enough in disciplining judges?

GW: Actually, the Supreme Court is not involved in that process itself. Of course, the judiciary appoints individuals who serve. That can be complained about because what used to be the Court of the Judiciary now is the Board of Judicial Conduct and yes, judges make mistakes. Any time you've got two sides in a lawsuit and one loses, and the judge makes the decision, you tell me, who do you blame? Like I say, all we can do is aspire to do the right thing. But we're still going to hurt feelings and naturally there will be complaints. That's just part of the job. You'd like to get a pat on the back and a that-a-boy in every decision that is made but sometimes there is no good decision in a difficult case.

TT&C: Some also complain about how judges are chosen?

GW: We have two more years before the 2014 judicial elections. The General Assembly is reconsidering the method by which appellate judges are selected and trial judges are replaced on a temporary basis. They are trying to decide whether to go to a federal plan rather than our Tennessee plan, whether to amend the constitution to determine whether retention, yes/no type elections are OK. The General Assembly apparently prefers retention type elections but there is concern about the wording of the state constitution and about proposing a constitutional amendment to ensure that in fact retention elections are OK. While I believe the Tennessee Plan has served our state well for years, obviously I'm a product of the Tennessee Plan, and so naturally I would be pleased with it. I respect that the General Assembly can choose the best method.

I think when ordinary people trained in the law are pure of heart and mind and put on their robe, they rise to the occasion. The office itself makes better people of all of us. My simple rule is to try to do the right thing, and every judge I know tries to do the right thing. I'm human like anyone else and have all the human frailties but when you put on that robe, the average jurist is transformed. We become better than we really are. All of the judges I've met in the last 25 years in Tennessee are good and honest people. Part of becoming a judge is you tend to lose partisanship. You just try to be just, be fair, and be courteous and act with integrity all the time.