Tennessee Affordable Housing Coalition

Legislative Report
Week of June 3

Eminent Domain

SB230 / HB103 Eminent domain - resolving just compensation issues.

Sponsors Sen. Joey Hensley / Rep. Joe Carr

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

Senate Status 04/09/2013 - Taken off notice in Senate Judiciary Committee.

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

Caption AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 31; Title 13, Chapter 20; Title 29, Chapter 17 and Title 29, Chapter 16, relative to eminent domain.

SB235 / HB212 Transfer by eminent domain of blighted properties.

Sponsors Sen. Stacey Campfield / Rep. Steve Hall

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

Senate Status 04/09/2013 - Taken off notice in Senate Judiciary Committee.

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

Caption AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 20; Title 29, Chapter 16 and Title 29, Chapter 17, relative to eminent domain.

SB236 / HB451 Property taken by eminent domain.

Sponsors Sen. Stacey Campfield / Rep. Steve Hall

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

Senate Status 04/09/2013 - Taken off notice in Senate Judiciary Committee.

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

Caption AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 31; Title 13, Chapter 20 and Title 29, relative to eminent domain.

SB959 / HB1199 Repurchase of property taken by eminent domain.

Sponsors Sen. Randy McNally / Rep. John Ragan

Description Grants certain property owners, or their heirs or assigns, whose land is taken by eminent domain the right to repurchase such property if the condemning entity decides to sell the property within 10 years of the property being taken the property shall be first offered for sale

to the person whom the property was taken. Establishes that the property owner has 30 days to sign an agreement to purchase the property. Requires local legislative bodies to conduct public hearings and a majority vote prior to taking property by eminent domain.

Amendment SENATE JUDICIARY COMMITTEE AMENDMENT 1 (003784) deletes Sections 1-3 of the original bill and deletes language from the effective date clause. Rewrites Section 1 to require state and local governments selling property originally acquired by eminent domain to first offer the property to the previous owner from whom the property was taken. Requires the former property owner's right to terminate 10 years after the condemnation date or 1 year from the determination the property was not being used for its intended purpose or that it would be sold, whichever is later. This right does not transfer to the former property owner's heirs. Authorizes the former property owner to purchase the property for an amount representing not less than fair market value, including costs. Declares that if the former property owner has not purchased the land within 30 days, the property shall be offered for sale to the general public for an amount not less than fair market value. HOUSE AMENDMENT 1 (006398) deletes all language after the enacting clause. Requires, under certain circumstances, counties and municipalities selling property that was acquired by eminent domain to first offer the property to the previous owner from whom the property was acquired. Removes transferability of the right, from former property owners to heirs of former property owners, to terminate 10 years after the condemnation date, or one year from the determination that the property was not being used for its intended purpose. Authorizes the former property owner to purchase the property for not less than fair market value, including costs; and declares if the former property owner has not purchased the property within 30 days, the property shall be offered for sale to the general public for an amount not less than fair market value.

Senate Status 04/17/2013 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status 04/17/2013 - House passed with amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 17, relative to eminent domain.

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

Sponsors Sen. Doug Overbey / Rep. Mike Carter

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

Senate Status 04/09/2013 - Taken off notice in Senate Judiciary Committee.

House Status 03/27/2013 - House Civil Justice Subcommittee deferred to the first calendar of 2014.

Caption AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 16, relative to eminent domain and limitations of owners' actions.

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

Sponsors Sen. Frank Niceley / Rep. Jeremy Faison

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 7; Title 29; Title 64 and Title 65, relative to fair market value in eminent domain proceedings.

Landlord Tenant

SB282 / HB106 Termination of rental agreement after fire.

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

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

Amendment House amendment 1 (003522) specifies that, if the rental agreement is terminated, rent owed would be calculated from the date the tenant returns the keys to the landlord, or the date the tenant vacates the premises, whichever date is earlier. Clarifies that bill's provisions apply to

rental agreements entered into "or renewed" on or after the effective date of this act.

Senate Status 03/28/2013 - Senate passed.

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

Executive Status 04/16/2013 - Enacted as Public Chapter 0107 effective July 1, 2013.

Public Chapter PC107

Caption AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 28, relative to the Uniform Residential Landlord and Tenant Act.

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

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

Description Permits a tenant to terminate a residential rental agreement or lease agreement entered into or renewed on or after July 1, 2013, upon the tenant providing the landlord with written notice stating that the tenant or a household member is the victim of domestic abuse, sexual assault, or stalking. Requires the tenant, in addition to providing written notice, to provide documentation verifying that tenant is a victim such as a copy of a valid order of protection. Prohibits a landlord from revealing any identifying information concerning a tenant who has terminated a lease without the written consent of the victim.

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6 and Title 66, relative to residential leases and rental agreements.

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

Sponsors Sen. Bill Ketron / Rep. Mike Carter

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

Amendment SENATE AMENDMENT 1 (003621) clarifies that this bill will apply to any rental agreement in which the Uniform Residential Landlord and Tenant Act applies that does not incorporate the $5.00 limit on late rent fees charged to public housing tenants in Hamilton and Rutherford counties, as it existed prior to the day that this bill becomes a law, as a term of the rental agreement, or to any rental agreement in which the Uniform Residential Landlord and Tenant Act applies that does incorporate the $5.00 limit on late rent fees charged to public housing tenants in Hamilton and Rutherford counties, as it existed prior to the day that this bill becomes a law, as a term of the rental agreement if the rental agreement was entered into on or after the day that this bill becomes a law.

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

House Status 04/04/2013 - House passed.

Executive Status 04/26/2013 - Enacted as Public Chapter 0206 effective April 23, 2013.

Public Chapter PC206

Caption AN ACT to amend Tennessee Code Annotated, Section 66-28-201, relative to fees charged by public housing projects.

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

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

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 15; Title 29, Chapter 18, Part 1 and Title 66, Chapter 28, relative to writ of possession.

Licensing and Regulation

SB122 / HB1 THDA - conflict of interest provisions.

Sponsors Sen. Bill Ketron / Rep. Jeremy Faison

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

Senate Status 04/15/2013 - Senate passed.

House Status 04/16/2013 - House passed.

Executive Status 05/22/2013 - Enacted as Public Chapter 0405 effective May 14, 2013.

Public Chapter PC405

Caption AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 23, relative to conflicts of interest for the Tennessee Housing Development Agency.

SB148 / HB142 Regulatory boards and commissions.

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

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

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

Senate Status 03/27/2013 - Senate passed with amendment 1.

House Status 04/10/2013 - House passed.

Executive Status 04/26/2013 - Enacted as Public Chapter 0180 effective April 23, 2013.

Public Chapter PC180

Caption AN ACT to amend Tennessee Code Annotated, Title 62, Chapters 2, 6, 20 and 39, relative to regulatory boards and commissions.

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

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

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

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

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

House Status 03/21/2013 - House passed.

Executive Status 04/18/2013 - Enacted as Public Chapter 0138 effective April 12, 2013.

Public Chapter PC138

Caption AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 1, Part 3, relative to the Division of Regulatory Boards.

SB166 / HB160 Alters exemptions for certain licensing requirements.

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

Description Exempts licensed attorneys, performing activities that do not require licensure under the federal SAFE Mortgage Licensing Act, from the prohibition to act as mortgage loan originators

without first obtaining a license under the Tennessee Residential Lending, Brokerage and Servicing Act. Removes the exemption from the licensing requirement for seller-financers of vacant land, commercial real estate lenders, and lenders providing financing on properties that are not intended to be owner-occupied by the recipients of the financing. Prohibits real estate brokers and title insurance agents from offering or negotiating terms of a residential mortgage loan. (Part of Administration Package)

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

Senate Status 03/27/2013 - Senate passed.

House Status 03/04/2013 - House passed with amendment 1.

Executive Status 04/16/2013 - Enacted as Public Chapter 0104 effective April 11, 2013.

Public Chapter PC104

Caption AN ACT to amend Tennessee Code Annotated, Title 45, Chapter 13, relative to the licensing of mortgage lenders, mortgage loan brokers, mortgage loan servicers and mortgage loan originators.

SB200 / HB194 Workers compensation changes.

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

Description Makes various technical changes to present law concerning workers' compensation. Requires the administrator of the division of workers' compensation to have a minimum of seven years' credible experience in the field of workers' compensation, instead of five years of experience. Present law requires any settlement of a state employee's workers' compensation claim to be approved by either a claims commissioner or by the commissioner of labor and workforce development or the commissioner's designee. This bill instead requires that state employees' settlements be approved by either a claims commissioner or a workers' compensation specialist. Changes the time within which a state employee may file a claim for workers' compensation benefits with the claims commission from within 90 days of the filing of an impasse report identifying unresolved issues by a workers' compensation specialist to within 75 days of exhaustion of the benefit review process. Under present law, if any legal or administrative entity that is created by an agreement between governmental entities to pool their resources to provide workers' compensation coverage participates in the second injury fund and then ceases participation, either the second injury fund remains liable for a claim for injuries to an employee insured by the entity that occurred prior to the termination of participation and for which benefits had not been paid prior to the termination; provided, that the legal or administrative entity must promptly reimburse the second injury fund for the actual amount of any such benefits subsequently paid by the second injury fund; or, within 30 days of the cessation of such participation, the legal and administrative entity may elect to assume complete liability for the claim thereby releasing the second injury fund from any duty to defend or liability, but in either case, the recovery by any employee must not be reduced or defeated. This bill changes the time within which the legal or administrative entity that ceases participation in the second injury fund may elect to assume complete liability for a claim from within 30 days of the cessation of participation in the fund to within 45 days of such cessation. Under present law, a sole proprietor or partner in a business who devotes full time to the proprietorship or partnership and elects to be included in the definition of employee by filing written notice of the election with the division of workers' compensation at least 30 days before the occurrence of any injury or death is considered an "employee" for purposes of the injury or death being covered by workers' compensation. This bill requires that a sole proprietor or partner must file the notice of election to be covered as an employee at least 45 days before the injury date in order for the injury or death to be covered. Deletes the present law requirement that an insurer must file written notice with the division of workers' compensation, which must then notify the employer, whenever it appears that the amount of a workers' compensation claimant's medical benefits will exceed $5,000. Changes the time within which an employee must report an occupation disease to the employer, in order for the disease to be compensable as a workers' compensation injury, from within 30 days after the first distinct manifestation of the disease to within 45 days after the first distinct manifestation of the disease. Broadly captioned. (Part of Administration Package)

Amendment SENATE AMENDMENT 1 (004568) deletes all language after the enacting clause. Effective upon becoming law for implementation purposes. Effective January 1, 2014, for all other purposes. Deletes and rewrites workers' compensation law. Separates the Division of Workers' Compensation (DWC) from the Department of Labor and Workforce Development, except for administrative matters only. Requires the Administrator of the DWC to be appointed by the

Governor for a six-year term. Defines "maximum total benefits" for injuries occurring on, or after July 1, 2014, as 450 times 100 percent of the state's average weekly wage. Authorizes the Administrator to assess a fee up to $250 for an appeal of any utilization review decision. Authorizes certain civil penalties for violations of workers' compensation law. Decreases, from 15 to 7, the number of voting members on the medical payment committee. Requires the appointment of a medical advisory committee. Establishes an alternative dispute method for resolving claims with a workers' compensation mediator. Creates the Court of Workers' Compensation Claims composed of judges for the adjudication of claims. Requires the Governor to appoint three judges to serve six-year terms. Authorizes a workers' compensation judge to assess discretionary fees for depositions of medical experts. Authorizes an appeal to a panel of three judges, including one member of the Supreme Court of Tennessee. Replaces the workers' compensation specialist program with a mediator program to assist employees and employers to conduct alternative dispute resolutions. Establishes an ombudsman program to assist employees and employers that are not represented by an attorney in a claim. Authorizes the Administrator to charge a filing fee sufficient to offset the costs of administering the program. Requires an education and training program for mediators, judges, and ombudsmen. SENATE AMENDMENT 2 (004912) corrects typographical errors. SENATE AMENDMENT 3 (005511) specifies that chiropractors are included with treating physicians in the provisions of this bill as amended. HOUSE AMENDMENT 2 (005813) makes the same changes as Senate Amendments 2 and 3 and makes various technical changes to the bill. HOUSE AMENDMENT 14 (006816) revises the provisions regarding the division's review of the impact of this bill to require review by July 1, 2015, and annually thereafter, rather than by July 1, 2017 and annually thereafter through July 2020, and to require a report of the review's findings to the members of the general assembly. Schedules the division of workers' compensation in the sunset cycle for June 30, 2018.

Senate Status 04/15/2013 - Senate concurred in House amendments 2 and 14.

House Status 04/11/2013 - House passed with amendments 2 & 14.

Executive Status 05/06/2013 - Enacted as Public Chapter 0289 effective April 29, 2013. (28 pages)

Public Chapter PC289

Caption AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 14; Title 9, Chapter 8, Part 3; Title 9, Chapter 8, Part 4; Title 29, Chapter 20, Part 4; Title 50, Chapter 6, Part 1; Title 50, Chapter 6, Part 2 and Title 50, Chapter 6, Part 3, relative to the improvement of workers'compensation system.

SB281 / HB92 Minimum statewide building construction safety standards.

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

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 120, relative to building regulations.

SB631 / HB480 Roofing contractors - license required for bidding.

Sponsors Sen. Jack Johnson / Rep. Dennis Powers

Description Requires a roofing contractor to have a roofing contractor's license prior to bidding upon or beginning roofing work. Requires that any roofing work performed in this state be performed by a licensed roofing contractor who holds a current, valid roofing contractor's license issued by the board.

Amendment HOUSE AMENDMENT 1 (006393) rewrites the bill and, generally, makes roofing subcontractors subject to the present law licensure requirements applicable to contractors when performing a job where the total cost of the roofing portion of the construction project is twenty- $25,000 or more. Defines "roofing work" as the act of removing, installing, repairing or otherwise maintaining any covering to any at- or above-grade structure for the purpose of providing weather proof protection or ornamental enhancement to such structure. Prohibits any contractor from performing roofing work on projects that exceed $25,000 unless the contractor is licensed; provided: (1) Any person who holds a license issued by the department of commerce and insurance as either a manufactured home installer or a manufactured home retailer will not be required to be a licensed contractor in order to perform roofing work on a manufactured home; provided, such work is related to the construction of a manufactured home or performed in connection with a manufacturer's warranty covering a manufactured

home, or the repair of such home; and (2) Any person who holds a license issued by the department of commerce and insurance as to the manufacture or installation of modular building units will not be required to be a licensed contractor in order to perform roofing work on a modular building unit; provided, such work is related to the construction or installation of a modular building unit, or performed in connection with a manufacturer's warranty covering a modular building unit, or the repair of such unit.Under present law, no residential roofing services provider may represent or negotiate on behalf of, or offer or advertise an offer to represent or negotiate on behalf of, an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of a roof system on the residential real estate unless the residential roofing services provider holds a valid public adjuster license. This amendment rewrites this provision to instead provide that no residential roofing services provider may act or hold out as being a public adjuster, unless licensed as a public adjuster. Makes legislation effective upon becoming a law for rulemaking purposes and on January 1, 2014, for all other purposes. HOUSE AMENDMENT 2 (007240) clarifies that no contractor may perform roofing work on "a construction project where the roofing portion of the construction project is $25,000 or more", instead of on "projects that exceed $25,000", unless the contractor is licensed.

Senate Status 04/19/2013 - Senate passed.

House Status 04/18/2013 - House passed with amendments 1 and 2.

Executive Status 05/21/2013 - Enacted as Public Chapter 0355 effective May 13, 2013.

Public Chapter PC355

Caption AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 6, relative to roofing contractors.

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

Sponsors Sen. Jim Tracy / Rep. Vince Dean

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 9, relative to the sale of scrap metal.

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

Sponsors Sen. Jim Tracy / Rep. Jon Lundberg

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

Amendment Senate amendment 1 (005006) revises the bill as follows: (1) Removes this bill's provision whereby brokers may not be notified of the required terms and conditions of coverage for the policy more than 90 days before the licensee's renewal date, as described above in the bill summary; (2) Removes the reference to the license being suspended "without further action by the commission", as described above in the bill summary; (3) Makes reinstatement mandatory instead of discretionary upon the licensee providing proof of insurance which complies with the required terms and conditions of coverage to the commission and the licensee paying the penalty described above in the bill summary. Also, this amendment clarifies, in regard to reinstatement, that reinstatement will occur without payment of penalty if the licensee provides proof of insurance within 30 days of suspension, and the payment of the penalty for reinstatement will apply if such proof of insurance is submitted on or after 31 days of suspension; (4) Requires that notification of the suspension also be sent to the licensee's home address; and (5) Adds that if the licensee proves to the commission that the license suspension or revocation was in error and that the licensee obtained, maintained or renewed the licensee's errors and omissions insurance, then the commissioner must immediately reinstate the license to the date of suspension.

Senate Status 03/27/2013 - Senate passed with amendment 1.

House Status 03/28/2013 - House passed.
Executive Status 04/18/2013 - Enacted as Public Chapter 0084 effective July 1, 2013.
Public Chapter PC84
Caption AN ACT to amend Tennessee Code Annotated, Title 62, relative to professions.

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

Sponsors Sen. Jack Johnson / Rep. Pat Marsh
Description Increases the registration fee for acquisition agents and their representatives, as defined in the Tennessee Time-Share Act of 1981, from twenty-five dollars to fifty dollars.
Senate Status 02/08/2013 - Referred to Senate Commerce & Labor Committee.
House Status 02/21/2013 - Referred to House Business & Utilities Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 66, relative to property.

SB812 / HB1009 Penalties for certain contractors.

Sponsors Sen. Lowe Finney / Rep. Mike Turner
Description Establishes that any contractor who fails to provide proof of registration with the department of revenue or any contractor that performs work in this state without registering is subject to a fine by the department of revenue in an amount not to exceed ten percent of the contractor's total bid. Creates the same fine for any contractor that intentionally misclassifies individuals as independent contractors rather than employees. Requires the department of revenue, the chief procurement officer, and the department of labor and workforce development to share information and coordinate investigative and enforcement efforts.
Senate Status 03/19/2013 - Taken off notice in Senate Commerce & Labor Committee.
House Status 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 4; Title 12; Title 50 and Title 62, relative to contractors.

SB833 / HB551 Penalty for incorrect classification of certain employees.

Sponsors Sen. Bill Ketron / Rep. Charles Curtiss
Description Creates a violation for construction services providers for understating or concealing the amount of the construction services provider's payroll, the number of construction services provider's employees, or any of the construction services provider's employees' duties. A violation is punishable by a fine of up to the greater of $1,000 or 1.5 times the average yearly workers' compensation premium for such construction services provider. This bill will not affect a construction services provider's or carrier's duty to provide workers' compensation benefits or any of the construction services provider's or carrier's rights and defenses under the workers' compensation law. Authorizes the department to refer cases involving business operations that are in violation of the workers' compensation law to the TBI or the appropriate district attorney general for criminal prosecution. Specifies that an individual or entity that is not a successor-in-interest or a principal of a construction services provider who is in violation of this bill will not be liable for the monetary penalties in this bill.
Amendment SENATE AMENDMENT 1 (003596) adds language to the original bill requiring revenue generated from additional penalties to be deposited in the Employee Misclassification Education and Enforcement Fund. Requires this money to be used for computer expenditures and for additional employees to investigate misclassification activity. SENATE AMENDMENT 3 (003927) requires, rather than allows, the department of labor and workforce development to report cases involving business operations that are in violation of this section to the TBI or the appropriate district attorney general for any action they deem necessary under any applicable criminal law.
Senate Status 04/18/2013 - Senate passed with amendments 1 and 3.
House Status 04/18/2013 - House passed.
Executive Status 05/22/2013 - Enacted as Public Chapter 0424 effective July 1, 2013.
Public Chapter PC424
Caption AN ACT to amend Tennessee Code Annotated, Title 50 and Title 56, relative to misclassification of employees.

SB848 / HB1119 Fire prevention measures included in the term "code."

Sponsors Sen. Bill Ketron / Rep. Debra Moody
Description Modifies the definition of the term "code" to include provisions relating to fire prevention measures. Under the current definition of "code", "code" covers rules and regulations regarding

building construction, plumbing, and gas installation.

Senate Status 02/25/2013 - Senate passed.

House Status 03/28/2013 - House passed.

Executive Status 04/18/2013 - Enacted as Public Chapter 0145 effective April 12, 2013.

Public Chapter PC145

Caption AN ACT to amend Tennessee Code Annotated, Section 5-20-101(1), relative to fire prevention code.

SB851 / HB940 Underground Utility Damage Prevention Advisory Committee.

Sponsors Sen. Bill Ketron / Rep. Kent Calfee

Description Creates the Underground Damage Prevention Advisory Committee, composed of eighteen members. Requires the committee to review Tennessee's underground utility damage prevention program in order to evaluate its compliance with federal laws, rules, and regulations and report its findings and recommendations to the governor, speaker of the senate, speaker of the house of representatives, and the comptroller of the treasury no later than November 1, 2013.

Amendment Senate amendment 1 (003495) expands the membership of the underground utility damage prevention advisory committee from 18 to 20 members by the representative from the interstate pipeline industry with representatives of the natural gas interstate pipeline industry and of the liquid petroleum interstate pipeline industry, and by adding an engineer designated by the American council of engineering companies. Replaces the executive director of Tennessee County Technical Assistance Services as a member of the advisory committee with the executive director of the Tennessee county services association.

Senate Status 03/07/2013 - Senate passed with amendment 1.

House Status 03/14/2013 - House passed.

Executive Status 04/03/2013 - Enacted as Public Chapter 0065 effective April 1, 2013.

Public Chapter PC65

Caption AN ACT to amend Tennessee Code Annotated, Title 65, relative to Underground Utility Damage Prevention. WHEREAS, the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is charged, by federal law, to determine if Tennessee complies with federal law in establishing an effective underground utility damage prevention program; and

SB932 / HB744 Anti-slip paint on stairs in public buildings.

Sponsors Sen. Ophelia Ford / Rep. Barbara W. Cooper

Description Requires that edges of stair steps in public buildings be mark with anti-slip paint for the benefit of the sight-impaired.

Senate Status 03/26/2013 - Taken off notice in Senate State & Local Government Committee.

House Status 03/06/2013 - House State Government Subcommittee deferred to last calendar after adopting amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 68 and Title 71, relative to vision impairment.

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

Sponsors Sen. Steve Southerland / Rep. Ryan Williams

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

Amendment Senate amendment 2 (005344) removes requirement that current licensees, who have committed an infraction, submit a complete and legible set of fingerprints. Removes the requirement for the Commission to refuse renewal of current licensees who do not comply. Specifies that applicants for a time-share license are included in the requirement for new applicants to submit fingerprints. States that any former affiliate broker, who is obtaining a broker license, is not required to submit a complete and legible set of finger prints.

Senate Status 04/15/2013 - Senate passed with amendment 2.

House Status 04/18/2013 - House passed.

Executive Status 05/22/2013 - Enacted as Public Chapter 0420 effective May 16, 2013.

Public Chapter PC420

Caption AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 13, Part 3, relative to

licensure.

SB1042 / HB1054 THDA board of directors and designees.

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

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

Amendment SENATE AMENDMENT 1 (005093) deletes all language after the enacting clause. Reduces the membership of the Tennessee Housing Development Agency's (THDA) Board of Directors, from 19 to 15 board members. Increase the membership of the Agency's Audit and Budget Committee by one member by including the State Treasurer. Authorizes the Audit and Budget Committee to employ, terminate, and establish the salary of the director of internal audit. HOUSE AMENDMENT 2 (006406) makes a technical correction. HOUSE AMENDMENT 3 (006704) authorizes any individuals as may be required by applicable federal law, regulation, or agreement, may become directors of THDA and shall be eligible to vote on matters before the agency to the extent required by federal law, regulation, or agreement. Removes language in current statute which requires the affirmative vote of nine members prior to the issuance of bonds or notes or the selection or appointment of an executive director or the issuance of a commitment for housing developments.

Senate Status 04/19/2013 - Senate concurred in House amendment 2 and 3.

House Status 04/19/2013 - House passed with amendments 2 and 3.

Executive Status 05/23/2013 - Enacted as Public Chapter 0414 effective May 16, 2013.

Public Chapter PC414

Caption AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 23, Part 1, relative to the Tennessee Housing Development Agency Act.

SB1072 / HB562 Development district and human resource agency - sunrise and members.

Sponsors Sen. Charlotte Burks / Rep. Ryan Williams

Description Creates sunrise provisions for state development districts and human resource agencies that shall terminate on June 30, 2015. Reduces the number of members who serve on development district and human resource agency boards.

Amendment House State Government Subcommittee amendment 1 (005140) deletes all language after the enacting clause. Removes duplicate sunset clauses for human resource agencies. Prohibits persons from serving concurrently as an officer on both a development district board and a human resource agency board; and requires a two-year period to lapse between memberships. Removes voting rights from any member of a human resource agency or development district board who is absent from three or more regularly scheduled board meetings in the course of the board's fiscal year. Board members serving in the General Assembly are exempted from this provision for board meetings held during legislative session.

Senate Status 04/03/2013 - Senate Government Operations Committee deferred to 04/10/2013.

House Status 04/02/2013 - House State Government Committee deferred to the first calendar of 2014.

Caption AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2; Title 13, Chapter 26, Part 1 and Title 13, Chapter 14, Part 1, relative to state agencies.

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

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

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 120, Part 1, relative to building regulations.

SB1209 / HB850 Prevailing wage requirements for the construction industry.

Sponsors Sen. Jack Johnson / Rep. Pat Marsh

Description Alters certain prevailing wage requirements for the construction industry. Requires a private employer engaged in certain construction contracts with the state to pay their employees a wage greater than either the amount required by federal law or the mean wage for the applicable occupation in the Tennessee Occupational Wages Report.

Amendment SENATE AMENDMENT 1 (005562) rewrites the bill. Creates the Prevailing Wage Act for State Highway Construction Projects. Requires private employers engaged in construction contracts with the state to pay the employer's employees a wage in excess of the greater of either the wage required to be paid by such employer under federal law or the mean wage for the applicable occupation published in the Tennessee Occupational Wages Report. Allows the state to require the private employer to pay a certain wage necessary to meet the federal requirements to obtain federal funds. Specifies that interested parties to have standing for certain violations in the chancery court of Davidson County. SENATE AMENDMENT 2 (006527) revises the bill to specify that for public contracts involving a construction project, other than a state highway construction contract, "no such contract may require the private employer to pay wages that exceed the Tennessee Occupational Wages Report", instead of requiring "that such employers pay their employees the mean wage for the applicable occupation under the "construction and extraction occupations" published in the Tennessee Occupational Wages Report". This revision does not affect the employers described in the above summary in (2) - (4) and such employers would still be required to pay their employees the mean wage for the applicable occupation under the "construction and extraction occupations" published in the Tennessee Occupational Wages Report.

Senate Status 04/10/2013 - Senate passed with amendments 1 and 2.

House Status 04/11/2013 - House passed.

Executive Status 04/30/2013 - Enacted as Public Chapter 0280 effective January 1, 2014.

Public Chapter PC280

Caption AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 12; Title 41; Title 50; Title 58 and Title 62, relative to certain wage requirements.

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

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

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

Senate Status 03/27/2013 - Taken off notice in Senate Commerce & Labor Committee.

House Status 03/26/2013 - House Business & Utilities Subcommittee deferred to first calendar of 2014.

Caption AN ACT to amend Tennessee Code Annotated, Title 48, relative to nonprofit home owners' associations.

Liens

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

Sponsors Sen. Stacey Campfield / Rep. Steve Hall

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 66, relative to liens.

SB835 / HB328 Contracting changes - license, lien, and voidable clause.

Sponsors Sen. Bill Ketron / Rep. Charles Curtiss

Description Specifies that it would also be unlawful for any person, firm, or corporation to engage in or offer to engage in contracting for any project in the state, unless the monetary limitation of such license is sufficient to allow any such person, firm, or corporation to engage or offer to engage in contracting. The board for licensing contractors would have no authority to grant or allow any exceptions to the monetary limitations of such license. Present law requires a lien on any lot or tract of real property upon which an improvement has been made by a contractor and any remote contractor to secure the contract price. The lien attaches and takes effect from the time of the visible commencement of operations, excluding certain work such as placement of underground utility lines. This bill specifies that no such lien may be available to any person, firm, or corporation engaged in construction in violation of present law regarding contractors, as revised by this bill. This bill revises the above exception to the attachment of the lien to include the placement of any utility lines, instead of only underground utility lines. This bill makes "pay if paid" clauses void and unenforceable as against public policy in this state. Such

clauses make payment for the improvement of real property in this state subject to a contingency that such payment obligation would arise only if payment is made by the owner or third party.

Amendment SENATE AMENDMENT 1 (004920) rewrites the bill. Reinstates the provisions of the original bill without the section regarding "pay if paid" clauses. Applies to contracts entered into on or after July 1, 2013, and to liens filed for construction performed on or after July 1, 2013. SENATE AMENDMENT 2 (004561) allows for the board for licensing contractors to have the authority to grant or allow an exception, in an amount not to exceed 10 percent, to the monetary limitations of such license.

Senate Status 04/18/2013 - Senate passed with amendments 1 and 2.

House Status 04/19/2013 - House passed.

Executive Status 05/23/2013 - Enacted as Public Chapter 0469 effective July 1, 2013.

Public Chapter PC469

Caption AN ACT to amend Tennessee Code Annotated, Title 62 and Title 66, relative to the construction industry.

SB1067 / HB685 Judgment lien on real estate.

Sponsors Sen. Charlotte Burks / Rep. Charles Curtiss

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

Amendment HOUSE AMENDMENT 1 (004153) rewrites the bill and provides the following in regard to the removal of invalid liens: (1) If a judgment, decree or other such document affecting title, possessions or use of property is registered as a lien against the property of a person, and such person is not the person against whom the judgment, decree or other document is entered, the lien may be removed by a court of competent jurisdiction upon a showing by a preponderance of evidence that it is not a valid lien against such property; (2) A person who successfully has a lien removed pursuant to this amendment may recover all damages incurred as a result of the judgment lien being filed on the property. The action will be against the person responsible for registering the judgment lien and damages will include the costs, including attorney fees, incurred in removing the lien; and (3) This amendment will not apply to a licensed attorney who prepares a document covered by this amendment in the course or representing a client. SENATE JUDICIARY COMMITTEE AMENDMENT 1 (006648) deletes all language after the enacting clause and rewrites the bill so as to provide a procedure for making a lien holder liable for court costs and attorney fees for wrongfully refusing to release a lien that was improperly filed against real property. Upon written request, a lien holder that obtains the lien against real property has 10 days to record a proper release of the lien if the property owner is not the person against whom the judgment, decree or other attachments, orders, injunctions, and other writs were entered. If the lien holder does not record the release within 10 days, then the lien holder may be liable to the party requesting the release for all reasonably expenses, attorney's fees, and the court costs incurred in the action. The bill does not apply to a licensed attorney who prepares a document covered by the bill in the course of representing a client.

Senate Status 04/09/2013 - Taken off notice in Senate Judiciary Committee after adopting amendment 1.

House Status 03/28/2013 - House passed with amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 25, Chapter 5, relative to judgments.

SB1372 / HB1243 Redefines owner for purposes of mechanics' and materialmen's liens.

Sponsors Sen. Todd Gardenhire / Rep. Richard Floyd

Description Redefines an owner regarding mechanics' and materialmen's liens to include lien claimants that seek to attach or sell under process, in addition to other types of owners.

Amendment House amendment 1 (004560) rewrites the bill. Makes changes to the Methods of Enforcement for Mechanics' and Materialmen's Liens. Specifies that liens shall be served upon the persons whose interests the prime contractor or the remote contractor seeks to attach and sell under process, with the owner(s) being given notice only of the filing of such warrant and writ of attachment. Specifies that when a bond has been provided with the lien being enforced by an action on the bond, the action shall be served upon the principal of the bond, rather than the owner(s). Specifies that these changes shall apply to any lien based on work or labor performed on or after the effective date of July 1, 2013.

Senate Status 04/17/2013 - Senate Delayed Bills did not take action.

House Status 04/10/2013 - House passed with amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 11, relative to liens.

Local Government

SB35 / HB501 Local government restrictions on private businesses.

Sponsors Sen. Brian K. Kelsey / Rep. Glen Casada

Description Prohibits local governments from requiring a private employer to pay its employees an hourly wage in excess of the minimum hourly wage required to be paid under federal or state law as a condition of doing business within the jurisdictional boundaries of the local government. Also prohibits local governments from mandating health insurance benefits, leave policies, or prevailing wage standards that deviate from state statutorily imposed standards on private employers as either a condition of operating a business within the jurisdictional boundaries of the local government or when the local government contracts with a private employer.

Amendment House amendment 1 (003294) adds new section naming the bill as the "Tennessee Wage Protection Act." States that any law, ordinance, or rule adopted or maintained by any county, municipality, or political subdivision addressing wage theft shall be preempted by existing state and federal laws, including, but not limited to, the Fair Labor Standards Act; the Davis-Bacon Act; the McNamara-O'Hara Service Contract Act; the Migrant and Seasonal Agricultural Protection Act; the Contract Work Hours and Safety Standards Act; and the Copeland Anti-Kickback Act; and title 50, chapter 2.

Senate Status 03/28/2013 - Senate passed.

House Status 03/14/2013 - House passed with amendment 1 (003294).

Executive Status 04/16/2013 - Enacted as Public Chapter 0091 effective April 11, 2013.

Public Chapter PC91

Caption AN ACT to amend Tennessee Code Annotated, Title 7; Section 12-4-903 and Title 50, relative to placing certain restrictions on local government authority related to private businesses.

SB53 / HB33 Development standards for selected types of developments.

Sponsors Sen. Ken Yager / Rep. Kelly Keisling

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

Amendment House State Government Subcommittee amendment 1 (004971) rewrites the bill but does not change substantially what the original bill did and only makes styling changes to the form of the bill.

Senate Status 03/27/2013 - Senate State & Local Government Committee deferred to 04/02/13.

House Status 03/27/2013 - Failed in House State Government Subcommittee after adopting amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Section 13-3-413 and Section 13-4-310, relative to the time frame of development standards.

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

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

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 12, Chapter 4 and Title 50, Chapter 2, relative to wage regulation.

SB247 / HB959 Counties to enforce penalties for ordinance violations.

Sponsors Sen. Stacey Campfield / Rep. Roger Kane

Description Authorizes certain charter counties to assess and enforce civil penalties for ordinance violations through an administrative, rather than a judicial, process. Establishes that each

county government referenced in this section may set maximum monetary penalties and forfeitures up to five thousand dollars ($5,000) for the violation of a county ordinance. In counties with a population of over seven hundred thousand (700,000) according to the 1990 federal census, no fine over fifty dollars ($50.00) is allowed unless the ordinance permitting such is approved by a two-thirds (2/3) vote of the county commission. A county shall give the violator reasonable notice of the assessment of any penalty.

Senate Status 04/10/2013 - Taken off notice in Senate State & Local Government Committee.

House Status 04/09/2013 - Taken off notice in House Local Government Committee.

Caption AN ACT to amend Tennessee Code Annotated, Title 5 and Title 16, relative to chartered counties.

SB279 / HB475 Annexation requires majority vote of qualified voters.

Sponsors Sen. Bo Watson / Rep. Mike Carter

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

Amendment SENATE AMENDMENT 1 (006196) rewrites the bill. Prohibits any municipality from extending its corporate limits by means of annexation by ordinance upon the municipality's own initiative pursuant to Tenn. Code Ann. 6-51-102 from April 1, 2013, through June 30, 2015. Requires TACIR to complete a comprehensive review and evaluation of the efficacy of state policies established within Tenn. Code Ann. Title 6, Chapters 51 and 58 and to submit a written report of findings and recommendations to the Speaker of the House of Representatives and the Speaker of the Senate no later than January 12, 2015. SENATE AMENDMENT 4 (007052) rewrites SECTION 1 (a) of the bill. Prohibits any municipality from extending its corporate limits by means of annexation by ordinance upon the municipality's own initiative between April 1, 2013 and June 30, 2015. Establishes that this section does not apply to Cocke County, Greene County, Hamblen County, or Sevier County. SENATE AMENDMENT 6 (007123) adds a new subsection to the bill. Creates an exception for subsection (a) for the counties of Davidson and Shelby. SENATE AMENDMENT 13 (007185) rewrites the bill and strips all previously adopted amendments. Places a moratorium on Annexation by April 1, 2013 through May 1, 2014. This moratorium does not apply to consensual annexations. Establishes that on or before January 14, 2014, TACIR shall complete a comprehensive review of the efficacy of state policies and submit a written report of findings to the Speaker of the Senate and the Speaker of the House of Representatives. HOUSE AMENDMENT 17 (007267) is the same as Senate amendment 1, except that this amendment requires a "majority vote", instead of by a "2/3 vote", of the county legislative body to waive the moratorium. HOUSE AMENDMENT 23 (007366) specifies that this bill would not apply to Sevier, Sumner, Madison, Hardeman, Jefferson, and Hamblen counties. HOUSE AMENDMENT 24 (007362) specifies that the provisions of this bill would not apply to Crockett, Haywood, Lauderdale, Blount, and Montgomery counties. HOUSE AMENDMENT 25 (007363) specifies that the provisions of this bill would not apply to Williamson County. CONFERENCE COMMITTEE REPORT (0075442) rewrites the bill. Prohibits any municipality from extending its corporate limits by means of annexation by ordinance upon the municipality's own initiative pursuant to TCA 6-51-102, in order to annex territory being used primarily for residential or agricultural purposes, from April 15, 2013, through May 15, 2014. Specifies that this legislation does not apply to Hartsville/Trousdale County, Lynchburg/Moore County, or Nashville/Davidson County. Provides exception if, prior to April 15, 2013, a municipality formally initiated an annexation ordinance delayed by this legislation, and if the municipality would suffer substantial and demonstrable financial injury if such ordinance does not become operative prior to May 15, 2014, then, the county legislative body may, by a majority vote, waive the moratorium restrictions. Requires TACIR to complete a comprehensive review and evaluation of the efficacy of state policies established within Tenn. Code Ann. Title 6, Chapters 51 and 58 and to submit a written report of findings and recommendations to the Speaker of the House of Representatives and the Speaker of the Senate no later than January 14, 2014.

Senate Status 04/19/2013 - Senate adopted conference committee report.

House Status 04/19/2013 - House adopted conference committee report.

Executive Status 05/22/2013 - Enacted as Public Chapter 0441 effective May 16, 2013.

Public Chapter PC441

Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to annexation.

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

Sponsors Sen. Jack Johnson / Rep. Glen Casada
Description Requires a local board of zoning appeals or local legislative body, prior to certifying or adopting a zoning plan or updating a zoning ordinance, to notify all affected landowners of such actions and conduct a public hearing to obtain input from all affected landowners.
Senate Status 02/08/2013 - Referred to Senate State & Local Government.
House Status 02/21/2013 - Referred to House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7, relative to zoning.

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

Sponsors Sen. Ken Yager / Rep. Kelly Keisling
Description Revises procedure for amending growth plans. Specifies that a municipal mayor may propose an amendment to the growth plan, regarding the urban growth boundary of the mayor's municipality, by filing notice with all of the other municipal mayors in the county and the county mayor or county executive. Specifies that a county mayor or county executive may propose an amendment, regarding a change in the boundary between a planned growth area and a rural area, by filing notice with all of the municipal mayors in the county. Allows mayors to propose only one amendment each at a time. Allows for the coordinating committee to recommend amendments to proposed amendments, in addition to recommending for or against the proposed amendment. Provides the process by which and the time frame within which the committee must submit their recommendations and the governing bodies must respond. Establishes procedure for adoption of a revised growth plan.
Amendment House Local Government Subcommittee amendment 1 (004455) rewrites the bill such that the only substantive changes require the county legislative body and the governing body of each municipality to conduct a public hearing on the proposed revised plan. Requires the Department of Economic and Community Development or its successor to perform the functions assigned to the local government planning advisory committee, in the event the local government planning advisory committee is discontinued.
Senate Status 04/02/2013 - Senate State & Local Government Committee referred bill to TACIR.
House Status 03/26/2013 - House Local Government Committee deferred to 2014.
Caption AN ACT to amend Tennessee Code Annotated, Section 6-58-104, relative to the amendment and revision of county growth plans.

SB619 / HB700 County enforcement of certain local ordinances.

Sponsors Sen. Mark S. Norris / Rep. Andy Holt
Description Prohibits local ordinances that seek to restrict the free exercise of rights from being applied to certain persons and property related to farm operations. Establishes cause of action for persons aggrieved by such enforcement.
Senate Status 02/08/2013 - Referred to Senate Energy, Agriculture & Natural Resources Committee.
House Status 02/06/2013 - Referred to House Agriculture & Natural Resources Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 43, Chapter 26, relative to the right to farm.

SB672 / HB535 Changes to urban growth plan amendment approval.

Sponsors Sen. Mae Beavers / Rep. Mark Pody
Description Revises the approval process of urban growth plan amendments. Requires the growth plan amendments to be approved in a referendum by eligible voters owning property that will be affected by the proposed amendment.
Senate Status 02/08/2013 - Referred to Senate State & Local Government.
House Status 02/06/2013 - Referred to House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to comprehensive growth plans.

SB731 / HB230 Restraint on Government Growth Act.

Sponsors Sen. Bo Watson / Rep. Mike Carter
Description Enacts "Restraint on Government Growth Act." Requires that all annexations within a municipality's approved urban growth boundaries under an amended growth plan be by referendum only and not by ordinance.
Senate Status 04/02/2013 - Senate State & Local Government Committee referred bill to TACIR.
House Status 04/02/2013 - Taken off notice in House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to annexations under an amended growth plan and to enact the "Restraint on

Government Growth Act ".

SB732 / HB231 Authority of mayor to amend growth plan.

Sponsors Sen. Bo Watson / Rep. Mike Carter

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

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

Senate Status 04/02/2013 - Senate State & Local Government Committee referred bill to TACIR.

House Status 04/04/2013 - House Calendar & Rules Committee deferred to last calendar.

Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 58, relative to comprehensive growth plans.

SB786 / HB642 Private entities may provide roll off debris containers to public.

Sponsors Sen. Frank Niceley / Rep. Dale Carr

Description Allows a private entity to provide a roll off construction or demolition debris container to a person requesting such a container even if the site is located in a municipality that has granted an exclusive franchise to itself for the collection, removal, and disposal of solid waste.

Amendment House Local Government Committee amendment 1 changes the effective date to 7/1/2016.

Senate Status 03/18/2013 - Senate passed.

House Status 04/09/2013 - Failed in House Local Government Committee after adopting amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 6 and Title 68, Chapter 211, relative to disposal or removal of certain solid waste.

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

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

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

Amendment House Local Government Committee amendment 1 (003101) deletes all language after the enacting clause. Requires, prior to a municipality annexing upon its own initiative, the approval by a majority of potentially-annexed residents in a referendum, held in conjunction with the next regularly-scheduled election by the county. Requires the annexing municipality to provide notice by registered mail to all potentially-annexed residents 180 days prior to the referendum, when the proposed annexation is of the territory adjoining the existing boundaries of the annexing municipality and is upon the annexing municipality's own initiative.

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

House Status 04/18/2013 - House Finance Subcommittee deferred to TACIR.

Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to annexation.

SB915 / HB964 Development standards for building permits.

Sponsors Sen. Frank Niceley / Rep. Curry Todd

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

Amendment House Local Government Committee amendment 1 (006163) deletes all language after the enacting clause. Requires locally adopted or enforced development standards, in effect on the date the county or municipal planning commission or local government grants approval of a

preliminary plat, site plan, or building permit to remain the development standards applicable to the development during the vesting period; provided final approval of the development is made within the vesting period, which begins on the date of approval and lasts five years. If development occurs in phases, there shall be a separate vesting period applicable to each phase; development standards in effect on the date of approval for the first phase shall remain the standards applicable to all subsequent phases during the vesting period; however the county or municipal planning commission or local government may change the development standards to a particular development under certain conditions.

Senate Status 04/10/2013 - Taken off notice in Senate State & Local Government Committee.

House Status 04/11/2013 - Taken off notice in House Finance Committee.

Caption AN ACT to amend Tennessee Code Annotated, Section 13-4-310 and Section 13-3-413, relative to development standards.

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

Sponsors Sen. Mike Bell / Rep. Sheila Butt

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

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

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

Caption AN ACT amend Tennessee Code Annotated, relative to the protection of private property rights.

SB1054 / HB1263 Notice to property owners regarding annexation.

Sponsors Sen. Brian K. Kelsey / Rep. Dale Carr

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

Amendment Senate amendment 1 (005753) deletes sections 5 and 6 of the original bill that added minimum requirements to be included in an annexing municipality's plan of services and reference to such plan of service minimum requirements.

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

House Status 04/19/2013 - House passed.

Executive Status 05/23/2013 - Enacted as Public Chapter 0462 effective May 20, 2013.

Public Chapter PC462

Caption AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51, Part 1; Title 6, Chapter 58 and Title 67, Chapter 5, Part 5, relative to municipal annexation.

SB1316 / HB1249 Annexation - land zoned for agricultural use.

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

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

Senate Status 04/02/2013 - Senate State & Local Government Committee referred bill to TACIR.

House Status 04/18/2013 - House Finance Subcommittee deferred to TACIR.

Caption AN ACT to amend Tennessee Code Annotated, Title 6, relative to comprehensive growth plans.

SB1378 / HB1324 Providing utility services in annexed areas.

Sponsors Sen. Mae Beavers / Rep. Joshua G. Evans

Description Clarifies that an annexing municipality possesses the exclusive right to provide utility services in annexed areas if the municipality chooses to provide such services. Allows any party aggrieved or prejudiced by the finding and adjudication of the water and wastewater treatment authority board to obtain an appeal from the finding and adjudication to the circuit court of the county.

Amendment Senate State and Local Government Committee amendment 1 (004318) deletes and rewrites

the bill such that the only substantive change prescribes appeals to findings and adjudications by the water and wastewater treatment authority board to be made to the Utility Management Review Board within thirty days of the finding or adjudication and any appeal of a decision of the Utility Management Review Board to be made to the circuit court of the county.

Senate Status 04/17/2013 - Re-referred to Senate Calendar Committee.

House Status 03/26/2013 - House Business & Utilities Subcommittee deferred to 2014, after adopting amendment 1.

Caption AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13; Title 65 and Title 68, relative to utility services.

SB1381 / HB1319 Annexation - notice requirements.

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

Description Requires any municipality proposing to annex territory within the municipality's urban growth boundary to mail notice to any property owners within that urban growth boundary 90 days prior to the date of proposed annexation and to hold at least three public, informational meetings.

Amendment House Local Government Committee amendment 1 (004323) deletes all language after the enacting clause. Requires any municipality, prior to annexation, to mail a copy of the ordinance or resolution describing the potentially-annexed property, as well as notice of the date, time, and location of the informational meeting to be held, to each property owner of record within the territory proposed for annexation at least 90 days prior to the proposed date of annexation. Requires any annexing municipality to hold a minimum of one public informational meeting. House Local Government Committee amendment 2 (006715) changes "annexation, promptly mail" to "annexation, by certified mail return receipt requested, promptly mail".

Senate Status 04/02/2013 - Senate State & Local Government Committee referred bill to TACIR.

House Status 04/18/2013 - House Finance Subcommittee deferred to TACIR.

Caption AN ACT to amend Tennessee Code Annotated, Title 6, relative to comprehensive growth plans.

Manufactured Housing

SB210 / HB110 Installers of manufactured homes - liability for repairs.

Sponsors Sen. Janice Bowling / Rep. Sheila Butt

Description Prohibits any installer who installs the support structures, the anchoring system, or any other material or equipment that supports the manufactured home and secures it to the ground from being held liable for any structural repairs to work performed by such installer after one year from the date of installation.

Amendment House Business & Utilities Subcommittee amendment 1 (004507) makes the bill. States that an installer for a manufactured home shall not be liable for any structural repairs after one year from the installation. Provides that an installer shall be liable for the support structures, anchoring system, or any other material/equipment that supports the home and secure it to the ground within five years of the installation. This bill shall not affect remedies, actions, or penalties by the commissioner.

Senate Status 03/27/2013 - Taken off notice in Senate Commerce & Labor Committee.

House Status 04/03/2013 - Taken off notice in House Business & Utilities Committee.

Caption AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 126, Part 4, relative to the installation of manufactured homes.

SB299 / HB340 Assessing taxes against mobile homes.

Sponsors Sen. Frank Niceley / Rep. Michael Harrison

Description Requires the mobile home owner to remit property taxes on the mobile home to the assessor rather than to the owner of the mobile park. Under current law, the owner of the land is granted a lien against the movable structure to secure payment for the municipal and county taxes. Requires, on or before February 1 of each year, the assessor of property to furnish to each owner of land used as a mobile park a schedule approved by the division of property assessments, requiring the owner to list all movable structures that were located on the owner's land. Changes the date from April 1st to March 1st in which the land owner must report certain information to the division of property assessments. Requires the assessor of property to send notice showing the appraised value of the movable structure to the owner of

the structure. Under current law, the assessor of property furnishes to each owner of land used as a mobile home park a schedule of the assessed value of each moveable structure on or by July 1 of each year. Excludes temporary movable structures. Authorizes the state director of fire prevention to provide to assessors of property the names of owners of mobile homes and other movable structures and the location of property for which electrical inspections have been made.

Senate Status 01/31/2013 - Referred to Senate State & Local Government.

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

Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to the assessment of mobile homes and other movable structures.

SB456 / HB341 Removes monitoring inspection fee for Manufacture Homes Act.

Sponsors Sen. Becky Duncan Massey / Rep. Michael Harrison

Description Removes the authority of the commissioner to establish a monitoring inspection fee under the Uniform Standards Code for Manufactured Homes Act.

Senate Status 02/05/2013 - Referred to Senate Commerce & Labor Committee.

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

Caption AN ACT to amend Tennessee Code Annotated, Title 55 and Title 68, relative to manufactured homes.

SB1193 / HB1028 Manufactured home not installed by licensed persons.

Sponsors Sen. Todd Gardenhire / Rep. Vince Dean

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 126, relative to requirements for the installation of manufactured homes.

Mortgages

SB537 / HB273 Publication notices for sale of land.

Sponsors Sen. Mike Bell / Rep. Glen Casada

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 26 and Title 30, relative to real and personal property exemptions.

SB602 / HB1070 Liens - priority over mortgages.

Sponsors Sen. John Stevens / Rep. Barrett Rich

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Section 66-11-108, relative to mortgages.

SB729 / HB233 Assignment of mortgage or deed of trust.

Sponsors Sen. Bo Watson / Rep. Mike Carter

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

Senate Status 03/27/2013 - Taken off notice in Senate Commerce & Labor Committee.
House Status 03/26/2013 - Failed in House Business & Utilities Subcommittee, for lack of a second.
Caption AN ACT to amend Tennessee Code Annotated, Title 29; Title 45; Title 47 and Title 66, relative to mortgages.

SB1020 / HB870 Real property acquired to secure a loan.

Sponsors Sen. Mike Bell / Rep. Cameron Sexton
Description Allows banks to acquire real property to secure certain loans for up to 10 years, instead of five years or a greater period of time that the commissioner allows. Details process for such acquiring including write offs and appraisals.
Amendment House amendment 1 (004114) rewrites subsections (2)(E) and (2)(F) of Section 2 of the bill, and subsection (2)(A) of Section 1 of the bill, such that banks are: required to obtain an appraisal by an independent, qualified appraiser, only for parcels whose book value is more than $250,000; authorized to obtain an evaluation in lieu of an appraisal for parcels whose book value is $250,000 or less; are not required to get appraisals for parcels whose book value is $100,000 or less. In addition, the bill as amended requires the appraisals or evaluations, whichever are applicable, to be obtained within 12 months from the date the bank acquires the real property, and every 12 months thereafter, for as long as the bank owns the real property. Further, the bill as amended specifies that real property acquired by a bank to satisfy or protect a loan made by the bank is required to be sold within ten years, except as provided in Section 1, subdivision (b)(2)(B).
Senate Status 04/01/2013 - Senate concurred in House amendment 1.
House Status 03/28/2013 - House passed with amendment 1 .
Executive Status 04/26/2013 - Enacted as Public Chapter 0233 effective April 19, 2013.
Public Chapter PC233
Caption AN ACT to amend Tennessee Code Annotated, Title 45, relative to banks.

SB1052 / HB354 Increased criminal penalties - certain property filings.

Sponsors Sen. Brian K. Kelsey / Rep. Ron Lollar
Description Increases from a Class A misdemeanor to a Class E felony the offenses of drawing and filing a deed without actual ownership of property and filing a lien on property without any legal interest.
Senate Status 04/17/2013 - Senate passed.
House Status 04/18/2013 - House passed.
Executive Status 05/22/2013 - Enacted as Public Chapter 0413 effective July 1, 2013
Public Chapter PC413
Caption AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 1 and Title 66, relative to offenses involving real and personal property.

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

Sponsors Sen. James F. Kyle Jr. / Rep. Johnnie Turner
Description Requires that all closings held for home loans under the Tennessee Home Loan Protection Act be attorney-supervised closings. Establishes that only attorneys who have sufficient errors and omissions coverage are permitted to supervise such closings.
Senate Status 03/19/2013 - Senate Commerce & Labor Committee deferred to next meeting.
House Status 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 45; Title 47; Title 62 and Title 66, relative to real estate.

Public Finance

SB462 / HB552 Comptroller approval for local government debt changes.

Sponsors Sen. Ken Yager / Rep. Charles Curtiss
Description Establishes that once debt has been issued by a public entity any change to the debt structure must first be approved by the comptroller of the treasury before the debt can be refunded, renewed, or extended. Requires the comptroller of the treasury to approve any debt before it is issued by a public entity.
Amendment Senate amendment 1, House Local Government Committee amendment 1 (006158) deletes

all language after the enacting clause. Directs the State Funding Board to study the need and cost for additional oversight by the state in the issuance, restructure, and refinance of debt by local government and local government instrumentalities and report any findings and recommendations to the General Assembly no later than February 15, 2014.

Senate Status 04/08/2013 - Senate passed with amendment 1.

House Status 04/10/2013 - Taken off notice in House Finance Committee.

Caption AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 21, relative to issuance of local government debt.

SB502 / HB507 Fiscal appropriations bill.

Sponsors Sen. Mark S. Norris / Rep. Charles M. Sargent

Description Appropriations are made to defray the expenses of state government for the fiscal year beginning July 1, 2013, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state, and for certain state aid and obligations and for capital outlay; for the service of the public debt, and for emergency and contingency.

Amendment SENATE AMENDMENT 5 (001163) is the original budget appropriations proposal given by the Governor. SENATE AMENDMENT 6 (006725) is the administration amendment. SENATE AMENDMENT 7 (006901) is the procurement bill language amendment. SENATE AMENDMENT 8, as amended, contains the "FY13-14 Senate Budget Sub Recommendations 6:23PM 4-16-13" (Available on the TLS homepage under TLS Documents), with one addition: Historical Commission - Continuation of historical interpretation of Parker's Crossroads - $30,000 recurring. SENATE AMENDMENT 9 (007257) deals with language in the fiscal year ending June 30, 2014 which the comptroller of the treasury must carry forward balances of miscellaneous appropriations. SENATE AMENDMENT 10 (007258) deals with technology centers equipment. HOUSE AMENDMENT 1 (003044) makes the bill and contains appropriations language (101 pp). HOUSE AMENDMENT 2 (005500) contains administration and legislative adjustments (57 pp).

Senate Status 04/18/2013 - Senate concurred in House amendments 1 and 2.

House Status 04/17/2013 - House passed with amendments 1 and 2.

Executive Status 05/22/2013 - Enacted as Public Chapter 0453 effective July 1, 2013. (100 pages)

Public Chapter PC453

Caption AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2012, and July 1, 2013, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state; for certain state aid and obligations; for capital outlay, for the service of the public debt, for emergency and contingency; to repeal certain appropriations and any acts inconsistent herewith; to provide provisional continuing appropriations; and to establish certain provisions, limitations and restrictions under which appropriations may be obligated and expended. This act makes appropriations for the purposes described above for the fiscal years beginning July 1, 2012, and July 1, 2013.

Public Notice

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

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

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

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

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

House Status 03/25/2013 - House passed.

Executive Status 04/18/2013 - Enacted as Public Chapter 0124 effective April 12, 2013.

Public Chapter PC124

Caption AN ACT to amend Tennessee Code Annotated, Title 1, Chapter 3; Title 30, Chapter 2 and Title 67, Chapter 5, relative to public notices.

SB1008 / HB444 Defines adequate public notice throughout the code.

Sponsors Sen. Dolores R. Gresham / Rep. Kelly Keisling

Description Defines adequate public notice throughout the code as including, but not limited to, publication of the public meeting or deadline in a newspaper of general circulation at least five days before the meeting, posting of the notice on an Internet web site at least three days before the meeting, and posting of the notice within the building where the meeting or deadline is to take place at least three days before the meeting or deadline will occur.

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

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

Caption AN ACT to amend Tennessee Code Annotated, Section 1-3-105, relative to definitions of terms in the code.

SB1085 / HB676 Requires certain video streaming.

Sponsors Sen. James F. Kyle Jr. / Rep. Gloria Johnson

Description Requires meetings of the registry of election finance, the Tennessee ethics commission, the bureau of ethics and campaign finance, the state election commission, TACIR, the Tennessee education lottery corporation board of directors, and meetings of the state capitol commission to be made available for viewing by the public over the Internet by streaming video accessible from each entity's web site.

Amendment SENATE AMENDMENT 1 (004532) exempts the telephonic meetings conducted by the State Election Commission from the requirement that all meetings of the State Election Commission are video streamed and archived on the Commission's website. SENATE AMENDMENT 2 (004356) requires the State Funding Board to provide video streaming of its meetings and to archive such videos on the Comptroller of the Treasury's web site. Authorizes the State Funding Board to use the public hearing rooms in the Legislative Plaza if video streaming is not otherwise available to such entity. SENATE AMENDMENT 3 (005977) establishes that meetings of the Tennessee ethics commission must be made available for viewing by the public over the Internet by streaming video accessible from the commission's web site; provided, however, that any confidential meeting occurring pursuant to Section 3-6-201 or Section 3-6-202 shall not be available for viewing by streaming video. Requires that archived videos of the commission's meetings also be available to the public through the commission's web site. Allows the commission to use the public hearing rooms in the Legislative Plaza if video streaming is not otherwise available to the commission.

Senate Status 03/28/2013 - Senate passed with amendments 1, 2, and 3.

House Status 03/27/2013 - Failed in House State Government Subcommittee.

Caption AN ACT to amend Tennessee Code Annotated, Title 2; Title 3 and Title 4, relative to video streaming of meetings.

SB1324 / HB1328 Publishing of statutorily required legal notices on web.

Sponsors Sen. Bill Ketron / Rep. Rick Womick

Description Requires all legal notices relative to foreclosures, land sales, transactions involving real property or otherwise required by statute to be published in a newspaper of general circulation to be published on the administrative register web site within the secretary of state's web site.

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

House Status 02/27/2013 - Referred to House State Government Subcommittee.

Caption AN ACT to amend Tennessee Code Annotated, relative to newspapers of general circulation.

Tax Sales

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

Sponsors Sen. Jim Summerville / Rep. David Shepard

Description Establishes that whenever Hickman County acquires property at a tax sale, any non-governmental entities holding a vested contractual right to payment of fees or assessments

secured by such property shall retain such right, provided that the county shall not be liable for payment of such fees or assessments for a maximum of 24 months from the date of order of tax sale. Allows the county to surrender the property to the non-governmental entity in full satisfaction of any fees or assessments. Broadly captioned.

Senate Status 04/02/2013 - Taken off notice in Senate State & Local Government Committee.

House Status 04/02/2013 - House Local Government Subcommittee deferred to 2014.

Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to tax sales.

SB74 / HB300 Sale of surplus public property.

Sponsors Sen. Becky Duncan Massey / Rep. Steve McDaniel

Description Authorizes the private sale of certain real or personal property owned by local governments of the state to certain nonprofits for historical or cultural conservation.

Amendment Senate amendment 1 (003244) requires transfers to be approved by the local legislative body prior to the transfer.

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

House Status 03/25/2013 - House passed.

Executive Status 04/16/2013 - Enacted as Public Chapter 0115 effective April 12, 2013.

Public Chapter PC115

Caption AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7 and Title 12, relative to sale of surplus public property.

SB588 / HB73 Disposing of surplus property.

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

Description Authorizes a county legislative body under the County Purchasing Law of 1957, the option of allowing the county mayor and purchasing agent to sell or donate surplus personal property of the county valued at $1,000 or less without receiving approval from the county legislative body if such county legislative body authorizes the action by resolution. Establishes that items that exceed $1,000 shall not be subdivided.

Senate Status 04/01/2013 - Senate passed.

House Status 03/11/2013 - House passed.

Executive Status 04/19/2013 - Enacted as Public Chapter 0162 effective April 16, 2013.

Public Chapter PC162

Caption AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 14, relative to disposing of surplus property.

SB601 / HB493 Revised delinquent property tax sales.

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

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

Amendment HOUSE AMENDMENT 1 (004011) makes other technical revisions to this bill. This amendment clarifies that a suit to collect delinquent personal property taxes may be brought as part of any pending suit to collect real property taxes. This amendment further specifies, in regard to the provision whereby an entity may enter into a written agreement for the payment of judgment in installments, provided that such agreement must provide for payment of all taxes, interest, penalties, and costs in full, including any interest and penalties that accrue during the term of the installment payments, that the agreement must also provide for the payment of fees. This amendment revises the provision regarding the award of attorney's fees to remove the specification that the appeal must from "an order of the trial court". This amendment clarifies that a suit to invalidate any tax title to land must be commenced within one year from the date the cause of action accrued, which is the date of the entry of the order confirming the tax sale. (16 pp.) HOUSE AMENDMENT 2 (005474) removes authorization for the clerk of court to refrain from entering a minimum bid at a tax sale if the legislative body has determined that no such bid should be made due to a determination that such property poses a risk of "any other liability", thereby restoring the present law that limits such authorization to those situations where the county legislative body has determined that no such bid should be made due to a determination that such property poses an environmental risk.

Senate Status 04/15/2013 - Senate passed.
House Status 04/15/2013 - House passed with amendments 1 and 2.
Executive Status 05/21/2013 - Enacted as Public Chapter 0353 effective May 13, 2013.
Public Chapter PC353
Caption AN ACT to amend Tennessee Code Annotated, Section 6-55-202 and Title 67, relative to taxes.

SB625 / HB455 Delinquent tax sale results made available to certain parties.

Sponsors Sen. Mark S. Norris / Rep. G.A. Hardaway
Description Requires court clerks who are notified by persons having legal claims against property set for delinquent tax sale to notify such persons of the results of such delinquent tax sale.
Amendment House amendment 1 (004513) deletes and rewrites Section 1 of the original bill. Requires parties receiving notice pursuant to Tenn. Code Ann. 67-5-2502(a)(3), to also be given notice of the amount of proceeds resulting from the sale, the division of such proceeds, and the remainder, if proceeds remain after distribution pursuant to Tenn. Code Ann. 67-5-2501.
Senate Status 04/10/2013 - Taken off notice in Senate State & Local Government Committee.
House Status 04/15/2013 - House passed with amendment 1.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to delinquent property tax sales.

SB990 / HB382 Bidding on insolvent property at tax sale.

Sponsors Sen. Randy McNally / Rep. Judd Matheny
Description Creates an alternative method for bidding on property at a tax sale deemed to be insolvent. Specifies that no bid shall be placed on behalf of the tax entity and that the minimum bid amount shall include the total amount of ad valorem taxes, penalties, interest, fees, and costs, and the total amount of other governmental liabilities secured by liens of record against the property. Creates an alternative method for the purchase of property acquired by a government entity at a tax sale which is subject to contractual development covenants or development fees or assessments.
Senate Status 02/08/2013 - Referred to Senate Commerce & Labor Committee.
House Status 03/19/2013 - Taken off notice in House Business & Utilities Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, Part 25, relative to certain properties subject to a tax sale.

SB1304 / HB1300 Property sold due to delinquent taxes.

Sponsors Sen. Randy McNally / Rep. Jimmy Matlock
Description Allows a county legislative body to grant permission for a tract of land to be sold for an amount less than the total amount of delinquent taxes owed, if the body finds that it is impossible to sell the land for at least the amount owed.
Senate Status 04/02/2013 - Senate State & Local Government Committee deferred to 04/09/13.
House Status 04/02/2013 - Taken off notice in House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to delinquent property taxes and property valuation of property offered through a delinquent tax sale.

Taxes

SB181 / HB175 Revisions to franchise and excise tax law.

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick
Description For purposes of franchise and excise taxes, provides for the filing of tax returns while a taxpayer is on "final return status". Specifies that any taxpayer who is starting a process that will result in the taxpayer ceasing to exist, or no longer being subject to the state excise tax, or no longer having any substantial remaining business or financial activity, such as merger, sale, or dissolution, would be deemed to be in "final return status", and such status would apply to all subsequent returns filed by the taxpayer. Specifies that if a taxpayer in final return status effects a complete liquidation that is initiated and completed on the same date, then the franchise tax would be computed utilizing net worth, or the minimum franchise tax base, on the date immediately preceding the liquidating event. Otherwise, on any return of a taxpayer in final return status, the franchise tax would be computed by using the average monthly value of

net worth or the average monthly value of the real and tangible property owned in the state. Requires the inclusion of annualization of rent paid in determining the minimum franchise tax base on any tax return where franchise tax is prorated, instead of only in specified cases. Specifies that for any tax return of a person in final return status that covers less than 12 months, the franchise tax would be prorated for the part of the year covered by the return. Generally, under present law, a taxpayer, for excise tax purposes, may deduct any net loss carryovers, subject to certain requirements and provisions. This bill specifies that there would be added to the net loss any amount excluded from federal gross income, for purposes of federal income tax, as a discharge of debt in title 11 bankruptcy, when the taxpayer is insolvent, or when the discharged debt is qualified farm debt. This bill removes the requirement that a corporation, when excluding any indebtedness to or guaranteed by a parent or an affiliated corporation in relation to franchise taxes, file an additional schedule with the commissioner of revenue showing the corporation's total indebtedness to or guaranteed by its parent or any affiliated corporation and the amount of any indebtedness that would have otherwise been included in the determination of its capital, surplus and undivided profits. (Part of Administration Package)

Senate Status 04/15/2013 - Senate passed.

House Status 03/25/2013 - House passed.

Executive Status 05/21/2013 - Enacted as Public Chapter 0321 effective May 13, 2013.

Public Chapter PC321

Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 20, relative to excise tax, and Title 67, Chapter 4, Part 21, relative to franchise tax.

SB245 / HB64 Investing in Tennessee's Existing Businesses Act.

Sponsors Sen. Jim Tracy / Rep. Cameron Sexton

Description Enacts the "Investing in Tennessee's Existing Businesses Act". Reduces, from 6.5 percent to 6.25 percent, the rate of excise tax imposed on net earnings or a gain from a sale of assets.

Amendment Senate Finance Tax Subcommittee amendment 1, House Business & Utilities Committee amendment 1 (003281) deletes all language after the enacting clause. Effective January 1, 2014, specifies that the 6.50 percent excise tax shall not apply to the first $5,000 of a person's net earnings that would otherwise be taxable under Excise Tax Law.

Senate Status 04/17/2013 - Taken off notice in Senate Finance, Ways & Means Committee.

House Status 04/18/2013 - Taken off notice in House Finance Subcommittee.

Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 20, to enact the "Investing in Tennessee's Existing Businesses Act".

SB277 / HB318 Phases out privilege tax on certain occupations.

Sponsors Sen. Janice Bowling / Rep. David Shepard

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

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

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

Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

SB661 / HB558 Certain prohibited agreements to avoid tax agreement or lease.

Sponsors Sen. Becky Duncan Massey / Rep. Michael Harrison

Description Prohibits any industrial development corporation organized solely by a municipality that does not impose a property tax from negotiating or entering into any payment in lieu of a tax agreement or lease that affects the payment of property taxes of any county, city, or other taxing entity.

Amendment Senate amendment 1 (005184) deletes all language after the enacting clause. Requires any industrial development corporation (IDC), organized solely by a municipality that does not impose a real property tax, to either receive a signed agreement or lease from the county in which the municipality is located, or the IDC or municipality agrees to pay the county an amount equal to any real property tax that would have been assessed to the property at issue before entering into a payment in lieu of ad valorem tax agreement.

Senate Status 04/01/2013 - Senate passed with amendment1.

House Status 04/15/2013 - House passed.

Executive Status 05/07/2013 - Enacted as Public Chapter 0302 effective April 29, 2013.
Public Chapter PC302
Caption AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 53, Part 3, relative to industrial development corporations.

SB734 / HB961 Tennessee Administrative Tax Tribunal Act.

Sponsors Sen. Bo Watson / Rep. Jon Lundberg
Description Establishes an independent tax tribunal within the executive branch of government to provide taxpayers with a means of resolving controversies that insures both the appearance and the reality of due process and fundamental fairness. Requires the tax tribunal established by this part to provide hearings in all tax matters and any other matters over which the department of revenue has jurisdiction, except those specified by this part or any other law, and to render decisions and orders relating to such matters. (38 pp.)
Senate Status 03/20/2013 - Senate Government Operations Committee deferred to 04/10/13.
House Status 04/02/2013 - House Government Operations Committee deferred to the second calendar of 2014.
Caption AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 55 and Title 67, to enact the "Tennessee Administrative Tax Tribunal Act ".

SB765 / HB652 Back assessment or reassessment for property.

Sponsors Sen. John Stevens / Rep. Jeremy Durham
Description Expands authority to back assess property to the chief administrative officer of a tax jurisdiction in which the property is located or the Tennessee division of property assessments, in addition to the assessor of property. Deletes provision that states it is the duty of the county clerk to examine and compare the assessment rolls of the county with the inventories or reports of administrators and executors as soon as filed with the county clerk, for the purpose of ascertaining whether any personal property of any estate is subject under this chapter to back assessment or reassessment. Makes other revisions regarding back assessments and reassessments.
Senate Status 02/08/2013 - Referred to Senate State & Local Government.
House Status 02/07/2013 - Referred to House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 1, Part 10, relative to the back assessment or reassessment of property for ad valorem taxation.

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

Sponsors Sen. Dolores R. Gresham / Rep. Sheila Butt
Description Redefines "capitalization rate" for greenbelt purposes. The capitalization rate shall be the average lending rate for agricultural land determined by the state board of equalization, based on its most recent survey of lenders at the time of the calculation.
Senate Status 03/05/2013 - Taken off notice in Senate State & Local Government Committee.
House Status 02/07/2013 - Referred to House Agriculture & Natural Resources Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, Part 10, relative to the agricultural, forest and open space land act of 1976.

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

Sponsors Sen. Mae Beavers / Rep. Mike Sparks
Description Prohibits impact fees or adequate facilities taxes from being imposed in Rutherford County on age-exclusive developments for persons fifty-five and older if children as permanent residents are also excluded. Clarifies present acts imposing impact fees and adequate facilities taxes may be revised to reduce the fee or tax or remove types of property from being subject to such fees or taxes in Rutherford County.
Senate Status 02/08/2013 - Referred to Senate State & Local Government.
House Status 02/21/2013 - Referred to House Local Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Section 67-4-2913, relative to preemption of impact fees or adequate facilities taxes which may be assessed or imposed on new development.

SB925 / HB879 Changes privilege tax due date.

Sponsors Sen. Jack Johnson / Rep. Michael Harrison
Description Changes the date by which privilege taxes are due each year from June 1 to August 1. Broadly

captioned.
Senate Status 03/25/2013 - Taken off notice in Senate Finance Tax Subcommittee.
House Status 02/13/2013 - Referred to House General Subcommittee of Finance.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, relative to taxes.

SB971 / HB979 Timely filing date for making a request for a conference.
Sponsors Sen. Randy McNally / Rep. Steve Hall
Description Specifies how the timeliness of requests for conferences and lawsuits filed to challenge tax assessments must be determined. Clarifies that, for such lawsuits, the notice of assessment must be attached to the complaint, instead of the "notice."
Senate Status 02/08/2013 - Referred to Senate Finance, Ways & Means.
House Status 02/13/2013 - Referred to House Civil Justice Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 1, Part 1 and Title 67, Chapter 1, Part 18, relative to state tax procedure.

SB982 / HB20 Determining the amount of the professional privilege tax.
Sponsors Sen. Randy McNally / Rep. David Shepard
Description Urges the commissioner of the department of revenue to study the advisability of using the profitability ratio for the type of vocation, profession, business or occupation in determining the amount of the professional privilege tax. Requests the commissioner to report such findings to the finance, ways and means committees of the house and senate by January 15, 2014.
Senate Status 04/16/2013 - Senate passed.
House Status 04/18/2013 - House passed.
Executive Status 05/22/2013 - Enacted as Public Chapter 0419 effective May 16, 2013.
Public Chapter PC419
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

SB995 / HB1162 Time limit for an agent to file an answer to a complaint.
Sponsors Sen. Randy McNally / Rep. David Alexander
Description Changes form 45 days to 30 days when agents appear before the board of equalization to answer a complaint or appeal a disciplinary decision.
Senate Status 03/18/2013 - Taken off notice in Senate Finance Tax Subcommittee.
House Status 03/26/2013 - Taken off notice in House State Government Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, relative to taxation.

SB1010 / HB994 Deletes an incorrect code reference in the Excise Tax Law of 1999.
Sponsors Sen. Mike Bell / Rep. Kevin Brooks
Description Deletes an incorrect code reference regarding the definition of "financial institution" in the Excise Tax Law of 1999.
Senate Status 03/18/2013 - Taken off notice in Senate Finance Tax Subcommittee.
House Status 02/13/2013 - Referred to House General Subcommittee of Finance.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 20 and Title 67, Chapter 4, Part 21, relative to certain taxable privileges.

SB1128 / HB1116 Review of back assessments.
Sponsors Sen. Ken Yager / Rep. Gerald McCormick
Description Removes a reference to a code provision concerning review of back assessments and assessments that was repealed.
Senate Status 02/08/2013 - Referred to Senate State & Local Government.
House Status 04/02/2013 - House Local Government Subcommittee deferred to 2014.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to property taxes.

SB1169 / HB922 Tax relief program for victims of natural disasters.
Sponsors Sen. Rusty Crowe / Rep. Matthew Hill
Description Establishes sales tax relief program for victims of natural disasters in Tennessee occurring between August 4, 2012, and August 6, 2012. Allows for sales tax refund on purchases to replace a major appliance or purchases to repair, clean or recover the claimant's primary residence. Claims must be filed prior to December 31, 2013.
Senate Status 04/17/2013 - Senate Finance, Ways & Means Committee did not take action.

House Status 04/18/2013 - Taken off notice in House Finance Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67, relative to taxation.

SB1233 / HB852 Exemption - single-family dwelling of a religious 501(c)(3).

Sponsors Sen. Jack Johnson / Rep. Mark Pody
Description Exempts, upon adoption of two-thirds of the county legislative body, certain single-family dwellings owned by 501(c)(3) religious institutions from property tax regulations.
Senate Status 04/10/2013 - Taken off notice in Senate State & Local Government Committee.
House Status 04/09/2013 - Taken off notice in House Finance Subcommittee.
Caption AN ACT to amend Tennessee Code Annotated, Title 67 and Title 68, relative to property tax exemptions for single-family dwellings of a 501(c)(3) not-for-profit corporation formed by a religious institution to be used as part of the ministry of the religious institution.