



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF GENERAL COUNSEL**  
CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243

**BILL HASLAM**  
GOVERNOR

Telephone: 615-313-4731 Fax: 615-313-5538  
TTY: 1-800-270-1349  
[www.state.tn.us/humanserv/](http://www.state.tn.us/humanserv/)

**RAQUEL HATTER, MSW, Ed.D.**  
COMMISSIONER

**2014 LEGISLATIVE SUMMARY  
FOR  
THE DEPARTMENT OF HUMAN SERVICES**

**Note to Reader:** This summary has been organized into program categories. The categories do not mean that the Act necessarily has direct, significant programmatic or fiscal impact. The reference to the various programs may mean only that the Act is, or may be, of interest to, or has only indirect impact on the program, or that the program simply needs to be aware of the Act and how it might affect some aspect of the program.

If you wish to see the full text of any of these Acts, go to:

<http://www.tn.gov/sos/acts/index.htm> and look under the 2014 Public Acts and click on the series in which the Act you are searching is located.

If you need further interpretation of any of these Public Chapters, contact Nathalie Essex, Legislative Coordinator, at (615) 313-6630.

## **INDEX OF PUBLIC CHAPTER SUMMARIES**

<b>ADULT PROTECTIVE SERVICES .....</b>	<b>4</b>
<b>PUBLIC CHAPTER 799 (Senate Bill 2485 by Haile/House Bill 2317 by Odom) .....</b>	<b>4</b>
<b>PUBLIC CHAPTER 961 (Senate Bill 1852 by Crowe /House Bill 1768 by Rogers) .....</b>	<b>4</b>
<b>APPEALS AND HEARINGS .....</b>	<b>6</b>
<b>PUBLIC CHAPTER 911 (Senate Bill 1871 by Overbey/House Bill 2174 by Rich) .....</b>	<b>6</b>
<b>CHILD CARE .....</b>	<b>6</b>
<b>PUBLIC CHAPTER 513 (Senate Bill 1531 by Bell/House Bill 1639 by Matheny).....</b>	<b>6</b>
<b>PUBLIC CHAPTER 761 (House Bill 1173 by Towns /Senate Bill 1131 by Norris) .....</b>	<b>7</b>
<b>PUBLIC CHAPTER 770 (House Bill 1503 by J. DeBerry /Senate Bill 2083 by Norris) .....</b>	<b>7</b>
<b>PUBLIC CHAPTER 972 (Senate Bill 2093 by Green/House Bill 1969 by Pitts) .....</b>	<b>8</b>
<b>CHILD SUPPORT .....</b>	<b>9</b>
<b>PUBLIC CHAPTER 798 (Senate Bill 2418 by Gresham/House Bill 2314 by Ragan).....</b>	<b>9</b>
<b>PUBLIC CHAPTER 852 (Senate Bill 1789 by Haile/House Bill 1396 by Lamberth) .....</b>	<b>16</b>
<b>CONFIDENTIALITY .....</b>	<b>17</b>
<b>PUBLIC CHAPTER 569 (Senate Bill 2326 by McNally/House Bill 1944 by McCormick) ....</b>	<b>17</b>
<b>PUBLIC CHAPTER 991 (Senate Bill 2087 by Beavers / House Bill 2087 by Van Huss).....</b>	<b>18</b>
<b>DISABILITY DETERMINATION/VOCATIONAL REHABILITATION.....</b>	<b>18</b>
<b>PUBLIC CHAPTER 739 (Senate Bill 1770 by Bell/House Bill 1569 by K. Brooks).....</b>	<b>19</b>
<b>PUBLIC CHAPTER 742 (Senate Bill 1856 by Crowe /House Bill 1381 by Forgety) .....</b>	<b>20</b>
<b>FAMILY ASSISTANCE .....</b>	<b>20</b>
<b>PUBLIC CHAPTER 631 (Senate Bill 1922 by Finney/House Bill 2422 by Farmer).....</b>	<b>20</b>
<b>PUBLIC CHAPTER 787 (Senate Bill 1837 by Watson /House Bill 1925 by Rogers).....</b>	<b>20</b>
<b>PUBLIC CHAPTER 960 (Senate Bill 1851 by Campfield/House Bill 1887 by Dennis) .....</b>	<b>21</b>
<b>MOTOR VOTER.....</b>	<b>22</b>
<b>PUBLIC CHAPTER 880 (Senate Bill 1999 by Yager/ House Bill 2320 by Powers).....</b>	<b>22</b>
<b>OFFICE OF THE GENERAL COUNSEL .....</b>	<b>22</b>
<b>PUBLIC CHAPTER 574 (House Bill 1918 by Evans /Senate Bill 2004 by Green).....</b>	<b>23</b>
<b>PUBLIC CHAPTER 596 (Senate Bill 1953 by Gardenhire /House Bill 1686 by Carter) .....</b>	<b>23</b>
<b>PUBLIC CHAPTER 763 (Senate Bill 1636 by Norris/House Bill 1432 by McCormick) .....</b>	<b>24</b>
<b>PUBLIC CHAPTER 782 (Senate Bill 1831 by Bowling/House Bill 1732 by Halford) .....</b>	<b>24</b>
<b>PUBLIC CHAPTER 785 (Senate Bill 1757 by Beavers/House Bill 1869 by Carter).....</b>	<b>25</b>
<b>PUBLIC CHAPTER 805 (Senate Bill 2341 by Johnson/House Bill 2387 by Dennis).....</b>	<b>26</b>

<b>OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>26</b>
<b>PUBLIC CHAPTER 544 (Senate Bill 1626 by Norris/House Bill 1422 by McCormick) .....</b>	<b>27</b>
<b>PERSONNEL .....</b>	<b>27</b>
<b>PUBLIC CHAPTER 569 (Senate Bill 2326 by McNally/House Bill 1944 by McCormick) ....</b>	<b>18</b>
<b>PUBLIC CHAPTER 689 (Senate Bill 1624 by Norris/House Bill 1420 by McCormick) .....</b>	<b>27</b>
<b>PUBLIC CHAPTER 768 (Senate Bill 2031 by Hensley/House Bill 1483 by Moody) .....</b>	<b>28</b>
<b>PUBLIC CHAPTER 903 (Senate Bill 1645 by Norris/House Bill 1440 by McCormick) .....</b>	<b>29</b>
<b>PUBLIC CHAPTER 928 (Senate Bill 2144 by Tate/House Bill 2200 by M. Turner).....</b>	<b>31</b>
<b>PUBLIC CHAPTER 959 (Senate Bill 1834 by Gresham /House Bill 2116 by H. Brooks).....</b>	<b>32</b>
<b>PUBLIC CHAPTER 988 (Senate Bill 2054 by Bell/House Bill 2449 by Matlock).....</b>	<b>32</b>
<b>PUBLIC CHAPTER 995 (Senate Bill 2126 by Johnson/House Bill 1954 by Dennis).....</b>	<b>33</b>
<b>PUBLIC RECORDS .....</b>	<b>35</b>
<b>PUBLIC CHAPTER 648 (Senate Bill 1830 by Haile/ House Bill 1731 by Littleton).....</b>	<b>35</b>
<b>TENNCARE/MEDICAID .....</b>	<b>35</b>
<b>PUBLIC CHAPTER 911 (Senate Bill 1871 by Overbey/House Bill 2174 by Rich) .....</b>	<b>6</b>
<b>PUBLIC CHAPTER 926 (Senate Bill 2023 by Bell/House Bill 1904 by Dean) .....</b>	<b>35</b>
<b>MISCELLANEOUS .....</b>	<b>36</b>
<b>PUBLIC CHAPTER 801 (House Bill 2350 by Matheny/Senate Bill 2062 by Bell).....</b>	<b>36</b>
<b>PUBLIC CHAPTER 934 (Senate Bill 2380 by Finney/House Bill 2266 by Akbari).....</b>	<b>36</b>

## **ADULT PROTECTIVE SERVICES**

### **PUBLIC CHAPTER 799 (Senate Bill 2485 by Haile/House Bill 2317 by Odom)**

This Act amends Tennessee Code Annotated, Title 34, relative to conservatorships.

**Section 1:** This section of the Act amends T.C.A. § 34-3-106 by deleting subdivision (2), which did not set forth examples of what type of testimony a respondent to a conservatorship petition should present. This section of Public Chapter 799 substituted language in subdivision (2) of 34-3-106, which states that the evidence presented by the respondent may include the respondent's choice of testimony or evidence from a physician, psychologist, or senior psychological examiner.

**Section 2:** This section of the Act simply re-designated the existing language in T.C.A. § 34-3-107 as subsection (a) so that there would be added a subsection (b), which requires that a court order sealing the respondent's financial information must not deny access to information regarding the fees and expenses of the conservatorship.

**Section 3:** This Act becomes effective July 1, 2014.

### **PUBLIC CHAPTER 961 (Senate Bill 1852 by Crowe /House Bill 1768 by Rogers)**

This Act amends Tennessee Code Annotated, Title 71, Chapter 6, Part 1, relative to adult protection.

**Section 1:** This Act elevates the criminal offense for willful abuse, neglect or exploitation of a vulnerable adult from a Class E felony to a Class D felony and requires the clerk of court to send a copy of a judgment for a conviction for that offense to the Tennessee Department of Health. The Act requires the Department of Health to place the convicted person's name on the abuse registry.

The Act requires the Department of Health to notify the convicted person at their last known mailing address of their placement on the abuse registry. Within sixty (60) days of the notification, the person may challenge the indication and receive an administrative hearing only to dispute that the conviction occurred, that prior hearing conclusions requiring placement on the abuse registry were made, or that there has been a mistake in identity of the person. The person may not contest or dispute prior hearing conclusions, and may not contest or dispute the content or terms of the criminal conviction, and may not attempt to refute the factual findings upon which the conclusions and determinations are based.

**Section 2:** This section of the Act creates an elder abuse task force consisting of ten (10) members:

- (1) One (1) member of the senate appointed by the Speaker of the Senate;
- (2) One (1) member of the House of Representatives appointed by the speaker of the House of Representatives;
- (3) The executive director of the Tennessee Commission on Aging and Disability or the director's designee;
- (4) The Commissioner of Human Services or the Commissioner's designee with knowledge of the responsibilities of the Adult Protective Services program;
- (5) The Commissioner of Health or the Commissioner's Designee;
- (6) The Commissioner of Financial Institutions or the commissioner's designee;
- (7) The Commissioner of Commerce and Insurance or the commissioner's designee;
- (8) A representative of the Disability Law and Advocacy Center of Tennessee appointed by the center's executive director;
- (9) A District Attorney General selected by the District Attorneys General Conference; and
- (10) The director of the Tennessee Bureau of Investigation or the director's designee.

The task force will be administratively supported by the Tennessee Commission on Aging and Disability, and will create a state plan on combating elder abuse for submission to the Governor and Tennessee General Assembly by January 15, 2015. As part of its study, the task force will:

1. Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act;
2. Examine the existing barriers, services and resources addressing the needs of these elder persons and vulnerable adults;
3. Develop recommendations to address problems associated with the abuse of these elder persons and vulnerable adults;
4. Determine the economic and human impact of the abuse of elder persons and vulnerable adults in Tennessee;
5. Review of the remedies to reduce the number of individuals suffering such abuse;
6. Propose legislative remedies for consideration in the 109th general assembly;
7. Identify needed state policies or responses, including directions for the provision of clear and coordinated services and support to protect and assist such persons;
8. Hold public meetings (utilizing technological means, such as webcasts) to gather feedback on the recommendations from the general public and from persons and families affected by poverty.

**Section 3:** This section of the Act is a severability clause.

**Section 4:** This Act becomes effective July 1, 2014.

## **APPEALS AND HEARINGS**

### **PUBLIC CHAPTER 911 (Senate Bill 1871 by Overbey/House Bill 2174 by Rich)**

This Act amends Tennessee Code Annotated, Title 71, Chapter 5, Part 14, relative to appeals.

**Section 1:** This section of the Act adds T.C.A. §§ 71-5-1423 – 1424 as new sections.

Section 1423 provides that if a resident appeals a notice of involuntary discharge and a hearing is requested before the bureau of TennCare then the hearing must be conducted and a final order rendered within ninety days of the date of the notice. This timeframe may be extended with the consent of both parties; however, the administrative law judge may extend the timeframe without the consent of the facility if the resident shows that he/she faces a substantial threat of irreparable damage if a continuance is not granted.

Section 1424 provides that if an individual appeals TennCare's initial determination that he/she is ineligible for nursing facility services then the hearing must be conducted and a final order rendered within ninety days from the date of the individual's appeal. However, if an individual files a petition for reconsideration of an initial order or appeals an interlocutory order then the running of the ninety day period is tolled pending the outcome of the petition/appeal. The facility is entitled to participate in any proceeding/hearing that appeals an initial determination that the individual is not financially/medically eligible for services through the filing of a motion to intervene.

**Section 2:** This Act became effective May 13, 2014.

## **CHILD CARE**

### **PUBLIC CHAPTER 513 (Senate Bill 1531 by Bell/House Bill 1639 by Matheny)**

This Act amends Tennessee Code Annotated, Title 4, Chapter 29, relative to the child care agency advisory council.

**Section 1:** This Act deletes the June 30, 2014, termination date of the Child Care Advisory Council. The Council advises the state board of education and acts as a hearing tribunal for all state Department of Education actions to deny or revoke the certificate of approval for child care agencies regulated by the Tennessee Department of Education.

**Section 2:** This Act extends the termination date of Child Care Advisory Council to June 30, 2019.

**Section 3:** This Act became effective March 6, 2014.

**PUBLIC CHAPTER 761 (House Bill 1173 by Towns /Senate Bill 1131 by Norris)**

This Act amends Tennessee Code Annotated, Title 37, Chapter 1, relative to reporting by an authority figure.

**Section 1:** This Act expands the list of persons required to report known or suspected child sexual abuse to the Department of Children’s Services. (Under current law, persons including physicians, school teachers, and neighbors/relatives/friends of a child, are required to immediately report known or suspected child sexual abuse.) This Act requires authority figures at a community facility to also report known or suspected child sexual abuse.

A community facility is defined as “any facility used for recreation or social assemblies, for educational, religious, social, health, or welfare purposes.” This includes facilities operated by schools, the Boy Scouts of America and the Girl Scouts of the USA, the YMCA and YWCA, Boys & Girls Clubs of America, and churches or religious organizations.

**Section 2:** This Act becomes effective July 1, 2014.

**PUBLIC CHAPTER 770 (House Bill 1503 by J. DeBerry /Senate Bill 2083 by Norris)**

This Act amends Tennessee Code Annotated, Title 40, Chapter 2, relative to sexual offender registration.

**Section 1:** This Act amends the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. This section of the Act creates a definition for “offender against children,” defining it as a person who is a sexual offender, violent sexual offender or violent juvenile offender whose victim was a child aged twelve years or less.

**Section 2:** This section of the Act provides that an offender against children is required to comply with the sex offender registry’s registration, verification and tracking requirements for the life of the offender.

**Section 3:** This section of the Act provides that information about violent juvenile sexual offenders who commit a subsequent offense qualifying the person as an offender against children will be deemed public information once the offender reaches age eighteen. This section of the Act further provides that for a violent juvenile sexual offender to petition for removal from the sex offender registry, the offender must not have subsequently committed an offense qualifying the person as an offender against children.

**Section 4:** This section of the Act provides that specified information concerning an offender against children is public information.

**Section 5:** This section of the Act expands the current definition of “violent juvenile sexual offense” to include any act, committed after July 1, 2014, that, if committed by an adult would constitute aggravated sexual battery (under Tenn. Code Ann. § 39-13-504) or criminal attempt (under Tenn. Code Ann. § 39-12-101) to commit an offense defined as a violent juvenile sexual offense.

**Section 6:** This section of the Act updates a reference to the list of violent sexual offenses in Tenn. Code Ann. § 40-39-202(28)(B), based on the Act.

**Section 7:** This Act becomes effective July 1, 2014.

#### **PUBLIC CHAPTER 972 (Senate Bill 2093 by Green/House Bill 1969 by Pitts)**

This Act amends Tennessee Code Annotated, Title 49, Chapter 6, and Title 71, Chapter 3, relative to dependent children of veterans and armed services personnel.

**Section 1:** This section of the Act modifies the categories of children eligible to attend DOE community-based early childhood and pre-kindergarten programs. Such programs serve children who are four years of age on or before September 30 from families who meet federal income requirements for free and reduced lunch. Such programs also serve, subject to availability and resources, other qualifying three and four year old children.

The Act changes the eligible age for four year old children from families who meet federal income requirements for free and reduced lunch to those children who are four years of age on or before August 30.

The Act also makes four year old dependent children of a qualifying member of the U.S. armed services eligible to attend the DOE community-based early childhood and pre-kindergarten programs. To qualify, there must be official certification that the child’s parent was either killed, died as a direct result of injuries received, was missing in action while serving, or was formerly a prisoner of war while a member of the U.S. armed services during a qualifying period of armed conflict.

**Section 2:** This section of the Act expands the current prohibition against DHS licensed child care agencies placing a child who has at least one parent or legal guardian that serves on active duty in the U.S. armed forces on a wait list behind a child with no parent or legal guardian serving on active duty in the armed forces, to include other children of a qualifying member of the U.S. armed services. To qualify, there must be official certification that the child’s parent was either killed, died as a direct result of injuries received, was missing in action while serving,

or was formerly a prisoner of war while a member of the U.S. armed services during a qualifying period of armed conflict.

**Section 3:** This Act became effective May 19, 2014.

## **CHILD SUPPORT**

### **PUBLIC CHAPTER 798 (Senate Bill 2418 by Gresham/House Bill 2314 by Ragan)**

This Act amends Tennessee Code Annotated, Title 36, relative to the Uniform Deployed Parents Custody and Visitation Act.

This amendment to Title 36 of Tennessee Code Annotated does not change or amend any previous chapters, but *adds* a new chapter to address the issues arising in custody and visitation as a result of a parent being deployed in the military. This chapter outlines the steps a deployed person must take upon receiving orders for deployment to address the custodial responsibilities of their child(ren) during the time of deployment. It specifically states a service member's past deployment or possible future deployment *in itself* is not considered in determining the best interest of the child(ren), but may consider any significant impact on the best interest of the child of the parent's past and possible future deployment. This chapter specifically provides that a temporary order for modification of a child custody decree shall terminate at the end of the deployment and shall revert back to the previous custody order. This chapter allows for a service member to concentrate on their military duties during deployment without the fear of repercussions of possibly losing custody of a child as a result.

**Section 1:** Tennessee Code Annotated, Title 36, is amended by adding the following as a new chapter 7:

**36-7-101.** This chapter shall be known and may be cited as the Uniform Deployed Parents Custody and Visitation Act.

**36-7-102.** Defines various terms such as "Deployment" which means movement or mobilization of a service member for more than thirty (30) days but less than eighteen (18) months.

**36-7-103.** In addition to other remedies under law of this state other than this chapter, if a court finds that a party to a proceeding under this chapter has acted in bad faith or intentionally failed to comply with this chapter or a court order issued under this chapter, the court may assess reasonable attorney's fees and costs against the party and order other appropriate relief.

**36-7-104.**

- (a) A court may issue an order regarding custodial responsibility under this chapter only if the court has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act, compiled in chapter 6, part 2 of this title.
- (b) If a court has issued a temporary order regarding custodial responsibility pursuant to part 3 of this chapter, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act during the deployment.
- (c) If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents have requested to modify that order temporarily by agreement pursuant to part 2 of this chapter, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.
- (d) If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.
- (e) This section does not prevent a court from exercising temporary emergency jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

**36-7-105.**

- (a) Except as otherwise provided in subsection (d) and subject to subsection (c), a deploying parent shall notify in a record the other parent of a pending deployment not later than seven (7) days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent giving notification within the seven (7) days, the deploying parent shall give the notification as soon as reasonably possible.
- (b) Except as otherwise provided in subsection (d) and subject to subsection (c), each parent shall provide in a record the other parent with a proposed plan for fulfilling that parent's share of custodial responsibility during deployment. Each parent shall provide the plan as soon as reasonably possible after notification of deployment is given under subsection (a).
- (c) If a court order currently in effect prohibits disclosure of the address or contact information of the other parent, notification of deployment under subsection (a), or notification of a plan for custodial responsibility during deployment under subsection (b), may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.
- (d) Notification in a record under subsection (a) or (b) is not required if the parents are living in the same residence and both parents have actual notice of the deployment or plan.
- (e) In a proceeding regarding custodial responsibility, a court may consider the reasonableness of a parent's efforts to comply with this section.

**36-7-106.**

(a) Except as otherwise provided in subsection (b), an individual to whom custodial responsibility has been granted during deployment pursuant to part 2 or 3 of this chapter shall notify the deploying parent and any other person with custodial responsibility of a child of any change of the individual's mailing address or residence until the grant is terminated. The individual shall provide the notice to any court that has issued a custody or child support order concerning the child which is in effect.

(b) If a court order currently in effect prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been granted, a notification under subsection (a) may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the individual to whom custodial responsibility has been granted.

**36-7-107.** In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.

**36-7-201.**

(a) The parents of a child may enter into a temporary agreement under this part granting custodial responsibility during deployment.

(b) An agreement under subsection (a) must be:

(1) In writing; and

(2) Signed by both parents and any nonparent to whom custodial responsibility is granted.

(c) Subject to subsection (d), an agreement under subsection (a), if feasible, must:

- 1) Identify the destination, duration, and conditions of the deployment that is the basis for the agreement;
- 2) Specify the allocation of caretaking authority among the deploying parent, the other parent, and any nonparent;
- 3) Specify any decision-making authority that accompanies a grant of caretaking authority;
- 4) Specify any grant of limited contact to a nonparent;
- 5) If under the agreement custodial responsibility is shared by the other parent and a nonparent, or by other nonparents, provide a process to resolve any dispute that may arise;
- 6) Specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact, and the allocation of any costs of contact;
- 7) Specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

- 8) Acknowledge that any party's child-support obligation cannot be modified by the agreement, and that changing the terms of the obligation during deployment requires modification in the appropriate court;
- 9) Provide that the agreement will terminate according to the procedures under part 4 of this chapter after the deploying parent returns from deployment; and
- 10) Specify which parent is required to file the agreement with a court of competent jurisdiction pursuant to § 36-7-205.

(d) The omission of any of the items specified in subsection (c) does not invalidate an agreement under this section.

**36-7-202.**

- (a) An agreement under this part is temporary and terminates pursuant to part 4 of this chapter after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order or modification under § 36-7-203. The agreement does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom custodial responsibility is given.
- (b) A nonparent who has caretaking authority, decision-making authority, or limited contact by an agreement under this part has standing to enforce the agreement until it has been terminated by court order, by modification under § 36-7-203, or under part 4 of this chapter.

**36-7-203.**

- (a) By mutual consent, the parents of a child may modify an agreement regarding custodial responsibility made pursuant to this part.
- (b) If an agreement is modified under subsection (a) before deployment of a deploying parent, the modification must be in writing and signed by both parents and any non-parent who will exercise custodial responsibility under the modified agreement approved by the court.
- (c) If an agreement is modified under subsection (a) during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any non-parent who will exercise custodial responsibility under the modified agreement approved by the court.

**36-7-204.** A deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment if no other parent possesses custodial responsibility under law of this state other than this part, or if a court order currently in effect prohibits contact between the child and the other parent. The deploying parent may revoke the power of attorney by signing a revocation of the power.

**36-7-205.** An agreement or power of attorney under this part must be filed within a reasonable time with any court that has entered an order on custodial responsibility or child support that is in effect concerning the child who is the subject of the agreement or power of attorney and shall be binding upon the parties upon approval by the court. The case number and heading of the pending case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.

**36-7-301.** In this part, "close and substantial relationship" means a relationship in which a significant bond exists between a child and a nonparent.

**36-7-302.**

- (a) After a deploying parent receives notice of deployment and until the deployment terminates, a court may issue a temporary order granting custodial responsibility unless prohibited by the Service Members Civil Relief Act, 50 U.S.C. Appendix Sections 521 and 522 and may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.
- (b) At any time after a deploying parent receives notice of deployment, either parent may file an action regarding custodial responsibility of a child during deployment. A motion must be filed in a pending proceeding for custodial responsibility in a court with jurisdiction under § 36-7-104 or, if there is no pending proceeding in a court with jurisdiction under § 36-7-104, in a new complaint for granting custodial responsibility during deployment.

**36-7-303.** If an action to grant custodial responsibility is filed under § 36-7-302(b) before a deploying parent deploys, the court will conduct an expedited hearing.

**36-7-304.** In a proceeding under this part, a party or witness who is not reasonably available to appear personally may appear, provide testimony, and present evidence by electronic means unless the court finds good cause to require a personal appearance.

**36-7-305.** In a proceeding for a grant of custodial responsibility pursuant to this part, the following rules apply:

- 1) A prior judicial order designating custodial responsibility in the event of deployment is binding on the court unless the circumstances meet the requirements of law of this state other than this chapter for modifying a judicial order regarding custodial responsibility; and
- 2) The court shall enforce a prior written agreement between the parents for designating custodial responsibility in the event of deployment, including an agreement or modification executed under part 2 of this chapter, unless the court finds that the agreement is contrary to the best interest of the child.

**36-7-306.**

- (a) On motion of a deploying parent and in accordance with law of this state other than this chapter, if it is in the best interest of the child, a court may grant caretaking authority to a nonparent who is an adult family member of the child.
- (b) Unless a grant of caretaking authority to a nonparent under subsection (a) is agreed to by the other parent, the grant is limited to an amount of time not greater than:
  - 1) The amount of time granted to the deploying parent under a permanent custody order, but the court may add unusual travel time necessary to transport the child; or
  - 2) In the absence of a permanent custody order that is currently in effect, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, but the court may add unusual travel time necessary to transport the child.
- (c) A court may grant part of a deploying parent's decision-making authority, if the deploying parent and the other parent are both unable to exercise that authority, to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. If a court grants the authority to a nonparent, the court shall specify the decision-making powers granted, including decisions regarding the child's education, religious training, health care, extracurricular activities, and travel.

**36-7-307.**

- (a) A grant of authority under this part is temporary and terminates under part 4 of this chapter after the return from deployment of the deploying parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom it is granted.
- (b) A nonparent granted caretaking authority, decision-making authority, or limited contact under this part has standing to enforce the grant until it is terminated by court order or under part 4 of this chapter.

**36-7-308.**

- (a) An order granting custodial responsibility under this part must
  - 1) Designate the order as temporary; and
  - 2) Identify to the extent feasible the destination, duration, and conditions of the deployment.
- (b) If applicable, an order for custodial responsibility under this part must:
  - 1) Specify the allocation of caretaking authority, decision-making authority, or limited contact among the deploying parent, the other parent, and any nonparent;
  - 2) If the order divides caretaking or decision-making authority between individuals, or grants caretaking authority to one individual and limited contact to another, provide a process to resolve any dispute that may arise;

- 3) Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;
- 4) Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or otherwise available, unless contrary to the best interest of the child; and
- 5) Provide that the order will terminate pursuant to part 4 of this chapter after the deploying parent returns from deployment.

**36-7-309.** If a court has issued an order granting caretaking authority under this part, or an agreement granting caretaking authority has been executed under part 2 of this chapter, the court may enter a temporary order for child support consistent with law of this state other than this chapter if the court has jurisdiction under the Uniform Interstate Family Support Act, compiled in chapter 5, parts 21-29 of this title.

**36-7-310.**

(a) Except for an order under § 36-7-305, except as otherwise provided in subsection (b), and consistent with the Service Members Civil Relief Act, 50 U.S. C. Appendix Sections 521 and 522, on motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority, or limited contact has been granted, the court may modify or terminate the grant if the modification or termination is consistent with this part and it is in the best interest of the child. A modification is temporary and terminates pursuant to part 4 of this chapter after the deploying parent returns from deployment, unless the grant has been terminated before that time by court order.

(b) On motion of a deploying parent, the court shall terminate a grant of limited contact.

**36-7-401.**

A temporary order entered under this chapter providing for a modification of a child custody decree shall terminate at the end of the deployment and shall revert back to the previous custody order.

**36-7-501.** In applying and construing this uniform law, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**36-7-502.** This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101 (c) of that act, 15 U.S.C. Section 7001 (c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

**36-7-503.** This chapter does not affect the validity of a temporary court order concerning custodial responsibility during deployment which was entered before the effective date of this chapter.

**Section 2:** Tennessee Code Annotated, Sections 36-6-113 and 36-6-308, are amended by deleting the sections in their entirety.

**Section 3:** This Act will become effective July 1, 2014.

### **PUBLIC CHAPTER 852 (Senate Bill 1789 by Haile/House Bill 1396 by Lamberth)**

This Act amends Tennessee Code Annotated, Title 36, Chapter 5, relative to noncompliance with child support obligations.

In essence, the amendment of this statute allows a delinquent obligor of a child support obligation to have the opportunity to have a restricted driver's license as opposed to a revoked driver's license for the purpose of driving to and from his/her regular place of employment and/or school so long as certain criteria are met. Each section below explains in the detail the criteria for obtaining a restricted driver's license.

**Section 1:** This section provides for the issuance of a restricted license "that allows a person to operate a motor vehicle for the limited purposes of going to and from and working at the person's regular place of employment and going to and from the person's school (sic)." A restricted license does not include commercial drivers' licenses.

**Sections 2-4:** These sections of the Act provides for an option short of revocation for non-payment of support by offering a restricted license.

**Section 5:** Requires the Department (of Human Services) to certify in writing or by electronic data exchange to the Department of Safety that an obligor is not in compliance with an order of support but is eligible for a restricted license if the Department issues such a decision after a hearing on the matter. This clarifies that the Department will notify the Department of Safety that an obligor is eligible for a restricted license if the Department enters into an agreement that includes eligibility for a restricted license.

**Section 6:** This section provides the Department of Human Services' certification referenced in Section 5 is a basis for the following: denial, suspension, or revocation of a license; refusal to issue or reinstate a license by the licensing authority; or for issuing a restricted license.

**Section 7:** This section adds that "an obligor's current driver license has been revoked because the obligor's name has been certified by the department as an obligor who is not in compliance with an order of support but eligible for a restricted license" to the list of things that require notice from the licensing authority.

**Section 8-11:** This section makes various changes in Title 36, Chapter 5, Parts 7 to add the language "revocation or restriction" as a substitute for "revocation".

**Section 12:** An obligor would be eligible for a restricted license if the obligor meets all of the following criteria:

- 1) Is employed for at least 30 hours per week;
- 2) Is employed at a location or goes to school at a location at least (one) 1 mile from the obligor's residence;
- 3) Can show that the employment or educational endeavor can reasonably expected to contribute to bringing the obligor into compliance with the support order in a timely manner;
- 4) Enters into a payment plan that is satisfactory to DHS; and
- 5) Pays the restricted license fee.

An obligor who is eligible for a restricted license would be required to keep a copy of the agreement with DHS in his/her possession while driving. Failure to have a copy of the agreement while the obligor is driving, or the violation of the restrictions on use of the restricted license, would be a Class B misdemeanor criminal offense under Tenn. Code Ann. § Tenn. Code Ann. 55-50-504. If the obligor is found ineligible for a restricted license, the obligor would then be subject to drivers' license revocation. If the obligor is found by DHS to be in noncompliance with the agreement, the obligor would then be subject to drivers' license revocation. The Act would not affect revocation proceedings involving any other license held by the obligor. DHS would charge a maximum \$30 fee for the restricted license. The Act requires DHS to promulgate rules governing the fee collection, and to annually review whether the fee needs to be reduced or increased.

**Section 13:** This Act becomes effective July 1, 2015.

## **CONFIDENTIALITY**

### **PUBLIC CHAPTER 569 (Senate Bill 2326 by McNally/House Bill 1944 by McCormick)**

This Act amends Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to the confidentiality of information for public employees.

**Section 1:** Provides that the bank account information for any state, county, municipal, or other public employee, former employee or applicant for such position or any law enforcement officer that has been provided to the Department of Treasury shall be confidential.

Information maintained by the Department of Treasury relating to employees of the Department's Investment Division, who have been designated in writing, regarding holdings

reports, confirmations, transaction reports, and account statements relative to securities, investments or other assets disclosed by the employee to the employer, or authorized by the employee to be released to the employer directly or otherwise is confidential.

**Section 2:** This Act became effective March 21, 2014.

**PUBLIC CHAPTER 991 (Senate Bill 2087 by Beavers / House Bill 2087 by Van Huss)**

This Act amends Tennessee Code Annotated, Title 39, Chapter 13, Part 6, relative to surveillance.

**Section 1:** This section provides that no government entity shall obtain the location information of an electronic device without a search warrant issued by a duly authorized court, except if the electronic device is reported stolen; in response to the user's call for emergency services; to prevent imminent danger to the life of the owner or user; to prevent imminent danger to the public; if the owner gives informed, affirmative consent; if the user has posted the user's location within the last twenty-four (24) hours on a social media web site; or if exigent circumstances justify obtaining location information for the electronic device without a warrant.

Any evidence obtained in violation of this section is not admissible in a civil, criminal, or administrative proceeding and shall not be used in an affidavit of probable cause in an effort to obtain a search warrant.

This section does not apply to any electric or natural gas utility meter designed to monitor, record, and regulate electric or natural gas powered appliances or devices.

**Section 2:** This Act became effective May 22, 2014.

**DISABILITY DETERMINATION/VOCATIONAL  
REHABILITATION**

**PUBLIC CHAPTER 739 (Senate Bill 1770 by Bell/House Bill 1569 by K. Brooks)**

This Act amends Tennessee Code Annotated, Title 71, Chapter 4, Part 7, relative to the purchase of goods and services from persons with disabilities.

**Section 1:** This section amends T.C.A. 71-4-702 by deleting the entire subsection and substituting new language, that in essence, changes “severely disabled/severely disabled individual” to “individual with severe disabilities,” deletes the definition of “work center,” and adds the definition of “integrated settings,” which means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individual who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons. All of the other definitions remain the same.

**Section 2:** This section amends T.C.A. § 71-4-703 by deleting the entire subsections (b), (c), and (d) and substituting language that provides that the committee must provide oversight to the central nonprofit agency in developing and implementing a state procurement program of selected commodities and services from qualified work centers serving blind individuals and other agencies serving the severely disabled. The committee has the responsibility to designate a central nonprofit agency to facilitate the distribution, review rules and regulations, conduct an annual evaluation of the activities of the central nonprofit agency, and evaluate pricing proposed by the central nonprofit agency. In addition, all departments, agencies, and political subdivisions of the state must purchase all service or commodities required.

**Section 3:** This section amends T.C.A. § 71-4-704 by deleting the entire subsection and substituting language that provides that the state, through the committee, may designate a nonprofit agency which would submit proposed rules and regulations necessary to implement this Chapter, ensure that the priorities for the production of commodities and services are maintained under this Chapter and that individuals with severe disabilities are placed in integrated settings, evaluate the qualifications and capabilities of work centers for the blind and other agencies serving individuals with severe disabilities, recommend suitable commodities or services for procurement along with prices, distribute and allocate orders from governmental entities, contract with agencies serving individual with severe disabilities, maintain the necessary records and monitor data on work centers and other agencies, enter into contacts with the state procurement systems for furnishing of commodities when authorized, and give priority to the nonprofit work centers for the blind when distributing and allocating orders for commodities. Also the central nonprofit agency shall charge a fee to participating work centers for the blind and other agencies serving individuals with severe disabilities, but the fee must not exceed the rates approved by the committee.

**Section 4:** This section amends T.C.A. § 71-4-705(b) by deleting the entire subsection and substituting language that provides that the committee must deliver an annual report to the governor and each member of the general assembly regarding the work centers for the blind, agencies serving individuals with severe disabilities and other entities participating in the

program, the total dollar amount of purchases made from the participating work centers for the blind, agencies serving individuals with severe disabilities and other entities by state agencies.

**Section 5:** This Act becomes effective on July 1, 2014.

**PUBLIC CHAPTER 742 (Senate Bill 1856 by Crowe /House Bill 1381 by Forgety)**

This Act amends Tennessee Code Annotated, Title 49, Chapters 1, 2, 3, & 5, relative to the compensation of licensed educators.

**Section 1:** This section amends T.C.A. § 49-3-306(a)(1) by designating the existing language as subdivision (A) and adding a new subdivision (B), which provides that a local education agency (LEA) may adopt a salary schedule that is identical in either structure or designated salary level or both to the salary schedule the LEA had during 2012-13 school year.

**Section 2:** This Act became effective on April 22, 2014.

**FAMILY ASSISTANCE**

**PUBLIC CHAPTER 631 (Senate Bill 1922 by Finney/House Bill 2422 by Farmer)**

This Act amends Tennessee Code Annotated, Title 29, Chapter 3, Part 1, relative to nuisances.

**Section 1:** This Act amend T.C.A. § 29-3-101(a)(2) by adding a new subdivision (C), which adds to the definition of “nuisance” any place that a person unlawfully takes, by defrauding, conspiring, or colluding, public assistance benefits knowing that the person is not authorized or entitled to receive the public assistance benefits. As the unauthorized taking of public assistance benefits how not been classified a nuisance, it subject to abatement by injunctive relief.

**Section 2:** This Act becomes effective July 1, 2014.

**PUBLIC CHAPTER 787 (Senate Bill 1837 by Watson /House Bill 1925 by Rogers)**

This Act amends Tennessee Code Annotated, Title 71, Chapter 3, Part 1, relative to welfare avoidance grants (diversion).

**Section 1:** This Act adds a new section to the T.C.A., Title 71, Chapter 2, Part 1 to provide for diversion grants. The Act requires DHS to evaluate all temporary cash assistance cases, except child only cases, to determine whether a diversion grant would meet a family's immediate and compelling need such that the receipt of the grant would prevent the family from going on temporary assistance or assist the family in leaving temporary assistance. The criteria of the diversion grant are:

- The grant must meet the immediate needs of the family so that the family can avoid/leave temporary assistance;
- The Department may provide grants as deemed appropriate;
- Although a recipient may receive more than one grant during their lifetime, a subsequent grant may not cover the same type of immediate need met by a previous grant;
- The grant amount may range from one (1) to twelve (12) months of the value of temporary cash assistance;
- The grant amount must be calculated based on the family's eligibility to receive temporary cash assistance;
- Receipt of the grant must not overlap periods of temporary cash assistance; and
- The recipient's lifetime limit of temporary cash assistance must be reduced by the number of months equal to the value of the diversion grant.

**Section 2:** This section of the Act provides the Department of Human Services with rulemaking authority to implement the diversion grant program.

**Section 3:** This Act becomes effective July 1, 2015.

#### **PUBLIC CHAPTER 960 (Senate Bill 1851 by Campfield/House Bill 1887 by Dennis)**

This Act amends Tennessee Code Annotated, Title 71, Chapter 3, Part 1, relative certain assistance payments to parents or caretakers.

**Section 1:** This section of the Act amends T.C.A. § 71-3-104(h)(2)(B) by adding a new subdivision (iv), requiring that the personal responsibility plan include requirements that the parent or suitable adult/guardian must attend two (2) or more conferences within a year with the child's teacher to review the child's status in school; attend at least eight (8) hours of parenting classes; or the parent must participate in support services that the child may need as determined by the Department of Human Services to overcome any school, family, or other barriers that may interfere with the child's and family's ability to be successful.

**Section 2:** This section provides the Department of Human Services with rulemaking authority.

**Section 3:** This Act becomes effective January 1, 2015.

## **MOTOR VOTER**

### **PUBLIC CHAPTER 880 (Senate Bill 1999 by Yager/ House Bill 2320 by Powers)**

This Act amends Tennessee Code Annotated, Title 2, Chapter 2, Part 1, relative to voter registration systems.

**Section 1:** Amends Tennessee Code Annotated 2-2-137(c) to provide that beginning January 1, 2015 the Coordinator of Elections and the state Election Commission shall certify each voter registration system used in the state. The Coordinator of Elections may make rules and shall consider, at a minimum:

The compatibility of the voter registration system with any statewide system operated by the Secretary of State's Office; the history of ethical conduct by the seller and manufacturer in the sales of voter registration systems; and the ability of the of seller and manufacturer to provide adequate professional assistance and service

**Section 2:** This section amends Tennessee Code Annotated 2-2-138(b) to provide that the list, and any other voter registration information, shall be property of the county election commission. Any vendor with shall only use voter registration data for purposes of assisting the election commission and shall be prohibition from using the data for any other purpose.

Unauthorized use by the vendor of voter registration data shall constitute a Class B misdemeanor and grounds for decertification by the state election commission.

**Section 3:** This Act became effective May 1, 2014.

## **OFFICE OF THE GENERAL COUNSEL**

**PUBLIC CHAPTER 574 (House Bill 1918 by Evans /Senate Bill 2004 by Green)**

This Act amends Tennessee Code Annotated, Title 29, Chapter 2, relative to the removal of governmental immunity under certain circumstances.

**Section 1:** This Act adds a new section to the Tennessee Governmental Tort Liability Act. It removes governmental immunity for claims brought under the federal Uniformed Services Employment Reemployment Rights Act of 1994 (which establishes uniformed services military service members' (including the armed forces) reemployment rights and prohibits employer discrimination based on that service).

**Section 2:** This Act becomes effective July 1, 2014.

**PUBLIC CHAPTER 596 (Senate Bill 1953 by Gardenhire /House Bill 1686 by Carter)**

This Act amends Tennessee Code Annotated, Title 28, Chapter 3, Part 1 and Title 40, Chapter 35, Part 3, relative to certain civil judgments and restitution orders.

**Section 1:** Provides that judgments entered on or after July 1, 2014 must be acted upon within ten years except when the judgment is for the injury or death of a person that resulted from the judgment debtor's criminal conduct, the judgment debtor is convicted of a criminal offense for the conduct that resulted in the injury or death, or the civil judgment is originally an order of restitution converted to a civil judgment.

Prior to the entry of the judgment, the judge shall make a determination on the record that the plaintiff's injury or death was the result of the defendant's criminal conduct and that the defendant's conduct resulted in a criminal conviction.

When entering a judgment on or after July 1, 2014 both the trial judge and clerk shall sign and note the existence of the conviction on the judgment document. The signatures shall be sufficient evidence that the judgment is valid until paid in full or discharged by law.

The statute of limitations for judgments entered before July 1, 2014 shall be tolled by obtaining a certified copy of the conviction, civil judgment, and completing an affidavit stating that the judgment and conviction were based on the criminal conduct of another

**Section 2:** Amends T.C.A 40-35-304 to provide that a civil judgment based on a criminal conviction that resulted in death or injury shall be in effect until it is paid. Under the prior law, the judgment would only valid for ten years.

**Section 3:** This Act becomes effective July 1, 2014.

**PUBLIC CHAPTER 763 (Senate Bill 1636 by Norris/House Bill 1432 by McCormick)**

This Act amends Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to taxation.

**Section 1:** This Act sets forth how the Commissioner of Revenue shall assess penalties and interest for delinquent privilege taxes. The Department shall notify the taxpayer in writing that the failure to cure the tax delinquency or deficiency prior to the renewal date may result in preventing renewal.

The Commissioner of Revenue shall send a list to the appropriate licensing board or agency a list of all taxpayers who are delinquent (90) days or more and who have not pursued a remedy or remain liable at the conclusion of such a remedy. The list shall not include any taxpayer who has made all installment payments under an agreement with the Department. The license or registration for anyone on the list shall be held in abeyance.

Any taxpayer appearing on the list may cure the tax delinquency and obtain a tax clearance from the Department and proceed with renewal of the license or registration

The Supreme Court is encouraged to establish additional rules to promote timely payment of privilege tax by attorneys.

**Section 2:** This Act became effective April 24, 2014.

**PUBLIC CHAPTER 782 (Senate Bill 1831 by Bowling/House Bill 1732 by Halford)**

This Act amends Tennessee Code Annotated, Title 4, Chapter 5, relative to the calculation of time related to rules.

**Section 1:** Tennessee Code Annotated, Section 4-5-202, is amended by deleting subdivision (a)(2) in its entirety and substituting instead the following:

This section requires that the rule be posted on the web site within seven (7) days, instead of five (5) business days of receipt, with a statement that the agency will adopt the rule without a hearing unless within ninety (90) days, instead of sixty (60) days, after filing the proposed rule, a petition for a public hearing is filed by twenty-five (25) persons who will be affected by the rule, an association of twenty-five (25) or more members, a municipality or by a majority vote of any standing committee of the general assembly. If an agency receives such a petition, it shall not proceed with the proposed rulemaking until it has given notice and held a hearing as provided in this section. The agency must forward the petition to the secretary of state. The secretary of state is not required to compile all filings of the preceding month into one (1) document.

**Section 2:** Tennessee Code Annotated, Section 4-5-203(b), is amended by deleting the language “five (5) business days” and substituting instead the language “seven (7) days.” Currently, notice of a hearing through publication on the administrative register web site must be given at least forty-five (45) days prior to the date set for the hearing, and is deemed to have been given five (5) business days’ notice from the date notice was transmitted to the secretary of state. This section revises the applicable time for notice being deemed as given from "five business days" to "seven days”.

**Section 3:** Tennessee Code Annotated, Section 4-5-208(c), is amended by deleting the language “two (2) business days” and substituting instead the language “four (4) days.” Currently, agencies must take steps to make emergency rules known to persons who will be affected. The secretary of state must post the emergency rule filing on the web site within two (2) business days of filing. This section requires that the filing be posted on the web site within four (4) days instead of two (2) business days of filing.

**Section 4:** Tennessee Code Annotated, Section 4-5-220(a), is amended by deleting the language “five (5) business days” and substituting instead the language “seven (7) days.” Presently, after a rule is filed, the secretary of state must, within five (5) business days of its acceptance, add the rule to the appropriate location on the web site. This section revises that requirement to "within seven days" of its acceptance.

**Section 5:** Tennessee Code Annotated, Section 4-5-220(b), is amended by deleting the language “two (2) business days” and substituting instead the language “four (4) days.” At present, the secretary of state must incorporate emergency rules within the appropriate agency's rules within two (2) business days of their filing. This bill requires that the emergency rules be incorporated within four (4) days of their filing.

**Section 6:** This Act becomes effective July 1, 2014.

## **PUBLIC CHAPTER 785 (Senate Bill 1757 by Beavers/House Bill 1869 by Carter)**

This Act amends Tennessee Code Annotated, Title 40, Chapter 6, Part 1, relative to the search and seizure of cell phones.

**Section 1:** Provides that no law enforcement office may examine, extract, or search any cell phone data unless the officer has obtained a search warrant, the owner of the cell phone gives informed consent, or there exist exigent circumstances at the time of the seizure of the cell phone.

No data that has been obtained in violation of this section may be used as evidence in a court of law or administrative board, nor may other evidence that is derived from illegally obtained data.

This section does not apply to any cell phone that has been abandoned.

**Section 2:** This Act becomes effective July 1, 2014.

**PUBLIC CHAPTER 805 (Senate Bill 2341 by Johnson/House Bill 2387 by Dennis)**

This Act amends Tennessee Code Annotated, Titles 2, 4, 8, and 18, relative to notaries public. This Act removes all of the statutory fees for notaries public and instead provides that notaries are entitled to demand and receive reasonable fees and compensation for their services. The Act also clarifies that notaries are "approved" instead of "commissioned" by the Governor.

**Section 1:** This section of the Act amends T.C.A. § 8-16-102 by substituting the word "commissioned" with the word "approved."

**Section 2:** This section of the Act deletes T.C.A. § 8-16-118, a section concerning recording fees, entirely.

**Section 3:** This section of the Act deletes T.C.A. § 8-16-119, a section concerning protest fees, entirely.

**Section 4:** This section of the amends T.C.A. § 8-16-102 by adding the definition of "approved" to mean "to accept or to sanctions, and does not mean to appoint."

**Section 5:** This section of the Act replaces T.C.A. § 8-21-1201 with new language that provides that notaries public are entitled to demand and receive reasonable fees and compensation and that they must keep a record of each public act, attestations, protestations, and other publications. The deleted language provided for specific fees for each particular service.

**Section 6:** This Act becomes effective October 1, 2014.

**PUBLIC CHAPTER 544 (Senate Bill 1626 by Norris/House Bill 1422 by McCormick)**

This Act amends Tennessee Code Annotated, Title 4, Chapter 3, Part 55, relative to background checks.

**Section 1:** Provides that a criminal background check performed by the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) shall be required for all employees of the Office of Information Resources (OIR) who have elevated and privileged access to criminal justice information systems or to information accessed via criminal justice systems.

The Department of Human Resources shall maintain classifications of these required background checks, which shall include fingerprint checks against state and federal files maintained by the FBI and TBI.

The Department of Finance & Administration (F&A) shall establish policies concerning the use and implementation of criminal background checks conducted pursuant to this section.

The state shall pay the costs of background checks conducted pursuant to this section.

**Section 2:** This Act becomes effective July 1, 2014.

## **PERSONNEL**

**PUBLIC CHAPTER 569 (Senate Bill 2326 by McNally/House Bill 1944 by McCormick)**  
*(See Confidentiality Page 17)*

**PUBLIC CHAPTER 689 (Senate Bill 1624 by Norris/House Bill 1420 by McCormick)**

This Act amends Tennessee Code Annotated, Title 8, Chapter 30, Parts 1 & 3, relative to the T.E.A.M. Act.

**Section 1:** This Act amends T.C.A. section 8-30-108(a) by deleting all the language and substituting all new language, which establishes a board of appeals in the department of human resources where there is minimum of nine (9) members and maximum of eighteen (18) members.

**Section 2:** This Act amends T.C.A. section 8-30-108(c) by deleting all the language and substituting all new language, which provides that any board member serving on March 1, 2014 and appointed pursuant to Chapter 800 of the Public Act of 2012 will continue to serve until the expiration of their terms and after that the governor shall point members from the public at large to serve for a six (6) year term. If the commissioner determines that additional board members are necessary the then governor will appoint additional members to serve initial terms of six (6) years

**Section 3:** This Act amends T.C.A. section 8-30-108(d) by deleting all the language and substituting all new language, which provides that the commissioner will establish the compensation for board members and board members may receive reimbursements for reasonable necessary travel expenses in accordance with the state travel regulations.

**Section 4:** This Act amends T.C.A. section 8-30-318(h)(1)(B) by designating the existing language as subdivision (h)(1)(b)(i) and by adding new language to be subdivision (h)(1)(B)(ii), which provides that the employee has the duty to provide a written argument to the commissioner to explain why the employee believes that the Step I decision was in error. If an employee fails to provide the written argument, the employee will be considered in default and forfeits the ability to appeal to Step III.

**Section 5:** This Act amends T.C.A. section 8-30-318(i) by re-designating all of the current subdivisions and adding a new subdivision as (i)(4), which requires the department to forward the entire record of the case to the sitting board members prior to the Step III meeting for preliminary review. Any evidentiary attachments to the record should not be submitted to the board prior to the Step II hearing.

**Section 6:** This Act amends T.C.A. section 8-30-318 by additional new language, which will be appropriately designated as a subsection. The two additional subsections provide:

- Any complaint who fails to appear before the board of appeals (either in person, electronically, or through counsel) waives his/her right to a Step III hearing. If this happens then the board must enter a default judgment against the complainant and the Step II decision will be final. The board must not proceed with a Step III hearing without the present of the complainant.
- The Board of Appeals' order is final upon execution by the presiding member. Settlement agreements and board decisions do not require a signature of the ALJ to be considered final. After being executed, the department must forward a copy of the order to the administrative procedures division.

**Section 7:** This Act became effective April 15, 2014.

**PUBLIC CHAPTER 768 (Senate Bill 2031 by Hensley/House Bill 1483 by Moody)**

This Act amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to transporting or storing a firearm or firearm ammunition in a motor vehicle by a handgun carry permit holder.

**Section 1:** This section amends Tennessee Code Annotated § 39-17-1313(a) deleting the following language: “Notwithstanding § 39-17-1309, § 39-17-1311, or § 39-17-1359, unless expressly prohibited by federal law, the holder of a valid handgun carry permit recognized in Tennessee may transport” and substituting with the following language: “Notwithstanding any provision of law or any ordinance or resolution adopted by the governing body of a city, county or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation or storage of a firearm or firearm ammunition by a handgun carry permit holder, the holder of a valid handgun carry permit recognized in Tennessee may, unless expressly prohibited by federal law, transport.” This Act broadens present law by making the authorization for a handgun carry permit holder to transport and store a firearm in the permit holder's privately owned motor vehicle notwithstanding any federal or state law, resolution or ordinance to the contrary.

**Section 2:** This Act became effective on May 1, 2014.

### **PUBLIC CHAPTER 903 (Senate Bill 1645 by Norris/House Bill 1440 by McCormick)**

This Act amends Tennessee Code Annotated Title 50, Chapter 9, Parts 1, 2, 4, 5, & 9, relative to Worker’s Compensation.

**Section 1:** This section of the Act amends T.C.A. § 50-6-102 by adding a new subdivision to define a “specialty practice group” as “a group of Tennessee licensed physicians, surgeons, or chiropractors providing medical care services of the same or similar medical specialty as each other and operating out of the same physical location.” The Workers' Compensation Law will now include "specialty practice groups" along with physicians, surgeons, and chiropractors for purposes of identifying which practitioners an employer must include in the medical panel that the employer offers to an injured employee.

**Section 2:** This section of the Act amends T.C.A. § 50-6-104 by deleting “member of a limited liability company” in various subsections. This section removes authorization for members of limited liability companies to elect not to be covered by the Workers' Compensation Law.

**Section 3:** This section of the Act amends T.C.A. § 50-6-118(b) by deleting “department” and substituting “division.” Also provides that all penalties collected under this section must be paid for the division for its own use at the discretion of the administrator to offset the cost of administering this Chapter. This section authorizes the division of Workers' Compensation, rather than the Department of Labor, to assess and collect penalties for violations of the Workers' Compensation Law. This section requires that penalties collected by the division for violations

other than an employer's failure to provide coverage be paid to the division to offset the costs of administering the Workers' Compensation Law instead of paying such penalties into the second injury fund

**Section 4:** This section of the Act amends T.C.A. § 50-6-125 by adding that the section applies to all disputes of medical bill payments for services provided under this Chapter. This section clarifies that the medical payment committee may only hear disputes between providers and insurers for disputes of medical bill payments for services provided on or after July 1, 2014.

**Section 5:** This section of the Act amends T.C.A. § 50-6-204(a)(3)(C) (as amended by P.C. 289 (2013), which concerns the payments of claims for medical care and treatment, by deleting language and substituting “from a panel of two (2) physicians practicing in the same specialty as the physician who recommended the surgery. In cases where the employer has provided a panel of specialists pursuant to subdivision (a)(3)(A)(i) of this section, the employee may choose one (1) of the two (2) remaining specialists to provide a second opinion on the issue of surgery and diagnosis.” This section requires in instances when an injured employee requests a second opinion on the question of surgery and diagnosis following a referral by the treating physician, the injured employee must select from a panel of two physicians practicing in the same specialty as the physician who recommended the surgery. However, in cases where the employer has provided a panel of specialists rather than accepting the treating physician's referral, the employee may choose one of the two remaining specialists to provide a second opinion on the issue of surgery.

**Section 6:** This section of the Act amends T.C.A. § 50-6-207(1)(E) to delete the phrase “other than mental injury” and substitutes language specifically including compensation for a “mental injury that rose primarily out of a compensable physical injury.” This section deems an employee claiming an injury that occurs on or after July 1, 2014, to be at maximum medical improvement when the treating physician ends all active medical treatment and the only care provided is for the treatment of pain or for a mental injury that arose primarily out of a compensable physical injury.

**Section 7:** This section of the Act amends T.C.A. § 50-6-242(b) adds language that limits the time period for employees with workers compensation claims to receive an award disability benefits to between July 1, 2004 and July 1, 2014, but the judge must make specific documented findings.

**Section 8:** This section of the Act deletes T.C.A. § 50-6-412 entirely and substitutes a new section, which duplicates the substance of the former section, but changes the language of “commissioner” to “administrator.”

**Section 9:** This section of the Act amends T.C.A. § 50-6-902(c) and substitutes the word “division” for “department.”

**Section 10:** This section of the Act amends T.C.A. § 50-9-102 by deleting “commissioner of labor and workforce development” and replacing it with “administrator of the division of worker’s compensation.”

**Section 11:** This section of the Act amends T.C.A. § 50-9-103(12) by deleting “commissioner of labor and workforce development” and replacing it with “administrator of the division of worker’s compensation.”

**Section 12:** This section of the Act amends T.C.A. § 50-9-111 by deleting “commissioner of labor and workforce development” and replacing it with “administrator of the division of worker’s compensation” and also deleting “commissioner” and replacing it with “administrator.”

**Section 13:** This section of the Act amends T.C.A. § 50-6-242(a), deleting the subsection and substituting language that provides that the subsection only applies to injuries that occur on or after July 1, 2014, but shall not apply to injuries that occur after June 30, 2016. For those injuries, the subsection provides that where the employee is eligible for increased benefits the employee may receive disability benefits of sixty-six and two-thirds percent of the employee’s pre-injury average weekly wage or salary for a period not to exceed two hundred seventy-five weeks inclusive of the other benefits provided the employee. Also, benefits may be awarded under this subsection in lieu of the increased benefits if the presiding judge first determines based on clear and convincing evidence that limiting the employee’s recovery to the benefits would be inequitable in light of the totality of the circumstances and the presiding worker’s compensation judge makes specific documented findings that as of the date of the award/settlement three things are true: (1) the employee has been assigned an impairment rating of at least ten percent to the body as whole, that has been determined according to the AMA guides; (2) the authorized treating physician has certified on a form provided by the division that due to the permanent restrictions on activity the employee has suffered as a result of the injury the employee no longer has the ability to perform the employee’s pre-injury occupation; and (3) the employee is not earning an average weekly wage or salary that is greater than or equal to seventy percent of the employee’s pre-injury average weekly wage or salary.

**Section 14:** Section 8 of this Act became effective May 13, 2014, and the remaining sections become effective July 1, 2014.

## **PUBLIC CHAPTER 928 (Senate Bill 2144 by Tate/House Bill 2200 by M. Turner)**

This Act amends Tennessee Code Annotated, Titles 8, 40 and 50 relative to voice stress analysis.

**Section 1:** This section of the Act amends Title 50, Chapter 1, Part 3 by adding two new sections. Section (a) provides the definition for “voice stress analysis” which means the use of a device that has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph. Section (b) provides that at

any hearing or other employment procedure in which an employee is entitled to due process, no employer shall introduce the result of a voice stress analysis performed on an employee to prove misconduct by the employee.

**Section 2:** This section of the Act amends Title 40, Chapter 17, Part 1, by adding the definition of voice stress analysis and also providing that voice stress analysis and any testimony regarding voice stress analysis is inadmissible in any criminal proceeding.

**Section 3:** This Act becomes effective July 1, 2014.

### **PUBLIC CHAPTER 959 (Senate Bill 1834 by Gresham /House Bill 2116 by H. Brooks)**

This Act amends Tennessee Code Annotated, Title 8, Chapter 50, Part 1, relative to higher education fee waivers for state employees.

**Section 1:** This Act limits the one (1) free course per term that state employees are eligible to receive from a state-supported college/university/etc. to a course consisting of no more than four (4) credit hours or one hundred twenty (120) clock hours.

**Section 2:** This section of the Act permits the cost equivalent of the (4) credit hour or one hundred twenty (120) clock hour course to be applied toward payment of a course that exceeds the (4) credit hour/one hundred twenty (120) clock hour level.

**Section 3:** This Act becomes effective July 1, 2014, and will apply beginning during the fall semester of the 2014-15 academic year.

### **PUBLIC CHAPTER 988 (Senate Bill 2054 by Bell/House Bill 2449 by Matlock)**

This Act amends Tennessee Code Annotated, Title 4, Title 8, Chapter 50 and Title 68, Chapter 1, relative to human rights.

**Section 1:** The Act amends TCA 4-21-201 to provide that the Tennessee Human Rights Commission shall consist of nine (9) members- two (2) members appointed by the speaker of the senate; two (2) members appointed by the speaker of the house of representatives; five (5) members appointed by the governor; three (3) members shall reside in each grand division of the state. The appointing authorities shall consult with each other to ensure that the requirements are met.

The entire membership shall be vacated on January 1, 2015. The new members shall be appointed as follows:

Each appointing authority shall make one appointment for a term from January 1, 2015 until June 30, 2017;

The governor shall make three (3) appointments for a term from January 1, 2015 until June 30, 2019; and

Each appointing authority shall make one appointment for a term from January 1, 2015 until June 30, 2021;

Following the expiration of the members' initial terms, all appointments to the commission shall be for terms of six (6) years and shall begin on July 1 and terminate on June 30. All members shall serve until the expiration of the term and until their successors are appointed and qualified. Vacancies shall be filled in the same manner as the original appointment but only for the unexpired term. Successors shall be appointed from the same grand divisions of the state as the member being replaced. Members shall not serve more than two consecutive six (6) year terms.

The Commission shall designate one of its members to serve as chair for a two (2) year term. No member may serve as chair for more than two consecutive terms.

The members shall be appointed on a nonpartisan basis and broadly represent employees, proprietors, trade unions, religious groups, human rights' groups, and the general public.

Members are entitled to reimbursement for expense incurred in the performance of their duties and reasonable fees for each day of service as hearing examiners.

A commissioner who is absent from more than three regularly scheduled meeting in the course of the commission's fiscal year may be removed from the commission by the appointing authority.

**Section 2:** This Act becomes effective January 1, 2015.

## **PUBLIC CHAPTER 995 (Senate Bill 2126 by Johnson/House Bill 1954 by Dennis)**

This Act amends Tennessee Code Annotated, Title 4, Chapter 21, Title 8, Chapter 50 and Title 50, Chapter 1, relative to employment litigation in Tennessee.

**Section 1:** The Act provides that it is discriminatory for two or more persons to retaliate or discriminate against an employee because the employee has opposed a discriminatory practice or made a charge, file a complaint, testified, assisted or participated in any investigation, proceeding or hearing under the employment discrimination statute.

It is discriminatory to willfully interfere with the performance of a duty or the exercise of a power; willfully obstruct or prevent a person from complying with the state employment statute; or violate the terms of a conciliation agreement made pursuant to the state unemployment discrimination statute.

No individual employee or agent of an employer shall be liable for any violation of the terms of a conciliation agreement.

**Section 2:** Amends TCA 4-21-313 to limit the amount of damages that can be awarded for compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life for each complaining party for complaints made by an employee.

For the employer who has at least eight but fewer than fifteen employees at the time of the cause of action, the limit is \$25,000.

For the employer who has fourteen or more but fewer than one hundred one employees at the time of the cause of action, the limit is \$50,000.

For the employer who has more than one hundred but fewer than two hundred one employees at the time of the cause of action, the limit is \$100,000.

For the employer who has more than two hundred but fewer than five hundred one employees at the time of the cause of action, the limit is \$200,000.

For the employer who has more than five hundred employees at the time of the cause of action, the limit is \$300,000.

The limitations shall not apply to backpay, interest on backpay, front pay, or any equitable relief.

No employee may concurrently maintain an employment discrimination lawsuit while prosecuting a lawsuit in federal court under the same nucleus of facts.

**Section 3:** The Act amends T.C.A. 8-50-103 by providing that employer is defined as state, political or civil subdivision employing eight or more persons within the state.

**Section 4:** The Act provides that the cause of action for retaliatory discharge shall be subject to the limits on damages set forth in T.C.A. 4-21-313.

**Section 5:** The Act amends T.C.A. 50-1-304 by removing activities that were illegal under Tennessee common as a ground for alleging retaliatory.

**Section 6:** The Act amends T.C.A. 50-1-304 by providing that the statute supersedes common law with regard to any claim that could have been brought under the retaliatory discharge statute.

**Section 7:** The Act provides that T.C.A. 50-1-304 does not require the Tennessee Human Rights Commission to provide training or education in addition to its current operations.

**Section 8:** This Act becomes effective July 1, 2014.

## **PUBLIC RECORDS**

### **PUBLIC CHAPTER 648 (Senate Bill 1830 by Haile/ House Bill 1731 by Littleton)**

This Act amends Tennessee Code Annotated, Title 10, Chapter 7, relative to electronic storage of public records. As enacted, removes certain references to storage of electronic public records in CD-ROM's and instead authorizes storage in any appropriate electronic medium.

**Section 1:** The Act amends T.C.A. 10-7-121(a)(1) by removing the phrase “including CD-ROM disks” and replacing it with the term “in any appropriate electronic medium”.

**Section 2:** The Act amends T.C.A. 10-7-404(d)(1) by removing the phrase “including CD-ROM disks” and replacing it with the term “or any appropriate electronic medium”.

**Section 3:** The Act amends T.C.A. 10-7-702(b) by removing the phrase “including CD-ROM disks” and replacing it with the term “or any appropriate electronic medium”.

**Section 4:** This Act becomes effective July 1, 2014.

## **TENNCARE/MEDICAID**

### **PUBLIC CHAPTER 911 (Senate Bill 1871 by Overbey/House Bill 2174 by Rich)**

*(See Appeals and Hearings Page 6)*

### **PUBLIC CHAPTER 926 (Senate Bill 2023 by Bell/House Bill 1904 by Dean)**

This Act amends Tennessee Code Annotated, Titles 4, 5, 6, 7, 12, 33, 38, 41, 56, and 71 relative to persons in custody.

**Section 1:** This section of the Act amends T.C.A. § 71-5-106 by adding a new subsection (r), which provides that an individual who is an inmate of a public institution shall have eligibility for medical assistance suspended but not terminated during periods of actual incarceration. An individual who is an inmate of a public institution shall be eligible for temporary reinstatement

of medical assistance for care received outside of a jail or correctional facility in a hospital or other health care facility for more than twenty-four hours. In addition, a public institution may make efforts to establish eligibility for or renew assistance for such institutionalized individuals prior to their release.

**Section 2:** This Act becomes effective on April 1, 2015.

## **MISCELLANEOUS**

### **PUBLIC CHAPTER 801 (House Bill 2350 by Matheny/Senate Bill 2062 by Bell)**

The Act amends Tennessee Code Annotated Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 1; Title 4, Chapter 3, Part 12 and Title 71, Chapter 1 relative to the Department of Human Services.

**Sections 1 & 2:** The Act extends the termination date of the Department of Human Services to June 30, 2018. Under the Tennessee Governmental Entity Review Law, the Department was previously scheduled to terminate on June 30, 2014.

**Section 3:** This Act becomes effective July 1, 2014.

### **PUBLIC CHAPTER 934 (Senate Bill 2380 by Finney/House Bill 2266 by Akbari)**

This Act amends Tennessee Code Annotated, Titles 4 and 71 relative to the poverty task force.

**Section 1:** This section of the Act amends Title 71, Chapter 5 by adding the following new parts:

Section 71-5-801 requires the Commissioner of the Department of Human Services to conduct a study of poverty in Tennessee, including its implications and potential solution strategies with feedback from departments, agencies, and selected non-governmental organizations serving the affected populations.

Section 71-5-802 provides that the poverty reduction plan must assess the current and future impact of poverty on residents of Tennessee; examine the existing barriers, services and resources addressing the needs of persons living in poverty and their families; and develop a proposed strategy to mobilize the state response to the poverty crisis. This section also provides that the poverty reduction plan must include, in its assessment and recommendations, a determination of the economic and human impact of poverty in the state; a review of the remedies to reduce the number of individuals and families living in poverty in Tennessee;

information to be utilized as potential legislative remedies; and needed state policies or responses.

Section 71-5-803 provides that the Commissioner of Human Services and other participants must hold a public meeting and utilize technological means to gather feedback on the recommendations from the general public and from persons and families affected by poverty. The findings of this task force must be submitted in the form of a state anti-poverty plan by **January 15, 2015** to the governor and general assembly.

**Section 2:** This Act became effective May 16, 2014.