



## **108<sup>th</sup> General Assembly / 2013 Session**

### ***Jobs, Education, Government Efficiency, Tax Relief and Public Safety Highlight Action Taken During 2013***

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(**NASHVILLE, TN**), **June 6, 2013** – The first session of the 108th Tennessee General Assembly adjourned on April 19, 2013 to become a part of Tennessee history after passage of a cautious balanced budget to help ensure the state remains one of the best managed governments in the nation. The 2013-2014 total budget also focuses on making Tennessee an attractive destination for new jobs, provides tax relief to all Tennesseans and makes a record investment in the state's K-12 and higher education systems to train the next generation of Tennessee workers for 21<sup>st</sup> century jobs.

The 2013 legislative session will also be known for passage of a number of significant public safety laws. This includes several bills to curb prescription drug abuse, a series of measures to stop human trafficking, key legislation to protect students at school, a new law to help prosecutors fight gang crime and a statute to help rid Tennessee streets of drunk drivers. In addition, the General Assembly continued efforts to make Tennessee government more efficient and effective by streamlining government and eliminating duplicative or unnecessary laws.

Following is a report on the issues acted upon during the 2013 legislative year:

### **BUDGET / TAX CUTS / FINANCES**

***Budget Contains Tax Relief for Citizens*** -- The \$32.8 billion budget for the 2013-2014 fiscal year is fully balanced and incorporates approximately \$43 million in tax cuts for Tennesseans. It allows more senior citizens to qualify for Hall income tax relief, while continuing a reduction in the state sales tax on food from 5.25% to 5.0%. Tax relief has been a legislative priority of many Republican lawmakers for the past decade.

Since enactment of the Hall tax in 1929, the use of investment savings has grown as a primary source of retirement income. The legislation approved this year raises the Hall income tax exemption level for citizens age 65 and older from \$26,200 to \$33,000 for single filers and from \$37,000 to \$59,000 for joint filers.

This legislation builds on Hall tax relief efforts taken in 2011 that raised the exemption level for senior citizens from \$16,200 to \$26,200 for single filers and from \$27,000 to \$37,000 for joint filers. Similarly, the food tax reduction measure builds on 2012 legislative action to reduce the state portion of the sales tax on grocery food from 5.5% to 5.25%.

In addition to the Hall tax and food tax relief bills, the budget provides funds to raise the inheritance tax exemption level from \$1.25 million to \$2 million as authorized by a new law passed by the General Assembly last year. Finally, the package provides tax relief for low income seniors, veterans and the disabled by fully funding the growth of the property tax freeze program enacted in 2007.

***Growth*** -- The budget assumes a general fund revenue growth of 3.89% during the 2013-14 fiscal year.

***Invests in K-12 Education*** -- On education, the 2013-2014 budget fully funds the Basic Education Program, invests \$51 million to assist local governments in paying for technology transition upgrades in schools across the state and provides \$34 million to address ongoing capital needs that can be used for increased security measures to protect students. The budget provides more than \$35 million for K-12 teacher salary increases and recognizes \$47 million to help improve Tennessee's lowest performing public schools.

Tennessee had the second largest increase in state K-12 expenditures in the nation in 2012. While the national average increase was nearly 3%, Tennessee's average grew by 12%.

***Higher Education is a Financial Priority*** -- The budget also provides \$307.3 million to fund capital outlay projects in higher education, \$35 million to fund the state's new outcome-based formula adopted under the state's Complete College Tennessee Act, \$5 million to provide assistance to 2,675 needy students and \$16.5 million for equipment for Tennessee's Technical Centers and Community Colleges.

The budget contains \$300,000 for implementing the nation's first statewide system of reverse articulation and reverse transfer. Articulation agreements, which were developed as part of the state's Complete College America Act, are arrangements between higher education institutions that facilitate the transfer of course credits from one school to another. What makes this step unique is that it will allow both community colleges and four-year institutions to track the same students. Students with at least 15 hours from a community college will be able to have their associate's degree issued to them once they meet the degree requirement even if they are attending a four-year institution at the point in time that they reach that benchmark.

Another budget provision creates a partnership with Western Governors University to establish an online, competency-based university that is geared to the 800,000 adult

Tennesseans that have some college credit but didn't graduate with an associate or four-year degree.

In addition, the budget established an endowment of \$35 million using operational reserve funds from the Tennessee Student Assistance Corporation (TSAC) to provide nearly \$2 million each year to support "last dollar" scholarship programs. These scholarships fill the gaps between students' financial aid and the real costs of college, including books, supplies, room and board.

***Budget Promotes Job Growth*** -- The 2013-2014 budget reflects a commitment by lawmakers and Governor Haslam to foster an environment for job growth across Tennessee. It contains multiple programs to help business owners grow and thrive, including a continuation in funding of the state's FastTrack Infrastructure and Job Training program. This program aids businesses across the state in securing funding for expansion projects and ensuring employees are trained to their fullest potential. The budget also increases funding to Tennessee's nine regional development districts to help local governments implement important infrastructure projects and recruit new business. Finally, it continues funding to recruit and develop the state's film and television industry which has steadily grown in recent years and helped bring in millions of film and tourism dollars.

Since January 2011, nearly 80,000 new jobs have been created in Tennessee and the unemployment rate is the lowest it's been since October 2008.

***Other highlights of the budget include:***

- \$104 million increase for a 1.5% pay raise salary market adjustment for state employees;
- \$46.3 million cost increase for state employee group health insurance;
- continues the state 401 (K) match at \$50 per month;
- reduces state employee positions by 299 or .08%;
- \$350 million cost increase for TennCare inflation and related expenses;
- \$8.6 million cost increase for Cover Tennessee programs;
- \$7.5 million cost increase for Children's Services;
- \$100 million to the Rainy Day Fund, bringing it to \$456 million by June 30, 2014;
- \$79.6 million cost increase for local jail payments, a new prison in Bledsoe County, medical contracts and other inflationary growth;
- \$3.9 million cost increase for mental health;
- \$4.3 million in capital outlay for the Montgomery County veterans' home;
- \$134 million in capital outlay for state building improvements through the Facilities Revolving Fund;
- \$8 million in one-time funds for tourism marketing;
- \$1 million in one-time funds for the College 529 Savings Plan;
- \$37.9 million for health and wellness initiatives; and
- \$110 million for economic development

Budget Bills [501](#), [502](#), [503](#), and [504](#) by Norris / [Public Chapter 454](#), [Public Chapter 453](#), [Public Chapter 452](#), [Public Chapter 451](#) / DOE: July 1, 2013 / Tax Relief Bills [Senate Bill 198](#) by Norris, Ketron, Kelsey, Crowe, Beavers, Bowling, Campfield, Johnson, Massey / [Public Chapter 322](#) / DOE: Upon becoming law but applies to tax years beginning January 1, 2013 / [Senate Bill 199](#) by Norris, Kelsey, Yager, Crowe, Beavers, Bowling, Campfield, Gresham, Harper, Johnson, Ketron, Massey / [Public Chapter 323](#) / DOE: July 1, 2013

(Also see “Health Care Funding” on page 11)

***Tennessee Finances are Well Managed*** -- In direct contrast to Washington, Tennessee has worked diligently to manage its finances in a fiscally responsible manner. Tennessee is a triple-A rated state, and the state’s most recent bond sale was done at the lowest interest rates in recorded history. The state is ranked 48<sup>th</sup> lowest in the nation in per capita in debt and 47th in per capital tax burden, all while balancing the state budget.

***Others Recognize this Fact*** -- Others, like *Barron’s Magazine*, recognize this fact, naming Tennessee the third best managed state in the country. The state is ranked among the lowest when it comes to the state and local tax burden on citizens as well as the debt per capita. CNBC ranks Tennessee fourth in America for transportation and infrastructure and second in cost of living. The state has been ranked the best place in the country to retire.

***Budget / Stability*** -- Legislation was approved during the 2013 session requiring the governor to allocate in the state’s annual budget 10% of the growth in tax revenue for the rainy day fund until it reaches a level of 8% of the total amount of tax money put into the general fund and the education trust fund. The purpose is to ensure an adequate savings account in case of a downturn in the economy or prolonged recession. Prior to this legislation, the governor was only required to maintain the rainy day fund at 5% of the estimated state tax revenues allocated to the general fund and education trust fund.

[Senate Bill 994](#) by McNally, Henry, Bowling, Crowe / [Public Chapter 175](#) / DOE: July 1, 2013

***Ban on State Income Tax*** -- The “No State Income Tax” constitutional amendment is now set to go to voters in November 2014 as a result of a resolution passed by the General Assembly this year. The resolution would clarify a prohibition in the Tennessee Constitution against an income tax and a payroll tax, putting to rest future income tax debates.

The resolution specifies that the State Legislature as well as Tennessee cities and counties shall be prohibited from passing either an income tax or a payroll tax, which is a tax on employers that is measured by the wages they pay their workers. The General Assembly debated a state income tax proposal in 2001-2002. A payroll tax has also been proposed in recent years by elected officials in Shelby County as a way around an income tax.

[Senate Joint Resolution 1](#) by Kelsey, Campfield, Ketron, Tracy, Bell, Gardenhire, Norris, Stevens, Ramsey / signed / DOE: Goes to voters in November 2014

***Beer Tax Reform*** – The General Assembly overwhelmingly approved a measure to reform Tennessee’s beer tax. Upon enactment, the new law will convert Tennessee’s outdated price-based tax to a volume-based tax. Under the current law which was created in the 1950s, Tennessee leads all other states’ beer tax rate by a 12% margin. In comparison to the state’s neighbors, Arkansas’ tax per barrel rings up at \$7.51 and Mississippi’s at \$13.23, while Tennessee tops out at \$37 per barrel. The bill aims to promote competitiveness and economic opportunity, as well as choice for consumers.

[Senate Bill 422](#) by Kelsey, Green, Ketron, Tate, Bowling, Harper, Yager, Ford / [Public Chapter 189](#) / DOE: July 1, 2013

***Balanced Federal Budget Resolution*** -- The General Assembly approved [Senate Joint Resolution 38](#) urging Congress to immediately adopt a balanced budget. Forty-nine states maintain balanced budgets through a constitutional requirement or by state statute.

[Senate Joint Resolution 38](#) / Tracy / Signed by Governor

## **EFFECTIVE AND EFFICIENT GOVERNMENT**

### ***New measures guard against fraud and abuse***

***State Employees / New Hires*** – The General Assembly approved legislation to reform the state’s Tennessee Consolidated Retirement System (TCRS) pension plan for new hires beginning July 1, 2014. The legislation was brought to the legislature to ensure future generations of state employees, higher education employees and K-12 teachers will receive the benefits promised to them during their time as state employees. It will not affect current employees.

Founded in 1945, the TCRS is in good financial shape due to the commitment of every governor and General Assembly since 1972 to fully fund the system regardless of hardships. The fund is also in good shape due to a first-rate investment strategy and fair benefit payouts to employees. The new changes represent a proactive approach to ensure the security and stability of pension benefits for current employees, retirees and future employees.

From 2009 through 2011, 43 states enacted major changes in state retirement plans for broad categories of public employees and teachers to address long-term funding issues according to the National Conference of State Legislatures. Although Tennessee is doing better than other states with similar pension plans, earnings have fallen short of the 7.5% increases needed to meet expectations over the past five years. It is uncertain how much money the retirement system's investments will yield in the future.

There are also new Governmental Accounting Standards Board rules that require cities and states to disclose all pension obligations. Without changes, the new rules could interfere with Tennessee’s credit rating and ability to secure bonds at the best possible rate.

The new law changes the current defined-benefits system for new employees hired after June 2014 to a hybrid plan that includes elements of defined-benefits and defined-contribution programs. A defined-benefit plan guarantees retirees a fixed pension benefit based on their years of service and earnings, while defined-contribution plans do not have guaranteed payment levels, but rather specified contribution levels by the employer.

[\*Senate Bill 1005\*](#) by McNally, Kelsey, Ramsey / [\*Public Chapter 259\*](#) / DOE: Rulemaking upon becoming law on April 24, 2013, but takes effect on July 1, 2014

**Government Efficiency / Banning Abuse of Welfare Benefits** -- Legislation to curb abuse of purchases made through Electronic Benefit Transaction (EBT) cards used by recipients of the Temporary Assistance to Needy Families (TANF) program passed during the 2013 legislative session. The bill prohibits use of a welfare recipient's EBT card in liquor stores, adult cabarets, casinos and other gambling facilities.

Under the new law, welfare recipients who use EBT benefits at liquor stores, adult cabarets or gambling establishments will be subject to disqualification from the program as permitted by federal law. The measure also calls for those misused benefits to be recouped by the Tennessee Department of Human Services.

In addition, the legislation prescribes civil penalties to businesses that sell those products and accept EBT benefits as payment in violation of the law. The fine for a violation by the seller is \$1,000 for the first offense, \$2,500 for a second offense within five years and \$5,000 for a third or subsequent offense within five years.

The bill also bans the use of EBT benefits at an ATM located inside a liquor store, adult cabaret, and casino or gambling establishment.

[\*Senate Bill 244\*](#) by Tracy, Crowe, Ketron, Bell, Bowling, Campfield, Gresham, Kelsey, Norris, Overbey, Watson / [\*Public Chapter 312\*](#) / DOE: For rulemaking purposes upon becoming law on April 29, 2013 but for all other purposes it become effective on July 1, 2014

**Photo ID / TANF Benefits** -- The General Assembly has passed legislation calling for the Commissioner of the Department of Human Services (DHS) to study the issuance of photo identification cards for use when purchasing goods with food stamps or TANF benefits in order to prevent fraud and abuse. The DHS Commissioner will submit the report, which shall identify benefits and practical implementation concerns, to the Senate and House Health and Welfare Committees by January 15, 2014.

[\*Senate Bill 948\*](#) by Campfield / [\*Public Chapter 466\*](#) / DOE: Upon becoming law on May 20, 2013

**Government Efficiency / Procurement** -- Improvements were enacted this year to a 2010 law that implemented cost saving strategies in the way Tennessee state government procures goods and services. The 2010 law combined procurement of goods and services for the state into one central office under the watchful eye of a new Chief Procurement Officer and Procurement Commission. Provisions in this year's legislation include a requirement that all cooperative purchasing conducted be done through contracts awarded

through full and open competition and pursuant to policies or rules and regulations adopted by the Procurement Commission. It also redefines small business from those companies employing up to an average of 30 persons on a full-time basis to 99 persons, puts into place a new procedure for electronic bidding and gives the state the right to audit the books of a contractor or subcontractor relating to a contract entered into with the State of Tennessee.

[Senate Bill 170](#) by Norris, Ketron / [Public Chapter 403](#) / DOE: July 1, 2013 and applies to contracts entered into or renewed after that date

**Cutting the Size of Government** -- Legislation aimed at cutting the size of Tennessee government has been approved this year to repeal unnecessary laws. The bill focuses on making recommendations to the legislature in areas of government waste, duplication, and out-of-date regulations that should be removed from the law books. The Office of the Repealer, which will perform this task, will be housed in the General Assembly's Legal Services Division.

Three bills that eliminate dozens of unnecessary Tennessee laws have already been approved by the Tennessee General Assembly this year. The bills relate to transportation, finance and commerce. Specifically, the bills delete references to programs that have since been abolished by the federal government, reports that were assigned to come from entities that no longer exist and several instances of repetitive language. The legislation helps streamline state law and makes it easier to interpret for all interested parties.

[Senate Bill 595](#), by Johnson, Tracy, Ketron, Yager, Bell, Bowling, Crowe, Dickerson, Green, Haile, Kelsey, Norris, Stevens, Watson, Ramsey / [Public Chapter 475](#) / DOE: Upon becoming law for setting up a system to solicit and receive suggestions; otherwise on July 1, 2013 and Senate Bill [521](#) by Bowling, Tracy / [Public Chapter 308](#) / DOE: July 1, 2013 / Senate Bill [511](#) by Hensley / [Public Chapter 164](#) / DOE: July 1, 2013 / [Senate Bill 1208](#) by Johnson / [Public Chapter 211](#) / DOE: July 1, 2013

**State Legislators / Per Diem** -- Legislation that will end routine per diem payments for lodging for state legislators who live within 50 miles of the State Capitol Building was approved this year. The bill only allows for hotel payment upon special circumstances like inclement weather as approved by the House and Senate Speakers, but receipts for the hotel stay must be provided.

[Senate Bill 107](#) by Haile, Dickerson, Johnson, Green, Ketron / [Public Chapter 241](#) / DOE: November 4, 2014

## JOBS / WORKERS' COMPENSATION

(Also see "Budget Promotes Job Growth" on page 3)

**Workers' Compensation** -- Although the General Assembly has passed some meaningful worker's compensation reform legislation over the past several years, lawmakers continued in the 2013 legislative session to address rising costs and the amount of "red tape" in the state's review system. The new law replaces Tennessee's adversarial court



process with an administrative system which will help cut costs to businesses, create more predictability, improve the efficiency of claims management, simplify the physician selection process for injured employees and reduce benefit delays to workers.

Workers' Compensation is an insurance program, adopted in Tennessee in 1919, that compensates employees for injuries they suffer on the job. Employers are required to carry it to cover the costs of medical expenses and lost wages of employees when they suffer work-related injuries.

Tennessee is one of only two states in which workers' compensation cases are settled primarily in the courts. In following, the state's workers' compensation premium costs are higher in Tennessee than in bordering states.

Highlights of the bill include:

- sends employee claims to a newly created Court of Workers' Compensation Claims, rather than going to a trial court;
- provides neutral application of the workers' compensation law so that neither side has an unfair advantage;
- gives a clearer standard for causation to require that the injury arose primarily out of employment rather than non-work-related activities;
- provides disability benefits for injured workers based on a maximum of 450 weeks instead of the current 400 weeks;
- modifies requirements for medical panels through the development of advisory medical treatment guidelines by January 1, 2016 that are based on best practices in medical care for work-related injuries and / or illnesses; and
- creates a new Ombudsman program to help employees and employers who are unrepresented get the assistance they need.

The legislation aims to make the state more attractive to job creation, while protecting injured employees. It comes as a result of two comprehensive studies tasked with identifying possible recommendations for improving the program.

*[Senate Bill 200](#) by Norris, Johnson, Kelsey / [Public Chapter 289](#) / DOE: For purposes of promulgating rules and regulations and setting up new structure provided under the bill it is upon becoming law on April 29, 2013. Sections 1 (creation of the new Division) and 2 (appointments) become effective upon becoming law, but for all other purposes it is effective on July 1, 2014.*

***Workers' Compensation / Misclassification*** – Another workers' compensation bill which passed this year allows the Department of Labor to access fines on unscrupulous construction employers who are found guilty of workers' compensation premium fraud. Currently, premium fraud enforcement can only come from criminal charges by district attorneys general or civil suits by the state's Attorney General. However, due to scarce resources, those charges rarely occur.

The new law seeks to assist legitimate construction employers who compete against contractors who have insurance but intentionally underreport their payroll or nature of their work to insurance carriers in order to lower their premium payments.



The legislation is the result of the recommendations of the Department of Labor's Employee Misclassification Advisory Task Force and only applies to the construction industry.

[Senate Bill 833](#) by Ketron / [Public Chapter 424](#) / DOE: July 1, 2013 and applies to violations occurring on or after the effective date of the act

**Workers' Compensation / Out-of-State Injuries** -- Another bill that moved through the General Assembly in the 2013 legislative session aims to ensure Tennessee workers injured while temporarily on a job out-of-state are covered under Tennessee's workers' compensation law. This new law provides reciprocity for employees from other states who are temporarily on a job in Tennessee.

[Senate Bill 432](#) by Overbey / [Public Chapter 367](#) / DOE: Upon becoming law but applies to claims filed on or after such date regardless of date of injury

**LEAP / Jobs and Higher Education** -- Legislation passed the General Assembly this year to create the Labor Education Alignment Program (LEAP). The measure allows students at Tennessee's technology centers and community colleges to combine occupational training in a high-skill or high-technology industry with academic credit and to apply that experience toward a degree. The legislation directs several state entities to work together in both establishing and carrying out the initiative.

The new law is modeled after "cooperative education" programs. These are programs where students are paid to learn while applying what they learn at work for credit toward a degree so that wages or other compensation received will not impact eligibility for state need-based financial assistance or grants. LEAP recognizes that an important outcome of a student's education is job opportunity. Having employers work closely with state agencies creates increased collaboration and focus across the board, giving students the opportunity to attain credentials, while earning college credit.

[Senate Bill 1330](#) / by Norris, Burks, Tate / [Public Chapter 338](#) / DOE: For rules and regulations it become effective upon becoming law, otherwise it goes into effect January 1, 2014

*(Also see Tennessee Alternative Diploma Act under Education on page 32)*

**Commerce and Jobs / Business Impact Notes** -- Legislation that requires state lawmakers to look at the impact a proposed law will have on commerce and jobs in Tennessee was approved this year. The bill directs the General Assembly's Fiscal Review Committee to consider, as part of its analysis on proposed legislation, the financial impact of certain bills on commerce and jobs in Tennessee. Approximately one-third of bills filed in the General Assembly affect business and commerce. The business-friendly bill is endorsed by the Chattanooga Area Chamber of Commerce, Knoxville Chamber of Commerce, Greater Memphis Chamber of Commerce, Nashville Area Chamber of Commerce and the National Federation of Independent Business (NFIB).

[Senate Bill 116](#) by Ketron, Green, Haile, Beavers, Bowling, Crowe, Watson / [Public Chapter 446](#) / DOE: Upon becoming law on May 16, 2013

**Jobs / Government Regulations** -- The full Senate and House passed legislation that is designed to increase the number of jobs available to unemployed workers. This measure provides that no local government can impose on any business additional mandates regarding health insurance benefits, minimum wage requirements, family leave, or wage theft requirements that deviate from those required by state law. According to a 2011 study by the Chicago Urban League, the jobless rate of African American teens was 42%. Local government minimum wage regulations are a large contributor to that figure.

[Senate Bill 35](#) by Kelsey, Overbey / [Public Chapter 91](#) / DOE: Upon becoming law on April 11, 2013

**Trusts** -- Legislation was approved this year which is a continuation of the state's efforts to establish Tennessee as the most attractive legal environment in the nation for trust and trust services. The new law will bring Tennessee trust law to the forefront by demonstrating leadership in six, broad ranging areas. These areas are expressed statutory authority for dynasty and purpose trusts; asset protection for self-settled and third-party-settled trusts; protection of directed trustees and trust protectors; flexible trust administration and modification; and well-developed and flexible bank regulatory law. The benefit of the bill is that it strengthens trust law against court challenges which may overturn the settlor's intent.

[Senate Bill 713](#) / by Stevens, Bowling, Henry / [Public Chapter 390](#) / DOE: July 1, 2013 except as provided otherwise (See Section 55)

## HEALTH CARE / HOSPITALS / AFFORDABLE CARE ACT

**Health Care** – One of the most important actions of the 2013 legislative session was the decision by Governor Bill Haslam on March 27 that Tennessee will not expand its TennCare rolls under the federal Affordable Care Act. The Governor, instead, said he is working on a “Tennessee Plan” to reform health care that leverages federal dollars to purchase private health insurance for Tennesseans without access to coverage.

Haslam's plan, which takes on the critical issue of aligning incentives among users, payers and healthcare providers would:

- leverage available federal dollars to purchase private health insurance for Tennesseans up to 138% of the federal poverty level who don't have access to health insurance, which would translate to 175,000 more insured Tennesseans;
- allow co-pays for those who can afford to pay something;
- include a definitive circuit-breaker or sunset of the plan that could only be renewed with the General Assembly's approval; and
- reform the payment structure for providers so they are compensated for health outcomes, not just based on services performed.

A report issued by the Kaiser Family Foundation's Commission on Medicaid said that Tennessee will see an increase of 331,000 on its rolls by 2019, or 29.9%, with 246,000 of

those being previously uninsured under this level of expansion. The report projects new spending for the state would be between \$716 million and \$1.5 billion.

Each year, Tennessee spends about a third of the state's budget, \$9 billion, on Medicaid. Last year, 77 Tennessee lawmakers joined 26 other states and the National Federation of Independent Business in filing as amicus parties (friends of the court), challenging the constitutionality of the individual mandate in the Patient Protection and Affordable Care Act (PPACA).

**Exchanges** – The Governor's March announcement follows a key decision made on December 10 that the state would not establish a state-based health care exchange under the Affordable Care Act. Originally, it was thought that only states with small populations like Delaware or Montana would rely on the federal government to build their exchanges. However, only 18 states submitted a state-based exchange blue print to the Obama Administration for approval, with the remaining either choosing not to set up an exchange or opting for a federal-state partnership.

**Healthcare Funding** -- The budget included cost increases of \$350 million for TennCare inflation and other health care costs and \$3.9 million for mental health. In addition, the budget provides \$43.1 million to support "Healthy Tennessee" initiatives from the Tobacco Arbitration Settlement funds.

As amended, the budget restored \$1.37 million for the Department of Mental Health and Substance Abuse Services Peer Support Centers, \$2.3 million to continue grants for adolescents recovering from alcohol and substance abuse, \$2 million to increase reimbursement paid to providers for services to citizens with intellectual and developmental disabilities and \$400,000 to help veterans who suffer from post traumatic stress disorder (PTSD).

The Hospital Coverage Assessment was also approved to prevent potentially catastrophic cuts to Tennessee hospitals. The assessment is used to draw down federal funds available through a Medicaid match program approved by the Centers for Medicare and Medicaid Services (CMS). It will continue to provide the critical dollars necessary to help with the hospitals unreimbursed TennCare costs.

A few examples of programs that would be affected without the assessment, in addition to the reduction in payments to hospitals and health professionals, are: critical access hospitals; the Graduate Medical Education program; 8-visit limit imposed on outpatient services, x-rays, and physician office procedures; various therapies; and the enrollment cap for the medically needy. The bill's language ensures that the coverage assessment cannot be passed along to patients.

[\*Senate Bill 441\*](#) by Overbey, Massey, Bowling, Burks, Ford, Gardenhire, Yager / [\*Public Chapter 250\*](#) / DOE: July 1, 2013

**Infant CPR** -- State Senators voted to require hospitals, birthing centers, healthcare facilities and healthcare professionals that interact with parents or caregivers of a

newborn to make available instruction concerning the appropriate use of infant cardiopulmonary resuscitation (CPR) in an effort to save infant lives. The measure also provides for civil immunity for healthcare practitioners acting within the scope of their practice in making the information available.

[Senate Bill 665](#) by Gresham / [Public Chapter 197](#) / DOE: July 1, 2013

***Assault Against Healthcare Providers*** -- A new law passed this year stiffening penalties against those who assault healthcare providers who are discharging their duties. The legislation adds nurses, physicians and other health care providers to the list of persons where, if an assault or an aggravated assault is committed while acting in the discharge of the provider's duty, the maximum fine is increased. The measure doubles fines for convictions on assault charges from \$2,500 to \$5,000 and triples them in convictions on aggravated assault against affected providers from \$5,000 to \$15,000.

The rate of violence against healthcare workers is more than three times that of those employed in other professions.

[Senate Bill 412](#) by Green, Massey, Kelsey / [Public Chapter 325](#) / DOE: July 1, 2013

***Meningitis / Proof of Immunization*** -- Legislation that requires new incoming students at any public institution of higher learning who live in on-campus housing to provide adequate proof of immunization against meningococcal disease passed during the 2013 legislative session. The Tennessee Higher Education Commission will have authority to promulgate rules and regulations to implement the new law known as the Jacob Nunley Act. Nunley, an MTSU student, died in 2012 after he contracted bacterial meningitis. Students may be exempt only under limited circumstances.

[Senate Bill 93](#) by Finney Tate, Hensley, Dickerson, Ketron, McNally, Burks / [Public Chapter 114](#) / DOE: July 1, 2013

***Flu and Vaccine Information*** -- The full House and Senate has approved legislation that ensures hospitals inform patients about influenza and the availability of vaccines. The new law provides information be given to patients six months of age and older in order to keep the dangerous disease from spreading to help protect the health of all Tennesseans.

[Senate Bill 979](#) by McNally / [Public Chapter 60](#) / DOE: July 1, 2013

***Lymphedema Awareness*** -- The third week in June has been declared "Lymphedema Awareness Week." The new law encourages continued research on treatment options that are desperately needed to address the disease. Lymphedema is an accumulation of lymphatic fluid that causes swelling in the arms, legs or other areas of the body. The first type of lymphedema is genetic and can occur anytime, causing a severe financial, physical and psychological impact on patients. However, the more common cause of the disease is the result of a surgery or injury. The largest groups of people with lymphedema are cancer patients, including breast, prostate, gynecological, head, neck, lung, sarcoma and melanoma patients.

[Senate Bill 256](#) by Crowe / [Public Chapter 22](#) / DOE: Upon becoming law on March 20, 2013

**Pharmacies / Specialized Medicine** -- Legislation was approved this year to allow Tennessee compounding pharmacies to make specialized medicine for vulnerable patients whose lives depend on its availability. Some patients need a drug that has been compounded rather than manufactured. For example, an elderly person may need medication in liquid that only comes in pill form, or another person might have an allergy to the dye in a medication that is red.

Pharmacies that meet stringent requirements can be licensed to compound drugs under current law. Therefore, pharmacies would not be able to compound anything they are not allowed to do already under current law. But, in order to meet the unexpected needs of healthcare providers, the new law removes the restriction that pharmacies just make one prescription at a time for a specific patient. This allows pharmacists to work with other healthcare providers to find meaningful solutions to the growing drug shortage crisis faced in Tennessee.

[Senate Bill 582](#) by Haile / [Public Chapter 266](#) / DOE: Upon becoming law on April 25, 2013

**Prescription Drugs / Tampering** -- Legislation has passed to change requirements regarding how prescriptions must be written in order to allow the pharmaceutical industry to “legally move” into the twenty-first century. Currently, all prescription orders must be printed on tamper-resistant prescription paper that meets the requirements of the Centers for Medicare and Medicaid in addition to state requirements placed by TennCare. The new law allows prescription orders to be printed with technology that would result in a tamper-resistant prescription without utilizing the tamper-resistant paper.

[Senate Bill 963](#) by Senator McNally, Overbey, Burks, Haile / [Public Chapter 74](#) / DOE: Upon becoming law on March 14, 2013

(Also see “*Protecting Student Athletes / Concussions*” and “*EpiPens / Student Health*” on page 31 and 32)

## **CURBING DRUG ABUSE**

**Prescription Drugs / Addison Sharp Prescription Regulatory Act** -- Several new laws designed to curb the abuse of prescription drugs in Tennessee won approval during the 2013 legislative session, including the Addison Sharp Prescription Regulatory Act of 2013. Addison Sharp was a resident of Knoxville, Tennessee whose young life was tragically cut short in 2012 by an overdose of prescription medication. Since this tragedy, his family has been working with legislators, law enforcement and medical professionals to attempt to decrease the number of lives being taken by this growing epidemic. This legislation is a result of the comprehensive and collaborative effort by citizens, legislators, law enforcement and medical professionals to enhance and tighten the regulations on prescribers and pain management clinics.

Prescription drug abuse is at epidemic levels in Tennessee. It not only adversely affects the public health, but also public safety and the economy. This legislation provides additional and useful tools to fight this problem, including:

- directing the Commissioner of Health to develop a standard of care on prescribing the most commonly abused prescription medications and provide this information to the various licensing boards who oversee prescribers;
- requiring two hours of training for medical professionals every two years on these guidelines and other pertinent requirements such as medicine addiction and risk management;
- limiting the dispensing of opioids and benzodiazepine to 30 days. (The prescription may still be issued for 90 days, but this will limit it to a 30-day supply at a time);
- requiring reporting to the Controlled Substance Monitoring Database by all prescribers who dispense at their offices;
- clarifying the definition of manufacturer and wholesaler of drugs and require the reporting of the drug distribution to the State of Tennessee as they do to the DEA;
- strengthening the definition of pain management clinics by closing a loophole in the law that has allowed some operators to avoid registration;
- requiring a patient of pain management clinics to have a current and valid government-issued identification or health insurance card for monitoring purposes;
- limiting the medical director at pain management clinics to four clinics total;
- no longer authorizing money order payments as method to reimburse pain management clinics for services, essentially putting an end to cash business; and
- enhancing the fine for violations on unregistered clinics to between \$1,000 - \$5,000 per day to substantially impact those who choose to operate illegally.

[Senate Bill 676](#) by Yager, Burks, Massey, McNally / [Public Chapter 430](#) / DOE: October 1, 2013

***Prescription Drugs / Pain Management Clinics*** -- Legislation has passed prohibiting pain management clinics from dispensing controlled substances, striking a compromise between making sure proper medication is available to law-abiding citizens and keeping addictive substances out of the hands of abusers. Pain clinics have become common businesses in the state and have been tied in the past to Tennessee's high level of substance abuse. According to the Department of Health, prescription drugs, specifically hydrocodone, alprazolam and oxycodone, are the top three prescribed drugs in the state and are used frequently to treat pain. This bill makes sure that patients go through the necessary channels to receive potentially dangerous medication. That means making sure they see a doctor, receive a valid prescription, and then visit a certified pharmacist, instead of just receiving their medication at the clinic.

[Senate Bill 705](#) by McNally, Overbey, Burks, Campfield, Yager / [Public Chapter 336](#) / DOE: Section 4 takes effect at 12:01 a.m. July 1, 2016 and the remainder takes effect July 1, 2013

***Prescription Drugs / Mid-level Practitioners*** -- Legislation was passed this year that requires a mid-level practitioner only prescribe controlled substances that are on an approved formulary, or if not, mandates that they consult a supervising physician to receive his or her authorization on a patient-by-patient basis. The bill also limits the



episode of treatment of Schedule II and Schedule III narcotics in which advance practice nurses and physician assistants can prescribe to a 30-day course of treatment unless the supervising physician is consulted. In addition, the Department of Health would be required to send correspondence to the top 50 prescribers of controlled substances requesting them to justify the need for prescribing that many narcotics.

[\*Senate Bill 529\*](#) by McNally, Burks and Yager / [\*Public Chapter 396\*](#) / DOE: July 1, 2013

***Prescription Drugs / TennCare Fraud*** -- Members of the House of Representatives and the Senate have passed legislation which clarifies TennCare's anti-fraud law to prevent prescription drug abuse in the program. The legislation makes it easier to prosecute in the jurisdiction where law enforcement authorities made the arrest. The new law also changes the phrasing in state law prohibiting "doctor shopping" to provide that a violation occurs when the TennCare benefits are used instead of when TennCare pays for the clinical visit or for the controlled substances. Written to stop fraudulent use of TennCare benefits, especially in the case of controlled substances, this law ensures that a person who knowingly sells, delivers or aids and abets fraud will face a Class E Felony, which includes mandatory jail time.

[\*Senate Bill 500\*](#) by Norris, Yager, Ketron, Bowling, Burks, Campfield, Haile, Stevens / [\*Public Chapter 159\*](#) / DOE: Upon becoming law on April 16, 2013

***Prescription Drugs / Licensing Boards*** -- Approval was given to a bill requiring any podiatrist, dentist, medical doctor, nurse, optometrist, osteopathic physician or physician assistant who is indicted in Tennessee for an offense involving the sale or dispensing of controlled substances, to report to the appropriate licensing board within seven days of such indictment. The legislation encourages the district attorneys general and appropriate federal attorneys to alert the appropriate licensing board when an indictment regarding the sale or dispensing of a controlled substance takes place so they can take appropriate corrective action to revoke the license of an abuser.

[\*Senate Bill 955\*](#) by McNally, Overbey, Burks / [\*Public Chapter 232\*](#) / DOE: July 1, 2013

***Prescription Drug Fraud / Identity Theft*** -- Legislation passed the Senate and House that would create a Class D felony offense for prescription drug fraud in cases of identity theft. The bill defines this offense as using fraud or forgery to obtain a controlled substance. It also adds the theft of identifying information of a prescriber to obtain a controlled substance to the charge of identity theft.

[\*Senate Bill 1363\*](#) by Haile, Burks, Campfield, Massey / [\*Public Chapter 151\*](#) / DOE: July 1, 2013 and applies to offenses that occur on or after the effective date.

***Prescription Drugs / Pharmacist's Discretion*** -- Another measure passed this year aimed at fighting drug abuse gives Tennessee pharmacists the right to deny a patient medication if they believe the drug is not being used for a legitimate purpose. Moreover, pharmacy owners and managers can not interfere with a pharmacist's acting on their professional



opinion in denying the medication under such circumstances, and pharmacists may not be penalized.

[Senate Bill 962](#) by McNally, Campfield, Crowe, Bowling, Burks, Haile, Johnson, Niceley, Stevens, Yager / [Public Chapter 276](#) / DOE: July 1, 2013

***Safe Harbor / Infants of Drug-Addicted Mothers*** -- Legislation which aims to improve health outcomes for infants born to drug-addicted mothers has received final approval in the State Senate and House of Representatives. The new law encourages pregnant women who misuse prescription opioids to access early prenatal care and drug rehabilitation. In exchange, they would be given a safe harbor from having their parental rights terminated due to prenatal drug abuse through a petition filed by the Department of Children's Services. The safe harbor only applies if the mother is seen by an obstetrician provider within the first 20 weeks of her pregnancy, attends regular prenatal visits and complies with substance abuse treatment. The bill requires treating physicians to give priority at public treatment centers to pregnant women seeking care through provisions of the legislation.

Addiction to opiates can result in the infant having Neonatal Abstinence Syndrome (NAS), which occurs when the mother's drugs are cut off at birth. NAS can cause the infant to have tremors, weight loss, stiff muscles, seizures, inconsolable crying, gastrointestinal disorders and poor nervous system irritability. NAS babies often require ongoing medical care costing an average of \$40,000 before they are released from the hospital. This is in addition to later healthcare costs, additional school needs and social services to ensure that they reach their maximum potential through childhood.

The new law dovetails with the Haslam Administration's ongoing efforts to identify and curb the over-prescription of opiates.

[Senate Bill 459](#) by Yager, Massey, Henry, Burks, Kelsey, Overbey / [Public Chapter 398](#) / DOE: Upon becoming law on May 14, 2013

***Synthetic Drugs*** -- A bill that adds to the list of synthetic cannabinoids that are currently prohibited within the state of Tennessee has now become law after passage in the legislature this year. This measure clarifies the definition of a controlled substance analogue to ensure that any substance that differs from a controlled substance by no more than two atoms qualifies. By expanding the definition, it prohibits a DUI offender from using the defense that he or she was lawfully using a controlled substance analogue. The bill does provide exemptions for drugs or substances that have been approved by the Food and Drug Administration for research purposes.

[Senate Bill 48](#) by Beavers / [Public Chapter 161](#) / DOE: July 1, 2013

## **COURTS / CRIME**

***Courts*** -- Major legislation has been approved by the General Assembly that could alter the way Tennessee's appellate judges are chosen, mirroring the Founding Fathers plan in

the U.S. Constitution. [Senate Joint Resolution 2](#), named the “Founding Fathers Plan Plus,” would allow the governor to appoint judges for eight-year terms subject to confirmation by the legislature.

Approval by the 108<sup>th</sup> General Assembly required a two-thirds supermajority and was step two of a three-step process of amending the state constitution. Step one occurred when the resolution passed the Senate and the House with bipartisan support last year. Step three is a ratification vote by the people on the November 2014 ballot.

Article VI, Section 3 of the Tennessee Constitution requires that Supreme Court justices “shall be elected by the qualified voters of the state,” which concerns many lawmakers who believe the current system does not fully satisfy that mandate. Last year, Governor Bill Haslam, Lt. Governor Ron Ramsey and House Speaker Beth Harwell agreed that legislative action is needed in order to be constitutionally correct.

Under the state’s current Tennessee Plan for selecting Supreme Court justices and other appellate judges, a 17-member Judicial Nominating Commission reviews applicants and sends the governor a panel of three nominees for consideration. The governor must then appoint one of the nominees or reject the panel and request a second panel. After being appointed through this process, the appellate judges must stand for approval by the voters after completion of their term, with the people deciding whether to “retain” or “replace” them.

The Founding Fathers Plan Plus improves upon the federal system by prohibiting legislative inaction, considered by some as the one flaw in the federal system. Tennessee lawmakers would be forced to vote on judicial nominees within sixty days or the nominees would be confirmed by default. The sixty-day clock runs from either the date of the appointment, if made during the annual legislative session, or the date of the convening of the annual legislative session, if made out of session. Unlike the federal plan, the Tennessee bill also adds confirmation by the House of Representatives, in addition to the Senate.

There are 29 appellate court positions in Tennessee that would be affected by the bill. The state’s 155 popularly elected trial court positions will not be affected by the legislation.

[Senate Joint Resolution 2](#) by Kelsey / Signed by the Speakers

**Attorney General** -- The Senate heard the first of three readings of a resolution calling for the State Attorney General (AG) to be selected by the General Assembly, provided voters agree. Currently, the Tennessee Attorney General is selected by the State Supreme Court and serves until he or she resigns or is replaced by the five Justices. The resolution would give citizens the opportunity to change that process to provide that the Attorney General be selected in a joint convention of the legislature to a four-year term beginning in January 2019.

Tennessee is the only state in the nation that allows the State Supreme Court to select the attorney general and in which the people have neither a direct nor indirect voice in the selection of their Attorney General. The state's Secretary of State, Comptroller and Treasurer are also selected by the General Assembly.

The constitutional amendment process requires approval by both the 108th General Assembly currently in session, and the 109th, which will take office in 2015. The House of Representatives will consider the measure next year. If approved, the question would then go to voters in a statewide referendum in the 2018 general election.

*[Senate Joint Resolution 196](#) by Green, Ramsey, Yager, Gresham, Bell, Beavers, Bowling / Engrossed and ready for transmission to the House*

## **GENERAL ASSEMBLY PASSES MAJOR ANTI-CRIME BILLS**

**Crime / Gangs** -- The 2013 legislative session saw progress in Tennessee's war on crime as several bills passed to make Tennessee's streets safer. This effort included major legislation to combat gang crime in Tennessee. Gang-related crime in Tennessee has risen steadily in the last four years, as incidents rose about 110% from 2005 through 2011 according to the Tennessee Bureau of Investigation (TBI). The TBI also reports that cities with fewer than 50,000 residents saw gang crimes rise 232% as members are migrating from urban areas to recruit new members, expand their drug distribution territories, form new alliances and collaborate with rival gangs and criminal organizations for profit and influence.

Last year, the General Assembly increased sentences for certain serious crimes committed by groups of three or more acting in concert. Lawmakers also approved tougher sentences for gun possession by criminals with prior violent or drug felony convictions. This year's legislation continues those efforts by rewriting and simplifying the state's Criminal Gang Enhancement statute, which prosecutors report is too difficult to interpret and navigate.

Currently, prosecutors must prove the group is a "criminal gang," show the defendant is a "criminal gang member," demonstrate the gang and/or an individual has committed a criminal gang offense, and establish the group has a pattern of "criminal gang activity." The revised statute lists the specific offenses considered to be criminal gang offenses rather than asking prosecutors and courts to interpret current law's more vague definition.

According to 2012 data from the Tennessee Bureau of Investigation, gang members now outnumber law enforcement officers 2 to 1 in the state. This bill gives law enforcement another tool in their toolbox to fight the epidemic problem Tennessee is facing with criminal gangs.

*[Senate Bill 202](#) by Norris, Tate, Finney, Burks / [Public Chapter 357](#) / DOE: July 1, 2013*

**Human Trafficking** -- A package of legislation was approved this year that builds on the legislature's ongoing efforts to attack the problem of child prostitution and human trafficking in Tennessee. The legislation is part of a series of bills designed to enhance penalties against those who patronize or promote the illegal act.

According to a 2011 Tennessee Bureau of Investigation (TBI) study, human sex trafficking is a widespread problem in Tennessee, with 78 of the 95 counties reporting the crime has occurred within their boundaries during the last 24 months. The study showed that sixty-two counties reported the presence of sex trafficking of minors.

The package includes:

- [Senate Bill 446](#), which adds aggravated sexual exploitation of a minor, trafficking for commercial sex acts, patronizing prostitution and promoting prostitution, to the list of offenses for which a minor or a law enforcement officer posing as a minor might be solicited. According to the Tennessee Department of Corrections, there has been an average of almost 15 admissions each year over the past 10 years for trafficking for commercial sex acts, patronizing prostitution, promoting prostitution, and aggravated sexual exploitation of a minor. *(by Overbey, Kelsey, Finney L, Ford / [Public Chapter 436](#) / DOE: July 1, 2013)*
- [Senate Bill 1027](#), which allows children who are victims of trafficking for commercial sex acts and patronizing prostitution the opportunity to testify outside of the courtroom by using a two-way closed circuit television. Currently, the same courtesy is afforded to victims of aggravated sexual battery, rape, incest, aggravated child abuse, kidnapping, aggravated kidnapping, especially aggravated kidnapping and criminal intent to commit any of the offenses above. *(by Ketron, Ford, Crowe, Beavers, Burks, Overbey / [Public Chapter 251](#) / DOE: July 1, 2013)*
- [Senate Bill 1028](#), which extends the statute of limitations for commercial sex acts and soliciting the sexual exploitation of a minor to ten years after the victim turns 18 and patronizing and promoting prostitution of minor to 15 years after the victim has turned 18. In many instances, victims are unaware of the fact they are victims at the time of their 18<sup>th</sup> birthday. This legislation would allow them more time and maturity to make that realization. *(by Kelsey, Ketron, Crowe, Bowling, Burks, Campfield, Ford, Haile, Harper, Massey, Overbey, Stevens, Yager / [Public Chapter 416](#) / DOE: July 1, 2013)*
- [Senate Bill 1029](#), which adds trafficking for commercial sex acts to the list of gang-related offenses. Criminal street gangs have embraced human trafficking as a lucrative revenue source; as sex trafficking now rivals narcotic sales as a major source of revenue for many gangs. *(by Kelsey, Beavers, Burks, Ford, Haile, Overbey, Stevens, Yager / [Public Chapter 415](#) / DOE: July 1, 2013)*
- [Senate Bill 1030](#), which prohibits defendants from using consent as a defense in the cases of solicitation, sexual exploitation of a minor, aggravated sexual exploitation of a minor and especially aggravated sexual exploitation of a minor. *(by Kelsey, Ford, Crowe, Bowling, Burks, Campfield, Massey, Stevens, Overbey / [Public Chapter 350](#) / DOE: July 1, 2013)*
- [Senate Bill 1031](#), which would prohibit the lack of knowledge of a person's age as a defense against the charges of patronizing prostitution or soliciting the sexual

- exploitation of a minor. The legislation does provide an exception to this prohibition in instances where the defendant and victim are within four years of age of each other. (by Kelsey, Yager, Beavers, Haile, Overbey, Stevens / [Public Chapter 337](#) / DOE: July 1, 2013)
- [Senate Bill 1032](#), which increases the charge of promoting the prostitution of a minor from a Class E felony to a Class A or B felony. (by Kelsey, Ford, Crowe, Beavers, Burks / [Public Chapter 414](#) / DOE: July 1, 2013)
  - [Senate Bill 1033](#), which creates a new Class D felony offense for promoting travel for prostitution. The bill also deletes the definition of “sexual servitude” and changes it to “commercial sex act” and ensures that the purchase is an offense punishable under Tennessee law. (by Kelsey, Ford, Crowe, Overbey, Yager / [Public Chapter 465](#) / DOE: July 1, 2013)
  - [Senate Bill 1034](#), which would create grounds for the termination of parental rights when a parent or guardian is convicted of trafficking for commercial sex acts. (by Kelsey, Bowling, Crowe, Gresham, Yager / [Public Chapter 365](#) / DOE: July 1, 2013)
  - [Senate Bill 1035](#), which provides defendants or victims of sex trafficking restitution of special damages that include medical- and counseling-related expenses the victim incurred as a result of sex trafficking and other offenses. (by Kelsey, Ford, Crowe, Beavers / [Public Chapter 242](#) / DOE: July 1, 2013)
  - [Senate Bill 1036](#), which would create a Human Trafficking Task Force. The group would be composed of 19 members and would be charged with the duty of creating a plan for the prevention of human trafficking within the state. The chairman of the committee would be appointed by the governor and the remaining members by various departments. (by Kelsey, Crowe, Harper, Yager, Overbey / [Public Chapter 464](#) / DOE: July 1, 2013)
  - [Senate Bill 1038](#), which adds trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, solicitation of a minor, soliciting the sexual exploitation of a minor and exploitation of a minor by electronic means to the list of criminal acts that can constitute a charge of unlawful debts. (by Kelsey, Ford, Crowe, Burks, Overbey, Stevens, Yager / [Public Chapter 278](#) / DOE: For appointments it is effective upon becoming law on May 20, 2013, otherwise it is effective July 1, 2013)
  - [Senate Bill 1390](#), which broadens the definition of custodian to include anyone who physically possesses or controls a child. This new law enables Child Protective Services to remove a child from the care of a trafficker in cases in which the trafficker is not a parent, guardian or legal custodian, which, under current law, are the only people considered custodians. (by Kelsey, Summerville, Ford, Crowe / [Public Chapter 255](#) / Upon becoming law on April 19, 2013)

**DNA Profile** -- The General Assembly has approved legislation that will give Tennessee prosecutors a new weapon in rape cases where the statute of limitations is about to expire. Under the measure, prosecutors will soon be able to obtain a “John Doe” arrest warrant based on the perpetrator’s DNA profile, saving the case from dismissal on grounds that too much time has passed.

Approximately 90,000 women are raped every year in the United States, with only 25% of these attacks resulting in arrests. Courts at all levels have recognized the validity of DNA tests in identifying suspects and establishing guilt.

This legislation ensures that Tennessee law keeps pace with emerging DNA science so that prosecutions will be kept alive even when the perpetrator can't be brought to justice within the time allowed by the statute of limitations.

[Senate Bill 831](#) by Green, Ketron, Finney L, Bowling, Burks, Campfield, Haile, McNally, Norris, Stevens, Beavers, Tracy / [Public Chapter 205](#) / DOE: July 1, 2013 and shall apply to commencement of prosecution for any offense, regardless of when committed, except those offenses for which prosecution is barred on July 1, 2013 because the applicable time limitation set out in Tennessee law has expired.

**Rape / Child Custody** – A new law passed this year that allows a court to terminate the parental rights of a person convicted of rape, aggravated rape or especially aggravated rape of a child. Moreover, the bill allows a certified copy of the conviction of any of these three offenses as evidence enough to terminate parental rights, which is intended to protect rape victims from having to appear in court with the convicted rapist.

[Senate Bill 923](#) by Johnson, Burks / [Public Chapter 298](#) / DOE: Upon becoming law on April 29, 2013

**Sexual Abuse** -- Another bill approved by state lawmakers in an ongoing effort to strengthen laws relating to sexual abuse, broadens the definition of “intimate parts” used in prosecuting sex crimes to include certain bodily fluids.

[Senate Bill 1237](#) by Bowling, Ford / [Public Chapter 172](#) / DOE: July 1, 2013

*(Also see Protecting Children from Offenders under Education on page 30)*

**Lynn’s Law** -- A new law was passed this year protecting vulnerable adults with developmental or intellectual disabilities. Called “Lynn’s Law,” this measure is named for 19 year-old Lynn Cameron who is a developmentally disabled Illinois woman who was abandoned by her mother in a Caryville, Tennessee bar. Unable to tell authorities who she was and how she got there, Lynn was left without identification and put into emergency care until she could be identified. When law enforcement authorities sought to prosecute the mother, they found Tennessee law does not cover willful abandonment.

“Lynn’s Law” defines abuse or neglect in the adult protection statutes to include willful abandonment or failure to pick up an adult if the caretaker knows that the person cannot take care of his or herself without assistance. The new law applies to an individual or institution that has assumed the duty to provide for the care of the adult by contract or agreement and includes a parent, spouse, adult child or other relative either biological or by marriage who resides with the incapacitated adult or who regularly visits them and who knows he or she is unable to care for themselves.

Lynn’s mother was receiving compensation for providing care to her daughter by the state of Illinois. It took law enforcement authorities 10 days to identify her.

[Senate Bill 675](#) by Yager, Green, Burks, Ketron / [Public Chapter 431](#) / DOE: July 1, 2013



**Bigamy** -- Legislation was approved by state lawmakers that raises the fine for bigamy from \$2,500 to \$5,000, punishable as a Class A Misdemeanor. The new state statute makes the offense continuous rather than upon the date of the second marriage, so that even if it is discovered after the statute of limitation expires, charges can be prosecuted.

[Senate Bill 542](#) by Bell, Ford / [Public Chapter 227](#) / DOE: July 1, 2013

**Burglary / Forfeiture** -- Legislation that adds the felony offense of burglary to the list of offenses to which vehicle forfeiture may be applied has passed. Before passage of the bill, if a criminal broke into a home or business but stole less than \$500 worth of property, the vehicle used to get away with the property would not be subject to forfeiture. This legislation aims to help law enforcement deter crime and to make criminals responsible for their actions.

[Senate Bill 823](#) by Stevens, Burks, Ford / [Public Chapter 285](#) / DOE: July 1, 2013

**Drug Paraphernalia / Public Nuisance Law** -- The definition of drug paraphernalia would be added to the state's public nuisance law under a bill passed during the 2013 session. Declaring it a nuisance allows a district attorney to take an offender to court under a lower burden of proof than in a criminal case. The civil procedure is more commonly used in houses that deal in gambling, drugs or prostitution. If a business or house is declared a nuisance, authorities can abate or padlock it. The owner then has 30 days to remove the defined nuisance.

Drug paraphernalia includes all equipment or products intended or designed for use in cultivating, growing, ingesting, inhaling or otherwise introducing into the body a controlled substance.

[Senate Bill 633](#) by Tracy, Finney / [Public Chapter 247](#) / DOE: July 1, 2013

**Drones** -- Legislation was approved this year to protect citizens from unwarranted surveillance by drones and to help ensure compliance of the unmanned planes with the Fourth Amendment to the U.S. Constitution. The new law defines "drones" and requires a search warrant to be issued by a judge before one can be used in Tennessee.

The Federal Aviation Administration predicts 10,000 commercial drones could be in the skies by 2020. The Fourth Amendment to the U.S. Constitution guards against unreasonable searches and seizures, along with requiring any warrant to be judicially sanctioned and supported by probable cause.

The bill does provide for exceptions to prevent imminent danger to life when law enforcement authorities are countering a high risk of a terrorist attack, looking for a fugitive, monitoring a hostage situation or helping find a missing person. If drones violate these provisions, civil action may be filed under the legislation. The measure also requires that data will be private and deleted no later than 24 hours after acquisition.



The legislation is modeled after a recently passed Florida law. Eleven states have filed or passed similar legislation.

[Senate Bill 796](#) by Beavers, Gardenhire, Kelsey, Bell, Crowe, Niceley / [Public Chapter 470](#) / DOE: July 1, 2013

**Juvenile Justice Information** -- The General Assembly adopted a bill that allows law enforcement agencies in other states to tap into information in Tennessee's criminal database. Two years ago, Tennessee created a portal for criminal information through the National Crime Information Center (NCIC) to ensure this important public safety information was available to law enforcement officials. The law as interpreted through an Attorney General's opinion, however, determined that as written it could only be referenced by officers within Tennessee's borders. This legislation makes it clear that law enforcement officers outside of the state may use the portal to gain information from Tennessee provided through this criminal database.

[Senate Bill 498](#) by Gardenhire / [Public Chapter 97](#) / DOE: Upon becoming law on April 8, 2013

**Jails / Work Program** -- A new law won passage this year requiring any person convicted of a felony and sentenced to a local jail to participate in the jail's work program. Currently, inmates can opt out of a jail's work program. This legislation would incorporate participation in a work program into the violator's sentencing. An inmate would be excluded from participating if the County Sheriff thinks he or she poses a security or escape risk, suffers from physical or mental health conditions, or if the county cannot afford to provide the security or transportation for the inmates sentenced to the work program.

[Senate Bill 524](#) by Bowling, Ford / [Public Chapter 168](#) / DOE: July 1, 2013 and applies to any person sentenced to a local jail or workhouse on or after.

## **DUI LAWS STRENGTHENED**

**DUI / Interlock Devices** -- State lawmakers have approved key legislation to curb drunk driving, requiring the use of ignition interlocks for all convicted drunk drivers. In 2011, 257 people were killed in Tennessee in alcohol-related crashes, which is approximately 27% of all traffic fatalities in the state.

Ignition interlocks are critical to eliminating drunk driving, as 50% to 75% of convicted drunk drivers will continue to drive on a suspended license. According to the Centers for Disease Control and Prevention (CDC), requiring interlocks for all convicted drunk drivers saves lives and is effective in reducing drunk driving recidivism by 67%.

The new law decreases, from 0.15% to 0.08%, the breath or blood alcohol concentration (BAC) that is considered an enhanced offense for purposes of issuing a restricted driver license. The bill also requires the interlock device be capable of taking a photo, to ensure that another person does not provide the sample for a convicted offender.

Interlock devices are small pieces of equipment attached to the steering wheel of a car with a tube that the driver must breathe into in order to allow the ignition to start. The newest ignition interlock technology makes it easier for courts to require DUI offenders to utilize the device by including cameras to ensure that the person tested is the correct driver.

In December, the National Transportation Safety Board (NTSB) and American Automobile Association (AAA) came out in support of requiring ignition interlocks for all convicted drunk drivers. The NTSB's recommendations follow the July 2012 enactment of Surface Transportation Reauthorization legislation, known as MAP-21. That federal law encompassed a number of drunk driving reforms, including providing incentive grants to states that adopt all-offender ignition interlock laws.

The average first offender has been on the road 80 times drunk before their first arrest. Currently, 17 states require interlocks for all convicted drunk drivers.

*[Senate Bill 670](#) by Beavers, Haile, Bell, Campfield, Gardenhire, Dickerson, Bowling, Green, Johnson, Yager, Harper, Burks / [Public Chapter 344](#) / DOE: July 1, 2013 and applies to offenses committed on or after that date*

***DUI / Restructure Drunk Driving laws*** -- In other efforts to curb drunk driving, legislation has been signed into law rewriting Tennessee's DUI laws to make them more understandable by prosecutors, defense lawyers and citizens. The new law comes from Tennessee Safety and Homeland Security Commissioner Bill Gibbons who said the state's DUI laws have received so many additions (58 pages worth) over the years that they have become very complicated and are in need of streamlining.

The current law consists of numerous sections dealing with DUI offenses, punishments and enhancements as well as ignition interlock requirements and fees, implied consent testing and related fees, open container requirements and drug and alcohol treatment. Many of these provisions are duplicative among several sections or overlap other requirements, making it difficult for prosecutors, defense attorneys, judges and the general public to determine the consequences.

The reorganization consolidates these sections into a more organized law by placing DUI offenses, penalties, fines and suspension times at the beginning. That section is followed by implied consent and testing, restricted driver licenses, alcohol and drug treatment, distribution of fines and fees, vehicle seizures, underage offenses, open container and ignition interlock.

*[Senate Bill 186](#) by Norris, McNally, Tracy / [Public Chapter 154](#) / DOE: July 1, 2013*

## OTHER LEGAL MATTERS

***Embryo / Legal Process*** -- Legislation moved successfully through the General Assembly during the 2013 legislative session providing a legal process for embryo donors to transfer rights to an embryo to future parents. The bill enables "legal embryo

custodians,” those donors who hold the full legal rights to an embryo, to contract the relinquishment of rights to future parents prior to the inception of an embryo into a female uterus to future parents. Written in accordance to guidelines from the American Society of Reproductive Medicine, this new law will both protect donors from future liabilities or complications and clarify the legal rights of future parents who choose in vitro fertilization.

[\*Senate Bill 473\*](#) by Massey, Finney L., Ford, Burks, Campfield / [\*Public Chapter 309\*](#) / DOE: July 1, 2013

***Child Custody*** -- Members of the General Assembly approved legislation updating the standards that Tennessee courts use to decide child custody in the case of a parent with a disability. The disability shall not create a presumption for or against awarding custody but may be a factor considered by the court.

[\*Senate Bill 749\*](#) by Massey, Ford, Campfield / [\*Public Chapter 385\*](#) / DOE: Upon becoming law on May 14, 2013

***Conservatorship*** -- Final approval was given to legislation to tighten requirement on how emergency conservatorships are handled. The new law establishes an explicit emergency conservatorship procedure which has been missing from current law. Other needed protections in the bill include requiring notice of conservatorship within 48 hours and a review hearing within five days. It also outlines that an emergency conservatorship can only be ordered when a judge finds that the ward would be harmed without one. In addition, the bill requires that more frequent financial reports be filed and conservatorships be reviewed each year to determine if a ward still requires a conservator to handle their affairs.

[\*Senate Bill 555\*](#) by Overbey, Kyle, Stevens, Beavers / [\*Public Chapter 435\*](#) / DOE: July 1, 2013

***Comparative Fault*** -- State lawmakers voted this year to make clear that fault will be apportioned to the wrongdoer and not to persons or entities that are less at fault in tort cases. Generally, the state has adopted through a series of Supreme Court rulings a system of comparative fault where juries in civil suits distribute fault proportionally to a defendant and plaintiff. If a plaintiff is found to be 50% or more at fault, the plaintiff cannot recover damages from the defendant. Under the system of comparative fault, if there is more than one defendant, the jury will determine the percentage of each defendant's fault, and the individual defendant is generally only responsible to the plaintiff for that particular percentage of total damages. This provision is a departure from the doctrine of joint and several liability under which all defendants were equally liable for the entire amount of damages awarded to the plaintiff.

This bill codifies the provision that in any civil action, a defendant will only be severally liable for the percentage of damages for which fault is attributed to him or her by the trier of fact. It says no defendant will be held jointly liable for any damages unless the parties intentionally act together. The new law does not apply to cases where the parties enter into legally enforceable contracts and agree to a specific allocation of fault between them.

It also does not apply when joint and several liability involves tort actions in which a negligent defendant failed to prevent or enabled the foreseeable acts.

[\*Senate Bill 56\*](#) by Kelsey, Gardenhire, Overbey / [\*Public Chapter 317\*](#) / DOE: July 1, 2013

***Vicarious Liability*** -- Legislation has been approved that sets forth three scenarios in which punitive damages can be awarded against a defendant based on the theory of vicarious liability. The bill amends the Tennessee Civil Justice Act of 2011 to protect innocent employers from liability for the negligent actions of its employees unless:

- the act or omission was committed by a person employed in a management capacity while that person was acting within the scope of employment;
- the defendant was reckless in hiring, retaining, supervising or training the agent or employee and that recklessness was the proximate cause of the act or omission that caused the loss or injury; or
- the defendant authorized, ratified or approved the act or omission with knowledge or conscious reckless disregard that the act or omission may result in the loss or injury.

Any instance of these circumstances is grounds for determination by the finder of fact.

[\*Senate Bill 222\*](#) by Kelsey, Green / [\*Public Chapter 224\*](#) / DOE: July 1, 2013

***Tennessee Asset Forfeiture Law*** -- A new law passed during the 2013 legislative session revising the process for government seizure of private property in criminal cases in order to curb abuse. This legislation establishes the legal rules relating to issuance of a legal warrant, the hearing process for property seizure, and the requirements of an affidavit supporting the warrant, as well as an appeals procedure. The legislation reforms the practice known as asset forfeiture which gives law enforcement officers the ability to take people's personal property without charging them with a crime.

The state's current civil asset forfeiture laws are written in such a manner that has allowed law enforcement officers unfairly to seize cash, cars and other property without the owner being in attendance. Abuse of the law has resulted in a practice known as "policing for profit" where police officers seize property without proof of a crime. Often, asset forfeiture cases take months to settle.

[\*Senate Bill 891\*](#) by Hensley, Gresham, Gardenhire / [\*Public Chapter 382\*](#) / DOE: January 1, 2014

***Financial Responsibility / Bodily Harm*** -- The General Assembly voted to increase the penalty for violation of the state's financial responsibility law when an offender was at fault for an accident resulting in bodily injury or death. Currently, the penalty is a Class C misdemeanor punishable by a fine of up to \$100. This bill strengthens the law by elevating the offense to a Class A misdemeanor punishable by up to 11 months, 29 days in jail and a fine of up to \$2,500.

[\*Senate Bill 251\*](#) by Green / [\*Public Chapter 479\*](#) / DOE: July 1, 2013

## K-12 EDUCATION REFORM AND TENNESSEE SCHOOLS

*(Also see “Budget Invests in K-12 Education” on page 2)*

***Lifting Ban / Municipal School Districts*** -- Several key bills were passed this year as part of a continuing effort to reform education in Tennessee. This includes a new law lifting the ban on municipal school districts implemented in 1998. The new law gives citizens in municipalities with at least 1500 students, permission to vote on whether to create a municipal district and whether they are willing to raise taxes to pay for it.

Municipal school districts in place prior to the 1998 ban statistically contain higher performing schools with 88% of those districts currently maintaining above average TCAP or ACT scores. Under the new law, 29 more municipalities might qualify to apply for a school district. In recent years, the General Assembly has authorized the creation of other new types of schools that did not exist when the municipal ban was imposed, including charter schools, achievement schools and virtual schools.

State lawmakers, likewise, approved a separate bill which effectively authorizes an unlimited number of municipal districts in any county provided the requirements of state law and the rules of the State Board of Education are met.

[Senate Bill 1353](#) by Norris, Gresham, Tate / [Public Chapter 256](#) / DOE: Upon becoming law / [Senate Bill 1354](#) by Norris / [Public Chapter 292](#) / DOE: Upon becoming law on April 24, 2013

***Accountability / Virtual Schools*** -- The Senate and House have approved legislation that tightens accountability in public virtual schools in Tennessee. The new law caps enrollment in public virtual schools at 1,500 students, pending appropriate student performance. It, however, allows virtual schools in existence as of January 1, 2013 to continue to serve the students enrolled at the school. If the virtual school demonstrates growth at the expected level as determined by the state’s Tennessee Value Added Assessment (TVAAS) scores, they may exceed the cap under the measure. If a public virtual school is identified for scores significantly below expectations for two consecutive years, the Commissioner of Education may reinstitute the enrollment caps or direct the local education agency to close the school.

[Senate Bill 157](#) / by Norris / [Public Chapter 404](#) / DOE: Upon becoming law on May 14, 2013

***Teacher Evaluation System*** -- Legislation was approved this year which recognizes changes that need to be made in the state’s Teacher Evaluation System for teachers who perform above expectations and those who teach special education students. The bill comes after more than a year of study and research, as part of an ongoing effort to ensure that teachers have a voice in improving the evaluation system.

The state’s teacher evaluation process was put into place as a result of the First to the Top legislation, proposed by former Governor Phil Bredesen and approved by the Legislature in January 2010. One of the biggest challenges of the new system has been identifying growth data for subjects where it is more difficult to measure achievement.

The legislation adopted this year provides that if a teacher receives a score of 4 or 5 on the individual teacher/student growth data, value-added or a comparable measure, then that score may be used to account for 100% of his or her evaluation. This would apply provided the district has adopted a policy permitting the substitution. A score of 4 shows the teacher is above expectations, while a 5 means he or she is significantly above expectations.

The bill reduces the weight of student growth data for a teacher in a non-tested grade or subject from 35% to 25%. It also clarifies that the State Board of Education has the ultimate authority to determine, identify or adopt measures of student growth that are comparable to TVAS (Tennessee Value-Added Assessment System) scores. The measure removes the prohibition on including records from students eligible for special education services as part of the value-added assessment of teacher effect.

The new law was introduced to provide flexibility to professionals in the field who are consistently teaching above expectations.

[\*Senate Bill 156\*](#) by Norris / [\*Public Chapter 105\*](#) / DOE: Upon becoming law on April 11, 2013

***Teachers / Reduction in Force*** -- State lawmakers voted this year to change the standards by which reductions-in-force can be made by LEAs. When teachers are dismissed by a reduction-in-force, such a reduction must by law be made on evaluation standards, making all such reductions merit-based. Teachers who have been dismissed as a result of a reduction will then be placed on a list for re-employment, only if they had a three, four or five (the three highest scores) on their teacher evaluation. They will be removed from the list when they either accept a comparable position within the same LEA or they reject four bona fide offers for re-employment. Implementation of this new policy will be set for the 2014-2015 school year.

[\*Senate Bill 1149\*](#) by Gresham / [\*Public Chapter 369\*](#) / DOE: July 1, 2014

***Omnibus Charter School Bill*** -- The General Assembly passed a bill that amends a large number of provisions governing charter schools in Tennessee. Called the “Omnibus Charter School Bill,” most of the legislation’s requirements target the specifics of charter school operations. Provisions of the bill include:

- allows a charter school to request that an LEA convert an existing public school into a charter school, tailored to students zoned in that area;
- authorizes a charter management organization (CMO), which is a body that operates multiple charter schools, to form “advisory school councils” for each school in order to satisfy the requirement that a charter school’s governing body have at least one parent on it. Advisory councils must have at least one parent, one teacher representative and the principal, as well as no fewer than 5 members;
- requires a chartering authority to submit a performance report one year prior to the submission of a charter renewal application; and



- gives LEAs the final say in deciding whether a charter school's formation will have a substantial negative fiscal impact on the LEA that would not be in the best interest of the pupils, school district or community.

[Senate Bill 205](#) by Gresham / [Public Chapter 326](#) / DOE: July 1, 2013

**High Performing Schools** -- Legislation known as the High Performing School Districts Flexibility Act, was approved as the General Assembly closed the 2013 session. The bill attempts to give leeway to school districts who qualify as “high performing school districts.” Under the new law, districts will be allowed to alter their teacher evaluation standards and add school days without approval from a higher body, as long as the changes comply with state law and the Department of Education. To qualify, districts must meet a majority of requirements that include a 90% or above graduation rate, 21 or higher average ACT score, and high or seriously improved TCAP performance.

[Senate Bill 592](#) by Johnson, Gardenhire, Overbey / [Public Chapter 393](#) / DOE: Upon becoming law on May 7, 2013

**Classroom Discipline** -- The full Senate and House of Representatives gave final approval to legislation that requires principals to suspend or expel students who cause bodily injury to a teacher, bus driver or other school personnel. Presently, Tennessee law states a principal “may” suspend a student for a variety of reasons, including assault or violence against school employees. The new law authorizes school administrators to suspend a student from school for using vulgar, obscene or threatening language toward a principal, a teacher, a school bus driver or other personnel at anytime on school property. It also applies when such conduct is exhibited off school property if it includes a threat of bodily harm to the teacher. The measure, however, makes the punishment mandatory when a student escalates to committing an act that results in bodily injury.

[Senate Bill 264](#) by Gresham, Summerville, Tate, Burks, Crowe, Hensley, Ketron, Beavers, Gardenhire, Ford / [Public Chapter 442](#) / DOE: July 1, 2013

**Neuroscience / Promoting Student Achievement** -- Lawmakers have approved two measures to authorize and encourage coursework in neurological or brain science as part of teacher training programs at the state's public colleges and universities. Research shows remarkable new information regarding the brain's function during various phases of adolescence. Education experts agree that knowledge about the brain is essential for educators at all grade levels to understand how students learn. This legislation promotes coordination between educators and neuroscientists in Tennessee.

[Senate Bill 59](#) / by Gresham, Burks / [Public Chapter 46](#) / DOE: Upon becoming law on March 26, 2013 / [Senate Joint Resolution 17](#) / by Gresham / Signed by the Governor

**Model Character Development Program** -- A resolution that urges official adoption by the State Board of Education to adopt the Congressional Medal of Honor Character Development Program passed during the 2013 legislative session. The program meets the character education requirements currently set out in state law. The Congressional Medal of Honor Character Development Program has been endorsed by a number of



school systems across the nation, but Tennessee is the first state to endorse its use statewide. The curriculum includes the six characteristics promoted by the Congressional Medal of Honor recipients: courage, commitment, sacrifice, patriotism, integrity and citizenship. The curriculum is provided online for free and is accessible by any public school. The curriculum will become effective for the 2013-14 school year.

[Senate Joint Resolution 45](#) by Massey, Green / Signed by Governor

**School Safety** -- Legislation that aims to help keep students safe at school won final approval this session empowering a local director of schools, in conjunction with the school principal, to hire retired law enforcement officers to provide security. The bill comes in the wake of the shooting in Newtown, Connecticut in December, which pointed to the need to increase school safety nationwide.

[The School Security Act of 2013](#) gives school superintendents the option to hire school safety officers as long as they have Peace Officer Standards and Training (POST) certification. POST-certified officers have extensive law enforcement training, including the handling of firearms. Many retired police officers, highway patrol officers, federal agents, game wardens and other personnel carry this certification. The applicant must also have a handgun carry permit and receive an additional 40-hour training course that would include instruction on crisis management and hostile situations in the school setting.

The superintendent may allow a teacher to possess a gun at school if he or she is POST certified, has a gun carry permit and receives the additional training. However, all decisions regarding the carrying of firearms will be made at the local district and school level. The bill also requires the chief of the local law enforcement agency to be notified that the employee has been authorized to carry a gun.

The Sandy Hook Elementary School shooting was also the impetus behind legislation requesting the state's Basic Education Program (BEP) Review Committee to make a recommendation in its annual report this year as to whether the state's school funding formula should be modified to include a component regarding school safety and security.

Governor Bill Haslam, state law enforcement officials and homeland security experts met with education leaders from more than 120 school systems earlier this year to discuss school safety. Mental health specialists and emergency management officials also joined the group to think through additional measures that school districts can put into place to avoid a tragedy like the one which occurred in Newtown. The group reviewed best practices and new ideas on school safety, noting that the right plan would likely vary district by district. Both of these bills fit into that plan.

[Senate Bill 570](#) by Niceley, Crowe, Bowling / [Public Chapter 358](#) / DOE: July 1, 2013 and applies to the 2013-14 academic year and thereafter / [Senate Resolution 30](#) by Gresham / Signed by Senate Speaker

**Protecting Children from Offenders** -- A new state statute passed this year expanding the list of offenses that bar a contract worker from working in situations that require

being in contact with children or entering the school grounds while children are present. Under current law, any person who contracts or is employed by someone that contracts with a school or childcare center is required to submit to a criminal history records check if their work involves interaction with children. The new law enacted this year adds drug crimes, violent juvenile sexual offenses, and violent crimes to the list of actions that prohibits contractors or employees of contractors from entering school grounds or having contact with children. Other violent crimes prohibited include murder, kidnapping, sex offenses and child abuse.

[\*Senate Bill 16\*](#) by Gresham, Burks / [\*Public Chapter 177\*](#) / Upon becoming law on April 23, 2013 for crimes committed on or after July 1, 2013

***Public School Property / Referendum*** -- A bill prohibiting the use of messages supporting or opposing referenda and initiatives on public school signs and buildings won approval this year. The new law also bans the use of school video or audio messages through telephone or electronic messaging that support or oppose referendum initiatives. The move comes after controversy erupted regarding the use of public school telephones and marquee signs advocating the adoption of a wheel tax in one Tennessee city. State law makes it unlawful to use public buildings or facilities for meetings or preparation of campaign activity in support of any particular candidate, party or measure unless reasonably equal opportunity is provided for presentation of all sides or views, or reasonably equal access to the buildings or facilities is provided to all sides. The law, however, did not apply to referendums.

[\*Senate Bill 547\*](#) by Bell / [\*Public Chapter 395\*](#) / DOE: July 1, 2013

***Students with Disabilities / Occupational Diploma*** -- The General Assembly passed legislation requiring the State Board of Education to adopt an occupational diploma for students with disabilities.

[\*Senate Bill 886\*](#) by Hensley, Burks, Ford / [\*Public Chapter 422\*](#) / DOE: July 1, 2013

***Home School Students / Athletic Participation*** -- Legislation has passed the General Assembly authorizing home school students to participate in interscholastic athletics at the public school in which they are zoned. The bill gives home-schooled students an opportunity to try out for the local school sports teams if they meet the same health, academic and conduct standards required of other participants. The bill was fueled by the success of NFL quarterback Tim Tebow, who was a home schooled student. The legislation is not in conflict with Tennessee Secondary School Athletic Association (TSSAA) standards as the organization has opted to leave the decision about participation of home schooled students to local boards of education.

[\*Senate Bill 240\*](#) by Campfield, Burks / [\*Public Chapter 225\*](#) / DOE: July 1, 2013 and shall apply to participation in extracurricular athletics beginning with the 2013-2014 academic year

***EpiPens / Student Health*** -- Legislation to ensure that every public school in the state has epinephrine injector pens on hand, or EpiPens, was passed by Tennessee lawmakers

in the 2013 legislative session. This new state statute helps to ensure that public schools in Tennessee keep at least two epinephrine injector pens on campus in case of a life-threatening allergic reaction when the student does not have one available.

This legislation authorizes the school nurse or other trained school staff to administer the epinephrine auto-injectors to respond to an anaphylactic reaction using protocols from a physician. The bill would absolve trained school administrators from liability for giving the medication.

[\*Senate Bill 1146\*](#) by Green, Haile / [\*Public Chapter 294\*](#) / DOE: Upon becoming law on April 29, 2013

***Protecting Student Athletes / Concussions*** -- A new law designed to protect student athletes who suffer concussions from risking further medical complications or death has been approved. The measure ensures guidelines are in place to help coaches, youth athletic instructors and parents recognize a concussion and its symptoms in order to keep an injured player from risking their health by returning to competition too soon.

The Center for Disease Control (CDC) reports that from 2001-2009, concussions among youth increased 60%, leading the agency to label concussion frequency as reaching “epidemic” proportions. Approximately 70.5% of sports-related emergency visits for traumatic brain injuries were among youth aged 10-19. Moreover, once an athlete has suffered an initial concussion, his or her chances of a second one are 3 to 6 times greater than an athlete who has never sustained a concussion.

The legislation requires schools and community youth athletic authorities where the majority of students are under the age of 18 to adopt guidelines based on those developed by the Tennessee Department of Health (DOH). The guidelines must include the nature and risk of concussions, training in recognizing signs and symptoms of head injuries and the necessity of obtaining medical attention for injured youth athletes.

The legislation also requires that coaches, volunteers and team medical providers complete a concussion recognition and head injury safety education course that would be available on the DOH website, free of charge. Coaches, as well as parents, must then sign and return concussion and head injury information sheets annually to school administrators or directors for community organizations to show they have reviewed the guidelines.

In addition, schools and organizations must have a policy of removing youth who show signs of concussion from activity for medical evaluation by a team doctor or designated person. The student athlete cannot return to any activity or competition until an evaluation and written clearance by a doctor who has either received training from the National Federation of State High School Associations or reviewed the CDC’s Concussion Toolkit for Physicians.

Sports that lead to greatest frequency of concussions are football for males and soccer for females. Forty-three states and Washington, D.C. have passed laws protecting athletes

under the age of 18 from returning to play too soon after suffering the effects of a concussion.

*Senate Bill 882* by Tracy, Hensley, Dickerson, Massey, Tate, Burks, Ford, Green, Haile / [Public Chapter 148](#) / DOE: January 1, 2014

***Tennessee Alternative Diploma Act*** -- State legislators voted to approve the Tennessee Alternative Diploma Act before adjourning this year. There are over 930,000 individuals over age 18 that do not have a high school diploma or a GED. This new law provides an alternative to the current GED diploma due to increased cost for the test and the new mandatory online format. The bill is the result of work done by a task force consisting of the Department of Education, the Department of Labor and Work Force Development, the State Board of Education, the Tennessee Higher Education Commission and the Board of Regents. The group came up with a viable alternative that meets current requirements but is “portable, affordable and accessible.” The implementation of the Tennessee Alternative Diploma Act will provide a means to improve economic development to have as many adults as possible qualify to pursue better employment opportunities.

*Senate Bill 105* by Massey, Burks, Gresham, Ford, Tracy, Bowling, Harper, Kelsey, Kyle, Overbey, Tate / [Public Chapter 448](#) / DOE: Upon becoming law on May 16, 2013

## **SCHOLARSHIPS AND INCREASING THE NUMBER OF COLLEGE GRADUATES IN TENNESSEE**

*(Also see “Higher Education is a Financial Priority” on Page 2)*

***College Scholarships / TSAC*** -- Several new laws were approved by the General Assembly this year to increase the number of post-secondary graduates in Tennessee, including one to help non-traditional students who need financial assistance. The bill enables TSAC to transfer at least \$35 million out of the existing fund for those investment purposes to serve more students and increase the state’s graduation rate.

Within the next five years, over half the jobs in Tennessee will require a postsecondary credential. However, only 32 percent of Tennesseans currently hold an associate’s degree or higher, and the affordability of higher education remains a great concern for many families.

This new law requires the Tennessee Student Assistance Corporation (TSAC) to administer a need-based grant program funded through an endowment for Tennessee citizens seeking an associate’s degree from the state’s public colleges or technology centers. It also gives the Treasury some additional investment vehicles to use for broadening scholarship opportunities for students.

*Senate Bill 194* by Norris, Bowling / [Public Chapter 98](#) / DOE: Upon becoming law on April 11, 2013

***Increasing College Graduates / WGU*** -- Similarly, a new law passed this year will provide affordable access to quality post-secondary programs for working adults. This new state statute enables the state to partner with Western Governors University (WGU) to create an online, competency-based university that is geared to the 800,000 adult Tennesseans that have some college credit but didn't graduate with an associate or four-year degree. According to the most recent data, 20.8% of Tennesseans age 25 and over have some college credit but no degree.

After a one-time investment in WGU Tennessee, the University will provide an effective means to address workforce needs without any ongoing cost to the state. The Governor has set the goal of increasing the percentage of Tennesseans with a postsecondary credential from 32% to 55% by 2025. WGU Tennessee fills a critical gap in the state's postsecondary landscape to help achieve that goal.

[\*Senate Bill 195\*](#) / by Norris / [\*Public Chapter 185\*](#) / DOE: Upon becoming law on April 23, 2013

***Step-up Lottery Scholarships*** -- Legislation giving students with developmental disabilities the opportunity to receive a Tennessee Lottery Scholarship was approved by the State Senate and House of Representatives. The new law creates the Tennessee STEP UP Scholarship to provide accessible funding for high school students with intellectual or developmental disabilities that have college aspirations.

Like the larger HOPE Scholarship program, the bill allocates \$4,000 per year for a maximum of two years to each student who qualifies, starting for the 2013-2014 academic year. To be eligible, a student must display Tennessee residency, graduate high school in his or her own Individual Education Program, and be admitted to and enroll in an eligible postsecondary institution no later than 16 months after graduation.

[\*Senate Bill 36\*](#) by Overbey, Finney L, Bowling, Crowe, Green, Dickerson, Massey, Burks, Harper, Ketron, Norris, Tate / [\*Public Chapter 483\*](#) / DOE: Upon becoming law and shall apply to students initially entering eligible postsecondary programs in the 2013-2014 academic year and academic years thereafter.

***HOPE Scholarship / Tennessee Students Overseas*** -- The State Legislature approved legislation to ensure that children of Tennessee citizens who are working overseas because of a transfer from a state-headquartered business will have an opportunity to receive a HOPE scholarship. The bill requires these students to meet all the usual criteria in order to be eligible for the scholarship funds.

[\*Senate Bill 719\*](#) by Crowe / [\*Public Chapter 428\*](#) / DOE: Upon becoming law on May 16, 2013 and applies to students seeking assistance for the 2013-14 academic year and thereafter.

***Tennessee Colleges of Applied Technology*** -- The name of the "Tennessee Technology Centers" will be changed under legislation passed this year. The legislation changes the name of the centers to "State Colleges of Applied Technology" to better reflect the coursework being offered to students.

[\*Senate Bill 643\*](#) by Tracy, Bowling, Ketron, Burks, Beavers, Bell, Campfield, Crowe, Dickerson, Finney L, Ford, Gardenhire, Green, Gresham, Haile, Harper, Henry, Hensley, Johnson, Kelsey, Kyle, Massey,

*McNally, Niceley, Norris, Overbey, Southerland, Stevens, Summerville, Tate, Watson, Yager, Ramsey / [Public Chapter 473](#) / DOE: July 1, 2013*

**All Comers Policy / Public Colleges and Universities** -- Legislation was approved this year to prohibit public institutions of higher education from denying recognition, privileges or benefits to a student organization or group on the basis of religious content. The bill applies only to the public college or university under the auspices of the University of Tennessee system or Board of Regents, but it would prohibit them from discriminating against religious student groups by means of an “all-comers” policy. An “all-comer’s” policy is one that requires a student organization to accept as a member any student who wants to join and/or allow any student who wants to run for an officer position in that organization to do so.

In 2010, the U.S. Supreme Court held that it was not a violation of the First Amendment for a public college to impose an “all-comers” policy as a condition upon which a student organization would receive official university recognition.

*[Senate Bill 802](#) by Beavers, Bowling / [Public Chapter 283](#) / DOE: July 1, 2013*

## VETERANS

**Veterans / Truck Drivers** -- State lawmakers passed legislation to make it easier for experienced military truck drivers to receive a commercial driver’s license (CDL) in Tennessee. The new law waives the state’s CDL skills test requirement if a veteran provides proof of a military license for the class of vehicle in which they are seeking licensure, as long as their driving record shows no accidents or citations over the past two years.

Currently, an active duty soldier who drives a commercial weight truck in Tennessee is exempt from any additional license due to their specialized military training. However, after the soldier leaves the military, they must immediately take the CDL knowledge test and skills test in order to continue to drive a commercial vehicle of the same weight on state roads.

The employment rate among veterans age 18 to 24 is approximately 33% for men and 39% for women. Tennessee is one of only eleven states that still requires soldiers with experience, training and no accident history to take the skills test.

*[Senate Bill 10](#) by Green, Bell, Burks, Ford, Gresham, Massey, Crowe / [Public Chapter 62](#) / DOE: July 1, 2013*

**Military / Licenses** -- The House and Senate have approved legislation to ease license requirements for members of the U.S. Armed Forces or National Guard. As amended, the bill waives professional license fees for soldiers who are on active duty deployment and gives them a six-month grace period for renewal when they return. The legislation also allows soldiers and their spouses who have professional licenses from a different state and who move to Tennessee to have their licenses expedited.



The intent of this bill is to help active duty soldiers who have moved to Tennessee who hold, or whose spouse holds, a professional license in another state. Oftentimes, those families depend on a second income of a spouse who is using a professional license and time is of the essence to help them with employment.

[Senate Bill 493](#) by Green, Ketron, Bowling, Ford, Gresham, Overbey, Finney L, Burks, Norris / [Public Chapter 122](#) / DOE: Upon becoming law for promulgating rules and regulations but goes into effect July 1, 2013

**Veterans' Cemeteries** -- Legislation passed the General Assembly this year which provides an easier path for veterans' cemeteries to be created in Tennessee. There are currently four state veterans' cemeteries, one each in West and Middle Tennessee, and two in East Tennessee.

[Senate Bill 193](#) by Norris, Crowe, Yager, Bowling, Ford / [Public Chapter 73](#) / DOE: Upon becoming law on April 2, 2013

**Armed Forces / Leave** -- The full Senate and House voted to enable public employees who are members of any reserve component of the armed forces to use up to five days of sick leave in lieu of annual leave so that the service member would not have to take leave without pay. The measure includes members of the Tennessee Army and Air National Guard. In order to qualify for this benefit, the employee must have received 20 working days of compensation.

[Senate Bill 667](#) / by Gresham, Crowe, Green / [Public Chapter 432](#) / DOE: July 1, 2013

**Active Duty Soldiers / Student Absences** -- Legislation that gives students two additional excused absences when traveling more than 250 miles to visit a parent or guardian returning from active duty became law this year. This measure helps provide the necessary travel time so the parent and child can be reunited.

[Senate Bill 1161](#) by Gresham, Yager, Burks, Crowe / [Public Chapter 155](#) / DOE: July 1, 2013

**Veterans / Charitable Funds** -- A resolution, seeking to amend Tennessee's Constitution to allow 501 (c) (19) charitable veterans groups to raise funds in the same manner as other 501 (c) (3) charitable organizations, has received final Senate approval. Veterans groups were left out of the Constitutional Amendment approved by voters in 2002 that allowed charitable groups registered with the Internal Revenue Service as 501 (c) (3) organizations to conduct an annual fundraising event like duck races, cake walks, raffles and other games of chance. This resolution requires that any funds raised by the games go to purposes that benefit the community, veterans or retired veterans. It was approved by the 107th General Assembly and must receive a two-thirds plurality in the current 108th General Assembly. Upon passage in the House of Representatives, it then goes to voters in a statewide referendum in November 2014, where it must receive a simple plurality of votes cast in the race for governor.

[Senate Joint Resolution 60](#) by Crowe / Passed Senate / Pending House Action



**World War I** -- Legislators voted to approve legislation recognizing the centenary of WWI. This bill forms a Great War Commission charged with facilitating recognition of the 100<sup>th</sup> anniversary of WWI and Tennessee's role in that war. Over 100,000 Tennesseans were drafted or volunteered to serve in the armed services with six of those receiving the Medal of Honor. The commission would be responsible for memorializing those Tennesseans that made the ultimate sacrifice or returned home severely wounded. Members of the Commission will work with national and local organizations, accept loans and donations and coordinate educational initiatives.

[Senate Bill 9](#) by Summerville, Henry / [Public Chapter 290](#) / DOE: For purposes of making initial appointments to the commission, it take effect upon becoming a law on April 29, 2013 / For all other purposes, it takes effect June 28, 2014.

**A Soldier's Child Day** -- The State Senate has approved a resolution designating June 2, 2013 as "A Soldier's Child Day" in Tennessee. The resolution encourages all Tennesseans to remember the fallen members of our military and their families. The Soldier's Child Organization aims to honor the memory of the fallen parent by giving a meaningful gift to his or her children each year on their birthday until they reach adulthood. The organization enables these young people to attend Journey Camp, a place where they can network with other children who have lost parents in war.

[Senate Joint Resolution 205](#) by Tracy / Signed by the Governor

(Also see budget items on page 2-3 regarding veterans / Appropriations for veterans include \$400,000 to help veterans who suffer from post traumatic stress disorder (PTSD), full funding of the growth of the property tax freeze program enacted in 2007 affecting veterans and \$4.3 million in capital outlay for the Montgomery County veterans' home)

## STATE AND LOCAL GOVERNMENT / UTILITIES / PUBLIC NOTICES / ELECTIONS

**Annexation** -- Legislation was passed during the 2013 legislative session placing a one-year moratorium on the annexation of any residential property or farmland in Tennessee. The bill does allow cities to petition county governments to opt out.

In addition, the bill directs TACIR, the Tennessee Advisory Commission on Intergovernmental Affairs, to conduct a comprehensive study of the issue and make recommendations to the General Assembly on how to better improve the annexation process statewide. TACIR will deliver their findings to the legislature on or before January 14, 2014.

[Senate Bill 279](#) by Watson, Beavers, Bowling, Campfield, Bell, Niceley, Kelsey, Norris / [Public Chapter 441](#) / DOE: Upon becoming law on May 16, 2013

**Annexation / Taxes and Services** -- Another annexation bill passed this year clarifies that property tax assessments must be made on January 1 when a court case is involved and a

decision is handed down during the course of the year. Currently, Tennessee law is written under the assumption that annexation automatically takes place without a court case being filed. However, many times, court cases are involved in the annexation process. These disputes can take up to 5 to 10 years to settle. The annexation often becomes effective upon the date the court case is decided rather than on January 1, potentially leaving taxpayers assessed for services that have not been rendered.

This new law clarifies that municipalities must look back to the January 1 date upon assessing property taxes in such cases so services are in place before taxes are assessed. It also specifies that after an annexation court case has been decided, notice must be mailed to the citizens affected by it. Finally, it allows a municipality to push back the annexation to the following December 31 if they want to wait to provide municipality services to the date when they can begin administering tax assessments to affected residents.

*[Senate Bill 1054](#) by Kelsey / [Public Chapter 462](#) / DOE: This act shall take effect upon becoming a law, the public welfare requiring it, and Section 2 of this act shall apply to assessments made on or after January 1, 2012*

**9-1-1 / Texting** -- The House and Senate have approved legislation that makes hoax texting and other means of prank communications to 9-1-1 dispatchers illegal. The new law anticipates changes coming to Tennessee through Next Generation 9-1-1 technology, an initiative updating emergency infrastructure to include transmission of text, images, video and other data to 9-1-1 centers. This technology-neutral legislation would make it a Class C misdemeanor to text a phony 9-1-1 communication to an emergency center, the same offense currently charged to prank telephone calls to dispatchers. Penalties are increased to a Class A misdemeanor if they are repeated. The bill aims to keep pranksters from falsely tying up limited resources that are needed to address real life-threatening emergencies no matter how the 9-1-1 call for help is transmitted.

*[Senate Bill 33](#) by Yager / [Public Chapter 116](#) / DOE: July 1, 2013*

**Underground Utilities / Safety** -- Legislation was approved during the 2013 legislative session to create an advisory committee to evaluate, review and ensure federal compliance with the Tennessee's underground utility damage prevention program. The measure creates the Underground Utility Damage Prevention Advisory Committee to ensure public safety, protect federal funds and see if additional safety measures are needed. In July 2012, the Comptroller released a performance audit, which found that penalties under the Tennessee underground utility damage prevention program were not compliant with federal law and risked the loss of federal funding.

*[Senate Bill 851](#) / by Ketron / [Public Chapter 65](#) / DOE: Upon becoming law on April 1, 2013*

**Public Notices / Online Sunshine** -- The General Assembly has approved legislation requiring newspapers that print public notices to post them on the Internet. The new law was supported by the Tennessee Press Association. Action on the bill was taken during "Sunshine Week," an annual time to highlight the importance of maintaining open

government nationwide. The legislation recognizes the growing use of the Internet as a source of information, while preserving the integrity of using an independent agency for public notice by newspapers of general circulation.

State law requires public notices be given on a variety of matters of importance to the public, including government meetings, bid announcements, notice of parental termination, foreclosure notices, public sale of private property, back tax notices, estate notices and zoning changes, to name a few.

This legislation calls for the newspapers to post public notices on a central statewide website. Every newspaper that publishes public notices must post on their website homepage a link to the public notice section and another link to the Tennessee Press Association's statewide repository website.

[Senate Bill 461](#) by Yager, Massey, Bowling, Stevens, Gardenhire, Overbey / [Public Chapter 124](#) / DOE: Upon becoming law on April 12, 2013

**Volunteer Firefighters** -- The General Assembly voted to define “volunteer firefighter” for the purpose of workers’ compensation insurance. The legislation would make sure that all volunteer firefighters are able to be covered fully by both workers’ compensation insurance and medical benefits.

[Senate Bill 1174](#) / by Bowling, Ketron, Summerville, Yager, Bell, Burks, Tracy, Ramsey / [Public Chapter 210](#) / DOE: Upon becoming law

**Governor / Duties** -- A joint resolution that provides for a process to hand over the office of governor during a period when he or she cannot perform their duties was signed into law. The resolution would allow for the Speaker of the Senate to assume the duties of office if the Governor is temporarily incapacitated, followed by the Speaker of the House of Representatives. Currently, the State Constitution is silent on incapacitation. This bill follows Tennessee’s current constitutional provision that provides the Speaker of the Senate, followed by the Speaker of the House, to assume the duties in cases of death, removal from office or resignation. If approved by a supermajority of the General Assembly during the 109<sup>th</sup> General Assembly, the measure then goes to the voters in the 2018 general election where it must get a plurality of votes as calculated by the total number voting in the gubernatorial election.

[Senate Joint Resolution 103](#) by Massey, Crowe / Engrossed and ready for transmission to the House of Representatives

**Voter ID** -- The General Assembly voted this year to clarify that locally-issued photo library cards are not allowed under Tennessee’s voter ID law. The legislation clears up any confusion regarding the use of municipal library cards that were not supposed to be allowed under the original law passed in 2011. The new law also prohibits the use of out-of-state identification.

[Senate Bill 125](#) by Ketron / [Public Chapter 178](#) / DOE: Upon becoming law on April 23, 2013

## **ENVIRONMENT / PARKS / HUNTING AND FISHING / SECOND AMENDMENT RIGHTS**

***Recycling / Drink Cans and Bottles*** -- Encouraging recycling was the impetus behind a new law passed by the 108<sup>th</sup> General Assembly. The bill creates an incentive for counties to recycle used aluminum beverage cans and plastic bottle containers to help them reach their total waste reduction and diversion goals.

The legislation allows any region to triple the gross weight of any aluminum cans and plastic bottles that are diverted from a Class 1 municipal solid waste disposal facility or incinerator. This provision applies for the purpose of calculating the total percentage waste reduction and diversion numbers.

One recycled aluminum can saves 95% of the energy required to make the same amount of aluminum from virgin materials. Recycled aluminum is a valuable commodity for aluminum plants such as Tennessee's Alcoa, Inc.

[\*Senate Bill 941\*](#) by Southerland, Overbey / [\*Public Chapter 421\*](#) / DOE: Upon becoming law on May 16, 2013

***Tennessee Wood Products*** -- Legislation was approved to encourage the use of Tennessee lumber and lumber products to produce buildings within the state. Currently the state of Tennessee follows the Leadership in Energy and Environment Design (LEED) standards created by the U.S. Green Building Council. One of the requirements of LEED is to only allow wood and lumber products to be used that have been managed under the Forest Stewardship Council (FSC). Only 4% of Tennessee lands are managed under the FSC, so it is unlikely that Tennessee lumber products would be used to build Tennessee buildings. This new law allows for other forest management criteria to be accepted by the state.

[\*Senate Bill 1307\*](#) by Southerland / [\*Public Chapter 363\*](#) / DOE: Upon becoming law on May 13, 2013

***Energy Efficient Vehicles / State of Tennessee*** -- The General Assembly approved a bill to encourage the Department of General Services to look at energy efficient and alternative fuel vehicles as automobiles in the state's fleet are replaced, including those that utilize natural gas. Natural gas is an American-grown solution to help meet the goal of reducing or eliminating dependence on foreign oil. Fleets across the country are looking to convert to natural gas due to its low cost (half the price of gasoline or diesel) and its lower carbon footprint. This bill simply encourages that at least 5% of the purchases of new alternative fuel vehicles be powered by natural gas and ensures that they are purchased at competitive prices.

[\*Senate Bill 852\*](#) by Ketron, Bell, Tracy / [\*Public Chapter 423\*](#) / DOE: Upon becoming law on May 16, 2013

**Landfills / Local Control** -- Legislation passed this year that adds a new section to Tennessee law requiring local residents to be notified before an existing landfill seeks waste expansion. This bill gives citizens more local control by requiring that governing bodies within the county and / or municipality in which the landfill is located must give residents notice and an opportunity for a public hearing. The bill also allows for judicial review of the decision in accordance with state law.

[Senate Bill 1160](#) by Stevens / [Public Chapter 342](#) / DOE: Upon becoming law on May 13, 2013

**Fishing / Middle Tennessee Dams** -- Legislation expressing the Tennessee General Assembly's desire to continue to allow boater access to waters above and below 10 Tennessee dams received final approval this year. The resolution urges the U.S. Army Corps of Engineers to work with local communities and the Tennessee Wildlife Resources Agency regarding alternative safety methods rather than banning the use of the waters to the public. The dams include Barkley, Center Hill, Cheatham, Cordell Hull, Dale Hollow, J. Percy Priest, Laurel River, Martins Fork, Old Hickory and Wolf Creek. The resolution complements measures being taken by U.S. Senator Lamar Alexander and other state leaders to stop the Corps' restrictions.

[Senate Joint Resolution 132](#) by Beavers, Ketron, Bell, Bowling, Burks, Dickerson, Ford, Gardenhire, Green, Haile, Southerland, Tracy, Watson, Yager / Signed by the Governor on 5-9

**Parks / Historical Preservation** -- Legislation calling for local governments to seek permission from the Tennessee Historical Commission before a park named in honor of Tennessee's military figure can be changed has been approved. The new law is designed to prevent shifting views and changing demographics from erasing memorials to historical figures throughout Tennessee's history.

[Senate Bill 836](#) by Ketron, Burks / [Public Chapter 75](#) / DOE: Upon becoming law on April 1, 2013

**Safe Commute** -- This year's legislative action saw passage of a bill that protects the Second Amendment rights of legal gun permit holders while traveling to and from their workplace. Action on the legislation comes after Lt. Governor Ron Ramsey worked with property rights advocates and Second Amendment rights groups last fall to forge a compromise on the matter.

The legislation clarifies that an employer may require employees who have a permit to keep their weapon out of sight and securely locked in their automobile while their vehicles are in their employer's parking lot. The bill also allows business owners to continue to post prohibitions against firearms on their property, but gun permit holders who keep their firearms in their locked car would be exempt. Additionally, the bill grants property owners broad premise liability against damage or injury caused by firearms properly stored.

Approximately 5% of Tennesseans have a handgun permit.

[Senate Bill 142](#) by Ramsey, Johnson, Ketron, Tracy, Campfield, Gresham / [Public Chapter 16](#) / DOE: July 1, 2013

**Handgun Permit Holders / Publication of Names** -- Legislation to prevent the publication of a list of handgun carry permit holders in the news media or on the Internet has received final passage in the General Assembly. The measure allows for the media to inquire and the Safety Department to confirm whether someone who had run afoul of the law was a permit holder but only upon providing a legal document or other record that indicates that the person is not eligible to possess a handgun carry permit. The bill also provides for exceptions in cases where law enforcement may have to visit a home or when a court order allows viewing.

The bill protects the handgun permit carriers by preventing criminals looking for guns to steal from having a mapped list of permit holders with names and addresses. At the same time, it protects citizens who do not have a permit by preventing criminals from identifying specific homes with no protection.

[Senate Bill 108](#) by Haile, Green, Beavers, Bell, Bowling, Campfield, Gardenhire, Gresham, Johnson, Niceley, Norris, Tracy / [Public Chapter 284](#) / DOE: Upon becoming law on April 25, 2013

**Hangun Permits / Mental Health** -- A new law was approved this year to help ensure that those who suffer mental illness do not receive a handgun permit and harm themselves or others. Currently, mental health professionals are already required to provide notification about a potentially dangerous patient, but they have the option of telling the person's family, those against whom threats are made or law enforcement officers. This legislation requires reporting to law enforcement officials when a mental health professional deems the patient might seriously harm or kill someone. It also requires court clerks to notify the state within three days about involuntary commitments instead of once every three months. The intent is to focus on applicants who might suffer mental illness while leaving law-abiding gun owners free to exercise their Second Amendment rights.

[Senate Bill 789](#) by Haile, Ramsey, Bowling, Burks, Crowe / [Public Chapter 300](#) / DOE: July 1, 2013

**Second Amendment Rights / Resolution** -- The State Senate approved a resolution recognizing the right of the people to keep and bear arms. The resolution promises immediate legal action by the State of Tennessee should that right be infringed upon by the federal government.

[Senate Resolution 17](#) by Kelsey, Bell, Stevens, Overbey, Crowe, Niceley / Signed by Senate Speaker

## OTHER

**License Plates** -- Legislation that requires license plates to be illuminated when a vehicle's headlights has been signed into law. The bill was brought to the legislature by law enforcement officials who claim some vehicle operators try to hide their plates from



view. The legislation exempts antique vehicles which are 25 years old or over, before it was standard manufacturing practices to light the area where license plates are attached.

[\*Senate Bill 131\*](#) by Hensley / [\*Public Chapter 223\*](#) / DOE: July 1, 2013 and applies to violations on or after that date.

***Food Gardens*** -- The full Senate and House of Representatives have passed a measure authorizing the sale of produce grown in community gardens. The proceeds from the sale are not designated to a specific use; however, they most likely would be reinvested in the garden or given to the workers.

[\*Senate Bill 102\*](#) by Massey, Ford / [\*Public Chapter 3\*](#) / DOE: Upon becoming law on March 7, 2013

***Parents' Day Out Programs*** -- Lawmakers have approved legislation allowing church-related "Parents' Day Out" programs for pre-kindergarten children to operate more than 2 days a week. The new law allows Parents' Day Out programs to continue with an exemption from being licensed as a child care facility as long as a child attends no more than two days a week for six hours each day.

The legislation comes after State Attorney General Robert E. Cooper released an opinion last year saying Tennessee law restricts program operations to no more than 2 days per week. The ruling applies even if no individual child enrolled attends for more than two days in the same calendar week.

The bill also allows for churches to have programs on each of their campuses and calls for them to register with the Department of Human Services in case vital health information needs to be disseminated. The registration is free and only for the purpose of providing important health information in emergencies like a flu epidemic, meningitis or other communicable diseases.

The legislation was crafted utilizing information received from approximately 160 churches who replied to a statewide survey conducted by the Department of Human Services.

[\*Senate Bill 178\*](#) by Norris, Massey, Yager, Campfield, Haile, Overbey / [\*Public Chapter 72\*](#) / DOE: Upon becoming law on April 1, 2013

***Electronic Insurance Documentation*** -- Legislation was approved this year that allows insurance documentation to be displayed in an electronic format. Currently, state law provides that financial responsibility be proven through a hard-copy, paper document only.

[\*Senate Bill 512\*](#) by Hensley, Norris / [\*Public Chapter 327\*](#) / DOE: Upon becoming law on May 13, 2013