

# Tennessee REALTORS® Weekly Bill Track

Week of April 16, 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: 03/12/18 - Enacted as Public Chapter 0547 effective July 1, 2018.  
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: 04/02/18 - House passed.  
Executive Status: 04/06/18 - Sent to governor.  
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: 03/15/18 - Taken off notice in Senate Energy, Agriculture & Natural Resources Committee.  
House Status: 03/21/18 - Taken off notice in 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: 03/21/18 - Taken off notice in House Civil Justice Subcommittee.  
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: 03/12/18 - Enacted as Public Chapter 0533 effective March 7, 2018.  
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: 04/12/18 - House bumped from consent.  
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.  
Fiscal Note: (Dated March 16, 2018) Increase State Revenue Exceeds \$15,000/Per Occurrence/Attorney General Increase State Expenditures Exceeds \$15,000/Per Occurrence/Attorney General Increase Local Expenditures Exceeds \$15,000/Per Occurrence\* Other Fiscal Impact For each property reacquired through eminent domain, there will be a mandatory increase in local expenditures estimated to exceed \$100 annually for maintenance of such property. For each instance of ouster, it is estimated to result in a mandatory increase in local expenditures exceeding \$500.\*  
Senate Status: 03/28/18 - Taken off notice in Senate State & Local Government Committee.  
House Status: 03/28/18 - Failed in House State Government Subcommittee.  
Position: Realtors: monitor

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

Sponsors: Sen. Ketrone, 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.  
Amendment Summary: House State Government Committee amendment 1 (012101) prohibits public entities from selling or disposing of memorials on public property. Requires public entities to file a petition before any transaction involving a nonprofit or private entity. Allows interested parties to offer public comments regarding the petition prior to the commission's decision. Establishes guidelines for the filing of complaints with the commission. Senate Finance,

Ways & Means Committee amendment 1, House Finance, Ways & Means Subcommittee amendment 1 (016250) adds language to place the THPA under the governance of the Uniform Administrative Procedures Act (UAPA).

Fiscal Note: (Dated February 13, 2018) NOT SIGNIFICANT  
Senate Status: 04/03/18 - Senate Finance Committee set behind budget after adopting amendment 1 (016250).  
House Status: 04/05/18 - Set for House Finance Subcommittee Behind the Budget Calendar 04/11/18.  
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: 03/28/18 - 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 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.

Amendment Summary: House Government Operations Committee amendment 1, Senate amendment 1 (015799) specifies that agency guidelines that merely define or explain the meaning of a statute or rule, or that concern only the internal management of state government and do not affect private rights, privileges, or procedures available to the public, are policies. This amendment clarifies that any agency regulation, standard, statement, or document of general applicability that interprets state or federal law or a federal regulation is a rule. This amendment specifies that agency statements concerning offenders who are serving a sentence under probation or parole in the community are not rules. This amendment replaces this bill's requirement that agency policies be submitted to the attorney general for review prior to implementation. This amendment instead requires that, on July 1, of every year, each agency that is subject to sunset review under the Tennessee Governmental Entity Review Law submit to the chairs of the government operations committees: (1) A list of all policies that have been adopted by the agencies in the past year; and (2) A summary of each policy and the agency's justification for adopting a policy on the subject instead of promulgating a rule. This amendment adds that this bill does not require the disclosure of information that is confidential, affects national security, or the disclosure of which would jeopardize federal funding. House Government Operations Committee amendment 2, Senate amendment 2 (016154) adds a provision specifying that agencies subject to governmental entity review will not be required to submit to the chairpersons of the government operations

committees any statements, documents, or published materials, such as frequently asked questions, that are prepared and used in the course of general correspondence with persons or entities. House Government Operations Committee amendment 3 (017167) adds language to clarify that Government Operations Committee retains the right to reconstitute, restructure, or reestablish such agencies.

Fiscal Note: (Dated March 19, 2018) Increase State Expenditures \$15,000/One-Time \$373,100/Recurring Other Fiscal Impact Time constraints associated with passage of rules or approval of policies under the provisions of this legislation could result in jeopardized federal funding to the Department of Health.

Senate Status: 04/04/18 - Senate passed with amendment 1 (015799) and amendment 2 (016154).

House Status: 04/12/18 - Set for House Floor 04/17/18.

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: 03/19/18 - House passed.

Executive Status: 04/03/18 - Enacted as Public Chapter 0611 effective July 1, 2018.

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: 03/14/18 - Taken off notice in 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.

Fiscal Note: (Dated March 29, 2018) Increase State Expenditures Exceeds \$160,000

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

House Status: 04/02/18 - Taken off notice in 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 joint evaluation committee. Authorizes the joint evaluation committee to make recommendations for legislation to the general assembly.

Amendment Summary: House amendment 1 (014559) revises the definition of "freedom of speech" for purposes of this bill to exclude a governmental entity member's freedom to express an opinion concerning matters deemed confidential under present law.

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

Senate Status: 04/02/18 - Senate passed.

House Status: 03/26/18 - House passed with amendment 1 (014559).

Executive Status: 04/06/18 - Sent to governor.

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: 03/28/18 - Taken off notice in Senate Government Operations Committee.

House Status: 03/28/18 - Taken off notice in House Government Operations Committee.

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.

Amendment Summary: House Government Operations Committee amendment 1, Senate Government Operations Committee amendment 1 (016150) rewrites the bill. Removes language in the bill regarding Department of Children's Services Rule 0250-07-09-.12, relative to the Child Abuse Registry Review Committee.

Fiscal Note: (Dated February 14, 2018) NOT SIGNIFICANT

Senate Status: 04/12/18 - Senate deferred to 04/16/18.

House Status: 04/12/18 - Set for House Floor 04/18/18.

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 Finance, Ways & Means Subcommittee amendment 1 (017040) deletes and rewrites all language after the enacting clause such that the only substantive changes (1) remove the ability for an aggrieved person to choose any court having subject matter jurisdiction and (2) require appeals of contested case hearings involving TennCare determinations be held in the Davidson County chancery court. House Government Operations Committee amendment 1 (013406) rewrites the bill. Specifies that subsection (f) will not apply to appeals of contested case hearings involving TennCare determinations. House Civil Justice Committee amendment 2 (014785) rewrites the bill. Removes applicability from any appeals of contested case hearing involving TennCare determinations. Removes the ability for an aggrieved person to choose any court have subject matter jurisdiction. Requires all appeals of contested cases involving a local government entity to be conducted in the Williamson County Chancery Court. Senate Government Operations Committee amendment 1 (016186) rewrites the bill. Exempts appeals of contested case hearings involving TennCare, the



Tennessee public utility commission, and contested cases where the party appealing is a local government entity. Requires petitions for review to be submitted to the chancery court within 60 days after the entry of the agency's final order.

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: 03/28/18 - Senate Government Operations Committee recommended with amendment 1 (016186). Sent to Senate Calendar Committee.

House Status: 04/11/18 - House Finance Subcommittee placed behind the budget after adopting amendment 1 (017040), which deletes and rewrites all language after the enacting clause such that the only substantive changes (1) remove the ability for an aggrieved person to choose any court having subject matter jurisdiction and (2) require appeals of contested case hearings involving TennCare determinations be held in the Davidson County chancery court.

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.

Amendment Summary: House Government Operations Committee, Senate Government Operations Committee amendment 1 (016204) rewrites the bill. Requires an agency to submit to the members of the government operations committees of the senate and house of representatives an estimate of the total compliance and implementation costs on small business entities within the state, if any, affected by the rule, and the number of those affected by the rule and any assumptions and reasoning upon which the estimate is based. Requires the agency to determine whether the rule has \$3,000,000 or more, as opposed to \$1,000,000 or more in the proposed legislation, in implementation and compliance costs over the three year period that begins on the effective date of the rule. Prohibits the agency to promulgate the rule without authorizing legislation or a germane modification to the proposed rule to reduce costs below the \$3,000,000 threshold. Allows the government operations committee on a three-fourths majority vote to authorize the rule if the implementation and compliance costs exceed \$3,000,000 upon a showing exceptional circumstances.

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: 03/28/18 - Senate Government Operations recommended with amendment 1 (016204). Sent to Senate State & Local Government.  
House Status: 04/09/18 - Taken off notice in House Finance, Ways & Means Subcommittee.  
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.

Amendment Summary: Senate State & Local Government Committee amendment 1 (015935) deletes all language after the enacting clause. Requires each agency electing to increase a fee by administrative rule to provide certain information regarding the fee increase to each member of the General Assembly at least 30 days prior to the rule becoming effective. House State Government Committee amendment 1 (014981) rewrites the bill and allows an agency to increase administrative fees in an amount not to exceed the annual rates of inflation for years when the fee was not increased.

Fiscal Note: (Dated February 24, 2018) NOT SIGNIFICANT  
Senate Status: 03/28/18 - Senate State & Local Government Committee recommended with amendment 1 (015935). Sent to Senate Calendar Committee.  
House Status: 04/12/18 - House deferred to 04/16/18.  
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. Requires an authority that is authorized to impose training, education, or licensure fees to practice in a profession to waive all initial licensure fees for low-income persons, military families, and young workers.

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. House Health Committee amendment 1 (015080) rewrites the bill to remove the exemption for low income applicants whose household adjusted gross income is below one hundred thirty percent of the federal poverty line, and the exemptions for applications between the age of 18 and 25 and military families. House Health Committee amendment 2 (015996) removes the requirement in the bill as amended by 015080 for the Department of Health (DOH) and the Department of Commerce and Insurance (DCI) to process the application for the waiver within 30 days and the requirement for the Board to promulgate rules to effectuate the purpose of this section.

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). Sent to Senate Finance.

House Status: 04/12/18 - Set for House Floor 04/17/18.

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: 04/05/18 - Set for House Finance Subcommittee Behind the Budget Calendar 04/11/18.

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: 03/26/18 - Senate passed.  
House Status: 04/02/18 - House passed.  
Executive Status: 04/06/18 - Sent to governor.  
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: 03/13/18 - Taken off notice in Senate Commerce & Labor Committee.  
House Status: 03/14/18 - Taken off notice in House Consumer & Human Resources Subcommittee.  
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: Senate amendment 3 (016361) rewrites this bill. Notwithstanding any law to the contrary and in addition to any other process by which a person may be granted a license pursuant to state law, this amendment provides that a licensing authority will also grant a license, unless other cause for denial of the issuance of the license exists, to any applicant who: (1) Possesses a high school diploma or its equivalent, which shall include a general education development (GED) certificate; (2) Has completed an apprenticeship that requires the applicant to learn the skills and knowledge relevant to the chosen profession under the direct supervision and instruction of a person duly licensed, registered, or certified to practice in the applicant's chosen profession and provides sufficient documentation to the licensing authority of completion of the apprenticeship; (3) Has passed any examination required under law to become licensed, registered, or certified to practice in the applicant's chosen profession; and (4) Has paid any fees required by the licensing authority for the license. For purposes of this amendment, "apprenticeship" means a program that meets certain federal guidelines and complies with this amendment and guidelines established pursuant to this amendment. This amendment authorizes each licensing authority to limit the amount of time or number of attempts following completion of an apprenticeship that an applicant has to pass any required examinations. If the relevant licensing authority does not require an examination of any other person applying to practice in that profession, no examination will be required for applicants who complete an apprenticeship under this amendment. Each licensing authority will determine the duration of any apprenticeship for the profession that the authority regulates and will grant apprentice status to a person only once. This amendment also specifies that each licensing authority will require that an apprentice register with the licensing authority and may set reasonable fees for registration or other transactions. An apprentice is authorized to engage in acts requiring licensure by the licensing authority under the direct supervision and instruction of a professional licensed to practice in the applicant's chosen profession. However, the licensing authority may set limits on the apprentice's practice as are reasonably necessary to protect the health, safety, and welfare of the public. This amendment does not require any state agency to create an apprenticeship. A licensing authority may refuse to issue an apprentice registration to any person for any reason, other than experience or education, that the licensing authority could deny issuance of a regular license in the apprentice's chosen profession. Further, no apprentice registration may be issued to any person who could not be issued a regular license in the apprentice's chosen profession. This amendment clarifies that nothing in this bill overrides any of the requirements of various apprenticeship programs established under present law and listed in this amendment. This amendment prohibits licensing authorities from creating duplicative apprenticeship programs. This amendment does not apply to licensing authorities providing licensure pursuant to the Contractors Licensing Act of 1994. This amendment specifies that any licensing authority creating an apprentice program under this amendment must promulgate

rules to effectuate the program. For purposes of promulgating rules, this bill will take effect upon becoming a law. For all other purposes, this bill will take effect January 1, 2019.

Fiscal Note: (Dated March 4, 2018) Other Fiscal Impact Due to multiple unknown factors, any fiscal impact to state revenue and expenditures cannot be quantified with reasonable certainty. 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: 04/05/18 - Senate passed with amendment 3 (016361).

House Status: 04/12/18 - House passed.

Executive Status: 04/12/18 - Sent to the speakers for signatures.

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).

House Status: 03/19/18 - House concurred in Senate amendment 1 (013318).

Executive Status: 04/09/18 - Signed by governor.

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: 03/27/18 - Taken off notice in Senate State & Local Government Committee.  
House Status: 03/27/18 - Taken off notice in 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: 03/28/18 - Taken off notice in 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 amendment 2, Senate Judiciary Committee amendment 1 (014695) restores the present law 10-year time limitation, maintains the requirement that the local government make a good faith effort to locate and notify the former property owner but removes the requirement that such effort must be made for at least 60 days, removes the provisions of this bill that would create a cause of action for a former property owner who does not receive notice or when a sale or conveyance of the property is made in violation of the statutory process for making such sales or conveyances, adds authorization for a former property owner to request a statement of intent for public use of the condemned property once every 24 months, and revises the buy-back price described in (3)(A) and (B) of the Bill Summary to instead be the lesser of: (1) The price paid to the former property owner or owners by the local government at the time the local government acquired the property through eminent domain, plus the appraised fair market value of any improvements made to the property after condemnation and an amount equal to the average amount of interest that would have accrued on the amount paid to the former property owner or owners if held in U.S. treasury bonds; or (2) An amount representing not less than the fair market value of the property as of the date of the purchase agreement.  
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: 04/10/18 - Senate Finance, Ways & Means Committee recommended. Sent to Senate Calendar Committee.  
House Status: 04/04/18 - House passed with amendment 2 (014695), which restores the present law 10-year time limitation, maintains the requirement that the local government make a good faith effort to locate and notify the former property owner but removes the requirement that such effort must be made for at least 60 days, removes the provisions of this bill that would create a cause of action for a former property owner who does not receive notice or

when a sale or conveyance of the property is made in violation of the statutory process for making such sales or conveyances, adds authorization for a former property owner to request a statement of intent for public use of the condemned property once every 24 months, and revises the buy-back price described in (3)(A) and (B) of the Bill Summary to instead be the lesser of: (1) The price paid to the former property owner or owners by the local government at the time the local government acquired the property through eminent domain, plus the appraised fair market value of any improvements made to the property after condemnation and an amount equal to the average amount of interest that would have accrued on the amount paid to the former property owner or owners if held in U.S. treasury bonds; or (2) An amount representing not less than the fair market value of the property as of the date of the purchase agreement.

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: 04/12/18 - Senate deferred to 04/16/18.

House Status: 03/26/18 - House passed.

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 amendment 1 (013796) limits the application of the present law provision (described above in the bill summary) for appropriating funds for affordable housing or workforce housing to Davidson County. This

amendment retains this bill redefining of "affordable housing" and "workforce housing."

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: 03/28/18 - Senate passed with amendment 1 (013796).  
House Status: 04/09/18 - House passed.  
Executive Status: 04/09/18 - Sent to the speakers for signatures.  
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, Senate State & 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. House Finance, Ways & Means Committee amendment 1 (017086) deletes and replaces all language after the enacting clause. Specifies that a referendum is not required to effectuate annexation of territory if the proposed annexation consists of nine or fewer parcels, two-thirds of the property owners within the territory proposed for annexation consent in writing, and the total land area of the property owned by the individuals petitioning for the annexation is more than one-half of the territory proposed for annexation, and repeals this provision on January 1, 2023.

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: 03/28/18 - Senate State & Local Government Committee recommended with amendment 1 (014080). Sent to Senate Calendar Committee.

House Status: 04/12/18 - Set for House Floor 04/17/18.

## 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. Yarbrow, Jeff , Rep. Gilmore, Brenda  
Summary: Repeals requirements that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans. Requires reinstatement of licenses for otherwise qualified applicants whose licenses were suspended, denied, or revoked based solely on defaulting on student loan repayment.  
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: 03/20/18 - Taken off notice in Senate Commerce & Labor Committee.  
House Status: 03/14/18 - Taken off notice in House Business & Utilities 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: House Business & Utilities Committee amendment 2 (015616) rewrites the bill. Creates the Tennessee Task Force on Auction Law Modernization. The task force shall: (1) Conduct a comprehensive review of auction laws in this state, including rules of the Tennessee Auctioneer Commission to study unnecessary barriers to entry into the profession; and (2) Recommend changes and updates to auctioneer licensing laws to recognize the board

range of business models of auctioneers, auction firms, and auction platforms. (b) The task force shall be composed of: (1) The president of the Tennessee Auctioneers Association, who shall serve as chair of the task force; (2) One additional member of the Tennessee Auctioneers Association, selected by association members; (3) One online auctioneer with in-state operations, appointed by the speaker of the senate; (4) One online auctioneer with global operations, appointed by the speaker of the senate; (5) One online automobile auctioneer, appointed by the Speaker of the house of representatives; (6) One representative from a licensed Tennessee Auction School, appointed by the Speaker of the House of Representatives; (7) One member of the Tennessee Auctioneer Commission, selected by the commission; (8) The Commissioner of the commerce and insurance or the Commissioner's designee; (9) One member of the Tennessee Real Estate Commission, selected by the commission; (10) One representative of the Tennessee County Services Association, selected by the association; (11) Two representatives from the Tennessee Automotive Association, selected by association members; and (12) One consumer member to represent the public, appointed by the governor. (c) A majority of the members of the task force constitute a quorum. Members must be present at meeting to vote. (d) The task force shall meet at least four times between June 1, 2018, and December 31, 2018, and may meet more often upon the call of the chair. (e) The task force shall be administratively attached to the department of commerce and insurance. All appropriate agencies of state government shall provide assistance to the task force upon the request of the task force. (f) All meetings shall be open to the public pursuant to Tennessee Code Annotated, Title 8, Chapter 44. (g) No member of the task force shall receive compensation, nor shall members be entitled to reimbursement for actual travel and other expenses incurred in attending any meeting or in performing any duties prescribed in this act. (h) The task force shall make recommendations for legislation for the next legislative session and report its recommendations to the chairs of commerce and labor committee of the senate and the business and utilities committee of the house of representatives on or before January 8, 2019, at which time the task force will cease to exist. Senate 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: 03/15/18 - Senate passed with amendment 1 (014425).  
House Status: 04/12/18 - Set for House Floor 04/16/18.  
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. Faison, Jeremy  
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.

Amendment Summary: Senate amendment 2 (016447) specifies in various statutes governing licensure of professions and occupations, including health-related occupations, that administrative action against a person's license (including the denial, suspension or revocation of a license and determinations of fitness to practice) based on a criminal conviction, is subject to the applicable provisions of the Fresh Start Act (House Bill 2248/Senate Bill 2465).

Fiscal Note: (Dated January 29, 2018) NOT SIGNIFICANT  
Senate Status: 04/02/18 - Senate passed with amendment 2 (016447).  
House Status: 04/02/18 - House passed.  
Executive Status: 04/06/18 - Sent to governor.  
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: Senate amendment 1 (014487) clarifies that this bill applies to administrative actions based on criminal convictions, adds pain management clinic licenses and physician licenses to the types of licenses that this bill does not apply to, removes this bill's requirement that the applicant or licensee be offered an informal interview before a determination is finalized, and extends the period within which a person may appeal a licensing authority's determination from 14 to 30 days.

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: 03/28/18 - Senate passed with amendment 1 (014487).

House Status: 04/05/18 - House passed.

Executive Status: 04/12/18 - Sent to governor.

## 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 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: 03/28/18 - Senate passed.  
House Status: 03/15/18 - House passed with amendment 1 (012791).  
Executive Status: 04/04/18 - Sent to governor.  
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: 03/20/18 - Taken off notice in Senate Judiciary Committee.

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. House Government Operations Committee amendment 1 (014854) makes technical corrections to the bill. Senate amendment 1 (014750) makes various technical clarifications to this bill and makes several changes to this bill concerning online notaries public. This amendment changes the provisions described in (3) of the Bill Summary concerning authentication of instruments or documents for registration or recording. If a person appears by an interactive two-way audio and video communication, the appearance and the certificate will be deemed compliant with the authentication requirements under this amendment if the acknowledging officer amends the acknowledgment form to read "personally appeared before me by audio-video communication" or "personally appeared by audio-video communication" or "before me appear by audio-video communication". This amendment makes the following significant changes to the "Online Notary Public Act": (1) Redefines "appear" to mean physically appearing before a notary public or appearing before an online notary public by means of an interactive two-way audio and video communication that meets the online notarization requirements under rules promulgated by the secretary of state. This bill defined "appear" to mean "either physical appearance or online appearance"; (2) Requires that a person must be commissioned as a notary public and additionally commissioned to perform online notarizations in order to be an online notary public; (3) Clarifies that a principal must appear before and provide an acknowledgement of or take an oath or affirmation from an online notary public; (4) Removes the limitation on items that an online notarization may relate to, as described in (3)(A)-(F) of the Bill Summary; (5) Authorizes an online notary public to keep their secure electronic record in one or more electronic journals; (6) Authorizes a notary, or a guardian or personal representative of an incapacitated or deceased notary, to use a repository acting in accordance with any applicable rules to maintain their electronic record for the mandatory record retention period of at least five years; (7) Specifies that this bill's requirement that an online

notary public keep their electronic record, electronic signature, and electronic seal secure and under their exclusive control, includes access protection through the use of passwords or codes under control of the notary public; (8) Removes this bill's provision that authorizes an online notary public to perform an online notarization without regard to the physical location of the principal at the time of the online notarization; and (9) Specifies that the validity of an online notarization performed by a Tennessee online notary public will be determined by applying the laws of Tennessee. This amendment adds that the requirements for hand signing and stamping by notaries public will be satisfied by electronic signatures, digitized images of signatures, and/or legible reproduction of the required elements of a seal in a document.

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: 03/26/18 - Senate passed with amendment 1 (014750).

House Status: 04/10/18 - Set for House Floor for 04/17/18.

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.

Amendment Summary: House amendment 1 (014494) deletes language from the original bill and (1) adds a requirement that a regional planning commission hold a public hearing on subdivision regulations prior to adoption, (2) allows regional planning commissions to delegate the responsibility for approval of a subdivision plat to the staff of the regional planning commission, and (3) permits a regional planning commission to grant variances to subdivision regulations, if adopted at a public meeting of the commission. Senate amendment 1 (015734) restores the present law requirement for a public hearing a notice of the hearing by newspaper publication and specifies that the adoption of subdivision regulations or an amendment to existing subdivision regulations proposed by a regional planning commission must not be given effect unless approved: (1) By the county legislative body of each county lying wholly or partly within the region and by the governing body of each municipality lying wholly or partly within the region; (2) By only the legislative body of the county that is regulated by those subdivision regulations, if the subdivision regulations apply only to land outside of any municipality within the region; or (3) By only the governing body of the municipality that is regulated by those subdivision regulations, if the subdivision regulations apply only to land within municipal boundaries. The requirement for approval of subdivision regulations by one of the methods described in (1)-(3) will only apply to a regional planning commission if the

legislative body of each county and municipality lying wholly or partly within the region adopts a resolution or ordinance requiring approval of the regional planning commission's subdivision regulations or amendments to existing subdivision regulations. Once a regional planning commission adopts and files with the county register a regional plan which includes at least a major road plan, present law generally prohibits the recording of a plat that subdivides land that is not located in municipal boundaries until it has been approved by the regional planning commission. This amendment authorizes a regional planning commission to delegate the responsibility for approval of a subdivision plat to the staff of the regional planning commission by a majority vote of the regional planning commission that is taken in a public meeting after being placed on the regional planning commission's meeting agenda and notice being provided as required for other matters before the regional planning commission. This amendment also authorizes a regional planning commission to grant variances to subdivision regulations, if such variances are adopted at a public meeting of the commission.

Fiscal Note: (Dated March 8, 2018) Decrease Local Expenditures Exceeds \$100

Senate Status: 04/04/18 - Senate passed with amendment 1 (015734).

House Status: 04/12/18 - House passed with amendment 1 (014494), which deletes language from the original bill and (1) adds a requirement that a regional planning commission hold a public hearing on subdivision regulations prior to adoption, (2) allows regional planning commissions to delegate the responsibility for approval of a subdivision plat to the staff of the regional planning commission, and (3) permits a regional planning commission to grant variances to subdivision regulations, if adopted at a public meeting of the commission.

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.

Amendment Summary: Senate amendment 1, House Civil Justice Committee amendment 1 (015625) clarifies that a recital designating the type of instrument, office, book, and page number of the instrument must be included in a notarized affidavit filed with the register by a public official who is the subject of a lien or other encumbrance, or any other document that reasonably constitutes a cloud on the title of a real property interest. This amendment changes this bill's requirement that the register send notice to the lienor to instead require that the public official send a copy of the affidavit to the filing party at the address listed on the lien, encumbrance, or other document. This amendment removes a provision of this bill that allows the register to void and remove from the public record the lien, encumbrance, or other document imposed on the public official if the lien, encumbrance, or other document does not contain the name or address of the filing party, plaintiff, complainant, lienor, or owner of the lien. This amendment clarifies that delivery of the affidavit to the filing party, refusal or failure to sign the return receipt, or notice by the US postal service that the affidavit is undeliverable will initiate the 20 business day time period within which a filing party, who believes in good faith that the lien or other document was filed with a reasonable basis or legal cause, may file an action seeking a determination. This amendment removes this bill's provision which specifies that the cost bond included with a filing party's petition does not apply to any financial institution that is insured by the federal deposit insurance corporation, insured by the national credit union administration, or regulated by the farm credit administration. This amendment also removes this bill's provision that requires the register to void and remove from the public record the document along with all other filings associated with the document, including the affidavit, upon filing of a certification by the public official that no petition was filed within 20 business days of delivery of the affidavit. The amendment instead clarifies that: (1) A public official may file with the register a certification stating that no petition has been filed within 20 business days of delivery of the affidavit to the filing party; (2) A public official may file with the register a certification that the lien, encumbrance, or other document filed against them does not contain the name or address of the filing party; and (3) Any certification filed by a public official pursuant to (1) or (2) above must include a recital designating the type of instrument, office, book, and page number of the instrument identifying the lien, encumbrance, or other document referenced in the affidavit and will serve as a release of the lien, encumbrance, or other document. This amendment removes this bill's requirement that the register void and remove from the public record the document along with all other filings associated with the document, including the affidavit, if, following the hearing on a petition filed against the public official, the chancellor determines that the document was filed without any reasonable basis or legal cause. This amendment instead allows a public official to file a final unappealable court decree with the register which will serve as a release of the lien encumbrance, or other document if the chancellor determines that the document was filed without any reasonable basis or legal cause. This amendment specifies that this bill will not apply to liens, encumbrances, or other documents if the originator, owner, or holder of any debt is any of the following: (1) A state or national bank or trust company insured by the federal deposit insurance corporation or an operating subsidiary of such a bank or trust company; (2) A state or



federal credit union insured by the national credit union administration; (3) A residential mortgage lender or an industrial loan and thrift company licensed by the Tennessee department of financial institutions; (4) An entity regulated by the federal farm credit administration; (5) The federal housing administration (FHA); (6) A federal home loan bank; (7) The federal national mortgage association (FannieMae); (8) The federal home loan mortgage corporation (FreddieMac); (9) The federal agricultural mortgage corporation (FarmerMac); (10) The veterans administration (VA); or (11) Any lien, encumbrance, or other document that is filed with the register, where the mortgage electronic registration system is listed as the nominee for the originator, owner, or holder of the debt. This amendment requires the notarized affidavit filed with the register by a public official to include a statement that the affiant is not filing the affidavit contesting any document held by any of the above described entities.

Fiscal Note: (Dated March 19, 2018) Increase Local Expenditures Exceeds \$1,000/Permissive  
Senate Status: 03/26/18 - Senate passed with amendment 1 (015625).  
House Status: 04/10/18 - Set for House Floor for 04/17/18.  
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: 03/13/18 - Failed in House Civil Justice Committee.  
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.

Amendment Summary: Senate amendment 1, House Local Government Committee amendment 1 (015495) rewrites this bill to specify that the provisions of present law that grandfather existing uses of property by business establishments when land use restrictions are imposed or amended as part of a redevelopment project also apply to land use restrictions imposed or amended as part of a transit-oriented redevelopment plan. Present law requires that a business establishment be permitted to replace facilities that are acquired through the use or threatened use of the power of eminent domain; provided, that the

business establishment replaces the facilities on land that the business establishment owned and was using at the time of the taking. This amendment extends the right to replace existing facilities to situations where facilities are damaged by unplanned casualty or act of God.

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

Senate Status: 04/04/18 - Senate passed with amendment 1 (015495), which rewrites this bill to specify that the provisions of present law that grandfather existing uses of property by business establishments when land use restrictions are imposed or amended as part of a redevelopment project also apply to land use restrictions imposed or amended as part of a transit-oriented redevelopment plan. Present law requires that a business establishment be permitted to replace facilities that are acquired through the use or threatened use of the power of eminent domain; provided, that the business establishment replaces the facilities on land that the business establishment owned and was using at the time of the taking. This amendment extends the right to replace existing facilities to situations where facilities are damaged by unplanned casualty or act of God.

House Status: 04/12/18 - Set for House Floor 04/17/18.

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 amendment 1 (014043) adds to this bill various revisions to the Neighborhood Preservation Act, as follows: (1) Under present law, the Act authorizes any nonprofit corporation, or any interested party or neighbor, to bring a civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to buildings against the owner of any building or structure that is vacant or occupied by any owner, tenants or residents for failure to comply with that ordinance or regulation. If the petitioner has not attached a certificate of public nuisance to the complaint, the court, by written notice to the chief housing officer and the chief legal officer of the municipal corporation, may request that the code enforcement entity complete its inspection and issue a certificate of public nuisance or denial including a list of the reasons for the determination. If the code enforcement entity fails to respond, or if the code enforcement entity denies the issuance of certificate of public nuisance, then the court schedules a hearing requesting that the code enforcement entity be present, with its findings, and participate in the hearing of the issue of public nuisance. At the conclusion of the hearing of the issue of public nuisance, the court determines whether or not the issuance of a certificate of public nuisance is warranted. Present law defines "nonprofit corporation" as a nonprofit corporation that has been duly organized under the laws of this state, and has as one of its goals community development or redevelopment. Present law defines "interested party" as an owner, mortgagee, lien holder or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to the Act. This amendment redefines "nonprofit corporation" to mean any nonprofit corporation duly organized and in good standing under the laws of this state. This amendment replaces "interested party" with "interested

person" and defines that term as an owner, named trustee, or other person that: holds, or is the assignee of the holder of, a lien against the subject parcel; is named as a nominee or agent of the holder of an obligation that is secured by a deed or a deed of trust affecting such subject parcel; holds the benefit of an easement appurtenant to such subject parcel; holds the benefit of a restrictive real covenant against such subject parcel; or possesses an interest of record in or to such subject parcel. This amendment also revises the above civil action provisions. Under this amendment, an acceptable petitioner may file a petition for a judgment in rem against a subject parcel, naming the subject parcel as the defendant and seeking an order that the subject parcel is a public nuisance and for the abatement of the public nuisance. An "acceptable petitioner" is any nonprofit corporation; the municipal corporation within which such subject parcel is located; the owner or legal occupant of a parcel of real property that is adversely impacted by the condition of the subject parcel; or any interested person. A proceeding pursuant to this amendment will be a proceeding in rem. If the applicable municipal corporation is not the acceptable petitioner, then the applicable municipal corporation must be put on notice of the in rem proceeding and provided with a full copy of the petition as filed by the acceptable petitioner. If the acceptable petitioner has not attached a certificate of public nuisance to the petition, the municipal corporation must complete an inspection of the subject parcel, and the court must promptly schedule a hearing on the issue of public nuisance. At the conclusion of the hearing on the issue of public nuisance, the court must determine whether or not the issuance of a certificate of public nuisance is warranted. The court will dismiss the action if the subject parcel is found not to be a public nuisance by the court. (2) This amendment revises various present law provisions that govern the filing of a petition and subsequent action; provisions regarding the interested party undertaking the work; provisions regarding a development plan; provisions regarding a receiver (certified person) being appointed; and provisions regarding a sale of the property, all as detailed in this amendment. This amendment provides that the filing of the petition creates a receiver's lien that secures an undetermined amount until the court establishes the amount. The lien will be a first lien on the subject parcel, which will be superior to all prior and subsequent liens or other encumbrances associated with the subject parcel. The filing of the petition under this amendment will also act as a bar of any transfer of title of the subject parcel or of any interests pertaining to such parcel. (3) This amendment adds that any person seeking to be qualified as a certified person must make application to the applicable court in the county in which such person seeks to serve, and provides that any local land bank is a certified person for all purposes under the Act. In the court's discretion, an acceptable petitioner may also be qualified as a certified person who is appointed as a receiver. (4) This amendment requires a land bank corporation to provide written notice to the clerk and master in advance of any delinquent property tax sale auction that it wishes to enter the minimum bid for cash for any parcel advertised for sale in such auction, and such minimum bid will preempt all other bids for said parcel, and the local land bank will be the prevailing bidder. If there are no other bidders on a parcel, such minimum bid will be accepted for no cash, and the local land bank will be the prevailing bidder and take title to the parcel in the same manner as a municipality bidding the minimum bid. Commencing upon the date of transfer of any real property from a land bank to a taxable person or entity, if approved by local government, the land bank will be entitled to

Fiscal Note: receive payments from the local government equal to 50 percent of real property taxes collected by the local government for a period of five years. (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: 04/04/18 - Senate passed.  
House Status: 04/02/18 - House passed with amendment 1 (014043).  
Executive Status: 04/10/18 - Sent to governor.  
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: 03/19/18 - Senate passed.  
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.

Amendment Summary: House Civil Justice Subcommittee amendment 1 (015499) rewrites the bill. Requires a prevailing party in an action challenging the validity of a lien to recover reasonable attorney's fees, reasonable costs, and liquidated damages in an amount equal to 10 percent of the fair market value of the property in addition to any actual damages. Senate Judiciary Committee amendment 1 (016540) deletes all language after the enacting clause. Requires a prevailing party in an action challenging the validity of a lien to recover reasonable attorney's fees, reasonable costs, and liquidated damages in an amount equal to three times the person's attorney fees, in addition to any actual damages.

Fiscal Note: (Dated March 28, 2018) Increase Local Revenue Exceeds \$100,000/Permissive  
Senate Status: 04/03/18 - Senate Judiciary Committee recommended with amendment 1 (016540). Sent to Senate Calendar Committee.  
House Status: 04/10/18 - Set for House Floor for 04/16/18.  
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: Senate State & Local Government Committee amendment 1, House 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: 04/12/18 - Senate deferred to 04/16/18.

House Status: 04/02/18 - House passed with amendment 1 (014018).

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.

Fiscal Note: (Dated March 9, 2018) NOT SIGNIFICANT

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. Daniel, Martin

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: 03/21/18 - Taken off notice in 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: 04/03/18 - Taken off notice in House Civil Justice Subcommittee.  
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: Senate Commerce & Labor Committee amendment 1, House 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. Senate Judiciary Committee amendment 1 (016254) specifies that a material noncompliance extends to a situation where a tenant pretends to have a disability-related need for an assistance animal in order to obtain an exception to a provision in a rental agreement that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. Authorizes the landlord to recover damages and obtain injunctive relief for any noncompliance and default by the tenant with the rental agreement. Authorizes the landlord to recover reasonable attorney's fees for breach of contract and nonpayment of rent as provided in the rental agreement.  
Fiscal Note: (Dated February 28, 2018) NOT SIGNIFICANT  
Senate Status: 04/02/18 - Senate Judiciary Committee recommended with amendment 1 (016256). Sent to Senate Calendar Committee.  
House Status: 03/26/18 - House passed with amendment 1 (014061),  
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.  
Amendment Summary: Senate Commerce & Labor Committee amendment 1, House Business & Utilities Committee amendment 1 (014658) rewrites the bill. States that in countries having a population of more than 75,000, according to the 2010 federal census or any subsequent federal census, this chapter applies to rental agreements entered into or extended or renewed after July 1, 1975. Transactions entered into before July 1, 1975, and not extended or renewed after that date, and the rights, duties, and interests flowing from them remain valid and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this chapter as though the amendment or repeal has not occurred. For all other counties in this state not included in subsection (a), this chapter

applies to rental agreements entered into or extended or renewed on or after January 1, 2019.

Fiscal Note: (Dated March 2, 2018) NOT SIGNIFICANT  
Senate Status: 04/12/18 - Senate deferred to 04/16/18.  
House Status: 04/12/18 - Held on House clerk's desk.  
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 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: 03/26/18 - Senate concurred in House amendment 1 (013070).  
House Status: 03/22/18 - House passed with amendment 1 (013070).  
Executive Status: 04/11/18 - Enacted as Public Chapter 0664 effective April 9, 2018.  
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: 03/19/18 - House adopted.

## 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. 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. Senate amendment 2 (015452) rewrites this bill to enact various provisions regarding short term-rental units. For purposes of this amendment, "short term rental unit" means a residential dwelling that is rented wholly or partially for a fee for a period of less than 30 continuous days and does not include a hotel or a bed and breakfast establishment or a bed and breakfast homestay. This amendment specifies that any ordinance, resolution, regulation, rule, or other requirement of any type that prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit will not apply to property if the property was being lawfully used as a short-term rental unit by the owner of the property prior to the enactment of the ordinance, resolution, regulation, rule, or other requirement by a local governing body. This amendment further specifies that the ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being lawfully used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit until the property ceases being used as a short-term rental unit for a period of 30 continuous months. This amendment includes an exemption to the above-



described provisions that allows any ordinance, resolution, regulation, rule, or other requirement of any type enacted prior to January 1, 2014, that prohibits or effectively prohibits the use of property as a short-term rental unit, to apply to any property within a local governing body's jurisdiction, regardless of the property's existing use. The exemption is meant to grandfather the ordinances, resolutions, regulations, rules, or other requirements that provided notice to property owners that renting a residential dwelling unit under a specified period of time was unlawful prior to a substantial number of property owners using their property as short-term rental units. However, the exemption: (1) Only applies to ordinances, resolutions, regulations, rules, or other requirements that expressly limit the period of time a residential dwelling may be rented; and (2) Does not apply to ordinances, resolutions, regulations, rules, or other requirements that generally prohibit commercial activity or the renting of residential dwellings to transients. This amendment states that this bill as amended does not prevent a local governing body from prohibiting, effectively prohibiting, or otherwise regulating the continued use of property as a short-term rental unit if, as a direct result of the operation of the short-term rental unit: (1) The unit has been in violation of a generally applicable local law related to noise, parking, or habitability standards three or more separate times within a twelve-month period; and (2) The provider has no appeal rights remaining for any of the three violations. "Provider" means any person engaged in renting a short term rental unit. This amendment allows local governing bodies to authorize short-term rental units through a permitting process, as long as the permitting process does not prohibit, effectively prohibit, or otherwise regulate the use of property as a short-term rental unit. This amendment specifies that if a local governing body prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit, the provider has the right to appeal the prohibition or limitation to the local board of zoning appeals. A decision of the local board of zoning appeals is appealable by the provider. The circuit or chancery court has jurisdiction of any appeal instituted by a provider and review is de novo. Any suspension or revocation of a right to operate a short-term rental unit by a local governing body must not exceed 12 continuous months. This amendment further specifies that any person injured as a result of a local governing body violating this bill may bring an action in the circuit or chancery court having jurisdiction over the property upon which the short-term rental unit is located. The court may award actual damages to a plaintiff that prevails in such an action, including costs and reasonable attorney fees. This amendment does not prohibit: (1) A condominium, co-op, homeowners association, or other similar entity from prohibiting or otherwise restricting an owner of property within the jurisdiction of the condominium, co-op, association, or other similar entity from using the owner's property as a short-term rental unit as provided for in the entity's governing documents; (2) A lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or (3) A property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit as authorized under existing law. This amendment clarifies that a local governing body or municipal utility will not consider the leasing of a residential dwelling as a short-term rental until as commercial activity for purposes of determining land use or utility rates. This amendment also clarifies that a short term rental unit is not considered a "hotel" under the

Hotel and Public Swimming Pool Inspection Act. Senate amendment 3 (O16361) changes the effective date of this bill to July 1, 2018, for purposes of allowing any person injured as a result of a local governing body violating this bill to bring an action in circuit or chancery court. This amendment specifies that this bill will apply to actions that accrue on or after that date. For all other purposes, this bill will take effect upon becoming a law. Senate amendment 7 (O16233) corrects a cross reference. Senate amendment 9 (O16581) incorporates the changes made by Senate Amendment 7. This amendment also incorporates the changes made by Senate Amendment 2 with the following changes: (1) Revises the definition of "lawfully used as a short-term rental unit" for purposes of determining which short term rental units would be eligible for grandfathering to mean the property was permitted or expressly authorized to operate as a short-term rental unit pursuant to a properly adopted ordinance; (2) Adds to the definition of "provider" an owner of a residential unit that is made available through a vacation lodging service. Under present law, a "vacation lodging service" means any person that engages in the business of providing the services of management, marketing, booking and rental of residential units owned by others as sleeping accommodations furnished for pay to transients or travelers staying no more than 14 days. Vacation lodging services must have a vacation lodging service firm license; (3) Adds "cabins" to the definition of "residential dwelling", clarifying that a cabin may be used as a short term rental unit; (4) Adds that a property will no longer be exempt from an ordinance, resolution, regulation, rule, or other requirement of any type that prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit if the property is sold or transferred; (5) Revises the provisions for prohibiting the continued use of property as a short-term rental unit based on violations of generally applicable local laws by removing the requirement that three violations must occur with a 12-month period and allowing the local government action to be based on any three violations rather than three violations specifically related to noise, parking, or habitability standards. This amendment clarifies that a local government could prohibit, but not effectively prohibit or otherwise regulate, the continued use of property as short term rental based on three violations of generally applicable local laws; (6) Removes the 12-month limit on suspensions of revocations of a right to operate a short term rental unit by a local government; (7) This amendment directs appeals by providers to chancery or circuit court instead of the board of zoning appeals; (8) Removes the cause of action for a person injured as a result of a local government violating this bill; (9) Removes the prohibition against local governments considering the leasing of a residential dwelling as a short-term rental unit as commercial activity for purposes of determining land use or utility rates; and This amendment replaces the changes to the effective date made by Senate Amendment 3 and makes all provisions of this bill effective upon becoming a law.

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:

04/12/18 - Senate refused to recede from its actions in Senate amendment.

House Status: 04/09/18 - House non-concurred in Senate amendment 2 (015452), amendment 3 (016361), amendment 7 (016233), and amendment 9 (016581).

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.

Amendment Summary: House Finance, Ways & Means Subcommittee amendment 1 (004921) deletes the provision of the original bill that established the tax due date "on June 1 following the end of the tax year" and replaces it with language that establishes the tax due date "on June 1 of each tax year."

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: 04/09/18 - House Finance Subcommittee placed behind the budget after adopting amendment 1 (004921), which deletes the provision of the original bill that established the tax due date "on June 1 following the end of the tax year" and replaces it with language that establishes the tax due date "on June 1 of each tax year."

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.

Amendment Summary: House Finance, Ways & Means Subcommittee amendment 1 (004922) deletes the provision of the original bill that established the tax due date "on June 1 following the end of the tax year" and replaces it with language that establishes the tax due date "on June 1 of each tax year."

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: 04/09/18 - House Finance Subcommittee placed behind the budget after adopting amendment 1 (004922), which deletes the provision of the original bill that established the tax due date "on June 1 following the end of the tax year" and replaces it with language that establishes the tax due date "on June 1 of each tax year."

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: 04/05/18 - Set for House Finance Subcommittee Behind the Budget Calendar 04/11/18.  
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. Sargent, Charles  
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:                04/11/18 - House Finance, Ways & Means Committee deferred to last calendar.  
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 Committee amendment 1 (015920) deletes and replaces all language after the enacting clause such that the only substantive change establishes if the property owner relinquishes the owner's right or the right has expired, the property may be conveyed to a legal governmental body or to an adjoining property owner. Senate amendment 1 (013865) rewrites this bill to specify that the department of transportation may transfer its interest in right-of-way property that is initially appraised by the department at \$10,000 or less to a legal governmental entity at the appraised value without further appraisal or approval, except for the appraisal review provided for under present law. Under that present law provision, an initial appraisal is subject to review and approval by the



department in accordance with procedures that the department of transportation may establish. The appraisal review must be conducted, at the department of transportation's expense, by a review appraiser who is licensed and certified by the Tennessee real estate appraiser commission and who is either employed by or under contract with the department of transportation. The review appraiser must either approve the initial appraisal or reject the initial appraisal and reappraise the property to determine the fair market value of the property, subject to the approval of the director of the right-of-way division of the department of transportation or the director's designee. If approved by the director or the director's designee, the review appraiser's determination is presented to a prospective purchaser as the fair market value of the property. Under present law, if property was acquired by or for the use of the department of transportation for right-of-way, if its fair market value does not \$75,000 or such amounts in excess of \$75,000 as may be approved by the state building commission, and if any adjoining property owner or the former owner of that property wishes to purchase the property, or if a legal governmental body wishes to acquire the property for a public use purpose, then the present law provisions governing disposal of surplus interests in real property do not apply. This amendment adds that those present law provisions also do not apply if a legal governmental body wishes to acquire the property "for fair market value" as provided in this amendment (described above).

Fiscal Note: (Dated February 16, 2018) NOT SIGNIFICANT  
Senate Status: 04/02/18 - Senate passed with amendment 1 (013865).  
House Status: 04/10/18 - Set for House Floor for 04/17/18.  
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. Bell, Mike , 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.

Amendment Summary: Senate Judiciary Committee amendment 1, House Local Government Subcommittee amendment 1 (015050) deletes and rewrites the bill to clarify that any tax liens on property shall not attach to an easement appurtenant of a servient estate or an easement in gross that was assessed separately from the property.

Fiscal Note: (Dated March 21, 2018) Other Fiscal Impact To the extent a property is sold in a delinquent property tax sale that would have otherwise been redeemed or attempted to be redeemed by an owner, local governments may incur a mandatory decrease in local expenditures and a mandatory decrease in local revenue. The extent and timing of any such impact are dependent upon the actions of an owner in each delinquent tax sale and cannot be reasonably quantified.

Senate Status: 04/10/18 - Senate Finance, Ways & Means Committee recommended. Sent to Senate Calendar Committee.

House Status: 04/10/18 - Set for House Floor for 04/17/18.

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: 03/13/18 - House Local Government Committee deferred to last calendar.  
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: 03/12/18 - Enacted as Public Chapter 0526 effective March 7, 2018.

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: 03/12/18 - Enacted as Public Chapter 0527 effective March 7, 2018.

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 (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 amendment 2 (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: 03/22/18 - Senate concurred in House amendment 2 (014065).

House Status: 03/12/18 - House passed with amendment 2 (014065).

Executive Status: 04/02/18 - Sent to governor.

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.

Fiscal Note: (Dated March 14, 2018) Local Expenditures Cost Avoidance - \$500/Per Instance

Senate Status: 03/26/18 - Senate passed.

House Status: 04/10/18 - Set for House Floor for 04/16/18.

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.  
Fiscal Note: (Dated March 4, 2018) Decrease Local Revenue \$10,600,800  
Senate Status: 03/27/18 - Taken off notice in Senate State & Local Government Committee.  
House Status: 03/13/18 - House Local Government Committee recommended. Sent to House Finance.  
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.  
Fiscal Note: (Dated March 6, 2018) NOT SIGNIFICANT  
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.  
House Status: 03/14/18 - Taken off notice in 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.  
Fiscal Note: (Dated March 15, 2018) Decrease Local Revenue Exceeds \$25,000  
Senate Status: 02/05/18 - Referred to Senate State & Local Government Committee.  
House Status: 03/21/18 - Taken off notice in 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.  
Amendment Summary: House Local Government Subcommittee amendment 1 (014072) removes the requirement for a two-thirds vote to pass a resolution that would raise certain taxes by five percent or higher. Sent to full committee.  
Fiscal Note: (Dated March 14, 2018) Forgone Local Revenue Exceeds \$500,000 Increase Local Expenditures Exceeds \$15,000/Permissive Other Fiscal Impact To the extent a county adopts a budget and tax levy at such a time that would prevent two regularly-scheduled meetings prior to the issuance of property tax bills, the county may incur mandatory increases in local expenditures associated with special-called meetings estimated to exceed \$500 per meeting.\* Setting a maximum on property tax revenue may reclassify debt as limited-tax general obligation bond debt and result in mandatory increases in local debt expenditures. The timing of any bond issued and mandatory increase in any coupon rate cannot be reasonably determined.\* To the extent a property tax rate increase is not approved and local education agencies do not meet local match and maintenance of effort requirements, the Department of Education may withhold BEP funding from the district. SB 2290 - HB 2395  
Senate Status: 03/28/18 - Taken off notice in Senate State & Local Government Committee.  
House Status: 04/03/18 - Taken off notice in House Local Government Committee.  
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.  
Fiscal Note: (Dated March 4, 2018) Other Fiscal Impact Property assessors considering rental housing property as affordable rental property may lead to a



permissive recurring decrease in local government property tax revenue. The extent and timing of any permissive decrease in local revenue cannot be reasonably determined.

Senate Status: 03/27/18 - Taken off notice in Senate State & Local Government Committee.  
House Status: 03/21/18 - Taken off notice in House Local Government Subcommittee.  
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 amendment 1 (013709) allows a sale to be adjourned only one time without additional publication. Requires a notice to be mailed no less than 10 calendar days prior to the date of the sale via regular mail to the parties to the suit in the case that the postponement is for a period of more than 30 days. Senate amendment 2 (015018) specifies, in regard to the provision whereby a sale may be adjourned and rescheduled one time without an additional newspaper publication or decree, that the sale may be so adjourned and rescheduled "for cause."

Fiscal Note: (Dated February 19, 2018) NOT SIGNIFICANT  
Senate Status: 04/02/18 - Senate passed with amendment 2 (015018), which specifies, in regard to the provision whereby a sale may be adjourned and rescheduled one time without an additional newspaper publication or decree, that the sale may be so adjourned and rescheduled "for cause."  
House Status: 04/05/18 - House concurred in Senate amendment 2 (015018).  
Executive Status: 04/10/18 - Sent to governor.  
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: 03/19/18 - Senate passed.  
House Status: 03/05/18 - House passed.  
Executive Status: 04/09/18 - Signed by governor.  
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).

House Status: 04/05/18 - Set for House Finance Subcommittee Behind the Budget Calendar 04/11/18.

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 amendment 1, House Transportation Committee amendment 1 (014230) rewrites this bill to exempt portions of two scenic highways in the City of Knoxville from present law building restrictions. Present law generally imposes a height level of 35 feet on buildings constructed or erected on property located within 1,000 feet of a scenic highway. Present law also generally prohibits certain types of advertising structures and junkyards

within 2,000 feet of any road or highway that is a designated part of the scenic highway system and that is located either outside the corporate limits of any city or town or in Sevier County. With regard to the portion of Kingston Pike bearing the designation of State Highway 1 and United States Highway 11-70 in Knox County from its intersection with Concord Street and Neyland Drive in the City of Knoxville westward to the intersection of Kingston Pike with Lyons View Drive that is designated as a scenic highway under present law, this amendment specifies that the height restrictions as to property use will not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side, from 4315 Kingston Pike to the west (Tax Parcel ID 107LA019), that is zoned commercial under the City of Knoxville zoning ordinance. With regard to the portion of Lyons View Drive from its intersection with Kingston Pike, westward to its intersection with Northshore Drive in Knox County that is designated as a scenic highway under present law, this amendment specifies that the height restrictions on buildings, and any other restrictions as to property use applicable to property adjacent to scenic highways will not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side that is zoned commercial under the City of Knoxville zoning ordinance.

Fiscal Note: (Dated February 20, 2018) NOT SIGNIFICANT  
Senate Status: 03/26/18 - Senate passed with amendment 1 (014230).  
House Status: 04/12/18 - Held on House clerk's desk.  
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: 03/14/18 - Failed in Senate Transportation & Safety Committee.  
House Status: 03/27/18 - Taken off notice in House Transportation Committee.

## UTILITIES

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

Sponsors: Sen. Yager, Ken , Rep. McCormick, Gerald  
Summary: Grants access for a cooperations 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: 03/21/18 - Enacted as Public Chapter 0570 effective March 16, 2018.  
Position: Realtors: monitor

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

Sponsors: Sen. Ketrone, 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 predictable 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 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. House amendment 2 (015442) (1) Adds that if an applicant submits an application in which the proposed design will affect a regulatory sign or a sign subject to a requirement for breakaway supports, then the local authority may reject the application. This amendment provides for the applicant submit a revised design in such a situation. (2) This amendment redefines PSS to mean a pole or other structure that is used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. This amendment excludes wireline backhaul facilities from the definition of wireless facilities. (3) In the provisions regarding notice of deployment or colocation of small wireless facilities in the ROW that is within the jurisdiction of a local authority that does not require an application and does not require work permits for deployment of infrastructure within the ROW, this amendment removes references to deployment so that the provisions apply to colocation only. (4) In regard to the specification that this bill does not prohibit a local authority from enforcement of breakaway sign post requirements and safety restrictions along highways with a speed limit of 55 mph or more, this amendment removes the reference to "highways with a speed limit of 55 mph or more". (5) This amendment rewrites this bill's provision that the bill does not apply to or restrict the height of a utility pole used for electric distribution, regardless of whether a small wireless facility is collocated on the utility pole. This amendment instead provides that this bill does not apply to or restrict the ability of an electric distributor or its agent or designated part to change the height of a utility pole used for electric distribution, regardless of whether a small wireless facility is collocated on the utility pole. This amendment also specifies that it does not authorize a wireless provider to install or replace a PSS above the height restriction in this bill. (6) This amendment revises provisions governing requirements that an authority may impose on an applicant and makes other technical, nonsubstantive changes to this bill. Senate amendment 3 (016047) corrects typographical errors within Amendment 014216 and Amendment 015442 such that there are no substantive changes.

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: 04/11/18 - Senate passed with amendment 3 (016047), which corrects typographical errors within Amendment 014216 and Amendment 015442 such that there are no substantive changes.

House Status: 04/12/18 - House concurred in Senate amendment 3 (016047).

Executive Status: 04/12/18 - Sent to the speakers for signatures.

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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