

**Legislation Affecting the
Tennessee Board of Regents and Member Institutions**

Public Acts of 2008

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ACADEMICS

Public Chapter 799
(Effective 07/01/2008)

Paramedic training for fire department personnel. Authorizes paid career paramedics in a county in which a fire department operates its own fire training academy to receive paramedic training at such facility upon written interlocal agreement. Specifies that any fire department that operates its own fire training academy has the option of permitting a fire fighter recruit to have between three and five years to complete the training for certification as a paramedic.
(S: Tate; H: Miller L.) **SB 3404/HB 3279**

Public Chapter 819
(Effective 04/29/2008)

Higher education policy preventing copyright infringement. Requires higher education institutions with residential computer networks to develop a policy prohibiting copyright infringement by persons using the school's computer and network resources and take certain steps to prevent such infringement. Requires public and private systems of higher education to report to THEC by April 1, 2009 the reasonable efforts institutions have taken to attempt to deter copyright infringement over the school's computer and network resources. If an institution has fifty or more legally valid notices of copyright infringement as prescribed by the Digital Millennium Copyright Act (DMCA) of 1998 within the preceding year, higher education systems must report to THEC the actions taken by such institutions including, but not limited to, the implementation of technology based deterrents. (S: Burchett; H: Rinks) **SB 3974/HB 3915**

Public Chapter 830
(Effective 04/30/2008)

Fees charged by TBI for fingerprint searches. Provides for the TBI to establish a fee schedule for fingerprint searches.
(S: Kyle; H: Fincher) **SB 4155/HB 4111**

Public Chapter 863
(Effective 05/06/2008)

Articulation agreements. Requires THEC to address any deficiencies in the articulation of major preparation courses between the community college system and the universities within the board of regents system and the University of Tennessee system by facilitating the universal articulation of lower division courses required for baccalaureate majors; revises other provisions regarding articulation. (S: Kyle; H: Winningham) **SB 4140/HB 4096**

Public Chapter 867
(Effective 05/06/2008)

Grants for career and technical education. Establishes system of grants outside of the BEP for additional funding of career and technical education.
(S: Tracy; H: Winningham) **SB 3282/HB 2976**

Public Chapter 1003
(Effective 05/21/2008)

Requirements for radiologist assistants. Requires any person seeking to become a radiologist assistant in Tennessee to have completed an advanced academic program encompassing a nationally recognized radiologist assistant curriculum, as well as completed a radiologist directed clinical preceptorship, all culminating in a baccalaureate degree by July 1, 2008 rather than July 1, 2007. Allows practicing radiology practitioner assistants who submit application and proof of practice to the board of medical examiners by December 31, 2008 to be certified by the board as radiologist assistants without meeting certain other requirements. (S: Herron; H: Turner M.) **SB 3011/HB 3644**

Public Chapter 1016
(Effective 07/01/2008)

Rewrites the statutes governing social workers. Defines the procedures for licensure as a social worker. Clarifies that a baccalaureate social worker may not practice privately or independently. Revises the provision for persons who graduated before 1980 practicing without examination to authorize such practice "until December 31, 2010" instead of "for 18 months after this bill's effective date". False representation by a person of being a certified social worker remains a Class A misdemeanor. Removes provisions governing "independent practitioners" as they will be replaced by or known as licensed clinical social workers. Requires the board to establish regulations for the issuance of temporary licenses to baccalaureate social workers who have a degree granted by a school that has applied for, but has not yet received CSWE accreditation. Removes the requirement that a Ph.D. be received from a CSWE-approved school. Provides for biennial, instead of annual, licensure renewal fees. Revises the grounds for negative action on a license. **(S: Harper; H: Pitts) SB 2932/HB 3802**

Public Chapter 1103
(All provisions effective as of 01/01/2009)

Disclosure of information to prospective students – proprietary school legislation. Requires proprietary schools to provide prospective students with detailed information regarding the transferability of credits and requires students to initial and date the disclosures prior to executing an enrollment contract or agreement. Requires all other higher education institutions that do not require students to sign enrollment contracts or agreements to include the transferability of credit information in the acceptance letter or other document sent to the student prior to any request for payment from the student other than an application fee or housing deposit. Requires both proprietary schools and public higher education institutions to post information regarding the transferability of credits on their institution's website. Requires proprietary schools to provide to prospective students in writing data regarding job placement, graduation and tuition costs for the specific field of study in which the student is interested. Requires proprietary schools to post tuition costs on the schools' website. On their websites proprietary schools must post a link to THEC's website which will provide job placement and graduation information for each program offered. Proprietary schools must provide an addendum to any enrollment contract or agreement entered into if the school receives a final decision by THEC that its authorization or reauthorization is on a conditional basis if THEC determines that public disclosure of the limitation or restriction is necessary to protect the public interest. If a school receives conditional authorization, such addendum must be signed and dated by the student. Requires the comptroller to study and report to the general assembly by February 1, 2009 the current practices and sources of student loans at all higher education institutions operating in the state. Requires TSAC to develop a student disclosure form to provide notice of the specifics of loans consistent with state and federal law on the subject.
(S: Kurita; H: Odom) SB 3789/HB 3857

Public Chapter 1142
(Effective 06/13/2008)

Revisions to Tennessee Education Lottery Scholarship Program.

<u>Revision</u>	<u>1st year cost</u>
1. Adjusts the cumulative grade point average requirement of 3.0 at the 48 hour checkpoint to a cumulative GPA of 2.75. At the next subsequent checkpoints (72, 96, and each subsequent 24 hours): <ol style="list-style-type: none"> 1. If the student has a 3.0 cumulative GPA then the student retains the scholarship as usual, OR 2. If the student does not have a cumulative GPA of 3.0, but the student has a cumulative GPA of at least 2.75, then the student may retain the scholarship on a semester to semester basis as long as the student is enrolled full-time and each immediate preceding semester in which the scholarship is awarded the student achieves a GPA of 3.0 for that semester. 	\$14,126,000
2. Provides \$6.8 million from the Tennessee Student Assistance Corporation (TSAC) for Tennessee Student Assistance Awards. (An additional \$3.2 million is added from general fund revenue for a total of \$10 million.)	\$ 6,800,000
3. Non-traditional students: 1) allows students to be eligible as entering freshmen or after a two (2) year hiatus from postsecondary participation, and 2) adjusts the eligibility term from 24 semester hours to 12 semester hours.	\$ 3,000,000
4. Changes 120 semester hour limit on HOPE award to five (5) full years or degree.	\$ 2,700,000
5. Provides Helping Heroes Grants for returning Iraq/Global War on Terror veterans.	\$ 750,000
6. Creates a five (5) year pilot program to provide scholarships to students seeking medical degrees for the purposes of serving in rural health shortage areas. Pilot will provide scholarships to two cohorts of 25 students attending medical schools.	\$ 300,000
7. Provides the four (4) year HOPE award to students at two (2) year institutions who live in on-campus housing.	\$ 226,000
8. Creates a pilot program for dual enrollment students using laptop computers.	\$ 150,000
9. Makes adjustments to the TN Foster Child Grant to provide for cost of attendance less any gift aid.	\$ 50,000
10. Includes legislative intent language to insure that at any point wherein there is sufficient funding, the 2.75 GPA provision will be expanded to include additional semesters beyond the revised 72 hour checkpoint until full implementation is achieved.	0
11. Includes additional language to adjust the appropriation for K-12 education's Energy Efficient Schools Initiative (created by Senate Bill 4039/House Bill 4039) from \$100 million to \$90 million in order to provide additional interest dollars from the \$10 million difference and revert it to the above programs.	0

(S: Woodson; H: Winningham) SB 611/HB 653

Public Chapter 1180
(Effective 07/02/2008)

Background checks for teacher education program applicants. Requires the following from all students wishing to enter approved teacher training programs: 1) a fingerprint sample and a criminal history records check to be conducted by TBI and the FBI; 2) consent for the TBI to send to the teacher training program information indicating the results of the criminal history records check; and 3) agreement that the applicant shall pay for any reasonable costs incurred by the TBI, FBI or both in conducting an investigation of the applicant. The criminal history records check shall meet all requirements for criminal history records checks related to observations or teaching as part of the teacher training program. Any criminal history records check shall not be submitted and used for the criminal history records check required for employment by an LEA or child care program. **(S: Tracy; H: Maddox) SB 3285/HB 3614**

BUSINESS

Public Chapter 682
(Effective 07/01/2008)

Public Contracts – Filing of protest bond. Requires, in regard to bids and the bid process, a protesting party to file a protest bond in order for a protest or stay of award to proceed; bond to be 5 percent of the lowest bid evaluated.
(S: Kyle; H: Bibb) SB 4170/HB 4126

Public Chapter 689
(Effective 04/02/2008)

Creates an exception for certain debt. Creates an exception for debts that are less than \$25.00 and that are more than 10 years in age from the provision whereby the UT system and TBR institutions will issue diplomas, certificates of credit or grade reports only after the student involved has satisfied all debts or obligations owed to the institution or to any related institution of state government. **(S: Burchett; H: Armstrong) SB 4046/HB 4037**

Public Chapter 750
(Effective 04/10/2008)

Assessment of internal state processes. Specifies that the present law requirement for each agency of state government to establish and maintain internal accounting and administrative controls applies to institutions of higher education. Requires such entities to annually perform a management assessment of risk. **(S: Kyle; H: Odom) SB 4162/HB 4118**

Public Chapter 831
(Effective 01/01/2009)

Tennessee Charitable Gift Annuity Act of 2008. This Act replaces the charitable gift annuities exemption act. The Act defines these annuities and establishes regulations for their operation and use.
(S: Kyle; H: Pitts) SB 4180*/HB 4158

Public Chapter 855
(effective 07/01/2008)

Tuition waiver for children of prisoners of war, MIAs. Extends tuition waiver at public colleges and universities for dependent children of prisoners of war, MIAs, and soldiers killed during periods of armed conflict to dependent children under 23, instead of 21, years of age.
(S: Burks; H: Brown) SB 3304*/HB 3317

Public Chapter 932
(effective 07/01/2008)

Enacts the Competitive Cable and Video Services Act.
(S: Ketron; H: McDaniel) **SB 1933*/HB 1421**

Public Chapter 933
(effective 07/01/2008)

Fee-for-service contracts. Requires a procuring state agency that has been granted a special delegated authority, pursuant to rules authorized by law regarding contracts for state services, to establish fee-for-service contracts to report to the fiscal review committee a listing of all contracts awarded under the delegated authority. (S: Harper; H: Curtiss) **SB 3184*/HB 3098**

Public Chapter 1000
(Effective 07/01/2008)

Restricts credit card solicitations on college campuses. Requires TBR and UT institutions to provide students the opportunity to indicate that they do not wish to receive solicitations, offers, or other advertisements by mail or otherwise based on their listing in the student or campus directory. If the student indicates they do not wish to receive solicitations or other such offers, then their preference shall be marked by the student's name and the directory shall contain an explanation of the marking. Prohibits credit card issuer from recruiting potential student cardholders or customers for credit card business on campus or at college or university facilities, or through student organizations; provided, however, that colleges and universities may allow recruitment on days when there are athletic events as long as such recruitment is in accordance with college or university policies. Prohibits "knowingly" offering gifts or other promotional incentives to students on campus or at college or university facilities in order to entice such students to apply for credit cards. Any institution that receives funds from the distribution of credit cards to students or any percentage from the use of cards bearing the institution's name or logo shall report the amount of such funds or percentage which it received as well as how such funds were expended during the previous fiscal year to the select oversight committee on education by October of each year. Specifies that this legislation will not impair contractual rights between credit card companies and institutions that exist on July 1, 2008. (S: Tate; H: DeBerry) **SB 3814/HB 3393**

Public Chapter 1080
(Effective 05/30/08)

Background checks for subcontractors working at schools or day care facilities. Makes subcontractors and people employed under subcontractors subject to criminal background checks when working on school or childcare facility grounds. Specifies that the present law criminal background check requirement applies to any entity that enters into or renews a contract, or contracts with any person, corporation or other entity that enters into or renews a contract, with a school, local board of education, or childcare program on or after the date that this bill becomes a law. Authorizes an out-of-state employer to satisfy the criminal history records check requirement by presenting proof that a criminal history check comparable to that required under Tennessee law was conducted on the applicable employee. An employee who has satisfied the criminal history check requirement shall be deemed to have satisfied the same requirement for any other school, board of education, or child care program under the same or any subsequent contract as long as that employee remains in the continuous employment of the same person, corporation, or entity. Exempts the following from the background check requirement: (1) Government personnel engaged in law enforcement, medical or emergency health services; (2)

Utility personnel, where utility means any entity created or authorized by law to provide electricity, gas, water, waste water services, telecommunications services, or any combination thereof; (3) Delivery or pick-up service providers if those services involve only scheduled visits under the supervision of school personnel; and (4) A person whose contract is for the performance of a service at a school sponsored activity, assembly, or event at which school officials or employees are present when the service is performed and where the activity, assembly, or event is conducted under the supervision of school officials or employees. Specifies that present law background check requirements regarding applicants for teaching or child care positions would not prevent any person, corporation, or other entity that employs a person who has direct contact with school children or children in a child care program or who has access to the grounds of a school or child care center when children are present, from directly receiving, upon payment of the appropriate fee, information indicating whether the employee meets the criteria set out in the present law. Authorizes any entity who, on or after September 1, 2007, but prior to the date that this bill becomes a law, entered into or renewed a contract with a school, local board of education, or child care program, and the contract remains in effect on the date that this bill becomes a law, to agree to be governed by the terms of this amendment instead of present law. (S: Woodson; H: McCord) **SB 2807/HB 3076**

House Joint Resolution 1023

Urges state agencies to offer mandated training and educational seminars via distance technologies. (H: Mumpower)

FACILITIES

**Public Chapter 718
(Effective 07/01/2009)**

Participation in energy management program. Requires all state departments and agencies and all state colleges and universities operated by the TBR and UT system to participate in the energy management program.
(S: Kurita; H: McDonald) **SB 2874/HB 2817**

**Public Chapter 804
(Effective 07/01/2008)**

Contractor retainage funds requirements revised. Revises requirements related to contractor retainage funds for projects exceeding \$500,000. Classifies the failure to comply with the bill's required retainage or escrow requirements as a Class A misdemeanor instead of a Class E felony, punishable only by a fine of up to \$3,000. Each day of noncompliance would be considered a separate violation. Until the violation is remedied by compliance, the punishment for each violation would be consecutive to all other such violations. Adds a cross reference to clarify that it will be an offense under this bill for any person to fail to release and pay all retainages for work completed pursuant to the terms of any contract within the applicable time period.
(S: Ketron; H: Curtiss) **SB 3658/HB 3105**

Public Chapter 905
(effective 05/12/2008)

Constructing state buildings with two Green Globes rating. Encourages state building commission to promulgate rules and regulations that require design, construction, and certification of state buildings with at least a rating of two Green Globes or equivalent rating.
(S: Finney L.; H: Moore) **SB 3992*/HB 4041**

Public Chapter 956
(effective 01/01/2009)

Parking for disabled. Requires businesses to provide disabled parking; if at least four disabled parking spots are provided, one parking space should be van accessible; specifies other requirements for such parking spots.
(S: Marrero; H: Richardson) **SB 2571/HB 2590**

HUMAN RESOURCES

Public Chapter 674
(Effective 04/01/2008)

Provisions governing pension and compensation programs. Revises various provisions governing pension and compensation programs for public employees, including provisions governing hearing officers for appeals, automatic coverage of political subdivisions participating in TCRS in regard to changes in the law with limited increase in the aggregate pension liability, trustees of deferred and tax-sheltered compensation plans for state employees.
(S: McNally; H: Fitzhugh) **SB 3276/HB 3360**

Public Chapter 728
(Effective 07/01/2008)

Release of confidential employment security information. Authorizes release of certain confidential employment security information to contractors and agents of public employees provided certain safeguards are in place; requires requestor of information to pay cost of disclosure.
(S: Kyle; H: Odom) **SB 4146/HB 4102**

Public Chapter 791
(Effective 07/01/2008)

Volunteer firefighters - leave from work. Grants authority for volunteer firefighters who work all night fighting a fire or who are on call to take the following day off from work as a vacation day or sick leave day without loss of pay in certain circumstances. (S: Southerland; H: Litz) **SB 4130/HB 4175**

Public Chapter 853
(Effective 05/01/2008)

Personal info of public employees that is confidential. Extends confidential status to personal information of government employees including home telephone number, personal cell phone number, and residential information.
(S: Finney R.; H: Montgomery) **SB 3668*/HB 3850**

Public Chapter 922
(effective 07/01/2008)

Criminal background check prior to working with children. Requires background checks to be completed prior to employment at day care centers and department of human services. (S: Harper; H: Moore) **SB 2708*/HB 3264**

Public Chapter 935
(effective 07/01/2008)

Insurance premium payments. Requires that the premium payment be made on or before the beginning of each month's coverage and requires that payment of the full month's group premium be paid instead of payments being made in three-month increments. (S: Burks; H: Fincher) **SB 1796*/HB 1482**

Public Chapter 973
(effective 07/01/2008)

Harassment – text messaging and faxes. Clarifies that harassment by electronic communication includes text messaging and facsimile transmissions in addition to email or Internet services.
(S: Marrero; H: U. Jones) **SB 3823/HB 3513**

Public Chapter 992
(effective 07/01/2008)

Civil air patrol members who are state employees. Authorizes members of civil air patrol who are state employees to receive their regular compensation while participating in authorized training or emergency services.
(S: R. Finney; H: K. Brooks) **SB 3881/3692**

Public Chapter 1017
(effective 05/22/2008)

Designation of multiple beneficiaries under TCRS. Allows TCRS members to designate more than one person as beneficiary under certain circumstances.
(S: McNally; H: Fitzhugh) **SB 3245/HB 3813**

Public Chapter 1068
(Effective 07/01/2009)

Drug testing policies for child care agency employees. Requires all persons or entities operating a child care agency, unless exempt from the licensure requirements, to establish a drug testing policy for the following persons who have direct contact with a child in the care of the agency: (1) Employees, directors, licensees and operators of child care agencies; and (2) Other persons providing services under contract or for remuneration for the agency. This policy shall only require a drug test to occur when there is reasonable suspicion that a person is engaged in the use of illegal drugs. Clarifies that persons employed or engaged for contract or remunerative services prior to the effective date of this act are also subject to the policy. Requires that the policy specify how testing should be completed by the child care agency and provide for immediate and effective enforcement action involving such persons by such agency in the event of a positive drug test. Requires the child care agency to provide the policy to persons employed or engaged for contract or remunerative services prior to this bill's effective date and to all persons subject to testing upon initial employment or engagement in contract or remunerative services for the agency. Requires a child care agency to, at no expense to the state, maintain for five years and immediately make available to the department upon request a copy of drug testing results for any individual subject to testing. It would be the responsibility of the individual who is to be tested to pay the appropriate fees necessary to obtain a drug test pursuant to the policy established by a child care agency. Drug testing results obtained under this amendment would be confidential and may be disclosed only for purposes of enforcing the provisions of law governing child care agencies. A child care agency that does not comply with this amendment would be subject to the department denying or revoking its license. For the purpose of promulgating rules and regulations, this bill as amended would take effect upon becoming law. For all other purposes, this bill would take effect July 1, 2009. (S: Haynes; H: McDonald) **SB 2886/HB 2481**

Public Chapter 1080
(Effective 05/30/08)

Background checks for subcontractors working at schools or day care facilities. Makes subcontractors and people employed under subcontractors subject to criminal background checks when working on school or childcare facility grounds. Specifies that the present law criminal background check requirement applies to any entity that enters into or renews a contract, or contracts with any person, corporation or other entity that enters into or renews a contract, with a school, local board of education, or childcare program on or after the date that this bill becomes a law. Authorizes an out-of-state employer to satisfy the criminal history records check requirement by presenting proof that a criminal history check comparable to that required under Tennessee law was conducted on the applicable employee. An employee who has satisfied the criminal history check requirement shall be deemed to have satisfied the same requirement for any other school, board of education, or child care program under the same or any subsequent contract as long as that employee remains in the continuous employment of the same person, corporation, or entity. Exempts the following from the background check requirement: (1) Government personnel engaged in law enforcement, medical or emergency health services; (2) Utility personnel, where utility means any entity created or authorized by law to provide electricity, gas, water, waste water services, telecommunications services, or any combination thereof; (3) Delivery or pick-up service providers if those services involve only scheduled visits under the supervision of school personnel; and (4) A person whose contract is for the performance of a service at a school sponsored activity, assembly, or event at which school officials or employees are present when the service is performed and where the activity, assembly, or event is conducted under the supervision of school officials or employees. Specifies that present law background check requirements regarding applicants for teaching or child care positions would not prevent any person, corporation, or other entity that employs a person who has direct contact with school children or children in a child care program or who has access to the grounds of a school or child care center when children are present, from directly receiving, upon payment of the appropriate fee, information indicating whether the employee meets the criteria set out in the present law. Authorizes any entity who, on or after September 1, 2007, but prior to the date that this bill becomes a law, entered into or renewed a contract with a school, local board of education, or child care program, and the contract remains in effect on the date that this bill becomes a law, to agree to be governed by the terms of this amendment instead of present law. **(S: Woodson; H: McCord) SB 2807/HB 3076**

Public Chapter 1141
(Effective 07/01/2008)

Death threat against school employee. Establishes Class B misdemeanor offense for a person communicating a death threat concerning a school employee. Adds the threat to commit "serious bodily injury" to those offenses punishable under this law and specifies that threats to cause death or serious bodily injury must be directly related to the employee's scope of employment to qualify. Clarifies that the person to whom the threat is made must reasonably believe the person making the threats intends to carry them out. "School" refers to any K-12 or postsecondary institution. **(S: Bunch; H: DuBois) SB 781/HB 583**

Public Chapter 1179
(effective 07/01/2008)

Open Meetings Law revision.

- Records must be open for personal inspection to any Tennessee citizen
- Increases from 5 to 7 days the time within which a custodian of records must respond to the records request
- Authorizes records custodians to request payment for the actual costs incurred in producing the requested material until the office of open records counsel develops a guideline for reasonable charges (reasonable charges include the making of copies, photographs, etc. and the hourly wage of employees to produce the information)
- Prohibits a charge for the first 5 hours working on a request
- Requires the office of open records to establish a separate policy related to reasonable charges incurred for frequent and multiple requests for public records
- Requires the office of open records to create a safe harbor policy for a records custodian who adhere to the policies and guidelines established by the office
- Creates a 10 member advisory committee to provide guidance and advice for the office of open records counsel – committee includes one representative of higher education

(S: McNally; H: McDaniel) SB 3280/HB 3637

INFORMATION TECHNOLOGY

Public Chapter 688
(Effective 07/01/2008)

Safeguards for confidential citizen information. Requires state and local governments to create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by such governmental entity.

(S: Bunch; H: DuBois) SB 3671/HB 3115

Public Chapter 819
(Effective 04/29/2008)

Higher education policy preventing copyright infringement. Requires institutions of higher education with residential computer networks to develop a policy prohibiting copyright infringement by persons using the school's computer and network resources and take certain steps to prevent such infringement. Requires public and private systems of higher education to report to THEC by April 1, 2009 the reasonable efforts institutions have taken to attempt to deter infringement of copyrighted works over the school's computer and network resources. If an institution has fifty or more legally valid notices of copyright infringement as prescribed by the Digital Millennium Copyright Act (DMCA) of 1998 within the preceding year, higher education systems must report to THEC the actions taken by such institutions including, but not limited to, the implementation of technology based deterrents.

(S: Burchett; H: Rinks) SB 3974/HB 3915

Public Chapter 629
(Effective 03/13/2008)

Changes due date of Title IX compliance reports and implementation plans. Changes the date from “June 30” to “October 1” for each entity of state government that is subject to Title IX of the Education Amendments Act of 1972 to submit its annual compliance report and implementation plan update to the department of audit. Specifies that the reporting period will cover the most recent fiscal year. (S: McNally; H: Fitzhugh) **SB 3941/HB 3730**

Public Chapter 741
(Effective 07/01/2008)

UAPA - amendments to agency rules to be filed in redline. Requires one copy of amendments to existing executive agency rules be filed with secretary of state in redline form for review by the legislative committees and subcommittees. (S: Watson B.; H: Lynn) **SB 3215/HB 3307**

Public Chapter 949
(Effective 06/30/2008)

Sunset – THEC. Sunsets the Tennessee Higher Education Commission on June 30, 2012. (S: Harper; H: Kernell) **SB 2503/HB 3221**

Public Chapter 1071
(Effective 05/28/2008)

Continues certain permanent rules filed with secretary of state after January 1, 2007. (S: Harper; H: Kernell) **SB 3188/HB 3579**

Public Chapter 1120
(Effective 06/13/2008)

TBR Sunset provision. House amendment 11 changes the sunset date for the state university and community college system, board of regents to June 30, 2009. Note: The sunset hearing is scheduled for July 7, 2008. (S: Woodson; H: Fitzhugh) **SB 2639/HB 2637**

Public Chapter 1179
(effective 07/01/2008)

Open Meetings Law revision.

- Records must be open for personal inspection to any Tennessee citizen
- Increases from 5 to 7 days the time within which a custodian of records must respond to the records request
- Authorizes records custodians to request payment for the actual costs incurred in producing the requested material until the office of open records counsel develops a guideline for reasonable charges (reasonable charges include the making of copies, photographs, etc. and the hourly wage of employees to produce the information)
- Prohibits a charge for the first 5 hours working on a request
- Requires the office of open records to establish a separate policy related to reasonable charges incurred for frequent and multiple requests for public records
- Requires the office of open records to create a safe harbor policy for a records custodian who adhere to the policies and guidelines established by the office
- Creates a 10 member advisory committee to provide guidance and advice for the office of open records counsel – committee includes one representative of higher education

(S: McNally; H: McDaniel) **SB 3280/HB 3637**

Public Chapter 1173
(Effective 07/01/2008)

Criminal offense involving display of "imitation firearm." Creates a new Class B misdemeanor offense of intentionally displaying or exposing an imitation firearm in a public place in a threatening manner, except in cases of justifiable defense. Clarifies that a person commits an offense if the person intentionally displays in a threatening manner an imitation firearm in a public place in such a way that would cause a reasonable person to fear bodily injury to that person or another. Specifies that the only defense to this offense is if the imitation firearm is used in justifiable defense, and removes all other defenses under this bill. (S: Norris; H: DeBerry J.) **SB 2719/HB 2589**

MEDICAL & ALLIED HEALTH

Public Chapter 848
(Effective 04/30/2008)

Testing for hepatitis B and AIDS. In the event that an employee of a health care facility or an inpatient mental health facility licensed under Title 33, a student studying at such health care facility or inpatient mental health facility licensed under Title 33 or other care provider that renders services at such healthcare facility or inpatient mental health facility licensed under Title 33 is exposed to the blood or other body fluid of a patient, such facility may require that patient's blood to be tested for the presence of the hepatitis B virus and the HIV/AIDS virus. (S: Kyle; H: Shepard) **SB 4153/HB 4109**

Public Chapter 936
(Effective 07/01/2008)

Labeling by pharmacists of drugs for elder persons. Requires any person dispensing a legend drug for an elder person to include on the label of the container in which the legend drug is dispensed the indication or indications for which the drug is being prescribed if requested by the prescriber, patient or patient's caregiver and the prescriber, patient or patient's caregiver provides the indication or indications to the person dispensing the legend drug. Provides immunity for liability under certain circumstances. (S: Burchett; H: Vaughn) **SB 3127/HB 3298**

Public Chapter 966
(Effective 05/19/2008)

Centralized dispensing of prescriptions. Requires the board of pharmacy to promulgate rules relative to centralized prescription processing. Specifies that each pharmacy participating in centralized prescription processing must be licensed by the board. (S: McNally; H: Rinks) **SB 3939/HB 3921**

Public Chapter 999
(Effective 07/01/2008)

Testing certain patients for MRSA. Requires health care facilities, as part of their infection control program, to perform a risk assessment for methicillin resistant staphylococcus aureus (MRSA) in the facility. (S: R. Finney; H: Maggart) **SB 3667/HB 3311**

Public Chapter 1028
(Effective 07/01/2008)

Dispensing drugs in federally qualified health centers (FQHC). Authorizes a registered pharmacy technician that is employed by a FQHC to issue prescription drugs in the FQHC that have been filled by a pharmacist employed by the FQHC and delivered to the FQHC satellite clinic by an FQHC agent. Revises other related provisions.

(S: Burchett; H: Armstrong) SB 3122/HB 4011

Public Chapter 1035
(Effective 10/01/2008)

Regulation of prescription forms. Requires that prescriptions written or printed by podiatrists, dentists, medical doctors, certified nurse practitioners, optometrists, osteopathic physicians, physician assistants, or any other health care practitioner who is authorized to write prescriptions in Tennessee, be written on tamper-resistant paper that meets certain requirements.

(S: Ketron; H: Hood) SB 3746/HB 3110

Public Chapter 1072
(Effective 07/01/2008)

Pharmacies and pharmacists – requires notification of changes. Requires the board of pharmacy to regularly notify licensed pharmacies and pharmacists of changes to be implemented or enforced by the board that affect the licensee. Requires the board of pharmacy to establish links on the board's website to the statutes, rules, polices, and guidelines that affect the board's licensees. Requires the board to mandate that licensees maintain at their practice sites a copy of the Tennessee board of pharmacy statutes, rules, polices, and guidelines.

(S: Kurita; H: J. DeBerry) SB 3214/HB 3206

Public Chapter 1186
(Effective 06/19/2008)

Enacts “The Tennessee Stroke Registry Act of 2008.” Directs ETSU through the Tennessee Stroke System Task Force to maintain a statewide stroke database. The database shall contain information on stroke care that is in alignment with stroke consensus metrics developed by the AMA, the CDC and The Joint Commission. The Task force will release data in an annual report to the public health community. Beginning in 2009 and thereafter, hospitals are encouraged to report statistical information regarding stroke patients to the Stroke Systems Task Force for purposes of creating and building the database.

(S: Black; H: Fitzhugh) SB 4011/HB 3903

STUDENTS

Public Chapter 819
(Effective 04/29/2008)

Higher education policy preventing copyright infringement. Requires higher education institutions with residential computer networks to develop a policy prohibiting copyright infringement by persons using the school's computer and network resources and take certain steps to prevent such infringement. Requires public and private systems of higher education to report to THEC by April 1, 2009 the reasonable efforts institutions have taken to attempt to deter copyright infringement over the school's computer and network resources. If an institution

has fifty or more legally valid notices of copyright infringement as prescribed by the Digital Millennium Copyright Act (DMCA) of 1998 within the preceding year, higher education systems must report to THEC the actions taken by such institutions including, but not limited to, the implementation of technology based deterrents. (S: Burchett; H: Rinks) **SB 3974/HB 3915**

Public Chapter 1000
(Effective 07/01/2008)

Restricts credit card solicitations on college campuses. Requires TBR and UT institutions to provide students the opportunity to indicate that they do not wish to receive solicitations, offers, or other advertisements by mail or otherwise based on their listing in the student or campus directory. If the student indicates they do not wish to receive solicitations or other such offers, then their preference shall be marked by the student's name and the directory shall contain an explanation of the marking. Prohibits credit card issuer from recruiting potential student cardholders or customers for credit card business on campus or at college or university facilities, or through student organizations; provided, however, that colleges and universities may allow recruitment on days when there are athletic events as long as such recruitment is in accordance with college or university policies. Prohibits "knowingly" offering gifts or other promotional incentives to students on campus or at college or university facilities in order to entice such students to apply for credit cards. Any institution that receives funds from the distribution of credit cards to students or any percentage from the use of cards bearing the institution's name or logo shall report the amount of such funds or percentage which it received as well as how such funds were expended during the previous fiscal year to the select oversight committee on education by October of each year. Specifies that this legislation will not impair contractual rights between credit card companies and institutions that exist on July 1, 2008. (S: Tate; H: DeBerry) **SB 3814/HB 3393**

Public Chapter 1141
(Effective 07/01/2008)

Death threat against school employee. Establishes Class B misdemeanor offense for a person communicating a death threat concerning a school employee. Adds the threat to commit "serious bodily injury" to those offenses punishable under this law and specifies that threats to cause death or serious bodily injury must be directly related to the employee's scope of employment to qualify. Clarifies that the person to whom the threat is made must reasonably believe the person making the threats intends to carry them out. "School" refers to any K-12 or postsecondary institution. (S: Bunch; H: DuBois) **SB 781/HB 583**

Public Chapter 1189
(Effective 06/19/2008)

Parental notification of student disciplinary violations. Public higher education institutions shall notify parents or legal guardians of a student under twenty-one years of age if the student has committed a disciplinary violation with respect to using or possessing alcohol or a controlled substance. Requires parental notification except as prohibited by the Family Educational Rights and Privacy Act (FERPA). (S: Herron; H: Maddox) **SB 4108/HB 4088**

Public Chapter 1173
(Effective 07/01/2008)

Criminal offense involving display of "imitation firearm." Creates a new Class B misdemeanor offense of intentionally displaying or exposing an imitation firearm in a public place in a threatening manner, except in cases of justifiable

defense. Clarifies that a person commits an offense if the person intentionally displays in a threatening manner an imitation firearm in a public place in such a way that would cause a reasonable person to fear bodily injury to that person or another. Specifies that the only defense to this offense is if the imitation firearm is used in justifiable defense, and removes all other defenses under this bill. (S: Norris; H: DeBerry J.) **SB 2719/HB 2589**

PUBLIC FINANCE AND APPROPRIATIONS

Public Chapter 1119 **(Effective 06/13/2008)**

Authorizes the issuance of bonds to fund higher education. Authorizes the state to issue bonds in amounts not exceeding \$5,720,000 for the purpose of funding capital outlay and maintenance for institutions of higher education - \$2,720,000 for capital outlay for TBR; \$3,000,000 for capital outlay for UT. (S: McNally; H: Fitzhugh) **SB 2626/HB 2449**

Public Chapter 1203 **(Effective July 1, 2008)**

State appropriations. Makes appropriations for FY 07-08 and FY 08-09.

FY 2008-09 Budget Provisions related to Higher Education (brief summary)

1. Higher Education is reduced by \$55,800,000.

Tennessee Board of Regents

1. \$25,534,000 at Universities
2. \$ 5,758,000 at Community Colleges
3. \$ 1,072,000 at Tennessee Technology Centers
4. \$ 472,000 for Access and Diversity
5. \$ 788,500 at other TBR entities

- Total for TBR \$ 32,825,500

University of Tennessee

1. \$15,563,000 at Universities
2. \$ 267,000 for Access and Diversity
3. \$ 4,593,000 at other UT entities

- Total for UT \$20,513,000

- Total other Higher Education \$ 2,460,500

2. The Teacher Quality Initiative is funded at \$500,000 for 2008-09.

3. Other budget additions include:

- A flat \$400 per employee one-time bonus payment to be made on or about October 1, 2008 (does not apply to employees with less than three (3) years of creditable service as of October 1, 2008).

- 401K funding continues at \$50 match per employee per month.
- The mouse genome project at UT was restored at \$1,000,000.
- TBR received funding for the top 19 Capital Maintenance projects.
- The Bio-containment lab at UT Health Sciences was funded at \$450,000 for the first year's debt service.

(S: Kyle; H: Fitzhugh) SB 4213/HB 4219

Public Chapter 1202
(Effective 06/20/2008)

Bond issuance for state projects. Authorizes issuance of bonds to fund state projects in an amount not to exceed \$111,700,000. Senate amendment 1 changes the total authorization for bond issuance from \$111,700,000 to \$141,400,000. Authorizes the Department of Finance and Administration to issue bonds equal to \$29,700,000 for the purpose of acquisition of equipment, capital outlay, and for making grants to local governments, if such grants are approved by the State Building Commission.

(S: Kyle; H: Fitzhugh) SB 4215*/HB 4218

Additional Legislation

Public Chapter 792
(Effective 07/01/2008)

Bidding on geothermal projects. Revises the information required to appear on the outside of the envelope containing a bid for each vertical closed loop geothermal heating and cooling project.

(S: Burchett; H: McCord, Curtiss) SB 1288*/HB 705