

Tennessee REALTORS® Weekly Bill Track

Week of March 12, 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.
 Fiscal Note: (Dated March 29, 2017) Decrease Local Revenue \$1,000/Each Instance
 Senate Status: 02/13/17 - Referred to Senate State & Local Government Committee.
 Position: Realtors: monitor

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.
 Fiscal Note: (Dated January 30, 2017) NOT SIGNIFICANT
 Senate Status: 02/01/17 - Referred to Senate Commerce & Labor Committee.
 House Status: 03/06/18 - Taken off notice in House Business & Utilities Subcommittee.
 Position: Realtors: support

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.

Fiscal Note: (Dated February 16, 2017) NOT SIGNIFICANT
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.
Position: Realtors: monitor

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.
Position: Realtors: oppose

SB1954/HB2293 Uniform Commercial Code financing statement filings.

Sponsors: Sen. Pody, Mark , Rep. Boyd, Clark
Summary: Expands the current streamlined process, that allows certain public officials to contest Uniform Commercial Code financing statements that they believe to lack any legal basis, to now be available to all Tennessee residents.
Senate Status: 02/01/18 - Referred to Senate Commerce & Labor Committee.
House Status: 02/05/18 - Referred to House Insurance & Banking Subcommittee.
Position: Realtors: support

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.
Fiscal Note: (Dated March 16, 2017) Decrease State Revenue Up to \$2,679,000/Highway Fund
Senate Status: 03/20/17 - Taken off notice in Senate Transportation & Safety Committee.
House Status: 02/14/17 - Referred to House Transportation Subcommittee.
Position: Realtors: monitor

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.
Amendment Summary: House Local Government Committee Amendment 1 (003126) deletes and rewrites the bill to include and define language "unimproved city or county owned property."
Fiscal Note: (Dated January 30, 2017) Decrease Local Expenditures Exceeds \$800
Senate Status: 04/19/17 - Senate Judiciary Committee deferred to Summer Study.
House Status: 04/26/17 - Taken off notice in House Finance Subcommittee.
Position: Realtors: support

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.)
Amendment Summary: House Civil Justice Subcommittee Amendment 1 (006146) deletes the nullification of federal law and reinstates posting notice for prohibition of firearms at certain meetings.
Fiscal Note: (Dated March 20, 2017) Decrease State Revenue \$6,256,100/Handgun Permit Division \$2,331,500/TBI Decrease State Expenditures \$6,256,100/Handgun Permit Division \$1,363,000/TBI \$3,642,600/Incarceration* Increase State Expenditures \$720,000/Recurring/General Fund Decrease Local Revenue \$538,000/Sheriffs 2 SB 131 - HB 493
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).
Position: Realtors: oppose

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.

Amendment Summary: House Criminal Justice Subcommittee Amendment 1 (006290) rewrites the bill to reduce the offense to a class A misdemeanor and to add a statute of limitations of one year for commencing prosecution for such offenses. House Criminal Justice Committee Amendment 1 (006623) deletes and rewrites the proposed legislation to prohibit a person from claiming adverse possession if the land was possessed by illegal means; to reduce the offense to a class A misdemeanor; and to add a statute of limitations of one year for commencing prosecution for such offenses.

Fiscal Note: (Dated March 16, 2017) Increase State Expenditures \$7,000/Incarceration*

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

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

Position: Realtors: support

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.

Fiscal Note: (Dated March 29, 2017) Increase State Revenue Exceeds \$3,800 Increase Local Revenue Exceeds \$200

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

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

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 1, 2018) NOT SIGNIFICANT

Senate Status: 02/12/18 - Senate passed.

House Status: 02/26/18 - House passed.

Executive Status: 02/28/18 - Sent to governor.

Position: Realtors: monitor

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.
Fiscal Note: (Dated February 8, 2018) Other Fiscal Impact Due to numerous unknown factors, any fiscal impact to Shelby County cannot be determined with any reasonable certainty. However, any such impact is considered permissive.
Senate Status: 02/15/18 - Senate passed.
House Status: 03/07/18 - House Finance, Ways & Means Subcommittee deferred to 03/14/18.
Position: Realtors: monitor

EDUCATION

SB2386/HB2475 Need for instruction on dangers of sending or reading messages on hand-held devices while operating while operating a vehicle.

Sponsors: Sen. Niceley, Frank , Rep. Powers, Dennis
Summary: Requires all driver education courses to include instruction on the dangers of using hand-held mobile telephones to send or read a written message. Explains to students that it is a delinquent act with penalty for a person under 18 years of age to knowingly operate a motor vehicle on any road or highway and use a mobile telephone that is equipped with a hands-free device to send or read a written message.
Fiscal Note: (Dated February 7, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate Education Committee.
House Status: 02/07/18 - Referred to House Education Instruction and Programs Subcommittee.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 11, 2017) NOT SIGNIFICANT
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.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 12, 2017) NOT SIGNIFICANT
Senate Status: 03/08/18 - Set for Senate Energy, Agriculture & Natural Resources Committee 03/08/18.
House Status: 02/15/17 - Referred to House Agriculture & Natural Resources Subcommittee.
Position: Realtors: support

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.
Fiscal Note: (Dated February 5, 2017) NOT SIGNIFICANT
Senate Status: 02/01/17 - Referred to Senate Judiciary Committee.
House Status: 02/22/17 - Taken off notice in House Civil Justice Subcommittee.
Position: Realtors: monitor

SB1826/HB1896 Uniform Partition of Heirs Property Act.

Sponsors: Sen. Stevens, John , Rep. Matlock, Jimmy
Summary: Creates the "Uniform Partition of Heirs Property Act." Establishes guidelines for the partitioning of inherited property following partitioning actions filed on or after July 1, 2018. Allows the court to determine the fair market value of the property following a property appraisal. Creates rules for the sale and purchasing of partitioned property.
Fiscal Note: (Dated February 19, 2018) NOT SIGNIFICANT
Senate Status: 03/05/18 - Senate passed.
House Status: 02/28/18 - House Civil Justice Subcommittee deferred to 03/14/18.
Position: Realtors: monitor

SB2581/HB1596 Uniform Real Property Transfer on Death Act.

Sponsors: Sen. Hensley, Joey , 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.

Fiscal Note: (Dated February 25, 2018) Decrease State Revenue Exceeds \$341,400 Other Fiscal Impact A corresponding decrease in estate recovery funds returned to the federal government estimated to exceed \$658,600.
Senate Status: 02/05/18 - Referred to Senate Judiciary Committee.
House Status: 03/07/18 - Taken off notice in House Civil Justice Subcommittee.
Position: Realtors: monitor

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.

Fiscal Note: (Dated February 20, 2017) Increase State Expenditures \$4,026,100/FY17-18 \$4,539,300/FY18-19 \$4,854,000/FY19-20 \$4,312,600/FY20-21 \$4,728,900/FY21-22 and Subsequent Years Other Fiscal Impact In each instance in which a designer is the prevailing party in a contractual dispute between the state and a designer, the designer will be awarded attorneys fees, paid by the state, resulting in an increase in state expenditures estimated to exceed \$100,000 per such instance.

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.

Position: Realtors: monitor

GOVERNMENT ORGANIZATION

SB1539/HB1647 Sunset - housing development agency board of directors.

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

Summary: Extends the housing development agency board of directors for four years to June 30, 2022.

Fiscal Note: (Dated January 22, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Senate passed.

House Status: 02/12/18 - House passed.

Executive Status: 02/27/18 - Enacted as Public Chapter 0508 effective February 22, 2018.

Position: Realtors: support

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.
Fiscal Note: (Dated January 16, 2018) NOT SIGNIFICANT
Senate Status: 02/12/18 - Senate passed.
House Status: 02/22/18 - House passed.
Executive Status: 02/26/18 - Sent to governor.
Position: Realtors: support

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.
Amendment Summary: Senate amendment 1 (012850) extends the real estate commission for four years to June 30, 2022.
Fiscal Note: (Dated January 16, 2018) NOT SIGNIFICANT
Senate Status: 02/12/18 - Senate passed with amendment 1 (012850).
House Status: 01/24/18 - Referred to House Government Operations Committee.
Position: Realtors: support

SB1598/HB2543 Records retained by state agencies - license holders who receive electronic notification of their license renewals.

Sponsors: Sen. Yager, Ken , Rep. Keisling, Kelly
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.
Fiscal Note: (Dated February 4, 2018) NOT SIGNIFICANT
Senate Status: 01/18/18 - Referred to Senate State & Local Government Committee.
House Status: 02/07/18 - Referred to House State Government Subcommittee.
Position: Realtors: monitor

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.
Fiscal Note: (Dated January 29, 2018) NOT SIGNIFICANT
Senate Status: 01/25/18 - Referred to Senate Commerce & Labor Committee.
House Status: 03/06/18 - Taken off notice in House Business & Utilities Subcommittee.
Position: Realtors: monitor

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: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 02/05/18 - Referred to House State Government Subcommittee.
Position: Realtors: monitor

SB2520/HB1574 Tennessee Heritage Protection Act of 2016 - exclusions.

Sponsors: Sen. Ketron, Bill , 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.
Fiscal Note: (Dated February 13, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 03/07/18 - House State Government Subcommittee deferred to 03/14/18.
Position: Realtors: monitor

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.
Amendment Summary: Senate Amendment 1 (003286) makes a technical correction and specifies that this bill prohibits state and local governments from taking discriminatory action against a business on the basis of the business's internal policies that are in compliance with state and federal law. Senate Amendment 2 (003814) adds language to the original bill to expand the prohibition of state and local governments from taking discriminatory action against a business on the basis of personnel and employee benefit policies of the business entity that are in compliance with federal law. Senate Amendment 3 (004225) deletes and rewrites language in the bill such that the proposed prohibition for state and local governments from taking discriminatory action against a business entity is based specifically on that business's healthcare insurance policies and the coverage provided thereunder; family leave policies; minimum wage policies; or anti-discrimination policies; provided that such policies are in compliance with state and federal statutes, rules, and regulations.
Fiscal Note: (Dated February 6, 2017) Other Fiscal Impact To the extent a business contracts with or receives a grant from a state or local government entity and adopts a policy in compliance with state law but out of compliance with federal law, federal funds may be withheld. The extent of any potential federal withholding is based on multiple unknown factors and cannot be reasonably determined.
Senate Status: 03/09/17 - Senate passed with amendment 3 and previously adopted amendments 1 and 2.
House Status: 02/14/18 - Taken off notice in House State Government Subcommittee.
Position: Realtors: monitor

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 person upon request prior to the rule's effective date.
Fiscal Note: (Dated February 6, 2017) NOT SIGNIFICANT
Senate Status: 02/02/17 - Referred to Senate Government Operations Committee.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 6, 2017) NOT SIGNIFICANT
Senate Status: 02/02/17 - Referred to Senate Government Operations Committee.
Position: Realtors: monitor

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.
Amendment Summary: House Amendment 4 (008769) deletes all language after the enacting clause. Requires numeric or narrative effluent limitations to manage post-construction storm water to be adopted by the Board of Water Quality, Oil and Gas under the Uniform Administrative Procedures Act. Prohibits the issuance of a NPDES permit regulating a local government entity's municipal separate storm sewer system until the promulgated rules have been adopted under the Uniform Administrative Procedures Act.
Fiscal Note: (Dated March 25, 2017) NOT SIGNIFICANT
Senate Status: 02/05/18 - Senate passed.
House Status: 05/09/17 - House passed with amendment 4 (008769).
Executive Status: 02/23/18 - Enacted as Public Chapter 0496 effective February 22, 2018.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 13, 2017) NOT SIGNIFICANT
Senate Status: 05/03/17 - Set for Senate Finance, Ways & Means Committee 05/03/17.
House Status: 02/27/18 - Taken off notice in House Business & Utilities Subcommittee.
Position: Realtors: support

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.

Amendment Summary: Senate Government Operations Committee Amendment 1 (007184) rewrites the bill to specify that after a party has brought forward sufficient evidence to establish a prima facie case to contest the denial, suspension, or revocation of any permit, certificate, registration, or license, then pursuant to the contested case provisions of this part, the agency shall bear the burden of proving, by a preponderance of the evidence, that the agency's action was proper.

Fiscal Note: (Dated March 23, 2017) NOT SIGNIFICANT

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

House Status: 02/07/18 - Taken off notice in House State Government Subcommittee.

Position: Realtors: monitor

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.

Fiscal Note: (Dated March 20, 2017) Increase State Expenditures Exceeds \$64,200/One-Time \$443,000/Recurring Increase Federal Expenditures Exceeds \$64,200/One-Time \$800,100/Recurring Other Fiscal Impact - The provisions of the legislation could jeopardize federal funding if it is determined the state is noncompliant with federal law. TennCare reports the requirement to provide seven days advance notice of all appeal dockets will place the Agency in noncompliance with federally mandated appeal schedules. Federal funding totaling \$7,163,104,200 could be in jeopardy. Due to multiple unknown variables, a precise increase in state expenditures for licensure appeals which are overturned cannot reasonably be determined; HB 769 SB 911 however, it is reasonably estimated that the provisions of the legislation could increase state expenditures by amounts estimated to exceed \$3,000 per case paid from various dedicated funds. Due to multiple unknown factors, a precise increase in state expenditures for issuance of awards from appeals of citations issued by state agencies cannot be determined; but it is reasonably estimated to be \$300 per case, paid from various dedicated funds, dependent upon the citation-issuing agency.

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.

Position: Realtors: support

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.
Fiscal Note: (Dated March 25, 2017) NOT SIGNIFICANT
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.
Position: Realtors: support

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.
Position: Realtors: support

SB1573/HB2437 UAPA - requirements for agencies holding public hearings regarding rulemaking process.

Sponsors: Sen. Bell, Mike , Rep. Gant, Ron
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.
Fiscal Note: (Dated January 25, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Senate passed.
House Status: 03/07/18 - House Government Operations Committee deferred to 03/14/18.
Position: Realtors: support

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.

Fiscal Note: (Dated February 5, 2018) Other Fiscal Impact Repeal of permanent rules of agencies will result in an unknown impact to federal funding, state expenditures, and state revenues. Due to multiple unknown factors, a precise impact on state government cannot reasonably be determined.

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

House Status: 02/07/18 - Taken off notice in House Government Operations Committee.

Position: Realtors: oppose

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.

Position: Realtors: support

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

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

Summary: Prohibits certain government entities from promulgating rules or issuing restrictions that infringe upon an entity member's freedom of speech. Requires the entity to be reviewed if the entity has been found of infringing on members free speech by a join evaluation committee. Authorizes the joint evaluation committee to make recommendations for legislation to the general assembly.

Fiscal Note: (Dated February 23, 2018) NOT SIGNIFICANT

Senate Status: 03/07/18 - Senate Government Operations Committee deferred to 03/14/18.

House Status: 03/07/18 - House Government Operations Committee deferred to 03/14/18.

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 1, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Referred to Senate Government Operations Committee.

House Status: 03/07/18 - House Government Operations Committee deferred to 03/14/18.

Position: Realtors: support

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

Sponsors: Sen. Bell, Mike , Rep. Faison, Jeremy
Summary: Continues permanent rules filed with the secretary of state on or after January 1, 2017 with certain exceptions. Prohibits the department of children's services from creating a process whereby a person determined to be a perpetrator of child abuse or neglect may have their substantiations reviewed as authorized under Rule 0250-07-09-12.
Fiscal Note: (Dated February 14, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate Government Operations Committee.
House Status: 02/07/18 - Referred to House Government Operations Committee.
Position: Realtors: monitor

SB2499/HB2364 UAPA - changes the venue for judicial review of administrative orders.

Sponsors: Sen. Johnson, Jack , Rep. Lynn, Susan
Summary: Changes the venue for judicial review of administrative orders under the Uniform Administrative Procedures Act from Davidson County to Williamson County.
Fiscal Note: (Dated February 20, 2018) Increase State Revenue Exceeds \$1,000/Attorney General Increase State Expenditures \$24,800/One-Time/General Fund Exceeds \$1,000/Recurring/General Fund Exceeds \$1,000/Recurring/Attorney General
Senate Status: 02/05/18 - Referred to Senate Government Operations Committee.
House Status: 02/28/18 - Taken off notice in House Civil Justice Subcommittee.
Position: Realtors: monitor

SB2603/HB2386 UAPA - venue for appeals of contested case hearings.

Sponsors: Sen. Bell, Mike , Rep. Daniel, Martin
Summary: Requires the appeals of contested case hearings to be heard in the chancery court closest to the residence of the person contesting the agency action.
Amendment Summary: House Civil Justice Subcommittee amendment 2 (013550), which deletes and rewrites all language after the enacting clause such that the only substantive changes (1) remove applicability from TennCare and (2) remove the ability for an aggrieved person to choose any court having subject matter jurisdiction.
Fiscal Note: (Dated February 20, 2018) Increase State Revenue Exceeds \$10,000/Attorney General Increase State Expenditures Exceeds \$59,200/General Fund Exceeds \$10,000/Attorney General Increase Federal Expenditures \$49,200
Senate Status: 02/05/18 - Referred to Senate Government Operations Committee.
House Status: 03/06/18 - House Civil Justice Committee deferred to 03/13/18.
Position: Realtors: support

SB2652/HB1739 UAPA - economic impact analyses of administrative rules.

Sponsors: Sen. Watson, Bo , Rep. Daniel, Martin
Summary: HB1739 Title: UAPA - economic impact analyses of administrative rules. Category: Government Regulation Summary: Requires agencies filing new rules with the secretary of state to provide an analysis of the rule's economic

impact on the state. If a congressional government operations committee finds the cost of the rule's implementation to exceed \$1,000,000 over a three-year period, the agency will be forced to find ways to reduce the cost of the rule.

Fiscal Note: (Dated February 16, 2018) Increase State Revenue \$741,200/Recurring/Fiscal Review Committee Increase State Expenditures \$330,000/One-Time/General Fund \$5,213,600/Recurring/General Fund \$370,600/Recurring/General Assembly Exceeds \$100,000/One-Time/Fiscal Review Committee Exceeds \$741,200/Recurring/Fiscal Review Committee

Senate Status: 02/05/18 - Referred to Senate Government Operations Committee.

House Status: 03/07/18 - House Government Operations Committee deferred to 03/14/18.

Position: Realtors: monitor

SB2715/HB2555 Fees promulgated by administrative rule.

Sponsors: Sen. Bowling, Janice , Rep. Goins, Tilman

Summary: Prohibits the increase of existing administrative fee that exceeds the lesser five percent or the average annual rate of inflation for the immediately preceding calendar year. Requires that state government agencies must submit a proposal for such increases as a legislative bill or amendment for consideration by the general assembly.

Fiscal Note: (Dated February 24, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 03/07/18 - House State Government Subcommittee deferred to 03/14/18.

Position: Realtors: monitor

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.

Fiscal Note: (Dated March 29, 2017) NOT SIGNIFICANT

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

Position: Realtors: monitor

HEALTH CARE

SB2474/HB1805 Waiver of initial licensure fees imposed by health related boards.

Sponsors: Sen. Roberts, Kerry , Rep. Howell, Dan

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

Amendment Summary: Senate Health & Welfare Committee amendment 1 (014422) deletes and rewrites all language after the enacting clause such that the only substantive change is that it removes the exemption for applicants between the age of 18 and 25 and military families.

Fiscal Note: (Dated February 26, 2018) Decrease State Revenue Exceeds \$1,165,600/FY18-19 Exceeds \$2,331,300/FY19-20 and Subsequent Years Increase State Expenditures - \$285,700/FY18-19 \$502,700/FY19-20 and

Subsequent Years Other Fiscal Impact - The Health Related Boards had an annual surplus of \$4,526,956 in FY15-16, an annual surplus of \$3,551,254 in FY16-17, and a cumulative reserve balance of \$32,645,083 on June 30, 2017. The Regulatory Boards had an annual surplus of \$5,725 in FY15-16, an annual surplus of \$2,735,422 in FY16-17, and a cumulative reserve balance of \$26,350,035 on June 30, 2017.

Senate Status: 03/07/18 - Senate Health & Welfare Committee recommended with amendment 1 (014422), which deletes and rewrites all language after the enacting clause such that the only substantive change is that it removes the exemption for applicants between the age of 18 and 25 and military families. Sent to Senate Finance.

House Status: 03/07/18 - House Health Subcommittee deferred to 03/14/18.

Position: Realtors: support

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.

Fiscal Note: (Dated February 11, 2017) NOT SIGNIFICANT

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

Position: Realtors: support

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.

Amendment Summary: House Insurance and Banking Committee Amendment 1 (004236) makes minute changes by deleting the language "Sections 2 through 8" in Section 1 and substituting the language "Sections 2 through 7." Also deletes the word "chapter" in the first sentence of subdivision (b)(2) in Section 5 and substituting the word "part." Further deletes the language "headings to sections, chapters, and parts" in Section 8 and substituting the language "headings to sections."

Fiscal Note: (Dated February 23, 2017) Increase State Revenue \$53,900/FY17-18 and Subsequent Years/ Historical Commission Decrease State Revenue \$1,074,400/FY17-18/State Premium Taxes* \$3,223,100/FY18-19/State Premium Taxes* \$5,371,800/FY19-20/State Premium Taxes* \$6,446,200/FY20-21 and Subsequent Years/ State Premium Taxes* HB 1061 - SB 1040 Increase State Expenditures \$53,900/FY17-18 and Subsequent Years/ Historical Commission Other Fiscal Impact Secondary economic impacts may occur as a result of this bill. However, due to multiple unknown factors, fiscal impacts directly attributable to such secondary economic impacts cannot be quantified with reasonable certainty. *The following funds/departments will be affected by the awarding of tax credits: General

Fund, Second Injury Fund, and the Department of Commerce and Insurance. The extent to which any fund or Department will be affected cannot be determined with reasonable certainty.

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.

Position: Realtors: support

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.

Fiscal Note: (Dated February 14, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: support

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

Sponsors: Sen. Niceley, Frank ,

Summary: Expands the Uniform Administrative Procedures Act to allow aggrieved persons to demand, through writing, a judicial review of administrative hearing and in certain cases under the Tennessee Food, Drug and Cosmetic Act.

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

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 16, 2018) NOT SIGNIFICANT

Senate Status: 03/06/18 - Set for Senate Judiciary Committee 03/07/18.

House Status: 03/06/18 - House Civil Justice Committee deferred to 03/20/18.

Position: Realtors: support

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.
Position: Realtors: monitor

SB2088/HB2392 Certain acts of harassment, intimidation, or bullying as unlawful employment practices.

Sponsors: Sen. Kyle, Sara , Rep. Miller, Larry
Summary: Establishes the Healthy Workplace Act to ensure legal protection from harassment, intimidation, or bullying for any constitutionally protected class. Recognizes certain actions as unlawful employment practice. Requires that any person injured as a result of violation of this action have a civil cause of action no later than one year from the last act that constitutes a violation. Requires employers to adopt a policy prohibiting harassment, intimidation, and bullying by December 31, 2019.
Fiscal Note: (Dated February 16, 2018) NOT SIGNIFICANT
Senate Status: 03/06/18 - Senate Commerce & Labor Committee deferred to 03/13/18.
House Status: 03/07/18 - House Consumer & Human Resources Subcommittee deferred to 03/14/18.
Position: Realtors: monitor

SB2458/HB2537 Requirements for apprenticeship program.

Sponsors: Sen. Roberts, Kerry , Rep. Howell, Dan
Summary: Establishes an apprenticeship program professions regulated by the regulatory boards. Requires an apprenticeship program to last no more than six months starting January 1, 2019.
Amendment Summary: House Business & Utilities Subcommittee amendment 1 (013067) provides definitions for apprenticeships, licensing authority, and state agency. Provides for who can receive a license. Provides for the requirements for receiving a license. Provides for rules for obtaining an apprenticeship. Exempts out current internships.
Senate Status: 02/05/18 - Referred to Senate Commerce & Labor Committee.
House Status: 03/06/18 - House Business & Utilities Subcommittee recommended with amendment 1 (013067), which provides definitions for apprenticeships, licensing authority, and state agency. Provides for who can receive a license. Provides for the requirements for receiving a license. Provides for rules for obtaining an apprenticeship. Exempts out current internships. Sent to full committee.
Position: Realtors: oppose

LOCAL GOVERNMENT

SB363/HB1143

Inclusionary housing requirements clarified.

Sponsors: Sen. Haile, Ferrell , Rep. Casada, Glen
Summary: Clarifies that 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 government.
Amendment Summary: Senate amendment 1 (013318) deletes and replaces Section 1(b)(1)(B) of the original bill such that the only substantive change is to prohibit a local government or instrumentality thereof from enforcing an ordinance, resolution, regulation, rule, or other requirement that conditions any development entitlements through an amendment to the zoning map on the allocation of existing or newly-constructed private residential or commercial rental units to be sold or rented at below market rates.
Fiscal Note: (Dated March 13, 2017) NOT SIGNIFICANT
Senate Status: 03/05/18 - Senate passed with amendment 1 (013318), which deletes and replaces Section 1(b)(1)(B) of the original bill such that the only substantive change is to prohibit a local government or instrumentality thereof from enforcing an ordinance, resolution, regulation, rule, or other requirement that conditions any development entitlements through an amendment to the zoning map on the allocation of existing or newly-constructed private residential or commercial rental units to be sold or rented at below market rates.
House Status: 03/30/17 - House passed.
Executive Status: 03/05/18 - Sent to the speakers for signatures.
Position: Realtors: monitor

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.
Fiscal Note: (Dated March 8, 2017) NOT SIGNIFICANT
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.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 18, 2017) NOT SIGNIFICANT
Senate Status: 01/09/18 - Re-referred to Senate Calendar Committee.
House Status: 03/08/18 - Referred to House Local Government Committee.
Position: Realtors: monitor

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.

Amendment Summary: Senate Amendment 1 (006271) adds language to the original bill prohibiting territory from being eligible for deannexation if such action will result in the creation of unincorporated territory area that is completely surrounded by municipal boundaries. Senate Amendment 3 (007115) deletes and replaces language in the original bill such that the substantive changes are as follows: deannexation elections are held for all qualified voters residing in the municipality rather than only for qualified voters residing within the deannexed territory and requires a municipality that has annexed territory, a court has found that the municipality has materially and substantially failed to comply with its plan of services, and the majority of voters fail to approve the deannexation in such an election, to comply with the adopted plan of services within five years of such election returns. Requires the annexed territory to be automatically deannexed from the corporate boundaries of the municipality if the municipality does not comply with the plan of services within the five-year period. Senate Amendment 4 (007171) adds language to state that the nothing shall apply to any municipality that adopts a comprehensive deannexation plan by ordinance of the municipality to be completed by a date specified in the ordinance. If a municipality adopts a comprehensive deannexation plan before January 1, 2018, that plan shall control. The comprehensive deannexation plan ordinance may call for referenda to approve or disapprove the deannexation of particular territories identified in the comprehensive deannexation plan. If a referendum is called in accordance with the comprehensive deannexation plan, the question of approval or disapproval of the deannexation shall be submitted only to the qualified voters residing within the territory to be deannexed and shall be approved by a majority of voters. Senate Amendment 5 (008807) provides that any referendum in the ordinance must be held before January 1, 2019.

Fiscal Note: (Dated March 27, 2017) Other Fiscal Impact To the extent a previously-annexed municipal territory is deannexed, shifts in revenue and expenditures between local entities may occur. The extent and timing of any such shifts cannot be reasonably quantified.

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.

Position: Realtors: monitor

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.

Fiscal Note: (Dated March 9, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: monitor

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.
Amendment Summary: House Civil Justice Committee amendment 1 (013326) deletes and rewrites all language after the enacting clause. Establishes new values at which a local government can sell land previously acquired through condemnation to the original property owner. Authorizes former property owners to request a statement of intent for public use regarding property taken through condemnation.
Fiscal Note: (Dated February 2, 2018) Other Fiscal Impact Passage of this legislation could result in decreases to local government revenue. The extent and timing of any such impacts is dependent upon multiple unknown factors and cannot reasonably be determined.
Senate Status: 03/06/18 - Set for Senate Judiciary Committee 03/07/18.
House Status: 03/07/18 - House Finance, Ways & Means Subcommittee deferred to 03/14/18.
Position: Realtors: monitor

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.
Position: Realtors: monitor

SB2117/HB2195 **Local government restrictions on flag displays.**

Sponsors: Sen. Niceley, Frank , Rep. Goins, Tilman
Summary: Prohibits a county legislative body or a municipal legislative body from adopting or enforcing a resolution or ordinance that prohibit or restrict the display of a flag on a property owner's property except when necessary to promote public health and safety.
Fiscal Note: (Dated February 21, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 03/06/18 - House Local Government Committee recommended. Sent to House Calendar & Rules.
Position: Realtors: monitor

SB2343/HB2561 **Redefining housing for local authorities to appropriate funds.**

Sponsors: Sen. Dickerson, Steven , Rep. Jernigan, Darren

Summary: Redefines affordable housing and workforce housing for the purpose of appropriating funds.

Amendment Summary: Senate State & Local Government amendment 1, House Local Government Subcommittee amendment 1 (013796) limits bill to Davidson County.

Fiscal Note: (Dated February 24, 2018) Other Fiscal Impact The precise impact to local government expenditures cannot reasonably be determined; however any impact is considered permissive.

Senate Status: 03/08/18 - Re-referred to Senate Calendar Committee.

House Status: 03/07/18 - House Local Government Subcommittee recommended with amendment 1 (013796), which limits bill to Davidson County. Sent to full committee.

Position: Realtors: support

SB2483/HB2607 Notice regarding eminent domain.

Sponsors: Sen. Kyle, Sara , Rep. Mitchell, Bo

Summary: Extends the time frame where a notice must be published in cases of annexation from seven days prior to a public hearing to 10 days prior to a public hearing.

Fiscal Note: (Dated February 7, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 02/07/18 - Referred to House Local Government Subcommittee.

Position: Realtors: support

SB2500 Notice from the city of excessive vegetation or debris on the owner's property.

Sponsors: Sen. Johnson, Jack ,

Summary: Extends the time allowed for property owners to take proper in action in clearing the property of excessive debris or vegetation after receiving notice from the city from 10 days to 15 days before the city takes action and the property owner becomes liable for the charges.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

Position: Realtors: monitor

SB2680/HB2125 Annexation without a referendum.

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

Summary: Allows for the majority of property owners who own the majority of the land to effectively annex their property without a referendum.

Amendment Summary: House Local Government Committee amendment 1 (014080) requires the annexation of any property with written consent of a two-thirds majority of the property owners to not require a referendum.

Fiscal Note: (Dated February 25, 2018) Other Fiscal Impact To the extent less than all of property owners consent to annexation and a territory is annexed to a municipality without a referendum, shifts in revenue and expenditures between local entities may occur. Any changes or shifts would result from permissive actions of local government. The extent and timing of any such permissive shifts cannot be reasonably quantified. Local governments may also experience permissive cost avoidances associated with such referendums.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 03/06/18 - House Local Government Committee recommended with amendment 1 (014080), which requires the annexation of any property with written consent of a two-thirds majority of the property owners to not require a referendum. Sent to House Finance.

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.

Fiscal Note: (Dated February 21, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 8, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: support

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.

Fiscal Note: (Dated March 30, 2017) Increase State Revenue - \$500/FY17-18/Tennessee Auctioneer Commission \$200/FY19-20 and Subsequent Years/Tennessee Auctioneer Commission Other Fiscal Impact - The Tennessee Auctioneer Commission experienced a surplus of \$84,511 in FY14-15, a surplus of \$60,841 in FY15-16, and a cumulative reserve balance of \$340,262 on June 30, 2016.

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

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

Position: Realtors: support

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.

Fiscal Note: (Dated February 14, 2017) NOT SIGNIFICANT

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.

Position: Realtors: monitor

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

Sponsors: Sen. Yarbro, 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.

Fiscal Note: (Dated February 4, 2018) NOT SIGNIFICANT

Senate Status: 02/20/18 - Senate Commerce & Labor Committee deferred to last calendar.

House Status: 03/01/18 - Withdrawn in House.

Position: Realtors: support

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.

Fiscal Note: (Dated February 4, 2018) NOT SIGNIFICANT

Senate Status: 03/06/18 - Taken off notice in Senate Commerce & Labor Committee.

House Status: 02/20/18 - Taken off notice in House Business & Utilities Subcommittee.

Position: Realtors: support

SB1766/HB1487 Regulated professions - persons who have defaulted on student loans.

Sponsors: Sen. Green, Mark , Rep. McCormick, Gerald

Summary: Repeals requirements that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans.

Fiscal Note: (Dated March 3, 2018) NOT SIGNIFICANT`

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

House Status: 03/06/18 - House Business & Utilities Subcommittee recommended. Sent to full committee.

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.
Fiscal Note: (Dated February 4, 2018) NOT SIGNIFICANT
Senate Status: 02/01/18 - Referred to Senate Commerce & Labor Committee.
House Status: 01/30/18 - Referred to House State Government Subcommittee.
Position: Realtors: monitor

SB2055/HB2515 Remediation of licensure violation.

Sponsors: Sen. Tate, Reginald , Rep. Akbari, Raumesh
Summary: Requires all professional boards to create a remediation subcommittee for offering a licensee the option to have the licensure violation remediated prior to the board applying penalties to, or suspending or revoking the license of, the cited licensee. Allows the subcommittee to report to the board prior to the expiration of a thirty-day period if the subcommittee finds that the cited licensee is not cooperating with the remediation process.
Senate Status: 02/01/18 - Referred to Senate Government Operations Committee.
House Status: 02/07/18 - Referred to House Business & Utilities Subcommittee.
Position: Realtors: support

SB2081/HB2036 Licensure of auctioneers.

Sponsors: Sen. Yager, Ken , Rep. Gravitt, Marc
Summary: Amends language in the bill to change "apprentice" to "affiliate". Changes the time from two years to one year the amount of time that a person has to serve under the supervision of an auctioneer prior to applying for licensure. Allows any auctioneer licensed under this chapter to sponsor an affiliate auctioneer and there is no limit to the number of affiliate auctioneers an auctioneer may sponsor. Makes exemptions to any exchange of goods conducted through bidding on an internet-based trading platform by a publicly traded company that primarily sells motor vehicles.

Amendment Summary: Senate Commerce & Labor Committee amendment 1 (014425) creates the Tennessee Task Force on Auction Law Modernization (the Task Force) for the purpose of studying the regulation of online bidding platforms and conducting a comprehensive review of auction laws in this state, including rules of the Tennessee Auctioneer Commission. The Task Force shall be composed of 13 members, meet at least 4 times between June 1, 2018, and December 31, 2018, and members shall receive no compensation, nor reimbursement for actual travel and other expenses incurred in attending any meeting and performing any duties. For administrative purposes, attaches the Task Force to the Board of Licensing Auctioneers. Requires all appropriate agencies of state government to provide assistance to the Task Force, upon request. Requires the Task Force to make recommendations for legislation for the next legislative session and report its recommendations to the chairs of the Commerce and Labor Committee of the Senate and the Business and Utilities Committee of the House of Representatives on or before January 1, 2019, at which time the Task Force will terminate.

Fiscal Note: (Dated February 15, 2018) Decrease State Revenue - \$400/Tennessee Auctioneer Commission Pursuant to Tenn. Code Ann. 4-29-121, all regulatory boards are required to be self-supporting over any two- year period. The commission experienced a surplus of \$60,841 in FY15-16, a surplus of \$74,211 in FY16-17, and a cumulative reserve balance of \$414,473 on June 30, 2017.

Senate Status: 03/06/18 - Senate Commerce & Labor Committee recommended with amendment 1 (014425). Sent to Senate Calendar Committee.
House Status: 03/06/18 - House Business & Utilities Subcommittee deferred to 03/13/18.
Position: Realtors: support

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.
Fiscal Note: (Dated February 7, 2018) NOT SIGNIFICANT
Senate Status: 02/27/18 - Taken off notice in Senate Commerce & Labor Committee.
House Status: 02/28/18 - House Business & Utilities Committee deferred to last calendar.
Position: Realtors: support

SB2461/HB1799 Roster of all licensed geologists in state.

Sponsors: Sen. Roberts, Kerry , 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.
Fiscal Note: (Dated January 29, 2018) NOT SIGNIFICANT
Senate Status: 03/08/18 - Set for Senate Commerce & Labor Committee 03/12/18.
House Status: 03/07/18 - House Business & Utilities Subcommittee deferred to 03/13/18.
Position: Realtors: monitor

SB2465/HB2248 Fresh Start Act.

Sponsors: Sen. Roberts, Kerry , Rep. Faison, Jeremy
Summary: Prohibits a licensing authority from denying an application for a license, certificate, or registration, or from refusing to renew a license, certificate, or registration, due to a prior criminal conviction that does not directly relate to the applicable occupation, profession, business, or trade. Requires the licensing authority to notify an applicant in writing prior to denial of an application for a license or certificate. Requires the written notification to include the licensing authority's justification for denial or refusal to renew. Clarifies that nothing in this section shall be construed to prohibit a licensing authority from issuing a restricted or conditional license. Establishes other provisions in regard to issuance of licenses, certificates, or registration for persons with a prior criminal conviction. (10 pp.)

Amendment Summary: House Business & Utilities Subcommittee amendment 1 (014257) states (1) Subject to the exemptions in this section and unless prohibited by federal law, a licensing authority shall not deny an application for a license, certificate, or registration, or refuse to renew a license, certificate, or registration due to a prior criminal conviction that does not directly relate to the applicable occupation, profession, business, or trade. Prior to denying an application for a license, certificate, or registration on the basis of a criminal conviction, or prior to the refusal to renew a license, certificate, or registration, on the basis of a criminal conviction, the licensing authority shall notify the applicant, licensee, certificate holder, or registrant of the licensing authority's determination in writing via certified mail, facsimile transmission,

or email. Individuals may request to see if they qualify if they have a conviction. Licensing authority may request written notification of individuals criminal history. Licensing authority may consider several variables in determining whether to issue license. This amendment rules out several agencies. It sets up definitions of agencies and types of license, certificate, or registration. Senate Commerce & Labor Committee amendment 1.

Fiscal Note: (Dated March 2, 2018) Increase State Expenditures \$3,300/One-Time/Division of Regulatory Boards \$100,500/Recurring/ Division of Regulatory Boards Pursuant to Tenn. Code Ann. 4-29-121, all regulatory boards are required to be self-supporting over any two-year period. The Division of Regulatory Boards experienced a deficit of \$105,632 in FY15-16, a surplus of \$2,735,422 in FY16-17, and had a cumulative reserve balance of \$26,350,035 on June 30, 2017.

Senate Status: 03/06/18 - Senate Commerce & Labor Committee recommended with amendment 1. Sent to Senate Calendar Committee.

House Status: 03/06/18 - House Business & Utilities Subcommittee recommended with amendment 1 (014257), which rewrites the bill and removes requirements for licensees and applicants to appear before a licensing authority as well as deadlines for licensing authorities to notify licensees regarding rejected applications. Sent to full committee.

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.

Fiscal Note: (Dated February 12, 2017) Decrease State Revenue - \$589,400/Manufactured Housing Fund Other Fiscal Impact According to the Department of Commerce and Insurance, the Division of Fire Preventions collects approximately \$24,100,000 in recurring revenue from various other sources. Revenue from these other recurring sources can be reallocated to offset the recurring loss of inspection fee revenue.

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

House Status: 02/15/17 - Referred to House Business & Utilities Subcommittee.

Position: Realtors: monitor

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.

Amendment Summary: Senate Amendment 1 (006470) rewrites the bill to state that no homeowners' association shall adopt or enforce a dedicatory instrument provision that prohibits a property owner from displaying the flag of the United States of America or an official or replica flag of any branch of the U.S. armed forces on the property owner's property. A homeowners'

association may enforce reasonable regulations regarding the placement and manner for the display of the U.S. flag. The property owner must display the flag in accordance with U.S. Code.

Fiscal Note: (Dated March 4, 2017) NOT SIGNIFICANT
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.
Position: Realtors: monitor

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).

Fiscal Note: (Dated March 15, 2017) Increase Local Revenue Exceeds \$5,000/Permissive/Each PACE Project Increase Local Expenditures Exceeds \$5,000/Permissive/Each PACE Project
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.
Position: Realtors: monitor

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.

Fiscal Note: (Dated February 21, 2017) NOT SIGNIFICANT
Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/17/17 - Referred to House Business & Utilities Subcommittee.
Position: Realtors: monitor

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.

Fiscal Note: (Dated March 5, 2017) NOT SIGNIFICANT
Senate Status: 03/14/17 - Senate State & Local Government Committee deferred to 03/28/17.

House Status: 03/01/18 - Withdrawn in House.
Position: Realtors: support

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.
Fiscal Note: (Dated February 14, 2017) NOT SIGNIFICANT
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.
Position: Realtors: monitor

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.

Amendment Summary: House Civil Justice Committee Amendment 1 (006002) deletes and rewrites the bill such that the only substantive changes are to: add language requiring a county register to refuse an affidavit on a deed of real conveyance that is not signed and notarized stating under oath the name and address of the preparer of the document and stating that the preparer is a licensed attorney, title insurance agent, or owner of the property being transferred; add insurance agent to the applicable list of deed preparers; and clarify that timeshare programs, vacation clubs, and deeds filed on behalf of federal, state, local government, state or national banks, savings banks, credit unions, or federal farm credit associations are exempt from such preparation requirements.

Fiscal Note: (Dated March 19, 2017) NOT SIGNIFICANT
Senate Status: 04/19/17 - Taken off notice in Senate Judiciary Committee.
House Status: 04/24/17 - Held on House clerk's desk.
Position: Realtors: support

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.

Fiscal Note: (Dated March 30, 2017) Increase State Expenditures Exceeds \$700,000/Highway Fund Increase Local Expenditures Exceeds \$7,000/Permissive
Senate Status: 02/13/17 - Referred to Senate Judiciary Committee.
House Status: 02/14/17 - Referred to House Local Government Subcommittee.
Position: Realtors: support

SB1603/HB2528 Retainage due to a contractor.

Sponsors: Sen. Yager, Ken , Rep. Calfee, Kent
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.
Fiscal Note: (Dated February 27, 2018) NOT SIGNIFICANT
Senate Status: 01/18/18 - Referred to Senate Commerce & Labor Committee.
House Status: 02/07/18 - Referred to House Business & Utilities Subcommittee.
Position: Realtors: support

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.
Amendment Summary: House Civil Justice Committee amendment 1 (012791) adds language to the original bill authorizing any adult person occupying the premises to be served a summons for the purpose of a landlord regaining possession of property.
Fiscal Note: (Dated February 2, 2018) NOT SIGNIFICANT
Senate Status: 01/24/18 - Referred to Senate Judiciary Committee.
House Status: 03/08/18 - Set for House Floor on 03/15/18.
Position: Realtors: support

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.
Fiscal Note: (Dated February 22, 2018) Increase Local Expenditures Exceeds 110,000*
Senate Status: 02/27/18 - Senate Judiciary Committee deferred to 03/20/18.
House Status: 03/07/18 - Failed in House Civil Justice Subcommittee.
Position: Realtors: support

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.
Amendment Summary: House Civil Justice Committee amendment 1 (013246), which deletes all language after the enacting clause and replaces language of the proposed

legislation such that the only substantive changes are (1) adding that a natural person can act on behalf of the maker of the document; (2) clarifying the definition of "appearance" to include appearing by way of an interactive two-way audio and video communication; (3) authorizes the use of an electronic signature or a digitized image of a wet signature, which does not need to be accompanied by a physical or electronic image of a stamp, impression, or seal; and (4) provides that the requirement of an official notary seal is satisfied by an electronically transmitted document if the document legibly reproduces the required elements of the seal.

Fiscal Note: (Dated February 3, 2018) Increase State Revenue \$164,600/FY18-19/Secretary of State \$4,600/FY19-20 and Subsequent Years/Secretary of State Increase State Expenditures \$164,600/FY18-19/Secretary of State \$4,600/FY19-20 and Subsequent Years/Secretary of State

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

House Status: 03/06/18 - House Civil Justice Committee recommended with amendment 1 (013246), which deletes all language after the enacting clause and replaces language of the proposed legislation such that the only substantive changes are (1) adding that a natural person can act on behalf of the maker of the document; (2) clarifying the definition of "appearance" to include appearing by way of an interactive two-way audio and video communication; (3) authorizes the use of an electronic signature or a digitized image of a wet signature, which does not need to be accompanied by a physical or electronic image of a stamp, impression, or seal; and (4) provides that the requirement of an official notary seal is satisfied by an electronically transmitted document if the document legibly reproduces the required elements of the seal. Sent to House Government Operations.

Position: Realtors: support

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.

Position: Realtors: monitor

SB1956 Report regarding federal manufactured home construction and safety standards.

Sponsors: Sen. Pody, Mark ,

Summary: Requires the commissioner of commerce and insurance to annually submit a report to the general assembly that details the commissioner's 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, or agency, instrumentality, or representative of the department.

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

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.
Position: Realtors: support

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.

Fiscal Note: (Dated February 24, 2018) NOT SIGNIFICANT
Senate Status: 02/01/18 - Referred to Senate Judiciary Committee.
House Status: 03/06/18 - House Civil Justice Committee deferred to 03/13/18.
Position: Realtors: support

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.

Fiscal Note: (Dated February 23, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate Commerce & Labor Committee.
House Status: 02/05/18 - Referred to House Local Government Subcommittee.
Position: Realtors: monitor

SB2126/HB2423 Application of the Neighborhood Preservation Act.

Sponsors: Sen. Jackson, Ed , Rep. White, Mark
Summary: Extends the Neighborhood Preservation Act to apply to Shelby, Davidson, Madison, and any county or municipality that has formed a land bank.

Amendment Summary: House Local Government Committee amendment 1 (014043) extends application of the Neighborhood Preservation Act to any county or municipality with a land bank. Allows petitioners to file a petition for a judgment in rem against a subject parcel seeking an order that the subject parcel is a public nuisance. Requires minimum bids made by land bank corporations in advance of delinquency property tax sales to be accepted for no cash if there are no other bidders on the parcel.

Fiscal Note: (Dated February 22, 2018) Other Fiscal Impact To the extent civil suits are brought against owners of property in land banks, state and local governments may be impacted. The extent and timing of any such impacts are unknown due to multiple unknown factors.

Senate Status: 02/27/18 - Senate State & Local Government Committee deferred to 03/13/18.

House Status: 03/06/18 - House Local Government Committee recommended with amendment 1 (014043), which extends application of the Neighborhood Preservation Act to any county or municipality with a land bank. Allows petitioners to file a petition for a judgment in rem against a subject parcel seeking an order that the subject parcel is a public nuisance. Requires minimum bids made by land bank corporations in advance of delinquency property tax sales to be accepted for no cash if there are no other bidders on the parcel. Sent to House Finance.

Position: Realtors: monitor

SB2189/HB2212 Email notification for tenants and landlords.

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

Summary: Authorizes landlords to send required notifications to the tenant via email, except for when the Uniform Residential Landlord and Tenant Act requires other form of notification, unless the tenant rescinded the use of email in written notice to the landlord. Prohibits landlords from requiring an email address as condition of entering rental agreement.

Fiscal Note: (Dated March 1, 2018) NOT SIGNIFICANT

Senate Status: 03/06/18 - Senate Commerce & Labor Committee deferred to 03/13/18.

House Status: 02/05/18 - Referred to House Business & Utilities Subcommittee.

Position: Realtors: support

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: 02/05/18 - Referred to Senate Judiciary Committee.

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

Position: Realtors: monitor

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.

Amendment Summary: House Local Government Subcommittee amendment 1 (014018) deletes all language after the enacting clause. Requires a municipality to display required notice regarding unlawful operation of alcohol and drug abuse prevention and or treatment services in city hall or other building that houses the municipality's seat of government. Requires a municipality that maintains a website to also place such notice predominantly on its website. Authorizes a municipality to adopt an ordinance to require sober living homes to display notice in a prominent place within the sober living home and further authorizes municipalities to adopt ordinances encouraging sober living homes to become chartered and comply with applicable requirements.

Fiscal Note: (Dated February 13, 2018) Increase State Expenditures \$1,410,000
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 03/07/18 - House Local Government Subcommittee recommended with amendment 1 (014018), which deletes all language after the enacting clause. Requires a municipality to display required notice regarding unlawful operation of alcohol and drug abuse prevention and or treatment services in city hall or other building that houses the municipality's seat of government. Requires a municipality that maintains a website to also place such notice predominantly on its website. Authorizes a municipality to adopt an ordinance to require sober living homes to display notice in a prominent place within the sober living home and further authorizes municipalities to adopt ordinances encouraging sober living homes to become chartered and comply with applicable requirements. Sent to full committee.
Position: Realtors: monitor

SB2360/HB2674 Verifying if a contractor is properly licensed before recording a contractor's lien.

Sponsors: Sen. Yarbro, Jeff , Rep. Fitzhugh, Craig
Summary: Requires jurisdictions to have systems in place to verify the licenses of people and corporations prior to accepting and recording liens by the register of deeds. Lists the methods for verifying a person or corporation's license.
Senate Status: 02/05/18 - Referred to Senate Judiciary Committee.
House Status: 02/07/18 - Referred to House Civil Justice Subcommittee.
Position: Realtors: monitor

SB2375/HB2266 Public hearing regarding zoning ordinances.

Sponsors: Sen. Bowling, Janice , Rep. Hicks, Gary
Summary: Requires a municipality prior to enacting a zoning ordinance or any relating amendment to publish notice the public hearing of the ordinance or amendment to website of the municipality.
Fiscal Note: (Dated February 20, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 02/05/18 - Referred to House Local Government Subcommittee.
Position: Realtors: monitor

SB2451/HB2572 Report on number of housing discrimination claims.

Sponsors: Sen. Harris, Lee , Rep. Stewart, Mike

Summary: Requires the human rights commission to submit an electronic report to each member of the general assembly no later than January 15th of each year regarding the number of claims involving discriminatory housing practices.

Fiscal Note: (Dated February 7, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Referred to Senate Judiciary Committee.

House Status: 03/07/18 - House Civil Justice Subcommittee deferred to last calendar.

Position: Realtors: monitor

SB2556/HB2439 Notifying landlord of change of email address.

Sponsors: Sen. Hensley, Joey , Rep. Terry, Bryan

Summary: Requires a tenant to provide a written notice of the tenant's change of electronic mail address to the landlord.

Amendment Summary: House Business & Utilities Subcommittee amendment 1 (014061) states that if a tenant that pretends to have a disability-related need for an assistance animal in order to obtain an exception to a landlord policy that prohibits pets the landlord can be held in breach of the rental agreement based on the tenant's conviction for the violation is fully enforceable. Defines assistance animal.

Fiscal Note: (Dated February 28, 2018) NOT SIGNIFICANT

Senate Status: 03/06/18 - Senate Commerce & Labor Committee deferred to 03/13/18.

House Status: 03/06/18 - House Business & Utilities Subcommittee recommended with amendment 1 (014061), which states that if a tenant that pretends to have a disability-related need for an assistance animal in order to obtain an exception to a landlord policy that prohibits pets the landlord can be held in breach of the rental agreement based on the tenant's conviction for the violation is fully enforceable. Defines assistance animal. Sent to full committee.

Position: Realtors: support

SB2658/HB2023 Applicability of Uniform Residential Landlord and Tenant Act to certain counties.

Sponsors: Sen. Bailey, Paul , Rep. Farmer, Andrew

Summary: Extends the Uniform Residential Landlord and Tenant Act to include any county that a four year private or public university is located.

Fiscal Note: (Dated March 2, 2018) NOT SIGNIFICANT

Senate Status: 03/08/18 - Set for Senate Commerce & Labor Committee 03/12/18.

House Status: 02/05/18 - Referred to House Business & Utilities Subcommittee.

Position: Realtors: monitor

SB2685/HB1766 Managing or developing mixed-finance housing projects.

Sponsors: Sen. Bailey, Paul , Rep. Sargent, Charles

Summary: Expands the definition of immunity housing authority corporations to include entities that individuals or housing authorities may form.

Amendment Summary: House Local Government Committee amendment 1 (013070) prohibits housing authorities or entities that participate with a mixed-finance project from enjoying any protections and immunities that are presently provided for housing authority corporations, and any protections and immunities that may be provided to housing authorities in the future.

Fiscal Note: (Dated February 8, 2018) NOT SIGNIFICANT
Senate Status: 02/15/18 - Senate passed.
House Status: 03/08/18 - House deferred to 03/22/18.
Position: Realtors: monitor

HJR743 Supports making affordable housing a national priority.

Sponsors: Rep. Sparks, Mike
Summary: Supports making affordable housing a national priority. Urges local governments to decrease regulation of new housing market to decrease regulatory costs.

Fiscal Note: (Dated February 1, 2018) NOT SIGNIFICANT
House Status: 03/07/18 - House Local Government Subcommittee recommended. Sent to full committee.

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.

Fiscal Note: (Dated February 22, 2017) NOT SIGNIFICANT
Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.
House Status: 03/28/17 - Taken off notice in House Business & Utilities Subcommittee.
Position: Realtors: monitor

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.

Amendment Summary: House Amendment 1 (004831) prohibits a local governing body from restricting the use of or otherwise regulating a short-term rental unit based on the short-term rental unit's classification, use, or occupancy. Senate Commerce & Labor Committee (006388) deletes Section 1 of the bill to remove provisions limiting local governing bodies' ability to prohibit, restrict, or regulate short-term rental unit's classification, use, or occupancy. House Amendment 3 (008115) deletes the language "Section 12" in the effective date section and substituting instead the language "Section 11." House Amendment 10 (008656), which deletes and rewrites the bill. Enacts the "Short Term Rental Unit Act." Prohibits a local governing body from prohibiting or limiting the use of owner-occupied property as a short-term rental unit or amending a local law to allow prohibiting or limiting said units. In determining land use or utility rates, establishes that the renting of a

property that is not owner-occupied is not a commercial activity. Unless the restrictions were established in local law prior to January 1, 2017. Prohibits a local governing body from prohibiting or limiting the use of property that is not owner-occupied as a short-term rental unit or amending a local law to allow prohibiting or limiting said units. In determining land use or utility rates, it establishes that the renting of a property that is not owner-occupied is not a commercial activity. Unless the restrictions were established in local law prior to April 1, 2017. Section sunsets April 1, 2019. Requires the department of tourist development to complete a review of the economic impact of short-term rental units on the tourism industry and overall economy of Tennessee and submit a written report by July 1, 2018 to the speakers of the house of representatives and the senate. Does not prohibit condominium, co-op, homeowners association or other entity from limiting owners within their jurisdiction from using the property as a short-term rental unit. Applies only to Davidson County. Allows the department to have a written contract with an online short-term rental unit marketplace that agrees to register with the department of tourism industry for taxation purposes. Requires that provider of short-term rental units ensure every smoke alarm and carbon monoxide alarm is fully operational.

Fiscal Note: (Dated February 27, 2017) Increase State Revenue \$346,200/FY18-19/General Fund \$4,000/FY18-19/Department of Revenue \$692,400/FY19-20 and Subsequent Years/General Fund \$8,100/FY19-20 and Subsequent Years/Department of Revenue Increase State Expenditures - \$76,100/FY18-19 \$145,800/FY19-20 and Subsequent Years Increase Local Revenue - \$369,600/FY18-19 \$739,200/FY19-20 and Subsequent Years

Senate Status: 03/06/18 - Senate Commerce & Labor Committee deferred to 03/13/18.
House Status: 05/08/17 - House passed with amendment 10 (008656).
Position: Realtors: monitor

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.

Fiscal Note: (Dated February 10, 2017) Decrease State Revenue \$12,233,000/FY17-18 \$48,195,500/FY18-19 \$90,795,500/FY19-20 \$73,148,000/FY20-21 \$67,500,000/FY21-22 and Subsequent Years Increase State Expenditures \$383,800/FY17-18 Other Fiscal Impact Secondary economic impacts may occur as a result of this bill. Due to multiple unknown factors, fiscal impacts directly attributable to such secondary economic impacts cannot be quantified with reasonable certainty.

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.
Position: Realtors: monitor

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.
Fiscal Note: (Dated January 31, 2017) Decrease State Revenue Net Impact \$88,918,900/FY16-17 \$22,229,700/FY17-18 \$44,459,400/FY18-19 \$66,689,100/FY19-20 \$88,918,900/FY20-21 and Subsequent Years Decrease State Expenditures \$974,400/FY16-17 \$243,600/FY17-18 \$487,200/FY18-19 \$730,800/FY19-20 \$974,400/FY20-21 and Subsequent Years Increase Local Revenue \$441,200/FY16-17 \$110,300/FY17-18 \$220,600/FY18-19 \$330,900/FY19-20 \$441,200/FY20-21 and Subsequent 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.
Position: Realtors: support

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.
Fiscal Note: (Dated February 1, 2017) Decrease State Revenue Net Impact \$88,918,900/FY16-17 \$17,783,800/FY17-18 \$35,567,500/FY18-19 \$53,351,300/FY19-20 \$71,135,100/FY20-21 \$88,918,900/FY21-22 and Subsequent Years Decrease State Expenditures \$974,400/FY16-17 \$194,900/FY17-18 \$389,800/FY18-19 \$584,600/FY19-20 \$779,500/FY20-21 \$974,400/FY21-22 and Subsequent Years Increase Local Revenue \$441,200/FY16-17 \$88,200/FY17-18 \$176,500/FY18-19 \$264,700/FY19-20 \$353,000/FY20-21 \$441,200/FY21-22 and Subsequent Years
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.
Position: Realtors: support

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.
Fiscal Note: (Dated February 7, 2017) Decrease State Revenue Net Impact \$88,918,900/FY16-17 and Subsequent Years Decrease State Expenditures \$974,400/FY16-17 and Subsequent Years Increase Local Revenue \$441,200/FY16-17 and Subsequent 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.
Position: Realtors: support

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.
Fiscal Note: (Dated February 23, 2017) Decrease State Revenue Net Impact Exceeds \$231,900 Increase Local Revenue Exceeds \$3,300

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.
Position: Realtors: support

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.
Amendment Summary: House Finance, Ways & Means Subcommittee amendment 1 (013375) changes the effective date from July 1, 2017 to July 1, 2018.
Fiscal Note: (Dated February 1, 2017) Decrease State Revenue Net Impact \$9,004,100 Decrease State Expenditures \$98,800 Increase Local Revenue \$44,700
Senate Status: 05/09/17 - Taken off notice in Senate Finance, Ways & Means Committee.
House Status: 02/21/18 - House Finance Subcommittee placed behind the budget after adopting amendment 1 (013375).
Position: Realtors: support

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)
Fiscal Note: (Dated February 2, 2017) NOT SIGNIFICANT
Senate Status: 02/08/17 - Referred to Senate State & Local Government Committee.
House Status: 02/08/17 - Referred to House Local Government Subcommittee.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 1, 2017) Decrease State Revenue Net Impact \$88,918,900/FY16-17 \$22,229,700/FY17-18 \$44,459,400/FY18-19 \$66,689,100/FY19-20 \$88,918,900/FY20-21 and Subsequent Years Decrease State Expenditures \$974,400/FY16-17 \$243,600/FY17-18 \$487,200/FY18-19 \$730,800/FY19-20 \$974,400/FY20-21 and Subsequent Years Increase Local Revenue \$441,200/FY16-17 \$110,300/FY17-18 \$220,600/FY18-19 \$330,900/FY19-20 \$441,200/FY20-21 and Subsequent Years
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.
Position: Realtors: support

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.
Fiscal Note: (Dated February 11, 2017) Decrease State Revenue Net Impact \$1,893,300
Increase Local Revenue \$23,100
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.
Position: Realtors: support

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.
Fiscal Note: (Dated February 15, 2017) Decrease State Revenue \$388,000/FY18-19
\$630,400/FY19-20 \$668,200/FY20-21 \$668,200/FY21-22 \$323,300/FY22-23
\$50,300/FY23-24
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.
Position: Realtors: support

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.
Amendment Summary: House Finance Subcommittee Amendment 1 (007935) rewrites the bill. Revises the distribution of local government revenue generation by the 2.25 percent local sales tax imposed on the sales price on the sales made in this state by dealers with no location in Tennessee.
Fiscal Note: (Dated February 14, 2017) NOT SIGNIFICANT
Senate Status: 02/21/17 - Referred to Senate Finance Revenue Subcommittee.
House Status: 05/09/17 - House Finance Committee deferred to 01/01/18.
Position: Realtors: support

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.
Fiscal Note: (Dated February 22, 2018) Decrease State Revenue Net Impact \$640,800
Increase Local Revenue \$7,800
Senate Status: 03/06/18 - Taken off notice in Senate Finance Revenue Subcommittee.
House Status: 01/30/18 - Referred to House Finance, Ways & Means Subcommittee.
Position: Realtors: support

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.
Fiscal Note: (Dated February 13, 2018) NOT SIGNIFICANT
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.
House Status: 02/07/18 - Referred to House Local Government Subcommittee.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 28, 2017) Increase State Revenue \$297,189,600/Highway Fund \$612,600/General Fund \$111,000/Motor Vehicle Account A permissive recurring increase in local government revenue of up to \$102,660,000 as a result of the authorization for counties to impose a privilege tax of up to \$0.03 per gallon on all gasoline sold and delivered to a retail station in the county. Subsequent increases in state and local government revenue and state and local government expenditures are possible as a result of the Acts authorization for local governments to impose tax surcharges upon voters approval to property taxes, sales and use taxes, or severance taxes, and as a result of future tax rate inflation-adjusted increases. Such subsequent fiscal impacts cannot be determined with reasonable certainty and are not accounted for in this fiscal analysis. Pursuant to 23 CFR Part 1270, \$19,210,000 of the federal funds apportioned to the state under the National Highway Performance Program and the Surface Transportation Block Grant Program is currently used for alcohol-impaired driving programs (\$11,718,100) and highway safety improvement programs (\$7,491,900). The open container law change will result in a shift of \$11,718,100 in federal funding from the Highway Safety Office to the Department of Transportation

(TDOT). TDOT will be authorized to use the entire \$19,210,000 on highway construction projects. To the extent the state elects to continue existing programs that are funded by such funds, an additional state appropriation will be required. Secondary economic impacts may occur as a result of this bill. Due to multiple unknown factors, fiscal impacts directly attributable to such secondary impacts cannot be quantified with reasonable certainty.

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.
Position: Realtors: support

TAXES GENERAL

SB2460/HB2421 Decreasing privilege tax.

Sponsors: Sen. Roberts, Kerry , Rep. Vaughan, Kevin
Summary: Reduces the privilege tax from \$400 to \$200 for persons whose license is on active status. Reduces the privilege tax from \$400 to \$100 for persons whose licenses is on inactive status. Requires that persons licensed for two or more professions to only pay one privilege tax.
Fiscal Note: (Dated February 22, 2018) Decrease State Revenue Net Impact \$45,285,700
Increase Local Revenue \$227,200
Senate Status: 03/06/18 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation.
House Status: 02/07/18 - Referred to House Finance, Ways & Means Subcommittee.
Position: Realtors: support

SB2696/HB1732 Sale of surplus real property by the department of transportation.

Sponsors: Sen. Bailey, Paul , 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.
Amendment Summary: House Transportation Subcommittee amendment 1 (013865) rewrites the bill regarding the appraisal review process of surplus real property.
Fiscal Note: (Dated February 16, 2018) NOT SIGNIFICANT
Senate Status: 03/07/18 - Senate Transportation & Safety Committee deferred to 03/14/18.
House Status: 03/06/18 - House Transportation Committee deferred to 03/13/18.
Position: Realtors: monitor

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.
Fiscal Note: (Dated February 9, 2017) Increase State Expenditures \$4,835,000
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.
Position: Realtors: support

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.

Amendment Summary: House Local Government Amendment 2 (006630)- Deletes and rewrites the bill to require the state to reimburse the first 27,000 of the full market value of such property owned by elderly low-income homeowners and disabled homeowners and the first \$135,100 of the full market to disabled veterans. House Finance Subcommittee Amendment 1 (007575)- Deletes all language after the enacting clause. Increases the property value threshold for determining the extent of any property tax relief payments to low-income elderly homeowners and low-income disabled homeowners from \$23,500 of full market value of the property to \$27,000 of the full market value of the property.

Fiscal Note: (Dated February 15, 2017) Increase State Expenditures - \$5,992,200

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.

Position: Realtors: support

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.

Fiscal Note: (Dated February 6, 2017) Increase State Expenditures \$4,835,000

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.

Position: Realtors: support

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.

Fiscal Note: (Dated February 5, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: support

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.

Fiscal Note: (Dated March 5, 2017) Increase State Expenditures - \$3,219,500/FY17-18 \$2,961,900/FY18-19 Other Fiscal Impact In FY19-20 and subsequent years, the estimated increase in state expenditures pursuant to this bill will diminish by approximately eight percent each year into perpetuity until the impact of the property tax relief program is constant with the impact experienced under current law.

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.

Position: Realtors: support

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.

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 15, 2017) NOT SIGNIFICANT

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

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

Position: Realtors: support

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.

Fiscal Note: (Dated April 3, 2017) NOT SIGNIFICANT

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.

Position: Realtors: monitor

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
Amendment Summary: House Local Government Subcommittee amendment 1 (011359) deletes and rewrites all language after the enacting clause and states that if a person who is otherwise eligible for a property tax freeze dies on or after January 1 of the tax year, the collecting official, upon receiving notice of the death and qualifications for the freeze, shall approve the freeze regardless of whether an application was filed.
Fiscal Note: (Dated March 23, 2017) Other Fiscal Impact To the extent qualified property tax freeze program recipients die on or after January 1 but prior to filing applications for the applicable tax year, the applicable local governments offering such tax freeze programs may incur a decrease in local property tax revenue if qualified applications are submitted after such recipients deaths. The extent and timing of any such decreases are unknown.
Senate Status: 04/11/17 - Senate State & Local Government Committee deferred to first calendar of 2018.
House Status: 03/06/18 - House Local Government Committee deferred to 03/13/18.
Position: Realtors: support

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.
Fiscal Note: (Dated March 26, 2017) Increase State Expenditures - \$21,720,900
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.
Position: Realtors: support

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.
Fiscal Note: (Dated March 11, 2017) Decrease State Revenue \$9,940,000
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.
Position: Realtors: support

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.
Fiscal Note: (Dated January 26, 2018) NOT SIGNIFICANT
Senate Status: 02/01/18 - Senate passed.
House Status: 02/22/18 - House passed.
Executive Status: 02/26/18 - Sent to governor.
Position: Realtors: monitor

SB1485/HB1502 Filing requirements with the state board of equalization.

Sponsors: Sen. Jackson, Ed , Rep. Gravitt, Marc
Summary: Specifies that property subject to the tax exemption for religious, charitable, scientific, or educational property, property of certain low-income persons, property of certain educational institutions, and property used for airport runways is required to have the exemption application approved by the state board of equalization. Removes the requirement that the county assessor of property submit a record of the county board of equalization's changes to the state board of equalization.
Fiscal Note: (Dated January 22, 2018) NOT SIGNIFICANT
Senate Status: 02/15/18 - Senate passed.
House Status: 02/22/18 - House passed.
Executive Status: 02/26/18 - Sent to governor.
Position: Realtors: monitor

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.
Amendment Summary: Senate amendment 1, House Local Government Committee amendment 1 (012582) deletes and rewrites all language after the enacting clause such that the substantive changes are to (1) add elderly low-income and disabled homeowner property tax relief recipients to those required to have continued eligibility during temporary periods of confinement in a nursing home or hospital if intent to return to the eligible residence is indicated and (2) to require individuals temporarily hospitalized or confined in a nursing home on or after October 3, 2017, to be retroactively reimbursed for any period where property tax relief reimbursement ceased as a result of such confinement. House Finance, Ways & Means Committee amendment 1 (014065) specifies: (1) the legislation applies to property tax relief applicants that are temporarily relocated for health care to the home of a friend or relative, or to a hospital or skilled or intermediate care facility; (2) references to disabled veteran also include a veteran's otherwise qualified surviving spouse; and (3) the provisions of this legislation be severable if they exclude qualification to property tax relief, and in the absence of the legislation, qualification for property tax relief can be given effect.
Fiscal Note: (Dated January 22, 2018) Other Fiscal Impact There will be a shift in appropriated property tax relief funding to otherwise qualified property tax

relief applicants. However, no change will be required for total appropriations made for the purpose of property tax relief.

Senate Status: 02/15/18 - Senate passed with amendment 1 (012582).
House Status: 03/08/18 - Set for House Floor on 03/12/18.
Position: Realtors: support

SB1791/HB1835 Delinquent property taxes - waiving of penalties and fees due to severe weather.

Sponsors: Sen. Harper, Thelma , Rep. Miller, Larry
Summary: Allows the county trustee to waive penalties resulting from late property tax payments for up to one week if it is determined that severe weather obstructed timely payment at the time of the delinquency date. After one week from the delinquency date if there is no payment made penalties and interest accumulate.

Fiscal Note: (Dated February 2, 2018) NOT SIGNIFICANT
Senate Status: 01/25/18 - Referred to Senate State & Local Government Committee.
House Status: 02/21/18 - Taken off notice in House Local Government Subcommittee.
Position: Realtors: support

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: 02/05/18 - Referred to House Local Government Subcommittee.
Position: Realtors: support

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

Sponsors: Sen. Jackson, Ed ,
Summary: Allows for 50 percent of the real property tax collected on 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.
Position: Realtors: monitor

SB1979/HB2460 Procedure for classifying property as low-income housing property.

Sponsors: Sen. Dickerson, Steven , Rep. Harwell, Beth
Summary: Establishes procedures for any owner of property to apply for its classification as low-income housing property on any assessment roll of any county by filing an application for the classification with the property assessor of such county by April 1 of the first year for which the classification is sought. Classifies and designates the property as low-income house property on the county tax roll after an assessor determines whether the

property is low-income housing property. Sets guidelines for the assessor in making determinations of classifying low-income housing property. Requires a parcel of property classified as low-income housing property to be valued in accordance with its present use value. Permits the seller to be liable for rollback taxes unless otherwise provided by written contract if the sale of low-income housing property will result in the property being disqualified as low-income housing property due to conversion to an ineligible use.

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

House Status: 03/07/18 - House Local Government Subcommittee recommended. Sent to full committee.

Position: Realtors: support

SB2278/HB2686 Property tax freeze program.

Sponsors: Sen. Pody, Mark , Rep. Weaver, Terri

Summary: Requires the comptroller of the treasury to annually report a list of all counties and municipalities that have adopted the property tax freeze program to the chairs of the finance, ways and means committees of the senate and the house of representatives.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 02/07/18 - Referred to House Local Government Subcommittee.

Position: Realtors: monitor

SB2289/HB2541 Exempts property tax of coffee shops owned by a religious institution.

Sponsors: Sen. Bell, Mike , Rep. Harwell, Beth

Summary: Exempts a coffee shop that is owned by a religious institution from property taxation. Sets requirements for a coffee shop to qualify under this section.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 02/07/18 - Referred to House Local Government Subcommittee.

Position: Realtors: monitor

SB2290/HB2395 Requirements for property tax increase.

Sponsors: Sen. Bell, Mike , Rep. Rogers, Courtney

Summary: Requires that any real property tax rate increase be passed at a minimum of two consecutive, regularly scheduled meetings of the governing body of a county or municipality. Requires resolution or ordinance to be passed by a two-thirds vote for property tax increases of five percent or greater. Authorizes referendum on the question of a property tax rate increase of five percent or greater if the tax increase is not approved by a two-thirds vote of the governing body of the county or municipality.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 02/07/18 - Referred to House Local Government Subcommittee.

Position: Realtors: support

SB2385/HB1987 Affordable Real Property Act

Sponsors: Sen. Lundberg, Jon , Rep. Gilmore, Brenda

Summary: Enacts the Affordable Rental Property Act. Requires the Tennessee housing development agency to annually research the availability of affordable rental

housing and set annual county income limits and monthly rental rates for counties with a shortage of affordable rental housing. Sets requirements and creates process for owners for applying for classification as an affordable rental property. Authorizes the state board of equalization to promulgate rules in consultation with the Tennessee housing development agency.

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 03/07/18 - House Local Government Subcommittee deferred to last calendar.

Position: Realtors: monitor

SB2495/HB2337 Motions to claim excess tax sale proceeds.

Sponsors: Sen. Johnson, Jack , Rep. Powell, Jason

Summary: Requires that a motion to claim excess tax sale proceeds be served upon "all interested persons" rather than "the parties." Revises other provisions governing notice and publication of delinquent tax sales.

Amendment Summary: House Local Government Committee amendment 1 (013709) deletes and replaces sections 4 and 5 such that the substantive changes (1) allow a sale to be adjourned only one time without additional publication and (2) if the postponement is for a period of more than 30 days, notice must be mailed no less than 10 calendar days prior to the date of the sale via regular mail to the parties to the suit.

Fiscal Note: (Dated February 19, 2018) NOT SIGNIFICANT

Senate Status: 03/06/18 - Senate State & Local Government Committee deferred to 3/13/18.

House Status: 03/08/18 - Set for House Floor on 03/12/18.

Position: Realtors: monitor

SB2502/HB1470 Composition of board of equalization.

Sponsors: Sen. Ketron, Bill , Rep. Sparks, Mike

Summary: Deletes obsolete language requiring property tax to be used for state purposes. Adds property assessors from each of the grand divisions to the state board of equalization.

Fiscal Note: (Dated February 26, 2018) Increase State Expenditures \$900

Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.

House Status: 01/10/18 - Referred to House Local Government Subcommittee.

Position: Realtors: monitor

SB2650/HB1735 TACIR study on nontax-producing property held by state and local governments.

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

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

Fiscal Note: (Dated January 24, 2018) NOT SIGNIFICANT

Senate Status: 02/05/18 - Referred to Senate Finance, Ways & Means Committee.

House Status: 03/05/18 - House passed.

Position: Realtors: monitor

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.
Fiscal Note: (Dated January 11, 2018) Increase State Expenditures \$9,100/One-Time
House Status: 01/16/18 - Referred to House State Government Subcommittee.
Position: Realtors: support

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.
Fiscal Note: (Dated March 10, 2017) Decrease State Revenue \$33,512,500 Increase Local Revenue \$33,512,500
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.
Position: Realtors: support

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.
Amendment Summary: Senate Finance Revenue Subcommittee amendment 1, House Government Operations Committee amendment 1 (013032) rewrites the bill to change definitions regarding "certified historic residential structure" and requires that certified qualified rehabilitation expenditures are made on or after July 1, 2019. Allows the taxpayer's claim for refund of state sales or use taxes to include state taxes paid by the owner, contractors and subcontractors.
Fiscal Note: (Dated February 6, 2018) Increase State Revenue \$62,500/FY19-20 and Subsequent Years/Historical Commission Decrease State Revenue Net Impact \$651,800/FY19-20/General Fund \$1,303,600/FY20-21 and Subsequent Years/General Fund Increase State Expenditures \$62,500/FY19-20 and Subsequent Years/ Historical Commission Decrease Local Revenue Net Impact \$15,700/FY19-20 \$31,400/FY20-21 and Subsequent Years HB 1468 SB 1685 Other Fiscal Impact Secondary economic impacts may occur as a result of this legislation. However, due to multiple unknown factors, fiscal impacts directly attributable to such secondary economic impacts cannot be quantified with reasonable certainty.
Senate Status: 03/06/18 - Senate Finance Revenue Subcommittee returned to full committee with a negative recommendation after adopting amendment 1 (013032), which rewrites the bill to change definitions regarding "certified

historic residential structure" and requires that certified qualified rehabilitation expenditures are made on or after July 1, 2019. Allows the taxpayer's claim for refund of state sales or use taxes to include state taxes paid by the owner, contractors and subcontractors.

House Status: 02/28/18 - House Finance Subcommittee placed behind the budget.
Position: Realtors: support

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.

Fiscal Note: (Dated January 17, 2017) Other Fiscal Impact An increase in revenue to the Priority Transportation Project Fund, when surplus state tax revenue exceeds \$5,000,000 in any month, and a corresponding decrease in revenue to other state funds, including but not limited to the state General Fund, based on established statutory allocation requirements. Due to multiple unknown factors, the extent and timing of any such impacts cannot be quantified with reasonable certainty. However, any such impacts would be incurred FY16-17 through FY20-21.

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

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

Position: Realtors: support

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

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

Summary: Authorizes the use of eminent domain stretching to 300 meters from either side of a Tennessee scenic highway.

Amendment Summary: Senate Transportation & Safety Committee amendment 1 (014230) removes height restrictions to property designated on Kingston Pike on the north side, from 4315 Kingston Pike to the west.

Fiscal Note: (Dated February 20, 2018) NOT SIGNIFICANT

Senate Status: 03/07/18 - Senate Transportation & Safety Committee recommended with amendment 1(014230). Sent to Senate Calendar Committee.

House Status: 02/07/18 - Referred to House Transportation Subcommittee.

Position: Realtors: monitor

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.
Fiscal Note: (Dated March 15, 2017) NOT SIGNIFICANT
Senate Status: 03/30/17 - Senate passed.
House Status: 05/05/17 - Re-referred to House Calendar & Rules Committee.
Position: Realtors: oppose

SB2539/HB2211 Talking on hand-held devices while driving.

Sponsors: Sen. Tate, Reginald , Rep. Holsclaw, Jr., John
Summary: Extends the current offense for a person knowingly operating a motor vehicle in any marked school zone when a warning flasher is in operation to also include any road or highway in this state while talking on a hand-held mobile telephone.
Fiscal Note: (Dated March 1, 2018) NOT SIGNIFICANT
Senate Status: 03/07/18 - Senate Transportation & Safety Committee deferred to 03/14/18.
House Status: 03/07/18 - House Transportation Subcommittee deferred to 03/14/18.

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.
Amendment Summary: Senate amendment 1 (012868) makes a grammatical clarification and specifies that this bill's authorization for cooperatives to allow "others" to operate, electric, or other telecommunications or broadband internet access and related services transmission and distribution lines is limited to "others" that are permitted to operate such systems within the cooperative's service area.
Fiscal Note: (Dated January 25, 2018) Other Fiscal Impact A precise fiscal impact to local government revenue and expenditures cannot reasonably be determined; however due to electric cooperatives operating in a self-sustaining manner, the net impact to local government is considered not significant.
Senate Status: 02/26/18 - Senate passed with amendment 1 (012868).
House Status: 03/05/18 - House passed.
Executive Status: 03/08/18 - Sent to governor.
Position: Realtors: monitor

SB2504/HB2279 Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018.

Sponsors: Sen. Ketron, Bill , Rep. Lamberth, William
Summary: Enacts the Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018, which desires to maximize investment in wireless connectivity across the state by creating a uniform and predicable

framework that limits local obstacles to deployment of small wireless facilities and to encourage shared use of public infrastructure and colocation in a manner that is the most technology neutral and nondiscriminatory. Prohibits a municipal authority to restrict the size, height, or otherwise regulate the appearance or placement of small wireless facilities. Requires any applicant, a person who is seeking a permit to install a small wireless facility, to replace existing authority-owned utility poles and must reasonably conform to the design aesthetics of the utility pole being replaced. Allows an applicant up to include up to 20 small wireless facilities within a single application to an authority. Requires the authority to determine whether an application is complete and notify the applicant within 10 days of receiving an application and must approve or deny an application within 60 days of receipt of the application.

Amendment Summary: House Business & Utilities Committee amendment 1 (014216) re-writes the bill by deleting all language after the enacting clause. Substitutes the following: changes title to "Competitive Wireless Broadband Investment, Deployment and Safety Act of 2018. Sets up definitions for terms used. Establishes construction and applicability of part. (a) This part shall be construed to maximize investment in wireless connectivity across the state by creating a uniform and predictable framework that limits local obstacles to deployment of small wireless facilities in the ROW and to encourage, where feasible, shared use of public infrastructure and colocation in a manner that is the most technology neutral and nondiscriminatory. (b) This part does not apply to: (1) Deployment of infrastructure outside of the ROW; or (2) Taller towers or monopoles traditionally used to provide wireless services that are governed by Tennessee Code Annotated 13-24-304 and 13-24-305. Sets up local option and local preemption. Existing law unaffected. Prohibits certain activities. Establishes uniform local authority fees for deployment and maintenance of small wireless facilities; and exceptions. Establishes uniform application procedures for local authorities. Has provisions applicable solely to the state as an authority.

Fiscal Note: (Dated February 13, 2018) Increase State Expenditures - \$423,600/FY18-19/Highway Fund \$423,600/FY19-20/Highway Fund \$3,667,900/FY20-21 and Subsequent Years/ Highway Fund Increase Local Revenue Exceeds \$1,000,000/FY18-19 Exceeds \$1,010,000/FY19-20 Exceeds \$1,020,000/FY20-21 Exceeds \$40,000/FY21-22 and Subsequent Years Other Fiscal Impact A precise increase in local government expenditures for the hiring of additional staff for permit processing cannot reasonably be determined. In addition, passage of this legislation could place the Department of Transportation out of compliance with federal regulations and could jeopardize federal funding. The amount and timing of federal funding jeopardized is unknown. The Governors recommended budget document, on page B-321, identifies \$1,013,371,700 in federal funding to the Department.

Senate Status: 03/08/18 - Set for Senate Commerce & Labor Committee 03/12/18.

House Status: 03/07/18 - Referred to House Finance, Ways & Means Subcommittee.

Position: Realtors: monitor

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.

Fiscal Note: (Dated February 11, 2017) NOT SIGNIFICANT

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.

Position: Realtors: monitor

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