

Legislative Summary

Tennessee Commission on Children and Youth

May 25, 2012

Criminal Law - 46

SB2182 / HB2278 Removes statute of limitations for rape of a child.

Sponsors Sen. Bo Watson / Rep. Richard Floyd

Description Removes statute of limitation for persecution following sexual offenses committed against a child on or after July 1, 2012.

Amendment House amendment 1 (01354866) deletes all language after the enacting clause. Establishes the statute of limitations for prosecution at no later than 25 years from the date the child becomes 18 years of age, if the offense is committed against a child on or after July 1, 2012, for the following offenses: producing, importing, preparing, distributing, processing or appearing in obscene material or exhibition, sexual exploitation of a minor, aggravated sexual exploitation of a minor, and especially aggravated exploitation of a minor.

Senate Status 04/25/2012 - Senate passed.

House Status 03/19/2012 - House passed with amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 1027 effective July 1, 2012.

Public Chapter PC1027

SB2199 / HB2337 Repeal date for TN Transitioning Youth Empowerment Act.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Removes the 2012 repeal date for the Tennessee's Transitioning Youth Empowerment Act of 2010. (Part of Administration Package 2012)

Senate Status 03/19/2012 - Senate passed.

House Status 03/15/2012 - House passed.

Executive Status 04/05/2012 - Enacted as Public Chapter 0653 effective April 4, 2012

Public Chapter PC653

SB2205 / HB2343 Police powers by department of correction employees.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Authorizes department of correction (DOC) employees who are appointed as special agents or as director of internal affairs; who have completed law enforcement training in accordance with internal standards; and who have successfully completed the Tennessee Bureau of Investigations basic agent training, to carry weapons in the course of their duties. Expands the definition of "law enforcement officer" to include a warden, deputy warden, associate warden, correctional administrator, assistant or deputy commissioner, or a commissioner who has successfully completed firearms training in accordance with the DOC standards. (Part of Administration Package 2012)

Amendment SENATE AMENDMENT 1 (01265771) inserts language previously deleted by the proposed bill. Requires Department of Correction (DOC) employees who are appointed as special agents or as director of internal affairs; who have completed law enforcement training in accordance with internal standards, which include a minimum of 40 hours of initial training and 8 hours of annual in-service in firearms qualification administered by an instructor with certification from the Tennessee Correction Academy's Firearms Instructor Program or a police firearms instructor program conducted by or sanctioned by the Federal Bureau of Investigation or the National Rifle Association; and who have successfully completed the Tennessee Bureau of Investigations basic agent training; to carry weapons in the course of their duties. Expands the definition of "law enforcement officer" to include a

warden, deputy warden, associate warden, correctional administrator, assistant or deputy commissioner, or a commissioner who has successfully completed firearms training in accordance with the DOC standards. HOUSE AMENDMENT 1 (01286031) inserts language previously deleted by the proposed bill. Requires DOC employees who are appointed as special agents or as director of internal affairs; who have completed law enforcement training in accordance with internal standards, which include a minimum of 40 hours of initial training and 8 hours of annual in-service in firearms qualification administered by an instructor with certification from the Tennessee Correction Academy's Firearms Instructor Program or a police firearms instructor program conducted by or sanctioned by the FBI or the National Rifle Association; and who have successfully completed the TBI basic agent training; to carry weapons in the course of their duties. Expands the definition of "law enforcement officer" to include a warden, deputy warden, associate warden, correctional administrator, assistant or deputy commissioner, or a commissioner who has successfully completed firearms training in accordance with the DOC standards. Makes a technical correction to Section D of the bill to clarify the differences between law enforcement officers and correctional officers.

Senate Status 03/01/2012 - Senate concurred in House amendment 1.

House Status 02/27/2012 - House passed with amendment 1 (01286031).

Executive Status 03/28/2012 - Enacted as Public Chapter 0603 effective March 21, 2012.

Public Chapter PC603

SB2230 / HB2368 Provisions governing scheduling of controlled substances.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Updates the provisions governing the scheduling of Schedule I, II, III, IV controlled substances. (Part of Administration Package 2012)

Senate Status 02/13/2012 - Senate passed.

House Status 04/04/2012 - House passed.

Executive Status 04/30/2012 - Enacted as Public Chapter 0812 effective April 25, 2012.

Public Chapter PC812

SB2235 / HB2373 Sale and purchase of immediate methamphetamine precursor.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Clarifies that attempting to sell or buy methamphetamine precursors with intent to make methamphetamine, sell it or deliver it to someone who intends to, or with reckless disregard for the precursor's intended use or the recipient's intent are class A misdemeanors. (Part of Administration Package 2012)

Senate Status 02/13/2012 - Senate passed.

House Status 04/02/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0764 effective April 19, 2012.

Public Chapter PC764

SB2250 / HB2388 Unlawful possession of gun with previous felony conviction.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Increases the punishment for unlawful possession of firearm by person with previous felony conviction from Class E to Class C if they have been convicted of a felony involving the use or attempted force, violence or a deathly weapon. Increases punishment from Class E to a Class D if they have been convicted of a felony drug offense. (Part of Administration Package 2012)

Senate Status 03/19/2012 - Senate passed.

House Status 03/26/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0726 effective July 1, 2012.

Public Chapter PC726

SB2251 / HB2389 Second offense for domestic assault.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Establishes increased punishment for second and subsequent convictions for domestic assault. (Part of Administration Package 2012.)

Amendment HOUSE AMENDMENT 2 (01377971) deletes all language after the enacting clause. Specifies domestic assault is punishable the same as assault defined in TCA 39-13-101 for the first conviction. Imposes a mandatory minimum 30-day sentence for a second conviction of domestic assault committed in a manner resulting in bodily injury to the victim, and a fine of not less than \$350 nor more than \$3,500. Imposes a mandatory minimum 90-day sentence for a third or subsequent conviction of domestic assault committed in a manner resulting in bodily injury to the victim, and a fine of not less than \$1,100 nor more than \$5,000. A domestic assault offense involving bodily injury to the victim will not be subject to the enhanced penalties if 10 years or more have elapsed between the current violation and the immediately preceding violation.

Senate Status 04/25/2012 - Senate passed.

House Status 04/18/2012 - House passed with amendment 2.

Executive Status 05/17/2012 - Enacted as Public Chapter 0987 effective July 1, 2012.

Public Chapter PC987

SB2252 / HB2390 Enhanced punishment for crimes of force or violence.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Requires a crime of force or violence committed while acting in concert with two or more persons to be classified as one classification higher than if it was committed alone. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01300471) increases the penalty for aggravated assault, robbery, or aggravated burglary, if committed in concert with two or more persons, to one classification higher than if the offense had been committed alone. Defines "acting in concert" as conduct that would make a person criminally responsible for current criminal statutes addressing parties to offenses, criminal responsibility for the conduct of another, and criminal responsibility for facilitation of a felony. Requires the indictment to charge that the offense was committed while acting in concert with two or more persons.

Senate Status 03/19/2012 - Senate passed with amendment 1.

House Status 03/26/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0725 effective July 1, 2012.

Public Chapter PC725

SB2280 / HB2286 Manufacturing or selling an imitation controlled substance.

Sponsors Sen. Mike Faulk / Rep. Jon Lundberg

Description Creates a Class E felony for the manufacturing or selling of an imitation controlled substance. Creates a Class A misdemeanor for ingesting an imitation controlled substance.

Amendment HOUSE AMENDMENT 3 (01468966) deletes all language after the enacting clause. Creates a Class E felony offense for a person to knowingly manufacture, deliver, sell, or possess with the intent to sell, deliver, or manufacture an imitation controlled substance. Defines imitation controlled substance. Imposes, in addition to any incarceration imposed, a fine of not less than \$2,000 nor more than \$5,000. Creates a Class A misdemeanor offense for a person, for the purpose of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system,

or disturbing or distorting of the audio or visual processes, to intentionally smell, inhale, inject, or consume in any manner, or to use, or possess for the purpose of so using, an imitation controlled substance. Imposes, in addition to any incarceration imposed, a fine of not less than \$250 nor more than \$2,500. The building and premises of any business in or upon which a violation is committed by an employee, agent, or owner of such business is declared to be a public nuisance and subject to abatement as provide in Title 29, Chapter 3, Part 1.

Senate Status 04/25/2012 - Senate passed.

House Status 04/16/2012 - House passed with amendment 3.

Executive Status 05/03/2012 - Enacted as Public Chapter 0843 effective April 27, 2012.

Public Chapter PC843

SB2349 / HB2311 Aggravated rape conviction requires 100% of sentence served.

Sponsors Sen. Mae Beavers / Rep. Antonio Parkinson

Description Requires aggravated rapist to serve the entire sentence imposed by the court if the offense occurs on or after July 1, 2012.

Senate Status 04/27/2012 - Senate passed.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1073 effective July 1, 2012.

Public Chapter PC1073

SB2368 / HB2488 Penalty enhanced for involuntary labor of minors.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Enhances the penalty for involuntary labor servitude where the victim was under age 13 and adds means by which the crime is possible.

Senate Status 04/27/2012 - Senate passed.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1074 effective July 1, 2012.

Public Chapter PC1074

SB2369 / HB2489 Civil right of action for victims of human trafficking.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Permits victims of human trafficking to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief. Specifies that restitution to victims of human trafficking include those items covered by the criminal injuries compensation fund as well as costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, costs of necessary transportation, temporary housing, and child care, and attorney's fees and other court-related costs such as victim advocate fees.

Senate Status 03/12/2012 - Senate passed.

House Status 02/16/2012 - House passed.

Executive Status 03/28/2012 - Enacted as Public Chapter 0613 effective July 1, 2012.

Public Chapter PC613

SB2370 / HB2492 Development of plan to assist victims of human trafficking.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Directs the department of human services to develop a plan for the delivery of services to victims of human trafficking.

Amendment House Amendment 1 (01629466) adds the language "The commissioner of the department of human services shall establish a plan for the delivery of services to victims of human

trafficking after consultation with the following departments: Department of children's services; Department of health; Department of intellectual and developmental disabilities; Department of mental health; and Tennessee bureau of investigation". Also changes the date to July 1, 2013 for the department to transmit a copy of the plan and issue a report to the chair of the judiciary committee of the Senate and the chair of the judiciary committees of the House.

Senate Status 04/27/2012 - Senate concurred in House amendment 1.

House Status 04/24/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0963 effective May 10, 2012.

Public Chapter PC963

SB2371 / HB2493 Trafficking in commercial sex acts - offense created.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Defines "commercial sex act" as any sexual act for which something of value is given or received. Replaces the existing Class B felony offense of "trafficking for sexual servitude" with "trafficking a person for a commercial sex act" and adds the attempt to subject, benefit from, or attempt to benefit from another person's provision of a commercial sex act. Requires a person who is convicted of a commercial sex act offense to register with the TBI pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. Elevates the offense to a Class A felony if the victim is a child between 13 and 15 years of age.

Amendment SENATE AMENDMENT 1 (01602066) deletes all language after the enacting clause. Replaces the existing Class B felony offense of "trafficking for sexual servitude" with "trafficking a person for a commercial sex act" and adds the attempt to subject, benefit from, or attempt to benefit from another person's provision of a commercial sex act. If the victim is under the age of 13, or if the offense occurs on the ground or facilities or within 1,000 feet of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, the violation is a Class A felony. Creates a Class C felony offense for a person to advertise commercial sexual abuse of a minor if the person knowingly sells or offers to sell an advertisement that would appear to a reasonable person to be for the purpose of engaging in what would be a commercial sex act with a minor. Authorizes a minimum fine of \$10,000 in addition to any period of incarceration for violation. Defines "advertisement" as a notice or an announcement in a public medium promoting a product, services, or event, or publicizing a job vacancy. Defines "commercial sex act" as any sexual act for which something of value is given or received. Defines "minor" as an individual who is less than 18 years old. Specifies that it is not a defense that the person did not know the age of the minor depicted in the advertisement. Requires the defendant to prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable attempt to ascertain the true age of the minor appearing in the advertisement. Requires a person who is convicted of a commercial sex act offense to register with the TBI pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. Elevates the offense to a Class A felony if the victim is a child between 13 and 15 years of age.

Senate Status 04/27/2012 - Senate passed with amendment 1.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1075 effective July 1, 2012.

Public Chapter PC1075

SB2438 / HB2733 Public indecency repeat offender fine increased.

Sponsors Sen. Lowe Finney / Rep. Joe Pitts

Description Increases from \$1,500 to \$2,000 the fine that may be imposed for a third or subsequent offense of public indecency.

Amendment Senate amendment 1 (01451671) deletes all language after the enacting clause. Broadens the existing Class E felony offense of indecent exposure to include a sexual offend, violent sexual offender, or violent juvenile sexual offender. Increases the punishment for stalking, from a Class A misdemeanor to a Class E felony, if the defendant, at the time of the offense, was required to or was registered with the TBI as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in TCA 40-39-202.

Senate Status 04/27/2012 - Senate passed with amendment 1.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1076 effective May 21, 2012.

Public Chapter PC1076

SB2507 / HB2645 Sale or distribution of dangerous compounds.

Sponsors Sen. Jim Tracy / Rep. Ryan Williams

Description Creates a Class A misdemeanor to knowingly produce, manufacture, distribute, sell, or possess with intent to produce, manufacture, distribute or sell any compound that is derived from or a modification of two amino- one phenyl -one propanone.

Amendment HOUSE AMENDMENT 1 (01353718) deletes from subsection (a) of the amendatory language of Section 1 the language "or possess with intent to produce, manufacture, distribute, sell or offer for sale" and substituting instead the language "or possess." HOUSE AMENDMENT 2 (01417118) corrects a typographical error.

Senate Status 04/12/2012 - Senate passed.

House Status 04/09/2012 - House passed with amendments 1 and 2.

Executive Status 05/03/2012 - Enacted as Public Chapter 0838 effective July 1, 2012.

Public Chapter PC838

SB2508 / HB2638 Living on non-residential public property.

Sponsors Sen. Dolores R. Gresham / Rep. Eric Watson

Description Creates Class C misdemeanor offenses for living on publicly-owned, non-residential property and for assembly on publicly-owned property that poses a health or safety hazard to others. Specifies that persons committing these offenses are subject to removal from the property and liable for damage or depletion in property value.

Amendment House amendment 1 (01281471) deletes all language after the enacting clause. Defines "camping" as the erection or use of temporary structures such as tents, tarps, and other temporary shelters for living accommodation activities such as sleeping, or making preparations to sleep. Camping shall include, but not be limited to, the laying down of bedding for the purpose of sleeping, storing personal belongings, making any fire, doing any digging or earth breaking or carrying on cooking activities, whether by fire or use of artificial means such as propane stove or other heat-producing portable cooking equipment. Creates a Class A misdemeanor offense for a person to engage in the activity of camping on property owned by the State knowing that the area on which the camping occurs is not specifically designated for use as a camping area by the department or agency responsible for such land. Any items associated with camping in violation of this section, including tents, portable toilets, sleeping bags, tarps, stakes, ropes, blankets, propane heaters, cooking equipment and generators, shall be subject to seizure and forfeiture by appropriate state officials. Senate amendment 2 (01287171) is substantially identical to House amendment 1 but makes clear that 39-14-4__ (b) (1), (2), (3), (4), (5), and (6) of the amendment is

"whereas" enacting language only and not to be written into the code. Senate amendment 3 (01342771) adds a severability clause to the bill.

Senate Status 02/23/2012 - Senate passed with amendments 2 and 3.

House Status 02/27/2012 - House concurred in Senate amendment 2 and 3.

Executive Status 03/02/2012 - Enacted as Public Chapter 0535 effective March 2, 2012

Public Chapter PC535

SB2544 / HB2459 Persons under 21 cannot enter liquor store without adult.

Sponsors Sen. Becky Duncan Massey / Rep. Jimmy A. Eldridge

Description Creates a Class C misdemeanor for any person who is under 21 years old who enters a liquor store who is not accompanied by a parent, legal guardian, or a spouse who is 21 years or older. Creates a Class C misdemeanor for a person who is over 21 to bring an under 21 year old person into an establishment. Creates offense for any person who is visibly intoxicated to enter an establishment.

Amendment HOUSE AMENDMENT 2 (01488203) deletes all language after the enacting clause. Prohibits any minor who is at least 12 years old but under the age of 21 from entering any establishment which sells intoxicating liquor for off-premise consumption unless such individual is accompanied by a parent, legal guardian, or spouse who is 21 years of age or older. Prohibits any individual who is 21 years of age or older from entering the above establishments if accompanied by a person who is under the age of 21, unless that person is the parent, legal guardian or spouse of the person who is under 21 years of age. Prohibits any individual who is visibly intoxicated from entering into any establishment that sells beverages with alcohol content over five percent by volume, for off-premise consumption. Creates a Class C misdemeanor offense for the first violation of this act punishable by fine only. A second violation is a Class A misdemeanor punishable by a fine only of \$200. HOUSE AMENDMENT 3 (01569403) deletes from the amendatory language "other emergency personal" and by substituting instead the language "other emergency personnel". HOUSE AMENDMENT 4 (01637731) deletes all language after the enacting clause. Prohibits any individual who is either between 18 and 21 years of age, or anyone of any age who is visibly intoxicated or disruptive from entering into any establishment that sells beverages with alcohol content over five percent by volume for off-premise consumption. Any individual who is found in violation of this proposed violation commits criminal trespass. Requires any individual under the age of 18 to leave such an establishment if asked to do so by the owner. Any individual who does not comply with any such owner's request commits a delinquent act.

Senate Status 04/18/2012 - Senate passed.

House Status 04/16/2012 - House passed with amendments 2, 3, and 4.

Executive Status 05/16/2012 - Enacted as Public Chapter 0899 effective May 9, 2012.

Public Chapter PC899

SB2556 / HB2641 Images used to harass and bully.

Sponsors Sen. Bill Ketron / Rep. Charles Curtiss

Description Limits the offense of harassment by display of an image to cases in which the defendant intends the image to intimidate the victim, the victim is likely to see the image, a reasonable person is intimidated by the image and the victim is actually intimidated.

Amendment HOUSE AMENDMENT 2 (01625871) rewrites the bill. Limits the offense of harassment by display of an image to cases in which the defendant communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image will be viewed by the victim and the person: (A) Maliciously intends the communication to

be a threat of harm to the victim; and (B) A reasonable person would perceive the communication to be a threat of harm. Requires each LEA, at the beginning of each school year, to provide teachers and school counselors with a copy of the policy along with information on the policy's implementation on bullying prevention and strategies to prevent bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources. Requires such information to be available for public inspection. Requires each LEA, beginning August 1, 2013, to provide to the Department of Education an annual report on the number of bullying incidents and the manner in which they were resolved. Requires the Department of Education an annual report on bullying cases statewide to the Senate and House Education Committees. Adds a new section (d)(1) requiring that the principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate the following acts of harassment, intimidation, bullying or cyber-bullying: when a student reports that physical harm or a threat of physical harm to such student's person or property has occurred; or an act of harassment, intimidation, bullying or cyber-bullying not resulting in physical harm or the threat of physical harm and the same act is corroborated by another student; or when any other act occurs and the principal determines that investigation of such act is necessary to ensure the safety and well being of a student or students. Requires the principal to report findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education. HOUSE AMENDMENT 3 (01660562) rewrites the new section (d)(1) in House Education amendment 1 to require that the principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

Senate Status 04/26/2012 - Senate passed.

House Status 04/24/2012 - House passed with previously adopted amendments 2 and 3.

Executive Status 05/17/2012 - Enacted as Public Chapter 0992 effective July 1, 2012.

Public Chapter PC992

SB2590 / HB2823 Immunity - victims of human trafficking.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Grants immunity from prosecution of prostitution where a person is a victim of involuntary labor servitude, sexual servitude, or where the person is a victim as defined under the federal Trafficking Victims Protection Act.

Amendment House amendment 1 (01296366) deletes all language after the enacting clause. States that it is a defense to prosecution that a person charged with prostitution is charged for conduct that occurred because a person was a victim of involuntary labor services, a victim of trafficking for sexual servitude, or a victim as defined under the federal Trafficking Victims Protection Act.

Senate Status 04/19/2012 - Senate passed.

House Status 04/11/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0891 effective July 1, 2012.

Public Chapter PC891

SB2604 / HB2678 Defendants who are unlawfully present in U.S.

Sponsors Sen. Mae Beavers / Rep. Joe Carr

Description Requires a defendant who is unlawfully in the US to be defined as a flight risk when arrest for causing a traffic accident causing a serious bodily injury or death, driving without a valid driver license, or having no evidence of financial responsibility. Allows clerks to set the amount of bail in excess of listed amount if the defendant is seen as a flight risk.

Amendment Senate amendment 1 (01618909) authorizes a defendant who is unlawfully present in the United States and has committed certain enumerated traffic violations to be deemed a risk of flight for bail purposes. Authorizes a court clerk to set bail for such defendants at a higher amount than is normally permitted.

Senate Status 04/19/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1011 effective July 1, 2012.

Public Chapter PC1011

SB2605 / HB2856 Displaying sexual activity to minor by electronic means.

Sponsors Sen. Mae Beavers / Rep. Debra Young Maggart

Description Clarifies that law permits prosecution and conviction for displaying sexual activity to a minor by electronic communication regardless of whether the victim is a minor or an undercover police officer posing as a minor.

Senate Status 04/16/2012 - Senate passed.

House Status 03/15/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0876 effective July 1, 2012.

Public Chapter PC876

SB2667 / HB2626 Collection of DNA samples upon conviction.

Sponsors Sen. Beverly Marrero / Rep. John J. Deberry Jr.

Description Adds five homicide offenses to the list of violent offenses for which a DNA sample is taken and stored in the database upon arrest rather than conviction.

Senate Status 04/19/2012 - Senate passed.

House Status 04/27/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0965 effective May 10, 2012.

Public Chapter PC965

SB2675 / HB2656 Sexual exploitation of a minor.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Makes technical changes to clarify the offenses of soliciting sexual exploitation of a minor and exploitation of minor by electronic means to make language consistent. Uses definitions from other parts of the code for certain undefined terms, including community, material, patently offensive and sexual activity.

Senate Status 04/02/2012 - Senate passed.

House Status 02/27/2012 - House passed.

Executive Status 04/18/2012 - Enacted as Public Chapter 0732 effective April 16, 2012.

Public Chapter PC732

SB2697 / HB2890 Eligibility for drug court treatment programs.

Sponsors Sen. Mike Bell / Rep. Eric Watson

Description Provides that a person is eligible for a drug court treatment program if the person has been charged with, but not convicted of a felony or does not have a demonstrated pattern of convictions for misdemeanor offenses.

Amendment House amendment 1 (01306371) deletes all language after the enacting clause. Redefines

"violent offender" relative to drug court treatment program eligibility and authorizes a person who has been charged with, but not convicted of, a violent felony offense to participate in a treatment program. Specifies that in determining whether a defendant is a "violent offender," it does not matter whether one or more of the following circumstances is or is not an element of the offense for which the person is convicted: the person carried, possessed or used a firearm or dangerous weapon; there occurred the death of or serious bodily injury to any person; or there occurred the use of force against the person of another.

Senate Status 04/18/2012 - Senate passed.

House Status 04/11/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0889 effective May 9, 2012.

Public Chapter PC889

SB2741 / HB2847 Child sexual abuse offenders - custody and visitation.

Sponsors Sen. Jack Johnson / Rep. Charles M. Sargent

Description Establishes a rebuttable presumption that awarding sole custody, joint legal or joint physical custody or unsupervised visitation to the perpetrator of child abuse or child sexual abuse is not in the best interest of the child.

Amendment HOUSE AMENDMENT 1 (01423165) rewrites the bill. Allows one parent of a child to file a petition to terminate the parental or guardianship rights of a person alleged to be a parent or guardian when that person has been found to have committed severe child sexual abuse, as specified, under any prior order of a criminal court. SENATE AMENDMENT 1 (01662071) is the same as House amendment 1 except that it changes definition of severe child sexual abuse for purposes of this section in Section 2(A) to the conviction, rather than the commission, of any of the listed acts towards a child. Changes the beginning of Section 2(B) to "When one (1) of the child's parents has been convicted of" from "When one (1) of the child's parents has been found to have committed". SENATE AMENDMENT 2 (01692865) requires the court to notify the petitioning parent that the duty of future child support by the parent who is the subject of the termination petition will be forever terminated by entry of an order terminating parental rights.

Senate Status 04/24/2012 - Senate passed with amendments 1 and 2.

House Status 04/27/2012 - House concurred in Senate amendments 1 and 2.

Executive Status 05/23/2012 - Enacted as Public Chapter 1042 effective May 21, 2012.

Public Chapter PC1042

SB2776 / HB2825 Access to controlled substance database.

Sponsors Sen. Randy McNally / Rep. Joey Hensley

Description Allows a county medical examiner to access the controlled substance database, and subjects them to confidentiality except when the information obtained is appropriately included in an official report. Exempts authorized database users acting in good faith from civil and criminal liability related. Establishes a presumption of good faith action for medical examiners conducting an investigation with database information.

Amendment House amendment 1 (01366218) corrects a typographical error.

Senate Status 04/26/2012 - Senate concurred in House amendment 1.

House Status 04/24/2012 - House passed with amendment 1, which corrects a typographical error.

Executive Status 05/16/2012 - Enacted as Public Chapter 0924 effective May 10, 2012.

Public Chapter PC924

SB2780 / HB2774 Increases expunction fee.

Sponsors Sen. Randy McNally / Rep. Eric Watson

Description Increases the expunction fee from \$50.00 to \$350.00 following the successful completion

of diversion programs.

Amendment HOUSE AMENDMENT 1 (01331666) deletes all language after the enacting clause. Beginning July 1, 2012, increases, from \$50 to \$350, the fee paid by a defendant petitioning a court for expunction of records following successful completion of a diversion program. Specifies that the \$350 fee is not applicable in any case where there has been an acquittal, nolle prosequi or dismissal for failure to prosecute, or where by law the expunction order is not required to be sent to the TBI. Expands the purposes for which the diversion fee may be used by the TBI. Requires a defendant, upon request for a diversion program, to pay a \$100 fee to the court clerk to be used by TBI for stated purposes. SENATE AMENDMENT 3 (01684777) changes the bill's effective date from July 1, 2012, to 30 days after becoming a law and directs that the \$100 diversion request fee must be paid to the TBI rather than the clerk of the court.

Senate Status 05/01/2012 - Senate reconsidered its actions in adopting Senate amendment 2, withdrew Senate amendment 2, and passed the bill as amended by Senate amendment 3.

House Status 05/01/2012 - House concurred in Senate amendment 3.

Executive Status 05/23/2012 - Enacted as Public Chapter 1041 effective June 21, 2012.

Public Chapter PC1041

SB2817 / HB2986 Report on missing child.

Sponsors Sen. Becky Duncan Massey / Rep. Ryan A. Haynes

Description Clarifies that a missing child report must be entered in the NCIC database but does not have to be entered in the MCOT database. Broadly captioned.

Amendment House amendment 1 (01323066) rewrites the bill by requiring every law enforcement officer receiving information from a parent or any source that it deems creditable shall prepare a formal missing child report. A law enforcement agency reporting a missing child is required to enter the report of the missing child into the National Crime Information Center within two hours of the receipt of the initial missing child report.

Senate Status 04/12/2012 - Senate passed.

House Status 03/22/2012 - House passed with amendment 1.

Executive Status 05/03/2012 - Enacted as Public Chapter 0856 effective April 27, 2012.

Public Chapter PC856

SB2836 / HB3365 Preventing another person from making an emergency call.

Sponsors Sen. Mike Faulk / Rep. Barrett Rich

Description Creates a Class A misdemeanor if an individual knowingly prevents or interferes with another person's ability to place an emergency telephone call in an emergency to a law enforcement agency, medical facility, or another entity with a purpose to provide for the safety of individuals, or to recklessly render unusable a telephone that would be used by another to place an emergency phone call. Creates a Class E felony for anyone who has previously been convicted of the offense. Broadly captioned.

Amendment House amendment 1 (01419966) deletes all language after the enacting clause. Creates the Class A misdemeanor offense of knowingly preventing an individual from placing a telephone call to 911 or from requesting assistance in an emergency from law enforcement, a medical facility, or other safety entity. Creates the Class A misdemeanor offense of intentionally, rather than recklessly, rendering unusable a telephone that would otherwise be used by an individual to place such an emergency telephone call. Removes the Class E felony for second and subsequent offenses.

Senate Status 04/25/2012 - Senate passed.

House Status 04/04/2012 - House passed with amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 1003 effective July 1, 2012.

Public Chapter PC1003

SB2892 / HB2895 Evaluating best interest of child in juvenile court.

Sponsors Sen. Andy Berke / Rep. Sherry Jones

Description Defines "best interest of child" to assist the evaluation process of what is best for the child in juvenile court and foster care proceeding.

Amendment House amendment 1 (01618665) rewrites the bill. Provides that if the report of child abuse alleges physical abuse, it shall be in the best interest of the child that the child be referred to a child advocacy center or that the investigation be conducted by a child protective services investigator who is adequately trained in investigating physical abuse reports. Specifies that under no circumstances shall the investigation be performed by a probation officer previously assigned to the child.

Senate Status 04/18/2012 - Senate passed.

House Status 04/12/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0888 effective May 9, 2012.

Public Chapter PC888

SB2922 / HB2854 DNA specimens from sexual offenders.

Sponsors Sen. Doug Overbey / Rep. Debra Young Maggart

Description Requires certain criminal offenders, who are not incarcerated at the time of sentencing, to report to county probation division to give biological sample. Requires the defendant to pay processing and storing of the specimen.

Senate Status 04/23/2012 - Senate passed.

House Status 03/15/2012 - House passed.

Executive Status 05/17/2012 - Enacted as Public Chapter 0996 effective May 10, 2012.

Public Chapter PC996

SB2988 / HB2990 Sentencing for first time offender of domestic assault.

Sponsors Sen. Charlotte Burks / Rep. Sherry Jones

Description Allows a judge to sentence a first-time offender of domestic assault to attend a 24-week intervention program. Requires the offender to serve all 24 weeks of the program before the course is deemed complete. Broadly captioned.

Amendment SENATE AMENDMENT 1 (01663571) rewrites the bill to instead provide that as part of a defendant's alternative sentencing for a violation of domestic assault, the sentencing judge may direct the defendant to complete a drug or alcohol treatment program or available counseling programs that address violence and control issues including, but not limited to, a batterer's intervention program that has been certified by the domestic violence state coordinating council. Completion of a non-certified batterer's intervention program will only be ordered if no certified program is available in the sentencing county. No batterer's intervention program, certified or non-certified, will be deemed complete until the full term of the program is complete, and a judge may not require a defendant to attend less than the full term of a program as part of a plea agreement or otherwise. The defendant's knowing failure to complete such an intervention program will be considered a violation of the defendant's alternative sentence program and the sentencing judge may revoke the defendant's participation in such program and order execution of sentence.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/23/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0931 effective July 1, 2012.

SB2997 / HB2853 Promoting prostitution - sex offender registry.

Sponsors Sen. Beverly Marrero / Rep. Debra Young Maggart

Description Adds the offense of promoting prostitution to the list of sexual offenses that require registration under the sex offender registry. Adds second offense of promoting prostitution to the list of violent sexual offenses.

Senate Status 04/02/2012 - Senate passed.

House Status 03/01/2012 - House passed.

Executive Status 04/18/2012 - Enacted as Public Chapter 0753 effective July 1, 2012.

Public Chapter PC753

SB3005 / HB2868 Commission of criminal gang offense - racketeering.

Sponsors Sen. Bo Watson / Rep. Vince Dean

Description Includes committing or attempting criminal gang offenses within the definition of racketeering activity and enterprise in the Racketeer Influenced and Corrupt Organization (RICO) Act of 1989.

Amendment Senate amendment 1 (01524566) corrects a drafting error by adding the subdivisions of Tenn. Code Ann. 39-17-417 (i) and (j).

Senate Status 04/30/2012 - Senate passed with amendment 1, which corrects a drafting error by adding the subdivisions of Tenn. Code Ann. 39-17-417 (i) and (j).

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1090 effective July 1, 2012.

Public Chapter PC1090

SB3018 / HB3175 Controlled substance analogues.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley

Description Changes references of controlled substances to include controlled substance analogues. Defines controlled substance analogues. Increases from Class A misdemeanor to Class D felony violations of laws involving the manufacture, production, distribution, or possession of salvia divinorum and specified synthetic cannabinoids; subsequent violation is a Class C felony, and sale to a minor is punishable one classification higher than the punishment provided. Creates Class D felony to manufacture, deliver, dispense, or sell a controlled substance analogue or possess with such intent, and all consequences provided by law that may result from a conviction for a controlled substance offense shall also apply if the conviction involves a controlled substance analogue. Establishes factors to be considered when determining whether a substance is a controlled substance analogue. (20 pp.)

Amendment HOUSE AMENDMENT 3 (01518166) specifies that the building and premises of any business in or upon which any of the following offenses created by the bill are committed by an employee, agency or owner of such business is declared to be a public nuisance and would be subject to abatement pursuant to present law regarding abatement of nuisances: (1) The felony offense of knowingly manufacturing, delivering, dispensing or selling a controlled substance analogue or possessing a controlled substance analogue with the intent to manufacture, deliver, dispense or sell such substance; or (2) The Class A misdemeanor offense of representing, advertising, inferring or intending that a controlled substance analogue: (A) Is a derivative of, or substantially similar to, the chemical structure of a controlled substance; or (B) Has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance. Removes the examples of adverse consequences that would apply to the offense described above in (1).

Removes various proposed changes from the bill. Under the bill, the references to controlled substances in the following present law provisions would also include references to controlled substance analogues: (1) The present law provision authorizing the board of medical examiners to take disciplinary action against any licensed physician who is dispensing, prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States; and (2) The requirement that under present law regarding drug-free workplace programs, a written record must be made of the observations leading to a controlled substances reasonable suspicion test within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. Removes the provisions of the bill that add references to controlled substance analogues in the provisions described above in (1) and (2). Adds references to controlled substance analogues to the following present law provisions regarding controlled substances, such that such provisions would apply to both controlled substances and controlled substance analogues: (1) The provision specifying that present law regarding discrimination in housing and finance does not prohibit conduct against a person because such person has been convicted of the illegal manufacture or distribution of a controlled substance; (2) The provisions that require the forfeiture of: all controlled substances manufactured, distributed, dispensed or acquired in violation of present law; all raw materials, products and equipment used in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of present law; and everything of value furnished in exchange for a controlled substance in violation of present law. Furthermore, this amendment specifies that controlled substance analogues that are possessed, transferred, sold, or offered for sale in violation of present law and the bill are contraband and must be seized and summarily forfeited to the state. Controlled substance analogues that are seized or come into the possession of the state, the owners of which are unknown, are contraband and must be summarily forfeited to the state; and (3) The provision authorizing the termination of an occupant's tenancy where the premises or the area immediately surrounding the premises is knowingly used or occupied to violate present law regarding controlled substances. Revises the bill's effective date to specify that the bill would take effect 14 days after becoming a law. HOUSE AMENDMENT 4 (01613503) restores the provision of the bill deleted by House Amendment # 3 to add references to controlled substance analogues to the present law provision authorizing the board of medical examiners to take disciplinary action against any licensed physician who is dispensing, prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States, such that this provision would apply to the dispensing, prescribing, or otherwise distributing of controlled substances or controlled substance analogues. Additionally, this amendment removes the provision of House Amendment # 3 that would have added references to controlled substance analogues to the present law provision authorizing the termination of an occupant's tenancy where the premises or the area immediately surrounding the premises is knowingly used or occupied to violate present law regarding controlled substances.

Senate Status 04/25/2012 - Senate passed.

House Status 04/17/2012 - House passed with amendment 3 and 4.

Executive Status 05/03/2012 - Enacted as Public Chapter 0848 effective May 1, 2012.

Public Chapter PC848

SB3076 / HB3257 Definition of public place in regard to indecent acts.

Sponsors Sen. Jack Johnson / Rep. Glen Casada

Description Specifies that a public place, as pertaining to indecent acts, includes a place that an ordinary

observer would be able to view the act from a public place. Broadly captioned.

Amendment House amendment 1 (01407166) makes the bill. Creates a Class E felony if an adult 18 years of age or older exposes themselves to a minor under 13 years of age. Defines restrooms as a place where certain lewd behavior cannot be conducted.

Senate Status 04/18/2012 - Senate passed.

House Status 04/05/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0885 July 1, 2012.

Public Chapter PC885

SB3092 / HB2221 Sexual activity of minors on premises of business.

Sponsors Sen. Roy B. Herron / Rep. Antonio Parkinson

Description Prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. A violation of this crime is a Class D felony and a Class C felony if the minor is less than thirteen years of age. the premises of the business.

Amendment HOUSE AMENDMENT 3 (01769267) rewrites the bill and makes it a Class A misdemeanor for a person 18 years of age or older to knowingly promote or organize a gathering of two or more minors in a public place with the intent to provide a location for such minors to engage in public indecency, as defined in present law. Any personal property used in the commission of a violation of this offense would, upon conviction, be subject to judicial forfeiture. SENATE AMENDMENT 1 (01663871) deletes all language after the enacting clause. Creates a Class A misdemeanor offense for a person 18 years of age or older who owns, manages, or otherwise operates a business or retail establishment, to knowingly allow a person 17 years of age or younger to engage in sexual activity or to engage in patently offensive simulated sexual activity on the property of such business or retail Establishment or for a person 18 years of age or older to engage in the promotion of performance of sexual conduct of a person who is 17 years of age or younger on the property of such business or retail establishment. Any personal property used in the commission of a violation of this newly created Class A misdemeanor is subject to judicial forfeiture. Specifies that the proposed legislation will not deprive a court of any authority to suspend or cancel a license, to declare the establishment a nuisance, or to impose costs and other monetary obligations if specifically authorized by law.

Senate Status 05/01/2012 - Senate concurred in House amendment 3.

House Status 04/30/2012 - House passed with amendment 3.

Executive Status 05/24/2012 - Enacted as Public Chapter 1091 effective July 1, 2012.

Public Chapter PC1091

SB3145 / HB3579 Domestic violence reporting and consent provisions revised.

Sponsors Sen. Charlotte Burks / Rep. Sherry Jones

Description Provides that reporting of injury, except in cases of those caused by deadly weapon upon a domestic violence victim or sexual assault on an adult who does not wish to give consent to give identifying information to law enforcement, may be done on forms that provide location and injury information but not name and address of victim.

Amendment SENATE AMENDMENT 1 (01558618) r rewrites the bill and specifies that the present law reporting provisions described in the above bill summary would not apply if the person seeking or receiving treatment: (1) Is 18 years of age or older; and (2) (A) Is a victim of a sexual assault offense or domestic abuse, unless such victim is being treated for injuries inflicted by a knife, pistol, gun or other deadly weapon; or (B) Is a victim of strangulation; and (3) Objects to the release of any identifying information to law enforcement officials. Also, present law generally requires any health care practitioner who knows, or has

reasonable cause to suspect, that a patient's injuries are the result of domestic violence or domestic abuse, to report to the department of health, office of health statistics, of such knowledge or suspicion on a monthly basis. Any person making any such report in the reasonable performance of such person's duties and within the scope of their authority, would be presumed to be acting in good faith and would be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. At the end of each calendar year, the office of health statistics must file a report of the incidence of domestic abuse based on a compilation of such reports with the speakers of both houses, the Tennessee task force against domestic violence, and the Tennessee Medical Association. This amendment removes the above present law provisions as well as any present law provision regarding such reporting requirement. HOUSE AMENDMENT 1 (01599866) revises when the present law reporting provisions described in the above bill summary would not apply to instead specify that they would not apply if the person seeking or receiving treatment: (1) Is 18 years of age or older; (2) Objects to the release of any identifying information to law enforcement officials; and (3) (A) Is a victim of a sexual assault offense or domestic abuse; or (B) Is a person described in (3)(A) and is a victim of strangulation. This exception will not apply if the sexual assault or domestic abuse victim is being treated for injuries inflicted by a knife, pistol, gun, or other deadly weapon. HOUSE AMENDMENT 2 (01725367) specifies that if a person injured by means of a deadly weapon or as a result of exposure to a methamphetamine laboratory pursuant to present law is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it would not be the duty of the first responder to determine if the patient comes within the provisions of the bill. If the first responder transports the patient to a health care facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a health care facility, the first responder would report the result of the call to the 911 center. HOUSE AMENDMENT 3 (01768171) grants immunity from civil liability for not reporting the injury to any person who, in good faith, does not make such report in compliance with this bill. Under House Amendment #1, the exception created by this bill will not apply if the sexual assault or domestic abuse victim is being treated for injuries inflicted by a knife, pistol, gun, or other deadly weapon. This amendment rewrites this provision to instead specify that the exception created by this bill will not apply, and the injuries will be reported, if the injuries incurred by the sexual assault or domestic abuse victim are considered by the treating health care professional to be life threatening, or the victim is being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

Senate Status 05/01/2012 - Senate concurred in House amendments 1, 2 and 3.

House Status 04/30/2012 - House passed with amendment 3 and the previously adopted amendments 1 and 2.

Executive Status 05/24/2012 - Enacted as Public Chapter 1093 effective May 21, 2012.

Public Chapter PC1093

SB3154 / HB3283 Sexual offender registry revised to give judge options.

Sponsors Sen. Beverly Marrero / Rep. Debra Young Maggart

Description Permits the trial judge, after consideration of facts and circumstances surrounding the case, to require a person convicted of statutory rape for the first time to register as a sexual offender on the sexual offender and violent sexual offender registry. -

Senate Status 04/18/2012 - Senate passed.

House Status 03/15/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0883 effective July 1, 2012.

SB3412 / HB3517 Fetus as victim for criminal homicide.

Sponsors Sen. Mae Beavers / Rep. Joshua G. Evans

Description Revises definitions of fetus as victim for criminal homicide and assaults to remove viability requirement and include an embryo. Revises legislative intent statement to clarify that a woman's right to abortion in Tennessee is not affected by this change in the law.

Amendment House amendment 1 (01471702) deletes the language "and when at the time of the criminal act the victim was pregnant" from the end of the provision defining "another person" and "another" to include a human embryo or fetus at any stage of gestation in utero, when any such term refers to the victim of any act made criminal by this part..

Senate Status 04/23/2012 - Senate passed.

House Status 04/18/2012 - House passed with amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 1006 effective July 1, 2012.

Public Chapter PC1006

SB3517 / HB3129 Chemical compound found in illegal drugs.

Sponsors Sen. Reginald Tate / Rep. Antonio Parkinson

Description Corrects the definition of the chemical compound Benzoylindoles, found in illegal drugs such as hallucinogenic plants, from "Pravadoline (WIN 48, 09)" to "Pravadoline (WIN 48, 098)".

Senate Status 04/16/2012 - Senate passed.

House Status 04/11/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0854 effective April 27, 2012.

Public Chapter PC854

SB3520 / HB2865 Expungement of records - nonviolent offenders.

Sponsors Sen. Reginald Tate / Rep. Karen D. Camper

Description Allows nonviolent offenders who have fulfilled all requirements of their sentences to seek expungement of their records. Allows the district attorney to submit a recommendation no later than 60 days from the service of petition. Requires the petitioner, if the court denies the petition, to wait until at least two years from the date of denial to reapply. Requires that the court to grant the petition if an eligible petitioner has not had a petition granted after 10 years.

Amendment SENATE AMENDMENT 4 (01746871) rewrites this bill to authorize persons to petition for expungement of records of conviction for certain nonviolent, non-sexual misdemeanors and Class E felonies that were committed on or after November 1, 1989. The full text of this amendment specifies the Class E felonies for which expungement may be sought and the misdemeanors for which expungement may not be sought. A person will be eligible to petition for expungement if: (1) At the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses in other states, other than the offense committed for which the petition for expungement is filed; (2) At the time of the filing of the petition for expungement at least five years have elapsed since the completion of the sentence imposed for the offense; and (3) The person has fulfilled all the requirements of the sentence imposed by the court in which the individual was convicted of the offense. This amendment includes a grandfather provision whereby persons will be authorized to petition for expungement of certain nonviolent, non-sexual offenses committed prior to November 1, 1989, if: (1) The person was sentenced to a determinate sentence, of three years or less; (2) The person was sentenced to an indeterminate sentence for which the person served three years or less; and (3) The person has never had a previous

conviction expunged as the result of the successful completion of a diversion program. The full text of this amendment describes the evidentiary procedures and judicial considerations that will apply to petitions for review. This amendment requires the district attorneys general conference to create a form that can be used by lay people to petition for expungement. This amendment requires that the office of district attorney general must prepare the petition and proposed order of expungement and give such documents to the petitioner for filing with the court clerk. A petitioner will be entitled to a copy of the order of expungement and such copy will be sufficient proof that the person named in the order is no longer under any disability, disqualification or other adverse consequence resulting from the expunged conviction. This amendment requires the district public defender of each judicial district to annually conduct at least one educational program providing information and assistance with the expungement process generally and the expungement process established pursuant to this subsection. The district public defenders conference will maintain a video of the educational program on the conference's web site, if available. This amendment establishes a \$350 fee for filing a petition for expungement, the proceeds of which will be distributed as follows: (1) \$50.00 to the TBI for the purpose of defraying costs incurred from the filing and granting of additional expungement petitions. This amendment requires the TBI to report to the general assembly in January 2014, concerning whether the monies that are allocated to the TBI are sufficient to cover the TBI's costs for performing its costs under this amendment; (2) \$10.00 to the court clerk; (3) \$14.50 to the public defenders expungement fund. This amendment creates the public defenders expungement fund and monies in the fund will be used to defray the expense incurred by conducting the educational activities required pursuant to this amendment. Subject to annual appropriation, any remaining monies in the public defenders expungement fund may be used in furtherance of the services and programs provided by public defenders for each judicial district; (4) \$116 to the district attorneys expungement fund for record searches and preparation of documents. Any remaining monies in the district attorneys expungement fund may be used by the district attorneys generals for law enforcement purposes; and (5) \$159.50 to the state general fund. The amount allocated pursuant to (4) will be increased by \$14.50 beginning in fiscal year 2013-2014 and the amount allocated pursuant to (5) will be commensurately reduced beginning in the same fiscal year. An order of expungement granted pursuant to this amendment entitles the petitioner to have all public records of the expunged conviction destroyed in the manner set forth in this section. Additionally, such an expungement has the legal effect of restoring the petitioner, in the contemplation of the law, to the same status occupied before the arrest, indictment, information, trial and conviction. Once the expungement order is granted and the petitioner pays the fee required by this subsection, no direct or indirect collateral consequences that are generally or specifically attendant to the petitioner's conviction by any provision of law shall be imposed or continued. A petitioner with respect to whom an order has been granted under this amendment will not be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge the arrest, indictment, information, trial or conviction in response to any inquiry made of the petitioner for any purpose. Expungement under this amendment means, in contemplation of law, the conviction for the expunged offense never occurred and the person shall not suffer any adverse affects or direct disabilities by virtue of the criminal offense that was expunged. A petitioner whose petition is granted pursuant to this amendment, and who is otherwise eligible under state or federal law to possess a firearm, will be eligible to purchase a firearm and apply for and be granted a handgun carry permit. This amendment requires court clerks who maintain records expunged pursuant to this amendment to keep such records confidential. These records will

not be public and can only be used to enhance a sentence if the petitioner is subsequently charged and convicted of another crime. This confidential record is only accessible to the district attorney general, the defendant, the defendant's attorney and the judge.

Senate Status 04/30/2012 - Senate passed with amendment 4.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1103 effective July 1, 2012.

Public Chapter PC1103

SB3629 / HB2904 Dangerous gun crimes - multiple offenders.

Sponsors Sen. Bo Watson / Rep. Vince Dean

Description Requires anyone who has a prior conviction of committing a dangerous felony involving a firearm, who is convicted of the same offense for a second time, to serve 100 percent of the mandatory 15 year incarceration.

Senate Status 04/09/2012 - Senate passed.

House Status 04/24/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0950 effective July 1, 2012.

Public Chapter PC950

SB3635 / HB3398 Forfeiture of personal property by sexual offender.

Sponsors Sen. Kerry Roberts / Rep. Debra Young Maggart

Description States that the conveyance of real or personal property of a sexual offender used to violate a provision of the sex offender registry is subject to forfeiture if the victim was a minor.

Amendment HOUSE AMENDMENT 1 (01360995) specifies that this bill applies only to violations regarding the residential and work restrictions of the registry provisions (and not to technical violations). Specifies that such property would be subject to judicial forfeiture, and clarifies that such forfeiture would apply only if the person is convicted of the violation. SENATE AMENDMENT 1 (01620071) specifies that such property is subject to forfeiture only when the victim is a person under 18 years of age and the crime was committed on or after July 1, 2006. SENATE AMENDMENT 2 (01661667) corrects a typographical error in amendment Senate amendment 1. Deletes the language "Section 35-13-530(b) in the directory language of SECTION 2 and substituting instead the language "Section 39-13-530(b)".

Senate Status 04/16/2012 - Senate passed with amendments 1 and 2.

House Status 04/19/2012 - House concurred in Senate amendment 1 and 2.

Executive Status 05/16/2012 - Enacted as Public Chapter 0882 effective July 1, 2012.

Public Chapter PC882

SB3663 / HB2198 Tattooing of minors.

Sponsors Sen. James F. Kyle Jr. / Rep. Antonio Parkinson

Description Increases, from a Class A misdemeanor to a Class E felony, the penalty for commercial tattooing of a minor. Creates a Class A misdemeanor offense for falsifying documents for the purpose of obtaining tattooing services for a minor. Creates a fine of not less than \$50 nor more than \$250 and not less than 20 hours of community service work for a minor who knowingly makes a false statement or exhibits false identification for the purpose of obtaining tattooing services. Requires any parent, legal guardian, teacher, or medical provider for a minor who discovers that such minor has been tattooed to report the discovery to the Department of Health (DOH) within three weekdays of making such discovery. Requires an owner or an operator of a tattoo establishment to post a copy of this statute in a conspicuous place where it may be readily observed by the public. Requires such establishment to obtain a signed acknowledgment from a minor's parent or guardian if the

establishment performs tattooing services for a minor to cover up an existing tattoo. Requires such acknowledgment and a record of the service to be forwarded to DOH and requires DOH to maintain such documents until the minor is 20 years of age.

Amendment SENATE AMENDMENT 1 (01421368) encourages, rather than requires a parent, legal guardian, teacher, medical provider, or school resource officer to report that a minor has been tattooed. Removes bill's provision increasing the penalty for commercial tattooing of a minor to a Class E felony, keeping such penalty as a Class A misdemeanor as in current law and, thus, removing the fiscal note. SENATE AMENDMENT 2 (01456676) adds definition of tattoo paraphernalia. Creates a Class A misdemeanor for use or possession without a license. HOUSE AMENDMENT 3 (01595168) specifies that state laws regarding tattooing and body piercing do not apply to any physician, surgeon or any person under the supervision of a physician or surgeon who is licensed to practice medicine in Tennessee. Current law only specifies that the laws do not apply to physicians of a person under the supervision of a physician licensed in Tennessee.

Senate Status 04/27/2012 - Senate concurred in House amendment 3.

House Status 04/23/2012 - House passed with amendment 3.

Executive Status 05/24/2012 - Enacted as Public Chapter 0981 effective July 1, 2012.

Public Chapter PC981

Education - 44

SB2156 / HB3269 Promotion of students.

Sponsors Sen. Brian K. Kelsey / Rep. Mark White

Description Prohibits promotion of students in the third and eighth grades, beginning with the 2012-2013 school year, who do not demonstrate understanding of the curriculum and the ability to perform required grade level skills either through the student's grades or standardized test scores.

Amendment Senate amendment 1 (01416462) rewrites the bill. Authorizes charter schools to promote or retain students based on the students' demonstrated skill on the TCAP tests or upon their grades. House amendment 1 (01578463) rewrites the bill. Allows charter schools to promote or retain third graders based on TCAP tests.

Senate Status 04/26/2012 - Senate concurred in House amendment 1.

House Status 04/23/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0909 effective May 10, 2012.

Public Chapter PC909

SB2208 / HB2346 Revises provisions governing school accountability.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Removes current statutory provisions requiring local education agencies (LEAs) and individual schools to meet performance goals based on adequate yearly progress (AYP). Requires the state board of education, in consultation with the department of education commissioner, to establish appropriate performance goals and measures. Requires the commissioner to present annual achievement and achievement gap closure goals to the SBOE. Restructures achievement and achievement gap targets for the state, LEAs, schools, and student subgroups. Requires the commissioner to recommend to the SBOE a list of all schools that shall be placed in priority, focus, or reward status. Authorizes schools receiving priority status to be placed in the Achievement School District (ASD). Requires schools placed on focus status to submit a corrective action plan to the commissioner. Asks schools placed on reward status to share their best practices. Authorizes LEAs to develop

an Innovation Zone to monitor and improve schools designated as priority schools. Requires LEAs that develop Innovation Zones to establish an Innovation Zone office which shall have autonomy over financial, programmatic, and staff decisions at priority schools placed within the Innovation Zone. Replaces multiple statutory references to AYP. Removes statutory provisions relating to the establishment and operation of an ASD. Reauthorizes the commissioner to establish an ASD and to contract with entities to operate ASD schools. Authorizes the commissioner to assign any school or grade configuration within a school to the ASD any time such school is designated as priority status. Authorizes the ASD to receive, control, and expend local, state, and federal funding for the operation of its schools. Requires that the ASD receive state and local per pupil expenditures for students within its jurisdiction. Authorizes the ASD to receive donations of funds, property, or securities from any source for the benefit of the ASD and the schools within it. Requires that any state and local funds allocated to the ASD but not expended to support an ASD school or LEA to be placed in a special reserve fund. Returns this funding to the LEA upon removal from the ASD. Authorizes the ASD to use any school building and all facilities and property otherwise part of the school free of charge with the exception of its responsibility for routine maintenance and utilities. Specifies that capital expenses and extensive repairs are the responsibility of the home LEA. Requires that improvements made to a school while under ASD control shall revert to the LEA upon removal from the ASD. Classifies employees of schools transferred into, and directly operated by, the ASD as ASD employees. Designates these employees as executive service employees and places them under ASD governance. Requires the ASD to develop written employment procedures and compensation and benefit plans. Prohibits ASD employees from engaging in professional negotiations. Maintains teachers' rights related to accumulated sick leave, retirement, and pension and tenure status. Authorizes the ASD or other contract entity operating an ASD school to apply to the commissioner for waiver of any SBOE rule inhibiting the school's ability to increase student achievement. Prohibits the commissioner from waiving certain enumerated rights. Requires a school removed from an LEA and placed in the ASD to remain in the ASD for a minimum of five years, but authorizes the commissioner to remove any school from the ASD at any time. Establishes a transition plan for the removal of schools and LEAs from the ASD. Directs the ASD to be the chartering authority for any charter school placed within the ASD. Requires any contracts to operate schools placed within the ASD to include provisions mandating a report of funds received and expended pursuant to such contracts. Requires that these reports be provided to the Department of Education and the Comptroller of the Treasury. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01441262) rewrites the bill. Removes current statutory provisions requiring local education agencies (LEAs) and individual schools to meet performance goals based on adequate yearly progress (AYP). Requires the State Board of Education (SBE), in consultation with the Commissioner of Education, to establish appropriate performance goals and measures. Requires the Commissioner of Education to present annual achievement and achievement gap closure goals to the SBE by September 1 each year for the state and LEAs. Each LEA will be evaluated by a combination of overall student achievement data and achievement gap closure targets as set by the SBE. If an LEA achieves both achievement and achievement gap closure goals, it will be identified by the Department of Education (DOE) as an exemplary LEA; will be authorized to develop and maintain school improvement plans without DOE approval; and will be granted flexibility in funding by DOE. If an LEA misses the achievement target, achievement gap target, or both, the LEA will be subject to at least one of the following: placement on a public list of LEAs that need improvement; creation of a plan for corrective action and submission of

this plan to the Commissioner of Education for approval; and preparation and submission of a detailed analysis of its student achievement results to the Commissioner of Education, with a plan to achieve its annual measurable objects. Requires the Commissioner of Education to recommend to the SBE a list of all schools that will be placed in priority, focus, or reward status. Schools receiving priority status will be in the bottom five percent of schools in overall achievement and will be subject to one of the following: turnaround through LEA adoption of a school improvement grant (SIG) intervention model or other improvement process approved by the Commissioner; turnaround under the governance of an LEA innovation zone; or placement into the Achievement School District (ASD). LEAs with a school or schools that are identified as focus schools must submit a plan to improve factors that identify the school or schools as a focus school. Reward schools will share their methods with the state to be disseminated to other LEAs and schools as best practices. Authorizes LEAs to create Innovation Zones for schools designated as priority schools, upon the Commissioner of Education's approval. Requires LEAs that create such zones to establish an Innovation Zone office that will have autonomy over financial, programmatic, and staffing decisions for schools in the Innovation Zone. Removes multiple statutory references to AYP. Removes statutory provisions relating to the establishment and operation of an ASD. Reauthorizes the Commissioner of Education to establish an ASD and to contract with entities to operate schools placed in the ASD. Authorizes the Commissioner to place any school or grade configuration within a school into the ASD at any time such school is placed on the priority list. Authorizes the ASD to receive, control, and expend state and local funds for schools within it and to seek, receive, expend, manage, and retain federal funding for the operation of its schools. Authorizes the ASD to receive, control, and expend local, state, and federal funding for the operation of its schools. Requires that the ASD receive state and local per pupil expenditures for students within its jurisdiction. Authorizes the ASD to receive donations of funds, property, or securities from any source for the benefit of the ASD and the schools within it. Requires that any state and local funds allocated to the ASD but not expended to support an ASD school or LEA be placed in a special reserve fund. Returns this funding to the LEA upon removal from the ASD. Authorizes the ASD to use any school building and all facilities and property otherwise part of the school free of charge with the exception of its responsibility for routine maintenance and utilities. Specifies that capital expenses and extensive repairs are the responsibility of the home LEA. Requires that improvements made to a school while under ASD control revert to the LEA upon removal from the ASD. Classifies employees of schools transferred into, and directly operated by, the ASD as ASD employees. Requires the ASD to develop written employment procedures and compensation and benefit plans. Prohibits ASD employees from engaging in professional negotiations. Maintains teachers' rights related to accumulated sick leave, retirement, and pension and tenure status. Authorizes the ASD or other contract entity operating an ASD school to apply to the Commissioner of Education for waiver of any SBOE rule inhibiting the school's ability to increase student achievement. Prohibits the Commissioner from waiving certain enumerated rights. Requires a school removed from an LEA and placed in the ASD to remain in the ASD for a minimum of five years, but authorizes the Commissioner of Education to remove any school from the ASD at any time. Requires the Commissioner to develop a transition plan for the removal of schools and LEAs from the ASD after the school has improved student performance for two consecutive years. The transition plan must be fully implemented after the school has improved performance for five consecutive years, unless the LEA is identified as an LEA in need of improvement and the parents of 60 percent of the students enrolled in the school sign a petition asking for the school to remain

in the ASD. Such school shall return to the LEA after the LEA is no longer identified as in need of improvement provided the school is not a priority school. Directs the ASD to be the chartering authority for any charter school placed within the ASD. Notwithstanding any other provision, the Commissioner of Education has the authority to remove any school from the ASD at any time. LEAs are authorized to continue to support the educational improvement of schools under the direction of the Commissioner of Education in accordance with contracts. Authorizes individuals, governmental or non-profit entities that contract with the Commissioner to voluntarily work with the LEA in providing schools professional development, technical assistance, instructional and administrative support, or facilitating other beneficial support. Requires any contracts to operate schools placed within the ASD to include provisions mandating a report of funds received and expended pursuant to such contracts. Requires that these reports be provided to the Department of Education and the Comptroller of the Treasury.

Senate Status 03/19/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0962 effective May 10, 2012.

Public Chapter PC962

SB2302 / HB3098 New route to teacher licensure for high school.

Sponsors Sen. Jim Summerville / Rep. Joey Hensley

Description Allows a person who has taught at an eligible post secondary institution full time for two or more years, or taught part time for four years, to be eligible for a teacher license for grade nine through twelve.

Amendment SENATE AMENDMENT 1 (01562562) clarifies that the present law prohibitions against issuing a teaching license to any person who does not possess a good moral character or who is addicted to the use of intoxicants or narcotics, and the present law prohibition against allowing any person to teach who has any contagious or communicable disease in a form that might endanger the health of school children will apply to persons who seek a teaching license or seek to teach pursuant to this bill based on prior experience as a college faculty member. SENATE AMENDMENT 8 (00850796) substitute's the language in the third paragraph "Never been accused" with "disciplined for any wrong doing". HOUSE AMENDMENT 5 (01660165) rewrites the bill. Requires the Department of Education (DOE) to issue a license to teach grades nine through twelve to individuals who have taught in an eligible postsecondary institution as defined by Tenn. Code Ann. 49-4-902 and who meet all other requirements of this act. The licensure will only contain an endorsement to teach in the subject area that the individual taught at the postsecondary institution. Requires applicants to have been a full-time professor or instructor for at least two of the last five years or have been a part-time professor or instructor teaching at least one course per semester for at least three of the last five years. Applicants must submit for review at least three documented teaching evaluations that rate the applicant as proficient or better in the subject area in which they are seeking a teaching license. The teaching evaluations shall have been administered by the institution where the applicant taught. Authorizes the DOE to make rules and regulations to determine evaluation proficiency. Applicants must also attend in-service training sessions, before and during licensure, as required by the State Board of Education (SBE), in consultation with higher education institutions, participate in a mentoring program established by the SBE during their first year of licensed teaching, and successfully complete all exams that are required for licensure in the subject area to be taught.

Senate Status 05/01/2012 - Senate concurred in House amendment 5.

House Status 05/01/2012 - House passed with amendment 5.
Executive Status 05/24/2012 - Enacted as Public Chapter 1072 effective May 21, 2012.
Public Chapter PC1072

SB2431 / HB2827 Reverse articulation or reverse transfer agreements.

Sponsors Sen. Dolores R. Gresham / Rep. Richard Montgomery

Description Authorizes and encourages reverse articulation or reverse transfer agreements for public community colleges with public universities in Tennessee and with private, SACS-accredited institutions.

Senate Status 03/19/2012 - Senate passed.

House Status 03/05/2012 - House passed.

Executive Status 04/05/2012 - Enacted as Public Chapter 0662 effective April 4, 2012.

Public Chapter PC662

SB2484 / HB2235 Move on When Ready Act not applicable to Williamson County.

Sponsors Sen. Jack Johnson / Rep. Glen Casada

Description Makes the "Move on When Ready Act" not applicable in Williamson County.

Senate Status 04/09/2012 - Senate passed.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1077 effective May 21, 2012.

Public Chapter PC1077

SB2488 / HB2548 Student participation in extracurricular activities.

Sponsors Sen. Dolores R. Gresham / Rep. Matthew Hill

Description Requires schools to notify parents or legal guardians, by way of student handbook or policy guidebook, of all clubs and organizations available to students attending such school. Gives parents the opportunity to prohibit their child from participating in such clubs or organizations by tendering a written communication to the school.

Amendment Senate amendment 1 (01312862) adds that a parent or guardian may notify the school to prohibit their student from attending a school organization be listed in the school handbook.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/23/2012 - House concurred in Senate amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 0990 effective July 1, 2012.

Public Chapter PC990

SB2511 / HB2861 Lottery scholarship eligibility for GED recipients.

Sponsors Sen. Mike Bell / Rep. Harry Brooks

Description Requires THEC to study whether any changes should be made to the requirements for HOPE lottery scholarship eligibility for GED recipients.

Amendment House amendment 1 (01464762) rewrites the bill. Requires THEC to study whether any changes should be made to the requirements for receipt of the HOPE scholarship. Requires THEC to report their progress by February 1, 2013 and report their recommendations by January 14, 2012 to the general assembly. Requires the department of labor and workforce development to develop and implement a program for individuals who did not graduate from high school that will provide a means, other than a GED, to obtain credential signifying completion of high school or its equivalent. Requires the department to give updates and recommendations on the same schedule as THEC.

Senate Status 04/09/2012 - Senate passed.

House Status 03/22/2012 - House passed with amendment 1.

Executive Status 04/26/2012 - Enacted as Public Chapter 0787 effective April 23, 2012.

SB2547 / HB2222 Dress codes for professional employees.

Sponsors Sen. Brian K. Kelsey / Rep. Antonio Parkinson

Description Requires local boards of education, by the beginning of the 2013-2014 school year, to adopt a dress code for LEA professional employees.

Amendment House amendment 1 (01564862) rewrites the bill to require achievement school districts to adopt an appropriate dress code for its professional employees.

Senate Status 04/18/2012 - Senate passed.

House Status 04/09/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0901 effective May 9, 2012.

Public Chapter PC901

SB2578 / HB2328 Tenure - transferring teacher's evaluations considered.

Sponsors Sen. Steve Southerland / Rep. David B. Hawk

Description Requires local board of education to consider a transferring teacher's evaluations from a prior LEA in making tenure decisions. All transferring teachers who have attained tenure or taught for five or more years in their previous LEA must serve the probationary period. Allows local board of education to waive or reduce this requirement for such teachers.

Amendment House amendment 1 (01287331) deletes the language, "A local board of education of the new LEA in making a tenure decision shall take into consideration the evaluations the teacher received in the LEA from which the teacher transferred, unless the teacher serves five (5) or more years in the new LEA before the tenure decision is made" from Section 1 (a).

Senate Status 03/12/2012 - Senate passed.

House Status 02/23/2012 - House passed with amendment 1.

Executive Status 03/28/2012 - Enacted as Public Chapter 0614 effective July 1, 2012.

Public Chapter PC614

SB2579 / HB2653 Schools that teach high school courses in grades 7 and 8.

Sponsors Sen. Steve Southerland / Rep. David B. Hawk

Description Establishes that schools that teach a course or courses in grades seven or eight that are also taught in grades nine through twelve and upon completion, students receive credit toward graduation from high school shall be classified as secondary schools.

Amendment House amendment 1 (01278162) rewrites the bill. Changes the definition of elementary school from any combination of kindergarten through grade eight to any combination of kindergarten through grade six. Deletes the word elementary from the definition of middle schools. States that "elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades. Defines "secondary education" as education normally available and required by state standards to be taught to children enrolled in grade seven through twelve. States that a secondary school is a school that provides secondary education.

Senate Status 02/23/2012 - Senate passed.

House Status 02/23/2012 - House passed with amendment 1.

Executive Status 03/14/2012 - Enacted as Public Chapter 0551 effective March 8, 2012.

Public Chapter PC551

SB2591 / HB2167 Interest assessments given to certain students.

Sponsors Sen. Beverly Marrero / Rep. Jim Coley

Description Requires interest inventories, such as the Kuder assessment, Myers-Briggs Type Indicator

personality inventory, to be administered to high school juniors and college sophomores to assist students in career decisions.

Amendment Senate amendment 1 (01453962) rewrites the bill. Requires that an interest inventory such as the Kuder assessment, Myers-Briggs Indicator, ASVAB or other inventories be available to all public middle schoolers or ninth graders to assist in determining their interest and in making career decisions. Requires that these inventories to be available for postsecondary students beginning in their freshman year to follow up on previous inventory survey. House amendment 2, as amended, requires the LEAs and post secondary institutions to annually send summary data obtained from the interest inventories and personality profiles administered under the bill to the state board of education. The state board would consider the data in making decisions concerning curricula for public school students that is relevant to their career decisions and academic strengths and weaknesses.

Senate Status 04/19/2012 - Senate concurred in House amendment 2.

House Status 04/16/2012 - House passed with amendment 2, as amended.

Executive Status 05/15/2012 - Enacted as Public Chapter 0918 effective July 1, 2012.

Public Chapter PC918

SB2630 / HB2566 Pre-K and Kindergarten entrance ages revised.

Sponsors Sen. Jack Johnson / Rep. Glen Casada

Description Changes from September 30th to July 31st the date by which a child must turn four years old to enter a pre-kindergarten program, and age five to enter kindergarten. Permits a child to enter kindergarten at age four upon parental request if the child is evaluated to be sufficiently mature by the director of schools.

Amendment HOUSE AMENDMENT 3 rewrites the bill. Present law requires that children entering kindergarten be five years of age on or before September 30 of the current kindergarten term. This amendment revises this provisions to instead require that children entering kindergarten be five years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter. However, if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten. Children who participate in an LEA-administered pre-kindergarten program during the 2012-2013 or 2013-2014 school years may enter kindergarten in the 2013-2014 or 2014-2015 school years respectively. The bill will take effect on October 1, 2012.

Senate Status 04/26/2012 - Senate passed.

House Status 04/25/2012 - House passed with amendment 3.

Executive Status 05/17/2012 - Enacted as Public Chapter 0991 effective October 1, 2012.

Public Chapter PC991

SB2635 / HB2237 Revises provisions concerning dismissal of teachers.

Sponsors Sen. Jack Johnson / Rep. Charles M. Sargent

Description Authorizes local directors of schools to suspend teachers prior to dismissal, pending an investigation or final hearing before the board of education or an appeal. Restates present statutory language authorizing tenured teachers, who have received notice that the local board has determined the charges warrant dismissal or suspension, to request a hearing. Prohibits tenured teachers from receiving a hearing when the suspension is five days or less. Specifies that a dismissed tenured teacher may petition for a writ of certiorari in the chancery court. Deletes language pertaining to whom the petition for a writ of certiorari should be addressed.

Amendment House amendment 1 (01345462) rewrites the bill. Adds causes for which a teacher may be suspended. Requires the hearing and appeals clause not to apply for teachers who have been suspended for a period of three days or less that is not made in anticipation of dismissal. Requires that if suspended for fewer than three days, the director of schools shall provide written notice of suspension to the tenured teacher, provide a conference with the director in which the teacher may offer rebuttal and be represented by a lawyer, the meeting must be recorded, the director must issue a written decision within 10 days, and the teacher, if dissatisfied with the decision, may pursue an appeal. Adds that a teacher who is dismissed by action of the board or suspended by the director may petition for a writ of certiorari. Adds a severability clause. House amendment 2 (01397762) permits a teacher who has been dismissed or suspended by an action of the board to petition for a writ of certiorari from the chancery court of the county where the teacher is employed.

Senate Status 04/09/2012 - Senate passed.

House Status 04/02/2012 - House passed with amendments 1 and 2.

Executive Status 04/26/2012 - Enacted as Public Chapter 0801 effective April 23, 2012.

Public Chapter PC801

SB2646 / HB2229 Immunization records for dual enrollment students.

Sponsors Sen. Ken Yager / Rep. Julia Hurley

Description Requires high schools to forward vaccination records to postsecondary institutions on behalf of dual enrollment student upon request of the student's parent or guardian. Authorizes commissioner of education to promulgate rules and regulations to effectuate such purpose.

Amendment House amendment 1 (01257165) deletes the word "commissioner" and replaces it with "state board of education".

Senate Status 03/19/2012 - Senate passed.

House Status 02/23/2012 - House passed with amendment 1.

Executive Status 04/05/2012 - Enacted as Public Chapter 0656 effective April 4, 2012.

Public Chapter PC656

SB2693 / HB2738 Abolition of teacher positions.

Sponsors Sen. Joe M. Haynes / Rep. Joe Pitts

Description Prohibits abolition of a position as a means of avoiding dismissal charges against a teacher. Specifies certain procedures for rejecting a teacher whose position has been abolished for reemployment.

Amendment Senate amendment 1 (01523462) deletes all language after the enacting clause. Prohibits the director of schools and the local board of education from using the abolition of a position as a means to avoid dismissal charges against a tenured teacher and the accompanying due process rights of such teachers.

Senate Status 04/09/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1012 effective May 15, 2012.

Public Chapter PC1012

SB2723 / HB2883 Education board meetings conducted electronically.

Sponsors Sen. Lowe Finney / Rep. Craig Fitzhugh

Description Allows LEAs to conduct a board meeting by electronic means if a member is absent because of work, family emergency, or military service. Allows only members who are away for those reasons to participate in the meeting electronically.

Amendment SENATE AMENDMENT 1 (01320262) rewrites the bill. Authorizes a local board of

education to hold a scheduled board meeting by electronic means if a member is absent due to work out of the county, family emergency, or military service. Only these members may attend and participate electronically in the meeting. Prohibits a board meeting from being conducted by electronic means unless a quorum is physically present at the meeting's location. Requires a board member to give at least five day's notice prior to the board meeting if he or she intends to participate electronically. Limits electronic participation in a board meeting to twice a year, unless member is in military service. Boards of education shall develop a policy for conducting meetings electronically. HOUSE AMENDMENT 2 (01597295) exempts Davidson County from the provisions of the bill. HOUSE AMENDMENT 5 (01598276) specifies that a member may conduct a scheduled board meeting by electronic means only "as long as the member can be visually identified by the chairman."

Senate Status 04/05/2012 - Senate concurred in House amendments 2 and 5.

House Status 03/29/2012 - House passed with amendments 2 and 5.

Executive Status 04/30/2012 - Enacted as Public Chapter 0823 effective July 1, 2012.

Public Chapter PC823

SB2802 / HB2851 Commercial advertising on school buses.

Sponsors Sen. Jim Tracy / Rep. Debra Young Maggart

Description Removes the requirement that advertising on school buses should be composed of lettering on a background color.

Senate Status 03/22/2012 - Senate passed.

House Status 03/08/2012 - House passed.

Executive Status 04/05/2012 - Enacted as Public Chapter 0665 effective April 4, 2012.

Public Chapter PC665

SB2809 / HB2613 Acceptance of dual credit courses.

Sponsors Sen. Jim Tracy / Rep. Harry Brooks

Description Requires all public postsecondary institutions in the state, under certain conditions, to accept credits as an elective, or towards a degree or certificate, credits earned through dual degree credit courses developed by a community college, a public four-year institution, or a Tennessee technology center in collaboration with a high school.

Amendment SENATE AMENDMENT 2 (01634662) deletes all language after the enacting clause. Defines "dual credit program" and "Office of Postsecondary Coordination and Alignment" (OPCA). Requires the State Board of Education (SBE), Department of Education (DOE), Tennessee Higher Education Commission (THEC), the University of Tennessee's Board of Trustees (UT), and the Tennessee Board of Regents (TBR) to compose a consortium for cooperative innovative education. Requires the consortium to develop and align secondary and postsecondary courses; develop and implement early postsecondary credit opportunities; and create marketing channels that will notify students of early postsecondary education opportunities. The Chancellor of TBR and the President of the UT system or their designees shall be co-chairs of the consortium. Authorizes the consortium to create an advisory committee to examine the best practices in cooperative innovative education. Requires the advisory committee to invite the Tennessee Chamber of Commerce and Industry, the Tennessee Business Roundtable, and the Tennessee Independent Colleges and Universities Association to participate. Authorizes the consortium to appoint committees and subcommittees to perform its tasks. Requires the SBE and DOE to develop, amend, or adopt policies and guidelines for dual credit or dual enrollment in the public high schools.

Senate Status 04/25/2012 - Senate passed with amendment 2.

House Status 04/27/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0967 effective July 1, 2012.

Public Chapter PC967

SB2866 / HB3108 Designees to serve on THEC.

Sponsors Sen. Andy Berke / Rep. Harry Brooks

Description Authorizes designees of the comptroller of the treasury, the secretary of state and the state treasurer to serve on THEC.

Amendment Senate amendment 1 (01309062) rewrites the bill. Requires the Commissioner of Education to include in the annual report, a list of Advanced Placement courses offered in each local education agency (LEA); a list of the AP courses offered in each LEA school; the number of students taking AP courses; the percentage of students scoring a three or above by LEA and by school; a list of dual enrollment courses taken by students in each LEA; a list of the dual enrollment courses taken by students in each LEA school; the number of students taking dual enrollment courses; and the percentage of students successfully completing dual enrollment courses by LEA and by school.

Senate Status 03/19/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1014 effective May 15, 2012.

Public Chapter PC1014

SB2883 / HB2415 Career & technical class size extension pilot project cont.

Sponsors Sen. Joe M. Haynes / Rep. Brenda Gilmore

Description Extends the career and technical class size extension pilot project in Metro Nashville public schools. Requires the extension of CTE class sizes to be granted by the Commissioner of Education. Extends, from January 1, 2012 to December 1, 2015, the initial reporting date for the pilot program study committee to the General Assembly and BEP review committee. Requires a report to be submitted triennially for as long as the pilot program is in operation.

Senate Status 02/13/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/16/2012 - Enacted as Public Chapter 0558 effective March 13, 2012.

Public Chapter PC558

SB2893 / HB2994 Parental involvement pilot program established.

Sponsors Sen. Brian K. Kelsey / Rep. Antonio Parkinson

Description Establishes a four year pilot program for achievement school districts to increase parental involvement to begin in the 2012-2013 school year. Requires the comptroller of the treasury to study the pilot program in the second year and make recommendations. Requires all packets, forms, videos or other means used by a school for sharing information to have expectations of parents concerning student's attendance, readiness for school, and academic schoolwork. Requires teachers to assess the quality of parent's involvement for each student and will provide a grade for parental involvement. Requires parents who receive an unsatisfactory rating to have a mandatory parent-teacher meeting, parents with two unsatisfactory ratings to attend a mandatory parenting class, parents with three unsatisfactory ratings must have family counseling and child counseling for the student. Requires schools to develop a parental honor roll to recognize and honor those parents whose parental involvement in their children's school is satisfactory or exemplary.

Amendment HOUSE AMENDMENT 1 (01413362) deletes all language after the enacting clause.

Requires the Department of Education (DOE), to establish a four-year pilot program in the school system with the most schools in the Achievement School District (ASD). The pilot program shall begin with the 2012-2013 school year and shall be limited to schools operated by the ASD that serves grades kindergarten through three (K-3) or any combination thereof. Requires the Comptroller's Office of Research and Education Accountability (OREA) to study the pilot program in the second year of its implementation and make recommendations to the DOE as to changes and improvements. OREA shall also make a report on whether the program should expand and be continued at the end of the four year period. OREA shall make this report to the DOE and the Education Committees of the General Assembly by July 1, 2016. Defines "parent" as a parent whose parental rights have not been terminated or a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of a child. Specifies that a parent does not include a guardian ad-litem or the state. Requires that any current information packets, forms, videos, or other means used to share information with a parent by the school in the ASD that is in the pilot program will include the expectations of parents concerning their responses to requests for meetings and communication from the school or teachers; expectations of parents concerning their student's academic work, nightly checks of homework completion and preparation for tests, early preparation of assigned school projects, signatures on required forms, and checks of the content of their student's backpacks; expectations concerning their student's physical preparation for school including providing adequate sleep, school supplies, meals, and immunizations; and expectations of parents concerning their children's school attendance. Requires schools in the pilot project to issue parents of students in grades kindergarten through three blank involvement report cards when students are issued their report cards. Requires parents to self-evaluate their involvement in their student's education and assign themselves a score of excellent, satisfactory, needs improvement, or unsatisfactory on each of the following: their response to requests by the school or teachers for meetings or communication; their efforts to ensure that their student completed work assignments, was prepared for tests, and was otherwise academically prepared; their efforts in ensuring that their student's physical preparation was adequate; their efforts in making sure that their student was on time for school and was absent only if excused. The parent report card shall also contain space for the parent to note other efforts by the parent to be involved in their student's education and to state how the parent will address areas in which the parent needs improvement. Requires the ASD and schools within the ASD to create appropriate incentives to encourage parents to self-evaluate and return the parent involvement report card to the schools. HOUSE AMENDMENT 2 (01707262) makes a technical correction, changing "; and" to ".". SENATE AMENDMENT 1 (01595667) is similar to House amendment 1, except it changes the involvement of the OREA. Only requires the OREA to study the Achievement School District. SENATE AMENDMENT 2 (00851696) is identical to House amendment 2, but with a drafting number.

Senate Status 04/25/2012 - Senate passed with amendments 1 & 2.

House Status 04/27/2012 - House concurred in Senate amendments 1 and 2.

Executive Status 05/23/2012 - Enacted as Public Chapter 1044 effective May 21, 2012.

Public Chapter PC1044

SB2900 / HB2592 Special education diplomas.

Sponsors Sen. Andy Berke / Rep. Michael Ray McDonald

Description Requires a special education diploma be awarded to students who have satisfactorily completed an individualized education program with satisfactory attendance and conduct,

but who did not meet the proficiency testing graduation requirements.

Senate Status 03/19/2012 - Senate passed.

House Status 04/04/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0772 effective July 1, 2012.

Public Chapter PC772

SB2967 / HB3238 Local board of education's approval of county school budget.

Sponsors Sen. Jim Tracy / Rep. Harry Brooks

Description Requires the local board of education to approve the budget for operation of county schools after the county legislative body's approval.

Senate Status 04/09/2012 - Senate passed.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1018 effective May 15, 2012.

Public Chapter PC1018

SB2982 / HB2999 Option of building manager instead of assistant principal.

Sponsors Sen. Charlotte Burks / Rep. Harry Brooks

Description Gives LEAs the option of using BEP funds to hire a building manager instead of using such funds for an assistant principal.

Amendment Senate amendment 1, House Education amendment 1 (01442662) rewrites the bill. Requires that nothing shall be construed to prevent an LEA from expending BEP funds earned for non-classroom components for the purpose of employing a building manager for a school.

Senate Status 03/26/2012 - Senate passed with amendment 1.

House Status 04/05/2012 - House passed.

Executive Status 04/30/2012 - Enacted as Public Chapter 0830 effective April 25, 2012.

Public Chapter PC830

SB2986 / HB3062 Teacher-pupil ratios.

Sponsors Sen. Charlotte Burks / Rep. Ryan Williams

Description Requires virtual schools and education programs not to exceed the teacher-pupil ratios set by the state board of education and to provide the students the same time for learning opportunities per academic year. Allows a student to access a computer lab to meet the requirement of internet access and a computer. Requires that students who start ninth grade in the 2013-2014 school year take one online course to graduate.

Amendment HOUSE AMENDMENT 1 (01298962) rewrites the bill. Requires any LEA operating a virtual school of virtual education program to not exceed the teacher-pupil ratio for virtual schools set by the state board of education. Requires such virtual schools to provide students materials and access to, at minimum, a computer lab to meet the requirement of internet access and a computer. HOUSE AMENDMENT 2 (01339162) replaces the "provide" with "ensure" in 49-16-206 (2) to clarify that the virtual school is guaranteeing access to such materials.

Senate Status 04/26/2012 - Senate passed.

House Status 04/12/2012 - House passed with amendments 1 and 2.

Executive Status 05/17/2012 - Enacted as Public Chapter 0999 effective May 10, 2012.

Public Chapter PC999

SB3023 / HB3456 Back pay for faculty inappropriately dismissed.

Sponsors Sen. Dolores R. Gresham / Rep. Joey Hensley

Description Allows the chancellor of the board of regents to award back pay to a tenured faculty member whose dismissal the chancellor finds was not appropriate.

Senate Status 04/16/2012 - Senate passed.

House Status 04/24/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0933 effective July 1, 2012.

Public Chapter PC933

SB3024 / HB3469 Access to teacher effect data.

Sponsors Sen. Dolores R. Gresham / Rep. Harry Brooks

Description Establishes that estimates of specific teacher effects on the education progress of students made available to the preparation programs shall not be public record and shall be used only in evaluation of the respective teacher preparation programs.

Amendment House amendment 1 (01388562) rewrites the bill. Requires the estimates made available to the preparation programs not be public record and requires the estimates to be used only in evaluation of the respective teacher preparation programs. Requires each institution or post-secondary system receiving the estimates to develop a policy to protect the confidentiality of the data.

Senate Status 03/26/2012 - Senate concurred in House amendment.

House Status 03/22/2012 - House passed with amendment 1.

Executive Status 04/13/2012 - Enacted as Public Chapter 0703 effective April 11, 2012.

Public Chapter PC703

SB3044 / HB2753 Local boards of education - expending of grant funds.

Sponsors Sen. Randy McNally / Rep. Joey Hensley

Description Authorizes local boards of education to receive federal or private grants for educational purposes. Specifies that appropriation of the grant funds is to be made upon resolution by the local board of education and shall comply with the requirements of the granting entity, unless the grant requires matching funds.

Amendment Senate amendment 1 (01408362) deletes any mention of matching funds. States that appropriations of federal or private grant funds must be made after a resolution is passed by the local board of education and comply with all requirements by the granting entity. Requires that the county board of education to provide a copy of resolution to the local legislative body within seven days of passage.

Senate Status 03/26/2012 - Senate passed with amendment 1.

House Status 04/24/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0934 effective May 10, 2012.

Public Chapter PC934

SB3060 / HB3266 Protection of first amendment rights in schools.

Sponsors Sen. Jim Summerville / Rep. Phillip Johnson

Description Prohibits local education agencies, administrative personnel, and instructional personnel from taking affirmative action, including entering into an agreement that infringes upon or waives the rights or freedoms afforded to school personnel and students under the First Amendment to the Constitution of the United States, without the written consent of the impacted individuals.

Amendment House amendment 1 (01304262) rewrites the bill so that LEAs and school administrators may not prohibit personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the instructional day so long as such activities are voluntary for all parties and do not conflict with the responsibilities or assignments of such personnel. Senate amendment 2 (01499762) specifies that nothing in this section shall prohibit LEAs and school administrators from allowing personnel to participate in other constitutionally permissible religious activities on school grounds.

Senate Status 03/22/2012 - Senate passed with amendment 2.

House Status 03/28/2012 - House concurred in Senate amendment 2.

Executive Status 04/13/2012 - Enacted as Public Chapter 0690 effective April 10, 2012.

Public Chapter PC690

SB3116 / HB3241 Relocation of students for safety reasons.

Sponsors Sen. Dolores R. Gresham / Rep. Harry Brooks

Description Requires local boards of education to adopt policies concerning a teacher's ability to relocate a student for the safety of the student and the safety of others. Authorizes the use of reasonable or justifiable force to move an uncooperative student. Requires policies to address altercations between students or between students and LEA employees. Specifies that such policies will be effective on school property and at official school functions, including those not held on regular school property.

Senate Status 03/01/2012 - Senate passed.

House Status 03/22/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0701 effective April 11, 2012.

Public Chapter PC701

SB3155 / HB3272 Requires achievement school districts to analyze needs.

Sponsors Sen. Brian K. Kelsey / Rep. Antonio Parkinson

Description Requires standardized testing of students in grades kindergarten through two in a school in the achievement school district or a school feeding into such district to determine how instruction should be targeted to best meet student learning needs to eliminate disparities in learning backgrounds.

Amendment SENATE AMENDMENT 1 (01595467) rewrites the bill and requires the department of education to establish within the school system with the most schools operated by the achievement school district (ASD) a four-year pilot program of assessment of kindergarten students. The pilot program would begin with the 2012-2013 school year. Students entering kindergarten in such system in schools operated by the ASD must be assessed by an appropriate standardized test. The test would measure the present educational levels of the students to determine how instruction should be targeted to best meet the learning needs of the students and to eliminate disparities in learning backgrounds, if any.

Senate Status 04/27/2012 - Senate passed with amendment 1.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1094 effective July 1, 2012.

Public Chapter PC1094

SB3178 / HB3539 Makes charter schools subject to open meetings law.

Sponsors Sen. Mike Bell / Rep. Judd Matheny

Description Requires public charter schools be subject to open meetings law, maintain a web site and post certain notices and information on the website and have open records to the same extent as records of public schools operated by LEAs.

Amendment House amendment 1 (01364862) deletes that minutes from the governing board meetings, information about school curriculum, notice of school events, or information about a schools off the list of items that a charter school must have on their website if the local LEA has it. Deletes that the website should be updated at least quarterly. Adds that a charter school may use a LEA website until the school has made their own.

Senate Status 04/05/2012 - Senate passed.

House Status 03/15/2012 - House passed with amendment 1.

Executive Status 04/26/2012 - Enacted as Public Chapter 0794 effective July 1, 2012.

TCCY Legislative Summary

5/25/2012

SB3247 / HB3769 Charter school application process and fees.

Sponsors Sen. Andy Berke / Rep. Harry Brooks

Description Increases from 60 days to 90 days the time a local board of education has to approve or deny an application to establish a new charter school. Increases from 15 days to 30 days the time a charter application sponsor has to submit an amended application after receipt of grounds for denial. Authorizes LEAs to charge a fee for such application. Establishes teachers and other full-time permanent employees of a public charter school are allowed, not required, to participate in group insurance plans in the same manner as LEA employees.

Amendment SENATE AMENDMENT 1 (01602162) specifies that the application fee for new charter schools may not exceed \$500 per application. Changes the application deadline from October 1 to April 1 and specifies that LEAs may require no more than five paper copies of the application in addition to an electronic copy. Present law provides that allocations to a charter school may not be reduced by the LEA for administrative, indirect or any other category of cost or charge except as specifically provided in a charter agreement. This amendment adds if the charter school chooses to contract with the LEA for facilities or services, except for contract services for employee benefits or TCRS contributions, then the charter agreement may permit and require that the LEA withhold up to 1 percent of funds that are due to the charter school in each year of the first four years of the charter school's operation; provided, however, that such withholding may not exceed \$20,000 annually. These funds will be placed into an account to be held to reimburse LEAs for any monies owed to it by the charter school for payment and for any outstanding debts of the charter school should the charter school close within the first four years of operation. At the beginning of the charter school's fifth year of operation, the LEA must remit the accumulated funds, including any interest earned, to the charter school. This provision will not apply to charter schools in existence on July 1, 2012, nor to new or expanded charter schools that are sponsored by a sponsor which has operated a charter school in the LEA for more than four years. However, if the charter agreement includes an agreement with the LEA for services for employee benefits or retirement, then the LEA may withhold funds to cover the costs of those services. This amendment changes this bill's effective date from upon becoming law to: January 1, 2013, in regard to the changes in the application deadline; and July 1, 2012, for all other changes made by this bill. SENATE AMENDMENT 2 (01679362) restores the present law requirement that teachers and other full-time permanent employees of a public charter school participate in the group insurance plans for local education employees in the same manner as teachers and other full-time permanent employees of the LEA rather than making the present law requirement optional. HOUSE AMENDMENT 3 (01735863) makes the four-year escrow requirement inapplicable to charter schools in existence on January 1, 2013, rather than those charter schools in existence on July 1, 2012.

Senate Status 05/01/2012 - Senate concurred in House amendment 3.

House Status 05/01/2012 - House passed with amendment 3.

Executive Status 05/24/2012 - Enacted as Public Chapter 1097 effective January 1, 2013.

Public Chapter PC1097

SB3270 / HB3496 Education of children in mental health facilities.

Sponsors Sen. Jim Tracy / Rep. Joey Hensley

Description Adds criteria for funding of educational services to children in residential mental health facilities. Adds that the mental health facility provide a minimum of 16.5 hours per week of

educational instruction, requires the student to have been enrolled in a LEA the academic year preceding admission to the facility, and requires the exact copy of the order signed by the physician.

Amendment Senate amendment 1 (01446762) deletes the provision that an exact copy of the order be submitted to the LEA. States that an LEA may require a physician attestation form that includes the name, dates of admission, and the signature of the physician before disbursement of funds to the facility. Changes from a student being enrolled in "the LEA" to "an LEA" the year immediately preceding admission.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1099 effective May 21, 2012.

Public Chapter PC1099

SB3283 / HB3770 Removal of certain LEAs.

Sponsors Sen. Jim Tracy / Rep. Bob Ramsey

Description Allows county boards of education in counties that have adopted the County Financial Management System of 1981 to remove an LEA from the system and manage the board's financial affairs under general state law.

Amendment Senate amendment 1 (01435465) rewrites the bill. Allows the county legislative body, when reviewing the proposed LEA budget, to alter or revise the total amount of expenditures as proposed and such alterations must comply with state laws or regulations. Requires the LEA to submit a revised budget within 10 days if the proposed budget was revised. Requires that when the revised LEA budget complies with amount of expenditures adopted by the county legislative body, the revised budget will become the approved budget for the LEA.

Senate Status 03/29/2012 - Senate passed with amendment 1.

House Status 04/02/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0775 effective April 19, 2012

Public Chapter PC775

SB3310 / HB3621 Abstinence centered sex education.

Sponsors Sen. Jack Johnson / Rep. Jim Gotto

Description Deletes previous sex education curriculum procedure. Requires any county that exceeds the pregnancy rate of 19.5 pregnancies per 1,000 to locally devise, adopt, and implement an abstinence centered sex education program. Withholds state funds if any county fails to comply. Allows LEAs to utilize services of any individual or organization to assist in teaching, except anyone who endorses student non-abstinence behavior. Prohibits distribution of contraception on school property, displaying devices manufactured for sexual stimulation, or promote any gateway sexual activities. Allows parents to have a cause of action for any outside instructor or organization who promotes gateway sexual activity or demonstrates sexual activity, unless verbally answers in good faith any questions germane to the course.

Amendment Senate amendment 1, as amended, rewrites the bills. Defines "abstinence," "abstinence-based or abstinence-centered," "abstinence-centered education," "abstinence-centered curriculum," "age appropriate," "evidence-based approach," "family life education," "gateway sexual activity," "medically accurate," "puberty," "risk avoidance," "sexual activity," "sexual contact," "sexual intercourse," and "sexually transmitted disease." Defines "risk avoidance" and deletes that sex education should start at kindergarten. Requires all local education agencies (LEAs), beginning in the 1991-1992 school year in counties with a

pregnancy rate of 19.5 per 1,000 females ages 11 to 18, to devise, adopt, and implement a family life education program. Requires the State Board of Education to develop a family life curriculum for LEAs that do not adopt their own program. Requires the LEA to conduct at least one public meeting each September prior to adopting a family life curriculum. Authorizes the LEA to use a qualified health care professional or social worker to help teach the family life curriculum, but prohibits the LEA from utilizing the services of any individual or group that endorses student non-abstinence or promotes gateway sexual activity. Sets out the ideal family life education program and what should be included in the program. Requires the LEA to notify parents or legal guardians at least 30 days prior to commencement of instruction that their student will be present for instruction in sex education; that the LEA will be using a family life curriculum that meets the requirements of state law; and that the parent has the right to examine grade level materials and to confer with the appropriate school personnel regarding any or all portions of family life. Authorizes parents to opt their students out of all or a portion of the family life curriculum by sending a written request to the student's instructor, counselor, or principal. Students who are excused from all or a portion of the family life curriculum shall not be penalized for grading purposes provided that the student performs alternative health lessons satisfactorily. Authorizes parents and legal guardians to file a complaint with the director of schools upon their belief that the teacher, instructor, or representative of an organization has not complied with the requirements of the new Tenn. Code Ann. 49-6-1306. Requires the director of schools to investigate the complaint and make a report to the local school board. Requires the local school board to file a report with the Commissioner of Education who, in turn, is required to file an annual report with the Chairs of the Education Committees of the General Assembly. Creates a cause of action by a parent or legal guardian against an instructor or organization that promotes gateway sexual activity or demonstrates sexual activity but excludes instruction by teachers employed by the LEA. Authorizes a civil fine up to \$500 if the parent or guardian is the prevailing party. Imposes a one-year statute of limitations to bring such an action. A civil cause of action is not applicable in cases where any teacher, instructor, or organization, who answers in good faith, any question or a series of questions germane to the course material asked of the instructor and initiated by a student or students enrolled in the course. States that notwithstanding any law to the contrary, and regardless of the title or designated name of the particular class or course, any instruction in sex education or sexual activity shall comply with the provisions of the proposed bill. Indicates that nothing in the section shall be construed to prohibit the scientific study of the sexual reproductive system through coursework in biology, physiology, anatomy, health, or physical education. HOUSE AMENDMENT 2 (01643565) corrects a typographical error.

Senate Status 04/27/2012 - Senate concurred in House amendment 2.

House Status 04/27/2012 - House passed with amendment 2.

Executive Status 05/16/2012 - Enacted as Public Chapter 0973 effective July 1, 2012.

Public Chapter PC973

SB3341 / HB2675 Teachers must take end-of-course exam.

Sponsors Sen. Bill Ketron / Rep. Joe Carr

Description Requires teachers, who teach a course in which an examination is required by the state, to take and pass the examination with a grade of 75 percent or greater no later than 30 days after they are assigned to teach the course. Permits the teachers to take the test only once, if passed.

Amendment Senate amendment 1 (01380462) rewrites the bill. Requires that a teacher not teach a course

in which an end of course examination is required for students to satisfy graduation requirements set by the state board unless that teacher has passed a standardized or criterion-reference test for the content area. Requires that if the teacher's license does not carry a subject specific endorsement for the subject area of the course, the teacher must take, at the teacher's own expense, a standardized or criterion-referenced test for the content area. Requires a teacher who has passed a content area test not be required to retake the test or take any additional content area test unless the teacher's evaluation performed immediately preceding the new assignment demonstrates an overall performance effectiveness level of "below expectations" or "significantly below expectations".

Senate Status 03/29/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1020 effective January 1, 2013.

Public Chapter PC1020

SB3345 / HB3540 Charter schools' relationships with foreign entities.

Sponsors Sen. Bill Ketron / Rep. Judd Matheny

Description Requires an original or renewal public charter school application to disclose all sources of private funding and all funds from foreign sources, including gifts from foreign governments, foreign legal entities, and domestic entities affiliated with foreign governments or legal entities. Prohibits a chartering authority from approving a public charter school application if the proposed charter school intends to hire administrators, teachers, support, or other personnel by utilizing non-immigrant foreign worker H1B or J1 visa programs in excess of 3.5 percent of the total school positions in a school year. Excludes from this requirement a chartering authority that is an LEA, if the LEA uses non-immigrant foreign worker visa programs to fill more than 3.5 percent of its staff.

Amendment SENATE AMENDMENT 1 (01391262) deletes all language after the enacting clause. Defines "foreign" as a country or jurisdiction outside of any state or territory of the United States. Requires all initial and renewal charter school applications to include a disclosure of all donations of private funds, including but not limited to, gifts received from foreign governments, foreign legal entities, and if reasonably known, domestic entities affiliated with either foreign governments or foreign legal entities. Prohibits a public charter school chartering authority from approving a charter school application if the proposed charter school plans to use non-immigrant foreign workers on the H1B or J1 visa programs in staff teaching, administrative, or support personnel positions in excess of three and a half percent of the total number of positions in the public charter school in a school year. Authorizes revocation or denial of a public charter school agreement by the final chartering authority if the public charter school violates any of the prohibitions that are conditions for non-approval under TCA 49-13-108(c). SENATE AMENDMENT 2 (01462262) prohibits a chartering authority from denying a charter school application solely because the proposed school plans to exceed the limitation in subdivision (c)(1) of this act to employ foreign workers to teach foreign languages who prior to their employment, meet and during H1B or J1 visa period, will meet all Tennessee licensure requirements. SENATE AMENDMENT 3 (01597362) replaces the amendatory language "may not approve" in Section 3(c) of the bill as amended with "may disapprove." SENATE AMENDMENT 4 (01597462) allows sponsors of charter school applications to appeal decisions to disapprove applications. Establishes if any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act. Declares provisions of this act severable. SENATE AMENDMENT 5 (01599462) provides that if the court finds a violation of Title VI of the Civil Rights Act of

1964 has occurred under the operation of this act, and the court's decision has become final, then immediately upon the effective date of the court's order, this act is repealed. Establishes notification protocol. SENATE AMENDMENT 7 (01651462) removes the requirement added by Senate amendment 5 that this bill will be repealed if a violation of the Civil Rights Act of 1964 is found.

Senate Status 04/12/2012 - Senate passed with amendment 7 previously adopted amendments 1, 2, 3, 4, and 5.

House Status 04/16/2012 - House passed.

Executive Status 05/09/2012 - Enacted as Public Chapter 0879 effective July 1, 2012.

Public Chapter PC879

SB3553 / HB3583 Charter school task force - broad caption.

Sponsors Sen. Jim Tracy / Rep. Joe Carr

Description Deletes the statutory provision that required the charter school task force, as coordinated by the Comptroller of the Treasury's office, to make a report on various aspects of public charter schools to the General Assembly by February 2, 2011. Broadly Captioned.

Amendment Senate amendment 1 (01593562) rewrites the bill. Adds that a newly created public charter schools preference for applications with the focus of serving students who are a part of failing schools or are who have failed a proficient test in the past. Requires charter school applicants to apply to the charter authority, as well as the department of education. Requires the application to have a statement defining the mission and goals of the charter. Requires the LEA to have 30 days to either deny or approve an amended application, and if no action is taken in 30 days, the amended application will be deemed approved. Allows the LEAs to adjust budgets in October, February, and June.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1021 effective July 1, 2012.

Public Chapter PC1021

SB3558 / HB3679 Prohibits attire that exposes underwear or body parts.

Sponsors Sen. Ophelia Ford / Rep. Joe Towns Jr.

Description Requires an LEA to prohibit students from wearing, while on school grounds during the school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

Senate Status 04/02/2012 - Senate passed.

House Status 04/02/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0781 effective July 1, 2012.

Public Chapter PC781

SB3588 / HB3636 Dangers of texting while driving - broad caption.

Sponsors Sen. Brian K. Kelsey / Rep. Antonio Parkinson

Description Requires all driver education courses to include instruction on the dangers of texting while driving and the penalty for such violation. Broadly captioned.

Amendment Senate amendment 1 (01401262) rewrites the bill. Defines "parent" as the parent, guardian, or person who has custody of the child or individual who has care-giving authority under Tenn. Code Ann. 49-6-3001. Encourages LEAs to develop voluntary parental involvement contracts for parents and students. Requires the Department of Education (DOE) to develop a model parental involvement contract that LEAs may use. Requires the model contract to include language committing a parent to review homework assignments and offer assistance when needed; sign report cards; make sure that their student gets to school on

time and ready to learn; demonstrate interest in their student's well being by attending school functions and activities; and make every effort to attend parent-teacher conferences. The contract shall also include a way for the parent to explain obstacles that may prevent the parent from complying with contract provisions. If an explanation of obstacles is given, then school employees shall consider accessing resources that will help the parent overcome the obstacle. Requires each LEA that develops and implements parental contracts to submit a copy of their contract to the DOE. LEAs shall also report to DOE, the number and percentage of parents that sign parental involvement contracts in each class by May 1 each year. Requires the DOE to include this data in its annual report card.

Senate Status 03/22/2012 - Senate passed with amendment 1.

House Status 03/29/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0762 effective April 17, 2012.

Public Chapter PC762

SB3606 / HB3505 Partnerships between LEAs and parents.

Sponsors Sen. Joe M. Haynes / Rep. Brenda Gilmore

Description Authorizes and encourages LEAS to partner with individuals, community and faith-based groups and organizations and nonprofit and for-profit entities to design and implement programs to improve parental involvement in their children's education and schools, particularly in high priority schools or school systems; such programs shall include parenting classes provided at low or no cost to the parents by community organizations. Allows rewards for schools and classes and honors parental participation.

Amendment House amendment 1 (01367862) amends Section 1, subsection (a) of the bill. Defines "parent" as a parent, guardian, or legal custodian who is required under Tenn. Code Ann. 49-6-3001 to enroll the child in school.

Senate Status 04/09/2012 - Senate passed.

House Status 03/19/2012 - House passed with amendment 1.

Executive Status 04/26/2012 - Enacted as Public Chapter 0784 effective April 23, 2012.

Public Chapter PC784

SB3640 / HB2789 Student conduct on school buses.

Sponsors Sen. Kerry Roberts / Rep. Michael Ray McDonald

Description Expands those who are allowed to suspend children for assaulting them with language to include a school bus driver or other school personnel. Authorizes school bus drivers to hold students accountable for disorderly conduct on the bus and report it to the principal. Authorizes a teacher, principal, school employee, or bus driver to use reasonable force when necessary to correct or restrain a student or prevent bodily harm or death. Allows such force to be a defense against a civil action for damages. Broadly captioned.

Amendment House amendment 1 (01399862) deletes that a school bus driver shall report student misconduct on a school bus to the principal or the principal's designee as soon as practicable and, if the misconduct occurred while returning home from school or during an after school activity, no later than the first school day after the misconduct occurred.

Senate Status 03/26/2012 - Senate passed.

House Status 03/19/2012 - House passed with amendment 1.

Executive Status 04/13/2012 - Enacted as Public Chapter 0687 effective July 1, 2012.

Public Chapter PC687

HJR602 Expanding postsecondary credit-earning possibilities.

Sponsors Rep. Harry Brooks

Description Expresses need to expand postsecondary credit-earning opportunities for high school

students and urges state education agencies to provide assistance to any organizations conducting a statewide study of the issue.

Amendment House amendment 1 (01302662) adds "Whereas" clauses regarding advanced placement and international baccalaureate programs to the preamble of the joint resolution.

Senate Status 04/16/2012 - Senate concurred.

House Status 02/27/2012 - House adopted with amendment 1.

Executive Status 04/17/2012 - Signed by governor.

Environment & Nature - 1

SB2249 / HB2387 Reorganization of governmental agencies and other entities.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Revises various provisions governing the structure of certain state agencies, committees, boards and commissions. Decreases from 17 to 12 the size of the board of directors for the Duck River Development Agency. Authorizes the commissioner of environment and conservation to appoint an executive director to carry out the purposes of the Tennessee Heritage Conservation Trust Fund Act of 2005. (Part of Administration Package 2012)

Amendment HOUSE AMENDMENT 1 (01412298) reduces, from 17 to 12, the membership of the board of directors of the Tennessee Duck River Development Agency and changes the appointment authority of the directors from the county legislative bodies to the Governor. Reduces, from 18 to 14, the membership of the Tennessee POST Commission and grants appointment authority to the Governor. Grants the Commissioner of Commerce and Insurance the authority to appoint the executive director of the Jerry F. Agee Tennessee Law Enforcement Training Academy. Places the Tennessee Corrections Institute under the Department of Commerce and Insurance (TDCI) and grants the Commissioner the authority to hire the executive director of the Board of Control. Grants the executive director, instead of the Board, the control to employ necessary staff and changes the make-up of the Board of Control. Removes the provision requiring the Private Probation Services Council to meet at least quarterly. Reduces, from 26 to 22, the members on the Tennessee Commission on Aging and Disability (TCAD) and grants the Governor the appointment authority over Commission members and the executive director. Grants the Governor the authority to appoint the executive director of the Tennessee Commission on Children and Youth. Creates a statewide Community Services Agency and changes the membership of the statewide board of directors for the community services agencies and the terms of each director. Grants the Governor authority to appoint the executive directors of the Tennessee Arts Commission and the Tennessee Higher Education Commission. Places the Council for Career and Technical Education administratively under the Department of Education and grants the Commissioner of Education the authority to appoint and set the salary of the executive director. Deletes the Conservation Commission. Grants the Commissioner of the Department of Environment and Conservation (TDEC) the authority to appoint and set the salary of the executive director of the Tennessee Heritage Conservation Trust Fund. Authorizes the fund's board of trustees to complete studies and recommendations concerning the conservation programs and policies of TDEC as it deems appropriate. Combines the Water Quality Control Board with the State Oil and Gas Board into the Tennessee Board of Water Quality, Oil, and Gas with a total of 12 members. Deletes the Tennessee Municipal Solid Waste Advisory Committee and the Petroleum Underground Storage Tank Board. Changes the Solid Waste Disposal Control Board to the Underground Storage Tanks and Solid Waste Disposal Control Board and changes the membership requirements for a total of 14 members. Grants the new Board the authority of the

Municipal Solid Waste Advisory Committee and the Petroleum Underground Storage Tank Board. Authorizes, instead of requires, the Commissioner of TDEC to appoint a technical advisory committee to provide advice on the status of the state's water resources. Attaches the Commission on Firefighting Personnel Standards and Education to the Division of Fire Prevention within TDCI. Requires the Director of the Division to serve as the executive director of the Board and deletes the Board's authority to hire a staff. Combines the Locksmith Licensing and Private Security Regulatory Funds. Deletes the requirement that the anticipated revenues from the Locksmith Licensing Act not cause more than 25 percent of the current budget to be carried over at the end of the fiscal year. Places the Statewide Community Services Agency, the Tennessee Board of Water Quality, Oil, and Gas, and the Underground Storage Tanks and Solid Waste Disposal Control Board under the Tennessee Governmental Entity Review Law. Under the Law, the entities will terminate on June 30, 2014. HOUSE AMENDMENT 2 (01614363) grants the Governor the authority to appoint and set the salary of the executive director of the Council for Career and Technical Education.

Senate Status 04/25/2012 - Senate passed.

House Status 04/12/2012 - House passed with amendments 1 and 2.

Executive Status 05/17/2012 - Enacted as Public Chapter 0986 effective July 1, 2012.

Public Chapter PC986

Estates & Trusts - 1

SB2519 / HB2648 Right of respondent to petition for conservator appointment.

Sponsors Sen. Mae Beavers / Rep. Gary Odom

Description Specifies rights of respondent in petition for appointment of a conservator.

Amendment Senate amendment 1 (01580966) rewrites the bill. Grants the court discretion in charging the costs of the proceedings against the respondent's property when a fiduciary is appointed. Requires the petition for the appointment of a conservator to contain a statement of any felony or misdemeanor convictions of the petitioner and proposed conservator.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/23/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0917 effective July 1, 2012.

Public Chapter PC917

Family Law - 5

SB2489 / HB2620 Considerations in making custody determinations.

Sponsors Sen. Mike Bell / Rep. John Forgety

Description Enacts "Luke's Law." Adds that the court is required to consider two more factors when deciding a custody arrangement: the likelihood of each parent to honor and facilitate court-approved parenting rights and whether a parent has a history of willfully denying the other parent's right to parenting time in accordance with a court order.

Amendment House amendment 1 (01247365) rewrites the bill by deleting sections 1 and 2 entirely and substituting instead the language: in determining the willingness of each parent and caregivers to facilitate and encourage a close and continuing parent-child relationship, court shall consider past history to honor and facilitate court order parenting arrangements and rights, and the court shall further consider any history of either parent or caregivers denying parenting time to either parent in violation of a court order.

Senate Status 04/18/2012 - Senate passed.

House Status 03/19/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0897 effective July 1, 2012.

Public Chapter PC897

SB2569 / HB2744 Child support arrearages.

Sponsors Sen. Tim Barnes / Rep. Joe Pitts

Description Authorizes the department of human services to attach a lien to any award of criminal injuries compensation of a recipient who is arrears with regards to child support payments in order to satisfy such arrearage.

Amendment Senate amendment 1 (01368692) rewrites the bill. Authorizes the department of human services to attach a lien to any award of criminal injuries compensation of a recipient who is arrears with regards to child support payments in order to satisfy such arrearage. Requires the division of claims administration to periodically notify the department of human services of claims that have been filed. Specifies that upon notice from the division, it shall be the department of human services' responsibility to then notify the division of a lien attaching to a claim for payment of child support arrearage. Makes the provisions of the bill effective for decisions made on or after July 1, 2012.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/19/2012 - House concurred in Senate amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0894 effective July 1, 2012.

Public Chapter PC894

SB2844 / HB2188 New active duty term to be used in child visitation statute.

Sponsors Sen. Tim Barnes / Rep. Curtis G. Johnson

Description Substitutes the term "active duty military service" for "active duty service in the armed forces" to be used in statutes regarding visitation rights of biological or legal relatives with a child whose parent is out of state and on active duty. Defines "armed forces" as it is to be used in the relevant statute.

Senate Status 03/26/2012 - Senate passed.

House Status 04/04/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0770 effective April 19, 2012.

Public Chapter PC770

SB2957 / HB3071 Training for guardians ad litem.

Sponsors Sen. Tim Barnes / Rep. John J. Deberry Jr.

Description Specifies that training for guardians ad litem include training in early childhood, child and adolescent development

Senate Status 04/18/2012 - Senate passed.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1016 effective May 15, 2012.

Public Chapter PC1016

SB3257 / HB3178 Child support collection - public awareness campaign.

Sponsors Sen. Ophelia Ford / Rep. Karen D. Camper

Description Requires the department of human services and juvenile court or district attorney general, as part of process the public awareness campaign in counties implementing responsible teen parent pilot project, to periodically remind teens that the legal obligation of child support will be enforced and the means with which the department may enforce the obligation. Broadly captioned.

Senate Status 04/16/2012 - Senate passed.

House Status 04/16/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0861 effective May 1, 2012.

Public Chapter PC861

Government Organization - 16

SB2183 / HB2223 Codifies the Acts of the 2011 legislative session.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Codifies the Acts of the 2011 legislative session.

Senate Status 01/30/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/20/2012 - Enacted as Public Chapter 0582 effective March 13, 2012.

Public Chapter PC582

SB2212 / HB2350 State insurance plans not subject to certain regulation.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Specifies that state insurance plans are not subject to regulation by the department of commerce and insurance or the jurisdiction of the department of health. No provision of Title 56 applies to these plans unless explicitly stated. (Part of Administration Package 2012)

Amendment SENATE AMENDMENT 1 (01392492) rewrites the bill. Adds language to authorize the Local Education Insurance Committee to take one of two actions related to a Local Education Agency which fails to abide by the provisions of the Local Education Insurance Plan. First, the Committee could collect from the LEA sufficient funds to cover the Plan's cost of the LEA's failure to adhere to the Plan's provisions. Secondly, the Committee is authorized to terminate the school system's participation in the state sponsored Local Education Plan for two years. The LEA can, under the provisions of the amendment, request a reconsideration of an action to exclude the LEA from participation in the Plan. Authorizes the Local Government Insurance Committee to take one of two actions related to a participating agency which fails to abide by the provisions of the Local Government Insurance Plan. First, the Committee could collect from the agency sufficient funds to cover the Plan's cost of the agency's failure to adhere to the Plan's provisions. Secondly, the Committee is authorized to terminate the agency's participation in the state sponsored Local Government Plan for two years. The agency can, under the provisions of the amendment, request a reconsideration of an action to exclude it from participation in the Local Government Plan. SENATE AMENDMENT 2 (01629877) makes technical corrections.

Senate Status 04/05/2012 - Senate passed with amendments 1 & 2.

House Status 05/01/2012 - House passed.

Executive Status 05/23/2012 - Enacted as Public Chapter 1069 effective May 21, 2012.

Public Chapter PC1069

SB2229 / HB2367 Department of mental health and substance abuse services.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Changes the name of the department of mental health to the "department of mental health and substance abuse services." (Part of Administration Package 2012.)

Senate Status 02/06/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/16/2012 - Enacted as Public Chapter 0575 effective July 1, 2012.

SB2248 / HB2386 Probation and parole services rearranged.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Transfers from board of probation and parole to department of correction certain functions relating to probation and parole services and the community correction grant program. (Part of Administration Package 2012)

Amendment SENATE AMENDMENT1, as amended, changes references of "the board" to "the department." Specifies that a defendant who has been admitted to parole shall be supervised by the department of correction, and will be relieved from making further reports if the parole officer, with the consent of the director of probation and parole, determines conditions of parole have been satisfactorily met. Deletes definition of "board" related to sex offender verification and tracking. Clarifies the director of probation and parole, not the board, establishes sex offender directives. SENATE AMENDMENT 2 (01313709) corrects a numbering error in Section 43 of the bill. HOUSE AMENDMENT 3 (01323563) corrects a typographical error.

Senate Status 03/19/2012 - Senate concurred in House amendment.

House Status 03/15/2012 - House passed with amendment 3, which corrects a typographical error.

Executive Status 04/13/2012 - Enacted as Public Chapter 0727 effective July 1, 2012. (16 pages)

Public Chapter PC727

SB2312 / HB2509 Department of Intellectual & Developmental Disabilities.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Extends the termination date of the Department of Intellectual and Developmental Disabilities to June 30, 2014. Under the Tennessee Governmental Entity Review Law, the Department is scheduled to terminate on June 30, 2012.

Senate Status 02/06/2012 - Senate passed.

House Status 02/13/2012 - House passed.

Executive Status 03/02/2012 - Enacted as Public Chapter 0530 effective February 28, 2012.

Public Chapter PC530

SB2315 / HB2507 Department of children's services - sunset.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Extends the department of children's services on June 30, 2014.

Senate Status 02/23/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/16/2012 - Enacted as Public Chapter 0569 effective March 13, 2012.

Public Chapter PC569

SB2324 / HB2544 Tennessee arts commission - sunset.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Sunsets the Tennessee arts commission on June 30, 2013.

Amendment House amendment 1 (01216361) changes the sunset date to June 30, 2017.

Senate Status 04/05/2012 - Senate passed.

House Status 02/13/2012 - House passed with amendment 1 (01216361) which changes the sunset date to 06/30/2017.

Executive Status 04/26/2012 - Enacted as Public Chapter 0809 effective April 23, 2012.

Public Chapter PC809

SB2396 / HB2501 Fees assessed to certain boards and commissions.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Establishes October 31 as the annual deadline for the state commissioner of finance and administration to certify fees required by the division of regulatory boards and the division of health related boards.

Senate Status 02/27/2012 - Senate passed.

House Status 03/26/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0714 effective April 11, 2012.

Public Chapter PC714

SB2462 / HB2508 Sunset - department of human services.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Sunsets the department of human services on June 30, 2013.

Amendment Senate amendment 1 (01623132) sunsets DHS on June 30, 2014, instead of 2013. Provides the division of state audit shall send follow-up questions to DHS in 2013 regarding actions taken by the department to address the issues raised in the January, 2012 performance audit report.

Senate Status 04/12/2012 - Senate passed with amendment 1.

House Status 04/12/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0871 effective May 1, 2012.

Public Chapter PC871

SB2784 / HB3699 Corrects references to abolished oversight committees.

Sponsors Sen. Bo Watson / Rep. Judd Matheny

Description Corrects references remaining in TCA to oversight committees that were abolished by Chapter 410 of the Public Acts of 2011.

Amendment Senate amendment 1 (01260709) deletes the language "49-6-613(b)" in the directory language of Section 11 and replaces it with the language "49-1-613(b)". House amendment 1 (01564009) deletes in the directory language of SECTION 9 the language "71-5-2005(f)" and substitutes instead the language "71-5-2005(h)". Also changes references in the code to the select committee on the Tennessee education lottery corporation.

Senate Status 04/19/2012 - Senate concurred in House amendment 1.

House Status 04/12/2012 - House passed with amendment 1.

Executive Status 05/15/2012 - Enacted as Public Chapter 0925 effective May 10, 2012.

Public Chapter PC925

SB3032 / HB2893 Adds language to Children's Service Dept. Mission.

Sponsors Sen. Beverly Marrero / Rep. Sherry Jones

Description Adds additional language to the children's service department's mission/purpose.

Senate Status 03/29/2012 - Senate passed.

House Status 04/11/2012 - House passed.

Executive Status 05/01/2012 - Enacted as Public Chapter 0831 effective April 25, 2012.

Public Chapter PC831

SB3096 / HB3712 Appointments to the criminal justice coordinating council.

Sponsors Sen. Jack Johnson / Rep. Gerald McCormick

Description Requires the appointments made by the speaker of the house and the speaker of the senate to the Tennessee criminal justice coordinating council to be from the respective state and local government committee of each house. Broadly captioned.

Amendment Senate amendment 1 (01487672) authorizes the Commissioner of Correction to extend, for a term greater than five years, a private prison contract for the purpose of evaluating the

Department's operational strategy for the use of the contract facility. Prohibits such extension from exceeding 12 months. Requires the contract amendment accomplishing such an extension to be approved by the State Building Commission, the Attorney General and Reporter, and the Commissioner of Correction; with the opportunity for review and comment by the Fiscal Review Committee.

Senate Status 04/16/2012 - Senate passed with amendment 1.

House Status 04/24/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0936 effective May 10, 2012.

Public Chapter PC936

SB3212 / HB3080 Sunrise provision - economic council on women.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Establishes sunrise provision for economic council on women with a termination date of June 30, 2013.

Amendment Senate amendment 1 (01296732) allows the governor to appoint two at-large members from interested local, civic and business group recommendations, and requires the governor to consult with such groups when filling such positions.

Senate Status 02/23/2012 - Senate passed with amendment 1.

House Status 03/08/2012 - House concurred in Senate amendment 1.

Executive Status 03/28/2012 - Enacted as Public Chapter 0616 effective March 23, 2012.

Public Chapter PC616

SB3213 / HB3079 Abolishes Cover Tennessee advisory committee.

Sponsors Sen. Mike Bell / Rep. Jim Cobb

Description Abolishes Cover Tennessee advisory committee.

Senate Status 02/27/2012 - Senate passed.

House Status 03/08/2012 - House passed.

Executive Status 03/29/2012 - Enacted as Public Chapter 0632 effective March 23, 2012.

Public Chapter PC632

SB3347 / HB3417 Fiscal review committee - non-competitive contracts.

Sponsors Sen. Bill Ketron / Rep. Curtis G. Johnson

Description Extends the time period for the fiscal review committee to comment on proposed non-competitive contracts from 20 days to 40 days. Deletes statutory language relative to obsolete quarterly reports and duties of the fiscal review committee.

Senate Status 03/08/2012 - Senate passed.

House Status 03/19/2012 - House passed.

Executive Status 04/10/2012 - Enacted as Public Chapter 0673 effective July 1, 2012.

Public Chapter PC673

HJR614 Commerce Clause of the federal Constitution.

Sponsors Rep. Linda Elam

Description Urges Congress to return to more original understanding of the Commerce Clause of the federal Constitution.

Amendment House amendment 1 (01298776) makes a correction to a case citation, "Brown v Maryland, 29 US 419 (1827) and Cooley".

Senate Status 04/24/2012 - Senate concurred.

House Status 03/12/2012 - House adopted after adopting amendment 1.

Executive Status 04/26/2012 - Signed by governor.

Government Regulation - 3

SB2224 / HB2362 Eligibility for temporary assistance.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Makes several changes to eligibility for temporary assistance under AFDC. A caretaker relative who does not comply with work requirements is not eligible for transitional child care assistance. Makes transportation assistance optional rather than mandatory. If benefits are terminated for not complying with a child support or work plan, compliance will not reinstate benefits. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01435067) authorizes DHS to determine the length of transitional child care assistance for a caretaker relative who becomes ineligible for TANF benefits. Exempts a caretaker relative who becomes ineligible for TANF for failure to comply with work requirements from being eligible to receive transitional child care assistance. Authorizes, rather than requires, DHS to provide for transportation assistance if needed to participate in required activities under a personal responsibility plan. Requires DHS to first utilize available community transportation resources before providing such assistance. Authorizes DHS to determine the period of time that temporary assistance may be terminated for failure to comply with child support or work plan requirements.

Senate Status 03/29/2012 - Senate passed with amendment 1.

House Status 04/24/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0912 effective May 10, 2012.

Public Chapter PC912

SB2237 / HB2375 Department of homeland security partnership agreements.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Authorizes the department of safety and homeland security to enter into partnership agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency. Specifies criteria which a nonprofit organization must meet to qualify as a nonprofit partner to the department. Requires that all full board meetings of a nonprofit organization concerning activities authorized by Section 2 of this bill or pursuant to the present law authorizing TWRA to sell advertising in its publications to be open to the public, except for executive sessions that include matters such as litigation, audits or investigations, or human resource issues. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01443361) prohibits the department from entering agreements with religious and political organizations. Requires all expenditures of a nonprofit relating to activities authorized in this bill to be open to public inspection. Senate amendment 2 (01505477) requires all contributions and expenditures of a nonprofit to be open to public inspection.

Senate Status 03/19/2012 - Senate passed with amendments 1 & 2.

House Status 04/04/2012 - House passed.

Executive Status 04/30/2012 - Enacted as Public Chapter 0813 effective April 26, 2012.

Public Chapter PC813

SB2580 / HB2725 Drug screening applicants for TANF benefits.

Sponsors Sen. Stacey Campfield / Rep. Julia Hurley

Description Requires applicants for TANF benefits to undergo a drug test before receiving such benefits. Restricts TANF benefits for positive drug test results under certain circumstances.

Amendment SENATE AMENDMENT 4 (01697963) rewrites the bill. Requires the Department of

Human Services to develop a plan to implement a program of suspicion-based drug testing for each applicant who is otherwise eligible for TANF, or its successor program. Sets out certain requirements and criteria to be included in the plan. Requires the Department to submit to the Senate General Health and Welfare Committee and the House Health and Human Resources Committee quarterly updates, beginning October 1, 2012, on the status of the implementation of the plan, and to report, by January 15, 2014, its final plan and proposed rules for administration of the program. Requires the Department to implement the drug testing program beginning July 1, 2014, based on the plan submitted, unless otherwise directed by law. Requires the Department to develop a plan for funding of the costs of the screening process, the urine-based drug testing process, any personnel and information systems modification costs, and any other costs associated with the development and implementation of the testing process. Requires the plan to provide for funding from existing TANF or other funding available to the Department, from appropriations requested by the Department or from any combination of sources. SENATE AMENDMENT 1 to 4 (01703177) inserts "to" between the words "used" and "establish" in the amendatory language of subdivision (d)(1) in Section 3 of Senate amendment 4.

Senate Status 04/25/2012 - Senate passed with amendment 4 as amended.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1079 effective July 1, 2012.

Public Chapter PC1079

Health Care - 18

SB2203 / HB2341 Adopts 2010 ADA Standards for Accessible Design.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Requires that minimum specifications for public buildings constructed, enlarged, or substantially altered or repaired be in compliance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design, rather than the Uniform Federal Accessibility Standards or the ADA Accessibility Guidelines. (Part of Administration Package 2012.)

Senate Status 02/06/2012 - Senate passed.

House Status 02/09/2012 - House passed.

Executive Status 03/02/2012 - Enacted as Public Chapter 0517 effective February 23, 2012.

Public Chapter PC517

SB2222 / HB2360 Issuance of renewals for health facilities licenses.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Extends, from June 30 following its issuance to the anniversary date of its original issuance, the expiration date of a license to operate a health facility. Authorizes renewed licenses to be issued for terms of no less than five months and no more than eighteen months. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01185218) extends, from June 30 following its issuance to the anniversary date of its original issuance, the expiration date of a license to operate a health facility. Authorizes renewed licenses during the transitional period to be issued at prorated monthly renewal fee rates for terms of no less than five months and no more than eighteen months.

Senate Status 02/27/2012 - Senate passed with amendment 1.

House Status 03/15/2012 - House passed.

Executive Status 04/03/2012 - Enacted as Public Chapter 0635 effective July 1, 2012.

SB2225 / HB2363 Licensing of facilities for developmental disabilities.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Revises various provisions governing the licensing of facilities and personal support services. Changes language to include "alcohol and drug abuse prevention and/or treatment." Changes "developmental disabilities" to "intellectual and developmental disabilities." Designates which department will handle different types of licensure. Removes provision prohibiting licensing of more than two residential facilities within 500 yards from other such facilities. Allows intellectual or developmental disability related residential facilities to provide services to the elderly or adults with physical disabilities. (Part of Administration Package 2012.)

Amendment Senate amendment 1 (01365718) transfers responsibility for licensing services, facilities, and personal support services operated for individuals with intellectual and developmental disabilities from the Department of Mental Health (DMH) to the Department of Intellectual and Developmental Disabilities (DIDD). The amendment also corrects typographical errors.

Senate Status 04/16/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1010 effective May 15, 2012.

Public Chapter PC1010

SB2226 / HB2364 State admissions review committee - developmental centers.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Revises various provisions of present law regarding admission to developmental centers. Replaces the admission committees and admission review boards of each developmental center with a single statewide admission review committee. Clarifies that admission to the center may include eligible persons with intellectual or developmental disabilities, instead of just developmental disabilities. Present law regarding admission to developmental centers details various powers and duties of the chief officer of a developmental center. This bill specifies that such powers and duties would instead apply to "the chief officer or director of the developmental center, or the appointed designee of the developmental center". Under present law, if the chief officer determines that a person no longer meets the standards under which the person was admitted to the center, then the chief officer must discharge the person. This bill revises this provision to instead specify that a person would be discharged from the center if the chief officer, director or designee and the statewide admission review committee determine that the person no longer meets the standards under which the person was admitted. (Part of Administration Package 2012)

Amendment Senate amendment 1 (01183003) changes the effective date to "upon becoming law." Senate amendment 2 (01203118) makes technical changes to sections 3, 4 and 7 of the original bill, changing the format of the sections but preserving the language in the original bill.

Senate Status 03/05/2012 - Senate passed with amendments 1 and 2.

House Status 03/12/2012 - House passed.

Executive Status 04/03/2012 - Enacted as Public Chapter 0636 effective March 30, 2012.

Public Chapter PC636

SB2227 / HB2365 Do not resuscitate orders.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Authorizes the department of intellectual and developmental disabilities to allow certain unlicensed individuals to follow universal do not resuscitate orders that are made available

to them in a form approved by the board for licensing health care facilities. This bill would apply to those unlicensed individuals who provide direct support and care to persons supported and who are employed by agencies that are licensed under state law and under contract to provide residential or adult day programs and personal assistance or who provide direct support and care to persons supported within the ICF/ID homes and department facilities. Defines "unlicensed individuals who provide direct care and support to persons supported" as the unlicensed individuals, including their unlicensed direct care and support supervisors, who are employed to provide direct care and support to persons supported within the department of intellectual and developmental disabilities ICF/ID homes and facilities or by agencies that are licensed under state law and under contract with the department. (Part of Administration Package 2012)

Amendment House amendment 1 (01183603) changes the effective date to "upon becoming law." House amendment 2 (01200918) corrects typographical errors, changing the alignment of sections.

Senate Status 02/27/2012 - Senate passed.

House Status 02/09/2012 - House passed with amendments 1 and 2.

Executive Status 03/14/2012 - Enacted as Public Chapter 0541 effective March 8, 2012.

Public Chapter PC541

SB2240 / HB2378 Medicaid false claims revisions.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Revises various provisions of the Medicaid False Claims Act. Specifies that an action for medicaid fraud may be brought against any person who: (1) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval under the medicaid program; (2) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim to get a false or fraudulent claim under the medicaid program paid for or approved; (3) Conspires to commit a violation of (1), (2), or (4); or (4) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money, or property to the state, or knowingly conceals, or knowingly and improperly, avoids, or decreases an obligation to pay or transmit money or property to the state, relative to the medicaid program. Also specifies that the amount of the civil penalty described above for a violation of medicaid fraud would be adjusted by the Federal Civil Penalties Inflation Adjustment Act. Requires that the court dismiss an action or claim for medicaid fraud, unless opposed by the state, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a criminal, civil, or administrative hearing in which the state or its agent is a party; in a state legislative, state comptroller, or other state report, hearing, audit, or investigation; or from the news media, unless the action is brought by the attorney general or district attorney general or the person bringing the action is an original source of the information. Defines "original source" as a person who either prior to such a public disclosure has voluntarily disclosed to the state the information on which allegations or transactions in a claim are based or who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the state before filing the action. Specifies that if the state elects to intervene and proceed with an action for medicaid fraud brought by a person other than the attorney general, then the state may file its own complaint, or amend the complaint of the person who had brought the action, to clarify or add detail to the claims in which the state is intervening and to add any additional claims with respect to which the state contends it is entitled to relief. (Part of Administration Package 2012)

Amendment House amendment 1 (01173218) increases, from \$10,000 to \$25,000, the amount of actual

damages that the Bureau of TennCare may seek through an administrative proceeding. House amendment 2 (01201318) makes technical corrections to the directory language of section 4.

Senate Status 04/05/2012 - Senate passed.

House Status 02/23/2012 - House passed with amendments 1 and 2.

Executive Status 04/26/2012 - Enacted as Public Chapter 00806 effective April 23, 2012.

Public Chapter PC806

SB2241 / HB2379 In-home visitation programs funding criteria revised.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Redefines evidence-based research. Requires scientific research on in-home visits to be evaluated using either randomized controlled research designs or quasi-experimental research designs with equivalent comparison groups. Clarifies "in-home" visit, excluding any Medicaid funded disease management or case management services or programs which may include home visits. 50 percent of state appropriated funds are to be used for evidence-based models in fiscal year 2012-2013 and 75 percent in 2013-2014 and after. (Part of Administration Package 2012)

Senate Status 04/05/2012 - Senate passed.

House Status 04/17/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0873 effective July 1, 2012.

Public Chapter PC873

SB2253 / HB2391 TN Prescription Safety Act of 2012.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Enacts "Tennessee Prescription Safety Act of 2012." Expands and clarifies the "Controlled Substances Monitoring Act of 2011." Authorizes the commissioner of health to promulgate rules on the sharing and dissemination of data and information in the database with other states and enter into such agreements. Requires all prescribers, dispensers, and physician extenders in practice for more than three calendar days per year in Tennessee to be registered in the controlled substance database. Requires prescribers and dispensers to submit information on dispensed controlled substances, including whether the prescription is new, the date the prescription was issued, and the source of payment, to the database within 24 hours, instead of monthly. Requires the controlled substance database committee to review the information in the database and notify law enforcement of any violations of law. Adds to the list of who confidential database information may be available to and requires each database user to have a separate authentication access code. Requires prescribers and dispensers to check the controlled substance database prior to prescribing or dispensing a controlled substance at the beginning of a new treatment and least every six months after that. (14 pp) (Part of Administration Package 2012)

Amendment SENATE AMENDMENT 2 (01559118) deletes all language after the enacting clause. Enacts the Tennessee Prescription Safety Act of 2012 by revising the current Controlled Substance Monitoring Act of 2002. Redefines a dispenser to include a pharmacist and a pharmacy; redefines law enforcement personnel, and defines a prescriber, health care practitioner, controlled substance, and a health care practitioner extender for the purposes of this Act. Renames the Controlled Substance Database Advisory Committee as the Controlled Substance Database Committee. Authorizes the Commissioner of Health to promulgate rules regarding sharing and dissemination of data and information in the controlled substance database. Requires all prescribers with Drug Enforcement Agency numbers who prescribe controlled substances and dispensers providing direct care to

patients in Tennessee for more than 15 calendar days per year to register in the database within 30 days of database licensure requirement notification. Exempts licensed veterinarians who never prescribe a controlled substance in an amount intended to treat a non-human patient for more than 48 hours from the registering requirement. Requires any dispenser or dispenser's agent who dispenses a controlled substance to submit to the database, rather than to the Committee, information required under this part at least once every seven days, instead of within ten days following the last day of each calendar month. Authorizes the Committee to shorten the length of time dispensers are required to submit such information to the database and authorizes the dispensers to seek a hardship extension if the reporting time is shortened. Adds the following information to be reported to the database: the date the prescription was issued by the prescriber, whether the prescription was new or a refill, and source of payment. Requires the Committee to establish the electronic format in which the required information must be submitted to the database and to allow for waiver of electronic reporting for individual dispensers for whom it would cause undue hardship as determined by the Committee. Requires the Committee or its designee to review information in the database and notify the appropriate board if a violation of this Act may have occurred. Authorizes the following persons to access the confidential information in the database: a prescriber, a supervising physician of the prescriber, or a dispenser conducting medication history reviews or drug utilization reviews who are actively involved in the care of the patient; and a health care practitioner extender to the extent the information relates specifically to a current or a bona fide prospective patient to whom a controlled substance has been, is being, or is considered being prescribed or dispensed. Requires each user described above to have a separate identifiable authentication for access. Authorizes the Committee to release confidential information from the database regarding patients to law enforcement personnel, and regarding dispensers, prescribers, health care practitioner extenders, or patients to a manager of any investigations or prosecution unit of an appropriate board, and requires the Committee to release such information when ordered by a court to do so and after an appropriate order is issued regarding the information to be released to the court. HB 2391 " SB 2253 2

Requires all prescribers to check the controlled substance database prior to prescribing a controlled substance to a human patient at the beginning of a new episode of treatment and at least annually when that substance remains part of the treatment. Specifies that before, dispensing, a dispenser shall have the professional responsibility to check the database, if the dispenser is aware or reasonably certain that a person is attempting to obtain a Schedule II-V controlled substance, identified by the Committee as demonstrating a potential for abuse, for fraudulent, illegal, or medically inappropriate purposes. Prescribers are not required to check if they are prescribing to hospice patients, patients who receive a non-refillable prescription for a surgical procedure, the Committee determines that they are a medical specialty and does not require a check due to the low potential for abuse recognized in that specialty, or the quantity prescribed or dispensed does not exceed an amount which is adequate for a single, seven day treatment period and does not allow a refill. Increases, from a Class A misdemeanor to a Class E felony, the offense for deceiving or failing to disclose to a physician, nurse practitioner, ancillary staff or other health care provider from whom the person obtains more than 250 units of a controlled substance or a prescription for a controlled substance that the person has received either the same controlled substance or a prescription for the same controlled substance or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use from another practitioner within the previous 30 days. Requires the Committee's annual report to include information about the prescribing and dispensing

patterns of prescribers and dispensers. This act will expire and be of no force and effect after June 30, 2016, and on July 1, 2016, the existing provisions of Tennessee Code Annotated, Title 53, Chapter 10, Part 3, shall be revived and reenacted as they were codified on March 1, 2012. SENATE AMENDMENT 3 (01530918) prohibits money from being taken out of any reserve account of health related boards and agencies to be used to fund the database.

Senate Status 04/25/2012 - Senate passed with amendments 2 and 3.

House Status 04/27/2012 - House passed.

Executive Status 05/15/2012 - Enacted as Public Chapter 0880 effective May 9, 2012.

Public Chapter PC880

SB2407 / HB2569 Doctor shopping laws expanded.

Sponsors Sen. Randy McNally / Rep. Bill Dunn

Description Expands responsibility to report under "doctor shopping" laws. Gives hospitals access to controlled substance database for certain purposes and immunizes them from liability. Requires photo identification for persons picking up prescriptions. Allows federal law enforcement to access controlled substance database without warrant. Allows real-time electronic access to controlled substance database for law enforcement and pharmacists. Requires pain clinics to be owned by Tennessee doctors or hospitals. Penalizes interference with pharmacists' decisions to fill prescriptions. Allows methadone clinics to query controlled substance database prior to prescribing drugs to patients.

Amendment SENATE AMENDMENT 1 (01487971) rewrites the bill. Adds a quality improvement committee, as defined under Tennessee Code Annotated 68-11-272(b)(4), to the list of persons and entities authorized to access information sent to, contained in, and reported from the controlled substance database. House amendment 1 (01602468) clarifies that the bill applies to all licensed hospitals, including mental health hospitals.

Senate Status 04/26/2012 - Senate concurred in House amendment 1.

House Status 04/25/2012 - House passed with amendment 1. House amendment 1 clarifies that the bill applies to all licensed hospitals, including mental health hospitals.

Executive Status 05/16/2012 - Enacted as Public Chapter 0915 effective May 10, 2012.

Public Chapter PC915

SB2416 / HB2568 Drug overdose reporting requirements established.

Sponsors Sen. Randy McNally / Rep. Bill Dunn

Description Requires the board for licensing health care facilities to establish a protocol by rule for hospitals, community health centers, and clinics to report drug overdoses by January 1, 2013.

Amendment Senate amendment 3 (01495618) deletes all language after the enacting clause. Requires the Commissioner of the Department of Health (DOH) to submit to the Governor, Speakers of the House and Senate, Senate Health and Welfare Committee, and the House Health and Human Resources Committee on or before March 1 of each year, a report with de-identified aggregate claims on every inpatient and outpatient discharge that includes coded drug poisonings as reported for the calendar year two years prior to the current year by licensed hospital. Requires such data to be published on DOH's website. Requires, by January 1, 2013, the Commissioner of DOH to establish a protocol for use by medical examiners in cases involving death resulting from opiate, illegal, or illicit drug overdose regarding appropriate reports under TCA 38-7-108. Names the act "The Henry Granju Act."

Senate Status 03/26/2012 - Senate passed with amendment 3, which rewrites the bill to create new reporting requirements related to drug overdoses and gives this bill the short title "The

Henry Granju Act".

House Status 04/25/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0916 effective May 10, 2012.

SB2506 / HB2414 Aids studies for public outreach and education.

Sponsors Sen. Beverly Marrero / Rep. Brenda Gilmore

Description Requires the office of research and accountability to study AIDS prevention curricula implemented by LEAs. Requires the department of health to study AIDS prevention curricula that has been implemented in other states to determine if the programs are meritorious and effective.

Amendment House amendment 1 (01289562) replaces the word, "AIDS," with "HIV/AIDS."

Senate Status 03/01/2012 - Senate passed.

House Status 02/23/2012 - House passed with amendment 1.

Executive Status 03/23/2012 - Enacted as Public Chapter 0585 effective March 20, 2012.

Public Chapter PC585

SB2559 / HB2664 Reporting of injuries from female genital mutilation.

Sponsors Sen. Bill Ketron / Rep. Jeremy Faison

Description Requires health care providers to report injuries of patients that appear to be suffering from or to have been the victim of female genital mutilation. Broadly captioned.

Senate Status 03/12/2012 - Senate passed.

House Status 04/11/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0817 effective July 1, 2012.

Public Chapter PC817

SB2816 / HB2928 Traumatic brain injury care homes.

Sponsors Sen. Jim Tracy / Rep. Michael Ray McDonald

Description As introduced, enacts the "Community-Based TBI Adult Care Home Act of 2012" for the development and creation of community-based adult care homes for disabled adults suffering from the effects of traumatic brain injury.

Amendment SENATE AMENDMENT 1 (01504518) makes various technical changes to this bill concerning the requirements for community-based TBI adult care homes. Specifies that a community-based TBI adult care home provider must employ staff members to supervise the residents at all times "within the residence", including overnights and during weekends. Requires that the staff member who provides overnight care or supervision must hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury. Removes from this bill authorization for the board for licensing health care facilities to exempt community-based TBI adult care homes equipped with sprinkler systems from fire code requirements. Removes the language from this bill that would have specifically exempted community-based TBI adult care home providers from the following provisions of present law: (1) Limits on the number of licenses that an adult care home provider may hold; and (2) Submission of plans and specifications to the department of health for planned construction for any building, additions to an existing building or substantial alterations to an existing building. SENATE AMENDMENT 2 (01505618) substitutes "traumatic brain injury residential homes" for "community-based TBI adult care homes."

Senate Status 04/27/2012 - Senate non-concurred in House amendments 1 and 2.

House Status 04/30/2012 - House re-passed after reconsidering their actions and withdrawing amendments 1 and 2.

Executive Status 05/24/2012 - Enacted as Public Chapter 1086 effective July 1, 2012.

Public Chapter PC1086

SB2912 / HB3275 Public benefit hospital conveyance transaction.

Sponsors Sen. Doug Overbey / Rep. Michael Harrison

Description Extends from 45 to 60 the days within which the attorney general and reporter must notify a public benefit hospital entity of a decision to object on a proposed public benefit hospital conveyance transaction. Increases from 30 to 45 days the extension the attorney general and reporter may take to review and consider the transaction.

Amendment Senate amendment 1 (01434763) rewrites the bill. Requires the attorney general and reporter, when making a decision to object to a proposed public benefit hospital conveyance transaction, to take into consideration whether the proceeds are used by a county or municipality for general or special revenue obligations not expressly provided for when the hospital was established.

Senate Status 04/09/2012 - Senate passed with amendment 1.

House Status 04/18/2012 - House passed.

Executive Status 05/15/2012 - Enacted as Public Chapter 0929 effective May10, 2012.

Public Chapter PC929

SB2929 / HB2969 Final study of medical assistance program.

Sponsors Sen. Doug Overbey / Rep. Michael Harrison

Description Changes the deadline for the annual actuarial study of the medical assistance program and any participating managed care organizations by the comptroller of the treasury from April 15 to April 1.

Amendment SENATE AMENDMENT 2 (01683896) rewrites the bill. Requires TennCare Bureau to report to the General Assembly a separate accounting of long-term care expenditures for nursing facility services and home-and community-based services under the CHOICES program. The prior fiscal year actual expenditures and projected current fiscal year expenditures are to be reported by February 1 of each year and projected expenditures for the following fiscal year are to be reported by June 30 of each year. Requires the level of care criteria and the state's medical eligibility criteria for all long-term services, including nursing facility services and home-and-community-based services, to be adopted by rule pursuant to the Uniform Administrative Procedures Act. If TennCare adopts such criteria standards under emergency rule, the Bureau must provide the emergency rule through public notice or a posting on its website. The Bureau must also provide for a public hearing prior to the emergency rule's adoption and implementation. Any changes after the public hearing regarding the emergency rule shall be posted on the Bureau's website. Requires all MCOs to contract with any currently licensed nursing facility that provides Medicaid services and is willing to contract with the MCO under the same terms and conditions, excluding rate of reimbursement, offered to any other nursing facility contracted with the MCO under any policy, contract, or plan that is part of the TennCare long-term care service delivery system. States that TennCare, or an MCO, is not prevented from enforcing the provisions of a contract between an MCO and a nursing facility. This provision will terminate on June 30, 2015. Requires the Comptroller of the Treasury to set the Medicaid rates for nursing facility services under the cost-based nursing facility reimbursement system and any acuity-based reimbursement system adopted in a rulemaking hearing. TennCare is not prevented from implementing rate adjustments as required by an act of the

General Assembly, including an annual appropriation act, nor is TennCare required to promulgate a rule to implement rate adjustments that are required by an act of the General Assembly, unless such implementation requires a change in the underlying rate methodology. Requires skilled nursing facilities in any TennCare dual-eligible demonstration to be reimbursed for Medicare skilled nursing facility services in an amount that is consistent with the net payment they would have received for the service absent such demonstration in a Medicare fee-for-service system, taking the primary payment by Medicare and the secondary payment of cost sharing by Medicaid, in accordance with the institutional crossover payment methodology set forth in the Medicaid State Plan. Requires nursing facilities participating in the dual-eligible demonstration project to be reimbursed for Medicaid services in a manner that is consistent with the methodology for Medicaid nursing facility services outside the demonstration project. Requires MCOs to comply with the provisions of TCA 56-32-126 and any prompt pay provisions within the contractor risk agreements with TennCare. MCOs must ensure 90 percent of clean claims for nursing facility services shall be processed and paid within 14 calendar days and 99.5 percent paid within 21 days. SENATE AMENDMENT 3 (01687832) adds the language "Nothing in this section shall be interpreted as preventing TennCare or an MCO from enforcing the provisions of a contract between an MCO and a nursing facility".

Senate Status 04/25/2012 - Senate passed with amendments 2 and 3.

House Status 04/27/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0971 effective July 1, 2012.

Public Chapter PC971

SB3003 / HB2567 Tamper-resistance technology extended to opioid analgesics.

Sponsors Sen. Bo Watson / Rep. Glen Casada

Description Requires pharmacists dispensing opioid analgesic drugs to dispense a form whose formula uses tamper resistant technology to deter tampering or abuse.

Amendment Senate amendment 1 (01530718) deletes all language after the enacting clause. Requires the Board of Pharmacy to publish a list of opioid drugs incorporating tamper or abuse resistance properties. Specifies that inclusion of a drug on the list will not prohibit a pharmacist from substituting an opioid drug, brand or generic, that is otherwise eligible for interchange or substitution. Requires the list to be made available to prescribers, pharmacists, and the Commissioners of Health, Mental Health, and Safety.

Senate Status 03/29/2012 - Senate passed with amendment 1.

House Status 04/19/2012 - House passed.

Executive Status 05/15/2012 - Enacted as Public Chapter 0932 effective July 1, 2012.

Public Chapter PC932

SB3394 / HB3558 Public water or water system notification.

Sponsors Sen. Tim Barnes / Rep. Bob Ramsey

Description Requires any public water system or waterworks system which determines to initiate or permanently cease fluoridation of its water supply, to notify the department of environment and conservation and the department of health of its intention 30 days prior to any vote. The water system shall additionally give public notice to its customers in a general mailing at least 30 days prior to the meeting.

Senate Status 03/05/2012 - Senate passed.

House Status 04/04/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0777 effective April 19, 2012.

Public Chapter PC777

SB3535 / HB3058 Brain injury specialist to authorize caregivers.

Sponsors Sen. Rusty Crowe / Rep. Dale Ford

Description Specifies that a Level 2 adult care home provider serving residents with traumatic brain injury must hold a national certification by the Academy of Certified Brain Injury Specialists or hold a current professional license or employ a resident manager who holds such license or certification. Specifies similar requirements for person serving as a substitute caregiver for a Level 2 adult care home for persons with traumatic brain injury. Removes requirement that resident managers live on site. Specifies that a resident manager is not required to live in an adult care home with traumatic brain injury patients when a certified brain injury specialist is present and on site at all times.

Amendment Senate amendment 1 (01523218) adds a Certified Brain Injury Specialist (CBIS) to the list of professional classifications that a Level 2 adult care home provider, substitute caregiver, or resident manager, must hold when serving residents with traumatic brain injury. Authorizes, when appropriate, a CBIS be included as a licensed health care professional when developing a plan of care in Level 2 adult care homes. Senate amendment 3 (01644909) adds the language "As an alternative to the licensing condition of offsite day services established by Å§Å§ 68-11-273 and 68-11-206(a)(2)(E) (as enacted by Chapter ___ of the Public Acts of 2012 (SB 2816 / HB 2928)), a traumatic brain injury residential home serving only private pay or private insurance clients may provide day services for its residents on site as part of its comprehensive services" .

Senate Status 04/23/2012 - Senate passed with amendments 1 and 3.

House Status 04/27/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0978 section 1 and 2 effective May 10, 2012 and section 3 effective July 1, 2012.

Public Chapter PC978

Insurance General - 1

SB3352 / HB3278 Schedule of rates for title insurance.

Sponsors Sen. Bill Ketron / Rep. Charles M. Sargent

Description Prohibits the department of commerce and insurance from requiring title insurance companies and rating organizations to file as part of the title insurance schedule of rates, the portion of the charge for title insurance applicable to search and examination in connection with title insurance for real property located in counties with populations less than 175,000 instead of the current 275,000.

Senate Status 03/01/2012 - Senate passed.

House Status 03/08/2012 - House passed.

Executive Status 03/29/2012 - Enacted as Public Chapter 0631 effective March 23, 2012.

Public Chapter PC631

Insurance Health - 1

SB2674 / HB2728 Revising obsolete language - clinical social workers.

Sponsors Sen. Mike Faulk / Rep. Joe Pitts

Description Revises obsolete language related to independent practitioner of social work for purposes of reimbursement under medical, hospital and medical service plans and insurance by replacing it with current licensure terminology of a person duly licensed to engage in independent practice as a licensed clinical social worker.

Senate Status 02/23/2012 - Senate passed.
House Status 03/05/2012 - House passed.
Executive Status 03/28/2012 - Enacted as Public Chapter 0595 effective March 21, 2012.
Public Chapter PC595

Judiciary - 8

SB2140 / HB2809 Express language required to create statutory duty or action

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description Provides that no statutory private right of action or affirmative duty of care is created unless a statute contains express language creating the right or duty. Prohibits state courts, licensing boards and administrative agencies from interpreting actions or affirmative duties to exist without such express language unless based in common law and no other controlling statute exists.

Amendment Senate amendment 4 (01411471) removes this bill's prohibition against court's and administrative agencies interpreting a statute to impliedly create an affirmative duty so that this bill will only apply to the court and agency created causes of action. Replaces the provisions of this bill that prohibit this bill from being construed in any way to impair the ability of a court to: (1) Create or confer a private right of action or impose an affirmative duty in the absence of a controlling statute if such action or duty is based on the common law; or (2) Impute negligence or unlawful conduct to a party based upon the party's violation of a statute. This amendment instead specifies that nothing in this bill may be construed to impair the ability of a court to: (1) Recognize a private right of action that was recognized before the effective date of this section by the courts of this state as arising under a statute, unless the statute is amended after the effective date of this section to expressly bar the private right of action; (2) Create or confer a private right of action in the absence of a controlling statute on each cause of action contained in the complaint if such action is based on the common law; (3) Utilize the doctrine of negligence per se; or (4) Recognize a private right of action commenced by a state or local governmental entity to collect any fees owed for a governmental service or to recover such fees from a party that is obligated to bill and collect fees owed others for a governmental service. This amendment also prohibits any construction of this bill that would impair the ability of a state or local regulatory or licensing agency to enforce rules pursuant to the uniform administrative procedures act, if such rules were duly enacted through the rulemaking authority granted to any such agency by statute. This amendment changes the effective date of this bill to July 1, 2012.

Senate Status 03/08/2012 - Senate passed with amendment 4.

House Status 03/29/2012 - House passed.

Executive Status 04/23/2012 - Enacted as Public Chapter 0759 effective July 1, 2012.

Public Chapter PC759

SB2552 / HB2826 Municipal court judges may solemnize marriage statewide.

Sponsors Sen. Bill Ketron / Rep. Mike Sparks

Description Allows municipal court judges to solemnize a marriage in any county of the state.

Senate Status 02/13/2012 - Senate passed.

House Status 03/19/2012 - House passed.

Executive Status 04/10/2012 - Enacted as Public Chapter 0677 effective April 4, 2012.

Public Chapter PC677

SB2671 / HB2935 Terminates court of judiciary.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Terminates the court of the judiciary on July 1, 2012 and replaces it with a 16-person board of judicial conduct and changes the burden of proof to investigate a judge to probable cause that misconduct occurred from significant likelihood that it did.

Amendment SENATE AMENDMENT 1 (01258932) changes the termination date for the Tennessee board of judicial conduct to June 30, 2014. SENATE AMENDMENT 2 (01427271) deletes all language after the enacting clause. Effective July 1, 2012, dissolves the Court of the Judiciary and replaces it with the Board of Judicial Conduct. The Board will have 16 members appointed by the judicial conferences, the Speakers of the Senate and House of Representatives, and the Governor. Authorizes the non-judicial members to be members of the District Attorneys General Conference or the District Public Defenders Conference. Reduces membership terms from four to three years. Requires the Chair of the Board to appoint one member to serve as a direct liaison to the General Assembly. Requires the Board to compile and transmit to the chief clerks of the House and Senate by the 20th day of each month a report detailing the number of complaints filed and the disposition of each complaint along with a cumulative, year-to-date total. Requires the Board to compile and transmit a report by the 20th day of January, March, June, and September, detailing the number of complaints opened, closed, the disposition of complaints closed, the number of complaints pending, the number of complaints for which probable cause has been found, the number of complaints for which formal charges have been filed based on a recommendation by an investigative panel, and the nature of any complaint filed according to the enumerated categories listed in the bill as amended for the prior three month period. Requires the Chairperson of the Board to immediately provide the Speakers of the Senate and House of Representatives with the name, type of judge, judicial district, if applicable, the reason for the reprimand, and the number of previous reprimands each time a judge receives a second or subsequent public reprimand for conduct occurring during the entire period of time the person is a sitting judge; receives a second or subsequent private reprimand for conduct within the same misconduct category set out in Tenn. Code Ann. 17-5-207(b)(7) occurring during any eight-year term the person holds the office of judge; or receives a third or subsequent private reprimand for conduct within any of the misconduct categories set out in Tenn. Code Ann. 17-5-207(b)(7) during any eight-year term the person holds the office of judge. Designates as a public record the notice provided to the speakers regarding a judge who received a second or subsequent public reprimand during the entire time the person is a sitting judge. However, such notice to the Speakers of private reprimands shall remain confidential unless the General Assembly opens an investigation of such judge pursuant to Article VI, Section 6, or Article V of the Tennessee Constitution. Requires the Board to adopt, by rule, a formal records retention policy and requires annual review of such policy. Sets the termination date for the Board at June 30, 2014.

Senate Status 03/29/2012 - Senate passed with amendments 1 & 2.

House Status 04/09/2012 - House passed.

Executive Status 04/30/2012 - Enacted as Public Chapter 0819 effective April 25, 2012

Public Chapter PC819

SB2728 / HB2984 Makes changes to the appointment of counsel and guardians.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Grants a minor the right to a guardian ad litem in a juvenile court proceeding alleging negligence or abuse. Redefines indigency to include parents' resources and willingness to pay for an attorney. Assesses administrative fee to parents. Requires reporting by court

clerk.

Senate Status 04/16/2012 - Senate passed.

House Status 03/29/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0857 effective April 27, 2012.

Public Chapter PC857

SB2795 / HB2978 Provisions governing judges.

Sponsors Sen. Mike Faulk / Rep. Vance Dennis

Description Clarifies which judges are affected by campaign finance disclosure laws. Allows newly elected judges and chancellors to practice law only to wind down their practice. Changes procedures when a chancellor is incompetent to try a case.

Senate Status 04/09/2012 - Senate passed.

House Status 03/29/2012 - House passed.

Executive Status 04/26/2012 - Enacted as Public Chapter 0789 effective April 23, 2012.

Public Chapter PC789

SB2822 / HB2966 Authority of referees in environmental courts.

Sponsors Sen. Brian K. Kelsey / Rep. Jim Coley

Description Authorizes judge of Division XIV to appoint one or more suitable person or persons to act as referee or referees at the pleasure of the judge subject to approval by a majority vote of the legislative body of the county. Clarifies that the referee has the powers of a trial judge and the same authority as the judge directing the case to the referee.

Senate Status 03/26/2012 - Senate passed.

House Status 03/26/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0710 effective April 11, 2012.

Public Chapter PC710

SB2826 / HB2962 Court ordered evaluation of defendant.

Sponsors Sen. Bill Ketron / Rep. Rick Womick

Description Requires that when a court orders a defendant charged with a misdemeanor to be evaluated for insanity, the court will order the evaluation to be completed within 15 days.

Amendment House amendment 1 (01345966) deletes all language after the enacting clause. Requires a court ordered inpatient evaluation to determine the mental health capacity of an individual charged with a misdemeanor to be completed within 30 days of admission to the facility.

Senate Status 04/26/2012 - Senate passed.

House Status 04/24/2012 - House passed with amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 0997 effective May 10, 2012.

Public Chapter PC997

SB2958 / HB3070 Listing parents names in juvenile court petitions.

Sponsors Sen. Tim Barnes / Rep. John J. Deberry Jr.

Description Requires petitions in juvenile court cases to list the legal parents and any persons alleged to be the biological father of the child. Requires a copy of the summons in such cases be sent to the legal parents and any persons alleged to be the biological father of the child.

Amendment SENATE AMENDMENT 1 (01606471) rewrites the bill. Requires petitions in juvenile court cases to list the legal parents and anyone alleged to be the biological father of the child, if known by the petitioner. Requires the issuance of a summons in such cases be directed to the legal parents and anyone alleged to be the biological father of the child. States that such biological father must not have had his parental rights terminated in order to receive such summons.

Senate Status 04/18/2012 - Senate passed with amendment 1.

House Status 04/26/2012 - House passed.

Executive Status 05/22/2012 - Enacted as Public Chapter 1017 effective July 1, 2012.

Public Chapter PC1017

Labor Law - 4

SB2565 / HB2669 Employment of children in an agricultural setting.

Sponsors Sen. Bill Ketron / Rep. Jeremy Faison

Description Specifies that no public funds of this state or any political subdivision thereof shall be allocated to the regulation or enforcement of any change to the U.S department of labor's Hazardous Occupations Orders for Agricultural Employment relating to children.

Amendment House amendment 1 (01441976) corrects the spelling of "public".

Senate Status 03/29/2012 - Senate passed.

House Status 03/26/2012 - House passed with amendment 1. House amendment 1 (01441976) corrects the spelling of "public".

Executive Status 04/18/2012 - Enacted as Public Chapter 0757 effective April 16, 2012.

Public Chapter PC757

SB2857 / HB2806 Study on more work-friendly assistance eligibility.

Sponsors Sen. Ken Yager / Rep. Dennis Powers

Description Requires the commissioner of the department of human services to conduct a summer study that will assess the feasibility of more work friendly assistance eligibility and benefits requirements in order to increase workforce participation. Requires the department to report the results of the study to the health committees of the house and senate.

Amendment House amendment 1 (01372376) names this act the "Welfare Roll to Payroll Act." House amendment 2 (01468768) directs the Commissioner of the Department of Human Services (DHS) to conduct a study that will assess the feasibility of more work-friendly assistance eligibility benefits requirements in order to increase workforce participation. Requires DHS to report the results of the study, which is currently being conducted, to the Senate Health and Welfare Committee and the House Health and Human Resources Committee, on or before July 1, 2013.

Senate Status 04/09/2012 - Senate passed.

House Status 04/04/2012 - House passed with amendments 1 and 2.

Executive Status 04/26/2012 - Enacted as Public Chapter 0786 effective April 23, 2012.

Public Chapter PC786

SB3657 / HB3430 Seasonal employer for unemployment insurance.

Sponsors Sen. Jack Johnson / Rep. Jimmy Matlock

Description Allows employer to qualify as a "seasonal employer" for purposes of unemployment insurance benefits if it operates less than 36 weeks per year. Reduces unemployment benefits for seasonal workers.

Amendment SENATE AMENDMENT 1 (01472572) deletes all language after the enacting clause. Defines terms relative to seasonal employment. Requires the Department of Labor and Workforce Development to make a determination whether an employer should be considered a seasonal employer. Establishes qualifications and criteria for determining benefit amounts paid to seasonal employees. SENATE AMENDMENT 2 (01685772) changes the effective date to July 1, 2016, by which implementation shall begin. SENATE AMENDMENT 3 (01761076) adds a requirement that any employer determined or re-

determined to be a seasonal employer must notify the employer's workers in writing upon the initial seasonal determination and individually to any worker hired by the seasonal employer after such initial notification. The notices must contain the department's contact information for any inquiries by the workers. This amendment's notice requirement is in addition to the posting requirement contained in the bill as amended.

Senate Status 04/26/2012 - Senate passed with amendment 1, 2, and 3.

House Status 05/01/2012 - House passed.

Executive Status 05/24/2012 - Enacted as Public Chapter 1107 effective May 21, 2012.

Public Chapter PC1107

SB3658 / HB3431 Unemployment Insurance Accountability Act of 2012.

Sponsors Sen. Jack Johnson / Rep. Jimmy Matlock

Description Defines "making a reasonable effort to secure work" for the purposes of unemployment insurance eligibility. Requires the administrator to conduct random verification audits of 1,000 claimants weekly to determine if claimants are complying with the requirement of contacting at least three employers per week or accessing services at a department of labor and workforce development career center. Requires the disqualification of any claimant who has provided for at least eight weeks any false work information or who has been incarcerated during any week of unemployment. Adds the following to the list of disqualifying events: any week the claimant receives remuneration in the form of wages in lieu of notice, the claimant received a severance package from an employer that includes an equivalent amount of salary the employee would have received during employment, the claimant was discharged following an offer by the employer of a similar job with equivalent compensation, the claimant has an offer of work withdrawn due to the claimant's refusal to submit to a drug test or a positive test result. Defines "misconduct" and "wages in lieu of notice".

Amendment House amendment 1 (01463072) specifies that if a claimant is incarcerated four or more days in any week for which unemployment benefits are being claimed, then the claimant shall be considered ineligible for benefits. Adds that if a claimant was discharged through a layoff and the employer has offered the claimant the same or a similar job with equivalent pay that the claimant had prior to the layoff or if a claimant has an offer of work withdrawn by an employer due to the claimant's refusal to submit to a drug test or the claimant's positive result from a drug test, then the disqualification shall be for the duration of the ensuing period of unemployment and until the claimant has secured employment covered by an unemployment compensation law of TN, another state or the U.S., and was paid wages by the subsequent employment 10 times the claimant's weekly benefit amount. Deletes the original bill's requirement that the department study the issue of "suitable work", and instead states that work is suitable if the gross weekly wages equal or exceed the following percentages of the claimant's average weekly wage for insured work paid to the claimant during that quarter of the claimant's base period in which the claimant's wages were highest: 100 percent if the work is offered during the first 13 weeks of unemployment, 75 percent if the work is offered during the 14th week through the 25th week, 70 percent if the work is offered during the 26th week through the 38th week, and 65 percent if the work is offered after the 38th. Specifies that this shall not be construed as requiring a claimant to accept employment below the federal minimum wage. Senate amendment 3 puts the date "July 1, 2012" at the end of sections 11 and 12.

Senate Status 04/26/2012 - Senate passed with amendment 3.

House Status 04/27/2012 - House concurred in Senate amendment 3.

Executive Status 05/23/2012 - Enacted as Public Chapter 1050 effective September 1, 2012.

Lottery - 1

SB3074 / HB3323 Formation of school foundation as 501(c)(3) for gaming.

Sponsors Sen. Jack Johnson / Rep. Phillip Johnson

Description Authorizes a public school, its administrators, or supporters to form a charitable school foundation for the purpose of raising and administering funds for the school and the school's programs. Specifies that the foundation must be broad based in its support of the school rather than limited to a single activity or program and that the foundation is to be considered a school support organization. Requires a foundation to have a board of directors, with the director of schools and school principal serving as ex officio members. Includes charitable school foundations organized under this act within the purview of the Tennessee Charitable Game Implementation Law. Removes the current statutory requirement that organizations applying to conduct an annual event to raise no more than \$5,000 be in existence for five years.

Amendment Senate amendment 1 (01629103) extends the application period for annual events to be held in the 2011-2012 annual event period to within two days of the date this bill becomes a law.

Senate Status 04/05/2012 - Senate passed with amendment 1.

House Status 04/09/2012 - House concurred in Senate amendment 1.

Executive Status 04/18/2012 - Enacted as Public Chapter 0747 effective April 16, 2012.

Public Chapter PC747

Media & Publishing - 1

SB2198 / HB2335 Emergency contact info for public employees is confidential.

Sponsors Sen. Ken Yager / Rep. Bob Ramsey

Description Makes confidential the emergency contact information for current and former state and local government employees and law enforcement officers at state colleges and universities.

Senate Status 02/13/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/16/2012 - Enacted as Public Chapter 0577 effective March 13, 2012.

Public Chapter PC577

Miscellaneous - 2

HJR565 Down Syndrome Awareness Day, March 21, 2012.

Sponsors Rep. Cameron Sexton

Description Establishes Down Syndrome Awareness Day on March 21, 2012.

Senate Status 03/05/2012 - Senate concurred.

House Status 02/13/2012 - House adopted.

Executive Status 03/07/2012 - Signed by governor.

HJR600 St. Jude Children's Hospital Month.

Sponsors Rep. James O. Naifeh

Description Designates February 2012 "St. Jude Children's Research Month."

Senate Status 02/16/2012 - By suspension of the rules on the Senate floor, the Senate took up HJR 600

and concurred.

House Status 01/26/2012 - House adopted.

Executive Status 02/22/2012 - Signed by governor.

Public Employees - 1

SB2246 / HB2384 TN Excellence, Accountability, and Management Act of 2012.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Enacts the "Tennessee Excellence, Accountability, and Management (T.E.A.M.) Act of 2012" to assure the fair treatment of applicants and employees. Replaces "civil service" with "state service" to describe executive branch employees. Replaces the "career service" category of state employees with "preferred service", and establishes personnel procedures. Decreases the time required for posting a job announcement from two weeks to one. Requires the hiring agency to establish hiring criteria, and to submit such to the commissioner of the department of human resources. Requires the Commissioner to establish and maintain a list of eligible applicants meeting the minimum qualifications for each position. Requires the appointing authority to interview at least three candidates. Creates veterans preference in the interview process. Increases the probationary period to at least one year, rather than six months. Authorizes the commissioner to establish standards for performance evaluations and pay-for-performance and merit pay. Authorizes appointing authorities, upon the commissioner's approval, the authority to undergo a reduction in force, furlough, or reduction of hours due to lack of funds or work, efficiency, or other material change. Decreases, from 90 to 30 days, the advance notice that is required to be provided to an employee prior to layoff due to a reduction in force. Decreases, from 30 to 10 days, the advanced notice required when a layoff is due to a likelihood of the revenue fluctuation reserve funds (rainy day fund) falling below \$200,000,000 (currently \$100,000,000). Establishes priorities for force reductions and layoffs. Establishes time limits for the filing of complaints by employees and the rendering of decisions by the Department. Establishes time limits for the appeals process. Creates a board of appeals consisting of seven members, and eliminates the Civil Service Commission. Establishes an employee mediation program. Authorizes the commissioner to enter into agreements with local governments to provide services in the administration of personnel, for which local governments will reimburse the state (36 pp). (Part of Administration Package 2012)

Amendment HOUSE AMENDMENT 3 (01446167) specifies that if a veteran is on the list of eligibles, and if the minimum qualifications and the skills, abilities, competencies and knowledge of the veteran and any another applicant being interviewed for the position are equal, preference will be given to the veteran for the position. When invitations to interview candidates are extended, whether for appointment or promotion, the spouse or surviving spouse of a veteran must be invited to interview, if the spouse or surviving spouse is a qualified voter in Tennessee or has been a resident of this state for two years preceding such person's application, and one of the following circumstances exists: (1) As a result of such military service, the veteran suffered a 100 percent service-connected disability or is permanently and totally disabled; or (2) The veteran died in the line of duty during such military service and the surviving spouse has not remarried since the death of the veteran. Under this amendment, an employee in the preferred service system, who has successfully completed the required probationary period, may file a complaint concerning the application of a law, rule, or policy to the dismissal, demotion, or suspension of the employee. However, if the term of the suspension is less than three days, the right to appeal is limited to an appeal to the commissioner under Step II, and an employee would not be

entitled to appeal a suspension of less than three days to the board of appeals. The employee must file the complaint as soon as possible and within 14 days after the employee became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint. If the 14-day period is not met, the right to appeal lapses and is waived. A remedy granted under this bill may not extend back more than 30 days before the complaint was filed. The party filing the complaint would have the initial burden of proof, but the burden of proof would shift to the department or state agency after the complainant has made a prima facie case. The complaint procedure under this amendment would be as follows: (1) Step I: The complainant must present the written complaint to the appointing authority. The appointing authority would conduct any investigation considered necessary, meet with the complainant in person and issue a written decision within 15 days after receipt of the complaint. If the appointing authority does not issue a decision 15 days after the appointing authority receives the complaint, then the complainant may appeal to the commissioner by filing the complaint in accordance with Step II; (2) Step II: If the appointing authority does not find in favor of the complainant, the complainant may appeal to the commissioner by filing a complaint within 14 days after the appointing authority's written decision. The commissioner would review the complaint and issue a written judgment within 30 days after the appeal was filed. If the commissioner does not issue a decision 30 days after the commissioner receives the complaint, the complainant may appeal to the board of appeals in accordance with Step III; and (3) Step III: The complainant or state agency may file a written appeal to the board of appeals within 14 days after receipt of the written notice of the action of the commissioner. Within 10 days after the receipt of the appeal, the administrative law judge (ALJ) assigned to assist the board of appeals in the proceedings must determine whether all previous procedural requirements were completed properly and in a timely manner. If a procedural requirement has not been met, then appeal must be dismissed. If such requirements have been met, the board would conduct proceedings, in accordance with the UAPA, to determine if the law, rule, or policy specified in the complaint was violated. Each hearing under this amendment would occur before a panel of at least three members of the board of appeals, assisted by one ALJ. The ALJ would assist at the hearing by ruling on questions of the admissibility of evidence, swearing witnesses, advising members of the board of appeals on the law of the case, and ensuring that the proceedings are carried out according to law. The ALJ may not take part in the determination of any question of fact, but, upon timely motion, may decide any procedural question of law. The board of appeals must issue its final decision in each proceeding within 120 days after the date of the filing of the appeal with the board of appeals. In order to ensure that the board of appeals issues its final decision within 120 days after the date of the filing of the appeal, the following conditions are imposed on hearings before the board of appeals: (1) The parties must participate in a pre-hearing conference within 20 days after the filing of the appeal. At the pre-hearing conference, a date must be set on which the hearing before the board of appeals will be held; (2) All discovery must be completed within 60 days after the filing of the appeal; (3) All motions must be ruled on no later than 30 days before the date of the hearing; (4) Extensions on the deadlines described above may only be granted in extraordinary circumstances, and the granting of an extension may not extend the 120 day time period for the board of appeals to issue its decision; (5) Continuances of the hearing before the board of appeals may be granted only in extraordinary circumstances, as determined by the board of appeals or the ALJ; and (6) Neither party would be entitled to a petition for reconsideration. The board of appeals may award attorney's fees and costs to a successfully appealing employee. The commissioner must establish by rule the manner in which those fees would be determined. The

unsuccessful party or other state agency would pay any fees or costs so awarded. This amendment removes all provisions of the bill establishing, or regarding, the Tennessee Employee Mediation Program. Additionally, this amendment revises various other provisions of the bill, including the following: (1) Under present civil service law, such law does not apply to certain persons or entities. This amendment adds the Tennessee Housing Development Authority and all employees of that authority to the list of persons and entities that are exempt from present civil service law, as revised by the bill; (2) This amendment clarifies that employee relations specialists would "offer assistance in employment related problems" instead of "help employees in employment related problems"; (3) This amendment requires that all state supervisory personnel, during the time such person is employed by the state in such position, be physically present in the state while supervising employees working within Tennessee unless business reasons require out-of-state travel. However, this provision would not prohibit telework policies issued by the department of human resources; (4) This amendment increases the membership of the board of appeals from "seven" to "nine" members and revises the manner in which the member's terms would be staggered as detailed in the amendment; (5) This amendment clarifies that the governor may remove a member of the board of appeals only for cause and specifies that removal for cause may include three consecutive absences from a meeting of the board; (6) This amendment removes the requirement that the board of appeals represent the public interest in the improvement of personnel administration in state service; (7) This amendment specifies that the bill would not affect salary surveys and compensation schedules conducted and implemented pursuant to other provisions of present law, including present law regarding compensation for the highway patrol; (8) Under the bill, merit pay guidelines for members of the preferred service may not permit, facilitate or promote discrimination on account of disability, religion, creed, veteran's status, race, color, gender or national origin. This amendment revises this provision to instead specify that the merit pay guidelines for members of the preferred service may not permit, facilitate or promote discrimination on account of disability, age, religion or creed, veteran's status, race, color, gender, national origin or political opinions or affiliations; (9) Under both present law and the bill, all assessments administered by the department, the total bank of questions from which such assessments were developed and the answers thereto must be confidential for as long as the commissioner deems necessary to protect the integrity of the assessment. This amendment rewrites this provision to instead specify that such assessments, questions, and answers, would be confidential and would not be public records or state records open for public inspection; (10) Under both present law and the bill, no person holding a position in the preferred service may solicit donations or contributions for any political party, candidate, cause or purpose. A state officer or employee who violates this provision commits a Class C misdemeanor. This amendment revises the above prohibition to instead specify that no person holding a position in the preferred service may solicit, or require any other person to solicit, donations or contributions for any political party, candidate, cause or purpose in order to acquire or deny a position in state service or to materially affect the retention, promotion or demotion of any employee in state service; (11) This amendment requires the department, by July 1, 2013, to report to the state and local government committees of each house on the job performance evaluation system, and to provide to those committees a copy of any rules or regulations promulgated with respect to the performance evaluation system; (12) Under the bill, any preferred service employee whose position is abolished because of a reduction-in-force must be provided written notice containing the reason for the layoff at least 30 days in advance of the effective date for abolishing the position. Subject to certification by the commissioner of finance and

administration that the rainy day fund is likely to fall below \$200 million, any such layoff notice required may be reduced to a different period of time, but not less than 10 days. This amendment specifies that if the rainy day fund is likely to fall below \$200 million, then any such layoff notice may be reduced to a different period of time, but not less than "14 days", instead of "10 days". This amendment requires that the 30-day period described above be used for career counseling, job testing and placement efforts; (13) This amendment requires the department of human resources and the department of finance and administration to electronically report each month to the finance and ways and means committees of each house and the fiscal review committee on bona fide employee promotions, showing clearly by department the names and the increases in pay as a result of such promotions. The departments must also furnish an electronic copy of the report to the speakers of each house and, upon request, to any member of the general assembly. The report must also include employee transfers, dismissals, terminations, demotions, separations, positions reclassified from the preferred service to the executive service, and position abolishments showing clearly by department the name and title of each employee affected and such employee's position after such action; (14) Under the bill, any appointing authority who passes over an eligible veteran and selects an eligible nonveteran for an open position must file with the commissioner the reasons for so doing. This amendment requires that such reasons be filled with the commissioner "within 30 days"; and (15) This amendment rewrites the bill's effective date to instead specify that: (A) For purposes of promulgating rules and regulations, the bill will take effect upon becoming a law; (B) For the purpose of determining merit pay and using job performance evaluations as the primary factor in determining a layoff, the bill will take effect on July 1, 2013; and (C) For all other purposes, the bill will take effect on October 1, 2012. HOUSE AMENDMENT 2 (01410767) requires the governor to strive to appoint members to the board of appeals that reflect the geographical, racial, and gender diversity of the state population. HOUSE AMENDMENT 4 (01580461) specifies that all state service employees would be eligible for merit pay pursuant to rules promulgated by the department. HOUSE AMENDMENT 5 (01580361) removes the provision of the bill, as amended, that would have provided that the state service employee filing a complaint against his or her employer, as described in the above summaries, would have the initial burden of proof, which would shift to the department of human resources or the appropriate state agency after the complainant has made a prima facie case. HOUSE AMENDMENT 6 (01610231) revises the bill regarding the abolishment of a preferred service employee's position due to reduction-in-force. Under the bill, any preferred service employee whose position is abolished because of a reduction-in-force must be provided written notice containing the reason for the layoff at least 30 days in advance of the effective date for abolishing the position. This amendment revises this provision to specify that from October 1, 2012, to December 31, 2013, such notice must be provided "at least 60 days" in advance of the effective date for abolishing the position, and beginning January 1, 2014, such notice must be provided "at least 30 days" in advance of the effective date for abolishing the position. Additionally, this amendment requires that such 60-day or 30-day period be used for career counseling, job testing, and placement efforts. HOUSE AMENDMENT 7 (01610331) clarifies that job performance evaluations would be the primary factor in determining a layoff. HOUSE AMENDMENT 8 (01610131) revises the bill to create a layoff list for preferred service employees affected by a reduction-in-force, as described below. Under the bill, an employee who is laid off as a result of a reduction in force must be invited to interview when an agency offers invitations to interview applicants for the same job classification that the employee served immediately prior to the layoff. In order to be eligible to interview under this provision, the employee

must respond to the public notice of the job opening and the employee may not have been laid off more than one year prior to the posting of the public notice of the job opening. This amendment rewrites the above provisions to instead require that the names of all preferred service employees affected by a reduction-in-force be placed on a layoff list maintained by the department of human services. For a period of one year following the date of the layoff, an employee, who is laid off as a result of a reduction-in-force, must be notified of any job openings in the same job classification that the employee served immediately prior to layoff, must be extended an invitation to apply for the job, and must be granted an interview. HOUSE AMENDMENT 9 (01398172) restores the present law provision that no person who is required to register for the federal draft is eligible for employment with the state until such person has registered for such draft. HOUSE AMENDMENT 10 (01607731) specifies that when any position classification is upgraded in the classification plan, all employees in that position classification would receive any necessary salary adjustment so that the employee's salary does not fall below the minimum range of the classification. HOUSE AMENDMENT 11 (01608031) requires the department of human resources, in the process of establishing the system of job performance evaluations pursuant to the bill, to afford representatives of recognized employee groups an opportunity to present facts, views or arguments related to the proposed system of job performance evaluations.

Senate Status 04/12/2012 - Senate passed.

House Status 04/11/2012 - House passed with amendments 3, 2, 4, 5, 6, 7, 8, 9, 10, and 11.

Executive Status 04/26/2012 - Enacted as Public Chapter 0800 effective April 24, 2012.

Public Chapter PC800

Public Finance - 6

SB2245 / HB2383 Appropriations - co-payment adjustments in TennCare.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Appropriates funds to restore 1.5 percent of the 4.25 percent rate reductions and eliminate the \$2 co-payment in the TennCare program which took effect January 1, 2012. This is estimated to increase state expenditures by \$6,308,100 and to increase federal expenditures by \$12,373,100. (Part of Administration Package 2012)

Amendment House amendment 1 (01153895) rewrites the bill. Appropriates funds to restore 1.75 percent (rather than 1.5 percent as in the original bill) of the 4.25 percent rate reductions and eliminate the \$2 co-payment in the TennCare program which took effect January 1, 2012. This is estimated to increase state expenditures by \$7,251,800 and to increase federal expenditures by \$14,224,100.

Senate Status 04/30/2012 - Senate passed.

House Status 02/27/2012 - House passed with amendment 1.

Executive Status 05/17/2012 - Enacted as Public Chapter 1028 effective May 15, 2012.

Public Chapter PC1028

SB3011 / HB3265 Indigence income calculation revised.

Sponsors Sen. Becky Duncan Massey / Rep. Scotty Campbell

Description Changes determination of indigence income, when evaluating statistics and reports submitted to the department of health on uncompensated care. The amount of indigence is revised to an amount not to exceed 133 percent instead of 100 percent of federal poverty guidelines.

Amendment Senate amendment 1 (01329118) makes the bill. Requires the Tennessee Hospital

Association to use the all claims data on inpatient and outpatient discharges, received from the Commissioner of Health, strictly for its own internal purposes and for internal purposes of its members.

Senate Status 03/15/2012 - Senate passed with amendment 1.

House Status 03/26/2012 - House passed.

Executive Status 04/13/2012 - Enacted as Public Chapter 0704 effective April 11, 2012.

Public Chapter PC704

SB3768 / HB3835 Appropriations - FY 2011-2012.

Sponsors Sen. Mark S. Norris / Rep. Charles M. Sargent

Description Makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012.

Amendment HOUSE AMENDMENT 2 (01500003) is Administration Amendment â€“ 2011- 2012 Supplemental Appropriations. (See TLS Documents for more information.) HOUSE AMENDMENT 3 (01748703) makes some changes to the financing for certain projects in amendment 2. Removes certain "local" projects from the list of approved projects. (See TLS Documents "House Appropriations Bill Finance Amd 3.") . SENATE AMENDMENT 18 (01763077) deletes Section 1, Title III-22, Line Item 32, of the printed bill in its entirety. Deletes from the 2012-2013 budget document line items regarding: Shelby Farms Park Conservancy, West Tennessee Mega-site Site Development, National Civil Rights Museum Tourist Development Department Support of National Festivals and Conventions, for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur, Radnor Lake State Natural Area â€“ Land Acquisition. Deletes Line Item 3 in Section 66, as amended. Deletes in its entirety Item 2 in Section 68, as amended. Reduces funding for the following appropriations: transition of the Lambuth campus, the state-only grant to Meharry Medical in an amount that is proportional to any reduction made by the Metropolitan Government of Nashville/Davidson County, the Ripley Center at UT Martin, the UT Martin, Parsons Center, the grant to the Metropolitan Government of Nashville/Davidson County for the construction of a sports stadium, grant funds to the Sickle Cell Foundation of Tennessee. Reduces the "\$15,000,000" in Item 2 of Section 72, as amended, to "\$10,000,000". Deletes the following appropriations: in the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses; the sum of \$75,000 (non-recurring) to F & A for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses, the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program; the sum of \$800,000 (non-recurring) to F & A for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project; the sum of \$100,000 (non-recurring) to F & A for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation; the sum of \$95,000 (non-recurring) to F & A for the sole purpose of making a grant in such amount to the National Institute for Law and Equity; the the sum of \$100,000 (non-recurring) to F & A for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer; the sum of \$125,000 (non-recurring) to F & A for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs; the sum of \$15,000 (non-recurring) to F & A for the

sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs. Replaces funds for F & A for the sole purpose of making grants, in equal amounts, to the drug courts located in the various counties, to be used for programs, services and operational expenses to be \$244,000 (non-recurring) to F & A. Adds at the end of the last sentence in Item 2, Section 47 of the printed bill: ", and shall include \$2,600,000 (recurring) and \$7,400,000 (non-recurring) transferred from the general fund." Adds in Section 48 of the printed bill: In the fiscal year ending June 30, 2013, the sum of \$10,800,000 (nonrecurring) shall be transferred from the general fund to the TennCare Reserve." Adds at the end of Section 75: "It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under TCA 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of SB 3771/HB 3839, if such bill becomes law." Adds appropriations for the public defenders offices in Davidson County and Shelby County, and requires the F & A Commissioner to study issues pertaining to implementation of the provisions of TCA 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. SENATE AMENDMENT 4 (01675277) is a stripper amendment. SENATE AMENDMENT 5 (01736877) contains the same language as House amendment 2. It is Administration Amendment " 2011- 2012 Supplemental Appropriations. SENATE AMENDMENT 6 (01709477) is makes appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund. SENATE AMENDMENT 7 (01753095) deals with the Public Defender Offices in Davidson and Shelby Counties. CONFERENCE COMMITTEE REPORT rewrites the bill. Under TLS Documents, see "Conference Committee Report, Line Item Summary".

Senate Status 04/30/2012 - Senate adopted conference committee report, which rewrites the bill. Under TLS Documents, see "Conference Committee Report, Line Item Summary".

House Status 04/30/2012 - House adopted conference committee report, which rewrites the bill. Under TLS Documents, see "Conference Committee Report, Line Item Summary".

Executive Status 05/17/2012 - Enacted as Public Chapter 1029 effective July 1, 2012. (102 pages)

Public Chapter PC1029

SB3769 / HB3836 Bond issuance.

Sponsors Sen. Mark S. Norris / Rep. Charles M. Sargent

Description Authorizes the state to issue and sell its bonds and bond anticipation notes in amounts not to exceed \$381,900,000 for the purpose of providing funds to the Department of Finance and Administration and the Department of Transportation to provide for acquisition of equipment and sites, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, for construction of highways, and repair, replacement or rehabilitation of bridges, and for grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency.

Senate Status 04/27/2012 - Senate passed.

House Status 04/26/2012 - House passed.

Executive Status 05/17/2012 - Enacted as Public Chapter 1024 effective May 15, 2012.

Public Chapter PC1024

SB3770 / HB3837 Index of appropriations.

Sponsors Sen. Mark S. Norris / Rep. Charles M. Sargent

Description Authorizes the index of appropriations from state tax revenues for the 2011-2012 fiscal year to exceed the index of estimated growth in the state's economy by \$250,000,000 or 2.01 percent.

Senate Status 04/30/2012 - Senate passed.

House Status 04/26/2012 - House passed.

Executive Status 05/17/2012 - Enacted as Public Chapter 1025 effective May 15, 2012.

Public Chapter PC1025

SB3771 / HB3839 Statutory revisions required for appropriations act.

Sponsors Sen. Mark S. Norris / Rep. Charles M. Sargent

Description Specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding. Removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. Broadly captioned.

Amendment HOUSE AMENDMENT 1 (01735903) - Administration Amendment to Budget Reconciliation Bill - rewrites this bill to do the following: (1) Changes the composition of the reimbursement account that is used to provide financial assistance to counties for removing children from adult jails. Under present law, the reimbursement account is composed of such amount of state funds as are allocated by the commission on children and youth from the fund appropriated for county supplements to improve county juvenile court services and an allocation of federal funds, if any, provided under the Juvenile Justice and Delinquency Prevention Act formula grant funds. This amendment instead requires that the reimbursement account be comprised of such amount of federal funds as are set aside by the commission on children and youth from the state's allocation under the Juvenile Justice and Delinquency Prevention Act formula grant funds and of state funds, if funds for such purpose are appropriated in the general appropriations act; (2) Requires that the department of children's services, instead of the commission on children and youth, administer the annual supplement to counties for the improvement of juvenile court services, which is referred to in (1). This amendment removes a provision of present law that specifically establishes an account of such an amount as may be appropriated to improve county juvenile court services and that authorizes counties to expend funds received from the state for the purpose of improving juvenile court services or providing community alternatives to detention to pay for the alternative placement and transportation services, and to develop other alternatives to jail for children, including emergency foster homes, runaway/emergency shelters, juvenile summons, crisis intervention, home detention, attendant care and other similar programs; (3) Replaces authorization for the provision of dental services to patients and inmates at mental health facilities, the James M. Taft Youth Center, the Spencer Youth Center, the Tennessee Vocational School for Girls, the state penitentiary, and the Brushy Mountain state penitentiary with authorization for the provision of dental services to inmates at state prisons by either departmental employees or contractors; (4) Decreases the percentage of sales and use tax revenues that must be earmarked and allocated specifically and exclusively to the general fund from 29.0246 percent to 29.141 percent and increases the percentage of such taxes that is allocated to municipalities from 4.5925 percent to 4.6030 percent; (5) Requires that the capital budget, to be included in the detailed budget estimate component of the state's budget document, contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of \$1,000,000 or more must be specified by project, by affected spending agency, and by funding sources,

including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than \$1,000,000 must be specified in such detail in the budget document as the governor shall determine; and (6) Replaces the present law requirement that appropriations for capital projects in the appropriations bill appear in such detail under each spending agency as the governor determines; provided, that such appropriations must not be segregated in greater detail than the major classes or projects for which they are expendable during the next fiscal year. This amendment instead requires that appropriations for capital improvement and capital maintenance projects be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document. SENATE AMENDMENT 2 (01734562) limits the Tennessee Film/Television Incentive Fund (Film/TV Fund) grant awards to no more than 25 percent of the total expenses incurred by a production company for a project; except, the Department of Economic and Community Development may award grants in excess of this amount if deemed appropriate. States the legislative intent for funding to be appropriated each year in the general appropriations act for awarding grants and that the Department should strive to award the maximum amount of incentive grants authorized. Franchise and excise tax credits for qualified television/film production companies, pursuant to TCA 67-4-2109(j)(2), shall not apply to tax years beginning on or after July 1, 2012. This will not affect the right of any taxpayer to realize the benefits of any credit that the Commissioners of Revenue and Economic and Community Development determine that the taxpayer's production is in the "best interest of the state" and the taxpayer incurs expenses related to such production prior to July 1, 2012. SENATE AMENDMENT 3 (01764961) corrects a typographical error. CONFERENCE COMMITTEE REPORT - Administration Amendment to Budget Reconciliation Bill - rewrites this bill.

Senate Status 04/30/2012 - Senate adopted conference committee report.

House Status 04/30/2012 - House adopted conference committee report.

Executive Status 05/17/2012 - Enacted as Public Chapter 1026 effective July 1, 2012.

Public Chapter PC1026

Taxes Business - 1

SB2234 / HB2372 Redefines intangible expense.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Redefines "intangible expense" under the Excise Tax Law. Revises provision regarding the subtraction of certain intangible expenses from the taxpayer's net earnings and losses to instead specify that an intangible expense paid, accrued or incurred in connection with a transaction with an affiliate would be subtracted from the tax payer's net earnings and losses only if the commissioner determines, upon application by the taxpayer, that the principal purpose of such expense, was not the avoidance of the excise tax. The commissioner must approve any application for the deduction of an intangible expense that is: (1) Paid, accrued, or incurred to an affiliate in a foreign nation that is a signatory to a comprehensive income tax treaty with the United States; or (2) Paid, accrued, or incurred to an affiliate when the affiliate, during the same taxable year, has paid, accrued or incurred such portion to an entity that is not an affiliate. Adds that intangible expenses would include interest expenses on such intangible expenses, as long as such interest expenses are allowable as deductions or costs in determining federal taxable income on a separate entity basis. Also revises who is subject to a negligence penalty when a taxpayer deducts intangible expenses arising from a transaction with an affiliate in determining Tennessee net earnings and fails to disclose such intangible expenses. (Part of Administration Package

2012)

Amendment House amendment 1 (01637677) rewrites the bill. Includes interest paid to manage intangible expenses as deduction on an excise tax return. Includes intangible expenses paid by affiliates to a taxpayer to be deducted from the taxpayers excise tax returns. Authorizes the Commissioner of Revenue to exclude, for the purposes of calculating Franchise Tax, affiliated groups that would otherwise be excluded except for the fact that there is a shared ownership interest, and are otherwise operationally remote. Allows the department of revenue to extend a taxpayer's time to pay taxes and file returns if the taxpayer has been hit by a natural disaster. Further, the amendment clarifies language regarding business entities required to pay taxes in existing code, to include all forms of business entities.

Senate Status 04/16/2012 - Senate passed.

House Status 04/16/2012 - House passed with amendment 1.

Executive Status 05/03/2012 - Enacted as Public Chapter 0842 effective April 27, 2012.

Public Chapter PC842

Taxes General - 1

SB2777 / HB2840 Eliminates inheritance gift tax.

Sponsors Sen. Randy McNally / Rep. Charles M. Sargent

Description Eliminates the gift tax in 2013 and thereafter.

Amendment Senate amendment 1 (01467677) repeals the gift tax on transfers made on or after October 1, 2012. House amendment 1 (01737503) deletes all language after the enacting clause. Effective upon becoming a law, repeals the gift tax on transfers made on or after January 1, 2012.

Senate Status 05/01/2012 - Senate concurred in House amendment 1.

House Status 05/01/2012 - House passed with amendment 1.

Executive Status 05/24/2012 - Enacted as Public Chapter 1085 effective May 21, 2012.

Public Chapter PC1085

Taxes Property - 1

SB3762 / HB3760 Increasing inheritance tax exemption maximum.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Increases the maximum allowable inheritance tax exemption from \$1 million to \$1.25 million.

Amendment HOUSE AMENDMENT 1 (01519603) sets the following schedule for winding down the inheritance tax. increases, from \$1,000,000 to \$1,250,000, the maximum single allowable exemption for state inheritance tax on estates of decedents dying in tax year 2013. For estates of decedents dying in tax year 2014, the single allowable exemption shall be \$2,000,000; for estates of decedents dying in tax year 2015 and thereafter, the single allowable exemption shall be \$5,000,000. HOUSE AMENDMENT 2 (01520303) removes the inheritance tax entirely by 2016.

Senate Status 04/27/2012 - Senate passed.

House Status 04/12/2012 - House passed with amendments 1 and 2.

Executive Status 05/23/2012 - Enacted as Public Chapter 1057 effective May 21, 2012.

Public Chapter PC1057

Taxes Sales - 2

SB2232 / HB2370 Determination of physical presence in state - nexus.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Establishes requirements for determining whether certain affiliates have physical presence in this state sufficient to establish nexus for sales and use tax purposes. Specifies that the activities of a business's affiliates in this state, including the sale of tangible personal property for resale and other non-retail activities, may not be considered in determining whether the person has a physical presence in Tennessee sufficient to establish nexus for sales and use tax purposes. However, this provision would not apply to an affiliate that performs, within Tennessee, the following retail activities on behalf of a business: (1) The operation of a retail store or kiosk at which customers make purchases, return or exchange items or place orders of tangible personal property; or (2) The use of personnel to solicit sales of tangible personal property. Specifies that provisions are to be repealed January 1, 2014. (Part of Administration Package 2012)

Senate Status 03/08/2012 - Senate passed.

House Status 02/16/2012 - House passed.

Executive Status 03/28/2012 - Enacted as Public Chapter 0624 effective March 23, 2012.

Public Chapter PC624

SB3763 / HB3761 Decreasing state sales tax and fixing local option taxes.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Reduces the state sales tax on food and food ingredients from 5.5 percent to 5.3 percent. Requires that the local option sales tax, which under existing law can be in an amount of up to 2.75 percent, be at a rate that is a multiple of 0.25 percent.

Amendment House amendment 1 (01458477) reduces the state sales tax on food from 5.5 percent to 5.25 percent.

Senate Status 04/27/2012 - Senate passed.

House Status 04/12/2012 - House passed with amendment 1. House amendment 1 (01458477) reduces the state sales tax on food from 5.5 percent to 5.25 percent.

Executive Status 05/23/2012 - Enacted as Public Chapter 1058 effective July 1, 2012.

Public Chapter PC1058

Taxes Unemployment - 1

SB3241 / HB2193 Unemployment compensation - disqualification for benefits.

Sponsors Sen. Tim Barnes / Rep. Curtis G. Johnson

Description Adds discharge from the most recent job due to failure to obtain a license or certification by a specified date as agreed upon with the employer to the list of events that disqualify a claimant from unemployment insurance eligibility.

Amendment House amendment 1 (01309818) makes the bill. Specifies that a discharge shall be deemed to be a discharge for misconduct connected with the claimant's work when it results after a claimant entered into a written agreement with an employer to obtain a license or certification by a specified date as a condition of employment and subsequently the claimant willfully fails without good cause to obtain such license or certification by the specified date.

Senate Status 04/24/2012 - Senate concurred in House amendment 1.

House Status 04/18/2012 - House passed with amendment 1.

Executive Status 05/24/2012 - Enacted as Public Chapter 0940 effective July 1, 2012.

Public Chapter PC940

TennCare - 2

SB2766 / HB3446 Annual Coverage Assessment Act of 2012.

Sponsors Sen. Doug Overbey / Rep. Michael Harrison

Description Enacts the "Annual Coverage Assessment Act of 2012." Provides criteria for determination of the annual assessment imposed on hospitals covered under TennCare.

Amendment Senate amendment 1 (01328918) corrects a drafting error.

Senate Status 02/27/2012 - Senate passed with amendment 1 (01328918), which corrects a drafting error.

House Status 03/12/2012 - House passed.

Executive Status 04/03/2012 - Enacted as Public Chapter 0645 effective July 1, 2012.

Public Chapter PC645

SB2796 / HB2960 TennCare pharmacy advisory committee - list of internists.

Sponsors Sen. Mike Bell / Rep. Debra Young Maggart

Description Changes the selection process for the House speaker's appointee to the TennCare pharmacy advisory committee. Allows the speaker to choose any internist who participates in TennCare rather than choosing from internists nominated by the Volunteer State Medical Association.

Amendment Senate amendment 1 (01502718) deletes all language after the enacting clause. Changes the list of individuals that the Speaker of the House of Representatives shall appoint an internist to the TennCare Pharmacy Advisory Committee, from three candidates submitted by the Volunteer State Medical Association, to a list of all general internists who participate in the TennCare program provided by interested medical groups including, but not limited to, the Tennessee Chapter of the American College of Physicians.

Senate Status 03/29/2012 - Senate passed with amendment 1.

House Status 04/05/2012 - House passed.

Executive Status 04/30/2012 - Enacted as Public Chapter 0825 effective April 25, 2012.

Public Chapter PC825

Tort Liability - 1

SB2789 / HB2979 Medical and mental health and drug abuse records.

Sponsors Sen. Brian K. Kelsey / Rep. Vance Dennis

Description As introduced, permits health care providers to use a HIPAA release in potential medical malpractice claims to receive all medical records of the patient filing the claim from other health care providers. Authorizes the attorney of the health care provider to receive mental health and drug and alcohol abuse treatment records. Allows the attorney to interview the patient's health care providers to defend the claim.

Amendment Senate amendment 1 (01563571) rewrites the bill. Establishes that upon the filing of any "healthcare liability action," the named defendants may petition the court for a qualified protective order allowing the defendants and their attorneys the right to obtain protected health information during interviews, outside the presence of claimant or claimant's counsel, with the relevant patient's treating "healthcare providers." Requires such petition to be granted under the following conditions: (1) The petition must identify the treating healthcare providers for whom the defendants seek a qualified protective order to conduct an interview. (2) The claimant may file an objection seeking to limit or prohibit the defendants' counsel from conducting the interviews, which may be granted only upon good cause. (3) The qualified protective order shall limit the dissemination of any protected

health information to the litigation pending before the court.

Senate Status 04/19/2012 - Senate passed with amendment 1.

House Status 04/23/2012 - House passed.

Executive Status 05/16/2012 - Enacted as Public Chapter 0926 effective July 1, 2012.

Public Chapter PC926

Transportation General - 1

SB2359 / HB2598 East Tennessee Children's Hospital specialty license plate.

Sponsors Sen. Doug Overbey / Rep. Ryan A. Haynes

Description Authorizes issuance of new specialty earmarked license plates for East Tennessee Children's Hospital. Allocates 50 percent of the proceeds from such plates to the hospital.

Senate Status 02/27/2012 - Senate passed.

House Status 02/23/2012 - House passed.

Executive Status 03/14/2012 - Enacted as Public Chapter 0546 effective July 1, 2012.

Public Chapter PC546

Transportation Vehicles - 6

SB2277 / HB2296 Yellow dot vehicle decal for senior drivers.

Sponsors Sen. Jim Tracy / Rep. Curtis Halford

Description Establishes within the department of transportation the "yellow dot" motor vehicle medical information program. Specifies that the purpose of the "yellow dot" program is to assist senior drivers and passengers who participate in the program and emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. Also specifies that the program may be an extension of the department's senior drivers safety program. Prohibits the department from charging any fee to participate in the "yellow dot" program. Authorizes the department to utilize the governor's highway safety office to coordinate this statewide program with local law enforcement agencies, fire departments and emergency medical services agencies, which may serve as the enrollment stations for the program.

Amendment House amendment 2 (01470603) deletes all language after the enacting clause. Authorizes the Department of Transportation to develop and assist in implementation of voluntary "yellow dot" motor vehicle medical information program to assist drivers, with the emphasis on senior drivers, passengers, persons with distinctive license plates or placards for disabled drivers, and emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or other medical emergency involving a participant's vehicle. Authorizes the Department to accept donations and grants from any source to cover the expenses of the development and implementation of the program. Authorizes the Department to cooperate with various agencies, especially those assisting persons who are 55 years of age or older, to take reasonable measures to publicize the program. Authorizes the Department to provide for, assist in, or authorize the creation and printing of a medical information form and assemble a "yellow dot" folder containing the medical form and a "yellow dot" decal with an adhesive backing. Authorizes dissemination of the medical form and other "yellow dot" materials through the Internet. Prohibits the Department from charging a participation fee.

Senate Status 04/05/2012 - Senate passed.

House Status 04/04/2012 - House passed with amendment 2 (01470603).

Executive Status 04/26/2012 - Enacted as Public Chapter 0804 effective April 23, 2012.

Public Chapter PC804

SB2382 / HB2576 Ronald McDonald House specialty license plate.

Sponsors Sen. Doug Overbey / Rep. Richard Montgomery

Description Authorizes issuance of Ronald McDonald House new specialty earmarked license plate. Allocates 50 percent of proceeds from such plate to Ronald McDonald House, for distribution to Tennessee chapters to further the mission of improving health, education and well-being of children.

Senate Status 02/27/2012 - Senate passed.

House Status 03/05/2012 - House passed.

Executive Status 03/28/2012 - Enacted as Public Chapter 0597 effective July 1, 2012.

Public Chapter PC597

SB2607 / HB2751 DUI offenses when child under 18 is in vehicle.

Sponsors Sen. Mae Beavers / Rep. Tony Shipley

Description Requires person who is convicted of a DUI with a child under 18 in the car to serve a mandatory 30 days incarcerated to be served consecutively to any other alcohol related offenses.

Amendment House amendment 1 (01642171) rewrites the bill. Requires a person who is convicted of a DUI with a child under 18 in the car to have their sentence enhanced by a mandatory 30 days incarceration and a mandatory fine of \$1,000. Requires the incarceration enhancement to be served in addition to, and at the conclusion of, the incarceration for the DUI.

Senate Status 04/24/2012 - Senate concurred in House amendment 1.

House Status 04/17/2012 - House passed with amendment 1.

Executive Status 05/16/2012 - Enacted as Public Chapter 0919 effective July 1, 2012.

Public Chapter PC919

SB2755 / HB2691 Brain injury awareness specialty earmarked license plates.

Sponsors Sen. Steve Southerland / Rep. Jon Lundberg

Description Authorizes issuance of brain injury awareness new specialty earmarked license plates. Allocates 50 percent of funds produced from sale of plates to the Brain Injury Association of Tennessee.

Senate Status 02/27/2012 - Senate passed.

House Status 04/16/2012 - House passed.

Executive Status 05/03/2012 - Enacted as Public Chapter 0868 effective July 1, 2012.

Public Chapter PC868

SB2814 / HB3134 TN Breast Cancer Coalition specialty earmarked plates.

Sponsors Sen. Jim Tracy / Rep. Phillip Johnson

Description Authorizes issuance of Tennessee Breast Cancer Coalition new specialty earmarked license plate. Allocates 50 percent of funds produced from sale of such plates to the Tennessee Breast Cancer Coalition to support organization's mission.

Senate Status 03/01/2012 - Senate passed.

House Status 03/05/2012 - House passed.

Executive Status 03/28/2012 - Enacted as Public Chapter 0593 effective July 1, 2012.

Public Chapter PC593

SB2838 / HB3019 Boy Scouts of America new specialty earmarked plates.

Sponsors Sen. Jim Tracy / Rep. Ron Lollar

Description Authorizes the issuance of Boy Scouts of America new specialty earmarked license plates. Allocates 50 percent of funds derived from sale of such plates to five Tennessee Councils of Boy Scouts to fund and support scouting programs and activities.

Amendment House amendment 1 (01393203) corrects two inconsistent references to "new specialty earmarked license plates" in Section 2(b) and 2(d) of the bill.

Senate Status 04/05/2012 - Senate concurred in House amendment 1.

House Status 03/29/2012 - House passed with amendment 1.

Executive Status 04/30/2012 - Enacted as Public Chapter 0827 effective July 1, 2012.

Public Chapter PC827

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