THE ATTACHED AMENDMENTS ARE TO BILLS THAT WILL BE HEARD ON HOUSE REGULAR CALENDAR TODAY THURSDAY APRIL 05, 2012

Amendment No. 1 to HB2749

Watson
Signature of Sponsor

AMEND Senate Bill No. 2913 House Bill No. 2749*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) The court may also order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions, which shall remain on the vehicle during the entire period of the restricted license.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 2 to HB2749

Sargent
Signature of Sponsor

AMEND Senate Bill No. 2913 House Bill No. 2749*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) The court may also order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions, which shall remain on the vehicle during the entire period of the restricted license. However, no state funds may be expended to provide a person with an ignition interlock that is ordered pursuant to this subdivision.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB2915

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2714* **House Bill No. 2915**

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Failing to comply with title 62, chapter 6, part 6;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 6, is amended by adding the following language as a new, appropriately designated part:

62-6-601. As used in this part, unless the context otherwise requires:

(1) "Agent" means any officer, director, owner, employee, contractor or any other person authorized to act on behalf of a residential roofing services provider;

(2) "Contract" means a contract between a person and a residential roofing services provider for the provision of goods or services related to the repair or replacement of a roof system in this state the costs of which are to be paid, or are anticipated to be paid, from the proceeds of a property and casualty insurance policy;

(3) "Emergency repairs" means goods or services provided for the purpose of making urgent and necessary repairs to the roof system of residential real estate if, without such repairs, damage to the residential real estate would occur;

(4) "Person" means an individual or entity;

(5) "Residential real estate" means a new or existing building constructed for habitation by one (1) to four (4) families, and includes the building's garage, even if the garage is detached from such building;

(6) “Residential roofing services provider”:

Amendment No. 1 to HB2915

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2714* **House Bill No. 2915**

(A) Means a person in the business of contracting or offering to contract with owners of residential real estate to repair or replace roof systems, or the agent of such person; and

(B) Does not mean a person engaged in the demolition of a structure or cleanup of construction waste and debris that contains roofing material; and

(7) "Roof system" means a roof covering, roof sheathing, roof weatherproofing, roof framing, roof ventilation system, or insulation for residential real estate.

62-6-602.

(a) If a person enters into a contract and the person has received written notice from the person's insurer that all or any part of the claim or contract is not a covered loss under an insurance policy, then the person may cancel the contract as provided in subsection (b).

(b) To cancel a contract, a person shall:

(1) Provide a written notice of cancellation to the residential roofing services provider prior to midnight on the third business day after receipt of a written notice of no or partial coverage from the insurer; and

(2) Mail or deliver the written notice of cancellation to the residential roofing services provider at the business address, facsimile number, or electronic mail address provided by the residential roofing services provider pursuant to § 62-6-603.

(c) A written notice of cancellation:

(1) Need not contain particular language provided that it is signed and dated by the person and indicates, by any form of written expression, the intent of the person not to be bound by the contract; and

(2) Shall be effective upon receipt by the residential roofing services provider. However, if the person:

(A) Mails the written notice of cancellation, postage prepaid and properly addressed to the residential roofing services provider, then the cancellation is effective upon the date of the postmark; or

(B) Delivers the written notice through facsimile transmission properly addressed to the facsimile number or electronic mail address of the residential roofing services provider, then the cancellation is effective upon the time the person transmits the facsimile.

62-6-603.

Prior to entering into a contract, a residential roofing services provider shall, in writing, furnish a person with:

(1) The residential roofing services provider's:

(A) Business mailing address for cancellation purposes;

(B) Telephone number;

(C) License or registration number of any contractor, home improvement contractor, or public adjuster license or registration held in this or any other state; and

(D) Electronic mail address or facsimile number for cancellation purposes, if available;

(2) A detailed description of all damage or repairs to be claimed or covered by the contract and the location of such damage;

(3) A written statement in boldface type of a minimum size of ten (10) points, containing language substantially similar to the following:

You may cancel this contract at any time before midnight on the third business day after you have received written notification from your insurer that all or any part of the claim or contract is not a covered loss under your insurance policy. This right to cancel is in addition to any other rights of cancellation which may be found in state or federal law or regulation. See the attached notice of cancellation form for an explanation of this right.

; and

(4) A form in duplicate, captioned "NOTICE OF CANCELLATION," attached in an easily detachable manner to the contract, that contains in boldface type of a minimum size of ten (10) points the following statement or language substantially similar:

NOTICE OF CANCELLATION

If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under your insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other signed and dated written notice to _____(name of residential roofing services provider) at _____(business mailing address) or _____ (if available, facsimile number or electronic mail address of residential roofing services provider) at any time prior to midnight on the third business day after you have received such notice from your insurer. If you cancel, any payments made by you under the contract, except those for emergency repairs already performed by the residential roofing services provider, will be returned to you within ten (10) business days following receipt by the residential roofing services provider of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION.

_____ (date)

_____ (person's signature).

62-6-604.

(a) No residential roofing services provider shall require any payments from a person pursuant to a contract until the person has received written notice from the insurer that the contract or claim is fully covered or the three-day cancellation period required pursuant to this part has expired.

(b) Within ten (10) business days after a person cancels a contract in accordance with this part, the residential roofing services provider shall tender to the:

(1) Payor any payments, partial payments, or deposits made to the residential roofing services provider except those made pursuant to subsection (c); and

(2) Person any note or other evidence of the person's indebtedness to the residential roofing services provider except indebtedness incurred pursuant to subsection (c).

(c)

(1) Notwithstanding subsection (a), if the residential roofing services provider has made any emergency repairs, acknowledged by the contracting person in writing to be necessary to prevent damage to the residential real estate, then the residential roofing services provider shall be entitled to collect the amount due from the person for the emergency repairs at the time the repairs are rendered. Any provision in a contract that requires the payment of any fee for any good or service except those provided in relation to emergency repairs shall not be enforceable against any person who has canceled a contract in accordance with this part.

(2) No residential roofing services provider shall misrepresent that emergency repairs are necessary to prevent damage to the residential real estate owned or possessed by such person.

62-6-605.

No residential roofing services provider shall represent or negotiate on behalf of, or offer or advertise an offer to represent or negotiate on behalf of, an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of a roof system on the residential real estate unless the residential roofing services provider holds a valid public adjuster license issued in accordance with title 56, chapter 6, part 9.

62-6-606.

A violation of this part is an unfair or deceptive act or practice affecting the conduct of trade or commerce under the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1; and, as such, the private right of action remedy under the Tennessee Consumer Protection Act of 1977 shall be available to any person who suffers an ascertainable loss of money or property, real, personal or mixed, or any other article, commodity or thing of value wherever situated as a result of the violation.

SECTION 3. This act shall become effective July 1, 2012, the public welfare requiring it, and shall apply to contracts entered into on or after such date.

Amendment No. 2 to HB2915

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2714* **House Bill No. 2915**

by deleting § 62-6-601(2) in Section 2 and by substituting instead the following:

(2) "Contract" means a contract in this state between a person and a residential roofing services provider for the provision of goods or services related to the repair or replacement of a roof system the costs of which the residential roofing services provider represents are to be paid, or are likely to be paid, in whole or in part, from the proceeds of a property and casualty insurance policy;

AND FURTHER AMEND by deleting § 62-6-602(c)(2)(B) in Section 2 in its entirety and by substituting instead the following:

(B) Delivers the written notice through electronic transmission properly addressed to the facsimile number or electronic mail address of the residential roofing services provider, then the cancellation is effective upon the time the person transmits the notice.

Amendment No. 1 to HB3828

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 3288* House Bill No. 3828

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended by deleting subdivision (d)(1)(A)(ii) and substituting the following:

If an indoor sports facility owned by a sports authority organized pursuant to title 7, chapter 67, in which a professional sports franchise is a tenant, exists in a county with a metropolitan form of government, then an amount shall be apportioned and distributed to the municipality equal to the amount of state tax revenue derived from the sale of admissions to all other events occurring at the indoor sports facility and from all other sales of food and drink and other authorized goods or products sold on the premises of the sports facility, parking charges, and related services. The amounts distributed to the municipality shall be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality, in accordance with title 7, chapter 67. Such amounts shall be used exclusively for the payment of, or the reimbursement of expenses associated with securing current, expanded, or new events for indoor sports facilities owned by a municipal agency formally designated by the municipality, in accordance with title 7, chapter 67.

SECTION 2. Tennessee Code Annotated, Section 67-6-712, is amended by deleting subdivision (c)(1)(B) and substituting the following:

In addition, if an indoor sports facility owned by a sports authority organized pursuant to the provisions of Title 7, Chapter 67, in which a professional sports

franchise is a tenant, exists in a county with a metropolitan form of government, then an amount shall be apportioned and distributed to the municipality equal to two-thirds (2/3) of the amount of the allocation of local tax revenue under subdivision (a)(2) derived from the sale of admissions to all other events occurring at such indoor sports facility and from all other sales of food and drink and other authorized goods or products sold on the premises of the indoor sports facility, parking charges, and related services. Such amounts distributed to the municipality shall be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality, in accordance with title 7, chapter 67. Such amounts shall be used exclusively for the payment of, or the reimbursement of expenses associated with securing current, expanded, or new events for indoor sports facilities owned by a municipal agency formally designated by the municipality, in accordance with title 7, chapter 67.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2459

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 2544 House Bill No. 2459*

By deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new, appropriately designated section thereto:

57-3-4__.

(a) A minor who is at least twelve (12) years of age but less than eighteen (18) years of age who enters an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), commits a delinquent act unless such minor is accompanied by the minor's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(b) It is an offense for any person who is at least eighteen (18) years of age but less than twenty-one (21) years of age to enter an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), unless such person is accompanied by the person's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(c)

(1) A violation of subsection (b) is a Class C misdemeanor for the first offense punishable by a fifty dollar ($50.00) fine only.

(2) A second or subsequent violation of subsection (c) within a two-year period of the previous conviction is a Class A misdemeanor punishable by a fine only of two hundred dollars ($200).

(d) It is an offense for any person twenty-one (21) years of age or older to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), accompanied by a person who is under twenty-one (21) years of age, unless that person over twenty-one (21) is the parent, grandparent, legal guardian or spouse of the person who is under twenty-one (21) years of age.

(e)

(1) A violation of subsection (d) is a Class C misdemeanor for the first offense punishable by a fifty dollar ($50.00) fine only.

(2) A second or subsequent violation of subsection (d) within a two-year period of the previous conviction is a Class A misdemeanor punishable by a fine only of two hundred dollars ($200).

(f) It is an offense for any person who is visibly intoxicated to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(g)

(1) A violation of subsection (f) is a Class C misdemeanor for the first offense punishable by a fifty dollar ($50.00) fine only.

(2) A second or subsequent violation of subsection (f) within a two-year period of the previous conviction is a Class A misdemeanor punishable by a fine only of two hundred dollars ($200).

(h)

(1) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language: "IT IS AGAINST THE

LAW FOR A PERSON UNDER THE AGE OF 21 TO ENTER THE PREMISES UNLESS ACCOMPANIED BY SUCH PERSON'S PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE THAT IS AGE 21 OR OLDER. IT IS AGAINST THE LAW FOR A PERSON AGE 21 OR OLDER TO ACCOMPANY A PERSON UNDER THE AGE OF 21 ON THE PREMISES UNLESS THE PERSON AGE 21 OR OLDER IS THE PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE OF THE PERSON UNDER THE AGE OF 21."

(2) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language: "IT IS AGAINST THE LAW FOR A VISIBLY INTOXICATED PERSON TO ENTER THE PREMISES."

(3) The language required to be posted pursuant to this subsection (h) shall be of a size that is plainly visible to the average person prior to entering any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(4) Failure to post the language required under this subsection (h) shall not subject the retailer to a criminal offense or civil fine from the alcohol beverage commission nor shall it prevent the criminal prosecution of any offense created by this section.

(i) It is a violation of § 39-14-405 for a person who violates subsection (a), (b), (d) or (f) to remain on the property, including the parking lot, outside any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), after being told by the owner, agent or employee of the establishment to leave such property, if the property is owned

by the same person who owns the establishment selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 2 to HB2459

Sargent
Signature of Sponsor

AMEND Senate Bill No. 2544 House Bill No. 2459*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new, appropriately designated section thereto:

57-3-413.

(a) A minor who is at least twelve (12) years of age but less than eighteen (18) years of age who enters an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), commits a delinquent act unless such minor is accompanied by the minor's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(b) It is an offense for any person who is at least eighteen (18) years of age but less than twenty-one (21) years of age to enter an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), unless such person is accompanied by the person's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(c) It is an offense for any person twenty-one (21) years of age or older to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), accompanied by a person who is under twenty-one (21) years of age, unless that person over twenty-one (21) is the parent, grandparent, legal guardian or spouse of the person who is under twenty-one (21) years of age.

Amendment No. 2 to HB2459

Sargent
Signature of Sponsor

AMEND Senate Bill No. 2544 House Bill No. 2459*

(d) It is an offense for any person who is intoxicated to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(e)

(1) A violation of subsection (b), (c) or (d) is a Class C misdemeanor punishable by fine only.

(2) A second or subsequent violation of subsections (b), (c) or (d) is a Class C misdemeanor punishable by fine only; provided, however, that the maximum fine shall be two hundred dollars ($200).

(f)

(1) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR A PERSON UNDER THE AGE OF 21 TO ENTER THE PREMISES UNLESS ACCOMPANIED BY SUCH PERSON'S PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE THAT IS AGE 21 OR OLDER. IT IS AGAINST THE LAW FOR A PERSON AGE 21 OR OLDER TO ACCOMPANY A PERSON UNDER THE AGE OF 21 ON THE PREMISES UNLESS THE PERSON AGE 21 OR OLDER IS THE PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE OF THE PERSON UNDER THE AGE OF 21.

(2) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR AN INTOXICATED PERSON TO ENTER THE PREMISES.

(3) The language required to be posted pursuant to this subsection (f) shall be of a size that is plainly visible to the average person prior to entering any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(4) Failure to post the language required under this subsection (f) shall not subject the retailer to a criminal offense or civil fine from the alcohol beverage commission.

(5)

(A) It is an exception to the application of subsections (a), (b), (c) or (d) that the retailer failed to post signs as required pursuant to this subsection (f).

(B) It is an exception to the application of subsections (a), (b), (c) or (d) that entrance into the premises was necessitated by a bona fide emergency.

(C) The provisions of subsections (a), (b) and (c) shall not apply to law enforcement officers and other emergency personal engaged in the performance of their duties or to any person under twenty-one (21) years of age acting in concert with law enforcement in accordance with § 39-15-413.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Finance, Ways & Means Committee 2

Amendment No. 3 to HB2459

Sargent
Signature of Sponsor

AMEND Senate Bill No. 2544 House Bill No. 2459*

by deleting from amendatory § 57-3-413(f)(5)(C) the language "other emergency personal" and by substituting instead the language "other emergency personnel".

Amendment No. 1 to HB2999

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 2982 House Bill No. 2999*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section.

49-3-364. Notwithstanding any other law to the contrary, nothing shall be construed to prevent an LEA from expending BEP funds earned for non-classroom components for the purpose of employing a building manager for a school.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB3705

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 3751* **House Bill No. 3705**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) Notwithstanding any provision of law to the contrary, an application for a position of chief executive officer of a public institution of higher education, materials submitted with an application, letters of recommendation or references concerning an applicant, and any other records or information relating to or arising out of the process of searching for and selecting an individual for a position of chief executive officer of a public institution of higher education shall be treated as confidential and shall not be open for public inspection, if the records could be used to identify a candidate for the position; provided, however, that after a search committee has selected candidates as finalists for a position of chief executive officer of a public institution of higher education, which shall occur no later than seven (7) business days before the final vote of the governing board to appoint or elect a person to fill the position, a record relating exclusively to the candidates selected as finalists shall not be confidential and shall be open for public inspection, except for a record otherwise confidential under state or federal law.

(b) As used in this section:

(1) "Chief executive officer of a public institution of higher education" includes:

(A) The president of the University of Tennessee system;

Amendment No. 1 to HB3705

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 3751* **House Bill No. 3705**

(B) The chancellor of the state university and community college system;

(C) A chancellor of a University of Tennessee campus or institute; and

(D) A president or director of an institution of the state university and community college system; and

(2) "Finalists" means a group of no less than two (2) and no more than four (4) candidates selected by a search committee as the group from which one (1) or more candidates shall be recommended to the governing board of the public institution of higher education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Education Committee 2

Amendment No. 2 to HB3705

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 3751* House Bill No. 3705

By deleting in the amendatory language of subdivision (b)(2) of Section 1 of the bill as amended the language "no less than two (2) and no more than four (4)" and by substituting instead the language "three (3)".

Amendment No. 1 to HB3257

Watson
Signature of Sponsor

AMEND Senate Bill No. 3076 House Bill No. 3257*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-511, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person commits the offense of indecent exposure who:

(1) In a public place, as defined in § 39-11-106, or on the private premises of another, or so near thereto as to be seen from the private premises:

(A) Intentionally:

(i) Exposes the person's genitals or buttocks to another; or

(ii) Engages in sexual contact or sexual penetration as defined in § 39-13-501; and

(B) Reasonably expects that the acts will be viewed by another and the acts:

(i) Will offend an ordinary viewer; or

(ii) Are for the purpose of sexual arousal and gratification of the defendant; or

(2)

(A) Knowingly invites, entices or fraudulently induces the child of another into the person's residence for the purpose of attaining sexual arousal or gratification by intentionally engaging in the following conduct in the presence of the child:

(i) Exposure of such person's genitals, buttocks or female breasts; or

(ii) Masturbation; or

Amendment No. 1 to HB3257

Watson
Signature of Sponsor

AMEND Senate Bill No. 3076 House Bill No. 3257*

(B) Knowingly engages in the person's own residence, in the intended presence of any child, for the defendant's sexual arousal or gratification the following intentional conduct:

(i) Exposure of the person's genitals, buttocks or female breasts; or

(ii) Masturbation.

(3) No prosecution shall be commenced for a violation of subdivision (a)(2)(B)(i) based solely upon the uncorroborated testimony of a witness who shares with the accused any of the relationships described in § 36-3-601(5).

(4) For the provisions of subdivision (a)(2)(A) or (a)(2)(B) to apply, the defendant must be eighteen (18) years of age or older and the child victim must be less than thirteen (13) years of age.

(b)

(1) “Indecent exposure”, as defined in subsection (a), is a Class B misdemeanor, unless subdivision (2), (3) or (4) applies.

(2) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, indecent exposure is a Class A misdemeanor.

(3) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, and the defendant has any combination of two (2) or more prior convictions under this section or § 39-13-517, the offense is a Class E felony.

(4) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, and the offense occurs on the property of any

public school, private or parochial school, licensed day care center or other child care facility during a time at which a child or children are likely to be present on the property, the offense is a Class E felony.

(c)

(1) A person confined in a penal institution, as defined in § 39-16-601, commits the offense of indecent exposure who with the intent to abuse, torment, harass or embarrass a guard:

(A) Intentionally exposes the person's genitals or buttocks to the guard; or

(B) Engages in sexual contact as defined in § 39-13-501.

(2) For purposes of this subsection (c), “guard” means any sheriff, jailer, guard, correctional officer or other authorized personnel charged with the custody of the person.

(3) Notwithstanding subsection (b), a violation of this subsection (c) is a Class A misdemeanor.

(d) This section does not apply to a mother who is breastfeeding her child in any location, public or private.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

39-13-517.

(a) As used in this section:

(1) “Nudity” or “state of nudity” means the showing of the bare human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of the areola, or the showing of the covered male genitals in a discernibly turgid state. Nudity or state of nudity does not include a mother in the act of nursing the mother's baby; and

(2)

(A)

(i) “Public place” means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public place includes, but is not limited to, streets, sidewalks, parks, beaches, business and commercial establishments, whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement, bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.

(ii) For purposes of subdivision (b)(1) and (b)(2), “public place” includes a public restroom, whether single sex or not.

(B) Premises used solely as a private residence, whether permanent or temporary in nature, are not deemed to be a public place. Public place does not include an enclosed single sex functional showers, locker or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor does it include a person appearing in a state of nudity in a modeling class operated by a proprietary school, licensed by the state of Tennessee, a college, junior college, or university supported entirely or partly by taxation, or a private college or university where such private college or university maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by

taxation or an accredited private college. Public place does not include a private facility that has been formed as a family-oriented clothing optional facility, properly licensed by the state.

(b) A person commits the offense of public indecency who, in a public place, knowingly or intentionally:

(1) Engages in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other ultimate sex acts;

(2) Fondles the genitals of the person, or another person; or

(3) Appears in a state of nudity or performs an excretory function.

(c) A person does not violate subsection (b) if the person makes intentional and reasonable attempts to conceal the person from public view while performing an excretory function, and the person performs the function in an unincorporated area of the state.

(d) Public indecency is punishable as follows:

(1) A first or second offense is a Class B misdemeanor punishable only by a fine of five hundred dollars ($500) unless otherwise specified under subdivision (3);

(2) Unless § 39-13-511(b)(3) applies, a third or subsequent offense is a Class A misdemeanor punishable by a fine of one thousand five hundred dollars ($1,500) or confinement for not more than eleven (11) months and twenty-nine (29) days, or both; and

(3)

(A) Notwithstanding subdivisions (1) and (2), where the offense involves the defendant engaging in masturbation by self-stimulation, or the use of an inanimate object, on the property of any public school, private or parochial school, licensed day care center, or other child care facility, and the defendant knows or reasonably should know that a child

or children are likely to be present on the property at the time of the conduct, the offense is a Class E felony.

(B) Where a person is charged with a violation under subdivision (d)(3)(A), and the court grants judicial diversion under § 40-35-313, the court shall order, as a condition of probation, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation, in a manner consistent with the requirements of § 40-39-302.

(e) If a person is arrested for public indecency while working as an employee or a contractor, the employer or principal may be held liable for a fine imposed by subdivision (d); provided, however, the employer may not be held liable under this section unless it is shown the employer knew or should have known the acts of the employee or contractor were in violation of this section.

(f) This section does not apply to any theatrical production that contains nudity performed in a theater by a professional or amateur theatrical or musical company that has serious artistic merit, provided that the production is not in violation of chapter 17, part 9 of this title.

(g) This section shall not affect in any fashion the ability of local jurisdictions or the state of Tennessee to regulate any activity where alcoholic beverages, including malt beverages, are sold for consumption.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB2960

Casada
Signature of Sponsor

AMEND Senate Bill No. 2796 House Bill No. 2960*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-2401(b), is amended by deleting subdivision (3)(A) in its entirety and by substituting instead the following:

(3)

(A) One (1) general internist who participates in the TennCare program from a list of all general internists provided by interested medical groups including, but not limited to, the Tennessee Chapter of the American College of Physicians. The initial appointee shall serve a one-year term; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB3300

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2916* **House Bill No. 3300**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-502, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, is amended by adding the following language as a new, appropriately designated part:

62-5-701. As used in this part, unless the context otherwise requires:

(1) “Disposition directions” means a legible written instrument signed by the decedent and acknowledged by a notary or witnessed by two (2) persons who are qualified adults; provided, that such written instrument may be, but is not limited to, a letter of instructions, a will, a trust document, or an advance directive;

(2) "Qualified adult" means a person who is eighteen (18) years of age or older and of sound mind; and

(3) "Right of disposition" means the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services.

62-5-702.

(a) A qualified adult, by entering into disposition directions or a pre-need funeral contract executed pursuant to part 4 of this chapter, may direct the location, manner and conditions of disposition of the adult’s remains, and the arrangements for funeral goods and services to be provided upon the adult’s death.

(b) No disposition directions or pre-need funeral contract shall be subject to cancellation or substantial revision unless the cancellation or substantial revision has been ordered by a person authorized to act as the lawful representative in § 62-5-703, or

Amendment No. 1 to HB3300

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2916* **House Bill No. 3300**

the pre-need funeral contract as the person authorized to cancel or revise the terms of the disposition directions or the pre-need funeral contract, or unless any resources set aside or available to fund the disposition directions or the pre-need funeral contract are insufficient to carry out the funeral and disposition arrangements set forth in the disposition directions or pre-need funeral contract.

62-5-703. Except as set forth in § 62-5-704, and in the absence of disposition directions or a pre-need funeral contract, the right to control the disposition of the decedent's remains, the location, manner and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following persons in the order named; provided, such person is a qualified adult:

(1) An attorney in fact designated in a durable power of attorney for health care who is acting pursuant to § 34-6-204; provided, the durable power of attorney for health care, in which the attorney in fact was designated, was executed by the decedent subsequent to the decedent's execution of disposition directions or a pre-need funeral contract;

(2) The surviving spouse;

(3) The sole surviving child of the decedent, or if there is more than one (1) child of the decedent, the majority of the surviving children. However, less than one-half (1/2) of the surviving children shall be vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving children;

(4) The surviving parent of the decedent. If one (1) of the surviving parents is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent;

(5) The surviving sibling of the decedent, or if there is more than one (1) sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving siblings;

(6) The surviving grandchild of the decedent, or if there is more than one (1) surviving grandchild, the majority of the grandchildren. However, less than the majority of the surviving grandchildren shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandchildren of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving grandchildren;

(7) The surviving grandparent of the decedent, or if there is more than one (1) surviving grandparent, the majority of the grandparents. However, less than the majority of the surviving grandparents shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one-half (1/2) of all surviving grandparents;

(8) The guardian of the person of the decedent at the time of the decedent's death, if one (1) had been appointed;

(9) The personal representative of the estate of the decedent;

(10) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one (1) person of the same degree, any person of that degree may exercise the right of disposition;

(11) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator or employee responsible for arranging the final disposition of decedent's remains; or

(12) In the absence of any person listed in subdivisions (1)-(10), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals listed in subdivisions (1)-(10).

62-5-704. A person entitled under § 62-5-703 to the right of disposition shall forfeit that right, and the right shall pass on to the next person in accordance with § 62-5-703, in the following circumstances:

(1) Any person convicted of an offense described in § 39-13-202, § 39-13-210, or § 39-13-211, in connection with the decedent's death, and whose conviction or convictions are known to the funeral director; or

(2) Any person who does not exercise the right of disposition within seventy-two (72) hours of notification of the decedent's death or within one hundred and sixty-eight (168) hours of the decedent's death, whichever is earlier.

62-5-705. If two (2) or more persons hold the right of disposition pursuant to § 62-5-703, and they cannot, by majority vote, make a decision regarding the disposition of the decedent's remains, any of such persons or a funeral establishment with custody of the remains may file a petition asking the court with probate jurisdiction to make a determination in the matter. If a funeral establishment brings an action under this section, or relies upon this section to defend itself in a related lawsuit, the court may award legal fees and court costs associated with a petition under this section to the cost of final disposition. The court with probate jurisdiction for the county where the decedent resided may award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition, and may make decisions regarding the decedent's remains if those sharing the right of disposition cannot agree. The court may consider the following in making such determination:

(1) The reasonableness and practicality of the proposed funeral arrangements and disposition;

(2) The degree of the personal relationship between the decedent and each of the persons claiming the right of disposition;

(3) The desires of the person who is ready, able and willing to pay the cost of the funeral arrangements and disposition;

(4) The convenience and needs of other families and friends wishing to pay respects;

(5) The desires of the decedent; and

(6) The degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect.

62-5-706.

(a) In the event two (2) or more persons hold the right of disposition pursuant to § 62-5-703, and they cannot, by majority vote, make a decision regarding the disposition of the decedent's remains, no funeral establishment is liable for refusing to accept, inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until the funeral establishment receives a court order or other written agreement signed by the parties to the dispute that determines the final disposition of the remains. If the funeral establishment retains the remains for final disposition while the parties are in disagreement, the funeral establishment may shelter, refrigerate or embalm the body, or all, in order to preserve the body while awaiting the final decision of the probate court. However, the funeral establishment may not charge for embalming unless expressly agreed to by the parties. Neither this section, nor § 62-5-705, shall be construed to require or to impose a duty upon a funeral establishment to bring an action under this section or § 62-5-705. No funeral establishment or its employees shall be held criminally or civilly liable for choosing not to bring an action under this section or § 62-5-705.

(b)

(1) Except to the degree it may be considered by the court under § 62-5-705(3), the fact that a person has paid or agreed to pay for all or part of the funeral arrangements and final disposition does not give that person a greater right to the right of disposition than the person would otherwise have.

(2) The personal representative of the estate of the decedent does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the person would otherwise have.

62-5-707. Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the party's authority to order such disposition. A funeral establishment shall have the right to rely on such funeral service contract or authorization and shall have the authority to carry out the instructions of the person whom the funeral establishment reasonably believes holds the right of disposition. No funeral establishment is responsible for contacting or independently investigating the existence of any next-of-kin or relative of the decedent.

62-5-708. No funeral establishment or funeral director who relies in good faith upon the instructions of a person claiming the right of disposition shall be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions unless the funeral establishment or funeral director knew or had reason to know that the person did not have the right of disposition.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB3300

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2916* **House Bill No. 3300**

by deleting the language "(1)-(10)" wherever it occurs in § 62-5-703(12) in the amendment (drafting # 1395776) and by substituting instead the language "(1)-(11)".

AND FURTHER AMEND by deleting the following language from § 62-5-703(1) in the amendment (drafting # 1395776):

> provided, the durable power of attorney for health care, in which the attorney in fact was designated, was executed by the decedent subsequent to the decedent's execution of disposition directions or a pre-need funeral contract;

Amendment No. 1 to HB1908

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 1447* **House Bill No. 1908**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(a)

( ) All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the state board of education under § 49-1-302 shall be treated as confidential and shall not be open to the public. Nothing in this subdivision shall be construed to prevent the LEA, public charter school, state board of education, or department of education from accessing and utilizing such records as required to fulfill their lawful functions.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0182

Watson
Signature of Sponsor

AMEND Senate Bill No. 250 House Bill No. 182*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding the following as a new part:

29-34-401.

For purposes of this part:

(1) "Ice-skating rink" means a facility that is designed for ice-skating and that is used by the public for recreational or competitive ice-skating;

(2) "Operator" mean a person who owns, controls, or has operational responsibility for an ice-skating facility, or the agent of that person; and

(3) "Spectator" means an individual who is present at an ice-skating rink to observe ice-skating.

29-34-402.

(a) An operator shall not be liable for damage or injuries to an ice-skater or spectator where the operator complies with the requirements of § 29-34-403.

(b) A person who participates as an ice-skater at an ice-skating rink operated in accordance with the requirements of § 29-34-403 assumes the risk of injury or damage that may occur as a result of that participation and shall comply with the requirements of § 29-34-404.

(c) A spectator at an ice-skating rink operated in accordance with the requirements of § 29-34-403 assumes the risk of injury or damage that may occur as a result of being a spectator and shall comply with the requirements of § 29-34-404.

29-34-403.

(a) An operator shall:

Amendment No. 1 to HB0182

Watson
Signature of Sponsor

AMEND Senate Bill No. 250 House Bill No. 182*

(1) Provide at least one (1) individual to act as a rink monitor for approximately every two hundred (200) skaters at any given time that ice-skating is open to the public;

(2) Conduct periodic inspections of the ice, skating equipment and all other equipment in a manner that will ensure a safe operating condition;

(6) Comply with all guidelines for ice-skating rinks endorsed or recommended by the Ice Skating Institute;

(7) Post duties and expectations of skaters and spectators as prescribed by this chapter in conspicuous places;

(8) Maintain liability insurance coverage of at least one million dollars ($1,000,000) per single limit for personal-injury death or property damage; and

(9) Maintain accurate records and daily logs for the ice-skating facility.

(b) The rink monitor shall:

(1) Wear appropriate attire as to identify the individual as a rink monitor;

(2) Direct and supervise skaters and spectators;

(3) Watch for and remove in a timely manner any foreign objects that may have fallen off the ice surface; and

(4) Inspect and maintain, or request maintenance of, the ice surface, floors, railings, boards, and walls surrounding the surface in a manner that will ensure the good condition of those areas.

29-34-404.

(a) Skaters in an ice-skating rink shall:

(1) Comply with all posted signs and warnings that relate to the skater's behavior while participating in ice-skating at the ice skating rink;

(2) Obey all instructions or warnings given by the rink monitor, rink personnel or rink operator;

(3) Maintain reasonable control over skate speed and direction at all times;

(4) Be aware that there are other skaters and objects on the ice surface and take reasonable care to avoid collision with those skaters or objects; and

(5) Be aware that ability and skill levels of ice-skaters vary and each individual must take reasonable care to ice-skate within the individual's personal abilities.

(b) Ice-skaters shall not act in a manner that may cause injury or damage to others or their property.

(c) Spectators shall comply with each posted sign or warning that relates to the behavior of the spectator.

29-34-405.

(a) This part shall not limit the liability of one (1) ice-skater or spectator to another ice-skater or spectator.

(b) This part shall not apply where an operator engages in behavior that amounts to gross negligence, or willful or wanton conduct.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB2801

Casada
Signature of Sponsor

AMEND Senate Bill No. 3627 House Bill No. 2801*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding a new section to read as follows:

63-6-242.

(a)

(1) "Hormone replacement therapy clinic" or "hormone therapy clinic" means a medical office in which the clinicians are primarily engaged in hormone replacement or supplementation therapy or a medical office which holds itself out to the public as being primarily or substantially engaged in hormone replacement therapy. For the purposes of this definition, the phrase "primarily engaged" means that a majority of the clinic's patients receive hormone replacement therapy and may be further defined by the board by rule. Hormone replacement therapy clinic does not mean a medical office in which the clinicians are primarily engaged in obstetrics and gynecology (OB/GYN), urology or primary care.

(2) "Hormone replacement therapy" or "hormone therapy" means the branch of the practice of medicine whereby the patient is treated with medications that include, but are not limited to, creams or natural formulas taken through the skin, under the tongue, in subcutaneous pellets, or orally that contain hormones that have the same bioidentical or similar chemical formula as those produced naturally in the human body

Amendment No. 1 to HB2801

Casada
Signature of Sponsor

AMEND Senate Bill No. 3627 House Bill No. 2801*

or that the provider thinks or claims to be similar or identical, but shall not include the treatment of patients with birth control pills.

(b) In hormone replacement therapy clinics:

(1) All hormone replacement therapy shall be performed by a physician licensed under Title 63, Chapter 6 or 9, or delegated by such physician to a certified nurse practitioner licensed pursuant to Title 63, Chapter 7 or a physician assistant licensed pursuant to Title 63, Chapter 19; and

(2) If hormone replacement therapy is delegated, the supervising physician shall ensure that written protocols are developed for licensees to whom hormone replacement therapy is delegated, that such protocols are updated as necessary and that the patient is informed of both the name and contact information of the supervising physician and an indication of whether the physician is available on-site or remotely.

(c) A physician supervising hormone replacement therapy in a hormone replacement therapy clinic shall ensure that for each patient, all of the following requirements are met:

(1) Prior to the initial hormone replacement therapy or course of treatments, an appropriate physical examination shall be conducted;

(2) An appropriate medical history shall be taken and documented on the patient;

(3) A written order for hormone replacement therapy shall be entered by the treating provider in the patient's medical record documenting the diagnosis and medical reason for the patient's need for

hormone replacement therapy. If the treating provider is not a physician, the supervising physician shall make a personal review of the historical, physical and therapeutic data gathered by the treating provider and shall so certify the review in the patient's chart within seven (7) days of the patient being served;

(4) The patient gives written consent for hormone replacement therapy, which includes notification of possible complications and reasonable expectations and any applicable FDA warnings associated with any part of the therapy; and

(5) The supervising physician shall be immediately notified upon discovery of a complication.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding a new section to read as follows:

63-9-119.

(a)

(1) “Hormone replacement therapy clinic” or “hormone therapy clinic” means a medical office in which the clinicians are primarily engaged in hormone replacement or supplementation therapy or a medical office which holds itself out to the public as being primarily or substantially engaged in hormone replacement therapy. For the purposes of this definition, the phrase “primarily engaged” means that a majority of the clinic’s patients receive hormone replacement therapy and may be further defined by the board by rule. Hormone replacement therapy clinic does not mean a medical office in which the clinicians are primarily engaged in obstetrics and gynecology (OB/GYN), urology or primary care.

(2) “Hormone replacement therapy” or “hormone therapy” means the branch of the practice of medicine whereby the patient is treated with

medications that include, but are not limited to, creams or natural formulas taken through the skin, under the tongue, in subcutaneous pellets, or orally that contain hormones that have the same bioidentical or similar chemical formula as those produced naturally in the human body or that the provider thinks or claims to be similar or identical, but shall not include the treatment of patients with birth control pills.

(b) In hormone replacement therapy clinics:

(1) All hormone replacement therapy shall be performed by a physician licensed under Title 63, Chapter 6 or 9, or delegated by such physician to a certified nurse practitioner licensed pursuant to Title 63, Chapter 7 or a physician assistant licensed pursuant to Title 63, Chapter 19; and

(2) If hormone replacement therapy is delegated, the supervising physician shall ensure that written protocols are developed for licensees to whom hormone replacement therapy is delegated, that such protocols are updated as necessary and that the patient is informed of both the name and contact information of the supervising physician and an indication of whether the physician is available on-site or remotely.

(c) A physician supervising hormone replacement therapy in a hormone replacement therapy clinic shall ensure that for each patient, all of the following requirements are met:

(1) Prior to the initial hormone replacement therapy or course of treatments, an appropriate physical examination shall be conducted;

(2) An appropriate medical history shall be taken and documented on the patient;

(3) A written order for hormone replacement therapy shall be entered by the treating provider in the patient's medical record documenting the diagnosis and medical reason for the patient's need for

hormone replacement therapy. If the treating provider is not a physician, the supervising physician shall make a personal review of the historical, physical and therapeutic data gathered by the treating provider and shall so certify the review in the patient's chart within seven (7) days of the patient being served;

(4) The patient gives written consent for hormone replacement therapy, which includes notification of possible complications and reasonable expectations and any applicable FDA warnings associated with any part of the therapy; and

(5) The supervising physician shall be immediately notified upon discovery of a complication.

SECTION 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB3499

Watson
Signature of Sponsor

AMEND Senate Bill No. 3324 House Bill No. 3499*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following new subsection:

(g) It is an affirmative defense to a violation of this section that the person charged with the violation:

(1) Was, at the time of the violation, authorized to carry a firearm pursuant to § 39-17-1351; and

(2) Engaged in the conduct constituting the violation while acting under a reasonable and good faith belief that the possession or carrying of the firearm was lawful in time, manner and place.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB2608

McManus
Signature of Sponsor

AMEND Senate Bill No. 2811 House Bill No. 2608*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-201(a), is amended by deleting the language “to register” and substituting instead the language “to register and provide proof of good and sufficient surety as provided for in subsection (d)”.

SECTION 2. Tennessee Code Annotated, Section 38-1-201, is amended by adding the following new subsection (d):

(d) Any person, firm, or corporation required to register pursuant to this section shall also provide proof to the chief of police and sheriff of each city and county in which such person, firm, or corporation registers of a good and sufficient surety bond executed by a surety company licensed to do business in the state of Tennessee in an amount no less than twenty-five thousand dollars ($25,000). The bond shall be a security for any unlawful act committed by the person, firm, or corporation while engaging in the activity described in this section, and recovery on the bond may be had by any person injured by such unlawful act.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 2 to HB2608

Brooks K
Signature of Sponsor

AMEND Senate Bill No. 2811 House Bill No. 2608*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-201(a), is amended by deleting the language "to register" and substituting instead the language "to register and provide proof of good and sufficient surety as provided for in subsection (d)".

SECTION 2. Tennessee Code Annotated, Section 38-1-201, is amended by adding the following language as a new subsection (d):

(d)(1) Any person, firm, or corporation required to register pursuant to this section shall also provide proof to the chief of police and sheriff of each city and county in which such person, firm, or corporation registers of a good and sufficient surety bond executed by a surety company licensed to do business in the state of Tennessee in an amount no less than twenty-five thousand dollars ($25,000). The bond shall be a security for any unlawful act committed by the person, firm, or corporation while engaging in the activity described in this section, and recovery on the bond may be had by any person injured by such unlawful act.

(2) This subsection (d) shall only apply to any person, firm, or corporation required to register pursuant to this section on or after July 1, 2012.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Conservation & Environment Committee 1

Amendment No. 1 to HB3383

Lollar
Signature of Sponsor

AMEND Senate Bill No. 2879* **House Bill No. 3383**

by deleting subsection (a) from 70-4-133 of SECTION 1 in its entirety and by substituting instead the following:

(a) It is the intent of this section to address the illegal translocation and release of wild- appearing swine. These animals have been shown to be destructive to native habitats, agricultural lands and private property and are carriers for a myriad of diseases that affect humans, livestock and wildlife.

AND FURTHER AMEND by deleting subsection (d) from 70-4-133 of SECTION 1 in its entirety and by substituting instead the following:

(d) It is an offense for any person to transport or release into the wild, or cause to be transported into or within the state, live wild-appearing swine that do not have documentation approved by the department of agriculture.

AND FURTHER AMEND by deleting subsection (e) from 70-4-133 of SECTION 1 in its entirety and by substituting instead the following:

(e) A violation of subsection (d) is a Class A misdemeanor. Each undocumented wild-appearing swine illegally transported or released in violation of subsection (d) is a separate offense.

Amendment No. 2 to HB3383

Dennis
Signature of Sponsor

AMEND Senate Bill No. 2879* **House Bill No. 3383**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 1, is amended by adding the following as a new section:

70-4-133.

(a) It is the intent of this section to address the illegal translocation and release of wild-appearing swine. These animals have been shown to be destructive to native habitats, agricultural lands and private property and are carriers for a myriad of diseases that affect humans, livestock and wildlife.

(b) It is not the intent of this section to impede the legal transportation of swine that are regulated by the department of agriculture.

(c) As used in this section, "wild-appearing swine" means swine that are, at maturity, two feet to three feet (2' – 3') tall and three and one-half feet to five feet (3 ½' -- 5') long and, at maturity, have the following physical features in comparison to domestic swine:

(1) Massive heads with smaller, pointed and heavily-furred ears;

(2) Heavier shoulders that slope down to small hips, giving the animal an outline similar to an American bison;

(3) Long and thin snouts;

(4) Upper tusks or whitters that curl up and out and rub against the lower tusks, making a knifelike edge against the lower tusks; and

(5) Straight tails that are tufted at the tip.

(d) It is an offense for any person to knowingly transport or release into the wild, or cause to be transported into or within the state, live wild-appearing swine that do not have documentation approved by the department of agriculture.

(e) Notwithstanding the provisions of § 70-6-101, any stop, search or arrest pursuant to this section by an officer of the agency shall be predicated upon reasonable suspicion that a violation of this section has occurred.

(f) A violation of subsection (d) is a Class A misdemeanor. Each undocumented wild-appearing swine illegally transported or released in violation of subsection (d) is a separate offense.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Amendment No. 1 to HB2903

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 3117 House Bill No. 2903*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ___. Tennessee Code Annotated, Section 57-4-102(26)(GGG)(v), is amended by deleting the language "serves meals at least four (4) days on a weekly basis," and by substituting instead the language "has food available,"

Amendment No. 1 to HB2639

McManus
Signature of Sponsor

AMEND Senate Bill No. 2492* **House Bill No. 2639**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8)

(A) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding this subdivision (a)(8), local governments may adopt more stringent requirements for one-family and two-family dwellings; and

(B) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government may adopt, by either ordinance or resolution, as appropriate, such requirements only upon an affirmative two-thirds (2/3) vote and only after reading such ordinance or resolution in open session of the legislative body at meetings specially called on two (2) different days that are no less than two (2) weeks apart. Mandatory sprinkler requirements shall be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to Amendment 1 to HB2639

Maggart
Signature of Sponsor

AMEND Senate Bill No. 2492* House Bill No. 2639

by adding the following language to Section 1(8), to be designated as subdivision (C):

( ) The provisions of subdivisions (a)(8)(A) and (B) of this section, authorizing locally-adopted requirements for fire sprinklers or fire suppression equipment in one-family and two-family dwellings, do not apply to factory built homes constructed and or installed under title 68, chapter 126.

Commerce Committee 2

Amendment No. 2 to HB2639

McManus
Signature of Sponsor

AMEND Senate Bill No. 2492* House Bill No. 2639

by designating the amendatory language in subdivision (8)(B) in SECTION 1 of the amendment (drafting # 1419168) as new subdivision (i) and by adding the following language as new subdivision (ii):

(ii) If a local government seeks to repeal the mandatory sprinkler requirements adopted pursuant to this subdivision (a)(8), then the local government shall repeal such requirements in the same manner as required to adopt such requirements under this subdivision (a)(8).

Amendment No. 3 to HB2639

Turner M
Signature of Sponsor

AMEND Senate Bill No. 2492* House Bill No. 2639

by adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

SECTION ___. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

Amendment No. 4 to HB2639

Johnson P
Signature of Sponsor

AMEND Senate Bill No. 2492* **House Bill No. 2639**

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ___. The provisions of this act shall not apply in any county having a population of not less than thirty-nine thousand one hundred (39,100) nor more than thirty-nine thousand two hundred (39,200) according to the 2010 federal census or any subsequent federal census.