

## Governor weighs in on ombudsman position

BY CAROLE GRAVES  
TML Communications Director

Immediately following a meeting of the Open Government Joint Study Committee last month, Governor Bredesen indicated his displeasure with a proposal offered by Comptroller John Morgan concerning the newly-created open records ombudsman, which was initially proposed by the Tennessee Press Association and later incorporated in the governor's budget proposal.

During the study committee meeting, Comptroller Morgan outlined his vision for the ombudsman. Principally, he proposed that the ombudsman not be a person or a position but rather a functional responsibility under the purview of the Comptroller with the primary responsibility shared among existing personnel within the Division of Administration of the Comptroller's office. While he did not view the ombudsman as a single individual, Morgan stated his desire to hire someone with local government experience to serve as the gatekeeper.

Later in the day, Gov. Bredesen told a reporter with the Associated Press (AP) that he was not aware of the Comptroller's proposal to split the responsibilities of an open records ombudsman among several people in his office. According to the AP story, Bredesen disagrees with Morgan's proposal and will encourage a different approach.

Morgan told the study commit-

tee that, "The overwhelming majority of local government officials do their best to provide information but occasionally there is a conflict," said Morgan. "Conflicts most often arise as a result of confusion concerning the law, the process, or confusion regarding the information sought and nature of the request."

Thus, the role of the new hire will be to serve as a problem solver, mitigating conflicts and disputes and helping citizens to gain access to public documents. He further cautioned that it should not be the role or objective of any new entity or authority created under this new statute to issue new interpretations of the statute or to make law but rather to help educate the public and local government officials about their duties and rights under the statutes as well as the basic requirements and process that should be followed to access public records; insisting the more complex legal questions and interpretations should be left to the courts and the Attorney General to resolve.

Morgan offered that most inquiries would likely involve questions of process or where to go to obtain public records and could be quickly resolved over the phone. He added that more detailed inquiries or those involving a disagreement between a citizen and local government would most likely be addressed through the issuance of written responses. When asked how he might ensure com-

See **OMBUDSMAN** on Page 6

## Bridge collapse points to national problem

BY ERIC KELDERMAN  
CHRIS HAMBY  
Stateline.org

The Minnesota bridge that collapsed this month is just one of 73,518 "structurally deficient" bridges across the country that state and federal inspectors have deemed in need of significant repairs. While the total failure of a busy bridge is shocking, the problem of deteriorating bridges and not enough money to fix them all is well documented.

At the time of the collapse Aug. 1, some lanes of the 40-year-old span of Interstate 35 over the Mississippi River in Minneapolis were closed while construction workers made surface repairs. But there were several flaws that in 1990 landed the 458-foot bridge over the Mississippi River on a list of "structurally deficient" structures compiled by the Federal Highway Administration (FHWA).

That rating means "significant load-carrying elements of the bridge are found to be in poor or worse condition" and "typically require significant maintenance and repair to remain in service." The designation does not mean a bridge is necessarily unsafe, according to the FHWA.

The cause of the collapse, which killed at least five motorists and injured nearly 80, is not yet known. At least 8 people still were reported missing. Minnesota Gov. Tim W. Walz **BRIDGE** on Page 8



Stacy Bengs/The Minnesota Daily/AP

The problem of deteriorating bridges and lack of funding to repair them is well documented. The Minnesota Bridge is just one of 73,518 "structurally deficient" bridges across the country that state and federal inspectors have deemed in need of significant repairs.

## Tennessee Bridge Facts

- Tennessee has five deck truss bridges similar in construction to the bridge which collapsed in Minneapolis.
- In Tennessee there are a total of 19,519 bridges on public roads.
- 1202 (6.1%) bridges are classified as structurally deficient.
- 2938 (15%) bridges are classified as functionally obsolete.
- TDOT employs 17 bridge inspection teams.
- From 1982 -2005, TDOT dedicated more than \$1.5 billion to its bridge program.
- Approximately \$100 million will be placed toward bridge programs this fiscal year.
- Annually, approximately \$6.5 million is dedicated to TDOT's Bridge Inspection Program.

## Hometowns — Tennessee's Foundation

A new feature highlighting Tennessee's municipalities

How do people describe your community? Every city and town has unique features and characteristics that make it a lively and special place for residents, businesses, and visitors.

Every city has the best "something," those special qualities that make each hometown unique from the "famous for" to the "best kept secrets" only the locals know about.

What unusual stories can you tell? We want to highlight them in *Tennessee Town and City* in a new feature, Hometowns: Tennessee's Foundation.

Please take a moment to fill out an on-line survey so your fellow League members, legislators, and business associates can learn more about your community. Deadline to complete the survey form is Sept. 14. To fill out the survey, go to: [http://www.surveymonkey.com/s.aspx?sm=2siTmoPWOP\\_2b9jK](http://www.surveymonkey.com/s.aspx?sm=2siTmoPWOP_2b9jK)



## General Assembly passes Non-Smoker Protection Act

BY BONNIE CURRAN  
MTAS HR Consultant

Tennessee, long labeled a "traditional tobacco state" with roots heavily tied to the tobacco industry, moves to the forefront of national regulation with the signing of the Non-Smoking Protection Act, Public Chapter 410. Smoking in public places (notably municipal workplaces) is now recognized by the Tennessee Legislature as a public health issue and is, therefore, banned. If any municipalities in Tennessee still allow smoking in any of their enclosed public buildings, such practices are now up in smoke.

The Non-Smoker Protection Act has an effective date of June 11, 2007, for the promulgation of rules and regulations. Municipalities, however, must comply with the ban no later than Oct. 1, 2007. The new law requires most every public and private employer in Tennessee to comply. It is estimated that about a quarter of all Tennesseans smoke.

Public Chapter 410 adds a new Part 18 to T.C.A. Title 39, Chapter 17, banning smoking in most enclosed public places in Tennessee, including places of employment. Section 1 of the new law defines



Smoking in city workplaces has been banned in Tennessee.

"place of employment" as an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility;

The new law does contain numerous exceptions, although none **SMOKE** on Page 6

## NLC, America's Promise challenge nation's cities

BY VICTORIA SOUTH  
TML Communications Coordinator

Cities and towns across the nation have been challenged to create better municipal foundations by strengthening families and improving the outcomes of local children and youth. The nation's largest, alliance of government, nonprofit, corporate and community organizations focused on positive youth development, America's Promise – The Alliance for Youth, partnered with The National League of Cities (NLC) are calling for all city leaders to build upon the unique assets and opportunities found within their communities guided by a two-part platform developed by the NLC Council on Youth, Education, and Families

The platform, *Municipal Action and Leadership on Behalf of Children, Youth and Families*, defines specific action in seven areas: early childhood development; youth development; education and after school; health and safety; youth in transition; family economic success; and neighborhoods and community.

Continuing the legacy of founder General Colin Powell, the Alliance for Youth believes the success of children is grounded in experiencing five promises –

1. Caring adults
2. A safe place
3. A healthy start
4. An effective education



Photo courtesy of the State Photography Services

Gov. Bredesen (center) chats with Marguerite Kondracke, President and CEO of America's Promise Alliance, and Thomas Cigarran, Chair of Alignment Nashville at the 2007 Alliance Forum in Nashville.

5. Opportunities to help others - at home, in school and in the community.

In the shadow of a recent national report distributed by the Annie E. Casey Foundation ranking Tennessee low in overall quality of life for children, Nashville shines as one of the 100 Best Communities for Young People along with Germantown and Bristol, with Nashville chosen by the Alliance as the host for its recent 2007 Regional Best Practices Forum.

"As a nation, we are not doing what is necessary to prepare our

young people with the skills and resources they need to become successful adults," said Marguerite Kondracke, President and CEO of the America's Promise Alliance and former Tennessee Commissioner of Human Services. "As a result, we are jeopardizing their future and putting our nation at risk in this increasingly competitive global economy."

Attended by Gov. Phil Bredesen and Nashville Mayor Bill Purcell, the forum highlighted the need to increase the number of students graduating from high school across **See FORUM** on Page 6

## Franklin event marks preservation victory



Photo courtesy of STFB

Volunteer re-enactors with Save the Franklin Battlefield (STFB) march 15 miles from Spring Hill to Franklin retracing the steps of both armies before the Nov. 30, 1864 Battle of Franklin. **See story** on Page 3.

# NEWS ACROSS TENNESSEE



## BY TML STAFF REPORTS

### ASHLAND CITY

Actor Ed Begley Jr. has signed a pact to endorse a water heater made by Ashland City-based A.O. Smith Water Products Co. The Hollywood actor and environmental activist will feature A.O. Smith's Vertex line of residential gas water heaters in his TV program *Living With Ed*, a reality show about environmentalism that airs on the cable channel HGTV. Begley will also appear in print, video and online materials for A.O. Smith

### BARTLETT

Good schools, good services, accessible city leaders, and a friendly place to live were among the qualities Bartlett offers to its residents and why the city has been named by *CNNMoney* among the top 100 places to live.

### CHAPEL HILL

Chapel Hill has launched a new beautification project in an effort to improve poorly maintained properties. Operation Clean Sweep will include stricter enforcement of the town's ordinances by issuing citations for overgrown lots, weeds, junk, and health nuisances.

### DAYTON

Before this year's reenactment of the 1925 Scopes trial that pitted evolution against biblical creation, critics of *Inherit the Wind* will film *Inherit the Truth*. Organizers of the movie project say it is a counterpoint to what they describe as a fictional account of the trial at the historic Rhea County Courthouse. The new movie is based on the trial transcript. The film began shooting July 14.

### GERMANTOWN

In what could be the first mixed-use project under Germantown's new Smart Growth Development plan, Bourne Holdings, a Memphis-based development group, is poised to purchase a 42-acre tract of land in the heart of the town's business district. Located near the Germantown Centre, the project will include a wide mix of uses, including residential, retail, and office space.

### JACKSON

The U.S. Postal Service has decided not to consolidate Jackson's mail services with the Memphis Processing Center, according to U.S. Rep John Tanner, a strong opponent of

the proposal. The decision was handed down after USPS conducted a feasibility study where postal officials found no clear benefits for the consolidation.

### MEMPHIS

The board of directors for the National Civil Rights Museum met with Shelby County legislative leaders to discuss transferring ownership from the state to a private foundation. The state has leased the property, built at the Lorraine Motel where Martin Luther King Jr. was assassinated, to the foundation since plans for the museum began in 1987. The current lease expires Sept. 30, after a six-month extension was granted by the State Building Commission. The board hopes to buy the museum to give it greater control over fundraising and capital improvements.

### MURFREESBORO

Murfreesboro Vice Mayor Chris Bratcher has requested that a resolution be developed by which the city council could officially end radioactive dumping at Middle Point Landfill. The radioactive dumping was brought to the public's attention by a report published by the Nuclear Information and Resource Service, a watchdog organization critical of the state's current standards governing the disposal of such waste.

### SOUTH PITTSBURG

The city of South Pittsburg, in partnership with Trinity Communications, LLC, has completed and activated the city's open Wi-Fi system, giving it the distinction of being the first city in Tennessee to achieve municipal Wi-Fi. Nationwide there are now more than 400 cities that offer Wi-Fi, but South Pittsburg is one of only a few in the nation to offer this service free of charge.

### UNION CITY

The complete skeleton of a woolly mammoth found in Russia in 2000 is on display at the Obion County Museum. Due to the painstaking excavation of the brittle bones, it took three years to unearth the creature. It will be housed at the local museum in Union City for at least one year. Woolly mammoths roamed the earth for most of the last 2 million years, becoming extinct about 10,000 years ago. The mammoth at the Obion County Museum has been carbon dated to be more than 12,000 years old.



Northeast Tennessee leaders gathered at Johnson City's Winged Deer Park Aug. 1 to kick off the *In-Step Challenge*. Pictured, from left are: Johnson City City Manager Pete Peterson, Kingsport Community and Government Relations Director Tim Whaley, Bristol City Manager Jeff Broughton, Johnson City Mayor Phil Roe, Bristol Mayor David Shumaker, and Erwin Vice Mayor Glenn Tilson.

## Tri-Cities launches walking challenge

Elected officials and other local leaders symbolically took their first steps toward a healthier region together when the first-ever *In-Step Challenge* officially began Aug. 1.

*In Step* is part of Johnson City Vice Mayor Jane Myron's *Up and At 'Em* program. Myron is challenging her peers from neighboring communities to walk as many steps as possible over the next three months. The winner will receive bragging rights and a hand-carved walking stick that will serve as a unique traveling trophy.

"I'd also like to see the winner create another challenge for all of us," Myron said. "It would be fun to

keep this going. Ultimately, *In Step* is about leading by example — leading our respective communities to healthier lifestyles in the spirit of friendly competition. I've formally challenged city and county mayors, administrators and managers, but I hope that other groups within our communities will issue their own challenges."

*In Step* participants received a pedometer that they will wear daily for the next three months. They will record their number of steps taken — and equivalent mileage — at the end of each day. Monthly totals will be posted at [www.johnsoncitytn.org](http://www.johnsoncitytn.org) so the public can see their progress. The

mileage walked by each participant will be tracked on a map of the region, as though the person is taking a virtual tour of Northeast Tennessee and Southwest Virginia. Participants will be represented on the map by their favorite pair of shoes. The person who "tours" the most of our area at the end of three months wins.

"I plan to literally walk as much of this beautiful region as I can," Myron said. "We timed the *In-Step Challenge* so everyone can get out as the weather turns cooler and the fall colors start to pop. We'll also have joint walks at some of our area's most scenic spots."

## Savannah welcomes the Great Race



Savannah served as an official host city for the 2007 Great American Race. During the 25th Anniversary Cross Country Race, event participants stopped for lunch there as part of their two-week, 4,000 mile journey across the United States featuring classic cars, muscle cars, and hot rods along with the first ever endurance competition for alternative fuel-powered vehicles. Every race stop provided communities the opportunity to meet with Great Race competitors, a grassroots interactive project that no other motor sports event has ever offered. Some Tennessee stops along the way included Chattanooga, Pikeville, Sparta, McMinnville, Nashville, Bolivar, and Germantown.

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# Franklin uses Civil War tourism as economic tool

BY VICTORIA SOUTH

TML Communications Coordinator

In the thick of the Battle of Franklin, young confederate Captain Theodrick "Tod" Carter spied his beloved birthplace. "Follow me, boys!" he urged the soldiers onward. "I'm almost home!" But Carter House, southeast of the battlefield, was in turmoil. Federal troops had established headquarters there and the family in refuge from the mayhem outside their front door.

*The fighting became brutal and fiendishly savage, with men bayoneted and clubbed to death in the Carter yard. A Confederate soldier was bayoneted on the front steps of the Carter House. Men were clubbing, clawing, punching, stabbing and choking each other. The smoke from the canons and guns was so thick that you could not tell friend from foe.*

## —Battle of Franklin prologue

According to historians, what began as a glorious Indian summer day, Nov. 30, 1864, had become one of the bloodiest hours of Civil War history. In the span of five hours, more men were killed in the Confederate Army of Tennessee than in the two-day Battle of Shiloh and the three-day Battle of Stones River. Carter House, along with every home in the city, became a makeshift hospital. Mortally wounded, Tod Carter finally reached his destination and as the confederacy drew its dying breath, the nation was reborn.

In the 21<sup>st</sup> century, the safeguarding of historical sites as state and national keepsakes can often draw a line of disparity between profit and preservation. National Trust President Dick Moe sums it up neatly in a passage by William Faulkner "...Tougher than war, but not tougher than the ringing of a cash register bell..."

"Several Civil War battlefields have appeared on the National Trust's annual list of *America's 11 Most Endangered Historic Places*," continues Moe. "They were listed, and continue to be listed, because they face a wide variety of threats: inappropriate development, deterioration, inadequate funding, and even public apathy."

Speaking at a Franklin fundraiser, Moe described historic preservation as merely a process of protecting the places that tell America's story. "History and preservation are two sides of the same coin," Moe said. "You can read any number of books about the Civil War, but when you visit a battlefield...you can see it and touch it and walk through it."

Extolled nationally as the single largest battlefield reclamation project in history, the legacy of the Franklin Battlefield is destined to live on as the Eastern Flank Battlefield Park with walking trails, visitor's center, historic markers, and viewing areas thanks to the city's \$5 million acquisition of the 110-acre site funded through a public/private partnership with Franklin's Charge Inc., a non profit group comprised of representatives from all Williamson County preservation and conservation organizations. The group raised \$2.5 million toward the purchase of the site which was matched by the city.

Funding for the purchase in-

cluded state and national grants along with public and private sector donations. Ten key public events were held including a private concert featuring Vince Gill and Amy Grant. A \$900,000 Tennessee Heritage Conservation Trust Fund grant was awarded as announced by Gov. Phil Bredesen and the THCTF board, along with sizable donations made by national entities such as the Civil War Preservation Trust, and the American Battlefield Protection Program along with Williamson County.

Additional interest has been sparked by the the National Park Service, which is currently conducting feasibility studies of the site for national park status.

As communities across the globe become interested in expanding, preserving, and managing their heritage resources, Franklin also serves as a national model by using Civil War tourism as a local economic tool. Several of the historic homes and sites in Franklin, including Carter House, are open to the public and not only attract shoppers to the downtown area, but families and groups that want to learn about history.

Preservation and heritage tourism speakers discussed why battlefield preservation makes dollars and sense and making battlefield preservation work within a community during a four-day symposium; *Why Franklin Matters*, sponsored and organized by Franklin's Charge.

The action packed agenda included seminars detailing The Battle of Franklin, a daylong battlefield tour and luncheons with state Tourism Commissioner Susan Whitaker and Robert Hicks, noted author of the novel *Widow of the South*. A round table discussion chronicled the steps taken by city officials and preservationists in reclaiming the eastern flank.

"It was an all encompassing effort," said Attorney Julian Bibb, a Franklin's Charge member, tireless volunteer and developer of the city's public-private partnership agreement. Bibb cites three major tasks accomplished by the city relative to the project:

1. A successful financial plan through public-private partnerships
2. Community-wide support in boosting heritage tourism dollars
3. Planning a public park

Architects recently submitted plans to city officials for approval for the Eastern Flank Park which is currently developed as a golf course. They appear on the city's website, [www.franklin-gov.com](http://www.franklin-gov.com), while the Tennessee Department of Environment and Conservation (TDEC) is currently working with the city regarding a possible creek restoration at the site to that of the early 1900s.

"It's been a tough process, but such a great experience," said Lisa Clayton, Franklin parks director and symposium roundtable speaker.

"This park will be unique, acting as two recreation areas in one, a battlefield and wetland area open to biology students and school groups."

"Our recommended first step is for a town or city or county to contact the Center for Historic Preservation and ask for assistance through our "Professional Services" program," said Dr. Carroll VanWest, Ph.D.,



Photo courtesy of STFB

Guide Thomas Cartwright leads a public tour of the Eastern Flank of the Franklin Battlefield. The Franklin project is noted as the single largest battlefield reclamation in the nation's history and precedes the 150th anniversary of the start of the Civil War in 2011.

Director of Middle Tennessee State University's Center for Historic Preservation. The center's Tennessee Civil War National Heritage area, a unit of the National Park Service, became a major supporter of the *Why Franklin Matters* symposium providing a \$5,000 collaborative partnership fund for the speakers and working with the city of Franklin for two years concerning the needs and plans for the battlefield park.

"The Tennessee Civil War National Heritage area is always looking for good partners to tell our state's nationally significant stories of the Civil War era," said VanWest.

"*Why Franklin Matters* is a perfect example of how the Center and its National Park Service program work with local partners to produce an important and memorable event."

According to Dr. VanWest, the Center will provide expertise and guidance directly to a community free of charge. "We can sit down with a community, and discuss ways to see them move forward," VanWest said.

"Often the project moves forward with the Center being one of the partners, but at other times, it makes more sense for the community to work with a state or federal agency. We want to be sure that the community project starts well, because every brick we can add to our state's heritage infrastructure means that our overall state program and message will be that much stronger for our citizens and our visitors."

"It's been an exemplary project that has far exceeded our expectations," said Mary Pearce, executive director of the Heritage Foundation of Franklin and Williamson County, "a building of partnerships and everyone coming together and working as a team."

"The reclamation project is an important factor in the continuation of interest the American public has shown lately in heritage tourism," said Franklin Mayor Tom Miller.

Miller said he anticipates more than 200,000 tourists will visit the park along with Franklin's additional historic sites annually.

"200,000 is really quite a conservative estimation," Miller said. "We have the good fortune of having

Carnton Plantation as the site in "Widow of the South" (author Robert Hicks's best selling novel) which will also continue the interest in Franklin."

During his previous campaign for mayor, Miller lobbied for federal assistance in acquiring and restoring historic properties in Franklin and met with U.S. Sen. Lamar Alexander concerning the eastern flank battlefield reclamation project.

"We wouldn't have gotten as far without Sen. Alexander's help," said Miller, crediting U.S. Sen. Alexander along with Sen. Bill Frist and Reps. Marsha Blackburn and Lincoln Davis as instrumental in introducing legislation that would initiate the National Park Service feasibility study to include the Franklin battlefield sites within the National Park system.

"It was a bipartisan effort," said Miller.

Sen. Alexander recently announced he is cosponsoring the Civil War Battlefield Preservation Act of 2007, legislation to protect historic Civil War battlefields across the nation including many sites in Tennessee.

"The Civil War is a heartbreaking time in our history that we should never forget," Alexander said. "It's important to preserve these locations both to honor the thousands who fought and to allow future generations to learn their heritage by walking these hallowed fields."

The bill will authorize \$10 million dollars over a five year period to encourage state, local, and private sector investment in historic land preservation with approximately \$2 million allocated to fund battlefield protection programs in Tennessee. The bill also acts as a catalyst to prepare the nation for 2011 – the 150th anniversary of the start of the Civil War.

According to the Civil War Sites Advisory Committee, almost 60 percent of Civil War battlefields across the U.S. are gone or threatened by urban development. The Preservation Act may save these battlefields, according to Alexander, by buying them from private owners and partnering with state and local governments to assist with preservation efforts.

## Educational Resources

The National Trust for Heritage Preservation lists four basic steps as a guide for cities toward developing cultural heritage tourism. The complete document can be accessed at [www.culturalheritage-tourism.org](http://www.culturalheritage-tourism.org)

1. **Assess the Potential** - Evaluate the town's current or potential attractions by assessing the historical, cultural, and natural resource offerings; take a look at Visitor's Services, where travelers eat, park, sleep, go to the restroom, and purchase fuel along with shopping and touring spots; create an organizational checklist that lays out the groundwork and goals of the core group; research, create or strengthen zoning measures to protect the integrity of the site.

2. **Plan and Organize** - Organize the town's human resources by building a local consensus that supports cultural heritage tourism. Draw up a complete financial plan that potential backers can examine; network with local businesses and parties outside the community; organize fundraising events and apply for loans, grants and other applicable resources. Seize opportunities to partner with local, regional, state, or national groups.

3. **Prepare, Protect, and Manage** - Prepare for visitors by readying the town's historic resources, create a historic museum, decide how the historical story will be told while making the community hospitable to visitors; develop comprehensive preservation guidelines for protecting historic structures and museum pieces and develop an overall management plan.

4. **Market for Success** - Develop a multi-year many-tiered marketing plan with specific goals to reach your target market utilizing base concepts such as public relations, advertising, graphic materials and promotions.

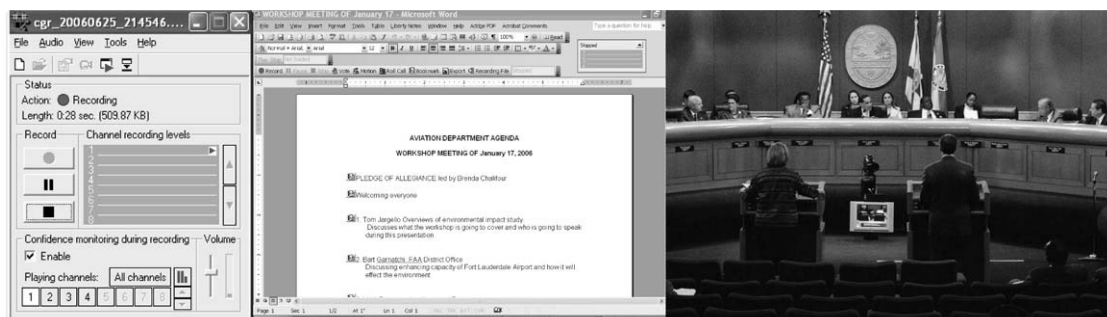
MTSU's Center for Historic Preservation offers a free booklet entitled "Getting Started with Heritage Areas" along with a booklet on grant sources for heritage projects. Both can be obtained by contacting the Center at 615-898-2947 or visiting the Center's website at <http://histpres.mtsu.edu/>

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## STATE BRIEFS



## PEOPLE



## BY TML STAFF REPORTS

**Dozens of buildings have been demolished** during the past couple of years at the East Tennessee Technology Park (ETTP) — the former K-25 uranium-enrichment plant — and the latest is K-1320. The former office building was constructed in phases during the early 1980s to support activities at the U.S. Department of Energy site. The demolition is part of the overall cleanup program and plans to convert ETTP to a private industrial park over the next decade. Bechtel Jacobs Co., DOE's cleanup contractor, is managing the work. In the weeks ahead, the building's slab will be removed, and workers will grade the area and plant grass. Because the office facility was not contaminated, the rubble was transported to a sanitary landfill at the Y-12 National Security Complex for disposal.

**June revenues for Tennessee were \$1.2 billion**, \$110 million more than budgeted for the month. Significant increases were in inheritance & estate, tobacco and franchise & excise taxes. Inheritance & estates taxes increased 178 percent to \$13.1 million; tobacco was up 27 percent to \$13.2 million and franchise & excise jumped 17 percent to \$299.6 million. Sales and use tax, the single largest revenue item, was up 4.8 percent to \$580.4 million. Sales tax collections are up \$15.5 million more than estimated for June, but fiscal year to date, are still undercollected by \$9.8 million. Total collections for August 2006

through June 2007 were \$359.8 million over budgeted estimates.

**The Tennessee Department of Human Services collected more than a half billion dollars** for children during the last state fiscal year. Each child support office in the state is also reporting increases over the previous year's collections. More than \$508 million were collected and disbursed, an increase of nearly 60 percent in five years. A new state law, sponsored by Rep. Willie Borchert and Sen. Roy Herron, now gives judges the opportunity to require self-employed parents to set up a bank account for child support payments. DHS handles more than 400,000 child support cases across the state, and 265,000 of these with court orders mandating support.

**Gov. Phil Bredesen announced 257 new pre-K classrooms** will open for the 2007-08 school year serving approximately 4,000 additional four-year-olds. Gov. Bredesen requested \$25 million new state dollars to expand Tennessee's Voluntary Pre-K program, raising the investment for the 2007-08 school year to \$80 million. Tennessee's Voluntary Pre-K program now operates in 94 out of 95 counties and 133 of 136 school systems, providing a high-quality early childhood education to more than 17,000 four-year-olds. The National Institute for Early Education Research has ranked Tennessee as one of six states maintaining the highest pre-K standards in the nation for the past two years.

## BY TML STAFF REPORTS

**State Sen. Bo Watson** helped save the life of an 85-year-old man who collapsed last month while at the Fall Creek Falls Inn. Watson, who works as a physical therapist at Parkridge Medical Center in Chattanooga, helped administer cardiopulmonary resuscitation until park rangers arrived with a defibrillator and paramedics arrived on the scene.



Watson

**Nashville Mayor Bill Purcell** has been selected to be a resident fellow at Harvard's Institute of Politics. Purcell, who leaves office in September, is one of six chosen to lead a study group for eight sessions on topics of his choice.

**U.S. Sen. Bob Corker** has been named to the Senate Armed Services Committee. Corker adds the Armed Services responsibilities to his existing role on the Foreign Relations Committee. Corker also will keep his other committee assignments, including Energy and Natural Resources, Small Business and Entrepreneurship, and the Special Committee on Aging.



Corker

**Democrat Jeanne Richardson** won the special general election in House District 89 in Memphis. The seat became open when Beverly Marrero won a special Senate election in March.



Richardson

Richardson is a consultant to non-profit agencies with a specialty in mental health services. She holds a master's degree in public administration from the University of Memphis.

**State Sen. Ward Crutchfield** resigned from the Tennessee Legislature Aug. 6. Crutchfield, 78, admitted taking \$3,000 from an undercover FBI agent during the federal bribery and extortion investigation code-named Tennessee Waltz.



Crutchfield

**Oak Ridge City Councilwoman Jane Miller** was elected to a two-year term as the city's new mayor pro tem. The mayor pro tem fills in for the mayor when the official is temporarily absent.



Miller

**Paul Boyer** has begun his duties as the new city manager of Columbia. Boyer came to the city after serving as the manager of Lake Worth, Fla. Prior to his time in Florida, he worked for the city of Oak Ridge.



Boyer

After 20 years of service, Memphis City Council Chairman **Tom Marshall**, the council's longest serving member, will not seek reelection in October citing professional fatigue as the primary reason for his departure.

**Wade Tosh**, a native of Maryville, was selected as the first recipient of the Gary H. Hensley Endowment for Municipal Public Administration Internship program in honor of Maryville's City Manager Gary Hensley, who retired in 2006. The endowment is the first of its kind in public administration for the University of Tennessee.

**Richard Hendrix** has been elected by the Mt. Pleasant City Commission as the city's new mayor. **John Davis Jr.** was elected as vice mayor. Hendrix, 69, is the former vice mayor and has been a commissioner since his election in 2003.

**Murfreesboro Fire Department (MFD) Shift Commander Cumbey Gaines** has been promoted to Deputy Chief of the department. He will serve as interim deputy chief until Aug. 27 when Deputy Fire Chief Jimmy Francis officially retires from office. Gaines is a 27-year veteran of the department.



Gaines

**Speaker Pro Tempore Rosalind Kurita** has been appointed to the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) by **Lt. Governor Ron Ramsey**. TACIR was created to research federal, state, and local government relations and make proposals for improvement to the Legislature.



Kurita

**Bob Kirk**, Dyersburg alderman and TML board member, has been re-appointed to serve as a city representative on the Tennessee Advisory Commission on Intergovernmental Relations.

**Tom Tucker** has been selected as Goodlettsville's new economic development director and will begin August 27. He and wife, Janet, are from Rochester, Indiana, where Tom served as executive director of the Fulton Economic Development Corporation.

## UT Alum commands space shuttle

Commander of the Space Shuttle Endeavour's recent mission to the International Space Station is a University of Tennessee Space Institute alumnus.

Astronaut and Navy Cmdr. Scott Kelly lead the crew on mission STS-118 to add an element to the space station known as the P5 truss.

Kelly, who also flew on a shuttle mission in 1999, earned a master's degree in aviation sciences from the UT Space Institute in 1996.

The mission also included transferring a significant amount of cargo to the station.

This mission could be the longest ever shuttle trip to the space station thanks to new technology. The new station-to-shuttle power transfer system allowed the shuttle to stay in space an additional three days.

As the mission commander, Kelly drew on his experience as a Navy test pilot as he performed a number of complex maneuvers, in-

cluding manually flying the shuttle when docking with the space station.

Kelly was also responsible for the overall command of the mission, as well as ensuring the safety of astronauts as they don spacesuits to leave the spacecraft and install equipment on the outside of the space station. Three space walks were planned for this mission.

"There are so many different complicated tasks we have to do," said Kelly. "So making sure that everyone, including myself, is at the right level of training is certainly a challenging aspect."

Another unique aspect of the mission is found not in the tasks to be accomplished but in one of Kelly's crew members. Mission specialist Barbara Morgan will be the second person to participate in NASA's program to send educators into space. The first was astronaut Christa McAuliffe, who lost her life in the Challenger accident in 1986.



Commander Scott Kelly

## Germantown graduates reserve officers



Photo courtesy of the Germantown Police Department

Fifteen men and women recently graduated from Germantown Police Department's 2007 Reserve Police Academy. The graduates spent three months learning emergency vehicle operations, traffic and crowd control, police tactics, weapons training, legal issues and other law enforcement topics. As volunteers, their responsibilities will include crowd and traffic control and police presence at Germantown's multiple special events and community functions. Pictured: (Front Row) Kathryn Malone, Angela Reviere, George Freeman, Adrian Moseley, Ken Mulholland, (Middle Row) Richard Hand, Brendan McKessy, Dustin Stewart, Michael Wener, Janet Griffith, (Back Row) Leonard Attaway, Jeff Beaman, Robert Cook, Chris McPhaul, David Weathers

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## NATIONAL BRIEFS



## BY TML STAFF REPORTS

Earlier this year, **Congress passed and President Bush signed legislation calling for the first increase in the federal minimum wage** since 1997. The new law increases the wage in three steps. It initially rose from \$5.15 to \$5.85 per hour on July 24. Next summer, the wage will increase to \$6.55. And in the summer of 2009, the wage will complete its final step increase to \$7.25 an hour. The new law is expected to impact 12.5 million workers in this country. Proponents of the legislation say it's overdue. According to the Economic Policy Institute in Washington, D.C., the real value of today's minimum wage is less than it has been since 1951.

**Oak Ridge National Laboratory (ORNL)** has been selected as one of only three sites in the country to receive \$125 million to establish and operate one of the U.S. Department of Energy's new Bioenergy Research Centers. The centers will accelerate research in the development of cellulosic ethanol and other biofuels, and make biofuel production cost competitive on a national scale by 2012. ORNL's BioEnergy Sciences Center will focus on improving the biofuel potential of switchgrass and poplar trees. The Center will be located in Oak Ridge

and led by Martin Keller, a microbiologist recently recruited to ORNL. The University of Tennessee will serve as one of the academic partners, providing specialized instrumentation, plant breeding technologies and new microbe discovery.

EPA will be holding a series of web trainings for local governments on the **ENERGY STAR Challenge**. The ENERGY STAR Challenge is a national call-to-action to improve the energy efficiency of America's commercial and industrial buildings by 10 percent or more. Local governments that partner with EPA and take the ENERGY STAR Challenge demonstrate their commitment to taxpayers as well as the environment. To register, visit <http://energystar.webex.com/>.

The **Vietnamese Cultural House**, along with a group of community leaders from different religious and political organizations is celebrating the 32nd anniversary commemorating Vietnamese Freedom in the United States of America and in all other countries around the world. In 2000, the Vietnamese community received a boat from the Philippines Government that the Vietnamese used to escape to freedom from the Communists in Vietnam in 1981. The Freedom Boat Show will tour 17 states and Canada through October 2007. After the tour, The Freedom Boat and archives of the tours will be permanently exhibited at the Vietnamese Cultural House Museum.

**Nearly one in every 10 of the nation's 3,141 counties** has a population that is more than 50 percent minority. In 2006, eight counties pushed the national total to 303, the U.S. Census Bureau reports. The two largest counties passing this threshold between July 1, 2005, and July 1, 2006, are Denver County, Colo., and East Baton Rouge Parish, La., with total populations of 566,974 and 429,073, respectively.

# Connected Tennessee releases state's broadband inventory

*Nashville-Based Non-Profit Unveils First-Ever Assessment of Statewide High-Speed Internet Access*

Connected Tennessee, a Nashville-based non-profit working to accelerate technology use throughout Tennessee, has released the state's first broadband inventory map showing current levels of high-speed Internet availability across the state.

The analysis, released at a meeting of the Tennessee Broadband Task Force in July, is the first step toward ensuring Gov. Phil Bredesen's goal of every Tennessean realizing the benefits of technology, from improved healthcare to better education. Connected Tennessee is a public/private partnership working with a number of state agencies and the private sector to implement Bredesen's *Trail to Innovation*, a statewide program aimed at making Tennessee a leader in technology acceleration efforts.

"This data is the first step toward moving Tennessee forward with a common sense broadband strategy," said Gov. Bredesen. "Increasingly, we're being told that broadband access is part of the basic infrastructure, like highways and utility lines. If we want to provide opportunities for growth and higher skilled, better paying jobs in all 95 counties, especially in rural counties, we need the data compiled by Connected Tennessee in order to attract those types of jobs."

According to Connected Tennessee's research, between 86 percent and 90 percent of Tennessee households have access to broadband, also called high-speed Internet (meaning service is available to the household). The group's survey results also show that 43 percent of households actually use broadband service and 71 percent of households own a computer.

Tennessee is one of the only states in the nation to have a sophisticated broadband inventory map that shows where broadband service exists and where it is not yet available. The map will help guide Internet providers to areas with a need for service. Ultimately, the goal is to increase Internet availability and use across the state.

Tennessee is taking an approach similar to a successful program implemented by the national non-profit Connected Nation in Kentucky. That program reached nearly one hundred percent broadband coverage statewide within a three year period. Both the Tennessee and Kentucky programs are subsidiaries of Connected Nation whose goals include technology access and literacy.

"By adopting the Task Force recommendation and establishing Connected Tennessee, Gov. Bredesen has accomplished in two months what would have taken years to accomplish otherwise," said Pat Miller, a Tennessee Regulatory Authority director and task force member. "Tennessee now has the data and a comprehensive plan to make Tennessee a leader in broadband deployment."

The Tennessee Broadband Task Force is chaired by State Sen. Roy Herron and State Rep. Mark Maddox and includes representatives from the telecommunications industry and various state agencies. The Task Force was established to study the challenges related to providing broadband to all Tennesseans.

According to the Task Force report issued in January, "Broadband expansion is to the 21st century what rural electrification was to the 20th century ... high-speed Internet access ... is critically important to Tennessee's future, especially in jobs, education and healthcare."

Connected Tennessee will work in partnership with telecommunications providers, information technology companies, public agencies, business leaders, community leaders, researchers and universities in an effort to meet five primary goals, which include:

- Affordable broadband availability for all Tennessee;
- Dramatically improved use of

- computers and the Internet by all Tennesseans;
- "eCommunity Leadership Teams" formed in every county – local leaders who assemble to develop and implement technology growth strategies for local government, business and industry, education, healthcare, agriculture, libraries, tourism and community-based organizations;
- A policy and regulatory framework that encourages continued investment in communications and information technologies year after year; and
- A meaningful use of the Internet among all Tennessee communities, to improve citizen services and promote economic development through e-government, virtual education and online healthcare.



Pictured left to right: Brian Mefford, Connected Tennessee president & CEO; FCC Commissioner Deborah Tate; Sen. Roy Herron; Kathy Harriman, Strategic Systems EPB Telecom; Robert E. Mayfield, owner/manager of Electronic Communications Systems; Pat Miller, Tennessee Regulatory Authority; and Michael Ramage, Connected Tennessee executive director



FCC Commissioner Deborah Tate



ConnectedTennessee President & CEO Brian Mefford



Commissioner Matt Kisber, Tennessee Economic & Community Development; Pat Miller, Tennessee Regulatory Authority; Commissioner Deborah Tate, Federal Communications Commission; and Lisa Cooper, Tennessee Regulatory Authority senior policy advisor



Sen. Roy Herron, co-chair of the Tennessee Broadband Task Force



Laura Taylor, Connected Nation vice president of research, and Tom Danford, CIO Tennessee Board of Regents, examine Tennessee's statewide broadband inventory map.

Photos by Victoria South





## 26 percent of nation's bridges in need of repair

**BRIDGE** from Page 1

cording to Pawlenty, the bridge had been inspected in 2005 and 2006 and was not slated to be replaced until 2020. Pawlenty has now ordered a statewide inspection of all bridges with a similar design.

U.S. Transportation Secretary Mary Peters also called on states to immediately inspect any steel deck truss bridges similar to the I-35 structure. In Tennessee, there are five.

The tragedy highlights a nationwide problem of deteriorating bridges, as well as roads, that states and the federal government are struggling to maintain in the face of fast-rising costs of construction and the shrinking value of gas taxes.

More than 26 percent of the nation's bridges were rated either structurally deficient, meaning the Minnesota bridge and more than 73,000 others were in need of major repairs, or "functionally obsolete," a group of 79,427 bridges deemed no longer adequate for the amount of traffic they carry. It would cost an estimated \$9.4 billion a year for 20 years to bring the existing bridges up to date, according to the American Society of Civil Engineers.

Bridges are just one piece of the transportation network strained by long-term neglect, a steady increase in the number of drivers, a stagnant source of funding and rampant inflation of road-building costs, according to a 2007 study by the American Association of State Highway and Transportation Officials.

In fact, Minnesota's bridges fare well when compared with the rest of the states: 12 percent of the state's bridges were rated deficient or obsolete, according to 2006 FHWA data. Only Arizona has a smaller percentage of bridges needing major repairs. In Tennessee, 15 percent of the bridges are classified as functionally obsolete.

Oklahoma has the highest percentage of bridges rated structurally deficient — 27 percent. More than half of the bridges in Rhode Island and Massachusetts were rated either deficient or obsolete, according to the federal figures.

The biggest hurdle to improving roads is that federal gas taxes, which pay for more than 45 percent of the nation's transportation infrastructure, have not been raised since 1993 and are not even sufficient to cover the spending in the 2005 federal transportation law. While gasoline prices have skyrocketed to more than \$3 a gallon, federal taxes to support road work have not because the 18.4-cent federal tax is added on each gallon — not each dollar — of gas sold. Federal gas taxes will fall \$11 billion short of planned road projects by 2009, but the gap could be as big as \$19 billion the following year, AASHTO found.

A longer-term problem is that the cost of building and fixing roads has grown rapidly in recent years. Between the last gas-tax hike in 1993 and 2015, construction costs will have increased by more than 70 percent, according to AASHTO. Federal gas taxes would have to go up at least 3 cents by 2009 and 7 cents more by 2015 just to maintain the current highway system and keep pace with the fast-rising cost of roads, the association estimates.

Instead of raising the federal gasoline tax, U.S. Sens. Chris Dodd and Chuck Hagel introduced a bill, just hours before the Minnesota bridge catastrophe, to create an independent national bank to provide government financing for major infrastructure projects.

Some states have been willing to raise taxes for road construction. Fifteen states have hiked fees at the pump since 1997, according to the American Road and Transportation Builders Association.

But in the face of high gasoline prices, Minnesota's Pawlenty vetoed a \$5 billion transportation package this year that would have been financed in part with a 5-cent hike in the state's 22-cent gas tax, last raised in 1988. In 2006 voters passed a ballot initiative to dedicate increased vehicle registration fees for transportation projects.

Pennsylvania, with one of the highest percentages of structurally deficient bridges, increased money for bridge repairs from \$250 million to \$600 million last year. "Despite that, we can barely make a dent in bridge repair. To repair all 5,900 bridges would cost \$8 billion," said Pennsylvania Gov. Ed Rendell.

Noting that economic competitors such as Japan and Germany have undertaken massive infrastructure repairs, Rendell said the U.S. government also should invest in a massive repair program that states would have to help support to fix bridges and roads but also water and sewage infrastructure.

This year, Nebraska Gov. Dave Heineman vetoed a \$19 million increase in transportation funding that would have been paid for with a 1.8-cent increase in that state's 28-cent gas tax. Maine Gov. John Baldacci and Nevada Gov. Jim Gibbons both worked to scuttle bills to increase gas taxes for road construction.

Former Pennsylvania Gov. Tom Ridge in an interview on MSNBC's *Hardball* said, "There's not a governor and state legislature on an annual basis that doesn't go through the political torment and anguish every year about how to pay for these things. Everybody knows there's a need and everybody is reluctant to raise taxes."

## TDOT releases bridge inspection details

Department conducts special inspections of five deck truss bridges

Tennessee's bridge inventory includes five deck truss bridges, according to the Tennessee Department of Transportation. TDOT immediately inspected the five bridges and assigned a rating from 1 to 100. Two of the bridges were already on the list to be replaced.

- Jefferson County - I-40 over the French Broad is slated for replacement.
- Carter County - State Route 67 over the Watauga River received a fair rating.
- Dekalb County - State Route 56 over the Caney Fork River was rated in fair condition.
- Sullivan County - Netherland Inn Bridge is slated to become a pedestrian bridge with a new span for vehicles built beside it. It received a 43.3 rating.
- Knox County - Gay Street Bridge over the Tennessee River was rated in good condition.

"The tragedy in Minneapolis certainly brings the issue of bridge safety to the forefront," said TDOT Commissioner Gerald Nicely. "We want to assure everyone that the integrity of our bridges is a top priority and we will continue to look for any improvements that can be made to our Bridge Program."

There are 19,519 bridges on public roads in the state of Tennessee. These bridges fall into two categories for the purpose of distributing state and federal funds. On-system bridges are those maintained, owned and operated by the state. They are found on the Interstate System, the National Highway System, and the State Route System and in-

clude 8,114 bridges. There are 11,405 off-system bridges on roads owned, maintained, and operated by local governments.

While the department does track deficiencies in bridges, this by no means indicates a safety issue with the bridges. The term "Structurally Deficient" means that components of the bridge may be damaged or deteriorated, but not necessarily to a critical point where safety is an issue. Based on inspection and evaluation of bridges, TDOT will determine whether the bridge should be posted with a weight limit or should ultimately be closed, thus ensuring the safety of motorists.

"We have 17 bridge inspection teams who work diligently to ensure that each bridge across the state is inspected at least every two years," added TDOT Chief Engineer Paul Degges. "If there is any indication of a serious issue with a bridge, it is closed immediately."

## NLC calls for funding strategy

In the aftermath of the Minneapolis bridge collapse, officials from the National League of Cities applauded the quick Congressional effort to make available \$250 million to fund a portion of the cost of rebuilding the bridge, but are calling for more decisive action on the larger need to pay for repairs to the country's aging bridges and high-



Photo by J. Miles Cary / Knoxville News Sentinel

TDOT bridge inspectors examine the Interstate 40 bridge across the French Broad River on Aug. 3 near Dandridge. No serious problems were found.

### Current Bridge Status

#### On-System

- 333 (4.1 percent) bridges are classified as structurally deficient.
- 1,226 (15.1 percent) are functionally obsolete.
- Only two on-system bridges closed to traffic because they are currently under construction.

#### Off-System

- 869 (7.6 %) bridges are classified as structurally deficient.
- Functionally obsolete bridges number 1,712 (15 %).

#### Total

- 1202 (6.1 %) bridges are classified as structurally deficient.
- 2938 (15 %) bridges are classified as functionally obsolete.

ways.

"We are saddened by the terrible loss of life in this tragedy and grieve for those families and the entire community," said NLC President Bart Peterson, mayor of Indianapolis, Ind. "We are thankful for the valiant efforts of local emergency response teams and those from the many other local, state and federal agencies who acted so quickly.

"Unfortunately, the bridge disaster points out the overall problem with our nation's aging infrastructure. We are deeply concerned over news reports following the bridge collapse that indicate that between 15 and 27 percent of our nation's bridges are in similar condition. That could mean that one out of every four bridges crossed by commuters, truckers and other drivers every day could be in jeopardy. Many, if not most, of these bridges are in America's cities and towns, where seven out of 10 people live.

"We are pleased that Congress and the Administration acted quickly in the face of this tragedy. But it's time to invest in America's infrastructure," Peterson said.

A recent National League of Cities poll found that 54 percent of municipal officials thought the condition of their transportation infrastructure — their roads, bridges and transit — was of one of the nation's most pressing concerns. Transportation projects are funded through the federal and state governments, primarily from gas taxes, coupled with local property taxes and user fees. Currently, several studies sponsored by the Administration, Congress and academia are assessing how to raise more money to pay for future transportation needs.

Peterson said, "The old ways of thinking about transportation funding — user-fees, gas taxes, tolls and congestion pricing — are not the sole answer to our cities' or our nation's transportation infrastructure needs. The solutions will require a partnership and real collaboration among local, state and federal agencies to ensure that we make the right decisions about how we pay for what every citizen expects: a safe, reliable and efficient transportation system. That won't be easy. Once we come up with a set of solutions, it will be incumbent upon the Congress and the President to move them through quickly. The Minneapolis bridge disaster shows that we can't wait much longer."

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# Infant Tennessee Ethics Commission marks 9 months in action

For Bruce Androphy first year was a fast forward—sometimes controversial—foray

BY GAEL STAHL  
Editor

In January-February 2006, Gov. Bredesen and the state legislature passed a comprehensive ethics law in a special session. Its purpose was to help stunned legislators and the state citizenry understand that the FBI 'Tennessee Waltz' arrests in May 2005 would never be thought of as normal practice in Tennessee.

A governor's citizens advisory group and legislative special joint committee worked on ethics legislation in the summer of 2005 and systematized it into the Comprehensive Governmental Ethics Reform Act of 2006. The act called for the creation of an ethics commission.

The governor and House and Senate speakers named six bipartisan commissioners. They did a national search for someone to help them get the ethics commission started. On Aug. 28, Tennessee Ethics Commission (TEC) Chair Tom Garland announced that they'd chosen the New York Ethics Commission chief legal counsel, Bruce Androphy. He said his nearly two decades of practical experience in ethics and "his abilities to provide leadership during this critical start-up phase of the commission's operations" would help TEC get up and running and performing the dozen or so major responsibilities it was mandated to do.

With no staff, no permanent office, and only the slightest inkling of how Tennessee politics and politicians worked, Androphy had a functional office operating by Oct. 1.

Over three days, he interviewed lawyers, assistants and receptionists, found working space, computers and phones and began to meet almost every major politician and official and talk with lobbyists and reporters about the new rules and procedures. Headwinds were sometimes strong in the scandal-singed atmosphere as legislators, lobbyists and media became familiar with how the new law would work.

As this year's session progressed, legislators and lobbyists noted a new atmosphere on Capitol Hill. Most of the press began to give credit to the hardworking commission, director and staff and its web site. Androphy, one journalist wrote, was not trying to be "Bruce Almighty," but a hardworking bureaucrat trying to make the new law work and make government more transparent and effective.

When Androphy talked to Tennessee Municipal League officials at its March Legislative Conference, he and Supreme Court Justice Connie Clark explained that the new law required them to submit financial disclosures and their codes of ethics to TEC by July 1. He said it was TEC's role to merely collect those documents and that a lot of local government ethics is self-policing and that Tennessee's local officials were incredibly responsive.

Bruce A. Androphy grew up in Waterbury, an aging industrial city in central Connecticut. For his family, education was the family priority. All four boys went to college, did post college work, and had highly successful careers. Androphy attended a Catholic high school, graduated in 1976, went to the University of Pennsylvania, graduated magna cum laude in 1979 with a degree in economics, and in 1984, graduated with honors from George Washington University Law Center in Washington, D.C.

He then worked for a judge in Pennsylvania, took the New York bar exam, worked for a DA's office and went into private practice. His first government job was at Albany. He worked 18 years with the very active New York State Ethics Commission almost from its beginning, first as staff attorney, then, general counsel with a staff of four attorneys and paralegals.

He says he was looking for a change when he spotted an advertisement on his professional organization's web site about the new ethics commission in Tennessee. His kids were grown, and he'd visited Nashville a couple of times. He applied and was invited to interview. Having a good job freed him up to be more open and honest. He did not sugarcoat the challenges the commission would face. He said that his not knowing anybody in Tennessee and never having been politically active in New York except to vote could work as a potential asset or liability. It was for them to decide. He was obviously excited about hav-



"You create a more ethical climate in three ways, ... public disclosure ... make lobbyists register ... gift regulations ..."



"The commission has the authority to impose penalties for local and state officials who fail to file timely disclosure of interest statements."



Photos by Gael Stahl

"Most lobbyists want to do the right thing, not get into trouble. They want guidance. I find it to be a very agreeable group."

ing a chance to head up a new ethics commission with a clean slate. He was not daunted by the one-month deadline to get it up and running.

Shortly after he flew back to Albany, Garland called and told him he'd just hit a home run with the commission. Two days later, he began his new schedule—three days in Nashville, two days in Albany to finish up work there.

Androphy's parents are still alive, and his 86 year-old father is his biggest fan, so supportive, that Androphy tries to send him all the news clips—including those that are critical. He is pleased that his son is in the public limelight, and like Androphy's daughter, a junior at the University of Chicago, gets a kick out of his son's Tennessee notoriety.

Androphy has always believed that being active is a great stress reliever. To stay lean and energetic, he exercises and swims daily at the YMCA four blocks from his office. A few weeks ago, he spontaneously joined a local bike club's 100-mile ride to see the countryside south of Nashville following the meandering Harpeth River. At the end of this month, he'd like to do another 'century ride' in another part of the state.

He finds keeping up with current events relaxing. He gets a news service emailed by the governor's press office and a daily national newspaper, the New York Times, that covers ethics issues well in its government and business sections. The aftermath of Katrina fascinates him. That it tossed a major metropolitan area upside down and scattered its citizens all over is, he says, the phenomenal event of our time.

**TT&C: Who influenced you to become a lawyer?**

**BA:** It was never my dream to be a lawyer. The practice of law has changed a great deal. I tend to discourage young people from going into law. If they do go into law, I always recommend that when they start out to either clerk for a judge or work for a DA or public defender, because that is the best experience they'll ever get. I really cherish my days in the DA's office. You get to do real adult-life lawyer stuff at a young age. It is a tremendous learning curve.

I initially wanted to be an architect. I took my first drawing class in college, and the professor said I really should think about another career. I had no aptitude in that area. I went to law school thinking I might never practice law. Private practice was not to my taste—not where my future was. Government has been very good to me. I've really enjoyed working for government and I'm still in close contact with the lawyers in New York. They were a really

great team, like the staff I have here.

**TT&C: How did you see that the commissioners and your responsibilities would mesh?**

**BA:** What I saw was that they needed me to run the day-to-day operations, because it's not a paid board and not contemplated to be full-time employment. Some of the board members are very busy people. Larry Brown, from Memphis, a senior vice president with Fed-Ex, for example, flies all over the world. Linda Knight, Dianna Neal, and Professor Donald Hall are all very busy individuals. Former FBI executive, Ben Purser, is vice president of ethics and chief compliance officer at a health care company. Chairman Tom Garland, of course, is a former Senate minority leader, college chancellor and member of several boards.

They wanted to be educated as to how my experience with the New York Ethics Commission would be an asset to Tennessee's commission. They are like a corporate board of directors that hires you to run the operations and be a liaison between them, staff, the legislature, and the lobbying community.

**TT&C: Early on, individual legislators seemed to worry you might actually do the investigative function mandated by the ethics law of 2006. Others, like Lt. Gov. Ramsey, welcomed the fact that professionals instead of senators will do necessary investigations.**

**BA:** The ethics commission is not a law enforcement agency. We're not the FBI or the state police. While we certainly have an investigative role in conjunction with the Tennessee Attorney General's office, we're not prosecutors. If it's a matter of criminal law, we don't have any jurisdiction. That would have to be referred to the AG.

The legislature made it our role to take in complaints. If we establish validity of a complaint, we send it to the attorney general, who does the leg work and sends it back to the commission to make a finding or resolve the issue.

The commission has the authority to impose penalties for local and state officials who fail to file timely disclosure of interest statements.

Gov. Phil Bredesen signed into law a provision that forbids the Ethics Commission from imposing any penalties against an employee of the General Assembly or the governor for violating any part of the ethics law. While the commission retains the authority to investigate and make a finding that a violation has occurred, penalties are to be imposed by the appointing authority.

## Tennessee Ethics Commission Profile

**Jan. 2005:** Senate Ethics Committee investigates Sen. John Ford's consulting contracts.

**May 2005:** FBI Tennessee Waltz arrests legislators, lobbyists, other officials.

**Summer 2005:** Governor's Citizen Advisory Group on Ethics in Government presents in-depth review of ethics in Tennessee and presents recommendations to Gov. Bredesen.

**Summer 2005:** General Assembly's Special Joint Committee on Ethics incorporates recommendations from that advisory group and begins drafting ethics reform legislation.

**Jan-Feb. 2006:** Gov. Bredesen calls legislature into special session, which produces the Comprehensive Governmental Ethics Reform Act of 2006 that is signed into law, creating the TN Ethics Commission.

**August 2006:** Six bipartisan commissioners named by governor and speakers of House and Senate. Commissioners name Bruce Androphy executive director, who builds five-member staff.

**Oct. 1 2006:** The Commission's jurisdiction effectively begins; lobbyists and employers have to register, new gift provisions implemented.

**Summer 2007:** Audits of lobbyists and classes for lobbyists begin.

ber? Well, that's why we have codes of conduct to follow.

**TT&C: You have how many on the TEC staff?**

**BA:** Counting myself, we slotted for seven positions. So far, we have a general counsel and an associate counsel, an executive assistant/office manager, an administrative assistant who takes care of ordering and accounting for the money collected from lobbyists, an administrative assistant/receptionist, and an ethics compliance officer position that is vacant.

**TT&C: What is your budget? Who sets it?**

**BA:** The budget is approximately \$800,000. We have two budget streams. The legislature appropriates some of our funds, a little less than what we generate in revenue from the fees we charge lobbyists and the employers of lobbyists for current services. While we're independent, the Secretary of State's Office provides us all kinds of technical assistance. They were wonderful in helping us get our quick start.

**TT&C: How do you select the lobbyists that the commission audits?**

**BA:** The law said we had to do random audits. We did it during a break at our public meeting. Most good computer programs that spit out random numbers are from the gambling industry. I didn't want to do that. Somebody in the state Comptroller's Office told me that the Texas auditor had a good program. With their permission we downloaded it, alphabetically assigned every lobbyist a random number that was not weighted by number of clients. The program took mere seconds to cough up numbers. We posted those names immediately on the web site. The press got a big kick out of it. Five audits have already taken place. The others are scheduled. We'll post the audit reports on our web sites when we're done.

**TT&C: You provide a lot of information on your web site.**

**BA:** The commission made a great call on that from the beginning. A priority of the ethics law is transparency. Numerous sources have told me we've become a paragon for other state agencies. In a short time, literally thousands of pages of information were up that you can get to without being confused. We don't hide material. All the financial disclosure statements of lobbyists and local and state officials are there for anyone to see. Just two clicks away. We also post our opinions, minutes of our meetings, news of upcoming events. The TEC web site has grown exponentially and will grow even more ([www.state.tn.us/sos/tec](http://www.state.tn.us/sos/tec)).

**TT&C: Have lobbyists' early fears about TEC abated?**

**BA:** Their concern was with the random audits. We posted guidelines so they could be prepared. Those are on our site so lobbyists know what to expect if and when they are audited. They were quite pleased with that.

Most lobbyists want to do the right thing, not get into trouble. They want guidance. I find it to be a very agreeable group. It's when people don't know where the lines are drawn they get upset.

**TT&C: What's coming up next for the commission?**

**BA:** We're at the stage now where we're ready to start fining people for being late filers. Also, there is an investigation of a complaint with the attorney general's office, so we are working on procedural rules on how to adjudicate complaints and assess penalties. An example is when we get an employer who has not filed a disclosure statement. Because we're new, there is still a lot coming up to do. Considering where we are in a year, it's really quite remarkable.

**TT&C: Why is the number of ethics commissions growing?**

**BA:** Ethics commissions usually come about due to scandals. Most jurisdictions recognize that there are implicit problems with being self policing. State legislatures have a hard time self policing. Congress has a hard time self policing. There's a huge effort now to persuade Congress it needs a federal ethics commission. Why? You need somebody who is not political and entwined with the system to have ethics oversight. That is why ethics commissions are created bipartisan and independent—because you want to have an objective agency.

He wants to help out his family mem-