

TALS Legislative Report

Equal Justice University 2013

Presented by

Stewart Clifton

Government Relations Consultant, Tennessee Alliance for Legal Services

Mike Murphy

Legislative Liaison, Tennessee Alliance for Legal Services

Anne Fox

Policy and Training director, Tennessee Alliance for Legal Services

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For questions or to provide feedback, contact stewartclifton@comcast.net or call 615.305.2945

If you would like to receive an electronic copy, with hyperlinks to Public Chapters and Citations, please contact Sarah Cooper at scooper@tals.org

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DCS/Child Welfare

PC397 Education of children in foster care.

Sponsors Sen. Dolores R. Gresham/Rep. John J Deberry Jr.

Description Establishes that any child placed in the custody of DCS shall become a resident of the county in which such child is placed by the department. Requires the board of education of each local school system to assign the student to a public school.

Citations 37-01-0130, 49-06-0902, 49-06-3102, 49-06-3201

PC354 DCS annual report to include foster children by county.

Sponsors Sen. Charlotte Burks / Rep. Sherry Jones

Prohibits DCS from requiring a parent to obtain employment, if the parent has sufficient resources from other means to care for the child, or to provide a separate bedroom for a child, unless there are specific safety or medical reasons that would make placement of the child with another child unsafe, to show that continuing or restoring custody with the parent is in the best interest of the child. A permanency plan is prohibited from requiring the parent to obtain employment if such parent has sufficient resources from other means to care for the child and from requiring the parent to provide the child with the child's own bedroom unless specific safety or medical reasons exist that would make bedroom placement of the child with another child unsafe.

Citations 37-01-0166, 37-02-0403

PC298 Termination of parental rights - rape conviction.

Sponsors Sen. Jack Johnson / Rep. Mary Littleton

Description Adds conviction of rape as a ground for termination of parental rights if the child was conceived from the rape.

Citations 36-01-0113

PC385 Parent's disability - harm to the child standard.

Sponsors Sen. Becky Duncan Massey / Rep. Andrew Farmer

Description As finally passed the bill was amended to simply prohibit the disability of a parent seeking custody from creating a presumption for or against awarding custody to such party but allowing the disability to be a factor considered by the court.

Citations 36-06-0106

PC426 Aggravated child neglect or endangerment - additional incarceration.

Sponsors Sen. Dolores R. Gresham / Rep. Terri Lynn Weaver

Description Prohibits release eligibility for aggravated child neglect or endangerment until the offender has served 70 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 55 percent.

05/22/2013 - Enacted as Public Chapter 0426 effective July 1, 2013.

Citation 40-35-0501

Trafficking Bills

In addition to the following new public chapters, persons interested in Tennessee's efforts to fight human trafficking might wish to review the [TENNESSEE HUMAN TRAFFICKING SERVICES COORDINATION AND SERVICE DELIVERY PLAN.](#)

<http://www.tn.gov/humanserv/adfam/TDHS-2013-HT-Plan.pdf>

PC436 Expands offense of solicitation of a minor.

Sponsors Sen. Doug Overbey, Senator Lowe Finney / Rep. Jim Coley

Description Expands the offense of solicitation of a minor to include trafficking for commercial sex acts, patronizing prostitution, promoting prostitution, aggravated sexual exploitation of a minor.

Citations 39-13-0528

PC251 Specified victims may testify outside courtroom.

Sponsors Sen. Bill Ketron / Rep. Jim Coley

Description Allows victims of trafficking for commercial sex acts and patronizing prostitution who are under thirteen years of age to testify outside the courtroom by closed circuit television in certain circumstances.

Citations 24-07-0120

PC415 Trafficking for commercial sex acts is criminal gang offense.

Sponsors Sen. Brian K. Kelsey / Rep. Gerald McCormick
Description Adds to the definition of criminal gang offenses the commission or attempted commission, facilitation of, solicitation of, or conspiracy to commit the offense of trafficking for commercial sex acts.
Citations 40-35-0121

PC465 Class C felony offense of promoting travel for prostitution.

Sponsors Sen. Brian K. Kelsey / Rep. Jim Coley
Description Creates Class C felony for promoting travel for prostitution. Establishes that a person commits promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be prostitution if occurring in the state. Also makes it a Class D felony offense
for any person to promote travel for prostitution by selling or offering to sell travel services that the person knows to include travel for the purpose of engaging in what would be prostitution if occurring in the state.
SENATE
Citations 39-13-0301, 39-13-0309, 39-13-0500, 39-13-0533

PC365 Termination of parental rights - trafficking for commercial sex acts.

Sponsors Sen. Brian K. Kelsey / Rep. Mary Littleton
Description Establishes as grounds for termination of a person's parental rights the conviction of a parent of trafficking for commercial sex acts when the parent's child is one of the victims of the offense. Also adds that a guardian's conviction for trafficking a person for a commercial sex act under section 39-13-309 is a ground for initiation of termination of guardianship rights. Removes the element of the ground for termination that the child of the parent is one of the victims of the offense.
Citations 36-01-0113

PC242 Restitution to victims of certain sex crimes.

Sponsors Sen. Brian K. Kelsey / Rep. Jim Coley
Description Requires defendant to pay restitution to the victim for the offenses of patronizing prostitution, trafficking for commercial sex acts, solicitation of a minor for sexual purposes, and enlisting or paying a minor to engage in child pornography.
Citations 39-11-0118

PC464 Human trafficking task force.

Sponsors Sen. Brian K. Kelsey / Rep. Debra Moody, Rep. Jimmy Eldridge
Description Establishes the human trafficking task force. Requires the task force to meet bi-annually and authorizes task force to address all aspects of human trafficking including sex trafficking and labor trafficking in United States citizens and foreign nationals.
Citations 04-03-0000, 04-03-3001, 04-03-3002, 04-03-3003, 04-03-3004, 04-03-3005

PC255 Protective custody of children.

Sponsors Sen. Brian K. Kelsey / Rep. Jim Coley
Description Adds a person who physically possesses or controls a child to those individuals whose child can be removed from that individual's custody if the child is subject to an immediate threat to the child's health or safety and there is no less drastic alternative to removal.
Citations 37-01-0114, 37-01-0128

Courts, Attorneys, Procedure

PC317 Doctrine of joint and several liability.

Sponsors Sen. Brian K. Kelsey / Rep. Jeremy Durham
Description Makes a variety of changes limiting the doctrine of joint and several liability. Does not prevent parties from entering into a legally enforceable contract that allocates fault in a civil proceeding among the contracting parties. Specifies that joint and several liability doctrine will remain in effect to apportion financial responsibility among manufacturers only in a product liability action based only on strict liability or breach of warranty.
Citations 29-11-0100, 29-11-0107

PC100 Misdemeanor charges for persons incompetent to stand trial.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick
Description Revises provisions relating to the competency to stand trial reports and retirement of misdemeanor charges for individuals incompetent to stand trial. Creates a subsection where if a defendant is found to be incompetent to stand trial, any misdemeanor charges pending at the time of the incompetency determination shall be retired no later than 11 months and 29 days after the date of arrest. Establishes that the reporting

obligation ceases at the point the misdemeanor charges are retired. (Part of Administration Package)
Citations 33-07-0301

SJR2 Constitutional amendment - appointment of appellate judges.

Sponsors Sen. Brian K. Kelsey
Description Proposes an amendment to provide for gubernatorial appointment of appellate judges, subject to legislative confirmation, followed by retention elections.

PC388 Bail bond process revisions.

Sponsors Sen. Todd Gardenhire / Rep. Vince Dean
Description Releases a bail bondsman or other surety from obligation under a bail bond between the time a conviction or guilty plea occurs and the time of the defendant's sentencing; authorizes sheriff to receive \$10.00 rather than \$5.00 to be paid on every bail bond upon disposition of the case; prohibits enforcement of forfeiture of bail until 30 days after its entry.

Citations 08-21-0901, 40-11-0138, 40-11-0139

PC224 Punitive damage awards based on vicarious liability.

Sponsors Sen. Brian K. Kelsey / Rep. Rick Womick
Description Authorizes the award of punitive damages in a civil action against a defendant based on vicarious liability under certain highly limited circumstances.

Citations 29-39-0104

PC443 Expungement fee.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway
Description Specifies that if a petitioner is unable to pay \$350 expunction fee, the petitioner may enter into a payment plan with the clerk in order to pay the fee in installment payments; no order of expunction will be granted until the total amount of the fee is paid; requires department of finance and administration to review the number of expunction petitions filed by eligible petitioners, the cost of processing each petition and the amount of money paid in expunction fees.

Citations 40-32-0101

Employment

PC91 Local government restrictions on private businesses.

Sponsors Sen. Brian K. Kelsey / Rep. Glen Casada
Description Prohibits local governments from mandating health insurance benefits, leave policies, hourly wage standards or prevailing wage standards that deviate from state statutorily imposed standards on private employers as either a condition of operating a business within the jurisdictional boundaries of the local government or when the local government contracts with a private employer; prohibits a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws. Bill is officially named the Tennessee Wage Protection Act.

Citations 07-51-1802, 12-04-0903, 50-02-0100

PC99 Revisions to Tennessee Medicaid False Claims Act.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick
Description Establishes that employees, contractors, and agents are entitled to relief under the Tennessee Medicaid False Claims Act for employment discrimination due to any effort of such person to stop a violation of the Act. Requires that relief includes reinstatement with the same seniority status the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination. (Part of Administration Package)

Citations 71-05-0182, 71-05-0183

PC289 Workers compensation changes.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick
Description This long, complicated law can't be summarized adequately here. See the following note by TBA Executive Director Allan Ramsaur for the organized Bar's quick take on it. For a great history of the issue see Russell Fowler's article in the June 2013 [TBA Journal](#).

Tennessee's workers' compensation system saw a major revamp during the 2013 legislative session. Gov. Bill Haslam made workers' compensation changes his number one priority. The headline change for both the

bar and the public was the switch of management of disputed claims from the court system to a set of administrative tribunals.

The bill, which Gov. Haslam signed into law in May, creates a strong administrator responsible for much of the rulemaking and many of the decisions in this process. The legislation clearly placed the welfare of the injured workers on the executive branch.

Hidden in the 120-page bill are many changes of the policies that the accompanying article brings to light. The system now will be speedier in paying claimants. It does so by narrowing restricting discretion to fashion individualized remedies. Long-term disability now plays a lesser role.

— Allan F. Ramsaur

Citations 04-03-1400, 04-03-1408, 09-08-0307, 09-08-0400, 09-08-0402, 29-20-0401, 50-06-0100, 50-06-0101, 50-06-0102, 50-06-0103, 50-06-0104, 50-06-0108, 50-06-0111, 50-06-0116, 50-06-0117, 50-06-0118, 50-06-0121, 50-06-0122, 50-06-0124, 50-06-0125, 50-06-0131, 50-06-0132, 50-06-0133, 50-06-0134, 50-06-0200, 50-06-0201, 50-06-0202, 50-06-0203, 50-06-0204, 50-06-0205, 50-06-0206, 50-06-0207, 50-06-0208, 50-06-0210, 50-06-0212, 50-06-0224, 50-06-0225, 50-06-0226, 50-06-0227, 50-06-0228, 50-06-0229, 50-06-0230, 50-06-0231, 50-06-0232, 50-06-0233, 50-06-0234, 50-06-0235, 50-06-0236, 50-06-0237, 50-06-0238, 50-06-0239, 50-06-0240, 50-06-0241, 50-06-0242, 50-06-0243, 50-06-0246, 50-06-0300, 50-06-0301, 50-06-0305

PC427 Claimants not seeking work disqualified from certain unemployment benefits.

Sponsors Sen. Jack Johnson / Rep. Jimmy Matlock

Description Revises various provisions regarding unemployment insurance, including provisions governing the waiver of the collection of overpayments. Waiver of overpayments is now at the option of the department. Before this bill, six year old overpayments were mandated to be waived. Deletes current definition of "base period" and replaces it with a new definition requiring the last four quarters of a benefit period to be used when the first quarter was used in a previous benefit year. Deletes requirement to use the last four quarters of the five-quarter period when insufficient wages are available in the first quarter to qualify for benefits. Adds to the definition of "misconduct" any conduct constituting a criminal offense for which the claimant has been convicted or charged that involves dishonesty arising out of the claimant's unemployment. Eliminates the one-year limitation on reconsideration for unemployment claims, if the claimant is subsequently convicted of a misdemeanor or felony which caused the separation from the employer, provided the employer gives notification of the conviction to the Department of Labor and Workforce Development. Requires annual training for all unemployment hearing officers. Increases, from 1,000 to 1,500, the number of weekly random verification audits of unemployment benefit recipients that the Department is required to conduct for determining if false work search information has been provided for at least eight weeks.

Citations 50-07-0218, 50-07-0301, 50-07-0302, 50-07-0303, 50-07-0304

PC280 Prevailing wage requirements for the construction industry.

Sponsors Sen. Jack Johnson / Rep. Pat Marsh

Description Removes certain prevailing wage requirements for the construction industry. (other than state highway construction projects).

Citations 07-04-0205, 12-04-0401, 12-04-0402, 12-04-0403, 12-04-0404, 12-04-0405, 12-04-0406, 12-04-0407, 12-04-0408, 12-04-0409, 12-04-0410, 12-04-0411, 12-04-0412, 12-04-0900, 12-04-0906, 41-06-0204

PC240 Reasonable expenses award under the Tennessee Wage Regulations Act.

Sponsors Sen. Becky Duncan Massey / Rep. Steve Hall

Description Deletes language from wage regulation law that states the amount agreed upon for wages shall constitute a basis for litigation in civil cases. Requires the Department of Labor and Workforce Development to enforce wage regulations.

Citations 50-02-0101

Family

PC220 Mental health of parent in child custody case.

Sponsors Sen. Mae Beavers / Rep. Terri Lynn Weaver

Description Establishes that a court shall consider mental health records of a parent when making a child custody determination.

Present law requires the court to consider the mental and physical health of the parents or caregivers, among other things, when making a decision regarding child custody. This amendment adds that the court may, when it deems appropriate, order an examination of a party pursuant to Rule 35 of the Tennessee Rules of Civil Procedure and, if necessary for the conduct of the proceedings, order the disclosure of confidential mental health information of a party pursuant to present law. The court order must contain a qualified protective order that, at a minimum, expressly limits the dissemination of confidential protected mental health

information for the purpose of the litigation pending before the court and provides for the return or destruction of the confidential protected mental health information at the conclusion of the proceedings.

Citations 36-06-0106

PC349 Fees for the certification of batterers' intervention programs.

Sponsors Sen. Charlotte Burks / Rep. Sherry Jones

Description Allows the domestic violence state coordinating council to prescribe fees, not to exceed \$300, for the certification of batterers' intervention programs.

Citations 38-12-0110

PC352 Parent to notify a child's other parent before relocating.

Sponsors Sen. Charlotte Burks / Rep. Ryan Williams

Description Requires a parent to notify a child's other parent before relocating more than 50 miles away, rather than 100 miles away.

Citations 36-06-0108

Health/Benefits

PC63 Confidential info submitted for property tax relief.

Sponsors Sen. John Stevens / Rep. Timothy Hill

Description Requires that financial records filed for income verification, as well as any information concerning the disability status of a disabled homeowner or the disability status of a disabled veteran or the death of a soldier, be confidential and not subject to inspection under the Tennessee public records law, but be made available to local or state officials who administer, enforce, or audit the tax relief program or requirements.

Citations 67-05-0701, 67-05-0703, 67-05-0704, 67-05-0705

PC402 Fraud prevention in electronic benefit transactions.

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

Description Requires the department to investigate certain actions of fraud, theft or misconduct in department programs. (Part of Administration Package)

Citation 71-01-0105, 71-03-0110, 71-05-0314

PC312 Limitations on use of public assistance benefit.

Sponsors Sen. Jim Tracy / Rep. Terri Lynn Weaver

Description Provides that a recipient of public assistance is prohibited from knowingly using an EBT card in a liquor store as defined by federal law; at any casino, gambling casino or gaming establishment as defined by federal law; and an adult cabaret as defined in TCA 7-51-1102. Public assistance is defined as money or property provided directly or indirectly to eligible persons through TANF. Any person who knowingly uses an EBT card in a prohibited location must, to the extent permitted by federal law, reimburse the Department for the purchase. A recipient of public assistance is also prohibited from knowingly using an EBT card in an automated teller machine or point-of-sale device located in a liquor store as defined by federal law; a casino, gambling casino, or gaming establishment as defined by federal law; or an adult cabaret as defined in TCA 7-51-1102.

A person or business entity, or any agent or employee of the person or business entity, is prohibited from knowingly accepting public assistance benefits from an EBT card for the purchase of any goods or services in a liquor store as defined by federal law; at any casino, gambling casino or gaming establishment as defined by federal law; and an adult cabaret as defined in TCA 7-51-1102. Civil penalties are specified.

Citation 71-03-0100, 71-03-0126

PC250 Annual Coverage Assessment Act of 2013.

Sponsors Sen. Doug Overbey / Rep. Michael Harrison

Description Creates the Annual Coverage Assessment Act of 2013. Establishes process for annual coverage assessments to be applied on covered hospitals. Requires such assessment to not be used to reduce or eliminate state funding to the program. Establishes procedure to impose and collect the assessment. Specifies the amount of the assessment. (15 pp.)

Citations 71-05-0000, 71-05-0160

PC32 Immunity to health providers in certain situations.

Sponsors Sen. Doug Overbey / Rep. David B. Hawk

Description Provides immunity to a hospital or health care provider in determining that a person needs emergency mental health treatment or needs physical restraint or vehicle security during transportation to a hospital or treatment resource.

Citations 08-42-0101, 33-06-0407, 33-06-0901

PC238 Surrogates can seek mental health treatment.

Sponsors Sen. Joey Hensley / Rep. Barrett Rich

Description Adds an individual acting as an agent under the Tennessee Health Care Decisions Act, or an individual designated under TCA 68-11-1806(a) to the list of people who may apply for voluntary admission. Replaces a person's surrogate with an individual acting as an agent under the Tennessee Health Care Decisions Act, or an designated under TCA 68-11-1806(a) when requesting a release from inpatient services or a disclosure of confidential information.

Citations 33-03-0104, 33-06-0201, 33-06-0206, 68-011-0224

PC466 Photo id to purchase items with TANF benefits or food stamps.

Sponsors Sen. Stacey Campfield / Rep. G.A. Hardaway

Description Requires the commissioner of human services to study issues, within existing resources, related to the issuance of a photo id card to each eligible household in the food stamp and TANF programs and report to the health committees of the general assembly by January 15, 2014.

Citations 71-00-0000

PC377 Regulates navigators for exchanges under the Affordable Care Act.

Sponsors Sen. Mark Green / Rep. Joe Pitts

Description Prohibits a navigator from selling, soliciting, or negotiating any policy of insurance. Allows the commissioner to issue a "cease and desist" order to a navigator for violating state or federal law pertaining to an exchange and seek injunctive relief against a navigator acting in violation of state or federal law pertaining to an exchange. Recently enacted emergency rules appeared to go well beyond the sponsors' intent and would likely have hamstrung efforts to educate about the Affordable Care Act. TJC filed suit in state court and that case has now been settled.

Citations 56-06-0000, 56-06-1200, 56-06-1201, 56-06-1202, 56-06-1203, 56-06-1204, 56-06-1205

Housing/Consumer

PC70 Hours of operation of a title pledge office.

Sponsors Sen. Bill Ketron / Rep. Jon Lundberg

Description Removes prohibitions on the hours of operation of a title pledge office, including prohibition against title pledge office being open on Sunday.

Amendment House amendment 1 (003525) rewrites the bill. Adds to the present law prohibition on the hours of operation of a title pledge office that nothing shall prohibit a title pledge lender from accepting payment for an existing title pledge or property pledge agreement at any time.

Citations 39-17-1500

PC104 Alters exemptions for certain licensing requirements.

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

Description Exempts licensed attorneys, performing activities that do not require licensure under the federal SAFE Mortgage Licensing Act, from the prohibition to act as mortgage loan originators without first obtaining a license under the Tennessee Residential Lending, Brokerage and Servicing Act. Removes the exemption from the licensing requirement for seller-financers of vacant land, commercial real estate lenders, and lenders providing financing on properties that are not intended to be owner-occupied by the recipients of the financing. Prohibits real estate brokers and title insurance agents from offering or negotiating terms of a residential mortgage loan. (Part of Administration Package)

Citations 45-13-0201

PC51 Amends the Federal Electronic Funds Transfer Act.

Sponsors Sen. Doug Overbey / Rep. William G. Lamberth

Description Applies the Uniform Commercial Code – Funds Transfers chapter to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act (EFTA) unless the remittance transfer is an electronic fund transfer. Requires the EFTA to control when an inconsistency occurs between the EFTA and this state law chapter. Requests the Tennessee Code Commission to include certain official UCC related comments.

Citations 47-04-0108

PC186 Credit card acceptance and establishing amount owed.

Sponsors Sen. Becky Duncan Massey / Rep. Roger Kane

Description Allows a creditor's records custodian to testify to certain records contained by the creditor. Specifies that a creditor's records include 1) certain records from an original creditor, issuer, or succeeding creditor that have been acquired by the creditor through a contractual agreement, an account purchase transaction or assignment in the creditor's regularly

conducted business and 2) such records are incorporated in the creditor's records and relied upon in the creditor's regularly conducted business activity. (2) The provisions of subdivision (b) (1) shall not apply if the source of information or the method or circumstances of preparation indicate that the records lack trustworthiness.

Citations 47-22-0000, 47-22-0301, 47-22-0302

PC187 Judgment debtors to notify judgment creditors.

Sponsors Sen. Stacey Campfield / Rep. Charles Curtiss

Description Requires a judgment debtor whose salaries, wages, or other compensation are subject to a garnishment to notify the judgment creditor when the judgment debtor obtains new employment. Notice to the judgment creditor shall include the name, address and telephone number of the new employer. If the judgment debtor fails to notify the clerk or judgment creditor, the judgment debtor **may** be determined to be in contempt of court and **may** be punished the same as contempt of court in a judicial proceeding. A judgment debtor's notification is timely if the notification is mailed less than 10 days after obtaining new employment. All fees imposed by the clerk or any other party for reissuing a garnishment with the debtor's new employment information shall be imposed upon the judgment debtor by adding the amount to the debt to be collected.

Citations 26-02-0200, 26-02-0225

PC107 Termination of rental agreement after fire.

Sponsors Sen. Bill Ketron / Rep. William G. Lamberth

Description Authorizes landlords to terminate rental agreements within 14 days of providing written notice to the tenant after the premises or unit is destroyed or damaged by fire or casualty. If the rental agreement is terminated, rent owed would be calculated from the date the tenant returns the keys to the landlord, or the date the tenant vacates the premises. Provisions of the act apply to rental agreements entered into "or renewed" on or after the effective date of this act.

Citations 66-28-0503

PC206 Late rent payment under the Uniform Landlord and Tenant Act.

Sponsors Sen. Bill Ketron / Rep. Mike Carter

Description Deletes provision in Uniform Landlord and Tenant Act prohibiting public housing projects in Hamilton and Rutherford counties from charging more than \$5.00 per month for the late payment of rent or charging a late fee unless more than 15 days have elapsed since rent was due. This bill will apply to any rental agreement in which the Uniform Residential Landlord and Tenant Act applies that does not incorporate the \$5.00 limit on late rent fees charged to public housing tenants in Hamilton and Rutherford counties, as it existed prior to the day that this bill becomes a law, as a term of the rental agreement, or to any rental agreement in which the Uniform Residential Landlord and Tenant Act applies that does incorporate the \$5.00 limit on late rent fees charged to public housing tenants in Hamilton and Rutherford counties, as it existed prior to the day that this bill becomes a law, as a term of the rental agreement if the rental agreement was entered into on or after the day that this bill becomes a law.

Citations 66-28-0201

PC373 Notification of utility disconnection allows calling or emailing.

Sponsors Sen. Steven Dickerson / Rep. Gary Odom

Description States that calling or emailing a person, instead of knocking at the person's door, would constitute reasonable, good faith effort to notify the person prior to utility being disconnected under the Utilities' Cut-Off Procedures Act, which only applies in Davidson County. Provision doesn't apply to residence where service has been discontinued within the previous four years.

Citations 65-32-0104

Immigrant and Refugee

PC120 Redefined qualified alien for Eligibility Verification Entitlements.

Sponsors Sen. Jack Johnson / Rep. Joe Carr

Description Expands the definition of "qualified alien" for purposes of the Eligibility Verification for Entitlements Act and allows state entities to verify an applicant's eligibility under the Act by using the SEVIS system, instead of the SAVE program. Specifies that certain aliens and non-immigrants, who are not considered "qualified aliens" under federal law but who are otherwise eligible to receive state and local benefits, would be considered to be "qualified aliens" for purposes of the state Eligibility Verification for Entitlements Act. Specifies that if a non-citizen applicant for benefits can't provide two forms of documentation of identity and immigration status, as required under federal law, then the person must provide one form of identification and be verified by the agency or political subdivision through the SAVE program or the SEVIS system.

Citations 04-58-0102, 04-58-0103

Other immigrant and refugee bills were filed, but none passed. These included: requiring that only English be used in driver license testing (for several years Tennessee has allowed the test to be taken in Spanish, Korean, Japanese and German; de-funding refugee resettlement efforts,

Miscellaneous

PC358 Allows K-12 school personnel to possess firearm at school.

Sponsors Sen. Frank Niceley / Rep. Eric Watson
Description Enacts the "School Security Act of 2013" which expands the categories of persons who are allowed to carry a firearm on school property.
Citations 49-06-0000, 49-06-0815

PC61 TRA's power to regulate telecommunications providers.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick
Description This administration bill originated with the land line phone companies. Revises various provisions pertaining to the Tennessee Regulatory Authority's (TRA) power to regulate telecommunications providers. One provision is particularly pertinent:

TRA is prohibited from creating any new programs mandating discounts on retail telecommunications services or equipment without providing reimbursement to carriers. Any such unfunded discount program mandated by rules or orders of the regulatory authority or public service commission that was in place as of the effective date of this act shall sunset sixty (60) days following the effective date of this act. Nothing in this subsection shall apply to existing regulatory authority programs providing services for the hearing impaired.

Citations 65-05-0107, 65-05-0109, 67-06-0222

Senior Issues

PC254 Replaces current universal "do not resuscitate" order statute.

Sponsors Sen. Rusty Crowe / Rep. Cameron Sexton
Description Replaces current "do not resuscitate" order with a new provision authorizing physician orders for scope of treatment (POST). Defines POST as written orders on an approved form that specifies whether in the event of cardiac or respiratory arrest, cardiopulmonary resuscitation should or should not be attempted and specifies other medical interventions that are to be provided or withheld. Authorizes nurse practitioners or clinical nurse specialists to issue a POST under certain circumstances. Establishes a POST to be valid and in effect until revoked. Requires health care facilities to communicate the existence of the POST. Empowers the board for licensing health care facilities to promulgate rules and create forms regarding procedures for withholding resuscitative services. Removes civil and criminal liability for health care providers acting in good faith for decisions regarding a POST.

Authorizes a physician assistant, in addition to a nurse practitioner or clinical nurse specialist, to issue a POST for a patient with whom such physician assistant has a bona fide nurse-patient relationship in the circumstances described above in the bill summary. Clarifies, in regard to the circumstances for such a nurse or physician assistant to issue a POST, that either the patient is a resident of a licensed nursing home or ICF/MR facility or the patient is a hospital patient and is in the process of being discharged from the nursing home or hospital or transferred to another facility at the time the POST is being issued.

Citations 68-011-0224

PC356 Nursing home privilege tax extended.

Sponsors Sen. Doug Overbey / Rep. Michael Harrison
Description Extends the nursing home privilege tax for one year. Renames such tax the nursing home annual assessment fee.
Citations 68-011-0216

PC435 Provisions to court appointed guardians and conservators.

Sponsors Sen. Doug Overbey / Rep. Andrew Farmer, Rep. Jimmy Eldridge
Description Revises various provisions relative to the appointment, powers, rights, duties and compensation of guardians, conservators, minors and those with a disability.
Enacts a new section in 34-1-133 relative to appointment of an expedited limited healthcare fiduciary. Does not supersede the Adult Protection Act or court order pursuant to such act; includes an institution where respondent
Is living in the notice requirement for appointment of a fiduciary. Adds protections for those being placed in conservatorships.

Citations 34-01-0000, 34-01-0101, 34-01-0104, 34-01-0105, 34-01-0106, 34-01-0107, 34-01-0108, 34-01-0109, 34-01-

0111, 34-01-0113, 34-01-0114, 34-01-0117, 34-01-0122, 34-01-0127, 34-01-0129, 34-01-0132, 34-01-0133, 34-03-0000, 34-03-0103, 34-03-0104, 34-03-0105, 34-03-0106, 34-03-0107, 34-03-0108, 34-03-0109).

PC431 Lynn's Law.

Sponsors Sen. Ken Yager / Rep. Dennis Powers
Description Enacts "Lynn's Law"; defines abuse or neglect of an adult to include transporting an adult and knowingly abandoning, leaving or failing to provide additional planned transportation for the adult in certain situations.
Citations 71-06-0102

PC215 Durable power of attorney for health care.

Sponsors Sen. Bo Watson / Rep. Susan M. Lynn
Description Prohibits certain employees or operators of treating health care institutions from being designated as the attorney in fact to make health care decisions under a durable power of attorney for health care.
Citations 34-06-0203

Special Ed/Juvenile Justice

PC483 Tennessee Step Up scholarship program.

Sponsors Sen. Doug Overbey, Sen. Lowe Finney / Rep. Bob Ramsey, Rep. Jimmy Eldridge
Description Creates the "Tennessee STEP UP" scholarship program for postsecondary education for students with intellectual disabilities.
Citations 49-04-0900

PC222 Physical attack on student - disciplinary actions.

Sponsors Sen. Reginald Tate / Rep. Terri Lynn Weaver
Description Allows principal to recommend against disciplinary action for a student who has been determined through an investigation to have acted in self-defense under a reasonable belief that the student or another student may have been facing the threat of imminent danger of death or serious bodily injury. Current law specifies that a principal is authorized to suspend students from school if two or more students initiate a physical attack on an individual student on school property or at a school activity, including travel to and from school. This bill changes that number of students from two or more to one or more.
Citations 49-06-3401

PC442 Suspension of student who threatens violence on school personnel.

Sponsors Sen. Dolores R. Gresham / Rep. Dawn White
Description Revises provision for expulsion of a student who commits battery upon an LEA employee or school resource officer to instead require expulsion of a student who commits aggravated assault against such a person.
Citations 49-06-3401

PC422 Occupational diploma for students with disabilities.

Sponsors Sen. Joey Hensley / Rep. John J. Deberry Jr.
Description Requires state board of education to adopt an occupational diploma for students with disabilities. Requires the board to set appropriate standards and benchmarks of attendance, academic performance, and job readiness skills.
Citations 49-06-6001

PC343 Long-term mentor for delinquent child.

Sponsors Sen. Ophelia Ford / Rep. G.A. Hardaway
Description Authorizes a court, in lieu of committing a child found to be delinquent to DCS custody, to order assignment of a long-term mentor to the child or to require that the child or any of the child's family members receive counseling services from any counseling service provided through or approved by the court. The order is authorized only if the funding necessary to implement the order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources. The Administrative Office of the Courts and local governments are urged to seek and apply for grants to fund the mentoring and counseling programs.
Citation 37-01-0131

PC319 Law enforcement efforts involving the use of minors.

Sponsors Sen. John Stevens / Rep. Jon Lundberg
Description Removes requirement that law enforcement obtain the written approval of the juvenile court in order to use minors in law enforcement efforts.
Citations 39-15-0413, 39-17-1504