

LEGISLATIVE MONITOR WEEKLY UPDATE

Volume 6, Number 16

May 5, 2008

A Report on State and Federal
Legislation Affecting Persons with
Disabilities

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Texts of bills can be accessed on the General Assembly website:
<http://www.legislature.state.tn.us>.

Note: The calendars are incomplete and more bills may be added. For additional information check the General Assembly webpage or contact the office of the lead sponsor of the bill. The times and locations of committee meetings are also subject to change.

APPROPRIATIONS
SB 4059 Black HB 3464* Casada Appropriations - Restricts the ability of the executive branch to expend funds not specifically appropriated within the appropriations act. - Amends TCA Section 4-3-1016; Section 4-4-102 and Title 9, Chapter 4. Senate: Assigned to General s/c of Finance House: Assigned to Budget s/c of Finance
SB 4213* Kyle, Henry, McNally, Burchett HB 4219 Fitzhugh, Tindell, Shaw Appropriations - Makes appropriations for fiscal years 2007-2008 and 2008-2009. - Senate: Referred to Finance House: Assigned to Budget s/c of Finance
SB 4214* Kyle, Henry, McNally, Burchett HB 4220 Fitzhugh, Tindell, Shaw Appropriations - Makes appropriations for fiscal years 2007-2008 and 2008-2009. – 2 page bill Senate: Referred to Finance House: Assigned to Budget s/c of Finance
DISABILITY SERVICES
SB 308* Finney L., Burks, Burchett, Crutchfield, Kyle, Jackson, Tate, Harper, Haynes, Wilder, Ketron, Marrero B, Finney R.. HB 2063 Maddox, Armstrong, Favors Elderly Persons - Creates the department of aging and disability and transfers to that department the duties of the commission on aging and disability. House Government Operations amendment 1 removes the provision requiring the new department to be under the supervision of the Department of Revenue. Senate amendment 2 creates a special committee to study the creation of a department of aging and adult services. Specifies that the committee shall consist of 17 members. Health & Human Resources amendment 1 , as amended, creates a special task force to study the creation of a department of aging and adult services. Specifies that the committee shall consist of 17 members and also specifies makeup of such membership. Requires the committee to report to the governor and the two speakers with its recommendations no later than December 15, 2008. - Amends TCA Title 4; Title 8; Title 13; Title 33; Title 34; Title 49; Title 55; Title 56; Title 67; Title 68 and Title 71.

Senate: Passed

House: Action deferred in Study s/c of Budget s/c of Finance to last calendar

Fiscal Note: (Corrected) Increase State Expenditures – Net Impact - \$92,600

Other Fiscal Impact – Increase Federal Expenditures – Net Impact - \$192,400

SB 895* Ketron, Kilby, Bunch, Tate, Burchett, Woodson

HB 2091 Maddox, Ferguson, Eldridge, Gresham, Shaw, Todd, DeBerry L., Coley, DeBerry, J, Dunn, Tindell, Armstrong, Brooks H, Strader, West, Sargent, Winningham, Jones S, Bass, Cooper B

Mental Retardation - Requires that the methodology of the division of mental retardation services for determining payments to service providers phase in salaries and benefits for direct care staff over a three-year period that are commensurate with staff in developmental centers. - Amends TCA Title 33.

Senate: Assigned to General s/c of Finance

House: Placed Behind the Budget

Fiscal Note: Increase State Expenditures – \$9,888,600 Year One; \$9,888,600 Year Two
\$9,888,600 Year Three

Other Fiscal Impact – Increase Federal Expenditures – \$17,349,000 Year One;
\$17,349,000 Year Two; \$17,349,000 Year Three

SB 1157 Black, Beavers, Bunch, Burchett, Crowe, Finney R., Johnson, Ketron, McNally, Norris, Southerland, Stanley, Tracy, Watson, Williams, Woodson

HB 941* Maggart, DuBois, Gresham, Brooks K, Watson, Matlock, Lundberg, Brooks H, Dunn, Kelsey, Casada, Campfield, Hensley, Hill, Coley, Niceley, Bell, McManus, Cobb J.

Disabled - Aid to - Authorizes the commission on aging and disability to develop a five-year home and community-based care pilot project for a project that fosters independence for disabled persons needing long-term supports and services and their families. **Senate General Welfare amendment 1** clarifies that the program will be conducted by the commission on aging and disability and they will decide which district is the most appropriate for the trial. - Amends TCA Title 33; Title 68 and Title 71.

Senate: General Welfare recommended with amendment; referred to Finance

House: Placed on Budget s/c of Finance calendar for 5/7/08, TBA

Fiscal Note: Increase State Expenditures - Exceeds \$400,000

SB 2582 Burks, Harper, Finney R., Williams, Herron,

HB 2502* Jones S., Brooks H, Overbey, DeBerry J, Montgomery, DeBerry L.

Mental Health and Developmental Disabilities, Dept. of - Adds to the department's service principles developing and implementing a comprehensive public children's mental health service delivery system. **Senate General Welfare amendment 1, House Public Health & Family Assistance amendment 1** establishes a council on children's mental health to develop a statewide system of care to identify current and needed financial resources. Provides the committee on children and youth will administrate and report back to the general assembly. **House amendment 2** Removes the Council's authority to promulgate rules and regulations to effectuate the purposes of the act and requires the Department of Health to assist the Council in developing a plan to establish demonstration sites. - Amends TCA Title 3; Title 4; Title 33; Title 37; Title 49 and Title 71.

Senate: Passed

House: Finance recommended; placed on Calendar and Rules calendar for 5/6/08, 8:00 am, LP 16

Fiscal Note: Minimal

Other Fiscal Impact – It is estimated that the cost of the creation, implementation and support of the proposed council will be \$105,700 in FY08-09 thru FY09-10. The Commission on Children and Youth has \$125,000 in Federal Juvenile Justice and Delinquency Prevention

Act Funds included within its base budget which are allocated for the proposed council.

SB 2651 Tracy, Finney R., Burchett, Roller, Black, Williams, Finney, L., Johnson, Marrero, B., Crowe, Jackson, Woodson, Southerland, Ramsey, Ketron

HB 2569* Curtiss, Ford, Roach, Williams, Overbey, Hawk, Vaughn, Rinks, Eldridge, McDaniel, Gresham, Armstrong, Tindell, Jones U, Turner L, Brown, Favors, DeBerry L, Buck, Pruitt, Kernell, Miller L, Towns, Jones S, Fraley, Turner M, Briley, Brooks H, Cobb C, Maggart, Naifeh, Fitzhugh, Shaw, Todd, Montgomery, McCord, Crider, Pinion, DuBois, Johnson P., Niceley, Shepard, West, Sargent, Gilmore,

<p>Hardaway, Odom, Mumpower, Hood, Strader, Dunn, Lundberg, Hill, Harrison, Cooper B., Borchert, Casada Developmental Disabilities - Requires a planning process for persons with developmental disabilities other than mental retardation and requires services to additional persons in the family support program and the personal supports program. - Amends TCA Title 33, Chapter 5.</p> <p>Senate General Welfare recommended; referred to Finance House: Budget s/c of Finance placed Behind the Budget Fiscal Note: Increase State Expenditures - \$2,349,600 FY08-09</p>
<p>SB 2782* Watson, Ketron HB 3277 Maddox Mental Retardation - Specifies that new ICF/MR new beds must be filled by persons from the developmental centers or from the wait list; requires that the division of mental retardation services approve the persons to fill the new beds.. AN ACT to amend Tennessee Code Annotated, Title 33; Title 68, Chapter 11 and Section 71-5-105, relative to filling vacant ICF/MR beds.- Amends TCA Title 33; Title 68, Chapter 11 and Section 71-5-105.</p> <p>Senate: Referred to General Welfare House: Assigned to Health Care Facilities s/c of Health and Human Resources</p>
<p>SB 2969* Finney L. HB 2993 Overbey Disabled Persons - Changes the language "handicap" to "disability" in the Tennessee Human Rights Act and in §§ 8-50-103 and 8-50-104 and designates §§ 8-50-103 and 8-50-104 as the "Tennessee Disability Act." - Amends TCA Title 4, Chapter 21 and Title 8, Chapter 50.</p> <p>Signed by Governor Public Chapter 706 Fiscal Note: Not Significant</p>
<p>SB 3126* Burchett, Marrero B., Jackson HB 3297 Vaughn, Crider, Odom, Gilmore, Cooper B. Mental Retardation - Requires certain home and community based services to be made available to persons on the waiting list for mental retardation services by means of a federal waiver and state resources. - Amends TCA Title 33.</p> <p>Senate: General Welfare recommended; referred to Finance House: Deferred in Study s/c of Budget s/c of Finance to next calendar Fiscal Impact with Senate Amendment: Increase State Expenditures - \$81,140,500/FY08-09; \$150,292,700/FY09-10 and Subsequent Years Other Fiscal Impact – Increase Federal Expenditures – \$140,575,700/FY08-09 \$260,373,200/FY09-10 and Subsequent Years (Funding of \$7,755,600 is included in the Governor's FY08-09 Recommended Budget)</p>
<p>SB 3317* Burks HB 3382 DeBerry, J. Mental Illness - Clarifies that service recipients for mental health services shall be provided information regarding authorized disclosures of certain information to designated persons in addition to family members. Senate General Welfare makes the bill. Specifies three times when family members may be involved in out-patient care by notice. Amends the Family Involvement Act. - Amends TCA Title 33.</p> <p>Senate and House: Passed Signed by Governor Fiscal Note: Not significant</p>
<p>SB 3810* Marrero B. HB 3512 Jones, U. Motor Vehicles - Imposes additional fine of \$25.00 to be deposited in the brain injury fund by drivers who engage in drag racing. Senate Amendment 1 On or before April 1st each year from 2009 through 2012, the commissioner of finance and administration shall report to the finance, ways and means committees of the senate and the house of representatives total proceeds collected pursuant to the provisions of subsection (a) of this section. - Amends TCA Title 68, Chapter 55, Part 3.</p>

<p>Senate: Judiciary recommended with amendment; placed on Senate Regular Calendar (1) for 5/7/08, 9:00 am, Senate Chamber House: Finance recommended; placed on Calendar and Rules calendar for 5/6/08, 8:00 am, LP 16 Fiscal Note: Increase State Revenue - \$1,900 / Traumatic Brain Injury Fund</p>
<p>SB 4178 Kyle, Haynes HB 4156* Richardson, Odom Hospitals and Health Care Facilities - Reduces the gross receipts tax on intermediate care facilities for the mentally retarded (ICFMR) from 6 percent to 5.5 percent, retroactive to January 1, 2008. - Amends TCA Section 68-11-830(d)(2).</p> <p>Senate and House: Passed Signed by Governor Fiscal Note: (CORRECTED) Decrease State Revenue - \$700,000/FY07-08; \$1,300,000/FY08-09 and Subsequent Years (Revenue reduction of \$700,000 in FY07-08 and \$1,300,000 in FY08-09 is included in the Governor's FY08-09 Recommended Budget)</p>
<p>SB 4181 Kyle, Finney L., Berke, Marrero, B. HB 4144* Ferguson, Odom, DeBerry, L., 53 co-sponsors Health Care - Requires that rules and regulations promulgated under the provisions governing nursing home administrators and health care facilities be in compliance with federal regulations issued by the centers for medicare and medicaid services; specifies that the rulemaking authority under the provisions governing long-term care services plan lies with the commissioner of finance and administration, instead of the commissioner of health. Senate Amendment 1 rewrites bill. Defines the "Long Term Care Community Choices Act of 2008" for the elderly and people with physical disabilities. (15 page amendment)- Amends TCA Title 63 and Title 68 and 71.</p> <p>Senate: Passed House: Government Operations recommended; referred to Finance Fiscal Note: Minimal</p>
<p>SB 4193 Kyle, Henry HB 4195* Odom Mental Illness - Changes certain requirements for length of time records must be retained regarding services provided to persons with mental illness or developmental disabilities, increases membership of boards of trustees for state facilities from 15 to 19 members, changes time for holding hearing on commitment proceeding from within 20 to within 15 days of complaint filing, removes authorization for court to exclude public from commitment hearing on motion of defendant. – AN ACT to amend Tennessee Code Annotated, Title 33, relative to mental health and developmental disabilities.</p> <p>Senate: Taken off notice in General Welfare House: Caption bill Fiscal Note: Not significant</p>
<p>SB 4205 Kyle, Henry HB 4204* Richardson, Odom Nurses, Nursing - Specifies that a person trained by the department of finance and administration, division of mental retardation services, to administer medications to individuals incapable of self-administration is not subject to the nursing licensure requirements if the person is providing personal support services to clients living in their own home or private residence pursuant to a contract or agreement under any Medicaid waiver or other program of the division of mental retardation services. - Amends TCA Title 63, Chapter 7. AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 7, relative to an exemption from licensing for administration of medications to persons with developmental disabilities</p> <p>Senate and House: Passed Signed by Governor Fiscal Note: Not significant</p>
<p>SJR 662* Finney L, Black, 30 Senators General Assembly, Studies - Continues special joint committee established by HJR 562 of 105th General Assembly to study development and implementation of long-term care services plan. -</p>

Senate: Passed; deferred to Study s/c of Budget s/c of Finance to next calendar
<p>HJR 1091* Richardson, Maddox. General Assembly, Studies - Creates special joint committee to study feasibility of transferring division of mental retardation from department of finance and administration to department of mental health and developmental disabilities House Amendment states: A RESOLUTION to create a special joint committee to study the structure and location of services to persons with developmental disabilities, mental retardation, and other disabilities.</p> <p>House: Deferred to Study s/c of Budget s/c of Finance to next calendar Fiscal Note: Increase State Expenditures - \$1,700/Each One-Day Meeting</p>
EDUCATION
<p>SB 2561* Woodson HB 2894 Winnington Education - Requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the commissioner of education, to transmit the revised policy to the commissioner. - Amends TCA Title 49.</p> <p>Senate: Referred to Education House: Passed</p>
<p>SB 2583* Marrero B., Kilby, *Harper, Ketron, Finney L, Finney R HB 2584 Coley, Eldridge, McManus, Lundberg, Cooper B, West, Matheny, Kernell, Richardson, Turner L., Moore, Dunn, Lollar, Fincher, Bass, Coleman, Hood, Pitts, Windle, Bibb, Cobb J, Brown, DuBois, Hardaway Education - Authorizes LEAs to provide hearing examinations for children who are unable to pay for such hearing testing. Senate Education amendment 1 changes the language to also include optometrists and ophthalmologists as possible providers who might be willing to donate their services to needy students. - Amends TCA Section 49-6-5004.</p> <p>Signed by Governor Public Chapter 632 Fiscal Note: Not Significant</p>
<p>SB 2609 Black HB 2471* Jones S. Education - Authorizes special education services association to develop and provide training on the appropriate use of restraints and seclusion on special education students. House Education K-12 amendment 1 rewrites the bill to define the terms "isolation" and "restraint"; compiles the suggestions of the study c, ommittee regarding the isolation and restraint of special education students; and directs the board of education to promulgate rules and regulations regarding the use of isolation and restraint.- Amends TCA Title 49, Chapter 10.</p> <p>Senate: Passed House: Finance recommended; placed on Governmental Operations calendar for 5/7/08, TBA Fiscal Note: Increase Local Gov't. Expenditures - \$50,000/Permissive</p>
<p>SB 2798* Woodson HB 3268 Maddox Education - Allows volunteer school personnel with proper training to administer anti-seizure medications to a student in an emergency situation in accordance with the student's individual health plan. House Education amendment 1 requires all students affected by this legislation to provide copies of an individual health plan to the school; requires anyone who volunteers to administer anti-seizure medication to have CPR training; and requires parents to report to the school any time anti-seizure medication as well as any over the counter medicine has been administered to the student, for documentation in the student's health record. Senate amendment 2 requires department of health to report to the education committees of the senate and the house of representatives by September 1, 2010, on the administration of anti-seizure medication by volunteer school personnel pursuant to this act in the two (2) years subsequent to the effective date of this act. The department shall also report on the status of the school nurse program. Senate Amendment 4 requires that upon the decision of a trained volunteer to administer diazepam gel, school officials shall immediately summon local</p>

<p>emergency medical services to the school to provide necessary monitoring or transport to safeguard the health and condition of the – Amends TCA Title 49, Chapter 5.</p> <p>Senate: Reset on Senate Regular calendar for 5/7/08, 9:00 am, Senate Chamber House: Placed on House Regular calendar for 5/6/08, 9:00 am, House Chamber Fiscal Note: Increase State Expenditures – Not Significant Increase Local Expenditures* - \$13,600</p>
<p>SB 2804* Woodson HB 2897 Winningham Education - Permits the department of education, subject to appropriations, to establish a program of grants to LEAs for the development and implementation of differentiated pay plans to aid in staffing hard to staff subject areas and schools and in hiring and retaining highly qualified teachers. - Amends TCA Section 49-3-306.</p> <p>Senate: Education recommended; referred to Finance House: Placed on Budget s/c of Finance calendar for 5/7/08, TBA Fiscal Note: Increase State Expenditures – \$750,000 Increase Local Gov't. Expenditures – \$250,000/Permissive</p>
<p>SB 2828* Bunch HB 2775 Brooks H. Education - Encourages LEAs to place automatic external defibrillators in schools; placement of such devices shall be within LEA's existing fiscal resources. House Education K-12 amendment 1 creates a process to encourage schools to make AEDs available; clarifies that existing local resources would be used for the maintenance as well as the purchase and use of an AED. No funding by the LEA from the state would be allocated or expended for the purchase or maintenance of an AED.. - Amends TCA Title 49.</p> <p>Senate and House: Passed Signed by Governor Fiscal Note: \$822,100/One-Time; Exceeds \$100,000/Every Two Years Corrected - Increase Local Expenditures – \$820,000/ One-Time/Permissive Exceeds \$100,000/Every Two Years/Permissive</p>
<p>SB 3186 Harper HB 2755* Pruitt Education - Prohibits teacher from teaching in grades K-3 unless the teacher is licensed with an endorsement to teach in such grades. House amendment #1 rewrites this bill. Present law authorizes the commissioner of education to grant a permit to teach to a person who is recommended by the director of the local school district and the chair of the respective board of education, when the director and chair certify to the commissioner that the school system is unable to secure a qualified teacher with a valid license for a vacant position. This amendment urges local boards of education and their respective directors of schools to make every effort to staff grades kindergarten through 12 teaching positions with personnel fully licensed and endorsed for those grades. - Amends TCA Title 49. AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.</p> <p>Senate: Placed on Senate Regular calendar for 5/7/08, 9:00 am, Senate Chamber House: Passed Fiscal Note: Not significant</p>
<p>SB 3233 Burchett HB 2891* Brooks H. Education - Permits the creation of work experience and career employment programs that provide study and employment in career and technical education programs for students 14 years of age or older; provided, that such programs comply with state and federal law on employment of minors. - Amends TCA Title 49 and Title 50.</p> <p>Senate and House: Passed Transmitted to Governor for action Fiscal Note: Not Significant</p>
<p>SB 3282 Tracy, Burks, Woodson HB 2976* Winningham Education - Establishes system of grants outside of the BEP for additional funding of career and technical</p>

education. - Amends TCA Title 49.

Senate: Passed Transmitted to Governor for action

House: Passed

SB 3469* Burks

HB 3321 Brown

Education - Requires reports concerning suspension and expulsion of students and referral of students to juvenile court. **House Finance amendment 1** directs the commissioner of education to report on a semi-annual basis to the select oversight committee on education and the senate and house education committees regarding disciplinary actions in Tennessee schools. The reports are to include the reason for the disciplinary action, the number of students suspended or expelled and the number of students who have been placed in an alternative educational setting. Data is to be sorted by school as well as by various demographic factors including grade, race and sex. - Amends TCA Title 37 and Title 49.

Senate: Passed

House: Passed

Fiscal Note: Increase State Expenditures - \$56,400

Increase Local Expenditures – Not Significant

SB 3642* Ketron

HB 3485 Winningham

Education - Revises provisions concerning required training in special education law for mediators conducting special education mediations and administrative law judges conducting special education due process cases. Removes minimum training requirements for hearing officers. Modifies provisions concerning required training in special education law for mediators conducting special education mediations and administrative law judges conducting special education due process cases.- Amends TCA Title 49, Chapter 10, Part 6.

Signed by Governor Pubic Chapter 678

ELECTIONS AND LOBBYING

SB 1363* Haynes, Burchett, Harper, Herron, Marrero B, Norris, Woodson, Johnson.

HB 1256 Moore, Sontany, Turner M, Jones S, Gilmore, West, Pruitt, Coley

Election Laws – Tennessee Voter Confidence Act of 2007 -- Requires any voting system purchased after the effective date of this act to provide the ballot of record be a paper ballot marked by the voter with appropriate accommodation for persons with disabilities; requires such ballot to be available to voter to verify the vote; requires that secrecy of the voter's choice be maintained. **Amendment 1** rewrites the bill. Removes "of 2007" from the title of the bill, making bill the "Tennessee Voter Confidence Act". Mandates that be fully implemented, requiring precinct-based optical scan machines, no later than the 2010 general election. Requires that three percent of precincts, chosen at random, be audited with a mandatory recount of verifiable paper ballots. (11 pp.) **Amendment 2** changes party responsible for maintaining and updating the voter list from the state election commission to the state coordinator of elections. - Amends TCA Title 2.

Senate: State and Local Government recommended with amendments; referred to Finance

House: Placed on Budget s/c of Finance calendar for 5/7/08, TBA

Other: Joint Study Committee on Voter Confidence Act deferred to next meeting

Fiscal Note: (CORRECTED) Increase State Expenditures - \$9,535,000/One-Time

FAMILY LAW

SB 3231 Woodson, Marrero B

HB 2595* Coleman

Guardianship - Provides that court may administer estate for minor or disabled person without being appointed a fiduciary if amount of minor's total property or any judgment in favor of minor does not exceed \$20,000 rather than \$10,000. - Amends TCA Title 34, Chapter 1, Part 1.

Senate: Re-referred to Calendar

House: Passed

Fiscal Note: Not Significant

GAME AND FISH LAWS

SB 2673* Jackson, Kilby, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Finney R., Finney L, Harper, Haynes, Henry, Herron, Johnson, Ketron, Kurita, Marrero B, McNally, Norris, Ramsey, Roller, Southerland, Stanley, Tate, Tracy, Watson, Wilder, Williams, Woodson

HB 2670 McDonald

Game and Fish Laws - Authorizes TWRA to issue sport fishing and hunting licenses at no cost to Tennessee residents who are 100 percent disabled and receive social security disability. **House and Senate Conservation & Environment amendment 1** imposes a one time \$10 fee to 100 percent disabled persons seeking licensure. - Amends TCA Section 70-2-104.

Senate: Passed

House: Placed Behind the Budget

Fiscal Note: Decrease State Revenue – \$65,700/Wildlife Resources Fund

Other Fiscal Impact – Decrease Federal Revenue – \$11,200/Wildlife Resources Fund

GOVERNMENT REGULATION and CONTRACTS

SB 2419* Harper

HB 3573 Kernell, Cooper, B.

Sunset Laws - Department of mental health and developmental disabilities, statewide planning and policy council, June 30, 2013. - Amends TCA Title 4, Chapter 29, Part 2 and Title 33, Chapter 1, Part 4.

Senate: Passed

House: Government Operations recommended; placed on Calendar and Rules calendar for 5/6/08, 8:00 am, LP 16

SB 2420* Harper

HB 3577 Kernell, Cooper, B.

Sunset Laws - Department of mental health and developmental disabilities, June 30, 2013. - Amends TCA Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 16 and Title 33, Chapter 1, Part 4.

Senate: Passed

House: Government Operations recommended; placed on Calendar and Rules calendar for 5/6/08, 8:00 am, LP 16

SB 2429* Harper

HB 3548 Kernell, Cooper, B.

Sunset Laws - Commission on aging and disability, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 71, Chapter 2.

Senate: Referred to Government Operations

House: Placed on House Regular Calendar for 4/7/08; Held on desk

SB 2445* Harper

HB 3550 Kernell, Cooper B.

Sunset Laws - Terminates the epilepsy advisory committee. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 49.

Senate: Passed

House: Government Operations recommended; referred to Finance

Fiscal Note: Decrease state expenditures -- \$700.00

SB 2466* Harper

HB 3527 Kernell, Cooper B.

Sunset Laws - Tennessee council for the deaf and hard of hearing, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 71, Chapter 4.

Senate: Referred to Government Operations

<p>House: Referred to Government Operations Fiscal Note: Minimal</p>
<p>SB 2520* Harper HB 2688 Kernell, Cooper B, Rowe Sunset Laws - Advisory council for the education of students with disabilities, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 10.</p> <p>Senate: Referred to Government Operations House: Referred to Government Operations</p>
<p>SB 3190* Harper HB 3547 Kernell, Cooper B. Governor - Requires governor to submit legislation to revise TCA to reflect changes in governmental structure made by executive order. - Amends TCA Title 4.</p> <p>Senate: Referred to State and Local Government House: Caption bill</p>
<p>SB 3194* Bunch HB 4006 Brooks K. Administrative Procedure (UAPA) - Prohibits permanent agency rules from becoming effective until approved by the standing committees of both houses. - Amends TCA Section 4-5-207.</p> <p>Senate: Assigned to General s/c of Government Operations House: Referred to Government Operations</p>
<p>SB 3436* Burchett HB 3631 Kernell, Cooper B, Coley, Lollar State Government - Requires all non-profit organizations receiving more than \$100,000 in state funds to have a member on the board appointed by the governor. - Amends TCA Title 4.</p> <p>Senate: Assigned to General s/c of State and Local Government House: Assigned to Local Government s/c of State and Local Fiscal Note: Not Significant</p>
<p>SB 3595* Burchett HB 3753 Todd Lobbying, Lobbyists - Waives registration fee for volunteer lobbyists. House amendment 1 Prohibits non-attorney staff members of the Ethics Commission from issuing advisory opinions. Authorizes Ethics Commission staff attorneys to issue advisory opinions verbally, in writing, or electronically. If an informal verbal opinion is given, the attorney shall send written confirmation of the opinion within three days. - Amends TCA Title 3, Chapter 6.</p> <p>Senate: Passed House: State and Local Government recommended if amended; assigned to Budget s/c of Finance Fiscal Note: Decrease State Revenue - \$3,000</p>
<p>HEALTH</p>
<p>SB 3191 Harper HB 2753* Pruitt, 24 Representatives Public Health - Requires hospitals pre-discharge to screen infants for hearing; attending health professionals to refer certain newborns; tests specified; follow-ups referred to department of health or education; adds insurance coverage; misdemeanor violations. House Commerce amendment 1, as amended, rewrites the bill. Requires that all newborns born in a hospital "or other birthing facility" be screened for hearing loss prior to discharge. Requires attending health care professional to refer any child born in a setting other than the hospital or "other birthing facility" to the health department. Specifies that all screening providers or any medical or audiologic providers performing follow-up report their results to the department of health. Requires the department of health to refer children who do not pass screening or who are identified with hearing loss or high risk for hearing loss to TN Early Intervention System (TEIS). Requires specified insurance policies to cover the</p>

screenings, and adds that such coverage may be subject to annual deductible, co-pays, co-insurance and contractual requirements established for other similar benefits. Includes language requiring a child born on an emergency basis in a hospital that does not otherwise provide obstetric or maternity services and which does not provide infant hearing screening tests prior to discharge to be referred in that facility to the department of health or an appropriate hearing screening provider as listed in the latest edition of the Directory of Hearing Screening Providers in TN. - Amends TCA Section 37-3-703; Title 56, Chapter 7, Part 25 and Title 68, Chapter 5.

Senate and House: Passed Signed by Governor

Fiscal Note: Increase State Expenditures – Not Significant

Other Fiscal Impact – The Department of Health currently receives a \$150,000 federal newborn hearing screening followup grant from the Department of Health and Human Services. Such grant could be placed in jeopardy if required reporting data was not properly reported to the Department of Health. Potential Impact on Health Insurance Premiums (required by Tenn. Code Ann. § 3-2-111): Such legislation would result in a not significant increase in the cost of health insurance premiums for plans that do not currently offer hearing screenings for newborns.

SB 3234* Woodson.

HB 4012 Armstrong, Tindell

Health, Dept. of - Authorizes the department to contract with the National Foundation of Dentistry for the Handicapped (NFDH), or other appropriate nonprofit organization, to provide donated dental services. - Amends TCA Title 68.

Senate: General Welfare recommended, referred to Finance

House: Government Operations recommended; placed on Budget s/c of Finance calendar for 5/7/08, TBA

SB 4075 Tracy, Wilder, Tate, Harper, Ketron, Stanley, Johnson, Ramsey, Norris.

HB 4053 Rinks, DeBerry L, DuBois, Watson, Overbey, Matheny, Curtiss, McDaniel, McManus, Lundberg, Pinion, Mumpower, Harmon, Hensley

Hospitals and Health Care Facilities - Provides that tort actions against long-term care facilities involving health-related services are to be brought solely as medical malpractice action; authorizes use of arbitration agreements by and on behalf of patient and establishes maximum judgment amounts in tort action for non-economic damages. **House amendment** creates a committee to study the effects of litigation on the nursing home industry.- Amends TCA Titles 29 and 68.

Senate: Reset on Senate Calendar for 5/7/08, 9:00 am, Senate Chamber

House: Deferred in Budget s/c of Finance to Study Committee

TAXES, REAL PROPERTY

SB 2541* Norris

HB 2517 Fitzhugh

Taxes, Real Property - Increases from \$20,000 to \$24,000 the maximum allowable income for determining eligibility to participate in the state's tax relief program for homeowners who are totally and permanently disabled. - Amends TCA Section 67-5-703.

Senate and House: Passed Signed by Governor

Fiscal Note: Increase State Expenditures – Exceeds \$269,000

Increase Local Gov't. Expenditures – Exceeds \$100,000/Permissive

Funding to increase the income ceiling to \$24,000 for disabled taxpayers for tax year 2007 was erroneously included in the general appropriations bill for FY07-08 as part of the funding for Public Chapter 539 (which applied only to elderly taxpayers).

SB 2967 Finney, L.

HB 2455* Pitts, Hardaway

Taxes, Real Property - Sets the maximum income that disabled homeowners may have and still qualify for property tax relief at \$24,000 for the 2007 tax year. - Amends TCA Section 67-5-703.

Senate: Re-referred to Calendar

House: Passed

<p>Fiscal Note: Increase State Expenditures – Exceeds \$269,400 Increase Local Gov't. Expenditures – Exceeds \$100,000/Permissive Funding to increase the income ceiling to \$24,000 for disabled taxpayers for tax year 2007 was erroneously included in the general appropriations bill for FY07-08 as part of the funding for Public Chapter 539 (which applied only to elderly taxpayers).</p>
<p>SB 3543* Finney L. , Marrero HB 3822 Pitts, Fincher, Gilmore Taxes, Real Property - Increases value of disabled homeowner residence on which tax relief is available from \$25,000 to \$30,000 on January 1, 2009. - Amends TCA Section 67-5-703.</p> <p>Senate: State and Local Government recommended, referred to Finance House: Placed Behind the Budget Fiscal Note: Increase State Expenditures - \$394,200 Increase Local Gov't. Expenditures – Exceeds \$100,000/Permissive</p>
<p>SB 3715 Tate HB 2426* Hardaway. Taxes, Real Property - Provides that annual income limit for purposes of tax relief for disabled homeowners be the same as that for elderly, low-income homeowners. - Amends TCA Section 67-5-703.</p> <p>Senate: Assigned to General s/c of State and Local Government House: Placed Behind the Budget Fiscal Note: Increase State Expenditures – Exceeds \$278,000 Increase Local Govt. Expenditures – Exceeds \$100,000/Permissive</p>
<p>TENNCARE</p>
<p>SB 2887 Haynes HB 2519* Turner M. TennCare - Revises the definition of durable medical equipment currently included in rules and regulations promulgated by the bureau to delete the requirement in such definition that such equipment is appropriate for and used in the patient's home. - Amends TCA Title 71, Chapter 5, Part 1.</p> <p>Senate: Referred to General Welfare House: Deferred in Industrial Impact s/c of Commerce to 1/1/09</p>
<p>TRANSPORTATION</p>
<p>SB 2565* Woodson, Black, Burks, Finney R., Ketron, Marrero B, 25 Senators HB 2627 Overbey Special License Plates - Authorizes issuance of new specialty earmarked plates to raise public awareness about autism; allocates 50 percent of funds derived from sale of such plates to Autism Society of America, East Tennessee Chapter. Senate amendment 1 states: funds produced from the sale of Autism Awareness new specialty earmarked license plates shall be allocated equally to the Autism Society of America, East Tennessee Chapter, the Autism Society of Middle Tennessee, and to the Autism Solutions Center in Memphis. Such funds shall be used exclusively to educate, advocate, and raise public awareness about Autism in Tennessee. Senate amendment 2 revises the allocation of 50 percent of such funds to go to the department of mental health and developmental disabilities for distribution to tax exempt non-profit organizations that serve individuals with autism. - Amends TCA Title 55, Chapter 4.</p> <p>Senate: Passed House: Deferred in Transportation to Omnibus Bill Fiscal Note: Increase State Revenue - \$5,800/General Fund \$29,200/Dedicated Funds; Increase State Expenditures - \$5,800/One-Time</p>
<p>SB 2571* Marrero B. HB 2590 Richardson Handicapped Persons - Requires businesses provide disabled parking; if at least four disabled parking spots are provided, one parking space should be van accessible. House Transportation amendment 1 requires the</p>

width of the parking space to be eight feet in width. **House amendment 2** requires that the additional sign for van accessible parking spaces read "priority for wheelchair use" instead of "wheelchair user only." This amendment adds that such spaces may have an additional sign, mounted below the other required signs, stating that priority should be given to disabled van access and that other disabled vehicles should use the space only if no other disabled space is available. - Amends TCA Title 55, Chapter 21, Part 1.

Senate: Passed
House: Passed
Fiscal Note: Minimal

SB 2706* Marrero B.

HB 2723 Richardson

Handicapped Persons - Increases fine for unauthorized parking in a spot limited to disabled persons. **Amendment #1** revises the penalty for improperly parking in a space designated with the wheelchair sign to a mandatory fine of \$200, which may not be suspended or waived. In addition, the sentencing court would be authorized to order an offender to perform up to five hours of community service; requires that any community service requirement that is imposed for improperly parking in a space designated with the wheelchair sign be to assist the disabled community by monitoring disabled parking spaces, providing assistance to handicapped centers or to disabled veterans, or other such purposes. - Amends TCA Section 55-21-108.

Senate: Passed
House: Passed
Fiscal Note: (CORRECTED) Increase State Revenue - \$42,700
Increase Local Gov't. Revenue - \$2,300; Increase Local Gov't. Expenditures* - \$10,000

SB 3017 Tracy

HB 2865* Pinion, Ford

Special License Plates - Authorizes issuance of Tennessee Cave Salamander new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to wildlife resources fund. **House Transportation Committee amendment** rewrites the bill to become the omnibus license plate bill. The bill provides specialty earmarked license plates to the organizations including Autism Awareness. - Amends TCA Title 55, Chapter 4.

Senate: Finance recommended; reset on Senate Regular calendar for 5/7/08, 9:00 am, Senate Chamber
House: Placed on Budget s/c of Finance calendar for 5/7/08, TBA

SB 3297 Stanley

HB 2928* Kelsey

Handicapped Persons - Revises qualifications to receive a handicapped parking tag or placard to include persons with 20/200 vision with corrective lenses in both eyes. - Amends TCA Section 55-21-102.

Senate and House: Passed Signed by Governor

SB 3322* Burks

HB 3904 Fincher

Disabled Persons - Removes the requirement that permanently disabled passengers of motor vehicles must renew a disabled placard every two years. - Amends TCA Title 55, Chapter 21.

Senate: Assigned to General s/c of Transportation
House: Placed Behind the Budget

SB 3396 Tate

HB 2626* Hardaway

Motor Vehicles - Adds persons using motorized or non-motorized wheelchairs to definition of "pedestrian" for purposes of the rules of the road, and permits certain motorized wheelchairs to be used on certain highways. - Amends TCA Title 55, Chapter 8, Part 1.

Senate: Assigned to General s/c of Transportation
House: Deferred in Public Safety and Rural Roads s/c of Transportation to summer study
Fiscal Note: Not Significant

SB 3688 Haynes

HB 3260* Gilmore

Motor Vehicles - Adds persons operating motorized and non-motorized wheelchairs to definition of "pedestrian" under rules of the road. - Amends TCA Title 55, Chapter 8, Part 1.

Senate and House: Passed Signed by Governor

House: Passed

Fiscal Note: Not Significant

SB 3798* Marrero B.

HB 3610 Turner L.

Motor Vehicles, Titling and Registration - Authorizes issuance of disabled driver placards to agency providing motor vehicle rentals to disabled clients. **Senate Transportation amendment 1, House Transportation amendment 1** provides that placards should only be for issued for vehicles permanently equipped with a wheelchair ramp or lift. Any violation shall be a class B misdemeanor punishable by a fine of only two hundred dollars. - Amends TCA Title 55, Chapter 21, Part 1.

Senate: Rest on Senate Calendar for 5/7/08, 9:00 am, Senate Chamber

House: Passed