

**THE
MONTGOMERY COUNTY COMMISSION**

PRESENTS ITS

2013 LEGISLATIVE AGENDA

TO THE

**108TH GENERAL ASSEMBLY
STATE DELEGATION**

**SENATOR TIM BARNES
SENATOR ELECT MARK GREEN
REPRESENTATIVE CURTIS JOHNSON
REPRESENTATIVE JOHN TIDWELL
REPRESENTATIVE JOE PITTS**

Forwarded by

Montgomery County Mayor Carolyn Bowers

And Legislative Liaison Committee Members

*Commissioner Ron Sokol
Commissioner Keith Politi
Commissioner Mark Riggins
Commissioner Nick Robards
Commissioner Robert Nichols*

DECEMBER 2012

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Commissioner Robert Nichols

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**I. LAW ENFORCEMENT
TIMELY STATE CUSTODY OF PRISON INMATES**

LEGISLATIVE ITEM: We are petitioning the Tennessee State Legislature to consider innovative methods and new ideas to reduce the population of state prisoners being held in the Montgomery County Jail.

PURPOSE: The largest single costs to the Montgomery County Jail operations and to the taxpayers is the custody, care and administrative requirements for housing Tennessee State prisoners.

When the new Montgomery County Jail opened in 2004 the average number of Tennessee state inmates held in the jail was 10 to 15. Now that average has increased to 150 or more. This practice of housing state inmates is imposing a financial burden on Montgomery County Government. Recent changes to sentencing laws, release measures, and overcrowded prisons has created an unfunded mandate for our county as it appears leaving inmates at the county jail is a cost saving measure to the state.

The current cost for Tennessee inmate care is approximately \$78.00 daily per prisoner while the reimbursement rate to Montgomery County is \$44.00, leaving a \$34.00 deficit per prisoner per day. The current number of state prisoners being held at the jail is now at 170. In discussions with the Montgomery County Sheriff's Office, the single most issue driving up cost of jail operations is the number of state prisoners. Some of these inmates have been or will be housed at the jail for years. Montgomery County does not have the mandatory classes, training, and social support mechanisms that are available at the institutes. Without these support elements and treatments state inmates receive at institutes, County held inmates will be released into this community without the help some desperately need, which may increase the recidivism rate and local criminal activities.

At this rate Montgomery County will soon be forced to open and staff the older jail section to accommodate the current jail population. If the Tennessee Department of Corrections takes custody of their inmates in a timely manner, Montgomery County could avoid this increase in jail operations and costs.

For more detailed information please contact the following individual:
Commissioner Ron Sokol, r_sokol@bellsouth.net, 931-624-4842

II. LOCAL AUTHORITY TO ISSUE CURFEW, BURN AND FIREWORKS BAN

LEGISLATIVE ITEM: Provide County Mayor the statutory authority to implement a burn ban and/or fireworks ban and/or curfew when a situation presents a potential threat to the lives and property of Montgomery County residents.

PURPOSE: When a situation occurs that poses a potential threat to the lives and property of the citizens of Montgomery County, the County Mayor should have the statutory authority of office to act proactively to protect county residents. The absence of that authority was evident during the flood of 2010 and more recently evident during this past summer's drought. During the flood, the City Mayor was able to implement a curfew to protect the citizens of Clarksville. During this summer's drought, City Mayors across the state were able to independently implement burn bans and firework bans to minimize the possibility of potentially damaging fires. The County Mayor has no such authority. The County Mayor had to work through the State Department of Agriculture before a burn ban could be implemented by the state office. The County Mayor has no avenue to get a fireworks ban or curfew implemented should the need arise again.

The County Mayor should have the statutory authority of office to implement a burn ban and/or fireworks ban and/or curfew to protect the citizens of Montgomery County in the event of any potential future threats.

For more detailed information please contact the following individual:
Commissioner Keith Politi, k-politi@webtv.net, 931-302-5146

III. AUTHORITY TO BAN SMOKING ON COUNTY PROPERTIES

LEGISLATIVE ITEM: Provide the County Legislative body the statutory authority to extend indoor smoking bans to ban smoking outdoors as well.

PURPOSE: Currently, counties do have the authority to restrict smoking indoors. However, counties do not have the authority to extend those restrictions outdoors. The state, public and private schools and universities do have the authority to ban smoking outdoors which enables these institutions to create smoke free campuses.

Smoking right outside the entrances to the Montgomery County Public Library and county offices located at Veteran's Plaza has become a problem for nonsmokers who need to access these offices and utilize the public library. Protecting nonsmokers from exposure to second hand smoke is a responsibility of the county.

As a result, the County should have the same option to create a smoke free campus, by restricting outdoor smoking, as the state, public and private schools and universities.

For more detailed information please contact the following individual:
Commissioner Keith Politi, k-politi@webtv.net, 931-302-5146

IV. DISABLED VETERANS SCHOLARSHIP PROGRAM

LEGISLATIVE ITEM: Support a scholarship program for a Tennessee disabled veteran's spouse or child.

PURPOSE: This scholarship program would be in addition to the federal programs for disabled veterans and would assist the Tennessee family. This scholarship would only assist the service connected; Tennessee disabled veteran. The scholarships would be available for vocational or undergraduate studies. The proposal includes eligibility requirements and the possible funding source from the Tennessee Lottery Scholarship program.

Your assistance and support to fund a college education for our disabled veteran's family is very important Montgomery County and Tennessee.

For more detailed information please contact the following individual:
Commissioner Robert G. Nichols, robert@fortcampbell.com, 931-431-2619

V. MONTGOMERY COUNTY TEEN LEARNING CENTER

LEGISLATIVE ITEM: Encourage the continued funding and support of Tennessee's Genesis Programs, which include Montgomery County's Teen Learning Center.

PURPOSE: The "Genesis Learning Centers" are a Tennessee Non-Profit Organization that makes a difference for troubled and problem juveniles. The states' five centers are in Rutherford, Davidson, and Montgomery Counties. Not fully funding these academies and centers would increase the burden on the State of Tennessee and local government. The Montgomery County Teen Learning Center provides a full school day, Tennessee Department of Education approved, alternative last chance school. These youths have been brought to the juvenile court's attention, and are unaffected by traditional disciplinary procedures. The youths will exit the program with the ability to function in socially acceptable and productive ways. Many families rely on these centers to help put their children on the right track.

Your assistance with continued support and funding of these programs would be greatly appreciated by the courts and citizens of Montgomery County.

For more detailed information please contact the following individuals:
Commissioner Robert G. Nichols, robert@fortcampbell.com, 931-431-2619

VI. STATE PARKS/NATURAL AREAS

LEGISLATIVE ITEM: A request to our state delegation for assistance in the further development of Port Royal State Park.

PURPOSE: Montgomery County Government recognizes Port Royal State Park as a significant cultural, historical, and recreational asset for our community. The further development of this park would highlight its significant role in our Nation's history as a part of the Trail of Tears and this has not occurred.

We would like to request TDOT and TDEC construction funding of a pedestrian bridge connecting the existing park to 15 additional acres of the park. We would also encourage the paving of the parking lot to ensure ADA compliance. Finally, place proper signage to designate the area of the Trail of Tears to include a brief history.

For more detailed information please contact the following individual:
Commissioner Nick Robards, nrobards@cdelightband.net, 931-320-0420

VII. NEW LAW TO RESTRICT USE OF ANIMALS IN CRIMINAL ENTERPRISE

LEGISLATIVE ITEM: Support the development of a new law to prevent the use of animals to protect ongoing criminal enterprise.

PURPOSE: Animals are being used to protect criminal activity. When law enforcement entering an area of known criminal activity they are encountering trained animals that hinder the apprehension and collection of evidence due to the animals guard status.

Strong penalties need to be used to stop the use of guard animals. We request a law be instituted to show a Class E felony for this violation, and show presumptive intent by having animals in the position of guard status. This new law would allow law enforcement across the state to be protected against the use of guard animals.

For more detailed information please contact the following individual:
Commissioner Nick Robards, nrobards@cdelightband.net, 931-320-0420

VIII. INCENTIVES FOR BUSINESSES TO HIRE VETERANS

LEGISLATIVE ITEM: A request to our state delegation for assistance in the development of incentives for businesses to hire veterans.

PURPOSE: Montgomery County is very fortunate to have the Fort Campbell military base. We have reaped many benefits throughout the years derived from it being located within our county. But, with the downsizing of many military installations, Fort Campbell and Montgomery County have felt the strains and pressures associated, especially when it comes to the unemployment of our local veterans. With the national unemployment rate at 8.3%, as of July 2012, comes the unemployment rate of veterans at a staggering 12.8%, 30% of which are ages twenty to twenty-four. The Fort Campbell installation alone releases an average of six hundred veterans a month. These veterans have served our country to give us the rights, freedoms and jobs that we cherish. We ask for your assistance in developing a method to incentivize businesses statewide, in addition to the federal “Vow to Hire a Veteran” tax credit, to integrate these veterans into the workforce.

For more detailed information please contact the following individual:
Commissioner Mark Riggins, mriggins4district4@yahoo.com, 931-320-4869

IV. EDUCATION

LEGISLATIVE ITEM: Support a change in the CBER and TACIR formulas that determine a counties fiscal capacity to credit the county for the share of property tax used for new school construction and/or school renovations.

PURPOSE: Fiscal Capacity is the potential ability of local governments to fund education from their own taxable sources relative to the number of students. The new CBER (Center for Business and Economic Research) model and the TACIR (Tennessee Advisory Commission of Intergovernmental Relations) model are used to determine a counties capacity to raise local revenues for education from its property and sales tax base. One of the variables used in these formulas is the three year average of property tax spent on education taken from the Department of Education’s Annual Statistical Report. However, this figure only takes into account the property tax allocated for the school system’s operational budget. It does not include the amount of property tax allocated to a county’s debt service fund to cover new school construction and or major school renovations. As a result, the fiscal capacity of a county that invests in new schools is undervalued in both formulas which can result in a reduction in BEP funding. As of FY 2012-13, the Clarksville Montgomery County School System’s BEP funding over the past three years has been reduced by approximately \$5.3 million dollars based on its projected fiscal capacity using the TACIR and CBER formulas.

In Montgomery County, the school system's share of the current property tax rate for operations is .968 cents. The share of the property tax rate for the Debt Service Fund is \$1.027. However, .76 cents of the \$1.027 is directly related to new school construction. Using the CBER and TACIR Models, the .968 figure is used as the measure of the counties expenditure for education; when, in fact, the county has actually invested an additional .76 cents in educational funding for new and renovated schools. Thus, the counties actual education related expenditures are \$1.728.

For more detailed information please contact the following individuals:
Commissioner Mark Riggins, mriggins4district4@yahoo.com, 931-320-4869; or
Danny Grant, Clarksville-Montgomery County School System Chief Financial Officer

X. STATE FUNDING FOR LOCAL GOVERNMENT

LEGISLATIVE ITEM: Fully support the continued funding of all state shared taxing, Stimulus and BEP funding, including current recommendations of the BEP review committee reported to the Governor, which benefit Montgomery County Government and our citizens.

PURPOSE: The current revenue sharing partnership and equitable funding relationship enables Montgomery County Government to provide essential services and basic mandated funding requirements to our citizens, students and constituents. Any reduction or compromise to full funding of these services and programs directly result in reduced effectiveness and would require substantial increases in local taxes. Increased financial stress is placed on the local government when full funding is restricted, reduced, or delayed.

Local tax resources are currently at a maximum, supplementing the inequity of state funding to provide mandated fundamental services such as: public education, public safety, correctional facilities, emergency services and transportation funding.

For more detailed information please contact the following individual:
Mayor Carolyn Bowers, mayorbowers@mcgtn.net, 931-648-5787

XI: HIGHWAY TRANSPORTATION

LEGISLATIVE ITEM: Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

- 1) Utility relocation and construction phase for SR374/Warfield Blvd. from Dunbar Cave Road to Stokes Road at approximately \$20,000,000;
- 2) Engineering/Environmental phase for SR48/Trenton Road from SR13/Wilma Rudolph to SR236/Tiny Town Road at approximately \$1,300,000.
- 3) I-24 Exits Safety Upgrades: Encourage TDOT to expedite the contract to install a traffic signal at SR13/Alfred Thun Road and the timing to be synchronized with the light at Exit 4 from I-24. The contract was executed in January 2011 and no visible work or improvements have been done.

Request a re-evaluation at Exit 8, Rossview Road, on I-24 during peak travel time with another safety audit to alleviate safety concerns and congestion problems on the ramps, interstate, and Rossview Road. The majority of congestion occurs during morning and afternoon commute to and from three schools located on Rossview Road.

PURPOSE: Support the Region's and State's economic vitality by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

For more detailed information please contact the following individual:
Mayor Carolyn Bowers, mayorbowers@mcgtn.net, 931-648-5787

XII. SUPPORT THE TENNESSEE COUNTY SERVICES ASSOCIATION'S 2013 LEGISLATIVE PLATFORM AND GREATER NASHVILLE REGIONAL COUNCIL 2013 LEGISLATIVE AGENDA (SEE ATTACHED INFORMATION).