

Tennessee REALTORS[®] Weekly Bill Track Week of Feb. 5, 2018

AGRICULTURE

SB1291 Removal of farms from a municipality's corporate limits.

Sponsors: Sen. Crowe, Rusty ,

Summary: Allows any property owner whose property is being used as a farm to petition to have such property removed from a municipality's corporate limits. Requires the legislative body of the municipality to read the petition into the record, and all municipal jurisdiction must cease over the territory excluded from the municipality's corporate limits on that date. Requires the chief executive officer of the municipality to notify the county assessor of property as to contractions in the territorial limits of the municipality and must provide the county assessor of property with a complete description of all property affected by the contractions.

Senate Status: 02/13/17 - Referred to Senate State & Local Government Committee.

BANKING & CREDIT

SB43/HB572 Pawnbrokers - changes to the delivery of transaction records.

Sponsors: Sen. Southerland, Steve , Rep. Powers, Dennis

Summary: Changes the time within which records of pawn broker transactions must be delivered to law enforcement agencies from 48 hours to by noon the day following the day of transaction. Removes specifications about the manner of delivery of records.

Senate Status: 02/01/17 - Referred to Senate Commerce & Labor Committee.

House Status: 03/21/17 - Taken off notice in House Business & Utilities Subcommittee.

CAMPAIGNS & LOBBYING

SB1333/HB1232 Campaign signs on private property.

Sponsors: Sen. Yarbro, Jeff , Rep. Beck, Bill

Summary: Prohibits HOA's from prohibiting the display of political or campaign posters or signs placed on private property that are not larger than 18 inches in height by 24 inches in width beginning 60 days before any election until the day after the election.

Senate Status: 02/28/17 - Taken off notice in Senate State & Local Government Committee.

House Status: 02/28/17 - Taken off notice in House Local Government Committee.

COMMERCIAL LAW

SB751/HB891 Exempts certain transactions by LLCs from the TN Real Estate Broker License Act of 1973.

Sponsors: Sen. Beavers, Mae , Rep. Williams, Ryan

Summary: Exempts limited liability companies' transactions from the Tennessee Real Estate Broker License Act of 1973 in transactions that occurs as an incident to the management, lease, etc. of company owned real estate, but does not apply to a broker who collects rents, auctions, advertises, or holds out as engaged in any exchange for real estate.

Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.

House Status: 02/14/17 - Referred to House Business & Utilities Subcommittee.

SB1954/HB2293 Uniform Commercial Code financing statement filings.

Sponsors: Sen. Pody, Mark , Rep. Boyd, Clark

Summary: STATE SUMMARY - As introduced, makes available to all Tennessee residents the streamlined process in current law for certain public

officials to contest Uniform Commercial Code financing statements that they believe to lack any legal basis.

Senate Status: 02/01/18 - Referred to Senate Commerce & Labor Committee.

House Status: 01/31/18 - Filed for Introduction

CONSTRUCTION

SB1052/HB554 Movements of mobile cranes.

Sponsors: Sen. Bowling, Janice , Rep. Matheny, Judd

Summary: Exempts mobile cranes from movement restrictions between the hours of six o'clock a.m. to nine o'clock a.m. and three o'clock p.m. to six o'clock p.m. Monday through Friday in Davidson, Hamilton, Shelby, Knox, and Rutherford counties. Allows the commissioner of transportation to authorize a single permit for the movement of multiple mobile cranes owned or operated by an applicant. The single permit shall be issued in the same manner, and be subject to the same restrictions, as if the department had issued separate permits for each individual mobile crane.

Senate Status: 03/20/17 - Taken off notice in Senate Transportation & Safety Committee.

House Status: 02/14/17 - Referred to House Transportation Subcommittee.

CRIMINAL LAW

SB18/HB24 Citizen's Right to Fight Blight Act of 2017.

Sponsors: Sen. Harris, Lee , Rep. Deberry Jr., John

Summary: Exempts a property owner, lessee, or anyone acting under the direction of an owner or lessee, from criminal trespass for removal of trash or debris or maintenance of blighted property owned by the city or county. Specifies that such property must be situated immediately adjacent to the property owned by the city or county. Voids liability for city or county for any injury or damage to property.

Senate Status: 04/19/17 - Senate Judiciary Committee deferred to Summer Study.

House Status: 04/26/17 - Taken off notice in House Finance Subcommittee.

SB131/HB493 **Amends various firearms provisions.**

Sponsors: Sen. Roberts, Kerry , Rep. Holt, Andy

Summary: Allows a person who is not otherwise prohibited from possessing a firearm to possess a firearm either openly or concealed. Clarifies that a person commits an offense who possesses a firearm and has been convicted of a dangerous felony unless such individual has had his or her civil rights restored. Specifies that a person possessing a firearm who has been convicted of a dangerous felony commits a Class E felony offense. Removes private educational institutions from the statute prohibiting the possession or carrying of firearms or weapons on school property. Clarifies that the board of directors or other managing body of a private school may elect to prohibit possession or carrying of weapons on campus by posting signage in conformity with the signage required for public schools. Adds additional language to the statute regarding affirmative defense to carrying weapons on school property to include a person demonstrating that the required signage was not posted in conformity with the requirements of state law. Deletes language prohibiting the carrying of weapons in public parks, playgrounds, civic centers and other public buildings. Amends various other firearms provisions. (16 pp.)

Senate Status: 04/04/17 - Taken off notice in Senate Judiciary Committee.

House Status: 03/29/17 - Failed in House Civil Justice Subcommittee after adopting amendment 1 (006146).

SB258/HB586 **Possession of property through illegal means to be a Class E felony.**

Sponsors: Sen. Tracy, Jim , Rep. Rudd, Tim

Summary: Allows an action against a person claiming adverse possession to extend past the seven-year statute of limitation if there is an allegation of a person moving, removing, or destroying property stakes to alter the lawful property owner's property lines. Punishes any person found guilty of moving, removing, or destroying property stakes for the purpose of adverse possession of the property as a Class E felony.

Senate Status: 04/12/17 - Taken off notice in Senate Judiciary Committee.

House Status: 04/26/17 - House Finance Subcommittee deferred to 2018.

SB1178/HB803 Making or receiving a phone call while driving a motor vehicle in a school zone.

Sponsors: Sen. Hensley, Joey , Rep. Doss, Barry

Summary: Creates the offense of using a hand-held mobile telephone to make or receive a phone call while driving a motor vehicle in a school zone 90 minutes before or after school hours or while flashers are in operation. Excepts officers of the state, emergency personnel, or the use of a hands-free device.

Senate Status: 02/13/17 - Referred to Senate Transportation.

House Status: 02/14/17 - Referred to House Transportation Subcommittee.

SB1734/HB1771 New home contractors and home improvement services providers - criminal conduct.

Sponsors: Sen. Kelsey, Brian , Rep. Dunn, Bill

Summary: Protects home improvement contractors from being charged with deviating from the specified plans if they have received written permission from the homeowner to do so . Adds to definition of conduct by home improvement services provider that constitute offenses. Makes provision that deviations from plans are violations if the home contractor or home improvement services provider did not have written consent from home buyer or owner and such deviations caused damage to the property.

Senate Status: 02/01/18 - Set for Senate Judiciary Committee 02/06/18.

House Status: 01/30/18 - Referred to House Criminal Justice Subcommittee.

ECONOMIC DEVELOPMENT

SB1736/HB2064 Industrial development corporation - acquiring of hotel, motel, or apartment building for project.

Sponsors: Sen. Kelsey, Brian , Rep. Vaughan, Kevin

Summary: Allows an industrial development corporation to acquire a hotel, motel, or apartment building for their project located in a county having a population greater than 900,000 according to the 2010 federal census.

Senate Status: 01/25/18 - Referred to Senate State & Local Government Committee.

House Status: 01/30/18 - Filed for Introduction

ENVIRONMENT & NATURE

SB663/HB728 Notification of pending soil percolation tests.

Sponsors: Sen. Tracy, Jim , Rep. Marsh, Pat

Summary: Extends to 5 days from 3 the time advance notice shall be given to the department of environment and conservation for pending soil percolation tests.

Senate Status: 02/13/17 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

House Status: 02/14/17 - Referred to House Agriculture & Natural Resources Subcommittee.

SB1143/HB1249 Extension of minimum period of time allotted for public comment on proposed landfill.

Sponsors: Sen. Hensley, Joey , Rep. Byrd, David

Summary: Extends the minimum period of time that must be allotted for public comment on a proposed new solid waste landfill between the time of public notice and a public hearing under the Jackson Law.

Senate Status: 02/13/17 - Referred to Senate Energy, Agriculture & Natural Resources Committee.

House Status: 02/15/17 - Referred to House Agriculture & Natural Resources Subcommittee.

ESTATES & TRUSTS

SB44/HB37 Estates - creditor's claim against estate adjustment.

Sponsors: Sen. Massey, Becky , Rep. Staples, Rick

Summary: Changes the statute of limitations from within 12 months of the decedent's death to within four months of publication of notice or 60 days within receipt of a copy of the notice for a creditor filing claim against an estate.

Senate Status: 02/01/17 - Referred to Senate Judiciary Committee.

House Status: 02/22/17 - Taken off notice in House Civil Justice Subcommittee.

SB1826/HB1896 Uniform Partition of Heirs Property Act.

Sponsors: Sen. Stevens, John , Rep. Matlock, Jimmy

Summary: STATE SUMMARY: As introduced, enacts the "Uniform Partition of Heirs Property Act." - Amends TCA Title 29, Chapter 27 and Title 66.

Senate Status: 01/29/18 - Referred to Senate Judiciary Committee.

House Status: 01/31/18 - Referred to House Civil Justice Subcommittee.

HB1596 Uniform Real Property Transfer on Death Act.

Sponsors: Rep. Butt, Sheila

Summary: Enacts the "Uniform Real Property Transfer on Death Act." Defines "transfer on death deed." Specifies that an individual may transfer property to one or more beneficiaries effective at the transferor's death by a transfer on death deed. Also specifies that a transfer on death deed is revocable even if the deed or another instrument contains a contrary provision. Clarifies that a transfer on death deed is nontestamentary. Specifies that the capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a will. Establishes other provisions regarding transfer on death deeds.

House Status: 01/22/18 - Referred to House Civil Justice Subcommittee.

GOVERNMENT CONTRACTS

SB40/HB340 Compensation for additional services by a construction design professional.

Sponsors: Sen. Southerland, Steve , Rep. Hulsey, Bud

Summary: Entitles a construction design professional to compensation for additional services provided to state agencies that are not included in a basic services agreement. Refers to the University of Tennessee, the board of regents, the state of Tennessee real estate and asset management division of the department of general services as state agencies. If a state agency and designer have entered into a basic services agreement, and the state agency requires additional services of the designer that are not included in, or reasonably inferred from, the terms of the basic services agreement, the state agency may provide for the additional services at its own cost. If a contractual dispute arises between a designer and a state agency, either party may petition the secretary of state for a hearing before an administrative law judge.

Senate Status: 02/01/17 - Referred to Senate State & Local Government Committee.

House Status: 03/01/17 - Taken off notice in House State Government Subcommittee.

GOVERNMENT ORGANIZATION

SB1548/HB1656 Sunset - real estate appraiser commission.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

Summary: Extends the real estate appraiser commission for six years to June 30, 2024.

Senate Status: 02/01/18 - Set for Senate Government Operations Committee
02/07/18.

House Status: 01/24/18 - Referred to House Government Operations Committee.

SB1549/HB1657 Sunset - real estate commission.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

Summary: Extends the real estate commission for one year to June 30, 2019.

Senate Status: 02/01/18 - Set for Senate Government Operations Committee
02/07/18.

House Status: 01/24/18 - Referred to House Government Operations Committee.

SB1598 Records retained by state agencies - license holders who receive electronic notification of their license renewals.

Sponsors: Sen. Yager, Ken ,

Summary: Requires each state agency to retain a record of the number of holders of a professional or occupational license, certification, or registration from the agency that receives notification of renewals of the holder's license, certification, or registration by email.

Senate Status: 01/18/18 - Referred to Senate State & Local Government Committee.

SB1760/HB1775 GO Build Tennessee Program - annual report submission.

Sponsors: Sen. Dickerson, Steven , Rep. McDaniel, Steve

Summary: Increases the time period within which the corporation administering the GO Build Tennessee Program must submit its annual report to the governor and the speakers of the house and senate. Changes the time period from 90 to 120 days following the end of the corporation's fiscal year. Broadly captioned.

Senate Status: 01/25/18 - Referred to Senate Commerce & Labor Committee.

House Status: 01/30/18 - Referred to House Business & Utilities Subcommittee.

SB2109/HB2146 Tennessee Historic Properties Act.

Sponsors: Sen. Niceley, Frank , Rep. Hill, Matthew

Summary: Gives the Tennessee historical commission the power of eminent domain for purposes of bringing an action or other appropriate legal proceedings to recover for the state any and all historic properties. Upon acquisition of such historic properties, requires the title to designate the state and the political subdivision that had been the prior owner as joint owners. Requires all costs of such proceeding

incurred by the state to be charged to the political subdivision that conveyed its interests in the historic property.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Filed for Introduction

HB1574 Tennessee Heritage Protection Act of 2016 - exclusions.

Sponsors: Rep. McDaniel, Steve

Summary: Excludes from coverage under the Tennessee Heritage Protection Act of 2016 memorials under the control of an accredited museum, public library, or public archive in certain circumstances.

House Status: 01/19/18 - Referred to House State Government Subcommittee.

GOVERNMENT REGULATION

SB127/HB54 Discriminatory actions by government against business.

Sponsors: Sen. Green, Mark , Rep. Zachary, Jason

Summary: Prohibits state and local governments from taking discriminatory action against a business based on the business's internal policies.

Senate Status: 03/09/17 - Senate passed with amendment 3 and previously adopted amendments 1 and 2. Senate amendment 3 (004225).

House Status: 01/31/18 - House State Government Subcommittee deferred to 02/14/18.

SB183 Copy of emergency rules prior to effective date.

Sponsors: Sen. Overbey, Doug ,

Summary: Requires an agency to provide a copy of an emergency rule to any person upon request prior to the rule's effective date.

Senate Status: 02/02/17 - Referred to Senate Government Operations Committee.

SB189 **Providing copies of emergency rules filed.**

Sponsors: Sen. Overbey, Doug ,

Summary: Requires an agency to provide a copy of emergency rules filed with the secretary of state to any person upon request. Requires an agency to take steps to make emergency rules known to persons affected by the rules.

Senate Status: 02/02/17 - Referred to Senate Government Operations Committee.

SB295/HB362 **Permits issued by the department of environment and conservation.**

Sponsors: Sen. Briggs, Richard , Rep. Zachary, Jason

Summary: Prohibits the department of environment and conservation from issuing any permit that has not first been reviewed by the general assembly in the same manner as a rule under the Uniform Administrative Procedures Act.

Senate Status: 02/01/18 - Set for Senate Floor 02/05/18.

House Status: 05/09/17 - House passed with amendment 4 (008769).

SB456/HB806 **Construction inspection services.**

Sponsors: Sen. Bell, Mike , Rep. Keisling, Kelly

Summary: Increases the number of days for a building inspector to inspect a building for compliance with safety standards and to still be considered a timely inspection from three days to four days.

Senate Status: 05/03/17 - Set for Senate Finance, Ways & Means Committee 05/03/17.

House Status: 03/28/17 - Taken off notice in House Business & Utilities Subcommittee.

SB910/HB852

Burden of proof in contested case hearings on state agencies.

Sponsors: Sen. Bell, Mike , Rep. Daniel, Martin

Summary: Places the burden of proof in contested case hearings on state agencies to prove, by clear and convincing evidence, that the action taken by the agencies was proper.

Senate Status: 04/12/17 - Senate Government Operations Committee recommended with amendment 1 (007184). Sent to Senate Calendar Committee.

House Status: 02/01/18 - Set for House State Government Subcommittee 02/07/18.

SB911/HB769 Requirements for revocation of a license by an agency.

Sponsors: Sen. Bell, Mike , Rep. Daniel, Martin

Summary: prohibits the revocation of a license by an agency unless the agency provides notice of facts or conduct that warrant such action and the licensee was permitted to show compliance; requires testimony in an agency proceeding to be given under oath and for persons who allege misconduct by a licensee to be present and available to testify at the proceeding. Requires a person who is denied an occupational license or certification by the final decision of an agency and that decision is subsequently reversed on appeal, to be awarded attorney fees, court costs, pre-judgment interest, post-judgment interest, and lost wages from the agency. Specifies that any lost wages awarded shall only include income lost for the period in which the person was aggrieved by the final decision in the contested case hearing.

Senate Status: 03/29/17 - Taken off notice in Senate Government Operations Committee.

House Status: 03/28/17 - Taken off notice in House Business & Utilities Subcommittee.

SB1414/HB1295 UAPA - admission of evidence by agencies in contested case hearings.

Sponsors: Sen. Briggs, Richard , Rep. Daniel, Martin

Summary: Allows in contested cases, for an agency to admit and give probative effect to evidence admissible in a court. When necessary to ascertain facts the agency must admit evidence if it is provided in person under oath or by sworn affidavit, or commonly relied upon by a reasonably person licensed in the profession or occupation in which the aggrieved person is applying for initial licensure, or renewal or reinstatement of a license.

Senate Status: 02/13/17 - Referred to Senate Government Operations Committee.

House Status: 04/12/17 - House State Government Subcommittee deferred to the first calendar of 2018.

SB1572/HB1895 Revisions to UAPA.

Sponsors: Sen. Bell, Mike , Rep. Matlock, Jimmy

Summary: Revises definitions of "policy" and "rule" for rulemaking purposes. Prohibits a policy from being enacted, adopted, or enforced by an agency until the policy has been filed with the office of the attorney general. Requires the attorney general to review the proposed policy with 15 days of receipt of such policy. Prohibits an agency from promulgating rules or implementing policies that infringe on an agency member's freedom of speech. Specifies that an agency's appointing authority has the sole power to remove a member from a board, commission, council, committee, authority, task force, or other similar multi-member agency.

Senate Status: 01/17/18 - Referred to Senate Government Operations Committee.

House Status: 01/31/18 - Referred to House Government Operations Committee.

SB1573 UAPA - requirements for agencies holding public hearings regarding rulemaking process.

Sponsors: Sen. Bell, Mike ,

Summary: Requires agencies, when statutorily required to hold a public hearing as part of its rulemaking process, to make copies of the rule available in redline form to persons in attendance at the hearing.

Senate Status: 02/01/18 - Set for Senate Consent 2 02/05/18.

SB1753/HB1737 UAPA - promulgation of new permanent rules by an agency.

Sponsors: Sen. Gardenhire, Todd , Rep. Daniel, Martin

Summary: Requires agencies to repeal two existing permanent rules when they create a new permanent rule.

Senate Status: 01/25/18 - Referred to Senate Government Operations Committee.

House Status: 02/01/18 - Set for House Government Operations Committee
02/07/18.

SB1764/HB1787 Payment of costs in a contested case hearing.

Sponsors: Sen. Kelsey, Brian , Rep. Daniel, Martin

Summary: Authorizes a hearing officer or judge to order a state agency to pay the party issued a citation by the agency reasonable fees and expenses if ruled that the citation issued was not grounded.

Senate Status: 01/25/18 - Referred to Senate Government Operations Committee.

House Status: 01/25/18 - Referred to House Government Operations Committee.

SB1929/HB1966 UAPA - rules that infringe upon free speech.

Sponsors: Sen. Jackson, Ed , Rep. Daniel, Martin

Summary: STATE SUMMARY - As introduced, prohibits boards, commissions, and other multi-member governmental entities from promulgating rules or issuing other internal restrictions that infringe on an entity member's freedom of speech.

Senate Status: 02/01/18 - Referred to Senate Government Operations Committee.

House Status: 01/29/18 - Filed for Introduction

SB2160/HB1800 UAPA - review of administrative actions by the general assembly.

Sponsors: Sen. Bell, Mike , Rep. Daniel, Martin

Summary: Authorizes members of the general assembly the power to petition for a review by the government operations committee whether inter-agency memoranda should be promulgated as administrative rules. Requires either the committee chairs to direct the committees to meet with the purpose of reviewing any statement or intra-agency memoranda or for committees to vote to request the agency to promulgate the statement or intra-agency memoranda.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 02/01/18 - Set for House Government Operations Committee
02/07/18.

SB2295/HB2328 UAPA - continues permanent rules filed with secretary of state.

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy

House Status: 01/31/18 - Filed for Introduction

HB748 UAPA - filing of an emergency rule by an agency.

Sponsors: Rep. Alexander, David

Summary: Adds new language allowing an agency to precede all its rulemaking with notice and a public hearing unless an agency has filed an emergency rule, and cannot file a proposed rule on the same subject without first holding a public hearing.

House Status: 02/21/17 - Referred to House State Government Subcommittee.

HB1739 UAPA - economic impact analyses of administrative rules.

Sponsors: Rep. Daniel, Martin

House Status: 01/22/18 - Filed for Introduction

HEALTH CARE

HB1805 Waiver of initial licensure fees imposed by health related boards.

Sponsors: Rep. Howell, Dan

Summary: Relieves certain persons of the initial licensure fee imposed by health-related boards and professional regulatory boards.

House Status: 01/23/18 - Filed for Introduction

INSURANCE GENERAL

SB373/HB467 Full replacement contents coverage for losses from catastrophic wildfires.

Sponsors: Sen. Overbey, Doug , Rep. Williams, Ryan

Summary: Requires an insured that has paid premiums for full replacement contents coverage for losses from catastrophic wildfires to be paid the full amount of the coverage purchased without the necessity of purchasing replacement items prior to being compensated.

Senate Status: 03/28/17 - Taken off notice in Senate Commerce & Labor Committee.

House Status: 03/15/17 - Taken off notice in House Insurance & Banking Subcommittee

SB1040/HB1061 Historic Rehabilitation Investment Incentive Act.

Sponsors: Sen. Watson, Bo , Rep. McCormick, Gerald

Summary: Enacts the Historic Rehabilitation Investment Incentive Act to facilitate the restoration and preservation of the state's historic buildings and structures and redevelop the state's main street communities.

Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

JUDICIARY

SB28/HB1297 Remedies for creditors in cases of fraudulent transfer by debtors.

Sponsors: Sen. Stevens, John , Rep. Halford, Curtis

Summary: Authorizes a court to award punitive damages, attorney's fees, court costs, and incurred legal expenses to a creditor who prevails in fraudulent action by a debtor, such as the transfer of assets or property to avoid an obligation.

Senate Status: 01/30/17 - Referred to Senate Judiciary Committee.

House Status: 03/22/17 - Taken off notice in House Civil Justice Subcommittee.

SB1811/HB1839 Recovery of damages in actions alleging discriminatory employment practices.

Sponsors: Sen. Ketron, Bill , Rep. Marsh, Pat

Summary: Revises payment to the complainant of damages caused by discriminatory practice to specify that when payment for damages arises from a discriminatory employment practice, any awarded attorney's fee will not exceed the total of all damages awarded to the complainant.

Senate Status: 01/29/18 - Referred to Senate Commerce & Labor Committee.

House Status: 01/31/18 - Referred to House Civil Justice Subcommittee.

SB1918 Judicial review of an administrative hearing under UAPA - trial by jury.

Sponsors: Sen. Niceley, Frank ,

Summary: STATE SUMMARY: - As introduced, authorizes aggrieved parties to demand a jury in judicial review of an administrative hearing under the Uniform Administrative Procedures Act and in cases for a permanent injunction or forfeiture under the Tennessee Food, Drug and Cosmetic Act. - Amends TCA Section 3-6-204; Title 4; Section 8-3-102; Title 27; Title 29; Section 36-5-1003; Section 36-5-1107; Section 37-5-514; Section 39-17-1509; Section 40-33-213; Section 42-2-224; Section 47-9-513; Section 49-1-1107; Title 53; Section 55-12-103;

Section 55-17-116; Section 55-10-425; Section 60-1-401; Title 65; Title 67, Chapter 5, Part 13; Section 68-120-110; Section 68-201-116; Section 68-212-113; Section 68-212-114; Section 68-212-215; Section 68-221-714; Section 68-1-104; Section 69-3-115; Section 69-11-118; Section 71-3-510; Section 71-4-507 and Section 71-3

Senate Status: 01/31/18 - Referred to Senate Judiciary Committee.

SB1921/HB1792 Uniform Commercial Real Estate Receivership Act.

Sponsors: Sen. Johnson, Jack , Rep. Farmer, Andrew

Summary: Enacts the Uniform Commercial Real Estate Receivership Act. Authorizes the court that appoints a receiver exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property. Grants a receiver certain rights regarding receivership property. Requires an owner to assist and cooperate with the receiver in the administration of the receivership and the discharge of the receiver's duties, preserve and turn over to the receiver all receivership property under the owner, and identify all records and other information relating to the receivership property. Allows the court that appointed the receiver to sue the receiver for an act or omission in administering receivership property. Requires the receiver to file a final report on completion of a receiver's duties and upon approval from the court, the receiver is discharged.

Senate Status: 02/01/18 - Referred to Senate Judiciary Committee.

House Status: 01/30/18 - Referred to House Civil Justice Subcommittee.

LABOR LAW

SB1366/HB1151 Homestead exemption from garnishment.

Sponsors: Sen. Bailey, Paul , Rep. Wirgau, Tim

Summary: Increases the homestead exemption from garnishment where the debtor has one or more minor children in the debtor's custody and the property is used by the debtor as the principal place of residence from \$25,000 to \$32,500 .

Senate Status: 02/13/17 - Referred to Senate Judiciary Committee.

House Status: 02/15/17 - Referred to House Civil Justice Subcommittee.

SB1904/HB1899 Disability discrimination.

Sponsors: Sen. Yager, Ken , Rep. Brooks, Kevin

Summary: Forbids employers from discriminating against potential employees on the basis of their disability. Requires an employer to provide reasonable accommodation or prove that such an accommodation would put an undue burden on the business in defense of a discrimination charge.

Senate Status: 01/31/18 - Referred to Senate Commerce & Labor Committee.

House Status: 01/31/18 - Referred to House Consumer & Human Resources Subcommittee.

SB2088/HB2692 Certain acts of harassment, intimidation, or bullying as unlawful employment practices.

Sponsors: Sen. Kyle, Sara , Rep. Miller, Larry

Senate Status: 01/31/18 - Filed for Introduction

House Status: 02/01/18 - Filed for Introduction

LOCAL GOVERNMENT

SB363/HB1143 Inclusionary housing requirements clarified.

Sponsors: Sen. Haile, Ferrell , Rep. Casada, Glen

Summary: States no local government has the authority to enact a law that would place requirements regarding inclusionary, affordable, or below market value housing when entitlements, variances, or any other form of permit or authorization is sought from the local

Senate Status: 04/04/17 - Senate State & Local Government Committee deferred to 2018.

House Status: 03/30/17 - House passed.

SB453/HB557 Posting notice for public zoning ordinances.

Sponsors: Sen. Bell, Mike , Rep. Carter, Mike

Summary: Increases the amount of time that a notice must be posted prior to a public hearing on a zoning ordinance from 15 days to 60 days.

Senate Status: 04/04/17 - Taken off notice in Senate State & Local Government Committee.

House Status: 04/04/17 - Taken off notice in House Local Government Subcommittee.

SB520/HB476 Zoning to include building design elements.

Sponsors: Sen. Massey, Becky , Rep. Gravitt, Marc

Summary: Defines "building design elements" for purposes of local governmental zoning. Prohibits application of zoning regulations relating to building design elements for certain dwellings.

Senate Status: 01/09/18 - Re-referred to Senate Calendar Committee.

House Status: 04/20/17 - House Calendar & Rules Committee deferred to 01/01/18.

SB641/HB943 Petition to deannex an area.

Sponsors: Sen. Watson, Bo , Rep. Carter, Mike

Summary: Permits voters residing within an area annexed by a municipality to petition the county election commission to hold an election to de-annex such territory. Specifies that taxes that may continue to be levied on a de-annexed area. Prohibits the discontinuation of utility services outside municipal boundaries for reasons related to de-annexation.

Senate Status: 05/10/17 - Senate passed with amendment 5 (008807), as well as previously adopted amendments 1 (006271), 3 (007115), and 4 (007171).

House Status: 02/14/17 - Referred to House Local Government Subcommittee.

SB895/HB945 TACIR report on comprehensive growth plans.

Sponsors: Sen. Johnson, Jack , Rep. Whitson, Sam

Summary: Requires TACIR to report its findings on the implementation of comprehensive growth plans to the general assembly by July 1, 2018, and by July 1 every five years thereafter.

Senate Status: 02/13/17 - Referred to Senate State & Local Government Committee.

House Status: 02/17/17 - Referred to House Local Government Subcommittee.

SB1496/HB1727 **Condemned property being offered for sale to the former owner.**

Sponsors: Sen. Haile, Ferrell , Rep. Rogers, Courtney

Summary: Changes requirements for the local government notifying and offering the sale of a condemned property to the former property owner.

Senate Status: 01/17/18 - Referred to Senate Judiciary Committee.

House Status: 02/01/18 - Set for House Civil Justice Subcommittee 02/07/18.

SB1810/HB1517 **Purchasing authority for certain county board of public utilities.**

Sponsors: Sen. Ketron, Bill , Rep. Marsh, Pat

Summary: Authorizes a county board of public utilities in a county with a central purchasing authority, at the discretion of the governing body of the county, to make purchases relating to urban type public facilities in accordance with purchasing policies approved by the governing body of the county.

Senate Status: 01/29/18 - Referred to Senate State & Local Government Committee.

House Status: 02/01/18 - Set for House Local Government Subcommittee 02/07/18.

SB1911 **Display of US flag by property owner.**

Sponsors: Sen. Niceley, Frank ,

Summary: Prohibits the governing body of a municipality or county legislative body from adopting or enforcing an ordinance that prohibits a property owner from displaying the flag of the United States or an official or replica flag of any branch of the United States armed forces on the property owner's property. Allows the governing body of a municipality or county legislative body to adopt and enforce an ordinance that reasonably regulates the placement for the display of the United States flag.

Senate Status: 01/31/18 - Referred to Senate State & Local Government Committee.

SB2117/HB2195 Local government restrictions on flag displays.

Sponsors: Sen. Niceley, Frank , Rep. Littleton, Mary

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Filed for Introduction

PROFESSIONS & LICENSURE

SB260/HB371 Defines short term rentals.

Sponsors: Sen. Johnson, Jack , Rep. Marsh, Pat

Summary: Removes short term rental units from law relative to hotels and places of public accommodation. Defines a short term rental unit as a residence in which a person can stay for less than 30 consecutive days. Includes in the definition certain vacation lodging and property that provides hospitality services but excludes bed and breakfast establishments.

Senate Status: 02/02/17 - Referred to Senate Commerce & Labor Committee.

House Status: 03/07/17 - Taken off notice in House Business & Utilities Subcommittee.

SB370/HB1045 Changes requirement for real estate brokers.

Sponsors: Sen. Overbey, Doug , Rep. Matlock, Jimmy

Summary: Deletes the requirement that the executive director of the real estate commission pass the broker's examination.

Senate Status: 02/08/17 - Referred to Senate Commerce & Labor Committee.

House Status: 03/21/17 - Taken off notice in House Business & Utilities Subcommittee

SB814/HB747 Requirements for sponsoring apprentice auctioneers.

Sponsors: Sen. Briggs, Richard , Rep. Gravitt, Marc

Summary: Clarifies that extended listings or listings that allow a bidder to increase a bid beyond the original deadline are not timed listings. Requires an auctioneer to be licensed by the auctioneer commission for at least two years and in good standing with the commission to sponsor an apprentice auctioneer. Prohibits an auctioneer from sponsoring more than ten apprentice auctioneers at any one time. Prohibits an auctioneer from sponsoring an apprentice who lives more than 50 miles from the auctioneer's place of business. Allows the auctioneer commission to waive the requirement.

Senate Status: 04/03/17 - Senate Commerce & Labor Committee taken off notice.

House Status: 04/05/17 - House Business & Utilities Committee deferred to 2018.

SB1156/HB361 Limitation of actions brought against home inspectors.

Sponsors: Sen. Hensley, Joey , Rep. Zachary, Jason

Summary: Requires cause of actions resulting from a home inspection or home inspection report to be filed within 1 year from the its completion and prohibits contractual waiver of the limitation, limits home inspector's liability for certain defects, prohibits disciplinary action taken against home inspector by commissioner as the basis for civil or criminal cause of actions.

Senate Status: 04/11/17 - Taken off notice in Senate Judiciary Committee.

House Status: 01/17/18 - Taken off notice in House Civil Justice Subcommittee.

SB1634/HB1555 Suspension or revocation of professional licensure for defaulting on a student loan.

Sponsors: Sen. Yarbrow, Jeff , Rep. Gilmore, Brenda

Summary: Repeals requirements that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans. Requires reinstatement of licenses for otherwise qualified applicants whose licenses were suspended, denied, or revoked based solely on defaulting on student loan repayment.

Senate Status: 02/01/18 - Set for Senate Commerce & Labor Committee 02/06/18.

House Status: 01/19/18 - Referred to House Business & Utilities Subcommittee.

SB1657/HB1680 Opportunity to Earn Act.

Sponsors: Sen. Dickerson, Steven , Rep. Clemmons, John

Summary: Enacts the "Opportunity to Earn Act" to repeal requirements that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans.

Senate Status: 02/01/18 - Set for Senate Commerce & Labor Committee 02/06/18.

House Status: 01/24/18 - Referred to House Business & Utilities Subcommittee.

SB1946/HB1789 Report on the status of statutorily created apprenticeship programs.

Sponsors: Sen. Crowe, Rusty , Rep. Daniel, Martin

Summary: Repeals the requirement that boards and commissions that have created apprenticeship programs to submit reports.

Senate Status: 02/01/18 - Referred to Senate Commerce & Labor Committee.

House Status: 01/30/18 - Referred to House State Government Subcommittee.

SB2055 Remediation of licensure violation.

Sponsors: Sen. Tate, Reginald ,
Senate Status: 01/30/18 - Filed for Introduction

SB2216/HB1509 Revoking of professional license for defaulting on student loan.

Sponsors: Sen. Swann, Art , Rep. Powell, Jason
Summary: Repeals requirements that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans.
Senate Status: 01/31/18 - Filed for Introduction
House Status: 01/17/18 - Referred to House Business & Utilities Subcommittee.

HB1799 Roster of all licensed geologists in state.

Sponsors: Rep. Howell, Dan
Summary: Requires the department of commerce and insurance to publish a roster semiannually showing the names and places of businesses of all geologists licensed in this state on the department's website.
House Status: 01/30/18 - Referred to House Business & Utilities Subcommittee.

PROPERTY & HOUSING

SB218/HB1081 Manufactured homes - monitoring inspection fee.

Sponsors: Sen. Massey, Becky , Rep. Sexton, Jerry
Summary: Deletes authorization for a monitoring inspection fee paid by manufactured home manufacturers under the Uniform Standards Code for Manufactured Homes Act.
Senate Status: 02/02/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/15/17 - Referred to House Business & Utilities Subcommittee.

SB372/HB497 Taxation of short-term rentals.

Sponsors: Sen. Overbey, Doug , Rep. McCormick, Gerald

Summary: Permits a local government to regulate and tax a short-term rental unit that is located within the local government's jurisdiction. Disallows a local government from prohibiting the operation of an owner-occupied unit. Requires a short-term rental provider to comply with all applicable federal and state laws if renting a unit to the general public. Also requires a short-term rental provider to acquire all applicable permits and business licenses. Allows a condominium, co-op, HOA, or similar entity to prohibit or restrict an owner of a property within their jurisdiction from using the owner's property as a short-term rental unit. Requires a short-term rental provider to have at least five hundred thousand dollars in property and causality insurance and at least one million dollars in liability insurance. Specifies any violation of this part is a Class C misdemeanor punishable by a fine only. Requires a short-term rental listing service to remove a short-term rental unit from its listings if the short-term rental service discovers any violation of this part that is not cured within thirty days from the discovery of the violation. Changes the number of days transients or travelers need to stay at a residential unit owned by others for a person to be considered engaging in a vacation rental service from 14 to 30 days.

Senate Status: 04/03/17 - Taken off notice in Senate Commerce & Labor Committee.

House Status: 04/24/17 - Withdrawn in House.

SB469/HB456 Flying of US flag and military flags by veterans - HOA restrictions.

Sponsors: Sen. Niceley, Frank , Rep. Littleton, Mary

Summary: Prohibits a homeowners' association from adopting or enforcing a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting a property owner who is a veteran from displaying the US flag or an official or replica flag of any branch of the US armed forces, including the POW-MIA flag, on the property owner's property.

Senate Status: 04/03/17 - Senate passed with amendment 1 (006470).

House Status: 05/01/17 - House passed.

Executive Status: 05/18/17 - Enacted as Public Chapter 0331 effective July 1, 2017.

SB794/HB464 Property Assessed Clean Energy Act.

Sponsors: Sen. Dickerson, Steven , Rep. Staples, Rick

Summary: Authorizes local governments to impose assessments to repay the financing of qualified projects on real properties located in a region. Specifies that such assessments shall only occur after entering into a written contract with the record owner of the real property and providing notice to each lien holder. Specifies that the assessment may include costs of material in labor, fees associated with program application and administration, and third party fees such as the costs to the property owner. Establishes the procedures for the creation of a PACE program by a local government. (15pp).

Senate Status: 03/29/17 - Taken off notice in Senate Energy, Agriculture & Natural Resources Committee.

House Status: 03/29/17 - House Agriculture & Natural Resources Subcommittee deferred to Summer Study.

SB867/HB1185 Information regarding the acquisition of real property for a small business.

Sponsors: Sen. Yarbro, Jeff , Rep. Powell, Jason

Summary: Clarifies that the small business advocate within the office of the comptroller of the treasury may provide information regarding the acquisition of real property for those starting a small business or already own one.

Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.

House Status: 02/17/17 - Referred to House Business & Utilities Subcommittee.

SB1005/HB823 Best practices concerning implementation of housing programs.

Sponsors: Sen. Tate, Reginald , Rep. Gilmore, Brenda

Summary: Requires the Tennessee housing development agency to develop best practices concerning implementation of housing programs and options by local entities to assist formerly incarcerated individuals.

Senate Status: 03/14/17 - Senate State & Local Government Committee deferred to 03/28/17.

House Status: 03/14/17 - Taken off notice in House Local Government Subcommittee.

SB1148/HB1197 Disposal of unclaimed garments left with dry cleaner.

Sponsors: Sen. Hensley, Joey , Rep. Sparks, Mike

Summary: Increases from 180 days to 240 days the minimum time required before a dry cleaner or launderer may dispose of unclaimed garments without notifying the customer. Broadly captioned.

Senate Status: 03/28/17 - Senate Commerce & Labor Committee deferred to 04/04/17.

House Status: 03/23/17 - Set for House Business & Utilities Subcommittee 03/28/17.

SB1311/HB1230 Conveyance of real property by a licensed attorney or owner of the property.

Sponsors: Sen. Yarbro, Jeff , Rep. Beck, Bill

Summary: Requires that a deed of conveyance of real property must be prepared by a licensed attorney or the owner of the real property, and the deed must be filed with the county register of deeds in the county in which the real property is located. Adds language to require the county register to verify that a deed of conveyance of real property was prepared by a licensed attorney or the owner of the real property, and note the verification on the deed. Allows the county register to refuse to register any deed of conveyance of real property that is not prepared by a licensed attorney or the owner of the real property.

Senate Status: 04/19/17 - Taken off notice in Senate Judiciary Committee.

House Status: 04/24/17 - Held on House clerk's desk.

SB1368/HB496 Permits land owner subject to a regulatory taking to file a petition for a jury of inquest.

Sponsors: Sen. Bailey, Paul , Rep. Williams, Ryan

Summary: Prohibits local government bodies from acquiring land from a private owner without first purchasing that portion of land at a fair market value. Allows for an owner to file a petition for a jury of inquest or to sue for damages. Specifies that devaluing of land by a local government entity is also grounds for lawsuit.

Senate Status: 02/13/17 - Referred to Senate Judiciary Committee.

House Status: 02/14/17 - Referred to House Local Government Subcommittee.

SB1603 Retainage due to a contractor.

Sponsors: Sen. Yager, Ken ,

Summary: Changes time period for when retainage much be paid to a contractor as well as the timing and way notice of the initial retainage deposit made in an escrow account.

Senate Status: 01/18/18 - Referred to Senate Commerce & Labor Committee.

SB1655/HB1667 Service of process - repossession of landlord's property.

Sponsors: Sen. Stevens, John , Rep. Lamberth, William

Summary: Allows for service of process of a summons served upon a contractually named party to enable a landlord reposition of their property.

Senate Status: 01/24/18 - Referred to Senate Judiciary Committee.

House Status: 02/01/18 - Set for House Civil Justice Subcommittee 02/07/18.

SB1703/HB2160 Judgment lien against real property - notice.

Sponsors: Sen. Lundberg, Jon , Rep. Keisling, Kelly
Summary: Requires county register to provide notice by mail to landowner within 10 days of registration of judgment lien against real property.
Senate Status: 01/24/18 - Referred to Senate Judiciary Committee.
House Status: 01/31/18 - Filed for Introduction

SB1758/HB1794 Electronic acknowledgments.

Sponsors: Sen. Kelsey, Brian , Rep. Farmer, Andrew
Summary: Establishes guidelines for the creation of online notaries public. Grants online notaries public the same powers as notaries public. Allows people living outside the state to have documents notarized, and requires online notaries public to keep electronic records of the notarization. Grants the secretary of state powers to implement and oversee this rule .
Senate Status: 01/25/18 - Referred to Senate Judiciary Committee.
House Status: 02/01/18 - Set for House Civil Justice Subcommittee 02/07/18.

SB1879/HB1920 New or amended subdivision regulations proposed by a regional planning commission.

Sponsors: Sen. Briggs, Richard , Rep. Staples, Rick
Summary: Prohibits new or amended subdivision regulations proposed by a regional planning commission from taking effect until approved by the county legislative body of any county, and by the governing body of any municipality, lying wholly or partly within the region. Deletes requirement that a regional planning commission hold a public hearing on subdivision regulations prior to adoption.
Senate Status: 01/31/18 - Referred to Senate State & Local Government Committee.
House Status: 01/31/18 - Referred to House Local Government Subcommittee.

SB1956 Report regarding federal manufactured home construction and safety standards.

Sponsors: Sen. Pody, Mark ,

Summary: STATE SUMMARY - As introduced, requires the commissioner of commerce and insurance to annually submit a report to the general assembly detailing the implementation of the enforcement plan for federal manufactured home construction and safety standards under the National Manufactured Home Construction and Safety Standards Act of 1974 and any agreements entered into with the department of housing and urban development.

Senate Status: 02/01/18 - Referred to Senate Commerce & Labor Committee.

SB1971/HB1772 Public official as subject of lien on real property.

Sponsors: Sen. Massey, Becky , Rep. Dunn, Bill

Summary: Establishes an expedited process for listed public officials to contest liens on real property if they are believed to lack legal basis. The filing party must be notified within three business days of the public official contesting the lien with the register. The filing party may file an action for determination by a chancery court of county where the document was filed within 20 business days of delivery of the affidavit.

Senate Status: 02/01/18 - Referred to Senate Judiciary Committee.

House Status: 01/30/18 - Referred to House Civil Justice Subcommittee.

SB2001/HB1924 Joint tenancy.

Sponsors: Sen. Yager, Ken , Rep. Keisling, Kelly

Summary: Authorizes the creation of right of survivorship clauses in joint tenancy agreements should one of the tenants die . Allows parties to a conveyance to create a joint tenancy with right of survivorship. Requires that in all estates held in joint tenancy with rights of survivorship the dying tenant's share go to surviving tenant. Joint tenancy with right of survivorship cannot be destroyed unilaterally.

Senate Status: 01/30/18 - Filed for Introduction

House Status: 01/31/18 - Referred to House Civil Justice Subcommittee.

SB2067/HB2098 Return of certificate of insurance or worker's compensation policy following the expiration of a building permit.

Sponsors: Sen. Kelsey, Brian , Rep. Casada, Glen

Summary: Increases the number of business days from 10 to 15 for the return by mail of a certificate of insurance or workers' compensation policy following the expiration of the building permit.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/30/18 - Filed for Introduction

SB2126 Application of the Neighborhood Preservation Act.

Sponsors: Sen. Jackson, Ed ,

Senate Status: 01/31/18 - Filed for Introduction

SB2189/HB2212 Email notification for tenants and landlords.

Sponsors: Sen. Lundberg, Jon , Rep. Holsclaw, Jr., John

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Filed for Introduction

SB2204/HB1926 Fee charged for releasing of a lien.

Sponsors: Sen. Swann, Art , Rep. Rudd, Tim

Summary: Increases the fee a register may charge from \$3.00 to \$5.00 to file the form for a marginal release of a lien.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Referred to House Civil Justice Subcommittee.

SB2214/HB1929 Sober living homes.

Sponsors: Sen. Swann, Art , Rep. Curcio , Michael

Summary: Allows for municipalities to require sober living homes to submit records of the home's location and its rehabilitation program. Decreases from eight to six the maximum number of unrelated people living in a place to be called a single family residence.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Referred to House Local Government Subcommittee.

HB1766 Managing or developing mixed-finance housing projects.

Sponsors: Rep. Sargent, Charles

House Status: 01/23/18 - Filed for Introduction

HB2023 Applicability of Uniform Residential Landlord and Tenant Act to certain counties.

Sponsors: Rep. Farmer, Andrew

Summary: STATE SUMMARY - As introduced, in addition to counties to which the Uniform Residential Landlord and Tenant Act already applies, makes the Act applicable in counties in which any four-year college or university, whether public or private, is located.

House Status: 01/30/18 - Filed for Introduction

HB2266 Public hearing regarding zoning ordinances.

Sponsors: Rep. Hicks, Gary

House Status: 01/31/18 - Filed for Introduction

RETAIL TRADE

SB1038/HB1231 Requirements for short-term rentals.

Sponsors: Sen. Yarbro, Jeff , Rep. Beck, Bill

Summary: Clarifies that requirements that apply to hotels and places of public accommodation do not apply to short-term rentals. Defines short-term rental as a residential dwelling of any type, including, but not limited to, a single-family residence, apartment, condominium, or cooperative, in which a person can obtain, for consideration, sleeping accommodations for less than thirty consecutive days. Clarifies that a short-term rental does not include a bed and breakfast establishment or bed and breakfast homestay.

Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.

House Status: 03/28/17 - Taken off notice in House Business & Utilities Subcommittee.

SB1086/HB1020 Short-Term Rental Unit Act.

Sponsors: Sen. Stevens, John , Rep. Sexton, Cameron

Summary: Enacts the "Short-Term Rental Unit Act," which states that a short-term rental unit provider must maintain at least \$500,000 in liability insurance or coverage to cover damage done by any person renting the unit from the short-term rental unit provider. Clarifies the restrictions a local governing body may or may not impose on short-term rental units.

Senate Status: 05/09/17 - Senate Finance, Ways & Means Committee deferred to first calendar of 2018.

House Status: 05/08/17 - House passed with amendment 10 (008656).

TAXES BUSINESS

SB8/HB714 Statutory apportionment formula used to calculate franchise and excise taxes.

Sponsors: Sen. Green, Mark , Rep. Whitson, Sam

Summary: For tax years beginning on or after July 1, 2017, changes the statutory apportionment formula used to calculate franchise and excise taxes from a three-factor formula to a single-sales-factor formula.

Senate Status: 03/21/17 - Senate Finance Revenue Subcommittee returned to full committee without a recommendation.

House Status: 02/14/17 - Referred to House Finance Subcommittee.

SB15/HB25 Phases out the professional privilege tax over a four-year period.

Sponsors: Sen. Kelsey, Brian , Rep. Daniel, Martin

Summary: Phases out the professional privilege tax by reducing the amount of the tax by \$100 each year, starting with the tax year that begins on or after June 1, 2017.

Senate Status: 05/08/17 - Set for Senate Finance, Ways & Means Committee
05/09/17.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB132/HB41 Phases out professional privilege tax.

Sponsors: Sen. Bowling, Janice , Rep. VanHuss, James

Summary: Phases out the professional privilege tax over a five-year period for tax years that begin on and after June 1, 2017.

Senate Status: 05/08/17 - Set for Senate Finance, Ways & Means Committee
05/09/17.

House Status: 05/08/17 - House Finance Subcommittee deferred to 01/01/18.

SB205/HB1034 Eliminates the professional privilege tax.

Sponsors: Sen. Bowling, Janice , Rep. VanHuss, James

Summary: Eliminates the professional privilege tax for the tax year ending on May 31, 2018, and subsequent tax years.

Senate Status: 05/08/17 - Set for Senate Finance, Ways & Means Committee
05/09/17.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB234/HB602 Professional privilege taxes for attorneys.

Sponsors: Sen. Harris, Lee , Rep. Williams, Ryan

Summary: Exempts an attorney who is legally forbidden to practice law by the supreme court of Tennessee from the professional privilege tax.

Senate Status: 03/01/17 - Senate Finance Revenue Subcommittee sent to Senate Finance with a negative recommendation.

House Status: 02/14/17 - Referred to House Finance Subcommittee.

SB306/HB46 Professional privilege tax.

Sponsors: Sen. Kyle, Sara , Rep. Clemmons, John

Summary: Exempts individuals from the professional privilege tax for the first year in which they are licensed or registered in a taxable profession.

Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB353/HB412 Hotel tax - time frame for preserving assessment records.

Sponsors: Sen. Southerland, Steve , Sen. Swann, Art

Summary: Increases the time an operator of a hotel must preserve records associated with providing accommodations and assessment of the hotel tax from three years to four years. (Broadly Captioned)

Senate Status: 02/08/17 - Referred to Senate State & Local Government Committee.

House Status: 02/08/17 - Referred to House Local Government Subcommittee.

SB364/HB13 Phases out the professional privilege tax over a four-year period.

Sponsors: Sen. Roberts, Kerry , Rep. Reedy, Jay

Summary: Phases out the professional privilege tax over a four-year period, by reducing the amount of the tax by \$100 each year, for tax years that begin on and after June 1, 2017.

Senate Status: 05/08/17 - Set for Senate Finance, Ways & Means Committee
05/09/17.

House Status: 05/02/17 - Taken off notice in House Finance Subcommittee.

SB546/HB60 Rebate on occupational privilege tax under certain conditions.

Sponsors: Sen. Ketron, Bill , Rep. Rogers, Courtney

Summary: Allows a person engaged in an occupation subject to the occupational privilege tax to receive a 75 percent rebate on their occupational privilege tax, if they are older than the age for full social security benefits and earn no more than \$16,000 per year from the taxable occupation. Requires yearly adjustments to the maximum amount of income from the taxable occupation in order to reflect the percentage of change in the average consumer price index, starting on July 1, 2019.

Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB901/HB65 Exemption from franchise and excise tax liability for certain new businesses.

Sponsors: Sen. Bell, Mike , Rep. Smith, Eddie

Summary: Exempts certain new businesses from a portion of their franchise and excise tax liability during their first two years of existence based on the number of employees and the amount of gross receipts in the first two tax years.

Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB1075/HB971 Adverse action related to a license or other privilege - written request for hearing.

Sponsors: Sen. Lundberg, Jon , Rep. Crawford , John

Summary: Increases from 10 to 12 the number of days following any adverse action related to a license or other privilege that the licensee must file a written request for a hearing before the commissioner to contest the action. Broadly captioned.

Senate Status: 02/21/17 - Referred to Senate Finance Revenue Subcommittee.

House Status: 05/09/17 - House Finance Committee deferred to 01/01/18.

SB1799/HB1726 Occupational privilege tax - rebate on tax for certain persons over 70.

Sponsors: Sen. Ketron, Bill , Rep. Rogers, Courtney

Summary: Allows a person engaged in an occupation subject to the occupational privilege tax who is 70 years old or older and who earned no income during the previous year from the taxable occupation to receive a 50 percent rebate on that person's occupational privilege tax.

Senate Status: 01/29/18 - Referred to Senate Finance, Ways & Means Committee.

House Status: 01/30/18 - Referred to House Finance, Ways & Means Subcommittee.

SB2202/HB1937 Tax records related to hotel occupancy.

Sponsors: Sen. Swann, Art , Rep. Sargent, Charles

Summary: Increases from three to four years the amount of time an operator of a hotel must preserve records associated with providing accommodations and assessment of the hotel tax.

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/26/18 - Filed for Introduction

TAXES FUEL

SB1107/HB1243 Taxes and fines related to the highway fund.

Sponsors: Sen. Kyle, Sara , Rep. Clemmons, John

Summary: Increases gasoline and diesel tax rates and allocates revenues to highway fund. Authorizes local option gasoline tax and surcharge. Increases registration fees and creates transportation services district consisting of certain counties. Authorizes special allocation of surplus state tax revenue within district to eligible counties for transportation services. Extends Class C misdemeanor offense of consuming an alcoholic beverage or possessing an open alcoholic beverage container in an operating motor vehicle to passengers.

Senate Status: 03/27/17 - Taken off notice in Senate Transportation & Safety Committee.

House Status: 03/08/17 - Taken off notice in House Transportation Subcommittee.

TAXES GENERAL

HB1732 Sale of surplus real property by the department of transportation.

Sponsors: Rep. Sexton, Cameron

Summary: Authorizes the department of transportation to transfer surplus property without further appraisal if the property is equal to or less than a total value of \$10,000.

House Status: 01/22/18 - Filed for Introduction

TAXES PROPERTY

SB21/HB23 Property tax relief for disabled veterans.

Sponsors: Sen. Green, Mark , Rep. Hill, Timothy

Summary: Re-establishes the first portion of home value for which real property tax relief will be reimbursed to disabled veteran home owners from \$100,000 to \$175,000.

Senate Status: 04/05/17 - Taken off notice in Senate State & Local Government Committee.

House Status: 01/17/18 - Taken off notice in House Local Government Subcommittee.

SB23/HB20 Property tax relief for disabled veterans and low-income elderly.

Sponsors: Sen. Green, Mark , Rep. Forgety, John

Summary: Increases the home value for which real property tax relief will be granted from \$100,000 to \$175,000 for veterans with disabilities and from \$23,500 to \$25,000 for low-income elderly or disabled homeowners.

Senate Status: 03/06/17 - Senate State & Local Government Veterans Affairs Subcommittee returned to full committee with a neutral recommendation.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB25/HB5 Disabled veteran property tax reimbursement.

Sponsors: Sen. Green, Mark , Rep. Ragan, John

Summary: Increases the stated value of a given property to \$175,000 from \$100,000 for reimbursement of property taxes to a disabled veteran.

Senate Status: 01/30/17 - Referred to Senate State & Local Government Committee.

House Status: 01/17/18 - Taken off notice in House Local Government Subcommittee.

SB143/HB82 Complaints to county board of equalization.

Sponsors: Sen. Jackson, Ed , Rep. Sherrell, Paul

Summary: Allows any county board of equalization to permit any owner or taxpayer to make a written appearance for complaints. Requires anyone representing a taxpayer before a county board of equalization, to have written authorization signed by the taxpayer.

Senate Status: 02/09/17 - Senate passed.

House Status: 03/07/17 - Taken off notice in House Local Government Subcommittee.

SB254/HB176 Property tax relief for disabled veterans.

Sponsors: Sen. Crowe, Rusty , Rep. Forgety, John

Summary: Increases the property value threshold for determining the extent of property tax relief payments to disabled veterans and their surviving spouses from \$100,000 to \$175,000 of the full market value of the property.

Senate Status: 03/06/17 - Senate State & Local Government Veterans Affairs Subcommittee returned to full committee with a neutral recommendation.

House Status: 01/17/18 - Taken off notice in House Local Government Subcommittee.

SB492/HB601 Right of redemption for real property sold in a tax sale.

Sponsors: Sen. Briggs, Richard , Rep. Williams, Ryan

Summary: Eliminates owner's right of redemption in real property sold in a tax sale. Defines "vacant and abandoned" property and "evidence of abandonment" for purposes of the appointment of a receiver to collect rents on property subject to a lien for delinquent taxes.

Senate Status: 02/09/17 - Referred to Senate Judiciary Committee.

House Status: 02/17/17 - Referred to House Local Government Subcommittee.

SB594/HB544 Report on counties and cities that have adopted property tax freeze program.

Sponsors: Sen. Watson, Bo , Rep. McCormick, Gerald

Summary: Requires the comptroller to report to the chairs of the senate finance, ways and means committee and the house finance, ways and means committee concerning the number of counties and municipalities that have adopted the property tax freeze program by ordinance or resolution by January 15, 2018.

Senate Status: 02/09/17 - Referred to Senate Finance, Ways & Means Committee.

House Status: 02/14/17 - Referred to House Local Government Subcommittee.

SB753/HB893 Assessment of real property.

Sponsors: Sen. Beavers, Mae , Rep. Williams, Ryan

Summary: Amends language to require that the value of real property assessed for property tax purposes be ascertained from evidence of its sound, intrinsic, and immediate value, for purposes of sale between a willing seller and buyer without consideration of speculative values, and when appropriate, subject to the Agricultural, Forest and Open Space Land Act of 1976; this includes, but is not limited to, an independent appraisal commissioned by the owner of the residential property. Also requires that at the time of assessment, residential property must be assessed at twenty-five percent of its value.

Senate Status: 04/04/17 - Taken off notice in Senate State & Local Government Committee.

House Status: 04/04/17 - Taken off notice in House Local Government Subcommittee.

SB870/HB1357 Property tax freeze for elderly.

Sponsors: Sen. Yarbro, Jeff , Rep. Mitchell, Bo

Summary: Requires that an application for a property tax freeze be approved if the qualified applicant dies prior to filing the application on or after January 1 of the tax year for which the freeze is sought

Senate Status: 04/11/17 - Senate State & Local Government Committee deferred to first calendar of 2018.

House Status: 01/17/18 - Taken off notice in House Local Government Subcommittee.

SB1064/HB1228 General fund reimbursement for property owned by elderly homeowners.

Sponsors: Sen. Kyle, Sara , Rep. Cooper, Barbara

Summary: Requires the general fund to reimburse a 65-year-old low-income taxpayer for all of the local property back taxes paid for a given year on that property that the taxpayer owned and which residence has incurred maintenance costs that exceed \$500.

Senate Status: 04/05/17 - Taken off notice in Senate State & Local Government Committee.

House Status: 01/17/18 - Taken off notice in House Local Government Subcommittee.

SB1235/HB874 Expansion of the tax credit allowed for the purchase of brownfield property.

Sponsors: Sen. Norris, Mark , Rep. Akbari, Raumesh

Summary: Makes revisions to tax credits, such as expanding the tax credit allowed for the purchase of brownfield property to include real property that was previously the subject of an investigation or remediation as a brownfield project under a voluntary agreement or consent order.

Senate Status: 02/13/17 - Referred to Senate State & Local Government Committee.

House Status: 04/04/17 - Taken off notice in House Local Government Subcommittee.

SB1484/HB1670 Reappraisals for cities lying in more than one county.

Sponsors: Sen. Briggs, Richard , Rep. Moon, Jerome

Summary: Removes requirement that a city lying in more than one county be reappraised under a separate plan of reappraisal.

Senate Status: 02/01/18 - Senate passed.

House Status: 02/01/18 - Set for House Local Government Subcommittee 02/07/18.

SB1675/HB1496 Property tax relief for disabled veterans who are temporarily in a nursing home.

Sponsors: Sen. Green, Mark , Rep. Pitts, Joe

Summary: Provides continued eligibility for a disabled veteran's property tax relief during temporary periods of confinement in a nursing home or hospitalization if the disabled veteran intends to return to the residence once he or she has sufficiently recovered.

Senate Status: 01/24/18 - Referred to Senate State & Local Government Committee.

House Status: 02/01/18 - Set for House Local Government Subcommittee 02/07/18.

SB1923/HB1952 Accounting for tax increment financing in calculating the certified tax rate.

Sponsors: Sen. Lundberg, Jon , Rep. Crawford , John

Summary: Permits governing bodies to exclude from taxable value of property appearing on the assessment roll, the taxable value of properties subject to tax increment financing and properties within areas where an economic impact plan has been approved.

Senate Status: 02/01/18 - Referred to Senate State & Local Government Committee.

House Status: 01/29/18 - Filed for Introduction

SB1932 Tax collected on real property conveyed by a land bank.

Sponsors: Sen. Jackson, Ed ,

Summary: STATE SUMMARY - As introduced, permits 50 percent of the real property tax collected on real property conveyed by a land bank to

be remitted to the land bank for a period of five years following the conveyance.

Senate Status: 02/01/18 - Referred to Senate State & Local Government Committee.

SB1979 Procedure for classifying property as low-income housing property.

Sponsors: Sen. Dickerson, Steven ,

Summary: STATE SUMMARY - As introduced, establishes procedure for classifying property as low-income housing property; requires such property be valued according to present use value; makes other related revisions.

Senate Status: 02/01/18 - Referred to Senate State & Local Government Committee.

HB1735 TACIR study on nontax-producing property held by state and local governments.

Sponsors: Rep. Carter, Mike

Summary: TACIR study on nontax-producing property held by state and local governments.

House Status: 01/30/18 - Referred to House Local Government Subcommittee.

HB1987 Affordable Real Property Act

Sponsors: Rep. Gilmore, Brenda

Summary: STATE SUMMARY: As introduced, enacts the "Affordable Real Property Act." - Amends TCA Title 13, Chapter 23; Title 67, Chapter 4 and Title 67, Chapter 5.

House Status: 01/29/18 - Filed for Introduction

HJR591 Constitutional amendment - prohibits general assembly from levying any state tax on property.

Sponsors: Rep. Sparks, Mike

Summary: Proposes additional language in Article II, Section 28 of the state constitution to prohibit the general assembly from levying, authorizing, or otherwise permitting any state tax on property.

House Status: 01/16/18 - Referred to House State Government Subcommittee.

TAXES SALES

SB1268/HB1069 Distribution of state- shared sales tax revenue.

Sponsors: Sen. Norris, Mark , Rep. Moody, Debra

Summary: Increases the portion of state-shared sales tax revenue for cities and counties by 0.5 percent, and divides that portion equally between cities and counties. Decreases by 0.5 percent the portion of revenue distributed to the general fund.

Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status: 05/08/17 - Taken off notice in House Finance Subcommittee.

SB1685/HB1468 Historic Structure Rehabilitation Act.

Sponsors: Sen. Briggs, Richard , Rep. Staples, Rick

Summary: Provides for a refund of state sales tax paid on expenditures to rehabilitate historic structures if the owner uses the certified historic structure for at least one year following the rehabilitation, the rehabilitation meets certain U.S. standards, and the certified qualified rehabilitation expenditures are made on or after July 1, 2018.

Senate Status: 01/24/18 - Referred to Senate Finance, Ways & Means Committee.

House Status: 02/01/18 - Set for House Government Operations Committee
02/07/18.

TRANSPORTATION GENERAL

SB345/HB53 Funding of priority transportation projects.

Sponsors: Sen. Niceley, Frank , Rep. Zachary, Jason

Summary: Contingent upon monthly surplus state tax revenues exceeding \$5 million, allocates 25 percent of the surplus revenues to the priority transportation project fund to be used for transportation projects. Requires commissioner of transportation to recommend the top 100 projects to be funded and authorizes general assembly to appropriate from fund to implement all or part of the projects recommended. Specifies that any balance remaining unexpended at the end of a fiscal year in the priority transportation project fund cannot revert to the general fund but shall be carried forward into the subsequent fiscal year.

Senate Status: 02/08/17 - Referred to Senate Transportation.

House Status: 03/01/17 - Failed in House Transportation Subcommittee.

SB2089/HB2156 Power of eminent domain to remove advertising structures on scenic highways.

Sponsors: Sen. Massey, Becky , Rep. Staples, Rick

Senate Status: 01/31/18 - Filed for Introduction

House Status: 01/31/18 - Filed for Introduction

TRANSPORTATION VEHICLES

SB658/HB864 Increases the penalty for the offense of unlawful use of a portable electronic device while driving.

Sponsors: Sen. Tracy, Jim , Rep. Holsclaw, Jr., John

Summary: Increases the penalty for the offense of unlawful use of a portable electronic device while driving to a Class B misdemeanor if the violation results in an accident causing serious bodily injury. Increases the penalty to a Class A misdemeanor if the accident results in death.

Senate Status: 03/30/17 - Senate passed.

House Status: 05/05/17 - Re-referred to House Calendar & Rules Committee.

UTILITIES

SB1646/HB1591 Cooperative access for telecommunications and broadband internet services.

Sponsors: Sen. Yager, Ken , Rep. McCormick, Gerald

Summary: Grants access for a cooperative to certain properties for the purpose of supplying telecommunications and broadband internet access and related services.

Senate Status: 01/22/18 - Referred to Senate Commerce & Labor Committee.

House Status: 02/01/18 - Set for House Business & Utilities Committee 02/07/18.

WELFARE

SB412/HB627 Radon testing guidelines.

Sponsors: Sen. Tracy, Jim , Rep. Kumar, Sabi

Summary: Requires radon testing every 5 years for licensed child care agencies and for initial licensure applications or renewal of licenses to prove to department of human services they've been tested within the last 5 years. Must post most current radon measurement clearly and include an explanation of the radon health risk, what levels of radon exposure are dangerous, and contact information for the state's radon program.

Senate Status: 03/29/17 - Senate Health & Welfare Committee deferred to Summer Study.

House Status: 03/29/17 - Taken off notice in House Health Subcommittee.