



Budget and Education Reform headline 2010 legislative year

Final Report on the 106th General Assembly - 2010 legislative session

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DOE = date of enactment / PC = Public Chapter in TN law

(NASHVILLE, TN), July 8, 2010 -- The state's budget and education reform dominated the 2010 legislative year, as the 106th General Assembly adjourned to become a part of Tennessee history. Although the economic downturn limited the number of initiatives approved this year, the 2010 legislative session will also be remembered for passage of several important measures like money-saving legislation overhauling the way the state contracts for goods and services, a new law to curb drunk driving by increasing the use of interlock devices, job creation initiatives and several measures continuing the state's war against violent crime and child sex offenders.

Passage of the \$29.8 billion budget came after an unprecedented 22 consecutive months of negative revenue collections until May. The "no new taxes" budget, which funds state government for the 2010-2011 fiscal year beginning July 1, prioritizes education, jobs, public health and safety, and makes provisions for recovering from one of the worst natural disasters in Tennessee history.

The legislation follows the five-year plan passed last year to phase in economic recovery through these tough times without raising taxes. Over the last three years, the state budget has been reduced by over \$1.5 billion, with almost all agencies having a reduction in their 2010-11 fiscal year base funding. Overall, this budget reflects a .5 percent decrease in total spending from the 2009-10 fiscal year.

Some of the toughest reductions, however, in the state's TennCare Program were offset by \$310 million hospital coverage assessment which provides funds for additional special hospital payments. The assessment must be renewed annually.

The budget allocates \$100 million from the state's Rainy Day Fund for flood relief to be used by cash-strapped county and city governments for recovery and to deter local tax hikes that might otherwise be proposed for that purpose. It also provides \$19.95 million

in flood relief for sales tax rebates on major appliances, furniture and building materials purchased by victims certified by FEMA (Federal Emergency Management Agency) for federal assistance. An additional \$10 million was added to the state's Agricultural Enhancement Grant funds that could be used to assist farmers who were especially hard hit by flooding if federal FMAP (Federal Management Assistance Percentages) funds are available.

Under a plan submitted by Senate Republicans, the budget increases benefits, contingent upon growth in state revenue, to state employees for health care and other increased costs. The payment would be made on or about October 31, 2010. These benefits are designed to help cover rising health care costs and are based on longevity at an additional \$50 per year, capped at 25 years or \$1,250. It provides a baseline longevity payment of \$150 for those employees who have been employed 1 to 3 years. In addition, the 2010-11 budget provides for \$12.3 million to continue the 401 K match for state employees at \$50 per month.

The budget also passed reflects the firm stand of Senate Republicans against new taxes proposed by the Bredesen Administration. Those taxes would have impacted small businesses and consumers by raising the single article cap on sales tax, increasing taxes on cable television customers, and raising the fee for Tennessee driver's licenses.

The budget assumes a revenue growth rate of 2.49 percent for the 2010-11 fiscal year.

Other highlights of the budget include:

- \$73 million in improvements to fund the Basic Education Program
- Maintains funding for career ladder teacher pay and fully funds BEP capital outlay
- Continues promises made to students receiving lottery scholarships
- \$7.6 million to fund growth in reimbursement costs in local jail payments
- Maintains the Office of Children's Care Coordination and perinatal outreach grants to address infant mortality and early childhood health
- Funds Development District grants which promote the renewal and revitalization of both rural and urban communities
- \$16.3 million in Agricultural Enhancement grants to support farm development and Tennessee's agricultural community
- Provides real estate transfer tax funds will go to the purposes for which originally dedicated in the next budget year, including the Agricultural Resources Conservation Fund, Local Parks Acquisition Fund, State Lands Acquisition Fund, and Wetlands Acquisition Fund
- Provides a combined Rainy Day Fund balance and TennCare reserves of \$429 million
- Includes \$87 million in the next installment of bridge bond funding
- Anticipates balancing recurring v. non-recurring funds next year, as originally planned
- Cuts pork projects contained in the House budget bill, including a fish hatchery.

The budget anticipates contingency appropriations of \$341.6 million from enhanced Federal Medical Assistance Percentages (FMAP) funds. FMAP is used in determining the amount of federal matching funds available to assist states with payments for certain social services and state medical and medical insurance. Many states have built the FMAP funding into their budgets to pay for general expenses even though they have not been approved yet. Tennessee took a cautionary approach to expend the money only as contingency appropriations with plans to place the bulk of these funds in educational opportunities, job creation and public safety. If approved by Congress, some of the items funded by the FMAP money would be:

- Provides \$120 million, contingent on receiving FMAP funds, for community colleges to give them the space they need after passage of the Complete College Act of 2010 earlier this session
- \$90 million for a Highway Patrol communications system
- \$51 million for job creation and economic development projects, \$10 million for a small business jobs opportunity fund and \$9.6 million for the West Tennessee Megasite
- \$10 million for critical access hospitals

Budget Bills

Technical Corrections: [Senate Bills 3901](#) (status: [PC 1134](#))

Appropriations: [Senate Bill 3919](#) (status: [PC 1109](#))

Indexing: [Senate Bill 3917](#) (status: [PC 1110](#))

Bond: [Senate Bill 3916](#) (status: [PC 1109](#))

Omnibus Budget Reconciliation: [Senate Bill 2616](#) (status: [PC 1135](#))

Job creation initiatives approved by General Assembly aim to address state's high unemployment rate

Legislators address workers' compensation laws and other business matters during 2010 session

The state's economic downturn provided legislators with serious financial challenges, but job creation remained a top priority during the 2010 legislative session. One of the most significant factors attributing to the state's budget gap is the high unemployment rate. Job losses are at 10.5 percent statewide as of June, with an average yearly level not seen since the early 1980s.

In addition to the budget contingency appropriations of \$51 million for economic development projects, \$10 million for a small business jobs opportunity fund and \$9.6 million for the West Tennessee Megasite, the General Assembly approved legislation to expand the TNInvestco tax credit program by \$80 million to bolster the creation of new jobs by small and start-up businesses in Tennessee.

TNInvestco – Legislation was approved this legislative session to expand the TNInvestco tax credit program by \$80 million to include four additional participants already selected as alternates in the new program. The legislature also added further improvements to the bill to increase transparency and accountability in the program.

Small businesses provide 67 percent of first jobs and produce 55 percent of innovations. TNInvestco helps to make investment capital available to small, medium and start up businesses in Tennessee. The goal is to develop Tennessee’s entrepreneurial infrastructure, to bring additional capital into the state, to diversify the state’s economy and to create “anchors” or “clusters” of business innovation which can result in new companies being created in Tennessee. Individual businesses interested in applying for the program may go to www.tninvestco.gov and complete an application form which will be submitted to each of the TNInvestco funds.

Senate Bill 3049 / Sponsor: Overbey, Kelsey, Kyle, Henry, Marrero B, Ford, O., Tate, Ketron, Faulk, Burks, Harper / Status: PC 1142 / DOE: This act shall take effect upon becoming law and shall apply to any entity certified as a TNInvestco, and to tax credits awarded, on or after July 9, 2009

Advocating for small business – State lawmakers have voted to create a small business advocate within the Office of the Comptroller of the Treasury, utilizing existing personnel. The measure calls for the advocate to mediate and assist with resolution of issues concerning small business owners and state departments and agencies. The bill also requires the small business advocate to prepare an annual report on their office’s activities, findings and recommendations for transmission to the governor, members of the General Assembly and the heads of the affected departments and agencies to make sure officials are notified about any problems or concerns.

Senate Bill 3484 / Sponsors: Lt. Gov. Ramsey, Ketron, Yager, Berke, Gresham, Burks, Black, Tracy, Henry, Tate, Marrero B, Ford, O., Beavers / Status: PC 1129 / DOE: July 1, 2010

Small Business / Health Cooperatives -- The full Senate and House gave final approval to legislation reducing the time in which participants must commit to purchasing coverage through small group health cooperatives from five to three years. The bill amends a law passed by the General Assembly in 2008 to provide more flexibility for small business owners who may choose to form these pools. The time reduction still ensures pool stability, while working to attract more interest from small businesses and the insurance industry to participate in the cooperatives.

That law defined a health group cooperative as a private purchasing cooperative that contains at least 1,000 employees or has a minimum of 10 participating employers. Membership is voluntary, but participants must commit to purchasing coverage of fully funded plans through the cooperative for five years.

Health insurance market reform continues to be a high priority for small businesses in order to attempt to address rising costs to maintain coverage for employees. The cooperatives allow more small business owners to join together to negotiate lower health

insurance rates. It not only encourages more small employers to purchase health insurance, it also gives them predictability and stability in health-insurance rates.

[Senate Bill 2836](#) / Sponsors: Southerland / Status: [PC 687](#) / DOE: Upon becoming law on March 31, 2010 (REPEAT / ALSO FILED UNDER HEALTH)

Employer options for payment of wages -- Tennessee employers have the right to issue payment of wages through either an electronic automated fund transfer or a prepaid debit card under legislation approved this year. The bill, which is permissive, aims to help employers lower expenses by giving them the right to use these payment methods as an alternative. The move is expected to save employers, who choose to utilize fund transfer, an estimated 75 percent from the costs of issuing payment by check. Under the bill, employees would not be charged for the debit card withdrawal if they choose to access an in-network ATM machine to receive the payment.

[Senate Bill 2633](#) / Sponsor: Johnson / Status: [PC 874](#) / DOE: Upon becoming law on May 3, 2010

Small Business / Calories posted on restaurant menus -- The General Assembly voted to override the governor's veto of legislation approved last year to ban unelected local government regulatory agencies from imposing requirements on restaurants to post calories on menus. The legislature passed the measure last year after many small businesses raised concerns that some communities will impose different standards than those likely to be required at the federal level, which will significantly increase costs to small restaurant owners.

The legislation was passed after Davidson County's Metro Board of Health, made up of unelected members, voted to require restaurants located in that county to post caloric information on menus even though Congress is considering the Federal LEAN Act. That act would implement a national standard generally accepted by restaurant owners to provide standardized nutritional information to customers. This year the same Metro Board voted to suspend its regulations until they can be reconciled with the federal legislation that is also included in the health care bill pending in Congress.

Small business owners, as well as the restaurant and hospitality associations, support the LEAN Act, which requires some restaurant chains to post calories on menus, as well as other information that is helpful like total fat, cholesterol, sodium, and sugars. However, they want a consistent labeling system across all levels of government rather than having to comply with separate requirements from local, state and federal governments which would be costly to small business owners.

[Senate Bill 1092](#) / Sponsor: Black / Status: [PC 614](#) / DOE: Upon becoming law February 8, 2010

English in the workplace -- The State Legislature has voted to clarify that Tennessee employers have a right to institute an English-in-the-workplace policy. The measure clarifies that employers can require that English be spoken on the job as long as it is a "legitimate business necessity" and ensures "safe and efficient operations."

SB 2753 / Sponsors: Johnson, Tracy, Black, Gresham / Status: PC 1089 / DOE: Upon becoming law on June 23, 2010 / REPEAT / ALSO FILED UNDER IMMIGRATION

Workers' Compensation / Special Session – Moving to workers' compensation, upon convening in January the General Assembly approved legislation calling for immediate suspension of a new law to require sole proprietors and partners engaged in the construction industry to carry workers' compensation coverage on themselves due to unintended effects of the act. The law was suspended until March 28, 2010. In the meantime, the legislature began the discussion on alternative ways to address gaps in coverage for workers in companies of all sizes in the various construction fields in order to address the problem without harming small business owners.

Senate Bill 7001 / Sponsor: Ketron, Barnes, Herron, Black, Berke / Status: PC 1 / DOE: The provisions of Section 1 shall take effect upon becoming a law, the public welfare requiring it, and shall remain in effect until 12:01 a.m. on March 28, 2011. The provisions of Section 2 shall take effect at 12:01 a.m. on March 28, 2011.

Workers' Compensation / construction -- In following, the Senate and House approved legislation in June that creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers' compensation insurance to cover themselves. The legislation comes after the General Assembly voted earlier this year to suspend a new law requiring sole proprietors and partners engaged in the construction industry carry workers' compensation coverage on themselves. The new law was suspended due to unintended effects of the measure.

The legislation represents a consensus of all parties after several months of negotiations between those impacted by this matter. It is designed to address concerns over gaps in coverage but provides exemptions so that small businesses will not be harmed. It also addresses provability, verifiability and accountability in our workers' compensation law.

The new law aims to address gaps in coverage for workers in the various construction fields without harming small business owners. It reinstates the requirement that sole proprietors and partners engaged in the construction industry carry workers' compensation insurance on themselves but provides a mechanism for exemption.

Those eligible for the exemption, include:

- Up to three officers of a corporation
- Certain members of a limited liability company, if they own at least 30 percent of the company
- Partners that own at least 30 percent of a limited partnership
- Sole proprietors
- Up to three members of a family-owned business

The measure requires any construction services provider requesting exemption, who has not been issued a valid license from the Board of Licensing Contractors, to obtain first a construction services provider registration from the Secretary of State. They may then

apply for an exemption to the Secretary of State's office either in person or online. No more than three persons on any one commercial job are eligible for an exemption. The bill also requires the provider requesting an exemption be current in paying all taxes.

The cost, under the legislation, would total \$200 every two years for a construction service provider registration and exemption. A construction service provider that has been issued a license by the Board of Licensing Contractors would pay \$100 every two years for an exemption. Costs incurred by a construction service provider will be significantly less than a workers' compensation insurance premium based on the construction service provider's payroll. It also increases the penalties against an employer engaged in the construction industry who fails to comply with the law.

Finally, the new law creates an offense for an employer knowingly to coerce a job applicant to obtain a workers' compensation exemption or to fire an employee due to failure to receive an exemption. The measure establishes a task force that will study the effects of employee misclassification in the construction industry.

The changes adopted were supported by the National Federal of Independent Businessmen and the Homebuilders Association of Tennessee.

Senate Bill 3591 / Sponsors: Ketron, Tate, Barnes, Black / Status: PC 1149 / DOE: sections have various enacting dates / Construction services providers not currently licensed by the Board of Licensing contractors, but who qualify for a construction services provider, can apply for a workers' compensation exemption on or after 1/1/11 / Construction services providers licensed by the Board of Licensing Contractors can apply for a workers' compensation exemption on or after 2/1/11 / exemptions on the secretary of state's registry shall take effect 3/1/11 / increased penalties shall take effect 7/1/11

Unemployment Compensation Fund / Direct Deposit – State lawmakers have approved a bill that allows a person drawing unemployment compensation to request that their weekly benefit be paid by direct deposit into a financial institution that the claimant selects. It requires that the full Social Security number be omitted from the unemployment check and check stubs. The move would also result in a \$3 million decrease in state expense over time for the state's Unemployment Compensation Fund.

Senate Bill 3518 / Sponsor: Overbey / Status: PC 1017 / DOE: July 1, 2011

Farm / Tennessee Prime Milk – In farm industry legislation, the General Assembly approved a new law this year to help Tennessee's dairy farmers by establishing a category of milk to be called "Tennessee Prime Milk." The voluntary milk labeling category is designed to promote Tennessee's new official state drink: milk!

The measure aims to help Tennessee's dairy farmers which have declined from 10,000 active farms at the height of the business to 500 today. It allows marketing and sale of a "home grown" milk product with solid non-fat content.

The voluntary program calls for the milk to be certified by the state's Department of Agriculture for sale at retail stores as "Tennessee Prime Milk" if it meets higher standards. Bottling plants can label their milk as "Tennessee Prime Milk", as long as

80% of the milk is produced in Tennessee. Reduced fat Tennessee prime milk sold at retail must contain at least 10 percent milk solids not fat (SNF); non-fat or skim Tennessee prime milk must contain at least 9 percent SNF; and whole Tennessee prime milk must contain at least 8.5 percent SNF.

Only 50 percent of milk consumed in the state is from Tennessee dairies.

Senate Bill 1899 / Sponsors: Barnes, Berke, Black, Burchett, Burks, Finney L, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero B, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, and Lt. Gov. Ramsey / PC 627 / DOE: Upon becoming law March 3, 2010

Banking / Community property trusts – Two new laws were passed in 2010 affecting the banking industry that aid consumers. Legislation was approved by the State Legislature this year to make Tennessee a desirable state to establish a trust. The bill allows married couples to create and transfer property to a community property trust to help Tennessee create an optional community property system in the state.

There are two types of benefits which a community property trust would provide couples who “elect in” to the system partially or completely, including a significant tax advantage. At the death of the first spouse, both spouse's interests in the community property receive a full basis adjustment. As a result, there will be no capital gain payable if the property is sold for its value at the date of the first spouse's death. Further, the increased basis will allow for increased depreciation deductions for business and investment depreciable property. In a separate property state, if the property was jointly owned between husband and wife, only one-half of the property would receive such an adjustment in basis.

Secondly, community property is a property ownership system which generally provides for equal ownership of property by husband and wife. This involves a sharing in the appreciation and income from the property. Likewise, there is often an equal sharing in the management of the property. This bill would provide an option for couples who find this equality and sharing arrangement the preferred form of property ownership.

The community property trust can be added to existing estate planning, including revocable trusts or sophisticated wills. If a couple had not yet accomplished estate planning, then a new joint revocable trust could be formed that would hold their community property, the husband's separate property, and the wife's separate property. Residents outside Tennessee could form a trust in the state as long as they obtain an in-state qualified trustee.

Senate Bill 3529 / Sponsor: Overbey / Status: PC 658 / DOE: July 1, 2010

Banks / Assistance to homeowners -- Lawmakers also approved legislation that would provide assistance to homeowners who are about to lose their home due to non-payment and gives them the opportunity to contact their lender in an effort to avoid foreclosure. The new law requires that a new simple and easy to understand notice be sent to homeowners when they fall behind or become delinquent in their mortgage payments to

help them find a resolution or to see if there are any governmental programs available to avoid a foreclosure sale. The notice also points the borrower to the various federal loan modification programs which might be available to them.

Tennessee ranked 26th in the nation in February according to RealtyTrac Inc.'s U.S. Foreclosure Market Report. The state has consistently ranked among states with the highest number of foreclosures for the past decade.

The legislation requires that a lender, trustee, or other creditor send the debtor a notice of the right to foreclose no less than 60 days prior to the first publication of a notice of a foreclosure sale of a deed of trust, mortgage, or other lien securing the payment on an owner-occupied residence. The notice must contain sufficient information to allow the debtor to contact the lender to discuss options available to the debtor. If the trustee determines at the time of the sale that notice of the right to foreclose was not sent to the debtor as required, the debtor may request postponement of the sale for 30 to 60 additional days to allow time needed to examine other possible resolutions.

Senate Bill 3519 / Sponsors: Overbey, Berke, Marrero B, Burks, Barnes, Yager, Faulk / Status: PC 834 / DOE: This act shall take effect on July 1, 2010, and shall apply to any applicable foreclosure that is initiated by publication in accordance with § 35-5-101, on or after September 1, 2010.

Purchase money security interest -- Legislation was approved this year addressing a problem that has arisen between the rights of purchase money security interest (PMSI) holders and the rights of city and county governments with tax liens on property. The bill stems from a Tennessee Court of Appeals decision arising out of Williamson County which threatened to have a chilling effect on companies extending credit for equipment purchases to Tennessee businesses.

Historically, lenders had considered purchase money security lenders to have a super priority as is the case in federal and state tax liens. The Williamson County case determined that this was not the situation as it relates to personal property tax liens due to an ambiguity in Tennessee law. This legislation makes the law clear so credit is not unnecessarily restricted to entrepreneurs and small businesses.

A purchase money security interest (PMSI) is a property interest created by operation of law, by a filing with the Secretary of State. The interest is over assets to secure the performance of an obligation, usually the payment of a debt. It gives the beneficiary of the security interest certain preferential rights in the disposition of secured assets. Such as a holder of the security interest is entitled to seize, and usually sell, the property to discharge the debt that the security interest secures.

The legislation requires secured parties to withhold the amount of taxes due when property is repossessed and sold. The new law also requires local governments to notify secured parties of their responsibility to pay past-due taxes on the secured equipment. In addition a secured party's liability is limited to four tax years. A county official or assessor is required to respond to a secured party's request for information within 15 days

via certified mail. These protections remove uncertainty for lenders so they know their tax liability when a business defaults.

The objective is to keep open lines of credit that are being made to businesses in Tennessee, particularly in the construction industry which has been hit very hard during the recession. The challenge included setting forth the means by which these liens could be enforced in such a way that would not be unfair to the lenders. In order to do this, concerned parties sat down for almost two months to facilitate a fair solution to the problem.

Senate Bill 2809 / Sponsor: Norris / Status: PC 1007 / DOE: Upon becoming law on June 3, 2010

Disaster Relief / Property taxes – Disaster relief legislation was also approved this year to authorize local governing bodies, by a two-thirds vote, to prorate a homeowner's or business owner's property tax assessment when the structure cannot be occupied for more than 30 days as a result of a disaster certified by the Federal Emergency Management Agency (FEMA). The legislation provides tax relief on properties that are not inhabitable during the time it takes to rebuild. Those severely impacted by the recent storms would need to apply for property tax relief prior to September 1, 2010 under the bill.

Senate Bill 3687 / Sponsors: Henry, McNally, Harper, Haynes, Johnson, Herron, Finney L, Barnes, Gresham, Jackson, Norris, Ketron, Tracy, Ford, O., Kelsey, Kyle, Marrero B, Tate, Black, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Overbey, Southerland, Stewart, Watson, Woodson, Yager, and Lt. Gov. Ramsey / Status: PC 1036 / DOE: effective retroactively to January 1, 2010, but shall not take effect as to any particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. This subdivision shall expire on December 31, 2010.

Children and families are focus of legislation passed by lawmakers in 2010, including new law to reduce risk of child abduction

The 2010 legislative year was marked by passage of several bills dealing with children and families, including a new law that aims to reduce the risk of child abduction in Tennessee. The new law gives courts guidelines to follow regarding potential child abductions and provides courts with appropriate measures to prevent these crimes.

According to the National Center for Missing and Exploited Children, 78% of these children were abducted by a family member. The Center claims families going through custody disputes and divorce proceedings are the highest risk group for potential abduction.

The legislation provides judges with information about abduction risk factors so that they can place appropriate restrictions to prevent abductions. Among factors included are whether the respondent has previously abducted or attempted to abduct the child; has

threatened to abduct the child; has engaged in domestic violence; has refused to follow a child-custody determination; has strong family or cultural ties to another state or country; or other related factors. Using these guidelines the court must determine that there is a credible risk of child abduction, and then the court may consider preventative measures.

Senate Bill 3065 / Sponsors: Woodson, Ketron, Black, Marrero B, Burks, and Harper / Status: PC 832 / DOE: July 1, 2010

Children in state custody / Aging out -- Turning to children in state custody, legislation was approved in the 2010 legislative session expanding foster care services for young people age 18 to 21. The measure authorizes the Department of Children's Services to help youth who were in the system on their 18th birthday, as long as they are continuing to work on their education or are engaged in seeking employment. Studies show that some young people who age out of foster care continue to face joblessness and homelessness after leaving state custody. This legislation gives youth who are in the state's care more options and allow them to transition to independence rather than having to experience it abruptly and in a way that leads to a tragedy or a life of continued dependence on state services.

Senate Bill 3101 / Sponsors: Marrero, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Lt. Gov. Ramsey / Status: PC 1065 / DOE: July 1, 2010

Children in state custody / commitment rates -- The General Assembly has passed legislation to help Tennessee get a handle on counties that were committing kids into state custody at a rate three times higher than the statewide average. Children come into state custody for a wide variety of reasons, including delinquency, abandonment, and lack of basic needs, to name a few. The legislation strengthens the collaborative planning process put into place last year to help families stay together, but repeals the cost-sharing provision with counties that costs counties \$3.5 million last year.

The state and counties have been working closely with county courts to examine issues that can lead to higher commitment rates. The new law deletes the cost sharing provision for counties which exceeds 300 percent of the statewide average; permits the state to initiative a collaborative planning process with counties nearing 200 percent of that average; requires regular progress reports on this process; and, encourages continuation of proactive communication between the Department of Children's Services and county courts.

Senate Bill 2974 / Sponsors: Black, Gresham, Norris, McNally, Burks, Marrero B, Harper, Barnes, Berke, and Ford, O. Status: PC 662 / DOE: Upon becoming law on March 30, 2010

Children / Child Support Orders -- The 106th General Assembly voted this year to allow Tennessee to participate in the International Recovery of Child Support and Other Forms of Family Maintenance.

With increasing frequency, U. S. and Tennessee citizens who live, work or are deployed in foreign countries begin families while they are in other countries and become subject to foreign country support orders. When either parent or the children come to Tennessee or the U. S. and need support or need to establish paternity, current law is limited.

As more parents cross state borders it is difficult to enforce child support orders. As they cross international borders it is almost impossible to enforce these orders. This legislation contains procedures for processing child support orders across both state and international borders that are uniform, simple, efficient, and accessible.

The Uniform Interstate Family Support Act (“UIFSA”) was drafted in 1992. Over the years, while the United States was developing its own method of uniform enforcement of child support, the rest of the world was participating in various forums, including the Hague Convention, an international event, to reach a similar end. In 2003, the United States joined the Hague Convention to engage in discussions of worldwide child support uniformity.

UIFSA was most recently modified in 2008 during the Hague Convention; however, these amendments have not yet been implemented. They are expected to become law in the near future. When implemented, Tennessee will be ready to participate under the legislation approved.

Senate Bill 2818 / Sponsors: Faulk, Burks / Status: PC 901 / DOE: As soon as possible after the United States deposits the instrument of ratification for The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance this act takes effect; provided the effective date shall not exceed six (6) months from the date of such notice, the public welfare requiring it.

Grandparent visitation – Tennessee lawmakers approved a proposal to allow the courts to grant grandparent visitation in cases where one of the child’s parents has died and the surviving parent has terminated the relationship between the child and grandparent. Currently, Tennessee law provides court standing for grandparents to petition visitation rights in certain circumstances. However, the court must first determine whether cessation of visitation between a grandparent and grandchild constitutes a substantial threat of harm to the child.

Senate Bill 3036 Sponsors: Faulk, Overbey, Black, Ford, O., Haynes, Barnes, Burks / Status: PC 957 / DOE: upon becoming law May 26, 2010

Variety of conservation and environment bills are approved by lawmakers in 2010

A wide variety of conservation and environment bills were approved by lawmakers in 2010. This is in addition to conservation-related budget items approved this year. Those budget items included allocating non-recurring funds from the real estate transfer tax fund to go to the Agricultural Resources Conservation Fund, Local Parks Acquisition

Fund, State Lands Acquisition Fund, and Wetlands Acquisition Fund in the next budget year. The action maintains the acquisition funds at their normal funding levels in the 2010-11 budget year.

Mercury in landfills -- The full Senate and House passed on final consideration legislation that provides an educational approach to keep toxic mercury-added consumer products from being improperly disposed in landfills. The bill requires employers with 10 or more employees, tanning bed facilities, or businesses with 3,000 square feet or more to recycle mercury containing products, which are predominantly fluorescent light bulbs. Other lighting products include high intensity discharge bulbs and projector lamps.

Improper management and disposal of these bulbs will release mercury into the environment. Health problems associated with mercury exposure include digestive, cardiovascular, nervous system and kidney-related illness. Experts maintain yearly usage of mercury containing lamps is in excess of one billion nationwide.

Most businesses are already using responsible recycling measures to aid in efforts to keep mercury out of our landfills. This legislation seeks to make sure other businesses are educated and informed of this requirement and the hazards it poses to our environment.

Senate Bill 2403 / Sponsors: Southerland, Crowe, Yager, Faulk, Tracy, Overbey, Black, Ketron, and Woodson / Status: PC 840 / DOE: Upon becoming law on April 30, 2010

Right to Hunt and Fish – Tennessee voters will have the opportunity to decide if the state's Constitution should be amended to recognize that citizens have the right to hunt and fish under a resolution passed this year. An identical resolution was approved during the 2007-2008 legislative sessions by a simple majority; however, the Constitution requires a two-thirds vote in the succeeding General Assembly before it can be placed on the ballot this November.

Tennessee, like most other states, predicates wildlife conservation efforts on a user pay system supported by sportsmen. The sportsmen pay for all wildlife conservation efforts, not just game fish and animals, including the acquisition of protected land and preservation of endangered species. Protection of the sportsmen's right to hunt and fish makes sure wildlife preservation efforts in Tennessee continue indefinitely. In addition, sportsmen pump millions of dollars into Tennessee's economy.

The resolution will give sportsmen a voice in court on any future action that would deny their right to hunt and fish if approved by the voters. The ballot measure will be voted on in the same manner as the "Victim's Rights Amendment" in 1998, the "State Lottery Scholarship Amendment" of 2002, or the latest amendment to give property tax relief to the elderly.

Senate Joint Resolution 30 / Sponsors: Jackson, Woodson, Bunch, Stewart, Herron, Faulk, Barnes, Beavers, Berke, Black, Burchett, Burks, Crowe, Finney L, Gresham, Haynes, Johnson, Kelsey, Ketron,

Kyle, Marrero B, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Yager, and Lt. Gov. Ramsey / Status: Signed by House Speaker and Lt. Governor

Greenhouse Gas Emission Regulations – The General Assembly voted this year to ask Congress to adopt legislation to postpone the Environmental Protection Agency’s (EPA) efforts to regulate greenhouse gas emissions from stationary sources until they pass a more balanced approach that does not cripple the economy. A stationary source in air quality terminology is any fixed emitter of air pollutants like manufacturing facilities, power plants, hospitals and commercial establishments.

Officials fear that the EPA’s plan to utilize authority provided under the Clean Air Act to regulate greenhouse gas emissions from new cars and light trucks will trigger other onerous permitting regulations. This includes greenhouse gas emission regulations on businesses and other facilities that would deter investments and lead to job loss. It would also overwhelm state agencies, which are not equipped to handle the estimated six million requests that would be generated under the proposed federal action.

Senate Resolution 200 / Sponsors: Johnson and Tracy / Status: signed by Lt. Governor

Manhattan Project Historical Site / Oak Ridge – Similarly, a Resolution urging Congress to include Oak Ridge in any new national park unit being considered in conjunction with the Manhattan Project Sites was passed this year. The National Park Service recently proposed a Manhattan Project National Historical Park at Los Alamos, New Mexico, even though more than 60% of the Manhattan Project budget was spent at Oak Ridge. Currently, there are no national parks that preserve Manhattan Project resources or tell the story of the top-secret World War II project that created the world’s first atomic bombs.

Senate Joint Resolution 761 / Sponsors: McNally, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney L, Ford, O., Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero B, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, Lt. Gov. Ramsey / Status: signed by governor 5/12

Report / Coal ash storage -- A resolution calling for the Tennessee Department of Environment and Conservation to file an annual report regarding TVA’s progress in transition to dry coal ash storage at coal plants in Tennessee has received approval on final consideration in the State Senate. The measure specifies that the report should also contain information known to the department arising from the continued environmental restoration activities at the Kingston power plant and the affected lands and rivers, and the department's records arising from solid waste, air quality, and water pollution control or other permitting of TVA facilities and facilities which are used for the disposition or storage of coal ash produced from TVA power plants. The Roane County coal ash spill released more than 5.4 million cubic yards of ash into the river from an on-site lagoon, also referred to as a holding pond, at the Kingston Fossil Plant. Fly ash is a fine, glass-like powder recovered from gases created by coal-fired electric power generation.

Senate Joint Resolution 784 / Sponsors: Burchett, Woodson, Yager, Herron, Marrero / Status: signed by governor 6/2

Ocoee River Rafting – Lawmakers voted this year to change the caps that limit the daily commercial carrying capacity on the lower Ocoee River Recreational area from 4,000 to 4,500, with the cap to be lifted the following year if the customer count falls to 4,050. The bill also authorizes the Hiwassee/Ocoee Scenic River State Park management to decrease the daily commercial carrying capacity as long as it does not go below 4,000 customers. An annual study is also authorized by the legislation that would analyze the effect of the increased carrying capacity to be sure the river and infrastructures are functioning to meet any increased demand. The Ocoee River was the site for white water rafting in the 1996 Summer Olympic Games.

Senate Bill 3789 / Sponsor: Bunch / Status: PC 944 / DOE: July 1, 2010

Legislature continues war on crime

Lawmakers improve laws cracking down on sex offenders and pass next phase of “crooks with guns” legislation

The General Assembly continued to make improvements in the war in crime during the 2010 legislative session despite adoption of a lean budget. This includes approval of measures to crack down on sex offenders and the next phase of the “crooks with guns” legislation to attack violent crime.

Sex Offenders / Registry clean-up bill -- Tennessee has made substantial progress at protecting children against child sexual predators over the past three years with passage of sweeping reforms of the state’s child sexual predator laws. This year the General Assembly has adopted a bill adding kidnapping of a minor and exploitation of a minor by electronic means to the definitions of sexual offenses. The measure also includes aggravated prostitution and trafficking for sexual servitude within the definition for violent sexual offenders requiring registration on the Sexual Offender Registry.

The bill adds other provisions to clean up the Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act, including requiring all offenders to provide proof of identification to their registering agency. It requires a person convicted of an offense not classified as a violent sexual offense before July 1, 2010, that is now classified as a violent sexual offense who is not currently on the Sex Offender Registry to comply with registration, verification and trafficking requirements for life.

Senate Bill 2724 / Sponsors: Black, Burks / Status: PC 1138 / DOE: July 1, 2010

Sex offenders / Physicians -- The full House and Senate approved a new law to require that the Board of Medical Examiners deny an application for licensure or revoke the license of a physician convicted of an offense which requires registration as a violent sexual offender. The measure provides for communications between the Tennessee Bureau of Investigation’s (TBI) Sex Offender Registry and the Board of Medical

Examiners within 30 days to assure notification is given. It also requires the Medical Examiners make sure that no existing physician is currently listed on the Registry. If a physician is on the Sex Offender Registry, but is not listed as a violent offender, they can still practice as long as there is no patient contact, under the amended bill. The measure also gives due process to allow physicians the opportunity to contest a finding by giving evidence to the Board that they were not the person convicted.

Senate Bill 3362 / Sponsors: Black, Ketron, Marrero B, Tracy, Burks, Ford, O. / Status: PC 904 / DOE: This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to any person licensed to practice medicine in this state, whether such license was issued prior to or after the effective date of this act

Juvenile Sex Offenders / DNA -- The full legislature approved a bill to add juvenile sex offenders to Tennessee's DNA database after they are adjudicated. The DNA database is the 21st century's answer to fingerprinting. In 2007, the General Assembly passed the Johnia Berry law to widen Tennessee's DNA database to solve crimes. This legislation adds adjudicated juvenile sex offenders to the list of those who must submit DNA samples under that law.

Senate Bill 3169 / Sponsors: Burchett, Ketron, Overbey, Watson, Yager, Faulk, Tracy, Johnson, Lt. Gov. Ramsey, Watson, Yager, Faulk, Tracy, Johnson / Status: PC 964 / DOE: July 1, 2010

Sex Offenders / Child Pornography -- Legislation aimed at preventing child pornography was passed this year by adding that any unauthorized "covered file-sharing program" is an unfair or deceptive act under Tennessee's Consumer Protection Act. The practice, also known as Peer to Peer File Sharing (P2P) can be used for legitimate purposes, but is predominately used to illegally copy millions of copyrighted works and has served as a massive distribution system for pornography, including child pornography.

Last year, Congress passed legislation to require P2P programs to provide consumers with notice as to which of their files will be shared publicly and requiring the user to activate the function that would share their files. However, it is the state's responsibility to protect its consumers. This legislation amends Tennessee's deceptive trade practices law so that the state will have the authority to take action to inform and protect citizens. It would also alert the developers and distributors of file sharing programs that if they want to do business in Tennessee, consumers must be informed first.

Senate Bill 3407 / Sponsors: Burchett, Beavers, Ketron, Black, Overbey, Burks, Johnson, Tracy, Yager / Status: PC 779 / DOE: Upon becoming law April 16, 2010

Sex Offenders / IP Address -- Legislation was approved during the 2010 session to allow law enforcement to act more quickly to protect children from sexual predators. The bill authorizes district attorneys general or assistant district attorneys general to issue a subpoena for the Internet Protocol (IP) address of a suspected child sexual predator. The bill mirrors federal law on the matter.

An IP address can be used to identify the region or country from which a computer is connecting to the Internet. It can also show the user's general physical location.

Senate Bill 1529 / Sponsors: Burchett, Finney L, Burks, Black, Yager, Harper, Marrero B, Woodson, Ketron, Overbey, Barnes, Johnson / Status: PC 613 / DOE: Upon becoming law February 10, 2010

Sex Offenders / Second Look Commission – State lawmakers approved a bill to set up a Tennessee Second Look Commission to review cases and procedures related to severe child sexual abuse to determine if they were handled in a manner that provides adequate protection to the children. Only two percent of the 750,000 pedophiles identified by computer in the United States have been investigated according to expert testimony provided to the legislature last year. The bill would be administratively attached to the Tennessee Commission on Children and Youth.

Senate Bill 2701 / Sponsors: Burchett, Ketron, Barnes, Beavers, Berke, Black, Bunch, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Lt. Gov. Ramsey, / Status: PC 1060 / DOE: upon becoming law on June 21, 2010

Sex Offenders / multiple offenders in residence -- The legislature approved a bill prohibiting any sexual or violent sexual offender who is required to be on the Sexual Offender Registry from establishing a primary or secondary residence with two or more other such offenders. Similarly, no person, corporation or other entity may knowingly permit more than three such sexual or violent sexual offenders to establish a residence in any house, apartment or other habitation owned or under the control of such person, corporation or entity.

Senate Bill 3290 / Sponsor: Burchett, Overbey / Status: PC 1145 / DOE: July 1, 2010

False Allegations / Sexual Abuse – Legislators voted to pass a bill that allows the court to hold in contempt any person who makes false allegations of sexual abuse in furtherance of litigation. The bill specifies that the court may hold the violator in "contempt" and could order them to pay all litigation expenses and court costs.

Senate Bill 1264 / Sponsors: Bunch / Status: PC 894 / DOE: July 1, 2010

Armed Robbers -- Among anti-crime bills acted on this year is a measure approved by the General Assembly to strengthen penalties against armed robbers. The legislation, which is part of a series of "crooks with guns" bills, would more than double the minimum amount of time served for aggravated robbery.

Presently, armed robbers convicted on a first offense can receive up to eight years in jail, but the 30 percent requirement places the actual sentence at less than three years. This legislation would increase the percentage of jail time for these armed offenders from 30 percent to 70 percent.

To ensure there is prison space, the bill would sentence non-violent property offenders to community corrections, with more intensive supervision, instead of jail time.

The original “Crooks with Guns” legislation made it an additional offense to possess a firearm when committing a list of dangerous felonies like aggravated and especially aggravated kidnapping, burglary, stalking, carjacking, voluntary manslaughter, and certain drug crimes. Last year, the legislature passed the second phase by adding a minimum of three years to the sentence of a violator who possesses a firearm during the commission of attempted first-degree murder, to be served after the underlying offense. Another “Crooks with Guns” law passed last year requires all aggravated burglaries a defendant commits within a 24-hour period to be counted as separate prior convictions for purposes of determining whether the defendant is a multiple, persistent, or career offender under the Criminal Sentencing Reform Act.

Senate Bill 3431 / Sponsors: Henry, Norris, Black, Herron, Kelsey, Barnes, Jackson, Finney L, Marrero B, Ford, O., Lt. Gov. Ramsey, Burks and Lt. Gov. Ramsey / Status: PC 1090 / DOE: July 1, 2010

Drugs / Dogs used as weapons – Legislation continuing the “crooks with guns” efforts was passed prohibiting those convicted of a violent felony, a felony drug offense, or an animal cruelty offense from owning or being in control of a vicious or potentially vicious dog for ten years after completion of their sentence or parole supervision. The new law also requires that any dog in their possession be spayed or neutered to reduce the use of the animal as a violent weapon.

Expert testimony confirmed that a majority of criminals involved with drugs and meth labs use vicious dogs to protect them from law enforcement. About 80 percent of the dogs used by criminals are males that have not been neutered to make them more aggressive. The dogs often roam freely, posing a particular danger to children and the elderly. Additionally, the bill would provide for microchipping of a dog owned by a felon affected by this legislation. This would counter a felon from contending that the dog was a stray or belonged to someone else, should that dog be used for illicit or unlawful activities.

Senate Bill 555 / Sponsors: Norris, Ketron, Burchett, Henry, Tate, Marrero B, McNally, and Ford / Status: PC 949 / DOE: July 1, 2010

Cruelty to Animals – Similarly, state legislators voted to strengthen penalties against those who are convicted of animal cruelty. The bill makes violation of a judge’s order connected with animal cruelty conviction a Class A misdemeanor, which carries up to a one-year jail sentence and a \$2,500 fine. It also provides that second and subsequent cruelty to animal convictions would be considered a Class E felony with a one- to six-year prison sentence and up to \$3,000 in fines.

Currently, a judge in Tennessee can issue a special order that bans persons convicted of animal cruelty from owning an animal again. However, the law does not prescribe penalties to allow prosecutors or judges to punish offenders.

The link between animal cruelty and other forms of violence is a national concern. For example, the practice of dog fighting is commonly linked to illegal drug and weapons violations, gambling, aggravated assault and gang violence.

Senate Bill 3540 / Sponsors: Ketron, and Marrero B / Status: PC 816 / DOE: July 1, 2010

Sentencing / Juvenile offenders – Judges can consider serious felonies committed by a repeat offender as a juvenile upon sentencing under legislation passed during the 2010 legislative session. The new law allows a judge to consider Class A and Class B felony convictions that the repeat offender committed as a juvenile which would be added to the presentencing report for consideration along with any other adult convictions.

Senate Bill 3314 / Sponsors: Kelsey, Burks, and Black / Status: PC 861 / DOE: This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all defendants committing offenses on or after such date.

Drugs / Spice – In other action to address illegal drugs, lawmakers passed legislation to create a Class A misdemeanor offense for offenders who produce, manufacture, distribute to possess the hallucinogenic plant salvia divinorum and HU-211, which is also known by its “street drug” name “spice.” The drug, which was popular in Europe before spreading to the U.S. The drug goes by many different brand names and law-enforcement agencies warn that teenagers who smoke it can experience dangerous side effects. Tests have shown that smoking the drug can cause undesirable side effects on the heart, circulation and nervous system, in some cases leading to unconsciousness. There is also a danger of addiction.

Senate Bill 2982 / Sponsors: Tate, Black, Faulk, and Burks / Status: PC 922 / DOE: July 1, 2010

Crack tax reimposed -- The General Assembly acted this year to reimpose a state law taxing the sale of illegal drugs that the state Supreme Court declared unconstitutional last year in a case involving Steven Waters. The legislation, commonly known as the “crack tax,” targets the sale of illegal drugs.

Used by law enforcement for several years, the tax has raised several million dollars for Tennessee. Last year, the Tennessee Supreme Court in a split 3-2 decision overturned the state’s crack tax. This legislation fixes any perceived ambiguities under the statute regarding the constitutional authority to tax those peddling illegal substances. It takes the suggested findings from the *Water’s* decision to make sure it is clearly defined that the tax applies to items being held for sale by drug dealers.

The purpose of the legislation is to reinstate the unauthorized substance tax and satisfy the issues identified in the court’s ruling. Sponsors say the tax is a means to offset the cost drug dealers impose on the criminal justice system.

Senate Bill 3134 / Sponsor: McNally, Overbey, Jackson, and Black / Status: PC 962 / DOE: July 1, 2010

Drugs / Meth labs – Legislation designed to protect the public from being harmed by the ill effects of entering a house or building that has been used as a meth lab was approved this year. The measure makes it a Class B misdemeanor offense to knowingly inhabit a property quarantined by law enforcement due to the manufacture of methamphetamine within the structure, unless that person is part of the official police investigation.

Senate Bill 2969 / Sponsors: Black, Burks, and Finney / Status: PC 899 / DOE: July 1, 2010

Aiding criminals -- Legislation that creates a Class A misdemeanor offense for a person knowingly to aid a criminal who is fleeing law enforcement was passed this year. The legislation allows for the prosecution of persons intercepting police transmissions and relaying that information to the offender to help them escape.

Senate Bill 2545 / Sponsor: Bunch / Status: PC 953 / DOE: July 1, 2010

Bail / Mental Health Crisis -- The General Assembly voted this year to pass legislation requiring law enforcement officers, who believe a defendant arrested for an offense against a person poses a substantial likelihood of serious harm, to request an examination of the defendant by a member of the Community Mental Health Crisis Response Service within 12 hours to determine if the defendant is subject to admission to a hospital or treatment resource.

The bill arises from a Rutherford County tragedy last November, when a woman was beaten by her son after he had been arrested for assault. The son had a long history of mental illness.

Senate Bill 3439 / Sponsors: Tracy, Ketron, Marrero B, Burchett, Burks, Overbey, and Black / Status: PC 937 / DOE: July 1, 2010

Domestic Violence / Orders of Protection – Moving to legislation addressing domestic violence, the legislature approved a bill that prohibits a respondent of an order of protection from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner. The bill makes it clear that the person to whom the order is directed cannot contact the victim “for any purpose.” The action would prevent excuses from being used in violation of the order.

Senate Bill 2708 / Sponsors: Crowe, Ketron, Marrero, Ford, and Burks / Status: PC 959 / DOE: July 1, 2010

Domestic Violence / Counseling – Another domestic violence bill acted on during this legislative session would allow the court to order domestic abuse perpetrators to attend counseling programs. The legislation prescribes requiring offenders to counseling programs, if the judge so chooses, including intervention programs that are certified by the Domestic Violence State Coordinating Council. The bill increases the maximum penalty for those convicted of the crime from \$200 to \$225, with the proceeds going to grants for domestic violence shelter programs.

Senate Bill 2709 / Sponsors: Crowe, Ketron, Burks, Ford, O., and Bunch / Status: PC 1061 / DOE: July 1, 2010

Courts / Citizen’s constitutional rights in foreign judgments / Libel Tourism – In action regarding the courts, the General Assembly voted to approve a bill that would help in the fight against a tactic known as “Libel Tourism.” The practice is used in defamation lawsuits filed against authors critical of individuals with known ties to terrorist organizations like al Qaeda and Hamas. The legislation ensures that Tennessee Courts have the ability not to recognize a foreign judgment, if that country’s laws protecting free speech and the free press are not as protective as freedoms provided in the constitutions of Tennessee and United States. The measure relates to grounds for non-recognition of foreign defamation judgments, closely resembling similar laws passed by the New York, New Jersey, Illinois, California, Utah and Florida Legislatures on the matter.

Senate Bill 3589 / Sponsors: Ketron, Gresham, Bunch, Southerland, Beavers, Johnson, and Burks / Status: PC 900 / DOE: This act shall take effect on July 1, 2010, the public welfare requiring it, and shall apply to foreign judgments filed for enforcement on or after July 1, 2010.

Courts / Citizen’s constitutional rights in foreign judgments / Uniform Unsworn Declarations Act – Likewise, legislation addressing how Tennessee courts should be required to deal with foreign judgments has become law. The measure deals with the application of foreign laws, if and when they violate a citizen’s constitutional protections. The new law requires Tennessee courts to consider that the primary factor in decisions regarding whether to enforce decisions outside the country should be the constitutional liberties afforded to individuals under the U.S. and Tennessee Constitutions.

The fundamental principles of comity (or legal reciprocity), choice of law and venue, which Tennessee courts use in determining when to acknowledge foreign law, have many factors. The legislature has already spoken regarding many of these legal issues in several arenas and wide-ranging areas.

There is a split of authority as to what state courts can do with foreign judgments. This bill attempts to protect against unknowing or unintentional waivers of constitutional rights in cases of foreign judgments and safeguards the due process provided to our citizens under the State and U.S. Constitutions.

The legislation is not intended to wipe the slate clean with respect to other considerations that the courts may use in determining whether to grant comity, choice of law or choice of venue issues by carving out laws already passed regarding those matters and leaving for future action. In addition, legislation passed this year, including the Interstate Family Support Act and Uniform Unsworn Declarations Act, speak to enforcement requirements of child support and how documents are validated. The new law simply asserts constitutional protections as the primary factor in those decisions.

Senate Bill 3740 / Sponsors: Bunch, Gresham, Tracy, Black / Status: PC 983 / DOE: Upon becoming law on May 27, 2010

Background checks / beer permit holders – Legislation has been passed authorizing local governments to conduct criminal background checks and fingerprint analysis with the cooperation of the Tennessee Bureau of Investigation (TBI) and Federal Bureau of Investigation (FBI) for beer permit holder applicants. Previously, local officials could only access local and state law enforcement records to see if an applicant has a criminal history. Some communities wanted the authority to do a broader search to ensure permit holders do not have a criminal background in other states. This measure gives local governments the authority under Tennessee law for the TBI to access FBI databases to do the check.

Senate Bill 3330 / Sponsor: McNally, Burks / Status: PC 1002 / DOE: July 1, 2010

Prisons / Inmate relations coordinators – State lawmakers voted to approve legislation to give inmate relations coordinators the same gun carrying privileges as correctional and certain other law enforcement officers have under Tennessee law. The measure came to the legislature after the Attorney General issued an opinion that inmate relations coordinators were not covered under the same law that provides the right to carry firearms to these correctional officers due to an ambiguity in the law.

Senate Bill 565 / Sponsor: Yager / PC 631 / DOE: Upon becoming law March 10, 2010

Education Reform headlines 2010 legislative year

Special Session / K-12 / First to the Top -- The Tennessee General Assembly returned to Capitol Hill in January, 2010 in a Special Session to pass bold initiatives designed to transform education and place the state in position to be a top competitor to receive approximately \$500 million in federal funds. The legislation, entitled the Tennessee First to the Top Act of 2010, was the result of the collaborative efforts of lawmakers, the governor, and numerous education stakeholders, including an education reform panel headed by former U.S. Senator Bill Frist.

The action allowed Tennessee to compete and win a large portion of the nationwide \$4.3 billion “Race to the Top” dollars. Although many legislators were concerned about utilization of stimulus funds, most saw the Race to the Top competition as a catalyst for passage of education reform proposals that have been on tap for the past several years. These legislators look at the receipt of federal funds as an added bonus to needed substantive education changes that should have been passed with or without federal intervention. The stimulus money for the program is set to expire in four years.

Race to the Top is authorized under the American Recovery and Reinvestment Act of 2009 (ARRA) and is a competitive grant program to encourage and reward states who are implementing significant reforms in four education areas: enhancing standards and assessments; improving the collection and use of data; increasing teacher effectiveness and achieving equity in teacher distribution; and turning around struggling schools.

These goals are also in line with recommendations from the State Collaborative on Reforming Education (SCORE), headed by former U.S. Majority Leader Bill Frist. First and a group of key public officials and education and business leaders from across the state held numerous public meetings last year seeking real, meaningful improvements in Tennessee's education system. Their work has served as a compass for the General Assembly to understand the substantive changes needed to boost student achievement. Seven of the panel's key recommendations were included in the innovative legislation passed by Tennessee lawmakers, making up a large portion of the bill.

Teachers -- The legislation focuses on the belief that great teachers and school leaders make the biggest difference in student performance, thus gaining the support of the Tennessee Education Association, the state's largest teacher organization. It capitalizes on Tennessee's two decades of experience with the Tennessee Value-Added Assessment System (TVAAS) in evaluating student achievement on a year-to-year basis. Currently, state law bans utilizing the value-added data for making decisions regarding teachers, including the granting of tenure. The ability to use student achievement and teacher effect data is one of the linchpin issues for receiving Race to the Top funds. Some of the details of the teacher and principal evaluation process included in the bill are:

- Creates a Teacher Evaluation Advisory Committee composed of 15 members, including five K-12 teachers, two principals and one director of schools for a total of eight professional educators to recommend evaluation guidelines.
- Requires annual evaluations using teacher effect data in teacher and principal evaluations.
- Establishes a Teacher Professional Development Fund to help teachers develop their skills.
- Allows student achievement data to be a component of all teacher evaluations.
- Thirty-five percent of a teacher's evaluation would be based on the TVAAS teacher-effect data with another 15 percent based on other measurements agreed upon by the teacher and their evaluator, such as the end of year TCAP tests, ACT or Advanced Placement scores.
- Requires tenure decisions to be based in part on teacher evaluations.
- Grants tenured teachers the right to a hearing before an impartial hearing officer selected by the local board of education prior to any termination.
- Gives school districts the option of using administrative law judges to settle tenured teacher dismissal proceedings.
- Provides that local school systems can create a local salary schedule for teachers and principals to allow local education agencies to reward professional excellence.
- Gives teacher training programs access to non-identifying TVAAS data on their graduates to help identify the strengths and weaknesses of their programs.

Under-performing schools -- On the issue of providing help for under-performing schools, the legislation focuses on early intervention so the state can take action sooner to get them back on track. The bill allows the Commissioner of Education to move any public school or local education agency into a newly created "Achievement School District" if the school is in the fifth year of improvement status or at any time a Title I

school meets the federal definition of “persistently lowest achieving schools.” The school would then remain in that District until it achieves adequate yearly progress for three consecutive years, at which time it would transition back. In the meantime, the bill allows for the Commissioner to contract with outside entities to manage the day-to-day operation of any or all schools or local education agencies within the Achievement School District. Those who contract would report to the local education agency how the money is spent to increase accountability.

Senate Bill 7005 / Sponsors: Kyle, Woodson, Gresham, McNally, Berke, Kelsey, and Tate / PC 2 / DOE: Upon becoming law January 16, 2010

STEM -- In addition to the legislation, the state plans to enhance its Science, Technology, Engineering, and Math (STEM) program, which will be included in the Race to the Top application. The state is partnering with Battelle, which manages the Oak Ridge National Laboratory, to provide an extensive network of STEM programs across the state. This includes building new science labs, adding new technology, and creating new curricula to inspire and create new interest in science and math. Tennessee students must be proficient in these subject areas to compete in a changing global economy.

Regular Session / K-12 / Teacher appreciation – In following, state lawmakers approved a resolution expressing support for Tennessee teachers and acknowledging the role they play in the future of the state. The resolution also recognizes the challenges before teachers as a result of the Race to the Top Act, as well as the commitment it will take on the part of parents and students to make strides in improving education attainment in Tennessee.

Senate Joint Resolution 798 / Sponsors: Gresham, Berke, Black, Burks, Barnes, Beavers, Bunch, Burchett, Crowe, Faulk, Finney L, Ford, O., Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero B, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, Lt. Gov. Ramsey / Status: signed by governor 5/26

Regular Session / K-12 / JROTC -- The General Assembly also approved a military-related bill to ensure that military personnel who have taught as JROTC instructors for at least two years and are licensed to teach another subject are credited with their years of service in JROTC instruction for the purpose of salary rating.

Senate Bill 942 / Sponsors: Watson, Tracy, Gresham, Berke, and Black / Status: PC 1046 / DOE: July 1, 2010

Regular Session / K-12 / Civics in High Schools -- Lawmakers voted this session to urge the teaching of civics classes in high schools in Tennessee. The measure prescribes the goals of the class to include information regarding the three branches of government, the fundamental documents, an understanding of how laws are enacted, and ways that citizens can shape and influence their government.

Senate Bill 3432 / Sponsors: Tracy, Ketron, Gresham, Norris, Ford / Status: PC 855 / DOE: July 1, 2010

Regular Session / K-12 / Students in extracurricular activities / random drug tests -- Legislation authorizing local schools to adopt a policy to use random drug testing on a student participating in voluntary extracurricular activities was approved. Parents or guardians of the students must be notified about the random drug tests and must give written consent before the student can participate. The results of the test shall remain confidential in the student's records.

If the child tests positive for illegal drugs, the school system may not suspend or expel the child. It, rather, requires the school provide information on inpatient, outpatient and community-based drug and alcohol programs to the child and his or her parents if the test is positive. The legislation is designed to get these students the help they need to address drug use before it is too late.

Senate Bill 2621 / Sponsors: Tracy, Ketron, Burks, Herron / Status: PC 1136 / DOE: July 1, 2010

Interstate Compact on Education Opportunity for Military Children – A new law that aims to help children of military personnel transition from school to school when moving out-of-state was passed in 2010. The legislation calls for Tennessee to join the Interstate Compact on Education Opportunity for Military Children which was implemented by the Council of State Governments (CSG) in partnership with the Department of Defense.

The four areas addressed by the compact are enrollment, placement, eligibility, and graduation requirements. Most military children will be in six to nine different school systems during their lives from kindergarten through twelfth grade. Because of the numerous moves, usually during a school year, there are often problems with the transfer of records, graduation requirements being different, being excluded from extra-curricular activities, redundant or missed entrance/exit testing, and kindergarten and first grade entrance age variations. The Compact, which has already been adopted by 30 states, helps to address these issues.

Senate Bill 1997 / Sponsors: Norris, Finney, Barnes, Black, Gresham, and Ford / Status: PC 1082 / DOE: July 1, 2010 (ALSO FILED UNDER MILITARY)

Regular Session / K-12 / Multiple birth siblings -- Schools and boards of education would be prohibited from separating twins, triplets or other multiple-birth children into different classrooms solely due to the fact they are siblings, under legislation approved this year. The new law allows parents to have a say in classroom placement if school officials have separated the children only because they are multiple birth siblings.

Senate Bill 2480 / Sponsors: Gresham, Black, Tracy, Berke, Faulk / Status: PC 721 / DOE: July 1, 2010

Regular Session / Financial literacy / college savings – In an effort to increase the number of college graduates, the State Legislature voted to establish a system to provide essential education to parents and students about how to save for college. The bill creates an 11-member Tennessee Financial Literacy Commission to establish a state clearinghouse of information, resources, and assistance for improving financial literacy in the area of college savings.

The legislation follows on the heels of the “Complete College Act” passed during the Special Session on Education. That new law revised the Tennessee Higher Education Commission’s master planning responsibility to increase college completion, address economic development needs and differentiate institutional missions to increase collaboration and efficiency between Tennessee’s post-secondary schools. Lawmakers believe the new law and other reform measures for K-12 education passed during the Special Session will boost the number of college-bound students.

Provisions in the new financial literacy law include:

- Creating and implementing education programs to improve financial literacy with a focus on elementary school parents and students
- Establishing a website for financial literacy and college-saving resources
- Making grants and award to programs for financial literacy education
- Initiating education programs and campaigns to promote financial literacy education.

Senate Bill 3234 / Sponsors: Gresham, Henry, Overbey, Kelsey, Black / Status: PC 1097 / DOE: Upon becoming law on June 23, 2010

Regular Session / College Savings / BEST -- Similarly, a separate measure was approved by the General Assembly that authorizes the Board of Trustees of the Tennessee Baccalaureate Education System Trust (BEST) to establish an incentive plan to encourage citizens to participate in any 529 college savings program that the Board has contracted with to assist in these efforts. The legislation helps citizens take advantage of the incentive plans, grants and scholarships that could be available to them through individual savings accounts established by or on behalf of residents through BEST.

Senate Bill 1142 / Sponsors: Gresham / Status: PC 884 / DOE: Upon becoming law on May 10, 2010

General Assembly passes Complete College Tennessee Act

The General Assembly passed major legislation during the Special Session on Education designed to grow the number of college graduates in Tennessee. The legislation focuses on the goal of how to get more Tennesseans to pursue a post-secondary education that fits their academic and workplace needs. It also includes a focus on measures to help ensure that students are successful in completing their college degrees or post-secondary academic programs.

The problem -- Tennessee ranks 40th in the nation in completion of bachelor’s degrees and 45th in associate degrees. The average graduation rates in Tennessee range from 44 percent at four-year institutions to 12 percent at community colleges. To achieve the national average of 38 percent of adults having an associate’s degree or higher by 2025,

Tennessee will have to produce 20,000 more graduates annually. If successful in meeting this goal, Tennesseans could earn an estimated \$6 billion in additional wages and salaries each year as the state enhances the ability to lure new and better paying jobs to the state.

The higher education bill, called the "Complete College Tennessee Act of 2010" revises the Tennessee Higher Education Commission's master planning responsibility to increase college completion, address economic development needs and differentiate institutional missions to increase collaboration and efficiency between Tennessee's post-secondary schools.

Performance-based funding – The legislation puts the framework in place to retool the funding formula for higher education to make it substantially based on outcomes. Previously, the formula was based primarily on beginning of term enrollment. The bill focuses on outcomes by calling for a funding formula that looks at end of term enrollment or student retention, as well as timely progress toward degree attainment and degree completion. Community colleges will be engaged in the process of devising a formula that is fair, given the unique factors and the number of part-time and non-traditional students attending these schools.

Transferrable credits and establishment of a unified community college system – The new law calls for a more cohesive system to be in place by Fall 2011 to unlock the potential of affordable and effective gateways to higher education through Tennessee's community college system. The legislation directs the Board of Regents to develop coordinated programs and services, including a 41-hour common course catalog to make credits earned at community colleges easily transferrable to the four-year college institutions. This means that an associate of science or arts degree from a Tennessee community college will enable a student to transfer to a Tennessee public university as a junior. Also, the 19 hours of pre-major courses will be transferrable as a block to meet the requirements of any Tennessee university offering that major. This system will provide a clearly designated path for students to further their education after completion of an associate degree in the state's community colleges.

Dual enrollment / Remedial instruction – The measure calls for dual admission and dual enrollment to community colleges and four year universities to be widely available for students intending to transfer. The legislation, however, prohibits remedial or developmental instruction to be offered in a four-year Tennessee university, except when they coordinate with a community college to offer these courses to dually enrolled students.

Research Institutions – The General Assembly has approved \$6.2 million to establish a new world-class graduate energy sciences and engineering program at the University of Tennessee at Knoxville in partnership with Oak Ridge National Lab. The premise is to make the university a top-25 public research institution by placing dramatically heightened levels of instruction in the nation's premier national lab. The move is expected to create 200 new faculty appointments among the existing researchers at Oak Ridge National Lab. The partnership would be similar to one currently in place with the

University of California at Berkeley and the Berkeley National Lab. The new law also allows any other four-year Tennessee university to establish an academic unit in collaboration with the Oak Ridge Lab. It calls for keeping those entrepreneurial opportunities in Tennessee.

Similarly, the Memphis Research Consortium is recognized for inclusion under an amendment approved by lawmakers. The Consortium includes 10 Memphis institutions, hospitals and businesses to collaborate on research, medicine and health care, computational and computer science, and engineering and learning technologies to promote long-term economic development and jobs in that area of the state.

Tennessee Technology Centers -- On Tennessee's Technology Centers, which have enjoyed a very high program completion rate, the new law calls for development of agreements between the technical centers and the community colleges to provide seamless transfer opportunities for students and reciprocal use of facilities and other resources.

Accountability – The legislation has multiple accountability measures to better ensure implementation of the legislation. Several provisions in the bill require date-specific reporting to legislative committees regarding the progress and plans for completion of the tasks laid out in the comprehensive measure.

Senate Bill 7006 / Sponsors: Kyle, Woodson, Gresham, McNally, Berke, Yager, Bunch, Herron, Tate, Finney L, Norris / PC 3 / DOE: Upon becoming law January 26, 2010

Private higher education institutions -- The legislature has approved a bill authorizing any private non-profit college or university that is chartered in Tennessee to purchase and contract for the purchase of any materials, supplies, and equipment through the Department of General Services in the same manner as all departments, institutions, and agencies of state government. The measure gives the 35 non-profit higher education schools serving 39,000 Tennessee students the use of the state purchasing plan to help them realize savings.

Senate Bill 3512 / Sponsors: Yager, Gresham / Status: PC 694 / Upon becoming law March 31, 2010

Regular Session / Medical School Authority – In separate action, the General Assembly has approved legislation that would allow a combination of government entities to collaboratively establish a Medical School Authority. The legislation would give the Authority the ability, after a study is conducted by the Tennessee Higher Education Commission, to finance the construction of buildings for a school. If public funds are involved, THEC must approve the establishment of the school. THEC would be tasked with studying the impact that a proposed medical school would have on surrounding universities, the community, as well as looking at how it meshes with their Master Plan mission for higher education in the state.

Senate Bill 131 / Sponsor: Faulk / Status: PC 1078 / DOE: Upon becoming law on June 23, 2010

State lawmakers pass legislation to strengthen voting process

The General Assembly passed several bills before adjourning the 2010 legislative session to strengthen voter confidence and the integrity of the election process.

Elections / Troops overseas – Among election bills passed this year was legislation making it easier for troops that are deployed overseas to vote. The new law authorizes a county Election Commission to e-mail a ballot to each member of the armed forces, as well as citizens temporarily outside the United States, who are entitled to vote and who have submitted a valid application for a ballot. The move would expedite the process so the voter would have more time to make a decision and return their ballot on time. It will also require Tennessee to develop a database that voters overseas can use to see if their ballot has been received by their county election commission to help ensure that their votes are counted.

The legislation would help the state comply with the federal Military and Overseas Voter Empowerment (MOVE) Act, which took effect in October. That law requires the Department of the Army and Postal Service to expedite the return of ballots by using express mail, since they cannot be returned electronically due to election security concerns. To assist soldiers and citizens who are living outside the U.S. for work, school or other reasons, the [Federal Voting Assistance Program](#) has set up a website where service members can access valuable information and documents to expedite the voting process.

According to the Pew Center on the States, about half of overseas voters fail to vote or to have their votes counted because of current voting rules. Tennessee had approximately 18,686 overseas voters who participated in the November 2008 election.

Senate Bill 2681 / Sponsors: Ketron, Gresham, Black, Southerland, Norris, Overbey, Faulk, Johnson, Barnes, Herron, Burks, Finney L, Crowe / Status: PC 636 / DOE: August 20, 2010

Voting machines – In other action, the Tennessee Senate and House of Representatives approved legislation to delay a law that would have required cash-strapped Tennessee counties to spend \$30 million to replace their voting machines. The vote came after both Democrat and Republican county mayors from across the state expressed strong support in delaying the law due to the costs to taxpayers, absence of availability for up-to-date federally certified machines, and the fact that the machines will have to be replaced again in the immediate future to comply with new standards from Washington. Those standards include over 100 new requirements, with many of these focused on allowing physically impaired voters to vote independent of assistance. The action will allow Tennessee to approve legislation that complies with all those standards before the next general election in 2012.

Senate Bill 872 / Sponsor: Ketron / PC 612 / DOE: Upon becoming law on January 22, 2010

Elections / Felons pay court costs – Finally, state lawmakers gave final approval to legislation requiring that convicted felons must pay all court costs imposed before being eligible to have their voting rights restored. Currently, a person convicted of a felony must be pardoned, discharged from custody or supervision, and have paid all restitution to the victim of the offense to have his or her rights of suffrage restored. This legislation would add the payment of court costs as well. The House added an amendment to provide that if the felon is found indigent by court officials, they can be excused from the requirement.

Senate Bill 440 / Sponsor: Overbey, Burks / Status: PC 1115 / DOE: upon becoming law on June 29, 2010

Legislature passes major money-saving legislation overhauling the way state government contract for goods and services

***Legislature passes bills dealing with state government efficiency and ethics
in 2010 legislative session***

In major legislative action this year, the State Legislature passed a new law overhauling the way state government contracts for the purchase of up to \$25 billion in goods and services. The legislation is designed to implement cost saving strategies taken from the best practices implemented by procurement officials nationwide that could save Tennessee hundreds of millions of dollars over the long run.

The bill uses information contained in a State of Tennessee Procurement Assessment showing state authority for contracting is divided with one path for procuring goods and routine services and another path for the purchase of professional services. Each path has its own rules, players, decision makers, databases, technology, policies and staff. Without a single entity in charge of or accountable for statewide procurement spending, there is currently no easy way to manage a coherent, comprehensive, statewide cost saving strategy for procurement. The report also said it was confusing for vendors to do business with the state due to inefficient and redundant processes.

The new law will combine procurement of goods and services for the state into one central office housed in a department to be chosen by the governor. The governor will also appoint a single Chief Procurement Officer who has extensive qualifications and experience in contract administration to head the agency.

The Chief Procurement officer will lead a staff of well-trained professionals to carry out the function of procurement management, contract management, contract compliance /quality assurance, and vendor customer relations. An Advisory Council for State Procurement will be established to provide counsel to the new agency, replacing the present Board of Standards and Review Committee. It will consist of representatives from state agencies, the legislative branch and the vendor community. A State

Procurement Commission consisting of the State Comptroller, the Commissioner General Services and the Commissioner of Finance and Administration would be formed to examine and approve rules, regulations and procedures for the agency under the new law. A Protest Committee consisting of the State Treasurer, the Commissioner of Finance and Administration and the Commissioner of General Services will hear protests regarding procurement of contracts as long as they have no direct conflict of interest on the matter.

The new statewide system will also take advantage of the government's clout as a volume-buyer to leverage more competitive bidding. Other objectives of the legislation are to provide opportunity and fairness in state contracting and implementation of performance measures to make sure taxpayer dollars are used efficiently and effectively.

The legislation is similar to a new law implemented in Georgia and comes from the best practices obtained from the National Association of State Procurement Officials, the American Bar Association 2000 Model Procurement Code for State and Local Governments and reports from the Federal Government Accountability Office. It now moves to the floor for final consideration, having been approved in the House of Representatives earlier this week.

Senate Bill 3598 / Sponsors: Ketron, Black, Yager, Overbey, Kelsey, and Lt. Gov. Ramsey / Status: PC 1098 / DOE: Upon becoming law (Effective March 31, 2011, creates a Procurement Office / Effective July 1, 2011, requires the CPO to establish a single procurement Web site that will include information regarding how to register for and do business with the state / Effective October 1, 2011, requires the CPO to develop a transition plan that includes the implementation actions by date to consolidate the procurement and contracting for goods, services, and grants as well as the disposal of any goods and services by the state)

Fiscal Notes / Accuracy -- In other action on state cost saving measures, lawmakers approved legislation to provide more accurate and transparent information regarding the potential costs of legislation or state regulatory actions. The bill requires monetary estimates of all bills, ending the practice of fiscal notes classifying the impact of legislation as “not-significant.”

Currently, fiscal notes reflect what a bill will cost over the duration of the next budget year, which runs from July 1 to June 30. This legislation requires a three-year cost analysis and that state departments or agencies provide an estimate of the fiscal impact of proposed rules and regulations to the Secretary of State. The Secretary of State would then post a table listing any estimated fiscal impact of all proposed regulations on its Website for transparency.

Senate Bill 3549 / Sponsor: Ketron, Faulk / Status: PC 1070 / DOE: July 1, 2010

Government Efficiency – A bill to increase efficiency within state government departments has been approved by the Tennessee General Assembly. The legislation encourages departments within state government to take comments and suggestions from both employees and the public on how to improve efficiency. Departments will be encouraged to add a public comment portal to their individual websites, under the measure, to facilitate suggestions from the general public. As departments implement the

program, they will be required to report back to the General Assembly on the success of the plans during the annual budget hearings in Senate and House committees.

Senate Bill 3013 / Sponsors: Tracy, Ketron, Crowe / Status: PC 706 / DOE: Upon becoming law March 31, 2010

Government Fraud Hotline -- Similarly, the legislature approved a bill to help ensure that government fraud and abuse are investigated by the Comptroller. The Comptroller is presently required to investigate reports received from government employees and citizens through their hotline regarding fraud, abuse, or wrongdoing by state agencies and private corporations that contract with a state agency. This measure expands that law to require state agency officials who have knowledge of a theft, forgery, credit card fraud, or any other act of unlawful or unauthorized taking or abuse of public money, property or services, report it to the Comptroller immediately.

Senate Bill 3682 / Sponsors: McNally, Marrero, B. / Status: PC 784 / DOE: Upon becoming law April 16, 2010

Ethics / General Assembly -- Legislation that will end the rights of a member of the General Assembly to receive healthcare benefits if convicted of a felony was approved by the full Senate in 2009 and the House in 2010. The new law requires the state to end the benefits upon conviction or upon a plea of guilty, if the charges are in relation to the member's official capacity as a legislator. The family members eligible for benefits are not included under the bill. The General Assembly has already passed similar legislation ending legislative pensions for those convicted of a crime in relation to their official capacity as a member of the General Assembly. The new law will go into effect after the 2010 election.

Senate Bill 2205 / Sponsors: Johnson, Tracy, Black / Status: PC 914 / DOE: November 2, 2010

Ethics and Education / Utility Boards – Lawmakers gave approval to legislation strengthening the professional and ethical requirements for utility boards across Tennessee. The measure requires 12 hours of continuing education for commissioners during a three-year period. This provision would not apply to members of gas utility district boards who receive extensive annual training as reviewed by the Comptroller. It also requires that, if a utility board commissioner is indicted on a matter related to their duties, they would have to step down until the indictment is cleared. If they are subsequently convicted, they would be suspended from the board.

Senate Bill 3513 / Sponsor: Yager, Finney L, Henry, Faulk, Ketron / Status: PC 1146 / DOE: Upon becoming law on June 30, 2010

Resolution to prevent wide open U.S. Constitutional Convention – Finally, in related news regarding the state government process, the General Assembly approved a resolution to rescind three previous state resolutions calling for a limited U.S. Constitutional Convention. The action comes after many prestigious constitutional authorities say it is impossible for Congress or state applications to restrict what a Constitutional Convention does or to limit it to just one subject. In addition, Congress

has rejected proposals to establish rules or to limit a Constitutional Convention's purpose, procedure, agenda, or election of delegates, leaving such decisions open to congressional action.

The Article V provision that authorizes the calling of a Constitutional Convention refers to considering "amendments" (note the plural). The late Chief Justice Warren Burger, opined "There is no effective way to limit or muzzle the actions of a Constitutional Convention. . . . After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda."

Other leading constitutional experts agree that even if Congress called a Constitutional Convention to consider only one issue, the Convention delegates have the authority to ignore that instruction, set their own agenda, and make their own rules. This leads many to believe the Constitutional Convention process would be a prescription for political chaos, controversy, confrontation, litigation, and judicial activism.

The previous Tennessee resolutions called for limited Constitutional Amendments regarding terms of judges and judiciary, federal appropriations and revenues, and the power of president to veto appropriations.

House Joint Resolution 30 / Sponsor: Norris / Status: signed by governor 6/11

Measures to improve health care passed during 2010 legislative session

Lawmakers brace for impact of federal health care law

As Tennessee struggled this year to make ends meet, lawmakers also braced for dire effects on the state's budget as a result of the new Congressional health plan signed by President Obama in March. The plan is expected to cost the state at least \$200 million annually, as well as take away the ability of Tennessee to control its own health care program. In response, the Tennessee General Assembly debated legislation designed to lessen the impact of the massive federal health care overhaul.

Kaiser study / Obama health care plan – Tennesseans could be paying an additional \$1.5 billion in health care services in the first five years of implementation of President Obama's health care plan passed by Congress in March according to a study by the Kaiser Foundation. The report claims the state could add nearly a half million more residents on the TennCare program during that period. The analysis projects the nationwide Medicaid enrollment will increase by 15.9 million at a total cost of \$464 billion.

Abortion / Federal healthcare bill -- The General Assembly approved a new law to prohibit taxpayer-funded coverage for abortion services in Tennessee associated with the federal healthcare bill passed by Congress. The bill, which was returned by the governor

without his signature, prohibits any health care plan established pursuant to federal health care reform legislation enacted by the 111th United States Congress from offering coverage for abortion services.

Many legal scholars maintain an Executive Order signed by President Obama as part of an agreement to gain the votes of a key block of anti-abortion Democrats as the price for the massive federal health care law, will not stop federal funding of the procedure.

Senate Bill 2686 / Sponsors: Black, Gresham, Tracy, Beavers, Yager, Woodson, and Lt. Gov. Ramsey / Status: PC 879 / DOE: Upon becoming law May 5, 2010

Medicare supplements -- In action on other solutions on health care, legislators approved a bill to require insurers offering Medicare supplement policies and certificates in Tennessee to persons age 65 and older, to also offer it to those who are under that age who are enrolled in that program due to disability or end-stage renal disease. The bill calls for the policies to offer the same benefits, protection, and procedures as those offered to persons age 65 and older.

Senate Bill 3164 / Sponsors: Tracy, Ketron, Black, Yager / Status: PC 978 / DOE: For purposes of promulgating rules and regulations upon becoming a law, for all other purposes, January 1, 2011

Hospital assessment – In major action this year, legislation was approved to prevent potentially catastrophic cuts to Tennessee hospitals as a result of budget cuts proposed earlier this year in the state's 2010-2011 budget.

Hospitals asked the General Assembly to enact a coverage assessment in order to raise \$230 million. Money raised will be used to draw down federal funds available through a temporary Medicaid match program officially approved by the Centers for Medicare and Medicaid Services (CMS) on June 30.

The hospital coverage assessment will restore \$659 million in proposed cuts to the TennCare program. Language in the legislation ensures that any assessment imposed by this legislation would not be passed along to patients. The assessment is based on 3.52 percent of a hospital's net patient revenue according to its 2008 Medicare cost report. Local government hospitals, critical access hospitals, freestanding rehabilitation hospitals, long-term acute care hospitals and pediatric research hospitals are not included in the assessment, as well as state mental health institutes.

Twenty-six other states have a similar assessment plan to provide funding for their Medicaid programs and twelve additional states are currently considering such a plan.

A few examples of the cuts that would be restored include those to critical access hospitals, the Graduate Medical Education program, a \$10,000 cap on inpatient and the 8-visit limit imposed on outpatient services, therapies, and office visits. Money raised by the fee will provide funds for the medically needy program and payments to reimburse hospitals for a portion of their uncompensated TennCare.

Senate Bill 3528 / Sponsors: Overbey, Yager, Tate, Ford, O., Henry / Status: PC 909 / DOE: Upon becoming law on May 13, 2010

Small Business / Health Cooperatives -- The full Senate and House gave final approval to legislation reducing the time in which participants must commit to purchasing coverage through small group health cooperatives from five to three years. The bill amends a law passed by the General Assembly in 2008 to provide more flexibility for small business owners who may choose to form these pools. The time reduction still ensures pool stability, while working to attract more interest from small businesses and the insurance industry to participate in the cooperatives.

That law defined a health group cooperative as a private purchasing cooperative that contains at least 1,000 employees or has a minimum of 10 participating employers. Membership is voluntary, but participants must commit to purchasing coverage of fully funded plans through the cooperative for five years.

Health insurance market reform continues to be a high priority for small businesses in order to attempt to address rising costs to maintain coverage for employees. The cooperatives allow more small business owners to join together to negotiate lower health insurance rates. It not only encourages more small employers to purchase health insurance, it also gives them predictability and stability in health-insurance rates.

Senate Bill 2836 / Sponsors: Southerland / Status: PC 687 / DOE: Upon becoming law March 31, 2010 (REPEAT / ALSO FILED UNDER JOBS AND BUSINESS)

Defibrillators in school gyms – The General Assembly passed legislation to help ensure that school gyms are equipped with automatic external defibrillators (AED). The legislation is named in memory of Tanner Lee Jameson, recognizing his life and the efforts his parents have made to save others by placing defibrillators in schools across the region. Jameson died on June 26, 2009 when he collapsed during his middle school basketball game. According to the American Heart Association “when CPR is performed correctly and an AED is used, survival chances almost triple compared to those who do not receive CPR or an AED.” The bill requires that gyms are the first place a school would place an automated external defibrillator (AED) device, since they are the most common gathering place for events, particularly involving athletics.

Senate Bill 2505 / Sponsors: Overbey, Crowe, Watson, Ford, O., Woodson, Burks, and Black/ Status: PC 819 / DOE: Upon becoming law on April 23, 2010

Education / MRSA – Similarly, Tennessee lawmakers approved a bill to provide more information to schools regarding MRSA, a potentially deadly staph infection. The bill requires the Department of Health to issue an advisory to K-12 schools and early education centers to explain the medical condition and give them guidance on steps they can take to protect their students. The legislation, Kristen K. Hunter Infection Control Act, comes from a case in Sumner County where an 11-year old girl died from the condition, pointing to the need for additional information on MRSA in schools.

Senate Bill 3828 / Sponsors: Black, Kyle, Berke, Ford, O. / Status: PC 828 / DOE: Upon becoming law April 23, 2010

Women's Health / Mammograms – A resolution was passed this year encouraging women to consult with their doctors and organizations such as the American Cancer Society when choosing to have annual mammograms. The resolution takes issue with the U.S. Department of Health and Human Services' new guidelines increasing the age for baseline mammograms to age 50, and changing the recommendation for annual screenings to having the exams every other year. The resolution instead urges Tennessee women to use the American Cancer Society's recommended standard for annual screenings beginning at age 40.

Senate Joint Resolution 890 / Sponsors: Beavers, Black, Marrero B / Status: signed by governor 5/24

Women's Health / Abortion / Coercion – Legislation to educate women that coercion to have an abortion is a crime in Tennessee was approved during 2010. The bill would require a physician's office, ambulatory surgical treatment center, or other clinics in which abortions other than to save the life of the mother are performed to post signs to provide women with this information about the state law and their option to receive help if they are being threatened. According to a survey published in the Medical Science Monitor, over 64 percent of women who received abortions said they felt pressured or coerced into having an abortion. The signs will be posted in the waiting areas and patient consultation rooms, and would not apply to clinics where an abortion is performed to prevent the death of a pregnant female.

Senate Bill 3812 / Sponsors: Johnson, Gresham, Black, Tracy, Southerland, Beavers, Lt. Gov. Ramsey, Yager, Burks, Bunch / Status: PC 790 / DOE: October 1, 2010

Birth Certificates / Stillborns -- The full legislature has approved a new law calling for the state to acknowledge the birth of a stillborn infant by issuing a birth certificate if the parents request one. The legislation calls for issuance of a birth certificate, upon the request of parents for stillborn infants if they are 20 weeks or more gestation or 350 grams. The action comes after testimony from parents of stillborn infants talked to members of the General Assembly about the need for the state's recognition that their baby had been born and its role in their healing process.

Senate Bill 3189 / Sponsors: Kelsey, Ford, O., Overbey, Gresham, Johnson, Tracy, Yager / Status: PC 778 / DOE: July 1, 2010

Legislature addresses issues dealing with illegal immigration

The General Assembly debated several bills addressing issues that deal with illegal immigration.

ICE / Prisoners – The State Senate approved legislation calling for Tennessee jails to send information to the federal Immigration and Customs Enforcement office (ICE) regarding prisoners who do not have documentation that they are in the U.S. legally. The bill requires the jail keeper to fax, email or send a copy of the booking information.

The legislation makes sure that ICE and Homeland Security are informed regarding anyone who has been booked into Tennessee jails who is in the U.S. illegally. As amended, the legislation calls for statewide standards to be developed by the POST (Police Officers Standard Training) Commission. This provision helps to ensure that Tennessee will not be open to lawsuits that have been problematic in other localities with similar laws.

The bill does not apply to any county or municipality that enters into a memorandum of understanding with the United States Department of Homeland Security or ICE concerning enforcement of federal immigration laws.

Senate Bill 1141 / Sponsors: Gresham, Beavers, Tracy, Southerland, Watson, Crowe, Lt. Gov. Ramsey, Johnson, Ketron, Black and Lt. Gov. Ramsey / Status: PC 1112 / DOE: January 1, 2001

English in the workplace – The legislature voted to clarify that Tennessee employers have a right to institute an English-in-the-workplace policy. State Senators refused to recede from their version of the bill in describing what circumstances are covered and sent the matter back to the House to begin the process of working out the differences on the legislation. The Senate version relies on EEOC (Equal Employment Opportunity Commission) guidelines to clarify that employers can require that English be spoken in the workplace as long as it is posted and deemed a necessity for safety on the job.

Senate Bill 2753 / sponsors: Johnson Tracy, Black, Gresham / Status: PC 1089 / DOE: upon becoming law on June 23, 2010 (REPEAT)

Illegal immigrants / Arizona law – Finally, the Senate joined the House of Representatives in passing and sending to the governor a resolution commending Arizona for their bold move on immigration policies. Arizona recently passed a law that allows law enforcement officials to require citizenship documentation on any citizen that is detained or arrested. The recent immigration policy adopted by Arizona has received national attention. In a poll conducted by MSNBC, NBC, and Telemundo, 61 percent of Americans support Arizona's actions. Lawmakers have defended the law's importance from both an immigration and economic standpoint. Arizona spends over \$2.7 billion every year on illegal immigrants. Individual states and municipalities across the country have implemented many illegal immigration laws in the last few years following inaction by the federal government.

House Joint Resolution 1253 / Sponsor: Tracy / Status: Passed House and Senate / returned by governor without his signature 6/22

Legislation passed in 2010 aims to help and honor state's men and women in the armed services as well as veterans

A number of bills were passed this year to help and honor Tennessee's veterans and men and women in active service.

Veterans / Honor Medal Program – One such bill honoring Tennessee's brave men and women creates the Veterans' Honor Medal program to recognize and honor distinguished service by Tennessee veterans. The Department of Veterans' Affairs, under the bill, would commission the design of a medal for the program to which gold or silver stars will be added to indicate that an armed forces member was killed or wounded in action. The medal program would honor both active duty, National Guard and reserve component veterans based on criteria established by the Department of Veterans Affairs.

Veterans, as well as the governor, lieutenant governor and speaker of the House, would serve in an advisory role to the Commissioner of Veterans' Affairs in the implementation of the medal program.

Senate Bill 2488 / Sponsors: Lt. Gov. Ramsey, Ketron, Barnes, Gresham, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney L, Ford, O., Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero B, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, and Yager / Status: PC 1024 / DOE: Upon becoming law on June 9, 2010

Vets / Preference Points – This year the General Assembly passed a bill to help veterans in the state obtain jobs by expanding preference-points eligibility to all veterans. The legislation allows reference points for civil service position applicants to be expanded to all honorably discharged Tennessee veterans. Preference points are used in civil service hiring to give a leg up to veterans looking for jobs after leaving the armed forces.

Under current law, veterans from only certain conflicts are awarded preference points. All honorably discharged Tennessee veterans would receive two preference points under the bill, with increased points given to veterans of wars and those with service-connected disabilities. The preference points will be awarded to veterans who are registered Tennessee voters or have been Tennessee residents for at least two years.

Spouses of veterans disabled or killed in the line of duty would also receive preference points under the measure.

The legislation covers veterans of the current Iraq and Afghanistan wars.

Senate Bill 3857 / Sponsors: Kyle, Finney L, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Ford, O., Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero B,

McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, Lt. Gov. Ramsey / Status: [PC 746](#) / DOE: July 1, 2010

Veterans / State Parks – The full House and Senate has passed legislation to instruct the Division of Parks and Recreation to designate one day per year during which access to and use of all state parks would be free of charge for all veterans. The bill includes use of campgrounds, and golf courses, as long as the veteran shows proof of their status.

Senate Bill 3212 / Sponsors: Finney, Barnes, Berke, Crowe, and Black / Status: [PC 807](#) / DOE: Upon becoming law April 20, 2010

Veterans / Business / State Contracts -- Among veterans legislation approved this year is a bill that would develop and encourage relationships with disabled veteran-owned businesses that have not always had access to state government contracts.

The bill would apply to service-disabled a veteran owned business which is defined as a veteran with at least a 20 percent service-connected disability. The bill applies to a business solely owned by one service-disabled veteran and the veteran's spouse, if the service-disabled veteran owns at least 50 percent of the business.

Senate Bill 2785 / Sponsors: Burchett, Ketron, Gresham, Overbey, Lt. Gov. Lt. Gov. Ramsey, Black and Burks / Status: [PC 1140](#) / DOE: July 1, 2010

Veterans / Vietnam – Legislation has been passed authorizing local education agencies to issue a diploma to a student who failed to receive one due to their service in the Vietnam War. Tennessee law already allows for high school diplomas to be issued to veterans whose education was interrupted by service in World War I, World War II, or the Korean War. A surviving spouse or other immediate family member of a deceased veteran may also request the diploma.

Senate Bill 3022 / Sponsors: Burks, Crowe, Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney L, Ford, O., Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero B, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, and Lt. Gov. Ramsey / Status: [PC 736](#) / DOE: Upon becoming law April 9, 2010

Special Plates / Veterans -- The General Assembly approved legislation in the Transportation Omnibus bill to authorize a “wounded warrior” specialty license plate with proceeds going to help with the cost of rehabilitation, readjustment and treatment of veterans. Similarly, the Transportation Omnibus bill approved this year also contained a provision authorizing widows and widowers of persons entitled to receive holders of Purple Heart memorial plate to obtain a plate upon such person's death. Finally, a Submarine veteran military license plate would be available to any honorably discharged veteran of the United States armed forces having served on a submarine in the line of military duty, and whose submarine service has been certified by the Department of Veterans' Affairs.

Senate Bill 2870 / Sponsor: Tracy, Burks / Status: returned without the governor's signature / DOE: some sections apply upon becoming law and others on July 1, 2010

Elections / Troops overseas – Among election bills passed this year was legislation making it easier for troops that are deployed overseas to vote. The new law authorizes a county Election Commission to e-mail a ballot to each member of the armed forces, as well as citizens temporarily outside the United States, who are entitled to vote and who have submitted a valid application for a ballot. The move would expedite the process so the voter would have more time to make a decision and return their ballot on time. It will also require Tennessee to develop a database that voters overseas can use to see if their ballot has been received by their county election commission to help ensure that their votes are counted.

The legislation would help the state comply with the federal Military and Overseas Voter Empowerment (MOVE) Act, which took effect in October. That law requires the Department of the Army and Postal Service to expedite the return of ballots by using express mail, since they cannot be returned electronically due to election security concerns. To assist soldiers and citizens who are living outside the U.S. for work, school or other reasons, the [Federal Voting Assistance Program](#) has set up a website where service members can access valuable information and documents to expedite the voting process.

According to the Pew Center on the States, about half of overseas voters fail to vote or to have their votes counted because of current voting rules. Tennessee had approximately 18,686 overseas voters who participated in the November 2008 election.

Senate Bill 2681 / Sponsors: Ketrin, Gresham, Black, Southerland, Norris, Overbey, Faulk, Johnson, Barnes, Herron, Burks, Finney L, Crowe / Status: PC 636 / DOE: August 20, 2010 (ALSO FILED UNDER ELECTION)

Military / Interstate Compact on Education Opportunity for Military Children – A new law that aims to help children of military personnel transition from school to school when moving out-of-state was passed in 2010. The legislation calls for Tennessee to join the Interstate Compact on Education Opportunity for Military Children which was implemented by the Council of State Governments (CSG) in partnership with the Department of Defense.

The four areas addressed by the compact are enrollment, placement, eligibility, and graduation requirements. Most military children will be in six to nine different school systems during their lives from kindergarten through twelfth grade. Because of the numerous moves, usually during a school year, there are often problems with the transfer of records, graduation requirements being different, being excluded from extra-curricular activities, redundant or missed entrance/exit testing, and kindergarten and first grade entrance age variations. The Compact, which has already been adopted by 30 states, helps to address these issues.

Senate Bill 1997 / Sponsors: Norris, Finney, Barnes, Black, Gresham, Ford / Status: PC 1082 / DOE: July 1, 2010 (REPEAT / ALSO FIND UNDER CHILDREN)

Lawmakers continue efforts to uphold Second Amendment Rights

State lawmakers continued in their efforts this year to uphold the Second Amendment rights of Tennesseans. These efforts include overriding the governor's veto on legislation to allow law-abiding handgun permit holders to "carry" into establishments serving alcohol as long as they do not consume alcoholic beverages and the owners of the premises have not posted notification that firearms are banned. The legislation clarifies language in the law passed last year, particularly as it applies to the posting of notices, and adds penalties for those who consume alcohol while carrying their gun in violation of the statute.

All states surrounding Tennessee, except North Carolina, allow legal gun-carry permit holders to carry in places that serve alcohol. It also follows 13 years of experience with Tennessee's handgun carry law that shows an outstanding record of safety among permit holders.

The new law addresses Davidson County Chancellor Claudia Bonnyman's decision to strike down the law due to ambiguity. The measure makes clear what signs qualify as a legal posting so there is no vagueness or ambiguity. The notification must be of appropriate dimensions. The wording must also contain key components spelled out in the proposed law, or owners could post notification by using the international gun symbol drawing with a mark through it, or both.

Finally, the legislation prescribes a Class A misdemeanor offense for those convicted of drinking alcohol in violation of the gun carry permit law. In addition, those convicted of intoxication would be subject to losing their gun carry permit for three years.

Senate Bill 3012 / Sponsors: Jackson, Bunch, Gresham, Tracy, Lt. Gov. Ramsey, and Black / Status: PC 1009 / DOE: Upon becoming law on June 4, 2010

Second Amendment Rights / Transport / Shotguns – In other action regarding the right of citizens to bear arms, the General Assembly has approved a bill that allows individuals without a handgun carry permit to transport an unloaded rifle or shotgun in a privately-owned motor vehicle. The legislation applies as long as the rifle or shotgun does not have ammunition in the chamber or cylinder, and no clip or magazine containing ammunition is inserted in the rifle or shotgun or is in close proximity to the weapon.

Senate Bill 2390 / Sponsors: Jackson, Gresham, Burks, Bunch / Status: PC 793 / DOE: July 1, 2010

Second Amendment Rights / Guns / Archery Season -- A separate bill was approved that authorizes persons with a handgun carry permit to carry their gun while bow hunting during the archery-only deer season.

Senate Bill 842 / Sponsors: Jackson and Crowe / Status: PC 621 / DOE: July 1, 2010

Two bills passed this year help senior citizens

Senior Citizens / Silver Alert – Two important bills were passed this year aiding senior citizens, including one to improve Tennessee’s “Silver Alert System.” The bill would remove the age requirement to include any citizen with Alzheimers, dementia, or a physical impairment under legislation passed this year. Previously, the law was limited to those 60 years of age or older.

The “Silver Alert System,” passed into law last year, works similarly to the “Amber Alert System” to help locate missing individuals who have Alzheimer’s disease or related dementias. The program calls for local law enforcement agencies to coordinate with non-profit organizations such as A Child is Missing or the Alzheimer’s Association to aid in their efforts.

There is a critical 24-hour time period in which to locate missing seniors. This program is designed to disseminate quickly descriptive information about the missing person, so that citizens in the affected area can be on the lookout for the endangered person and notify local law enforcement with any relevant information.

Approximately 100,000 Tennesseans and as many as 5.2 million persons nationwide are living with Alzheimer’s disease, according to the Alzheimer’s Association. The Silver Alert system is working in other states and has resulted in the safe return of a majority of those reported.

The Alzheimer’s Foundation of America has reported that 6 in 10 of those with Alzheimer’s disease will wander away and become disoriented. Half of those who wander are found within five miles of their home. Of those not found within 24 hours, half will be seriously injured or die.

Senate Bill 2903 / Sponsors: McNally, Southerland, Haynes, Johnson, Burchett, Burks, Overbey, Woodson, Yager, Norris, Black, Barnes, Beavers, Berke, Bunch, Crowe, Faulk, Finney L, Ford, O., Gresham, Harper, Henry, Herron, Jackson, Kelsey, Ketron, Kyle, Marrero B, Stewart, Tate, Tracy, Watson, Lt. Gov. Ramsey / Status: PC 733 / DOE: July 1, 2010

Senior Discounts / auto insurance -- Legislation to give senior drivers a discount on their insurance for taking an online driving course was approved this year. Insurance discounts are currently offered to those who take a course in person. This bill extends that discount to those who take a course online and requires the Department of Safety to establish by rules or regulations a means of certification for the online motor vehicle accident prevention course.

Senate Bill 3265 / Sponsor: Faulk / Status: PC 617 / DOE: Upon becoming law March 2, 2010

Major DUI legislation is passed in 2010 legislative session

General Assembly deals with legislation regarding roads and rules of the roads

Alcohol / DUI / Interlock – Major DUI legislation was passed this year that is designed to increase the use of ignition interlock devices and to curb the number of alcohol-related car crashes in Tennessee. The new law requires the use of the devices if the offender has a blood or breath alcohol concentration of .15 percent or higher; is accompanied by a person under 18 years of age; is involved in a traffic accident for which alcohol was the cause, or violates the present implied consent laws under certain extreme circumstances. It also provides those convicted of drunk driving under .15 with the option to install an interlock device instead of being geographically restricted by the court.

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 current alcohol ignition interlock technology makes it easier for courts to require drunk drivers to utilize the device. Studies show the devices have been very successful in curbing drunk driving.

Courts often restrict those convicted of drunk driving to traveling only to work and home. The restriction routes can be difficult for law enforcement officers to monitor. Officers would easily be able to see if a convicted offender has a court-ordered interlock device, which would be installed at the offender's expense. In addition, organizations such as Mothers Against Drunk Drivers have presented statistics showing that such an interlock device is greatly more effective in curbing drunk driving recidivism than location restrictions that a driver can simply ignore when he or she chooses.

Eight other states already have laws that require DUI offenders to install interlock devices if they register .15 or higher. The National Transportation Safety Board has urged Tennessee to pass a more uniform and mandatory system for installation of interlock devices for those convicted of drunk driving.

Senate Bill 2965 / Sponsors: Beavers, Black, Faulk, Southerland, Norris, Watson, Tracy, Yager, Gresham, Woodson, Crowe, Burks, and Herron / Status: PC 921 / DOE: For the purpose of promulgating rules and regulations necessary upon becoming a law -- For all other purposes January 1, 2011 and shall apply to applicable offenses of driving under the influence occurring on or after January 1, 2011

DUI / Broadens definition – The definition of driving under the influence (DUI) would be broadened under a new law passed in 2010. The measure prohibits any person from driving while under the influence of any intoxicant, marijuana, controlled substance, drug, substance affecting the central nervous system or combination that impairs the driver's ability to operate a motor vehicle. The bill aims to allow for the prosecution under the state's DUI laws of those who use other substances that impair their driving, including huffing.

Senate Bill 2970 / Sponsor: Black, Finney and Faulk / Status: PC 1015 / DOE: January 1, 2011

DUI / repeat offenders – The General Assembly has approved legislation which seeks to prevent the incentive for offenders to delay their trials so that they fall outside of the 10-year DUI toll period that is in current law. Presently, the state calculates the time period for a drunk driver to be charged with a repeat offense from the date of conviction to the day the offender is convicted of the repeat offense. This bill adjusts that calculation to make the 10-year period run from the date the offense was committed to the date of the commission of a repeated offense. The change prevents repeat offenders from delaying their trial to avoid stiffer penalties imposed upon a second DUI conviction.

Senate Bill 844 / Sponsor: Beavers, Black, Faulk, Tracy, Gresham, Bunch, Johnson, and Burks / Status: PC 1080 / DOE: July 1, 2010 and shall only apply to an offender if at least one violation of § 55-10-401 occurs on or after such date

Highway Safety Funds / Resolution -- The General Assembly voted to ask Congress to repeal the current highway transportation funding formula and permit each state to retain all federal fuel taxes it collects from motorists within its borders. It also asks Washington to allow the states to have responsibility for their own transportation programs.

Tennessee is among two dozen “donor states” that pay far more fuel taxes into the federal Highway Trust Fund than they receive in return. Congress utilizes a flawed formula, developed in 1956, to determine the amount of federal fuel tax revenues each state receives.

House Joint Resolution 752 / Sponsor: Crowe / Status: Transmitted to the governor 3/23

Transportation / Drivers / International Drivers – Lawmakers voted this session to make it a violation of the Tennessee Consumer Protection Act of 1977 to advertise, promote, or sell an international driver’s license. Drivers from other countries can purchase an official license that translates their language to English, which is valid in Tennessee. However, unscrupulous vendors have sold documents that report to be driver’s licenses to unassuming customers for up to \$500. Violations, under the new law, are punishable by a civil penalty of a minimum of \$1,000 up to a maximum of \$3,000 per violation in addition to a court ordered civil penalty of up to \$1,000 for each violation. The bill now goes to the governor for his signature.

Senate Bill 2712 / Sponsor: Kelsey, Ketron, and Marrero B / Status: PC 918 / DOE: July 1, 2010

Transportation / Corridor K – The Corridor K Highway project should be completed according to a resolution approved this year and sent to Congress. The project was part of the Appalachian Regional Commission’s efforts which began in 1965 to combat poverty in the poorer mountainous regions of the Eastern United States. The Appalachian Commission’s efforts included 26 corridors in 13 states from New York to Mississippi, with Corridor K being the name given to the route through Bradley and Polk

Counties that would open commerce between Chattanooga and eastern seaports. Corridor K is one of the few remaining projects that have not been completed.

House Joint Resolution 754 / Sponsors: Watson, Bell, Brooks K, Dean, Niceley, Favors, Brown, Mumpower, Casada, Ferguson, Winningham, Moore, Cobb J, Faulkner, Floyd, McCormick, McCord, Carr, Matheny, Haynes, Montgomery, West, Matlock, Marsh, Williams / Status: Signed by Governor 4/19

Ticket quotas – Legislation that would prohibit law enforcement officers from being punished or rewarded due to the number of traffic citations issued or collected upon has been approved. The bill prohibits state agencies and local governments in Tennessee from establishing or maintaining, formally or informally, a plan to evaluate, promote, compensate or discipline a law enforcement officer based solely on the issuance of a predetermined or specified number of traffic citations. It further prohibits them from requiring or suggesting to a law enforcement officer that he or she is required or expected to issue a predetermined or specified number of traffic citations within a specified period.

Senate Bill 2703 / Sponsor: Burchett, Burks, Black, and Ford / Status: DOE: July 1, 2010 / Status: PC 1000 / DOE: July 1, 2010

Crime / Work Zones – Construction Zones – The State Senate voted to approve legislation which aims to curb the number of deaths in work zones due to reckless driving. The measure adds to the list of charges that can be considered under the state’s vehicular homicide law, cases where the cause was the driver’s knowing failure to exercise due care resulting in the death of a construction worker or an employee of the Tennessee Department of Transportation in a work zone. There were 12 fatal crashes in construction zones last year. The crime would be punishable as a Class D felony.

Senate Bill 2882 / Sponsor: Crowe, Faulk / Status: PC 1120 / DOE: July 1, 2010

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