

**Tennessee Association of Realtors<sup>®</sup>, Inc.**  
**BOARD OF DIRECTORS MEETING**  
**Tuesday, March 26, 2013**  
**Marriott Cool Springs Hotel & Conference Center – Franklin, TN**

**MINUTES**

**CALL TO ORDER**

President Randy Thomas called the meeting of the Board of Directors to order on March 26, 2013 at 3:30 p.m. at the Marriott Cool Springs Hotel & Convention Center in Franklin, Tennessee.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Brian Foster and was followed by the Pledge of Allegiance to the Flag of the United States of America led by Emil Mongeon.

**CREDENTIALS REPORT**

Administrative Vice President Linda Woods reported a quorum was present. A copy of the Directors Attendance List is attached as *Exhibit #1*.

**ADOPTION OF THE RULES**

President Thomas stated the Standing Rules are in your packet and there being no objection, the rules were adopted.

**ADOPTION OF AGENDA**

The Agenda was adopted as presented.

**INTRODUCTIONS**

President Thomas welcomed all members and guests and introduced those seated at the head table as follows: Russ Farrar, Lobbyist and General Counsel; Neal Clayton, President-elect; Charlotte Buchanan, Parliamentarian; Pat Beech, Secretary/Treasurer; Linda Woods, Administrative Vice President; and Steve Harding, Executive Vice President.

**APPROVAL OF MINUTES**

The minutes of the September 2012 Board of Directors Meeting were approved as published.

**FINANCIAL REPORT**

Treasurer Pat Beech presented the 2012 Year End Financial Report and the February 2013 Financial Report for information.

**PRESIDENT'S REPORT**

President Thomas gave a brief report.

## COMMITTEE AND OTHER REPORTS

### TREEF

President Marlene Rakow gave a TREEF Report for information. Report attached as *Exhibit 2*.

### RPAC

On behalf of Chair Rich Levenson, Vice Chair Janice Carlton gave an RPAC report for information purposes.

### Nominating Committee

Chair B J Swinehart reported the Nominating Committee of the Tennessee Association of Realtors® met on February 20 to consider nominations for NAR Directors for three-year terms beginning in January 2014. The committee recommends the following candidates for NAR Directors to the TAR Directors to then be recommended to NAR for election.

The number of director positions available will be determined by NAR in August and the positions will be filled in the order as numbered. Those who do not get a three-year director position will be kept on a list to fill any unexpired term that might become available during 2014.

- 1) Fontaine Taylor, Memphis
- 2) Lois Killebrew, Chattanooga
- 3) Randy Thomas, Kingsport
- 4) Jewell McKinney, Kingsport
- 5) Bob Turner, Memphis

President-elect Neal Clayton reported the Executive Committee recommends approval of the recommendations of the Nominating Committee.

There being no nominations from the floor, motion was passed to elect the slate of nominees as presented.

### Bylaws Committee

Chair Amy Hamilton reported two proposed amendments to the TAR Bylaws. Report is attached as *Exhibit 3*.

President-elect Neal Clayton reported the Executive Committee recommends approval of the proposed Bylaws amendments.

Motion was passed to approve the proposed amendments to Section 1 and Section 6 of Article VIII of the TAR Bylaws.

**Convention Committee**

Chair Allen DeCuyper gave a brief report on the upcoming TAR convention to be held in Destin, FL at the Hilton Sandestin Beach Hotel September 18, 19 & 20 and encouraged everyone to plan on attending.

**Governmental Affairs Committee**

Chair Lois Killebrew presented a report on behalf of the Governmental Affairs Committee, which included TAR's position on current Legislation. Report attached as *Exhibit #4*.

President-elect Neal Clayton reported the Executive Committee recommends approval.

Motion was passed to approve the report as submitted.

**UNFINISHED BUSINESS**

President Thomas stated there was no unfinished business.

**NEW BUSINESS**

There was no new business.

Meeting adjourned at 4:03 p.m.

Submitted by:

Pat Beech, Secretary/Treasurer

Tennessee Association of Realtors®  
2013 Board of Directors  
March 26, 2013 TAR Directors' Meeting Attendees

**WESTERN DIVISION**

**CENTRAL WEST TN ASSN (4)**

Valerie Cole  
David Hickey  
Joan Smith – DVP

**DYER CO. ASSN (2)**

Mark Oakes

**MEMPHIS AREA ASSN (24)**

Pat Beech – ST  
Ceylon Blackwell, Jr. – PP  
Doug Collins – PP  
Leon Dickson – DVP  
Rosemarie Fair – PP  
Greg Glosson  
Marshall Gordon – Bobbi Gillis  
Allen Green  
Hank Hogue  
Regina Hubbard – NAR Dir.  
John Linthicum  
Carol Lott  
Thomas Murphree  
Claire Owen  
Patty Rainey  
Jerry Sowards – PP  
Thomas E. Talley – PP  
Fontaine Taylor – PP, CC  
Sue Stinson Turner – P  
Cassandra Bell-Warren  
Sam Zalowitz

**REELFOOT REGIONAL ASSN (2)**

Alexander J. Bynum  
Robert Stephens

**TENNESSEE VALLEY ASSN (2)**

Trisha Cannon

Tennessee Association of Realtors®  
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**MIDDLE DIVISION**

**CLARKSVILLE ASSN (4)**

Kathy Adkins  
Marion Jewell  
Debbie Reynolds  
Randy Worcester

**EASTERN MIDDLE TN (5)**

Margaret Dixon  
Sue Glore  
Amy Hamilton – CC  
Tommy Williams  
Bobby Wood

**GTR. NASHVILLE (19)**

Marilyn D. Blankenship  
Amy Cannon  
Neal Clayton – P-E  
Kendra Cooke  
Brian Copeland – DVP  
Denise Creswell  
Allen Decuyper – CC  
Mark Deutschmann  
H. Lynn Greer, Jr. – PP  
Liz Kemp – PP  
Price Lechleiter – NAR Dir.  
Marc Michaelson  
Sher Powers  
Karen Roach  
Lucy Smith – CC  
Cindy Stanton  
Hagan Stone – Andrew Terrell

**MIDDLE TN ASSN (7)**

Richard Lewis  
Mark Messick  
Charlie Montgomery  
Virginia Pappafotis – CC  
Bill Parsley  
Kay Petty

**ROBERTSON CO. ASSN (5)**

Cindy Broadbent  
Timothy Murphy  
Paula Smith

**SOUTHERN MIDDLE TN ASSN (5)**

Della Beyer  
Bonnie Hickman  
Melissa Potts – Jennifer Graham  
Marlene Rakow – CC  
Fay Robinson – NAR Dir.

**SUMNER ASSN (4)**

Ann Buchanan  
Donna Crowley  
Mike Gaughan – PP  
Fran Marcou

**UPPER CUMBERLAND ASSN (3)**

Judd Dyle  
Frank Hardegree  
Jeff Jones

**WARREN CO. ASSN (2)**

**WILLIAMSON CO. ASSN (8)**

Danny Anderson  
Melissa Clough  
Chip Kerr  
Matthew Ligon – David Logan  
Boyce C. Magli – PP  
Emil Mongeon – PP  
Ann Skiera  
Lisa Culp Taylor

Tennessee Association of Realtors®  
2013 Board of Directors  
March 2013 Spring Conference Attendees

**EASTERN DIVISION**  
**BLOUNT CO. ASSN (2)**

**BRISTOL TN-VA ASSN (2)**

**GREATER CHATTANOOGA ASSN (11)**

Mark Blazek  
Randy Durham – DVP  
Jennifer Grayson  
Mark Hite  
Lois Killebrew – PP  
Joyce Smith – CC

**GREAT SMOKY MTNS ASSN (3)**

Doris Barnes  
Wanda Galli  
Bryan Kendrick

**KNOXVILLE AREA ASSN (18)**

C. Richard Bales – PP  
Betsy Coleman  
Vicki Everbach  
Bob N. Galbreath – PP  
Barry Hensley  
Mike Pappas – NAR Dir.  
Patricia Shepherd  
Terri Click Sloan  
Dolly Smith – NAR Dir.  
Sally Sparks  
Amanda Stone – DVP  
B.J. Swinehart – PP  
Doyle Webb

**LAKEWAY AREA ASSN (3)**

Lauren Castle – Darlene Reeves - Kline  
G. Wayne Myers

**NORTHEAST TN ASSN (8)**

Clarissa Brown  
Diane Hills – CC  
Barbara Hubbs  
Louie Leach  
Jewell McKinney – PP  
Linda Pardue  
Aaron Taylor  
Randy Thomas – P, NAR Dir.

**RIVER COUNTIES (3)**

Mary Jo White

P – TAR President  
P-E – TAR President-Elect  
CC – TAR Comm Chair  
PP – TAR Past Pres  
S/T – TAR Secretary/Treasurer  
DVP – TAR Divisional Vice President  
NAR Dir. – NAR Director

## TREEF Report to the TAR Directors

Franklin, TN – March 26, 2013

The TREEF Trustees met on Monday, March 25, 2013. They took no actions requiring the approval of the TAR Directors, but the Trustees received an update on current programs and are pleased to report the following to TAR Directors and Members.

1. Our “**License To Sell**” Campaign to promote the REALTOR® License Plate is officially underway! Every TAR Director – in fact, every TAR member – should be proudly displaying this specialty license plate on his or her vehicle! It’s a true celebration of homeownership, and an important way to contribute to your own educational foundation.
2. Your revamped GRI program, with one-day classroom courses, and shortened E-Class GRI courses, is also officially underway! In recognition of the difficult economy – from which we are just now emerging – we have made it **more economical than ever before** to achieve your GRI designation, **or your Master GRI designation!** It’s also possible now to **customize** part of your GRI coursework to match your particular market or career needs. The GRI remains the **ONLY** nationally recognized REALTOR® designation that **you don’t have to pay an annual fee or dues to keep!** And it’s the only national designation program that includes instruction on state-specific rules, laws, contracts, and other forms.
3. Finally, the Foundation is moving toward significant expansion of our **distance-learning, e-learning, and mobile learning** options and services for TAR members! The importance of offering more “on-demand” education through the Internet to members – especially state-specific know-how – cannot be overstated. TREEF has providing quality education to TAR members for over 40 years, and the Foundation intends to be just as relevant and valuable for the next 40!

That concludes our report.

**Bylaws Committee Report**

**January 11, 2013**

**Submitted by: Chair Amy Hamilton**

The Bylaws Committee recommends adoption of the following amendments to the TAR Bylaws.

(NOTE: Lines drawn through wording indicates verbiage stricken).

**ARTICLE VIII  
Committees**

**Section 1.** The following are standing committees of the Association:

|                    |                      |                                  |
|--------------------|----------------------|----------------------------------|
| Budget & Finance   | Governmental Affairs | Professional Standards           |
| Bylaws             | Legal Action         | Realtor <sup>®</sup> of the Year |
| Cultural Diversity | Nominating           | Strategic Planning               |

**Section 6. Cultural Diversity Committee:** The ~~Cultural~~ Diversity Committee shall be comprised of six Realtor<sup>®</sup> or Realtor-Associate<sup>®</sup> Members who shall serve two-year staggered terms. Each year the President shall appoint three Realtor<sup>®</sup> or Realtor-Associate<sup>®</sup> Members plus a Chair and the President-elect shall appoint a Vice Chair. A vacancy is automatically created when a committee member misses two consecutive, duly called, meetings.

*Rationale: To be consistent with NAR and to give the committee a broader scope.*



## Legislative Report 3-25-13

### Agriculture - 1

#### **SB619 / HB700 County enforcement of certain local ordinances.**

**Sponsors** Sen. Mark S. Norris / Rep. Andy Holt

**Description** Prohibits local ordinances that seek to restrict the free exercise of rights from being applied to certain persons and property related to farm operations. Establishes cause of action for persons aggrieved by such enforcement.

**Fiscal Note** (Dated: March 17 2013) Increase Local Expenditures - Exceeds \$10,000.

**Senate Status** 02/08/2013 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

**House Status** 02/06/2013 - Referred to House Agriculture & Natural Resources Subcommittee.

**Position** Monitor

### Banking & Credit - 3

#### **SB1020 / HB870 Real property acquired to secure a loan.**

**Sponsors** Sen. Mike Bell / Rep. Cameron Sexton

**Description** Allows banks to acquire real property to secure certain loans for up to 10 years, instead of five years or a greater period of time that the commissioner allows. Details process for such acquiring including write offs and appraisals.

**Amendment** House Insurance & Banking Committee amendment 1 (004114) deletes and rewrites subsections (2)(E) and (2)(F) of Section 2 of the bill, and subsection (2)(A) of Section 1 of the bill, such that banks are: required to obtain an appraisal by an independent, qualified appraiser, only for parcels whose book value is more than \$250,000; authorized to obtain an evaluation in lieu of an appraisal for parcels whose book value is \$250,000 or less; are not required to get appraisals for parcels whose book value is \$100,000 or less. In addition, the bill as amended requires the appraisals or evaluations, whichever are applicable, to be obtained within 12 months from the date the bank acquires the real property, and every 12 months thereafter, for as long as the bank owns the real property. Further, the bill as amended specifies that real property acquired by a bank to satisfy or protect a loan made by the bank is required to be sold within ten years, except as provided in Section 1, subdivision (b)(2)(B).

**Fiscal Note** (Dated: February 20 2013) Not Significant.

**Senate Status** 03/04/2013 - Senate passed.

**House Status** 03/21/2013 - Set for House Floor 03/28/13.

**Position** Monitor

#### **SB1100 / HB607 Appraisals of real estate held by savings and loan associations.**

**Sponsors** Sen. James F. Kyle Jr. / Rep. Larry J. Miller

**Description** Requires the commissioner of financial institutions to select independent, qualified appraisers for appraisals of real estate held by a savings and loan association that are in connection with any examination or audit of such association. Replaces incorrect code references to federal home loan bank board and federal savings and loan insurance corporation, which was abolished in

1992, with references to the federal deposit insurance corporation, to which such responsibilities were transferred.

**Fiscal Note** (Dated: February 18 2013) Not Significant.

**Senate Status** 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/20/2013 - House Insurance & Banking Subcommittee deferred to 2014.

**Position** Monitor

**SB1108 / HB460 Attorney supervision under the Tennessee Home Loan Protection Act.**

**Sponsors** Sen. James F. Kyle Jr. / Rep. Johnnie Turner

**Description** Requires that all closings held for home loans under the Tennessee Home Loan Protection Act be attorney-supervised closings. Establishes that only attorneys who have sufficient errors and omissions coverage are permitted to supervise such closings.

**Fiscal Note** (Dated: February 6 2013) Not Significant.

**Senate Status** 03/19/2013 - Senate Commerce & Labor Committee deferred to next meeting.

**House Status** 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.

**Position** Monitor

**Commercial Law - 1**

**SB1284 / HB1251 Nonprofit home owners' association boards to hold open meetings.**

**Sponsors** Sen. Frank Niceley / Rep. Susan M. Lynn

**Description** Requires all meetings of a nonprofit home owners' association board to be open to members of the home owners' association, except when discussing delinquent assessments or indebtedness of individual members of the home owners' association.

**Fiscal Note** (Dated: February 21 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate Commerce & Labor Committee Final Calendar 03/27/13.

**House Status** 03/21/2013 - Set for House Business & Utilities Subcommittee Final Calendar 03/26/13.

**Position** Monitor

**Criminal Law - 7**

**SB142 / HB118 Handgun carry permit holders to store firearms in cars.**

**Sponsors** Sen. Ron Ramsey / Rep. Jeremy Faison

**Description** Allows the holder of a valid handgun carry permit recognized in Tennessee to transport and store a firearm or firearm ammunition in the permit holder's privately-owned vehicle while utilizing any public or private parking area, so long as the permit holder's vehicle is parked in a location where it is permitted to be and the firearm or ammunition being transported or stored in the vehicle is kept from ordinary observation while the owner is in the vehicle or kept from ordinary observation and locked within the trunk, glove box, or interior of the person's privately owned vehicle if the permit holder is not in the vehicle. Prohibits any business entity, public or private employer, or the owner, manager, or legal possessor of the property from being held liable in any civil action for damages, injuries, or death resulting from or arising out of another's actions involving a firearm or ammunition.

**Amendment** Senate amendment 1 (002846) clarifies that no business entity, public or private employer, or the owner, manager, or legal possessor of the property may be held liable in any civil action for damages, injuries or death resulting from or arising out of another's actions involving a firearm or ammunition transported or stored by the holder of a valid handgun carry permit in the permit holder's privately-owned motor vehicle unless the business entity, public or private employer, or the owner, manager, or legal possessor of the property commits an offense involving the use of

the stored firearm or ammunition or intentionally solicits or procures the conduct resulting in the damage, injury or death. Clarifies that no business entity, public or private employer, or the owner, manager, or legal possessor of the property will be held responsible for the theft of a firearm or ammunition stored by the holder of a valid handgun carry permit in the permit holder's privately-owned motor vehicle.

**Fiscal Note** (Dated: January 30 2013) Not Significant.

**Senate Status** 02/11/2013 - Senate passed with amendment 1.

**House Status** 02/28/2013 - House passed.

**Executive Status** 03/20/2013 - Enacted as Public Chapter 0016 effective July 1, 2013

**Position** Monitor

**SB686 / HB65 Offense of dumping for disposing of 100 lbs or more waste.**

**Sponsors** Sen. Reginald Tate / Rep. John J. Deberry Jr.

**Description** Creates offense of dumping for knowingly disposing of waste over 100 pounds or 30 cubic feet in volume or allowing the disposal of such amount of waste on any public or private property that is not a disposal site. Defines waste as garbage, litter, refuse, and rubbish, as defined in this part, and also includes, but is not limited to, trash, tires, sludge, solid material, liquid material, semisolid material, gaseous material, spent material, byproducts, scrap, and ash. Specifies that dumping shall be punished as theft, with additional 160-hour community litter pick-up requirement for person convicted of dumping offense. Adds that value for punishing dumping as theft is determined as the cost or estimated cost of cleaning up the property, whichever is greater.

**Fiscal Note** (Dated: March 7 2013) Increase State Expenditures - \$56,000/Incarceration.

**Senate Status** 03/21/2013 - Set for Senate Judiciary Committee 03/26/13.

**House Status** 03/21/2013 - Set for House Criminal Justice Subcommittee 03/26/13.

**Position** Support

**SB724 Searches for firearms in parking lots.**

**Sponsors** Sen. Stacey Campfield

**Description** Prohibits any business entity from inquiring whether an applicant for employment lawfully possesses a firearm. Prohibits any business entity from enforcing a rule that allows the search of a motor vehicle for the sole purpose of determining if the motor vehicle operator is in possession of a handgun.

**Fiscal Note** (Dated: February 21 2013) Not Significant.

**Senate Status** 03/05/2013 - Taken off notice in Senate Judiciary Committee.

**House Status** None

**Position** Monitor

**SB1052 / HB354 Increased criminal penalties - certain property filings.**

**Sponsors** Sen. Brian K. Kelsey / Rep. Ron Lollar

**Description** Increases from a Class A misdemeanor to a Class E felony the offenses of drawing and filing a deed without actual ownership of property and filing a lien on property without any legal interest.

**Fiscal Note** (Dated: March 14 2013) Increase State Expenditures - \$11,300/Incarceration.

**Senate Status** 02/08/2013 - Referred to Senate Judiciary.

**House Status** 03/21/2013 - Set for House Criminal Justice Committee 03/27/13.

**Position** Support

**SB1140 / HB1287 Posted notice for a metals recycling facility.**

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

**Description** Increases the size requirements of the posted notice for a metals recycling facility from 24" x 18" to 48" x 36".

**Fiscal Note** (Dated: March 5 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

**House Status** 03/21/2013 - Set for House Criminal Justice Subcommittee 03/26/13.

**Position** Monitor

**SB1182 / HB1018 Firearm ownership - employer inquiring and immunity.**

**Sponsors** Sen. Stacey Campfield / Rep. Joshua G. Evans

**Description** Prohibits businesses from inquiring whether certain employment applicants own a firearm and conditioning such employment upon the agreement that the employee will not own a firearm. Creates immunity for employers and certain property owners that allow a lawful firearm or ammunition on their property.

**Fiscal Note** (Dated: February 27 2013) Not Significant.

**Senate Status** 02/13/2013 - Referred to Senate Judiciary.

**House Status** 03/21/2013 - Set for House Civil Justice Subcommittee 03/26/13.

**Position** Monitor

**HB108 Employee information about a firearm in a vehicle.**

**Sponsors** Rep. Sheila Butt

**Description** Provides that a public or private employer cannot require an applicant for employment or an employee to disclose information about the ownership or storage of a firearm in the applicant or employee's vehicle. Gives immunity to property owner for civil actions based upon the storage of a firearm in the employee's vehicle.

**Fiscal Note** (Dated: February 10 2013) Not Significant.

**Senate Status** None

**House Status** 02/05/2013 - Referred to House Civil Justice Subcommittee.

**Position** Monitor

**Economic Development - 2**

**SB155 / HB149 Fast Track infrastructure grants - private land definition.**

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

**Description** Clarifies that land owned by a political subdivision of the state shall not be considered private land or land expected to become privately owned, for purposes of present law prohibition against Fast Track infrastructure grants being applied to private land or to land expected to become privately owned. (Part of Administration Package)

**Fiscal Note** (Dated: February 11 2013) Not Significant.

**Senate Status** 03/18/2013 - Senate passed.

**House Status** 03/14/2013 - House passed.

**Executive Status** 03/21/2013 - Sent to governor.

**Position** Monitor

**SB613 / HB135 Revises procedure for amending and adopting growth plans.**

**Sponsors** Sen. Ken Yager / Rep. Kelly Keisling

**Description** Revises procedure for amending growth plans. Specifies that a municipal mayor may propose an amendment to the growth plan, regarding the urban growth boundary of the mayor's municipality, by filing notice with all of the other municipal mayors in the county and the county mayor or county executive. Specifies that a county mayor or county executive may propose an

amendment, regarding a change in the boundary between a planned growth area and a rural area, by filing notice with all of the municipal mayors in the county. Allows mayors to propose only one amendment each at a time. Allows for the coordinating committee to recommend amendments to proposed amendments, in addition to recommending for or against the proposed amendment. Provides the process by which and the time frame within which the committee must submit their recommendations and the governing bodies must respond. Establishes procedure for adoption of a revised growth plan.

**Fiscal Note** (Dated: March 13 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

## **Environment & Nature - 1**

### **SB1160 / HB952 Increase in the classification of a landfill - notice.**

**Sponsors** Sen. John Stevens / Rep. Tim Wirgau

**Description** Requires notice to be given to the proper local governing body and a hearing prior to any increase in the classification of a landfill or prior to expanding the categories of authorized waste at a landfill. Requires the department of environment and conservation to give consideration to comments made at the public hearing prior to the approval or nonapproval of the change in classification or expansion.

**Fiscal Note** (Dated: March 8 2013) Not Significant.

**Senate Status** 03/20/2013 - Senate Energy, Agriculture & Natural Resources Committee recommended. Referred to Senate Government Operations Committee.

**House Status** 03/21/2013 - Set for House Agriculture & Natural Resources Subcommittee 03/27/13.

**Position** Monitor

## **Government Organization - 7**

### **SB345 / HB760 Sunset-real estate appraiser commission.**

**Sponsors** Sen. Mike Bell / Rep. Judd Matheny

**Description** Extends the real estate appraiser commission to June 30, 2018.

**Fiscal Note** (Dated: February 5 2013) Not Significant.

**Senate Status** 02/25/2013 - Senate passed.

**House Status** 03/04/2013 - House passed.

**Executive Status** 03/22/2013 - Enacted as Public Chapter 0029 effective March 20, 2013.

**Position** Support

### **SB346 / HB759 Sunset-real estate commission.**

**Sponsors** Sen. Mike Bell / Rep. Judd Matheny

**Description** Extends the real estate commission to June 30, 2018.

**Fiscal Note** (Dated: February 11 2013) Not Significant.

**Senate Status** 02/25/2013 - Senate passed.

**House Status** 03/04/2013 - House passed.

**Executive Status** 03/22/2013 - Enacted as Public Chapter 0030 effective March 20, 2013.

**Position** Support

### **SB358 / HB752 Sunset - Tennessee auctioneer commission.**

**Sponsors** Sen. Mike Bell / Rep. Judd Matheny

**Description** Extends the Tennessee auctioneer commission to June 30, 2018.  
**Fiscal Note** (Dated: February 5 2013) Not Significant.  
**Senate Status** 03/04/2013 - Senate passed.  
**House Status** 03/04/2013 - House passed.  
**Executive Status** 03/20/2013 - Enacted as Public Chapter 0017 effective March 17, 2013.  
**Position** Support

**SB373 / HB831 Housing development agency, board of directors.**

**Sponsors** Sen. Mike Bell / Rep. Judd Matheny  
**Description** Shortens the termination date for the housing development agency, board of directors, from June 30, 2014, to June 30, 2013.  
**Fiscal Note** (Dated: February 20 2013) Not Significant.  
**Senate Status** 01/31/2013 - Referred to Senate Government Operations.  
**House Status** 02/06/2013 - Referred to House Government Operations.  
**Position** Support

**SB843 / HB311 Civil penalties that TN departments may assess.**

**Sponsors** Sen. Bill Ketron / Rep. Jeremy Faison  
**Description** Requires departments of this state prior to assessing any civil penalty against a person whose business or activities are regulated by the department to issue by mail a written citation that includes the nature and location of the violation, the requirements necessary to remedy the violation, the time for abatement of the violation which shall be no less than twenty business days, and the civil penalties that shall be assessed if the person fails to remedy the violation within the time for abatement. Allows the department to proceed to assess civil penalties if the person fails to remedy the violation.

**Amendment** House Business and Utilities Subcommittee amendment 1 (004667) makes the bill. Requires a department who finds that a person or business is not in compliance with a law, rule, or regulation made within the last two years to issue a written citation if the person or business has not previously violated such law, rule, or regulation. A time of abatement shall be provided for the person or business to remedy the violation. The person or business may object to the citation and have a hearing. This act does not preempt any federal laws, nor prohibit the immediate application of criminal penalties.

**Fiscal Note** (Dated: March 11 2013) Decrease State Revenue - \$45,300/General Fund - \$5,500/Agriculture Regulatory Fund - \$52,500/Tennessee Regulatory Authority - \$368,700/ABC Fund - Increase State Expenditures - \$2,000/One-Time/ABC Fund - \$58,900/Recurring/ABC Fund \$10,000/General Fund - Decrease Local Revenue - Exceeds \$27,200 - Increase Local Expenditures - \$19,100\* - Other Fiscal Impact - The Department of Health's Division of Regulatory Boards will experience a decrease in fee revenue from assessed civil penalties resulting in a loss of revenue to the boards of \$261,921; however, any decrease in revenue can be offset by subsequent increases in issuance and renewal fees for boards, agencies, and commissions. - According to the Department of Health, this legislation may jeopardize \$1,300,000 in federal funds provided to the Office of Health Care Facilities through a contract with the Centers for Medicare and Medicaid Services to conduct surveys on health facilities. - According to the Department of Environment and Conservation (TDEC), certain federal acts require that state law maintain a level of severity, at least equal to federal law. According to TDEC, it anticipates that the following acts and related funding would be jeopardized: Underground Storage Fund, Federal Clean Water Act, Environmental Protection Fund, Safe Drinking Water Act, Safe Water Programs, Drinking Water Regulation, Clean Water Act Grants, State clean Water Program Regulations, Solid Waste Disposal Act, State Hazardous Waste Programs, Clean Air Act, State Air Programs, State Air Implementation. Jeopardizing federal funding received from these Acts could result in a loss in federal revenue exceeding \$4,400,000.

**Senate Status** 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/21/2013 - Set for House Business & Utilities Committee 03/27/13.

**Position** Monitor

**SB896 Sunset-public planning organizations.**

**Sponsors** Sen. Frank Niceley

**Description** Places community, municipal and regional public planning organizations in sunset laws with a sunset date of June 30, 2015.

**Fiscal Note** (Dated: February 21 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Government Operations.

**House Status** *None*

**Position** Monitor

**SB1042 / HB1054 THDA board of directors and designees.**

**Sponsors** Sen. Brian K. Kelsey / Rep. Jeremy Faison

**Description** Authorizes a state officer director of the Tennessee housing development agency to change the designee who will sit on the board of directors by notifying the chair and the secretary of state's office before the agency meeting that the designee will be attending.

**Fiscal Note** (Dated: March 16 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee Consent Calendar 03/26/13.

**House Status** 03/21/2013 - Set for House State Government Subcommittee 03/26/13.

**Position** Monitor

**Government Regulation - 3**

**SB148 / HB142 Regulatory boards and commissions.**

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

**Description** Removes the requirement that each bill collection service have a location manager. Removes the requirement that real estate agents licensed in other states be granted reciprocal licensure in Tennessee only if such state also grants reciprocal licensure to Tennessee citizens. Revises provisions of law regarding Contractors, Collections, Architects and Engineers regulatory boards and commissions. (Part of Administration Package)

**Amendment** Senate Commerce & Labor Committee amendment 1, House Business and Utilities Committee amendment 1 (004103) rewrites the bill. Changes, from biannual to biennial, the frequency in which an appraisal management company (AMC) is required to certify that it has systems and verification processes in place for: any individual, who is being added to an appraiser panel; any individual to whom any AMC is making assignments; performance of an appraisal review on a periodic basis of work; proof that each service request received from within the state is being properly recorded; any individual who performs an appraisal in the state. Deletes references in code to location managers and location manager licenses.

**Fiscal Note** (Dated: February 26 2013) Decrease State Revenue - \$30,600/FY13-14/Collection Service Board Decrease State Expenditures - \$30,600/FY13-14/Collection Service Board - Not Significant/Real Estate Appraiser Commission - Other Fiscal Impact - All regulatory boards are required to be self-supporting. The Collection Service Board will continue to realize a decrease in licensure fee renewals each year until all location manager licenses are no longer valid. The Board will also incur a corresponding decrease in expenditures. The estimated net impact in the out years is estimated to be not significant.

**Senate Status** 03/22/2013 - Set for Senate Floor 03/27/13.

**House Status** 03/19/2013 - House Finance Committee recommended. Sent to House Calendar & Rules.

**Position** Monitor

**SB149 / HB143 Department of Commerce and Insurance - regulatory boards.**

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

**Description** Allows the director of the Division of Regulatory Boards of the Department of Commerce and Insurance to implement a system for electronic submission of complaints or applications for licensure or registration, including renewal, to any regulatory program attached to the Division. Adds that payment of any civil penalty assessed after a hearing held pursuant to the UAPA is a prerequisite to renewal of any license issued by a regulatory program assigned to the division unless the final decision of the regulatory authority is stayed pursuant to present law or acceptable arrangements for payment of the civil penalty are made with the regulatory authority prior to the renewal of any license issued by a regulatory program assigned to the division. (Part of Administration Package)

**Amendment** Senate amendment 1 (003779) extends the requirement that arrangements for the payment of civil penalties must have been made or arranged for prior to issuance or renewal of any license issued by a board, commission or agency attached to the division of regulatory boards. Makes various non-substantive technical changes.

**Fiscal Note** (Dated: February 20 2013) Other Fiscal Impact - All boards, councils, and commissions under the Division of Regulatory Boards will recognize cost savings due to the provisions of the proposed legislation. An exact amount of cost savings cannot be quantified due to a number of unknown factors. Each entity is required to be self-sufficient, therefore, it is estimated that any cost savings will result in adequate revisions to the fee structure of the individual entities to recognize the decrease in expenditures.

**Senate Status** 03/04/2013 - Senate passed with amendment 1.

**House Status** 03/21/2013 - House passed.

**Executive Status** 03/21/2013 - Sent to the speakers for signatures.

**Position** Monitor

**SB869 / HB590 Majority of voters needed for approval of certain annexations.**

**Sponsors** Sen. Rusty Crowe / Rep. James (Micah) Van Huss

**Description** Requires, prior to a municipality annexing within its urban growth boundary, the approval of a majority vote of qualified voters who reside in the territory proposed for annexation. Requires the municipality to give 90 days' notice of the proposed ordinance annexing the property to the affected residents of the territory by registered mail, return receipt requested.

**Fiscal Note** (Dated: February 25 2013) Increase Local Expenditures - Exceeds \$1,000\* - Other Fiscal Impact - Due to several unknown factors, any change in local government property tax revenue cannot be quantified.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

**Insurance General - 1**

**SB880 / HB1005 Coverage of sinkhole losses and subsequent structural repair.**

**Sponsors** Sen. Jim Tracy / Rep. Roger Kane

**Description** Makes various changes concerning coverage of sinkhole losses and subsequent structural repair. Adds definitions of primary structural member and primary structural system. Deletes restrictive definition of "sinkhole loss." Adds definition for structural damage to be interior



floor displacement or deflection in excess of acceptable variances. Defines foundation displacement or deflection in excess of acceptable variances.

**Fiscal Note** (Dated: February 21 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 03/20/2013 - Taken off notice in House Insurance & Banking Subcommittee.

**Position** Monitor

#### **Local Government - 14**

##### **SB230 / HB103 Eminent domain - resolving just compensation issues.**

**Sponsors** Sen. Joey Hensley / Rep. Joe Carr

**Description** Creates new procedures regarding eminent domain offers. Requires a statement of value be included with the notice. Provides guidelines for accepting or rejecting offers, creates penalties for property owners and government, and establishes court and arbitration procedures. Provides the original landowner the right of first refusal.

**Fiscal Note** (Dated: March 18 2013) Decrease Local Revenue - Exceeds \$10,000 - Increase Local Expenditures - Exceeds \$323,600/Permissive.

**Senate Status** 01/31/2013 - Referred to Senate Judiciary.

**House Status** 03/20/2013 - Failed in House Civil Justice Subcommittee.

**Position** Monitor

##### **SB231 / HB208 Prohibits a county from adopting a wage theft ordinance.**

**Sponsors** Sen. Brian K. Kelsey / Rep. Mark White

**Description** Prohibits any county, municipality, or political subdivision of the state from adopting or maintaining in effect any law, ordinance, or rule that creates requirements, regulations, or processes for the purpose of addressing wage theft.

**Fiscal Note** (Dated: March 17 2013) Not Significant.

**Senate Status** 01/31/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/05/2013 - Referred to House Local Government Subcommittee.

##### **SB236 / HB451 Property taken by eminent domain.**

**Sponsors** Sen. Stacey Campfield / Rep. Steve Hall

**Description** Prohibits more than twenty percent of any property taken pursuant to any condemnation proceeding from being leased to private companies. Grants rights of first refusal to the owner of land taken by eminent domain that after five years has not been converted to the purpose for which it was acquired.

**Fiscal Note** (Dated: March 20 2013) Decrease State Revenue - Exceeds \$100,000/Recurring/Highway Fund Increase State Expenditures - \$10,000/Recurring/Highway Fund - Decrease Local Revenue - Exceeds \$10,000/Recurring - Increase Local Expenditures - Exceeds \$10,000/Mandatory\* - Exceeds \$10,000/Permissive.

**Senate Status** 01/31/2013 - Referred to Senate Judiciary.

**House Status** 02/21/2013 - Referred to House Civil Justice Subcommittee.

**Position** Monitor

##### **SB279 / HB475 Annexation requires majority vote of qualified voters.**

**Sponsors** Sen. Bo Watson / Rep. Mike Carter

**Description** Requires the approval of a majority vote of qualified voters in the proposed annexed territory before a municipality annexes within its urban growth boundary.

**Amendment** House Local Government Committee amendment 1 (004267) rewrites the bill. Allows citizens and property owners to petition the municipality to extend its corporate limits by

annexation after public notice and public hearing. Requires notice of the annexation ordinance and a map of the annexed area to the county mayor of the annexed territory. Allows a municipality, on its own initiative, to extend its corporate limits by annexation if the ordinance is approved by a majority of qualified voters who reside in the territory proposed for annexation.

**Fiscal Note** (Dated: March 1 2013) Other Fiscal Impact - To the extent any referendum is held in conjunction with regularly-scheduled elections, any increase in local government expenditures is considered not significant. However, if a special referendum is required, the mandatory increase in local government expenditures is reasonably estimated to exceed \$8,000. Due to several unknown factors, any change in local government property tax revenue cannot be quantified.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/20/2013 - House Finance Subcommittee deferred to Annexation Calendar.

**Position** Monitor

**SB281 / HB92 Minimum statewide building construction safety standards.**

**Sponsors** Sen. Bill Ketron / Rep. Jimmy A. Eldridge

**Description** Makes various changes concerning a local government's ability to exempt itself from minimum statewide building construction safety standards.

**Fiscal Note** (Dated: March 17 2013) Other Fiscal Impact - To the extent a local government jurisdiction elects to adopt alternative building and residential codes, and International Standards Organization (ISO) ratings are reduced, there will be an increase in local government expenditures of an unknown amount. Any such increase in local government expenditures is considered permissive due to the election decision by the local governing body. Otherwise, the fiscal impact of this bill is estimated to be not significant.

**Senate Status** 01/31/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/05/2013 - Referred to House State Government Subcommittee.

**Position** Support

**SB672 / HB535 Changes to urban growth plan amendment approval.**

**Sponsors** Sen. Mae Beavers / Rep. Mark Pody

**Description** Revises the approval process of urban growth plan amendments. Requires the growth plan amendments to be approved in a referendum by eligible voters owning property that will be affected by the proposed amendment.

**Fiscal Note** (Dated: March 17 2013) Increase Local Expenditures - Exceeds \$15,000\* - Other Fiscal Impact - Any fiscal impact to property tax revenue for local governments is dependent upon multiple unknown factors and cannot be determined.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 02/06/2013 - Referred to House Local Government Subcommittee.

**Position** Monitor

**SB731 / HB230 Restraint on Government Growth Act.**

**Sponsors** Sen. Bo Watson / Rep. Mike Carter

**Description** Enacts "Restraint on Government Growth Act." Requires that all annexations within a municipality's approved urban growth boundaries under an amended growth plan be by referendum only and not by ordinance.

**Fiscal Note** (Dated: March 11 2013) Increase Local Expenditures - Exceeds \$6,000\* - Other Fiscal Impact - Due to multiple unknown factors, any change in local government property tax revenue cannot be quantified.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House Local Government Subcommittee 03/27/13.

**Position** Monitor

**SB732 / HB231 Authority of mayor to amend growth plan.**

**Sponsors** Sen. Bo Watson / Rep. Mike Carter

**Description** Requires removal of the municipal mayor, or their designees, from the county coordinating committee for growth plan hearings, and prohibits the mayor, or designees, from proposing amendments to the initial growth plan, when the municipality has not annexed all territory within its urban growth boundaries as specified in the initial or amended growth plan, and the municipality has not yet fully complied with all plans of services adopted for the annexed territories.

**Amendment** House Local Government Committee amendment 1 (003231) corrects two typos in the original bill and makes no substantive changes. House Local Government Committee amendment 2 (003551) makes the bill. Requires removal of the municipal mayor, or their designees, from the county coordinating committee for growth plan hearings, and prohibits the mayor from proposing amendments to the initial growth plan, when the municipality has not yet fully complied with all plans of services adopted for the annexed territories. Removes original bill's language regarding the municipality's annexation of all territory within its urban growth boundaries under the initial growth plan or an amended growth plan.

**Fiscal Note** (Dated: February 12 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 02/21/2013 - Taken off notice in House Calendar & Rules.

**Position** Monitor

**SB959 / HB1199 Repurchase of property taken by eminent domain.**

**Sponsors** Sen. Randy McNally / Rep. John Ragan

**Description** Grants certain property owners, or their heirs or assigns, whose land is taken by eminent domain the right to repurchase such property if the condemning entity decides to sell the property within 10 years of the property being taken the property shall be first offered for sale to the person whom the property was taken. Establishes that the property owner has 30 days to sign an agreement to purchase the property. Requires local legislative bodies to conduct public hearings and a majority vote prior to taking property by eminent domain.

**Amendment** HOUSE CIVIL JUSTICE SUBCOMMITTEE AMENDMENT 1 (003784) rewrites sections 1-3 of the bill. HOUSE CIVIL JUSTICE SUBCOMMITTEE AMENDMENT 2 (004110) removes the applicability of the state from the provisions of the bills as amended.

**Fiscal Note** (Dated: February 19 2013) Decrease State Revenue - \$100,000/Recurring/Highway Fund - Increase State Expenditures - \$10,000/Recurring/Highway Fund - Decrease Local Revenue - Exceeds \$10,000 - Increase Local Expenditures - Exceeds \$10,000/Mandatory\* - Exceeds \$10,000/Permissive.

**Senate Status** 03/21/2013 - Set for Senate Judiciary Committee 03/26/13.

**House Status** 03/21/2013 - Set for House Civil Justice Committee 03/27/13.

**Position** Monitor

**SB1054 / HB1263 Notice to property owners regarding annexation.**

**Sponsors** Sen. Brian K. Kelsey / Rep. Steve McManus

**Description** Requires an annexing municipality to provide notice to property owners within ten days after a court order is entered upholding an annexation and before the effective date of annexation. Specifies requirements for information that is to be included on the advance written notification. Makes other various changes to annexation law.

**Fiscal Note** (Dated: March 15 2013) Increase Local Expenditures - Exceeds \$1,000\* - Other Fiscal Impact - Due to several unknown factors, any change in local government property tax revenue cannot be determined.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

**SB1167 / HB1103 Eminent domain - limitation placed on owner's actions.**

**Sponsors** Sen. Doug Overbey / Rep. Mike Carter

**Description** Revises various provisions governing eminent domain and the limitation placed on the owners' actions.

**Fiscal Note** (Dated: March 17 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Judiciary.

**House Status** 03/21/2013 - Set for House Civil Justice Subcommittee 03/26/13.

**Position** Monitor

**SB1189 / HB1003 Eminent domain - fair market value of property.**

**Sponsors** Sen. Frank Niceley / Rep. Jeremy Faison

**Description** Requires that the fair market value of property taken by eminent domain be based on the highest and best use of such property. Specifies that the determination of highest and best use shall not be limited to current zoning or land use restrictions presently imposed upon the property.

**Fiscal Note** (Dated: February 27 2013) Increase State Expenditures -

\$40,000,000/Recurring/Highway Fund - Increase Local Expenditures - Exceeds \$10,000/Permissive.

**Senate Status** 02/13/2013 - Referred to Senate Judiciary.

**House Status** 03/13/2013 - Failed in House Civil Justice Subcommittee.

**Position** Monitor

**SB1285 / HB1204 Ratification of proposed charter of metropolitan government.**

**Sponsors** Sen. Jim Tracy / Rep. David Alexander

**Description** Provides that where a proposed charter of metropolitan government is ratified by a majority of those voting in a principal city and in the county outside of the principal city, but a smaller city continues, the smaller city must retain all powers of a separate city that are authorized under the constitution, its charter and the general laws of this state. Requires the smaller city become a part of the general services district and may not thereafter be included within the urban services district by action of the metropolitan council.

**Amendment** House Local Government Subcommittee amendment 1 (004197) changes the effective date.

**Fiscal Note** (Dated: March 5 2013) Other Fiscal Impact - The net fiscal impact to local government is considered not significant; however, the fiscal impact to individual local government entities may vary and could be significant. Such individual impacts are dependent upon unknown factors and cannot be quantified.

**Senate Status** 03/12/2013 - Senate State & Local Government Committee deferred to last calendar.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Oppose

**SB1316 / HB1249 Annexation - land zoned for agricultural use.**

**Sponsors** Sen. Janice Bowling / Rep. James (Micah) Van Huss

**Description** Prohibits a municipality from annexing any territory located within its approved urban growth boundaries that is zoned for agricultural use until there is a change in use triggered by a request for a non-agricultural zoning designation or by sale of the territory for use other than agricultural purposes.

**Fiscal Note** (Dated: March 9 2013) Other Fiscal Impact - Due to multiple unknown factors, any change in local government property tax revenue cannot be quantified. No impact to state government.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

## **Media & Publishing - 1**

### **SB461 / HB1001 Public notice in newspaper must also be on website.**

**Sponsors** Sen. Ken Yager / Rep. Ryan A. Haynes

**Description** Requires legal and public notices that are currently required to be published in newspaper of general circulation to also be posted on newspaper's web site and on statewide web site maintained by Tennessee Press Association.

**Amendment** Senate amendment 1, House State Government Committee amendment 1 (003948) establishes that newspapers post the complete notice at the same price. Requires notices to be posted on a statewide web site established and maintained as a joint venture of the majority of Tennessee newspapers, instead of the Tennessee Press Association. Adds that any notice published on a web site pursuant to this section shall be accessible to the public at no charge.

**Fiscal Note** (Dated: February 19 2013) Not Significant.

**Senate Status** 03/14/2013 - Senate passed with amendment 1.

**House Status** 03/22/2013 - Set for House Floor 03/25/13.

**Position** Monitor

## **Professions & Licensure - 6**

### **SB166 / HB160 Alters exemptions for certain licensing requirements.**

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

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

**Amendment** House amendment 1, Senate Commerce and Labor Committee amendment 1 (003550) corrects drafting errors regarding Appendix D and adds "Tennessee" to Real Estate Broker License Act.

**Fiscal Note** (Dated: February 5 2013) Not Significant.

**Senate Status** 03/22/2013 - Set for Senate Floor 03/27/13.

**House Status** 03/04/2013 - House passed with amendment 1 (003550), which corrects drafting errors regarding Appendix D and adds "Tennessee" to Real Estate Broker License Act.

**Position** Monitor Closely

### **SB636 / HB1026 Authorize sell of scrap metal from HVAC units from previous owners.**

**Sponsors** Sen. Jim Tracy / Rep. Vince Dean

**Description** Allows an owner of a single family residence who purchases an HVAC unit to replace an existing unit may sell scrap metal from the existing unit if the owner presents the scrap metal dealer with proof of purchase for the new HVAC unit.

**Fiscal Note** (Dated: March 7 2013) Not Significant.

**Senate Status** 03/13/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.

**Position** Oppose

**SB646 / HB133 Alters Tennessee Real Estate Broker License Act of 1973.**

**Sponsors** Sen. Jim Tracy / Rep. Jon Lundberg

**Description** Requires that licensees under the Tennessee Real Estate Broker License Act be notified of required terms and conditions of coverage for errors and omissions insurance policy at least 30 days but not more than 90 days before the policy renewal date. Provides for automatic suspension of license if licensee fails to obtain, maintain or renew errors and omissions insurance and provide proof of compliance to the Tennessee Real Estate Commission, as required. Specifies that a license suspended for more than one year shall be automatically revoked. Sets forth processes for licensee to request formal hearing and for license reinstatement. Broadly captioned.

**Amendment** HOUSE BUSINESS & UTILITIES COMMITTEE AMENDMENT 1, (004452) requires the Real Estate Appraiser Commission to send notifications of license suspension to the home address, in addition to the business address, of the licensee. Removes the 90-day cap, then further removes the requirement of a real estate broker to file a certificate of coverage with the Tennessee Real Estate Commission, both as provided in the original bill. Specifies that a license suspended shall, rather than may, be reinstated on or after 31 days of suspension upon the licensee providing proof of insurance which complies with the retired terms and conditions of coverage and pays the appropriate fee. SENATE COMMERCE AND LABOR COMMITTEE AMENDMENT 1 (005006) requires the Real Estate Appraiser Commission to send notifications of license suspension to the home address, in addition to the business address, of the licensee. Removes the 90-day cap, then further removes the requirement of a real estate broker to file a certificate of coverage with the Tennessee Real Estate Commission, both as provided in the original bill. Specifies that a license suspended shall, rather than may, be reinstated if on or after 31 days of suspension, the licensee provides proof of insurance and complies with the retired terms and conditions of coverage and pays the appropriate fee. This amendment is different from House Business & Utilities Committee amendment 1 in that it rewrites subsection (k) in its entirety to make the same changes as the House Business & Utilities Committee does without rewriting the whole subsection.

**Fiscal Note** (Dated: February 21 2013) Not Significant.

**Senate Status** 03/22/2013 - Set for Senate Floor 03/25/13.

**House Status** 03/21/2013 - House deferred to 03/28/13.

**Position** Support - TAR Bill

**SB733 / HB474 Scrap metal dealer registration to exceed death by 60 days.**

**Sponsors** Sen. Bo Watson / Rep. Mike Carter

**Description** Delays the expiration of a scrap metal dealer registration upon the death of the registrant for locations designated in such registration for a period of at least sixty days. Allows the commissioner of commerce and insurance to extend the sixty day period for a good cause.

**Fiscal Note** (Dated: March 7 2013) Not Significant.

**Senate Status** 03/22/2013 - Set for Senate Consent Calendar 2 03/25/13.

**House Status** 03/21/2013 - Set for House Business & Utilities Subcommittee Final Calendar 03/26/13.

**Position** Monitor

**SB760 / HB1138 Scrap metal transactions and public accountant trustees.**

**Sponsors** Sen. Jack Johnson / Rep. Tim Wirgau

**Description** Requires that the residence address required to be recorded in a scrap metal purchaser's daily log be a physical address, not a mailing address. References the provision that must be used for grading the value of scrap metal for purposes of dealers who commit the offense of theft. Updates the definition of "trustee" that certain certified public accountants must meet when acting in that capacity under the Tennessee Prepaid Funeral Benefits Act.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/21/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Monitor

#### **SB942 / HB944 TN Real Estate Commission to conduct criminal background checks.**

**Sponsors** Sen. Steve Southerland / Rep. Ryan Williams

**Description** Requires the Tennessee Real Estate Commission to collect a legible set of fingerprints from all applicants for a license and current licensees for real estate brokers, affiliate brokers, time-share salespersons, and acquisition agents for purposes of conducting a criminal background check from the Tennessee bureau of investigation and the federal bureau of investigation.

**Amendment** Senate Commerce and Labor Committee amendment 1, House Business and Utilities Subcommittee amendment 1 (004701) removes requirement that current licensees, who have committed an infraction, submit a complete and legible set of fingerprints. Removes the requirement for the Commission to refuse renewal of current licensees who do not comply. Specifies that applicants for a time-share license are included in the requirement for new applicants to submit fingerprints. States that any former affiliate broker, who is obtaining a broker license, is not required to submit a complete and legible set of fingerprints.

**Fiscal Note** (Dated: March 11 2013) Increase State Revenue - \$89,400/FY13-14/TBI - \$172,800/FY14-15 and Subsequent Years/TBI - Increase State Expenditures - \$1,000/FY13-14/Tennessee Real Estate Commission - \$89,400/FY13-14/TBI - \$172,800/FY14-15 and Subsequent Years/TBI - Other Fiscal Impact - The increase expenditures of \$1,000 to the Tennessee Real Estate Commission can be covered through current fee revenue. As of June 30, 2012, the Commission had a reserve balance of \$2,605,011.

**Senate Status** 03/19/2013 - Senate Commerce & Labor Committee recommended with amendment 1 (004701). Sent to Senate Finance.

**House Status** 03/21/2013 - Set for House Business & Utilities Committee 03/27/13.

**Position** Support

#### **Property & Housing - 21**

#### **SB53 / HB33 Development standards for selected types of developments.**

**Sponsors** Sen. Ken Yager / Rep. Kelly Keisling

**Description** Allows designated types of developments to adhere to the development standards that were in effect when the developments were approved. Establishes an initial vesting period between one to three years in which the approval of a project shall remain valid. If no construction on project has commenced at the end of the designated initial vesting time frame then the approval of the project shall be expired. The developer can appeal the expiration to the chancery court of the county in which the project is located. Also establishes that the project can be developed under the standards in existence at the time of approval.

**Fiscal Note** (Dated: January 28 2013) Other Fiscal Impact - Due to several unknown factors associated with future property tax assessments, property developments, and property tax collections by local governments, a precise fiscal impact cannot be determined; however, the net fiscal impact to local government is estimated to be not significant.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House State Government Subcommittee 03/26/13.

**Position** Support

**SB122 / HB1 THDA - conflict of interest provisions.**

**Sponsors** Sen. Bill Ketron / Rep. Jeremy Faison

**Description** Deletes current law provision exempting full-time employees of local governments, public housing authorities and non-profit 501(c)(3) entities from the Tennessee Housing Development Agency's conflict of interest requirements.

**Fiscal Note** (Dated: January 24 2013) Not Significant.

**Senate Status** 01/30/2013 - Referred to Senate State & Local Government.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

**SB235 / HB212 Transfer by eminent domain of blighted properties.**

**Sponsors** Sen. Stacey Campfield / Rep. Steve Hall

**Description** Restricts governmental entities' power of eminent domain. Prohibits such entities from condemning blighted private property and transferring the property to a private entity. Requires the taking of blighted property to be done only to repair or demolish the property. Defines blighted property.

**Fiscal Note** (Dated: March 18 2013) Decrease State Revenue - \$60,000 Increase State Expenditures - \$1,000,000/Highway Fund - Decrease Local Revenue - Exceeds \$1,000,000 - Increase Local Expenditures - Exceeds \$250,000/Mandatory\* Exceeds \$1,000,000/Permissive.

**Senate Status** 01/31/2013 - Referred to Senate Judiciary.

**House Status** 03/20/2013 - Taken off notice in House Civil Justice Subcommittee.

**Position** Monitor

**SB241 / HB452 Requires property liens be based on a written contract.**

**Sponsors** Sen. Stacey Campfield / Rep. Steve Hall

**Description** Sets a requirement that property liens greater than \$10,000 be based on a written contract or agreement, except in situations where the property lien arises from a judgment.

**Fiscal Note** (Dated: February 18 2013) Not Significant.

**Senate Status** 02/26/2013 - Taken off notice in Senate Judiciary.

**House Status** 02/05/2013 - Referred to House Civil Justice Subcommittee.

**Position** Monitor

**SB282 / HB106 Termination of rental agreement after fire.**

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

**Description** Authorizes landlords to terminate rental agreements within 14 days of providing written notice to the tenant after the premises or unit is destroyed or damaged by fire or casualty. If the rental agreement is terminated, rent owed would be calculated from the date the tenant returns the keys to the landlord, or the date the tenant vacates the premises.

**Amendment** House amendment 1, Senate Commerce and Labor Committee amendment 1 (003522) specifies that, if the rental agreement is terminated, rent owed would be calculated from the date the tenant returns the keys to the landlord, or the date the tenant vacates the premises, whichever date is earlier. Clarifies that bill's provisions apply to rental agreements entered into "or renewed" on or after the effective date of this act.

**Fiscal Note** (Dated: February 12 2013) Not Significant.

**Senate Status** 03/18/2013 - Senate Commerce & Labor Committee recommended with amendment 1. Sent to Senate Calendar Committee.

**House Status** 03/07/2013 - House passed with amendment 1.



**Position** Monitor

**SB537 / HB273 Publication notices for sale of land.**

**Sponsors** Sen. Mike Bell / Rep. Glen Casada

**Description** Requires the first publication for sales of land for execution to be posted no more than 30 days, instead of at least 20 days, prior to the sale. Changes the length of posting of advertisements for sales on execution to no more than 30 days, instead of at least 20 days for land and 10 days for all kinds of other property. Broadly captioned.

**Fiscal Note** (Dated: March 15 2013) Not Significant.

**Senate Status** 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/19/2013 - House Business & Utilities Subcommittee deferred 1/1/2014.

**Position** Monitor

**SB585 / HB276 Notice of and hearing for proposed zoning changes.**

**Sponsors** Sen. Jack Johnson / Rep. Glen Casada

**Description** Requires a local board of zoning appeals or local legislative body, prior to certifying or adopting a zoning plan or updating a zoning ordinance, to notify all affected landowners of such actions and conduct a public hearing to obtain input from all affected landowners.

**Fiscal Note** (Dated: March 8 2013) Increase Local Expenditures - Exceeds \$11,000.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 02/21/2013 - Referred to House Local Government Subcommittee.

**Position** Monitor

**SB602 / HB1070 Liens - priority over mortgages.**

**Sponsors** Sen. John Stevens / Rep. Barrett Rich

**Description** Requires that the lien of a deed of trust to finance improvement to real property granted by the real property owner take priority over certain other liens if filed with the county's register of deeds within 20 days after execution.

**Fiscal Note** (Dated: February 18 2013) Not Significant.

**Senate Status** 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 02/20/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Monitor

**SB729 / HB233 Assignment of mortgage or deed of trust.**

**Sponsors** Sen. Bo Watson / Rep. Mike Carter

**Description** Requires assignments of mortgage or deeds of trust for real property located within the state to be registered with the county register not to exceed 30 days following the execution of the assignment of mortgage. Renders the assignment of mortgage or deed of trust unenforceable against subsequent purchasers if not recorded. Broadly captioned.

**Fiscal Note** (Dated: March 7 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate Commerce & Labor Committee Final Calendar 03/27/13.

**House Status** 03/21/2013 - Set for House Business & Utilities Subcommittee Final Calendar 03/26/13.

**Position** Monitor

**SB737 / HB671 Termination of a rental agreement for victims of abuse & stalking.**

**Sponsors** Sen. Reginald Tate / Rep. G.A. Hardaway

**Description** Permits a tenant to terminate a residential rental agreement or lease agreement entered into or renewed on or after July 1, 2013, upon the tenant providing the landlord with written notice stating that the tenant or a household member is the victim of domestic abuse, sexual assault,

or stalking. Requires the tenant, in addition to providing written notice, to provide documentation verifying that tenant is a victim such as a copy of a valid order of protection. Prohibits a landlord from revealing any identifying information concerning a tenant who has terminated a lease without the written consent of the victim.

**Fiscal Note** (Dated: March 10 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/06/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Oppose

**SB759 / HB1143 Tennessee Time-Share Act - increase fees.**

**Sponsors** Sen. Jack Johnson / Rep. Pat Marsh

**Description** Increases the registration fee for acquisition agents and their representatives, as defined in the Tennessee Time-Share Act of 1981, from twenty-five dollars to fifty dollars.

**Fiscal Note** (Dated: March 12 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/21/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Monitor

**SB844 / HB706 Late rent payment under the Uniform Landlord and Tenant Act.**

**Sponsors** Sen. Bill Ketron / Rep. Mike Carter

**Description** Deletes provision in Uniform Landlord and Tenant Act prohibiting public housing projects in Hamilton and Rutherford counties from charging more than \$5.00 per month for the late payment of rent or charging a late fee unless more than 15 days have elapsed since rent was due.

**Amendment** HOUSE FINANCE SUBCOMMITTEE AMENDMENT 1, SENATE AMENDMENT 1 (003621) provides that provisions of the original bill are applicable to rental agreements where, the location of the rental property is either in Hamilton County or Rutherford County, and such agreement was made after the effective date of this bill. HOUSE BUSINESS & UTILITIES COMMITTEE AMENDMENT 1 (003529) adds a provision stating that the bill shall apply to any rental agreement entered into or renewed on or after July 1, 2013.

**Fiscal Note** (Dated: February 12 2013) Other Fiscal Impact - Hamilton County public housing development authorities currently collect a \$5 late fee. If the authorities choose to increase the amount of late fees collected pursuant to the bill, the authorities could increase late fee revenue up to \$63,300. Collecting late fees is left to the discretion of the authority and any amount of increase will be permissive. Any funds collected will remain with the appropriate authority.

**Senate Status** 02/25/2013 - Senate passed with amendment 1.

**House Status** 03/21/2013 - Set for House Finance Committee 03/26/13.

**Position** Monitor

**SB915 / HB964 Development standards for building permits.**

**Sponsors** Sen. Frank Niceley / Rep. Curry Todd

**Description** Creates vesting periods of five years in which certain regional and municipal development standards remain in effect from the date an application for building permit or approval of preliminary plat is submitted to the end of the vesting period or the last phase of development.

**Fiscal Note** (Dated: March 8 2013) Other Fiscal Impact - Due to several unknown factors associated with future property tax assessments, property developments, and property tax collections by local government, a precise fiscal impact cannot be determined; however, the net fiscal impact to local government is estimated to be not significant.

**Senate Status** 03/21/2013 - Set for Senate State & Local Government Committee 03/27/13.

**House Status** 03/21/2013 - Set for House Local Government Committee 03/26/13.

**Position** Monitor

**SB944 / HB682 Requirements for executive director of real estate commission.**

**Sponsors** Sen. Steve Southerland / Rep. Art Swann

**Description** Deletes requirement that the executive director of the real estate commission must have passed the broker's examination.

**Fiscal Note** (Dated: March 3 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/06/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Support - TAR Bill

**SB957 Repurchase of property taken by eminent domain.**

**Sponsors** Sen. Randy McNally

**Description** Requires condemned land acquired via eminent domain that was taken for an unauthorized use, not used for a public purpose or purpose intended, or placed for sale within 10 years of acquisition to be first offered for sale at the condemnation price to the person whom owned the land when the land was acquired via eminent domain. Requires the land to be offered to the person's heirs if the person whom owned the land is deceased.

**Senate Status** 02/08/2013 - Referred to Senate Judiciary.

**House Status** *None*

**Position** Monitor

**SB958 Local governing bodies - public hearing before eminent domain use.**

**Sponsors** Sen. Randy McNally

**Description** Requires the county legislative body and the legislative body of any municipality to conduct a public hearing before a regularly scheduled meeting to determine the necessity of condemning property for a county purpose and approve the exercise of eminent domain by a majority vote before any property is taken by eminent domain.

**Senate Status** 02/08/2013 - Referred to Senate Judiciary.

**House Status** *None*

**Position** Monitor

**SB1014 / HB109 Private property rights without due process of law.**

**Sponsors** Sen. Mike Bell / Rep. Sheila Butt

**Description** Prohibits the state of Tennessee or any political subdivision from adopting or implementing policy recommendations that intentionally or inadvertently infringe upon or restricts private property rights without due process of law. Prohibits the state of Tennessee or any political subdivision of the state from entering into any agreement, expend any sum of money, or receive funds contracting services, or give financial aid to or from any non-governmental and intergovernmental organization engaging in sustainable development policies.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 02/21/2013 - Referred to House State Government Subcommittee.

**Position** Monitor

**SB1067 / HB685 Judgment lien on real estate.**

**Sponsors** Sen. Charlotte Burks / Rep. Charles Curtiss

**Description** Clarifies that real property, not personal property, is addressed by the provision creating a judgment lien on real estate. Requires that any abstract of a judgment lien on real property that is recorded include certain information.

**Amendment** House Civil Justice Subcommittee amendment 1 (004153) rewrites the bill.

Establishes that if a judgment, decree or other such document affecting title, possessions or use of

property is registered as a lien against the property of a person, and such person is not the person against whom the judgment, decree or other document is entered, the lien may be removed by a court of competent jurisdiction upon a showing by a preponderance of evidence that is not a valid lien against such property. Allows a person who successfully has a lien removed pursuant to this section to recover all damages incurred as a result of the judgment lien being filed on the property. Creates an exception for licensed attorneys who prepare a document covered by this section in the course of representing a client.

**Fiscal Note** (Dated: March 7 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Judiciary.

**House Status** 03/21/2013 - Set for House Floor 03/28/13.

**Position** Monitor

**SB1109 / HB533 Writ of possession - 24 hour notice to remove and liability.**

**Sponsors** Sen. James F. Kyle Jr. / Rep. Johnnie Turner

**Description** Requires 24 hours written notice prior to the execution of the writ of possession. Specifies time period for such writ to be executed. Requires plaintiff to compile an inventory list of defendant's personal property prior to removal but at the time of execution. Grants cause of action to defendant if plaintiff does not create an inventory list.

**Fiscal Note** (Dated: March 11 2013) Increase State Expenditures - \$100,000 - Increase Local Expenditures - \$100,000.

**Senate Status** 03/19/2013 - Senate Commerce & Labor Committee deferred to next meeting.

**House Status** 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.

**Position** Oppose

**SB1136 / HB876 Codes inspection on buildings less than three stories in height.**

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

**Description** Places all responsibility for building standards and fire safety inspections on business occupancies and places of assembly in buildings less than three stories in height with certain local jurisdictions that have been approved by the state fire marshal to enforce codes inspections.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/14/2013 - Referred to House State Government Subcommittee.

**Position** Monitor

**SB1193 / HB1028 Manufactured home not installed by licensed persons.**

**Sponsors** Sen. Todd Gardenhire / Rep. Vince Dean

**Description** Creates a Class C misdemeanor to occupy a manufactured home not installed by a licensed person or relocate certain manufactured homes that were not installed by a properly licensed person. Creates a 90 day maximum extension of time for an installer to correct certain violations.

**Fiscal Note** (Dated: March 2 2013) Not Significant.

**Senate Status** 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.

**Position** Monitor

**Taxes Business - 4**

**SB277 / HB318 Phases out privilege tax on certain occupations.**

**Sponsors** Sen. Janice Bowling / Rep. David Shepard

**Description** Phases out the privilege tax on persons engaged in certain occupations by annually decreasing it by ten percent of the current four hundred dollar yearly privilege tax. Eliminates the tax entirely after ten years in June 2023.

**Fiscal Note** (Dated: February 20 2013) On February 17, 2013, a fiscal note was issued estimating a fiscal impact as follows: - Decrease State Revenue - Net Impact - \$7,483,500/FY13-14 - \$14,967,000/FY14-15 - \$22,450,400/FY15-16 - \$29,933,900/FY16-17 - \$37,417,400/FY17-18 - \$44,900,900/FY18-19 - \$52,384,400/FY19-20 - \$59,867,800/FY20-21 - \$67,351,300/FY21-22 - \$74,834,800/FY22-23 and Subsequent Years - Increase Local Revenue - \$106,600/FY13-14 - \$213,200/FY14-15 - \$319,800/FY15-16 - \$426,500/FY16-17 - \$533,100/FY17-18 - \$639,700/FY18-19 - \$746,300/FY19-20 - \$852,900/FY20-21 - \$959,500/FY21-22 - \$1,066,100/FY22-23 and Subsequent Years - Due to an omission, this impact was in error. Based on additional information provided by the Department of Revenue, the estimated fiscal impact is: (CORRECTED)

- Decrease State Revenue - Net Impact - \$7,483,500/FY13-14 - \$14,967,000/FY14-15 - \$22,450,400/FY15-16 - \$29,933,900/FY16-17 - \$37,417,400/FY17-18 - \$44,900,900/FY18-19 - \$52,384,400/FY19-20 - \$59,867,800/FY20-21 - \$67,351,300/FY21-22 - \$74,834,800/FY22-23 and Subsequent Years - Decrease State Expenditures - \$88,320/FY13-14 - \$176,640/FY14-15 - \$264,960/FY15-16 - \$353,280/FY16-17 - \$441,600/FY17-18 - \$529,920/FY18-19 - \$618,240/FY19-20 - \$706,560/FY20-21 - \$794,880/FY21-22 - \$883,200/FY22-23 and Subsequent Years - Increase Local Revenue - \$106,600/FY13-14 - \$213,200/FY14-15 - \$319,800/FY15-16 - \$426,500/FY16-17 - \$533,100/FY17-18 - \$639,700/FY18-19 - \$746,300/FY19-20 - \$852,900/FY20-21 - \$959,500/FY21-22 - \$1,066,100/FY22-23 and Subsequent Years.

**Senate Status** 03/05/2013 - Senate Finance Tax Subcommittee returned to Senate Finance with a negative recommendation.

**House Status** 02/05/2013 - Referred to House General Subcommittee of Finance.

**Position** Monitor

#### **SB753 / HB1141 Electronic application or renewal of business licenses.**

**Sponsors** Sen. Jack Johnson / Rep. Pat Marsh

**Description** Requires that on or after January 1, 2015 counties and municipalities issuing or renewing licenses provide a means by which the taxpayer may apply for or renew licenses issued by usage of the Internet.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/21/2013 - Referred to House Business & Utilities Subcommittee.

**Position** Monitor

#### **SB925 / HB879 Changes privilege tax due date.**

**Sponsors** Sen. Jack Johnson / Rep. Michael Harrison

**Description** Changes the date by which privilege taxes are due each year from June 1 to August 1. Broadly captioned.

**Fiscal Note** (Dated: February 18 2013) Decrease State Revenue - Exceeds \$21,306,300/FY12-13 - Decrease Local Revenue - Exceeds \$1,079,900/FY12-13.

**Senate Status** 03/21/2013 - Set for Senate Finance Tax Subcommittee Final Calendar 03/25/13.

**House Status** 02/13/2013 - Referred to House General Subcommittee of Finance.

**Position** Monitor

#### **SB982 / HB20 Determining the amount of the professional privilege tax.**

**Sponsors** Sen. Randy McNally / Rep. David Shepard

**Description** Urges the commissioner of the department of revenue to study the advisability of using the profitability ratio for the type of vocation, profession, business or occupation in

determining the amount of the professional privilege tax. Requests the commissioner to report such findings to the finance, ways and means committees of the house and senate by January 15, 2014.

**Fiscal Note** (Dated: January 22 2013) Not Significant.

**Senate Status** 03/21/2013 - Set for Senate Finance Tax Subcommittee Final Calendar 03/25/13.

**House Status** 02/05/2013 - Referred to House General Subcommittee of Finance.

**Position** Monitor

## **Taxes General - 2**

### **SB58 / HB1212 Excludes a gift made by a decedent from inheritance tax.**

**Sponsors** Sen. Doug Overbey / Rep. Tim Wirgau

**Description** Excludes from inheritance tax any gift made by a decedent within three years prior to death and which is made prior to January 1, 2012.

**Fiscal Note** (Dated: February 26 2013) Decrease State Revenue - \$13,036,000/FY12-13 - \$24,253,800/FY13-14 - \$14,741,400/FY14-15 - \$3,948,200/FY15-16.

**Senate Status** 03/21/2013 - Set for Senate Finance Tax Subcommittee Final Calendar 03/25/13.

**House Status** 03/21/2013 - Set for House Finance Subcommittee 03/27/13.

**Position** Support

### **SB801 / HB495 Age exclusive developments - taxes and fees revised.**

**Sponsors** Sen. Mae Beavers / Rep. Mike Sparks

**Description** Prohibits impact fees or adequate facilities taxes from being imposed in Rutherford County on age-exclusive developments for persons fifty-five and older if children as permanent residents are also excluded. Clarifies present acts imposing impact fees and adequate facilities taxes may be revised to reduce the fee or tax or remove types of property from being subject to such fees or taxes in Rutherford County.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 02/21/2013 - Referred to House Local Government Subcommittee.

**Position** Support

## **Taxes Property - 7**

### **SB54 / HB19 Property acquired by Hickman County at a tax sale.**

**Sponsors** Sen. Jim Summerville / Rep. David Shepard

**Description** Establishes that whenever Hickman County acquires property at a tax sale, any non-governmental entities holding a vested contractual right to payment of fees or assessments secured by such property shall retain such right, provided that the county shall not be liable for payment of such fees or assessments for a maximum of 24 months from the date of order of tax sale. Allows the county to surrender the property to the non-governmental entity in full satisfaction of any fees or assessments. Broadly captioned.

**Fiscal Note** (Dated: February 23 2013) Decrease Local Expenditures - Exceeds \$200,000/One-Time/Hickman County - Other Fiscal Impact - To the extent Hickman County is a party to litigation in the future concerning fees or assessments on property purchased by the County at a tax sale, there will be subsequent one-time decreases in local government expenditures (for Hickman County) reasonably estimated to exceed \$200,000.

**Senate Status** 01/30/2013 - Referred to Senate State & Local Government.

**House Status** 03/21/2013 - Set for House Local Government Subcommittee 03/27/13.

**Position** Oppose

### **SB137 / HB650 Confidential info submitted for property tax relief.**

**Sponsors** Sen. John Stevens / Rep. Timothy Hill

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

**Fiscal Note** (Dated: February 7 2013) Not Significant.

**Senate Status** 02/14/2013 - Senate passed.

**House Status** 03/14/2013 - House passed.

**Executive Status** 03/20/2013 - Sent to governor.

**Position** Monitor

**SB601 / HB493 Revised delinquent property tax sales.**

**Sponsors** Sen. Jack Johnson / Rep. Charles M. Sargent

**Description** Revises certain requirements related to the sale of property at tax sales for unpaid delinquent property taxes. Provides for notice to be inserted for 2 consecutive weeks in the month of January in a newspaper by the county trustee stating the additional penalties and costs will be imposed for filing of suits for enforcement of a lien for property taxes. Provides procedure for notifying delinquent taxpayer that they owe back taxes and that their property may be sold for nonpayment. 16 pp.

**Amendment** House State Government Committee amendment 1 (004011) rewrites the bill. Makes changes that are technical and non-substantive. (16 pp.)

**Fiscal Note** (Dated: March 12 2013) Other Fiscal Impact - Due to multiple unknown factors, the net fiscal impact to local government revenue cannot be determined; however, the impact to local government for implementation of the bill is estimated to be not significant.

**Senate Status** 02/08/2013 - Referred to Senate State & Local Government.

**House Status** 03/21/2013 - Set for House Finance Subcommittee 03/27/13.

**Position** Monitor

**SB768 / HB655 Defines "capitalization rate" for greenbelt purposes.**

**Sponsors** Sen. Dolores R. Gresham / Rep. Sheila Butt

**Description** Redefines "capitalization rate" for greenbelt purposes. The capitalization rate shall be the average lending rate for agricultural land determined by the state board of equalization, based on its most recent survey of lenders at the time of the calculation.

**Fiscal Note** (Dated: March 1 2013) Other Fiscal Impact - Based on information provided by the Comptroller of the Treasury, the net fiscal impact to local government revenue as a result of this bill cannot be reasonably quantified.

**Senate Status** 03/05/2013 - Taken off notice in Senate State & Local Government Committee.

**House Status** 02/07/2013 - Referred to House Agriculture & Natural Resources Subcommittee.

**Position** Monitor

**SB971 / HB979 Timely filing date for making a request for a conference.**

**Sponsors** Sen. Randy McNally / Rep. Steve Hall

**Description** Specifies how the timeliness of requests for conferences and lawsuits filed to challenge tax assessments must be determined. Clarifies that, for such lawsuits, the notice of assessment must be attached to the complaint, instead of the "notice."

**Fiscal Note** (Dated: March 17 2013) Not Significant.

**Senate Status** 02/08/2013 - Referred to Senate Finance, Ways & Means.

**House Status** 02/13/2013 - Referred to House Civil Justice Subcommittee.

**Position** Monitor

**SB990 / HB382 Bidding on insolvent property at tax sale.**

**Sponsors** Sen. Randy McNally / Rep. Judd Matheny

**Description** Creates an alternative method for bidding on property at a tax sale deemed to be insolvent. Specifies that no bid shall be placed on behalf of the tax entity and that the minimum bid amount shall include the total amount of ad valorem taxes, penalties, interest, fees, and costs, and the total amount of other governmental liabilities secured by liens of record against the property. Creates an alternative method for the purchase of property acquired by a government entity at a tax sale which is subject to contractual development covenants or development fees or assessments.

**Fiscal Note** (Dated: March 16 2013) Decrease Local Expenditures - Exceeds \$200,000/One-Time - Other Fiscal Impact - Due to several unknown factors, the net fiscal impact to local government revenue cannot be determined.

**Senate Status** 02/08/2013 - Referred to Senate Commerce & Labor Committee.

**House Status** 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.

**Position** Oppose

**SB1304 / HB1300 Property sold due to delinquent taxes.**

**Sponsors** Sen. Randy McNally / Rep. Jimmy Matlock

**Description** Allows a county legislative body to grant permission for a tract of land to be sold for an amount less than the total amount of delinquent taxes owed, if the body finds that it is impossible to sell the land for at least the amount owed.

**Fiscal Note** (Dated: March 15 2013) Not Significant.

**Senate Status** 02/26/2013 - Referred to Senate State & Local Government.

**House Status** 03/21/2013 - Set for House Local Government Subcommittee 03/27/13.

**Position** Oppose

**Transportation Vehicles - 1**

**SB620 / HB1234 Non-refundable gift vouchers for certain license plates.**

**Sponsors** Sen. Mark S. Norris / Rep. Steve McManus

**Description** Requires department of revenue to establish program to authorize the sale of non-refundable gift vouchers redeemable toward additional \$35.00 fee for cultural, specialty earmarked and new specialty earmarked license plates. Authorizes the commissioner of the department of revenue to promulgate rules and regulations to effectuate the purposes of this act.

**Amendment** Senate Transportation Committee amendment 1, House Transportation Subcommittee amendment 1 (004941) rewrites the bill. Requires the department to study the establishment of a program to authorize the sale of nonrefundable gift vouchers that may be redeemed toward the fee required for specialty earmarked motor vehicle registration plates.

**Fiscal Note** (Dated: March 19 2013) Increase State Revenue - Net Impact - Exceeds \$10,000/Recurring - Increase State Expenditures - \$641,400/One-Time - \$70,200/Recurring.

**Senate Status** 03/22/2013 - Set for Senate Floor 03/25/13.

**House Status** 03/21/2013 - Set for House Transportation Committee 03/26/13.

**Position** Monitor