

# TennCare and Tennessee Real Estate: What Real Estate Professionals Need to Know

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FIDELITY NATIONAL TITLE GROUP

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# Introduction to TennCare

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TennCare is a program that provides health insurance to people who are eligible for Medicaid and to certain other people who lack access to insurance.

A managed care model is used for delivering program benefits.

In order to qualify for this benefit program, you must be:

- A resident of the state of Tennessee; and
- A U.S. citizen or qualified alien.

# TennCare Qualifications

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To qualify for TennCare, you must also be:

- Pregnant;
- A child under age 19;
- A parent or relative caretaker of a dependent child or children under age 21;
- Disabled;
- Elderly; or
- Uninsurable.

# Financial Eligibility

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- Individuals must also meet the financial eligibility criteria that go with each category.
- Generally, an individual's financial situation would be characterized as either low income or very low income.
- In order to qualify, the individual must have an annual household income (before taxes) that is below a certain amount.

# History of Medicaid

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- To understand TennCare completely, we need to have a history lesson and take a look at Medicaid.
- In 1965, President Lyndon B. Johnson signed Medicare and Medicaid into law.
- Medicare v. Medicaid
  - **Medicare** is supposed to help with short-term needs rather than long-term care. It provides health insurance and other medical needs to elderly and disabled U.S. citizens.
  - **Medicaid** is supposed to help low-income earners with long-term health services and support costs they could not afford by themselves.

# Medicaid: A Federal and State Program

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Because Medicaid is such an expensive and comprehensive program:

- Under the Social Security Act, it was designed as a joint federal and state insurance program.
- The federal government uses a specific formula and matches state funds for health care according to factors such as income per-capita in a participating state.

# Medicaid: Federal Funding Option

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- Medicaid allows all states to choose whether they want to opt into federal funding for their personalized state Medicaid programs to provide assistance to the needy population of their state.
- If a state agrees to accept federal aid and the state plan is accepted under federal requirements, the state program is no longer considered a state-governed program.
- Thus, the state must comply with Social Security Act regulations and federal law.

# Paying for Medicaid

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Medicaid is really expensive, and long-term care services are a big part of Medicaid expenses.

- Example: A March 2013 report by The Henry J. Kaiser Family Foundation revealed that:
  - *“Two-thirds of Medicaid spending is attributable to elderly disabled beneficiaries although they make up just one-quarter of all Medicaid enrollees.”*



# Paying for Medicaid

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- The expense of Medicaid is one of the reasons the federal government requires states to recover from the estates of Medicaid recipients.
- Bills paid by Medicaid aren't necessarily free of charge.
- State Medicaid programs may recover the properly paid funds to Medicaid recipients over 55 pursuant to the federal mandate.

# Estate Recovery: OBRA-93

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- The world of Medicaid estate recovery changed when Congress passed the Omnibus Budget Reconciliation Act of 1993 (OBRA-93).
- Before OBRA-93, states had the option of creating an estate recovery program, but they were not required to recover from estates of deceased Medicaid recipients.
- OBRA-93:
  - Mandated estate recovery for state programs; and
  - Expanded the definition of “estate” to include assets outside of the deceased’s probate estate (at the option of each state).

# Estate Recovery: Federal Guidance

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- After the OBRA-93 estate recovery mandate, the federal government provided guidance for states.

- Congress defined “estate” for Medicaid recovery:

“all real and personal property and other assets included within the individual's estate, as defined for purposes of State probate law.”

# Estate Recovery: Federal Guidance

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- However, the definition also says that the term estate:

“may include, at the option of the State...any other real and personal property and other assets in which the individual had any legal title or interest at the time of death (to the extent of such interest), including such assets conveyed to a survivor, heir, or assign of the deceased individual through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.”

- The law defines “estate” broadly so states can choose which policies they would like to use in their personalized Medicaid program (i.e., they can choose whether to have a limited or expanded estate recovery).

# Limited v. Expanded Estate Recovery

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- States must adopt and implement an estate recovery program.
- They can either be limited or expanded.
  - Limited estate recovery programs are limited to recovering from the probate estate of the deceased individual.
  - Expanded estate recovery programs can recover from the probate estate of the deceased individual AND from real and personal property outside the probate estate.
    - Examples: Assets of joint survivorship, life estates, tenancies in common, and other survivorship properties held at the Medicaid recipient's death.

# History of TennCare

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- After the federal government enacted Medicaid in 1965, Tennessee immediately opted into the program.
- The Tennessee Legislature created TennCare.
- After the U.S. Congress passed OBRA-93, the Tennessee Legislature enacted The TennCare Reform Act of 2002.
  - This law mandated (according to federal law) the recoupment of funds from the estates of Medicaid recipients.
  - The Tennessee Legislature also chose a limited estate recovery program.

# New Waiver and Notice Requirements

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In 2007, the Tennessee Legislature passed **Tenn. Code Ann. § 71-5-116**:

“(2) Before any probate estate may be closed pursuant to title 30, with respect to a decedent who, at the time of death, was enrolled in the TennCare program, the personal representative of the estate shall file with the clerk of the court exercising probate jurisdiction a release from the bureau of TennCare evidencing either:

- (A) Payment of all medical assistance benefits, premiums, or other costs due from the estate under law;
- (B) Waiver of the bureau's claims; or
- (C) A statement from the bureau that no amount is due.”

# TennCare in Tennessee Courts

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- Even though Tennessee has a limited recovery program, Tennessee courts have been leaning in favor of an expanded program.
- Tennessee courts have been siding with TennCare in a lot of recent court decisions.



# TennCare in Tennessee Courts

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- In re Estate of Roberts, No. M200601950COAR3CV, 2008 WL 2415520, at \*5 (Tenn. Ct. App. June 11, 2008):
  - The Court of Appeals of Tennessee upheld trial court's decision that there is not a one-year limitations period on the TennCare Bureau's efforts to obtain reimbursement of correctly paid nursing home benefits from a beneficiary's estate pursuant to T.C.A. § 71-5-116(c).
  - The court noted that such reimbursement is a statutory responsibility of the estate's personal representative.

# TennCare in Tennessee Courts

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In re Estate of Tanner, 295 S.W.3d 610 (Tenn. 2009):

- The Bureau of TennCare filed a claim against the decedent's estate, seeking to recover correctly-paid medical assistance on behalf of the decedent during her lifetime.
- The Supreme Court of Tennessee held:
  - The statute governing recovery of medical assistance established an exception for the recovery of correctly paid TennCare claims to the limitations period until a waiver or release was granted by the Bureau.
  - The Representative of the decedent's estate had a duty to actively seek release or waiver, and his failure to do so enabled the Bureau to file a claim after the one-year period.
- Bottom line: TennCare could recover from the estate outside the statute of limitations.

# TennCare in Tennessee Courts

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In re Estate of Gregory, No. E2011-01369-COA-R3CV, 2012 WL 2499502, at \*4 (Tenn. Ct. App. June 29, 2012):

- The executor waited longer than the one-year statute of limitations before opening the decedent's estate for probate.
- The Tennessee Court of Appeals evaluated *Tanner* and T.C.A. § 71-5-116 and held:
  - The executor waiting more than one year from the decedent's death to open the estate and give notice of death does not bar TennCare from recovering.
  - The executor's failure to obtain a waiver or release from the Bureau prevented the statute of limitations from running.

# TennCare in Tennessee Courts

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In re Estate of Trigg, 368 S.W.3d 483 (Tenn. 2012)

- The Tennessee Supreme Court addressed the definition of “estate” for purposes of estate recovery.
- The court analyzed federal and state statutes and determined that the definition of “estate” included any personal and real property the estate representative could reach to pay the debts of an insolvent estate.
- The court held that TennCare could recover from the decedent’s real property despite the devise of title of real property immediately vesting in the beneficiary.

# TennCare in Tennessee Courts

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In re Estate of Stidham, 438 S.W.3d 535 (Tenn. Ct. App. 2012):

- The Bureau of TennCare filed a petition to appoint an administrator of the decedent's estate, alleging that it was entitled to reimbursement from the estate for correctly paid medical assistance for the decedent during his lifetime.
- The Court of Appeals of Tennessee held that real property held in a revocable trust could be used to reimburse the Bureau of TennCare.

# TennCare and Your Real Estate Transactions

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1. You have a real estate transaction about to close.
2. You see there is a dead person in the chain of title.
3. This means estate issues.
4. One of the things you are going to have to take care of is **TennCare!**

This is because of TennCare's Estate Recovery element discussed above.

# TennCare Releases

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The probate court can't close an estate until the estate lawyer or executor of the estate gets a release from TennCare.

- A release says the estate doesn't owe TennCare any money.

To get a release, the applicable person (lawyer or executor) must complete a Request for Release Form and send it to TennCare. It must include all of the proof that is requested.

TennCare will send a release if:

- The estate doesn't owe TennCare any money; OR
- If money doesn't have to be paid to TennCare from the estate right now.

# Payment to TennCare

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**What if money must be paid to TennCare from an estate?**

TennCare will file a claim against the estate. It will say the amount the estate must pay TennCare for the care the decedent received. The money must be paid by the estate before TennCare will provide a release.



# Obtaining TennCare Releases

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Someone handling the estate may apply for a Release in one of three ways:

1. Obtain the release online at <http://www.tn.gov/assets/entities/tenncare/attachments/releaseform.pdf>;
2. Get the release from the Probate Court Clerk's Office by asking for a "Request for Release from Estate Recovery;" OR
3. Get the release from TennCare by sending a letter or fax to the Bureau of TennCare, Estate Recovery Unit.

All of the information requested in the Release must be included. The person handling the request must also provide any other information that TennCare requests to decide if the Release will be given.

# TennCare Recovery Rules

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- Federal rules say that the amount of money TennCare must be paid back for care a decedent got from his or her health plan is the amount TennCare paid the health plan for those services.
  - This may be different than the cost of services the decedent actually received.
- TennCare can't ask for the money back until AFTER someone's death.
- TennCare can't ask for more money back than it paid for the decedent's care.
- TennCare can't ask the decedent's family to pay for the decedent's care out of their own pockets.

# When would TennCare not have to get money back?

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TennCare may not have to get the money back from the estate if:

- The care did not cost much; or
- The things a decedent left can't be used to pay people they owe through probate court (e.g., life insurance money).

However, if you think one of these situations applies, the person handling the decedent's estate after he/she dies must get a **Release from TennCare**.

- The release says the decedent doesn't owe TennCare money.
- If a decedent's estate is being probated, the Release must be filed there.

# When would TennCare give more time?

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There are also times when TennCare must let money or property stay in the family longer.

This is when a decedent leaves money or property to:

- A surviving husband or wife;
- A child who is under age 21 at the time of the decedent's death; OR
- A child of any age who is blind or permanently and totally disabled.

TennCare won't try to get repaid until this family member dies or the child turns age 21. But the person handling the estate must file the TennCare Release in Probate Court.

# TennCare and a Decedent's Home

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Sometimes TennCare must let a decedent's **HOME** stay in the family longer.

This happens when one of the following family members lives in the home when the decedent dies:

- A surviving husband or wife;
- A child who is under age 21 at the time of death;
- A child of any age who is blind or permanently and totally disabled;
- A child who lived in the home and took care of the decedent if this care kept the decedent out of a nursing home or home care for two years; OR
- A brother or sister who helped make the house payments if they lived there for a year before you got nursing home or home care.

By law, TennCare should not take the house until these family members die or the child turns 21. But the person handling the estate must file the TennCare Release in Probate Court.

# Undue Hardship

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- TennCare may leave your money and property in the family because of undue hardship.
- However, the state does not do this very often.
- The family must prove that losing the money or property in the estate will cause an undue hardship.
- Example: If the property is a family farm and the family's only income, then the person handling the estate can ask the State not to take the property. The State may or may not agree.

# Bottom Line on TennCare

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When you encounter a dead person in your chain of title:

**MAKE SURE YOU  
HAVE A TENNCARE  
RELEASE!!!**

# 2016 TLTA Hot Topics

Legislative Report  
Chuck Welch





# 2016 ELECTION

- Republican Super-Duper Majority
- House: 73 Republicans, 26 Democrats
- Senate: 27 Republicans, 5 Democrats
- New Senate Speaker/Lt. Governor
- One competitive Senate race: Sen. Steve Dickerson (R) and Erin Coleman (D) (Davidson)
- New House Majority Leader – resignation of Rep. Gerald McCormick
- Two toss up House races: Rematch of Rep. Eddie Smith (R) and Gloria Johnson (D) (Knox)
- Rep. Jay Reedy (R) and Andy Porch (D) (Houston and Humphrey)
- Six open seat in the House of Representatives
- Two incumbents beat in the primary election (Todd, Durham)

# 109<sup>th</sup> General Assembly

- Majority of title industry related legislation assigned to House Insurance/Banking , Senate Commerce and Labor Committee
- Rep. Kelly Keisling, Chairman of H. Subcommittee on Insurance and Banking
- Rep. Steve McManus, Chairman of H. Committee on Insurance and Banking
- Sen. Jack Johnson, Chairman of S. Committee on Commerce and Labor

# 109<sup>th</sup> General Assembly- Second Session

- Convened at noon, January 12
- Early start compared to 2015
- 1,500 bills filed
- Legislative committee met on February 5
- Each week of session cost \$500k
- Pros and cons of streamlined session; 2017 might be longer



# 109<sup>th</sup> General Assembly

- General bills of interest:
- FOCUS Act- restructuring of board of regents
- School vouchers
- Municipal broadband expansion
- Deannexation
- Hall income tax
- Road funding
- Outsourcing (university/state park facilities)

# TLTA Sponsored Legislation

- SB770 / HB1290 Sale of delinquent tax property.
- Category: Taxes Property
- Sponsors: Sen. John Stevens / Rep. Jeremy Durham
- Description: Specifies that a report regarding the sale of delinquent tax property must be filed in the clerk's office and with the office of the register of deeds for the county in which the property is located. Outlines the information required to be in the filed report of sale. Authorizes reports of sale for delinquent tax property to be registered.
- Amendment: House Local Government Committee amendment 1 requires the clerk of the court to immediately file in the case a report of sale or other notice reflecting the results of the tax sale. Requires the report or notice to include identification of the property and defendants contained in the notice of sale, the name of the successful bidder, and the total successful price bid for each parcel together with the instrument number of the last conveyance of record.
- Status: 05/27/2015 - Enacted as Public Chapter 0524 effective January 1, 2016

# TLTA Opposed Legislation

- SB465 / HB898 Tennessee Uniform Real Property Transfer on Death Act.
- Category: Estates & Trusts
- Sponsors: Sen. Mike Bell / Rep. Kevin Brooks
- Description: Creates the "Tennessee Uniform Real Property Transfer on Death Act." Authorizes real property and motor vehicles to be transferred upon an owner's death to a designated beneficiary. Allows such action to occur if indicated in a "death deed." Specifies contents of such death deeds.
- Senate Status 03/24/2015 - Taken off notice in Senate Judiciary Committee.
- House Status 03/18/2015 - Taken off notice in House Civil Justice Subcommittee.

# TLTA Opposed Legislation

- SB1916 / HB1798 Makes clarifications to Tennessee Condominium Act of 2008.
- Category: Property & Housing
- Sponsors: Sen. Steven Dickerson / Rep. John Ray Clemmons
- Description: Specifies that any provision of the Tennessee Condominium Act of 2008 that is in conflict with a provision of the Horizontal Property Act shall control.
- Senate Status: 03/07/2016 - Withdrawn in Senate.
- House Status: 03/08/2016 - Taken off notice in House Business & Utilities Subcommittee.

# TLTA Opposed Legislation

- SB405 / HB610 Tennessee Homeowners Association Act.
- Category: Property & Housing
- Sponsors: Sen. Doug Overbey / Rep. Mike Carter
- Description Enacts the "Tennessee Homeowner's Association Act." Establishes rules, regulations, guidelines, and penalties for the creation and governance of Tennessee homeowner's associations. Exempts condominiums and timeshares from this act. (37 pp.)
- Senate Status: 03/15/2016 - Senate Commerce & Labor Committee deferred to 03/22/16.
- House Status: 03/15/2016 - House Business & Utilities Subcommittee deferred to summer study.



# TLTA Monitored Legislation

- SB2397 / HB2401 Foreclosure on lien against condo unit owner.
- Sponsors: Sen. Doug Overbey / Rep. Ron Travis
- Description: Revises the notice provisions pertaining to a condominium association to say that notice of foreclosure must be given to the unit owner, lienholders, other interested parties, or the nominee of record of any of the three. Provides that the association is entitled to proceeds from the sale up to the extent of the common expense assessment, but not exceeding one percent of the maximum principal indebtedness of a lien secured by the first mortgage or deed of trust.

# SB2397 / HB2401 con'd...

- Amendment: Senate Judiciary Committee Amendment 1, House amendment 1 (014969) makes the bill. Clarifies that the recording of a declaration constitutes record notice of the lien, and a lien for any delinquent assessment under this section up to the priority in payment provided in (b)(2) is perfected without recording. Any other delinquent amount above the priority of payment is perfected by recording it in the lien book in the register of deeds office in the county where the real property is located. Provides the lien shall not have the priority provided over mortgages and deeds if the owner of the unit or the holder of any mortgage or deed of trust on the unit has provided notice in writing to the association and the association has failed to give written notice of the delinquency to the holder of the first mortgage or deed of trust at the address provided by the party.
- Senate Status: Passes Senate, as amended 26-0-5
- House Status: Passed House, as amended, Ayes 88, Nays 4
- Enacted as Public Chapter 866

# TLTA Monitored Legislation

- SB2105 / HB1921 Purchase of land in a tax lien sale.
- Sponsors: Sen. Jack Johnson / Rep. Charles M. Sargent
- Description: Declares that a purchaser of a parcel of land in a tax lien sale has no obligation to purchase insurance on the parcel during the redemption period and that the purchaser is not liable for damage that occurs to the property during the redemption period unless it is caused by intentional acts of the purchaser.
- Senate Status: Re-referred to Calendar Committee
- House Status: Taken off notice for Finance subcommittee April 12, 2016

# SB 2105/HB1921 con'd....

- Amendment: SENATE COMMERCE AND LABOR COMMITTEE AMENDMENT 1 (014936) clarifies that a person receiving title to a parcel sold at a tax sale pursuant to T.C.A. 7-5-2502 is vested with an absolute and indefeasible title in fee to the parcel, unless a judicial action challenging the parcel is filed in an appropriate court and effectually prosecuted against the person within three years of the recording of the tax deed or an order confirms the sell. Provides that a person claiming title of a parcel conveyed pursuant to a tax proceeding after the three-year period shall be forever barred from challenging the title of the parcel. Makes multiple other changes to processes governing parcels offered at county property tax sales for parcels on which delinquent property taxes are owed.

# TLTA Monitored Legislation

- SB1949 / HB2343 Chancellor to set aside a county's bid on delinquent property.
- Sponsors: Sen. Ken Yager / Rep. Kent Calfee
- Description: Authorizes a county, after obtaining property at a delinquent property tax sale, to evaluate the property to determine whether the value of the property or amount of money the county would receive if the county sold the property exceeds the financial or environmental risks of the property. Specifies if the county mayor evaluates the property during the required time period and determines that the financial and environmental risks of the property outweigh the value of the property, the county legislative body may adopt a resolution stating that the financial and environmental risks are such that it is not in the best interests of the county to acquire such property. Permits the county legislative body to file a petition for relief in chancery court.
- Amendment: Senate State & Local Government Committee amendment 1 (011861) deletes and rewrites the bill such that the only substantive change is to add language that prohibits counties from considering any dues and assessments established through covenants and restrictions as part of the financial risk in the evaluation of property offered for sale at a delinquent tax auction. HOUSE LOCAL GOVERNMENT SUBCOMMITTEE AMENDMENT 1 (012612), which deletes and rewrites the bill such that the only substantive change is to allow county legislative bodies presenting petitions for relief of properties purchased at delinquent tax sales to present proof of financial or environmental risks of such property to the chancellor. .
- Senate Status: Passed Senate, as amended 30-0.
- House Status: Passed House, as amended 94-0.
- Enacted as Public Chapter 1085, May 24, 2016

# LAND TITLE PAC



# THANK YOU

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## **TENNESSEE LAND TITLE ASSOCIATION**

### ***2016 HOT TOPICS- LEGISLATIVE UPDATE***

Below is a legislative update which includes legislation of interest for the Tennessee Land Title Association. This is the final update from of the 109<sup>th</sup> General Assembly.

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## ***Supported Legislation***

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### **Estates & Trusts - 1**

#### **SB1679 / HB1803 Elective share of a deceased spouse's estate.**

**Category** Estates & Trusts

**Sponsors** Sen. Jim Tracy / Rep. Barry Doss

**Description** Removes elective share as a right a surviving spouse has in a deceased spouse's estate and removes all references to elective share. Clarifies that time limits for actions to set aside property within an allowance are to be brought within nine months after death. Removes fraudulent conveyance provisions and advancements. Provides that powers of attorney can now make decisions regarding medical treatment. Provides that a spouse will now receive 40 percent of a foreclosure sale instead of the elective share.

**Senate Status** 01/21/2016 - Referred to Senate Judiciary Committee.

**House Status** 01/26/2016 - Referred to House Civil Justice Subcommittee.

### **Insurance General - 1**

#### **SB173 / HB166 Denial of application for a license to sell insurance.**

**Category** Insurance General

**Sponsors** Sen. Bill Ketron / Rep. Mark White

**Description** Requires that the denial process of an application for a license to sell insurance by the commissioner of commerce and insurance be governed by the Uniform Administrative Procedures Act.

**Senate Status** 02/11/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/11/2015 - Referred to House Insurance & Banking Subcommittee.



## Media & Publishing - 1

### SB685 / HB705 Register of deeds redaction of social security numbers on records.

**Category** Media & Publishing

**Sponsors** Sen. Ken Yager / Rep. Bud Hulseby

**Description** Allows any register of deeds, instead of particular ones, to redact social security numbers on recorded documents maintained on computers, and if requested, allows any register of deeds to redact such numbers from recorded documents at the request of certain persons.

**Senate Status** 02/02/2016 - Senate State & Local Government Committee recommended. Sent to Senate Calendar Committee.

**House Status** 02/03/2016 - Taken off notice in House State Government Subcommittee.

## Taxes Sales - 1

### SB1833 / HB1863 Restrictions on fees in regards to copying deeds.

**Category** Taxes Sales

**Sponsors** Sen. Doug Overbey / Rep. Andrew Farmer

**Description** Requires any person soliciting a fee for providing a copy of a deed to state on the document used for solicitation that the solicitation is not from a state or local government agency and that no action is legally required by the person being solicited. Also requires such person to state on the solicitation the fee for obtaining a copy of the deed from the register of deeds and the contact information for the office of the register of deeds. Prohibits a person soliciting a fee for providing a copy of a deed from charging a fee that is more than four times the fee charged by the register of deeds. Prescribes civil penalties for the unlawful solicitation of a fee to provide a copy of a deed.

**Senate Status** 01/25/2016 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/17/2016 - Taken off notice in House Consumer & Human Resources Subcommittee.

## Transportation General - 1

### SB129 / HB207 Publishing future plans for streets and highways on websites.

**Category** Transportation General

**Sponsors** Sen. Jim Tracy / Rep. Darren Jernigan

**Description** Requires a county or municipality to publish the official map of future plans for streets and highways on county or municipality's website at least 30 days before the date of the hearing on the map. Broadly Captioned.

**Amendment** House amendment 1 (013211) deletes all language of the original bill. Requires the Department of Revenue to provide a free decal to any disabled driver who applies for and receives a registration license plate in a category identified in Tenn. Code Ann. § 55-4-202(a).

**Senate Status** 04/04/2016 - Senate passed.

**House Status** 03/28/2016 - House passed with amendment 1.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0840 effective April 19, 2016.

**Public Chapter**  PC840

**Cosponsors** Rep. Courtney Rogers ; Rep. John Mark Windle ;

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## *Opposed Legislation*

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### **Estates & Trusts - 1**

#### **SB465 / HB898 Tennessee Uniform Real Property Transfer on Death Act.**

**Category** Estates & Trusts

**Sponsors** Sen. Mike Bell / Rep. Kevin Brooks

**Description** Creates the "Tennessee Uniform Real Property Transfer on Death Act." Authorizes real property and motor vehicles to be transferred upon an owner's death to a designated beneficiary. Allows such action to occur if indicated in a "death deed." Specifies contents of such death deeds. (14 pp.)

**Senate Status** 03/24/2015 - Taken off notice in Senate Judiciary Committee.

**House Status** 01/21/2016 - Withdrawn in House.

### **Insurance General - 1**

#### **SB876 / HB1078 Study on commission and fees for negotiating and selling insurance.**

**Category** Insurance General

**Sponsors** Sen. Todd Gardenhire / Rep. Ron Travis

**Description** Requires the department of commerce and insurance to conduct a study of the commissions, service fees, brokerage fees, and any other valuable consideration given to a person for selling, soliciting, or negotiating insurance in this state. Requires the department to report its findings to the senate commerce and labor committee and the insurance and banking committee of the house no later than January 1, 2016.

**Senate Status** 03/30/2015 - Senate Commerce & Labor Committee deferred to summer study.

**House Status** 04/01/2015 - Taken off notice in House Insurance & Banking Subcommittee.

## Media & Publishing - 1

### SB328 / HB315 Assessment of fees for producing records for inspection.

**Category** Media & Publishing

**Sponsors** Sen. Jim Tracy / Rep. Steve McDaniel

**Description** Allows a record custodian to require a written request to view a public record. Specifies that a records custodian may assess a reasonable charge in producing the record for viewing if records custodian occurs a cost.

**Senate Status** 03/31/2015 - Taken off notice in Senate State & Local Government Committee.

**House Status** 01/14/2016 - Withdrawn in House.

## Property & Housing - 2

### SB306 / HB236 Enacts the Uniform Real Property Transfer on Death Act.

**Category** Property & Housing

**Sponsors** Sen. Ken Yager / Rep. John Mark Windle

**Description** Creates "Uniform Real Property Transfer on Death Act." Limits, modifies and supersedes certain sections of the federal Electronic Signatures in Global and National Commerce Act. Establishes certain filing rules for persons disclaiming an interest in real property created by a transfer on death deed.

**Senate Status** 02/11/2015 - Referred to Senate Judiciary Committee.

**House Status** 03/04/2015 - Taken off notice in House Civil Justice Subcommittee.

### SB405 / HB610 Tennessee Homeowners Association Act.

**Category** Property & Housing

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

**Description** Enacts the "Tennessee Homeowner's Association Act." Establishes rules, regulations, guidelines, and penalties for the creation and governance of Tennessee homeowner's associations. Exempts condominiums and timeshares from this act. (37 pp.)

**Senate Status** 03/15/2016 - Senate Commerce & Labor Committee deferred to 03/22/16.

**House Status** 03/15/2016 - House Business & Utilities Subcommittee deferred to summer study.

## Public Employees - 1

### SB1909 / HB2247 Governmental entities may publish notices on their websites.

**Category** Public Employees

**Sponsors** Sen. Todd Gardenhire

**Description** Authorizes governmental entities to publish legal notices on their publicly available website instead of other publication methods. Clarifies that such notices shall have the same legal effect as a notice published in a newspaper, and other rules regarding time and manner of the publication shall apply as well. Requires governmental entities to make known where such legal notices will be published.

**Senate Status** 02/23/2016 - Failed in Senate State & Local Government Committee for lack of a motion.

**House Status** 01/27/2016 - Referred to House State Government Subcommittee.

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## *Inquired/Monitored Legislation*

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## Commercial Law - 1

### SB2307 / HB2455 Violations of Consumer Protection Act - requesting of social.

**Category** Commercial Law

**Sponsors** Sen. Sara Kyle / Rep. Joe Towns Jr.

**Description** Makes requesting a person to provide the person's social security number an unfair or deceptive act under the Consumer Protection Act of 1977, unless the request is required by federal or state law or any rule promulgated pursuant to such federal or state law.

**Senate Status** 03/15/2016 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 01/27/2016 - Referred to House Consumer & Human Resources Subcommittee.

## Local Government - 1

### SB1949 / HB2343 Chancellor to set aside a county's bid on delinquent property.

**Category** Local Government

**Sponsors** Sen. Ken Yager / Rep. Kent Calfee

**Description** Authorizes a county, after obtaining property at a delinquent property tax sale, to evaluate the property to determine whether the value of the property or amount of money the county would receive if the county sold the property exceeds the financial or environmental risks of the property. Specifies if the county mayor evaluates the property during the required time period and determines that the financial and environmental risks of the property outweigh the value of the property, the county legislative body may adopt a resolution stating that the financial and environmental risks are such that it is not in the best interests of the county to acquire such

property. Permits the county legislative body to file a petition for relief in chancery court.

**Amendment** HOUSE AMENDMENT 1 (014845) deletes and rewrites the bill, adding language to include "financial liabilities" associated with property tax to factor into the assessment for relief of the property. Allows county legislative bodies presenting petitions for relief of properties purchased at delinquent tax sales to present proof of financial or environment risks of such property to the chancellor.

**Senate Status** 04/20/2016 - Senate passed.

**House Status** 04/18/2016 - House passed with amendment 1.

**Executive Status** 05/23/2016 - Enacted as Public Chapter 1085 effective May 20, 2016.

**Public Chapter**  PC1085

**Cosponsors** Sen. Janice Bowling ;

### Property & Housing - 3

#### **SB1916 / HB1798 Makes clarifications to Tennessee Condominium Act of 2008.**

**Category** Property & Housing

**Sponsors** Sen. Steven Dickerson / Rep. John Ray Clemmons

**Description** Specifies that any provision of the Tennessee Condominium Act of 2008 that is in conflict with a provision of the Horizontal Property Act shall control.

**Senate Status** 03/07/2016 - Withdrawn in Senate.

**House Status** 03/08/2016 - Taken off notice in House Business & Utilities Subcommittee.

#### **SB2314 / HB2515 Termination of lease by victim of sexual assault.**

**Category** Property & Housing

**Sponsors** Sen. Sara Kyle / Rep. Jim Coley

**Description** Allows a tenant who is the victim of sexual assault, domestic abuse, or stalking to terminate the tenant's lease under certain circumstances and gives the landlord a right of action against the perpetrator for damages due to broken lease.

**Senate Status** 01/25/2016 - Referred to Senate Commerce & Labor Committee.

**House Status** 03/15/2016 - Taken off notice in House Business & Utilities Subcommittee.

#### **SB2397 / HB2401 Foreclosure on lien against condo unit owner.**

**Category** Property & Housing

**Sponsors** Sen. Doug Overbey / Rep. Ron Travis

**Description** Revises the notice provisions pertaining to a condominium association to say that notice of foreclosure must be given to the unit owner, lienholders, other interested parties, or the nominee of record of any of the three. Provides that notice is sufficient if sent to the unit owner at the unit or the last address on file, or if to a lienholder or other interested party, to the

address in the record or on file. Provides that the association is entitled to proceeds from the sale up to the extent of the common expense assessment, but not exceeding one percent of the maximum principal indebtedness of a lien secured by the first mortgage or deed of trust. Requires that the deed be properly recorded for perfection to occur.

**Amendment** House amendment 1 (014969) makes the bill. Makes various changes to current TCA statutes relative to liens against condominium unit owners. Clarifies that the recording of a declaration constitutes record notice of the lien, and a lien for any delinquent assessment under this section up to the priority in payment provided in (b)(2) is perfected without recording. Any other delinquent amount above the priority of payment is perfected by recording it in the lien book in the register of deeds office in the county where the real property is located. Provides the lien shall not have the priority provided over mortgages and deeds if the owner of the unit or the holder of any mortgage or deed of trust on the unit has provided notice in writing to the association and the association has failed to give written notice of the delinquency to the holder of the first mortgage or deed of trust at the address provided by the party.

**Senate Status** 04/07/2016 - Senate passed.

**House Status** 04/04/2016 - House passed with amendment 1.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0866 effective June 1, 2016.

**Public Chapter**  PC866

**Cosponsors** Rep. Mike Carter ; Rep. Marc Gravitt ; Rep. Curtis G. Johnson ;

## Taxes Business - 1

### SB1870 / HB1725 Professional privilege tax - real estate brokers.

**Category** Taxes Business

**Sponsors** Sen. Jack Johnson / Rep. Darren Jernigan

**Description** Reduces the annual privilege tax amount from \$400 to \$200 for brokers.

**Senate Status** 02/02/2016 - Referred to Senate Finance Revenue Subcommittee.

**House Status** 01/26/2016 - Referred to House Finance Subcommittee.

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## *Monitored Legislation*

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## Commercial Law - 5

### SB951 / HB930 Effective date of notice mailed through United States mail.

**Category** Commercial Law

**Sponsors** Sen. Jeff Yarbro / Rep. John Ray Clemmons

**Description** Establishes that for the purpose of nonprofit corporations, notice and other communications are effective seven days, rather than five days, after being mailed by United States postage if it

was correctly addressed and the postage was prepaid. Broadly captioned.

**Senate Status** 02/19/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/24/2015 - Referred to House Business & Utilities Subcommittee.

**SB1329 / HB1071 Consumer warranty rights involving express warranties.**

**Category** Commercial Law

**Sponsors** Sen. Randy McNally / Rep. Roger Kane

**Description** Requires persons making an express warranty regarding an HVAC system to include language in the warranty that identifies the person making the warranty and language that conforms to certain federal standards. Requires warranty or product registration form to contain certain information regarding such warranty. Prohibits certain express warranties from being labeled as a warranty registration or warranty confirmation. Requires certain signed disclosures from a consumer if an electronic online warranty or product registration form is required to be filled out for the purposes of showing proof of purchase of the product or extending the warranty. Excludes certain warranties and registration cards from these requirements. Specifies that violations of this provision constitute unfair or deceptive practices. Allows civil actions for such violations. Specifies civil damages for such action. Broadly captioned.

**Senate Status** 03/18/2015 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/11/2015 - Taken off notice in House Consumer & Human Resources Subcommittee.

**SB1383 / HB1329 Perfection of purchase-money security interest in goods for priority.**

**Category** Commercial Law

**Sponsors** Sen. Jeff Yarbro / Rep. Joe E. Armstrong

**Description** Increases from 30 days to 60 days the period in which a purchase-money security interest in goods, other than inventory or livestock, must be perfected in order to maintain its priority over conflicting security interests in the same goods.

**Senate Status** 02/19/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/24/2015 - Referred to House Insurance & Banking Subcommittee.

**SB1594 / HB1710 501(c)(4) entities operating as advocacy organizations.**

**Category** Commercial Law

**Sponsors** Sen. Mae Beavers / Rep. James (Micah) VanHuss

**Description** Adds that 501(c)(4) advocacy organizations under the IRS are exempt from the registration requirements of a charitable organization. Provides that an "advocacy organization" is one that attempts to influence legislation or other government actions, such as by contacting legislators for the purpose of influencing legislation, advocating for the adoption or rejection of government actions, or employing lobbyists.

**Senate Status** 03/15/2016 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/16/2016 - Taken off notice in House State Government Subcommittee.

**Cosponsors** Rep. Dennis Powers ;

## **SB1871 / HB2337 Dissolution of business entities.**

**Category** Commercial Law

**Sponsors** Sen. Jack Johnson / Rep. Jamie Jenkins

**Description** Specifies that corporations, nonprofit corporations, and LLCs that have been administratively dissolved by expiration of their period of duration may reinstate within three years by amending its charter or articles to extend its duration or set its duration to perpetual and filing an application. Clarifies that a corporation cannot divert the purpose of charitable property that the corporation holds in trust by amending its bylaws, rather than its charter, without a court order. Makes expiration of a period fixed in the articles of incorporation for an LLC a basis for the secretary of state to commence a proceeding to administratively dissolve an LLC. Under present law, expiration of a period fixed in the articles of incorporation is an event that will automatically cause the LLC to dissolve.

**Amendment** Senate amendment 1 (012084) changes (1) as described in the Bill Summary by specifying that corporations, nonprofit corporations, and LLCs that have been administratively dissolved by expiration of their period of duration may reinstate within one year by amending its charter or articles to extend its duration or set its duration to perpetual and filing an application. This amendment changes (2) as described in the Bill Summary by specifying that a corporation must notify the attorney general and reporter before obtaining the court order. This amendment also corrects citations and cross references in this bill.

**Senate Status** 02/17/2016 - Senate passed with amendment 1.

**House Status** 03/14/2016 - House passed.

**Executive Status** 04/06/2016 - Enacted as Public Chapter 0688 effective July 1, 2016.

**Public Chapter**  PC688

## **Economic Development - 1**

### **SB1153 / HB1237 Historic Rehabilitation Tax Credit Act.**

**Category** Economic Development

**Sponsors** Sen. Reginald Tate / Rep. Larry J. Miller

**Description** Enacts the "Historic Rehabilitation Tax Credit Act," which specifies that any owner of a certified historic structure shall earn a tax credit against any state premium tax liability for the rehabilitation of such historic structure. Specifies that the tax credit will be an amount equal to 25 percent of the qualified rehabilitation expenditures. Requires the rehabilitation to meet standards consistent with those of the secretary of the U.S. Department of the Interior for rehabilitation as certified by the Tennessee Historical Commission. Also, requires the rehabilitation expenditures associated with the certified historic structure to exceed \$5,000 to be eligible for the tax credit.

**Senate Status** 04/01/2015 - Taken off notice in Senate Finance Revenue Subcommittee.

**House Status** 03/31/2015 - House Government Operations Committee deferred to last calendar.

**Cosponsors** Sen. Brian K. Kelsey ; Rep. G.A. Hardaway ;



## Estates & Trusts - 3

### SB1208 / HB1325 Releasing of payments to executors of deceased.

**Category** Estates & Trusts

**Sponsors** Sen. Jeff Yarbro / Rep. Larry J. Miller

**Description** Extends to 60 days, instead of 45, the time a duly qualified executor or administrator of the deceased's estate has to give notice of the qualification to the retirement division before the division can make payment to the executor named in any will the retirement division is aware of.

**Senate Status** 02/19/2015 - Referred to Senate Finance, Ways & Means Committee.

**House Status** 02/24/2015 - Referred to House Finance Subcommittee.

**Executive Status** 03/23/2015 - Joint Council on Pensions and Insurance deferred to 2016.

**Cosponsors** Rep. Joe E. Armstrong ;

### SB1560 / HB1472 Witness signatures for wills.

**Category** Estates & Trusts

**Sponsors** Sen. Ferrell Haile / Rep. William G. Lamberth

**Description** Clarifies that witness signatures affixed to a self-proving affidavit written on a will are to be considered signatures to the will if necessary to prove the will's execution.

**Amendment** House amendment 1 (012810) rewrites the bill, which provides that witness signatures on a self-proving affidavit incorporated in a will are to be considered signatures to the will if necessary to prove the will's execution, provided that the affidavit meets all of the elements of an attestation clause. SENATE AMENDMENT 2 (014962) rewrites this bill to provide that for any will executed before July 1, 2016, to the extent necessary for the will to be validly executed, witness signatures affixed to an affidavit that meets the present law requirements for an affidavit that proves a will shall be considered signatures to the will, provided that: (1) The signatures are made at the same time as the testator signs the will and are made in accordance with the requirements of (1) and (2) in the Bill Summary; and (2) The affidavit contains language meeting all the requirements of (1) and (2) in the Bill Summary. If the witnesses signed the affidavit on the same day that the testator signed the will, it shall be presumed that the witnesses and the testator signed at the same time, unless rebutted by clear and convincing evidence. If, pursuant to this amendment, witness signatures on the affidavit are treated as signatures on the will, the affidavit will not also serve as a self-proving affidavit under present law. Nothing in this amendment will affect, eliminate, or relax the present law requirement that the testator sign the will.

**Senate Status** 03/24/2016 - Senate passed with amendment 2.

**House Status** 04/06/2016 - House concurred in Senate amendment 2.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0843 effective April 19, 2016.

**Public Chapter**  PC843

**Cosponsors** Sen. Janice Bowling ; Rep. Pat Marsh ;

## **SB2254 / HB2172 Filing of court accountings regarding distributees of residue.**

**Category** Estates & Trusts

**Sponsors** Sen. Joey Hensley / Rep. Barry Doss

**Description** Requires waivers that excuse a personal representative from filing court accountings to be sworn by the distributees of the residue file. Broadly captioned.

**Amendment** Senate Amendment 1 (014254) requires a sworn waiver or statement under penalty of perjury from all distributees of a residue estate to be filed with the court to waive detailed accountings of a solvent estate. Provides that for estates where the death occurred after January 1, 2016, a final receipt from the Department of Revenue does not need to be filed with the court. Authorizes any executor named in a decedent's will to decline to serve as the personal representative by filing a sworn statement or a statement under penalty of perjury. Deletes references to "executor or administrator" in T.C.A. 30-1-112 and replaces them with "personal representative." Requires all beneficiaries not under a disability that would preclude them from acting to file a sworn statement or statement under penalty of perjury with the court consenting to the representative serving without bond. Declares that it is the responsibility of a nonresident representative seeking appointment by the court to secure appointment of the Secretary of State as agent for service of process, and requires a receipt or stamped copy of the request to accompany the petition for probate.

**Senate Status** 03/30/2016 - Senate passed with amendment 1.

**House Status** 03/30/2016 - House passed.

**Executive Status** 04/26/2016 - Enacted as Public Chapter 0809 effective April 14, 2016.

**Public Chapter**  PC809

## **Government Regulation - 1**

### **SB834 / HB840 Require revised county district maps be filed with certain libraries.**

**Category** Government Regulation

**Sponsors** Sen. Ken Yager / Rep. John Mark Windle

**Description** Requires a copy of revised county district maps to be filed with the librarian of the legislative reference and law library beginning April 1, 2020.

**Senate Status** 02/18/2015 - Referred to Senate State & Local Government Committee.

**House Status** 02/19/2015 - Referred to House Local Government Subcommittee.

## Insurance General - 2

### SB175 / HB165 Insurance of property destroyed by fire - revisions.

**Category** Insurance General

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

**Description** Revises provisions regulating insurance of property destroyed by fire. Expands real property insurance inspection requirements. Clarifies that real property insurance policies must not exceed the fair value of the property. Clarifies that insurance policies on real property will not be invalidated by certain actions.

**Senate Status** 03/24/2015 - Senate Commerce & Labor Committee deferred to 03/30/15.

**House Status** 02/11/2015 - Referred to House Insurance & Banking Subcommittee.

### SB1168 / HB1110 Providers of insurance - response time to investigation of complaint.

**Category** Insurance General

**Sponsors** Sen. John Stevens / Rep. Patsy Hazlewood

**Description** Increases the amount of time any person or entity licensed to provide insurance must respond to the department of commerce and insurance if the department is investigating a complaint against the entity from 30 days to 32 days.

**Senate Status** 02/19/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/24/2015 - Referred to House Insurance & Banking Subcommittee.

**Cosponsors** Rep. Charles M. Sargent ;

## Judiciary - 6

### SB471 / HB627 Person who is 70 or older may be excused from jury duty.

**Category** Judiciary

**Sponsors** Sen. Mike Bell / Rep. Mary Littleton

**Description** Provides that a person who is 70 years of age or older may be excused from jury duty. Requires the process for being excused to be included on juror summons following exhaustion of current supplies.

**Senate Status** 02/12/2015 - Referred to Senate Judiciary Committee.

**House Status** 03/04/2015 - Taken off notice in House Civil Justice Subcommittee.

### SB1200 / HB255 No temporary injunction if owner is not person creating the nuisance.

**Category** Judiciary

**Sponsors** Sen. Jeff Yarbro / Rep. Johnny W. Shaw

**Description** Prohibits court from imposing temporary injunction restraining a nuisance prior to a hearing on the nuisance if the property owner is not the person keeping, maintaining, or carrying on the

nuisance. Authorizes court to dismiss or continue a nuisance action if the property owner seeks to abate nuisance once given notice of it.

**Amendment** Senate Amendment 1 (015236) states that if a defendant, who is the owner of the property and not the person keeping, maintaining, or carrying on the nuisance, demonstrates that the defendant was unaware of the nuisance prior to receiving the notice required and that the defendant has voluntarily taken steps after receiving notice to abate the nuisance without the involvement of the court, the court may dismiss the petition or continue the action pending further action by the defendant.

**Senate Status** 04/19/2016 - Senate passed with amendment 1.

**House Status** 04/20/2016 - House concurred in Senate amendment 1.

**Executive Status** 05/23/2016 - Enacted as Public Chapter 1067 effective July 1, 2016.

**Public Chapter**  PC1067

**Cosponsors** Sen. Janice Bowling ; Rep. Courtney Rogers ;

### **SB1242 / HB1259 Procedure for person to take bar regardless of law school attendance.**

**Category** Judiciary

**Sponsors** Sen. Mike Bell / Rep. John Mark Windle

**Description** Directs the state supreme court to establish rules allowing a person to apply for and take the Tennessee bar examination without graduating from law school. Specifies that, regardless of whether a person graduated from law school, successful bar passage makes person eligible to practice law. Prohibits court from establishing a rule limiting the number of times a person may take the Tennessee bar examination.

**Senate Status** 02/26/2015 - Withdrawn in Senate.

**House Status** 02/24/2015 - Referred to House Civil Justice Subcommittee.

### **SB1481 / HB1507 AG's office to post information on web during condemnation proceeding.**

**Category** Judiciary

**Sponsors** Sen. Ferrell Haile / Rep. Courtney Rogers

**Description** Directs the office of the attorney general and reporter to prepare a statement of a property owner's rights during any condemnation proceeding and to post this landowner's bill of rights on its website no later than January 1, 2017. Requires that information regarding how to access the statement be sent together with any notice of the filing of a petition to institute condemnation proceedings.

**Senate Status** 01/13/2016 - Referred to Senate Judiciary Committee.

**House Status** 01/19/2016 - Referred to House Civil Justice Subcommittee.

**Cosponsors** Rep. John Ragan ;

## **SB1692 / HB1527 Judgment of partition - appointment of commissioners.**

**Category** Judiciary

**Sponsors** Sen. Mike Bell / Rep. Jimmy Matlock

**Description** Clarifies the appointment of commissioners by the court. Provides that if the parties agree upon three freeholders, those three are to be appointed by the court. States that if no three are agreed upon, the court will randomly select and appoint three freeholders from names submitted by the parties.

**Amendment** House Amendment 1 (013526) provides that three commissioners are to be selected, in a suit for partition of property, by the parties if they can agree, or otherwise by the judge. Requires the commissioners to make recommendations to partition the asset appropriately among the ownership interests of the parties, if it can be done so fairly. Provides that if the commissioners cannot agree on a fair partition, the property is to be sold at auction and the proceeds are to be divided proportionally among all parties. SENATE AMENDMENT 1 (015149) deletes subsection (a) in its entirety and substitutes instead the following: (a) Upon the filing of a suit for partition of property, real or personal, the parties shall submit the names of three (3) commissioners selected and agreed upon by the parties. If the parties are unable to agree, the judge shall appoint three (3) commissioners, known by the court or shown to the court to be of good personal character and integrity and knowledgeable in the type of property to be partitioned. SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring.

**Senate Status** 04/18/2016 - Senate passed with amendment 1.

**House Status** 04/21/2016 - House concurred in Senate amendment 1.

**Executive Status** 05/23/2016 - Enacted as Public Chapter 1078 effective May 20, 2016.

**Public Chapter**  PC1078

## **SB1948 / HB2159 Increase to filing fees charged by court clerks.**

**Category** Judiciary

**Sponsors** Sen. Ken Yager / Rep. John Ragan

**Description** Makes permanent the \$2.00 increases to the filing fees charged by court clerks and data fee entry chargeable by clerks that are scheduled to expire July 1, 2016.

**Senate Status** 03/21/2016 - Senate passed.

**House Status** 03/07/2016 - House passed.

**Executive Status** 04/25/2016 - Enacted as Public Chapter 0731 effective April 7, 2016.

**Public Chapter**  PC731

**Cosponsors** Sen. Todd Gardenhire ; Sen. Bill Ketron ; Sen. Becky Duncan Massey ; Sen. Doug Overbey ;

## Labor Law - 1

### SB1159 / HB974 Tennessee Pregnant Workers Fairness Act.

**Category** Labor Law

**Sponsors** Sen. Becky Duncan Massey / Rep. Matthew Hill

**Description** Enacts the "Tennessee Pregnant Workers Fairness Act." Specifies that an employer failing to make reasonable accommodations for an applicant for employment or employee related to pregnancy, childbirth or related condition is a discriminatory practice based on sex unless such employer can demonstrate that the accommodation would impose an undue hardship on the employer. Gives the employer the burden of proving undue hardship. Specifies that an employer who takes adverse action against an employee who requests or uses an accommodation related to pregnancy or childbirth is a discriminatory practice based on sex. Specifies that an employer who denies employment opportunities to an applicant based on the need of the employer to make reasonable accommodations to the known conditions related to pregnancy or childbirth is also a discriminatory practice. Requires the Tennessee Human Rights Commission to develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies, and applicants for employment about the rights and responsibilities related to this section.

**Senate Status** 03/17/2015 - Taken off notice in Senate Commerce & Labor Committee.

**House Status** 03/25/2015 - House Consumer & Human Resources Subcommittee deferred to 2016.

**Cosponsors** Sen. Dolores R. Gresham ; Rep. Barbara W. Cooper ; Rep. Craig Fitzhugh ; Rep. Susan Lynn ; Rep. Larry J. Miller ; Rep. Debra Moody ;

## Local Government - 8

### SB563 / HB124 County clerks to charge a fee for same day title and online services.

**Category** Local Government

**Sponsors** Sen. Doug Overbey / Rep. Dale Carr

**Description** Permits county clerks to charge a fee of up to five dollars for same-day title printing and certain online services via the county clerk's website. Permits county clerks to enter into agreements with third-party providers in order to facilitate same-day title printing and certain online services. Establishes that third-party providers may impose an additional transaction fee for aforementioned services.

**Senate Status** 02/12/2015 - Referred to Senate State & Local Government Committee.

**House Status** 02/25/2015 - Taken off notice in House Local Government Subcommittee.

**Cosponsors** Rep. Andrew Farmer ;

### SB749 / HB779 Abolishes deannexation by ordinance.

**Category** Local Government

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

**Description** Requires deannexation of territory containing a street, highway, avenue, boulevard, publicly-owned right-of-way, bridge, tunnel, public parking area, or any other public way dedicated to public use and maintained for general public travel to take place by a vote of two-thirds of the county legislative body. Requires reallocation of certain funds if a municipality deannexes roadway. Specifies voting procedures. Makes other revision reflecting this change.

**Amendment** SENATE STATE & LOCAL GOVERNMENT COMMITTEE AMENDMENT 1 (004496) deletes and rewrites the bill in its entirety. Authorizes municipalities to rescind street deannexation by two-thirds vote of the legislative body. Authorizes only voters within the deannexation zone to vote in a deannexation election. Authorizes municipality to continue to levy taxes for debt incurred prior to the deannexation. SENATE STATE & LOCAL GOVERNMENT COMMITTEE AMENDMENT 2 (005281) deletes and rewrites the bill in its entirety. Authorizes municipalities to propose by resolution annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within a municipality's urban growth boundary and is either used for industrial or commercial purpose or is owned by one or more governmental entities. Requires consent of the property owners. Requires the plan of service to be included in the resolution. Requires an inter-local agreement between the relevant county and the municipality to provide relevant services. HOUSE AMENDMENT 2 (013024) deletes all language after the enacting clause of the original bill. Requires a municipality to submit a map of de-annexed streets or roads to the Commissioner of Finance and Administration within six months of the effective date of this legislation becoming law. Within one year of the submission of such plans, the Commissioner is required to equitably reflect the changes to the municipality's boundaries and to revise and relocate any funding distributed to the municipality or county for improvement or maintenance of streets or roads. A municipality may elect to rescind the de-annexation of the street or road within six months of the effective date of this legislation becoming law. Establishes procedures for county election commissions, in Marshall, Washington, Sullivan, Hamilton, Knox and Shelby counties, to conduct a vote for de-annexation in an election held in accordance with Tenn. Code Ann. § 6-51-202 after 10 percent or more of the registered voters in the municipality have petitioned the county election commission for an election held for such a purpose. Prohibits future de-annexation referendums, if voters fail to approve the measure in the initial referendum. Requires all municipal jurisdictions to cease over the territory de-annexed from the municipality's corporate limits on the date the results of the election are certified other than the responsibility of general obligation debt issued during the annexation period. Authorizes municipalities to continue to levy taxes in the de-annexed territory to pay the de-annexed territory's percentage of tax base it represents at the time of de-annexation. HOUSE AMENDMENT 3 (013373) exempts Johnson City from the bill. HOUSE AMENDMENT 10 (013958) makes a clarification by adding the word "property" directly after the word "municipality's" in Section 5.

**Senate Status** 03/30/2016 - Senate State & Local Government Committee deferred to summer study.

**House Status** 03/14/2016 - House passed with amendments 2, 3 and 10.

**Cosponsors** Sen. Janice Bowling ; Sen. Todd Gardenhire ; Sen. Mark Green ; Sen. Brian K. Kelsey ; Sen. Becky Duncan Massey ; Sen. Reginald Tate ; Rep. Sheila Butt ; Rep. Jim Coley ; Rep. Martin Daniel ; Rep. Matthew Hill ; Rep. Timothy Hill ; Rep. John B. Holsclaw, Jr. ; Rep. Andy Holt ; Rep. Roger Kane ; Rep. Ron Lollar ; Rep. Steve McManus ; Rep. Debra Moody ; Rep. Cameron Sexton ; Rep. Mike Sparks ; Rep. Billy Spivey ; Rep. Curry Todd ; Rep. Ron Travis ; Rep. James (Micah) VanHuss ; Rep. Mark White ;

**SB767 / HB816 Authorizes a municipality to contract its limits by ordinance.**

**Category** Local Government

**Sponsors** Sen. Frank Niceley / Rep. Billy Spivey

**Description** Authorizes a municipality to contract its limits by ordinance upon receiving a petition signed by 75 percent of the residents of the area to be deannexed. Requires approval for deannexation through referendum before the ordinance that contracts the limits will go into effect. Specifies that if the referendum fails, the ordinance is void and the matter cannot be considered again for two years.

**Senate Status** 03/26/2015 - Taken off notice in Senate State & Local Government Committee.

**House Status** 04/01/2015 - Taken off notice in House Local Government Subcommittee.

**SB805 / HB814 Decreases time for filing revised maps.**

**Category** Local Government

**Sponsors** Sen. Frank Niceley / Rep. Bryan Terry

**Description** Requires revised maps to be filed within 100 days, instead of 90 days, of any revision in any civil district or any other district from which members of the county legislative body are elected.

**Senate Status** 02/18/2015 - Referred to Senate State & Local Government Committee.

**House Status** 02/19/2015 - Referred to House Local Government Subcommittee.

**SB880 / HB986 Revises provisions on offering condemned property to former owners.**

**Category** Local Government

**Sponsors** Sen. Ferrell Haile / Rep. Courtney Rogers

**Description** Revises provisions governing condemned property being offered for sale to the former owner. Allows person or persons for whom the property was taken to require the sale of the property for the price paid to the owner by the entity at the time the entity acquired the property through eminent domain, the current fair market value of the property, or the payment of any appreciation in value of the property from the initial acquisition to the time of the petition.

**Amendment** House Civil Justice Subcommittee Amendment 1 (011958) provides that if the local government has taken property through eminent domain, the government can sell the property to the former owner if the local government decides to sell, fails to initiate development on the property for the purpose of which it was condemned or taken within ten year and fails to progress on development every three years, or develops or uses the property for a purpose other than that for which it was taken. Requires the government, by a good faith effort, to notify the former owner within 60 days of sale. Requires, along with notice, that the government send a purchase agreement to the former owner, authorizing purchase for the lesser of either the price paid by the government at acquisition plus expenditures, or an amount not less than the fair market value. Provides that the former owner has 30 days to sign and return the purchase agreement. States that if the government wrongfully conveys the property, the former owner may receive damages including proceeds of the sale or fair market value of the property, whichever is greater, and attorneys' fees.

**Senate Status** 03/24/2015 - Taken off notice in Senate Judiciary Committee.



**House Status** 03/09/2016 - Taken off notice in House Civil Justice Subcommittee.

**Cosponsors** Rep. Sheila Butt ; Rep. Mike Carter ; Rep. Jeremy Durham ; Rep. Matthew Hill ; Rep. Andy Holt ; Rep. Judd Matheny ; Rep. Jimmy Matlock ; Rep. Mark Pody ; Rep. Dennis Powers ; Rep. John Ragan ; Rep. Jerry Sexton ; Rep. Bryan Terry ; Rep. James (Micah) VanHuss ; Rep. Terri Lynn Weaver ; Rep. Rick Wornick ;

**SB1817 / HB2307 Noncontiguous annexation by resolution.**

**Category** Local Government

**Sponsors** Sen. Ed Jackson / Rep. Mike Carter

**Description** Establishes applicable statewide, instead of only in certain counties, the present law authorization for a municipality, by resolution, to propose annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within the municipality's urban growth boundary and is either to be used for industrial or commercial purposes or future residential development or owned by one or more governmental entities.

**Senate Status** 03/30/2016 - Senate State & Local Government Committee recommended. Sent to Senate Calendar Committee.

**House Status** 04/06/2016 - Withdrawn in House.

**Cosponsors** Sen. Bill Ketron ; Rep. Dale Carr ; Rep. Mike Carter ; Rep. Jimmy A. Eldridge ; Rep. James (Micah) VanHuss ; Rep. Tim Wirgau ;

**SB2369 / HB2387 Action for regulatory taking by land owner.**

**Category** Local Government

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

**Description** Allows owner of land subject to a regulatory taking to file a petition for a jury of inquest or sue for damages. Requires that reasonable costs, disbursements, and expenses, including reasonable attorney fees, be paid to a successful plaintiff in addition to any damages awarded. Broadly captioned.

**Senate Status** 01/25/2016 - Referred to Senate Judiciary Committee.

**House Status** 02/24/2016 - Taken off notice in House Civil Justice Subcommittee.

**Cosponsors** Rep. Martin Daniel ;

**SB2428 / HB2242 Annexation by resolution.**

**Category** Local Government

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

**Description** Removes the requirement that only certain counties, those having a population, according to the most recent decennial census, that is greater than 44.5 percent and 50,000 of its population in the preceding decennial census, may by resolution propose annexation of territory that does not adjoin the boundary of the main part of the municipality provided certain conditions are met.

**Senate Status** 03/29/2016 - Taken off notice in Senate State & Local Government Committee.

**House Status** 03/23/2016 - Taken off notice in House Local Government Subcommittee.

## **Media & Publishing - 2**

### **SB1027 / HB1068 Posting of notices on secretary of state's website.**

**Category** Media & Publishing

**Sponsors** Sen. Bill Ketron / Rep. Bryan Terry

**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 posted on the administrative register web site within the secretary of state's web site. Provides that a legal notice may also be filed in a newspaper of general circulation, provided that a publishing fee of \$50.00 is paid to the secretary of state.

**Senate Status** 02/19/2015 - Referred to Senate State & Local Government Committee.

**House Status** 02/23/2015 - Referred to House State Government Subcommittee.

### **SB2346 / HB2128 Email communications policy on website of state agency.**

**Category** Media & Publishing

**Sponsors** Sen. Steven Dickerson / Rep. Bryan Terry

**Description** Requires a state agency, institution, and political subdivision to post the electronic mail communications policy on the web site of the agency, institution, or political subdivision. Broadly captioned.

**Senate Status** 01/25/2016 - Referred to Senate State & Local Government Committee.

**House Status** 01/27/2016 - Referred to House State Government Subcommittee.

## **Professions & Licensure - 2**

### **SB69 / HB50 Continuing education course requirements for real estate broker.**

**Category** Professions & Licensure

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

**Description** Prohibits the Tennessee real estate commission from requiring that a real estate broker continuing education course be longer than one hour.

**Senate Status** 01/17/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 01/17/2015 - Referred to House Business & Utilities Subcommittee.

## **SB1378 / HB863 Collateral Recovery Act.**

**Category** Professions & Licensure

**Sponsors** Sen. Sara Kyle / Rep. G.A. Hardaway

**Description** Enacts the "Collateral Recovery Act." Specifies certain requirements for a recovery agency with the lienholder of recovered collateral. Requires registration of recovery agencies and agents with the department of commerce and insurance, allows fees for registration, and specifies registration length, the details of a registration application, and other requirements. Requires agencies to obtain insurance coverage. Establishes certain penalties for various violations. Requires the department to deposit collected monies in a separate fund known as the collateral recovery administrative fund. (19 pp.)

**Amendment** House Business & Utilities Subcommittee amendment 1 (011773) deletes and replaces language in the original bill such that the substantive changes are as follows: (1) removes expense allowance (per diem) and travel expense reimbursement for members of the State Horse Racing Advisory Committee; and (2) establishes that the Committee and all related statutes will be eliminated on July 1, 2018.

**Senate Status** 03/15/2016 - Senate Commerce & Labor Committee deferred to 03/22/16.

**House Status** 03/29/2016 - Taken off notice in House Business & Utilities Committee.

## **Property & Housing - 13**

### **SB548 / HB501 Secure Home Act.**

**Category** Property & Housing

**Sponsors** Sen. Todd Gardenhire / Rep. JoAnne Favors

**Description** Allows a domestic abuse victim, who is a tenant under a rental agreement, to submit a written request to the landlord to change the locks of the leased premises if a protective order has been issued. Requires the landlord, at the landlord's expense, to change the locks on the leased premises by the close of the next business day after receiving a written request. Allows the tenant to change the locks if the landlord fails to change the locks and deduct the cost from the next rent payment. Requires a landlord to change the locks on a leased premises upon receipt of a written request if a tenant, whose locks have already been changed, subsequently obtains an additional protective order for the benefit of the tenant or a household member. Authorizes the landlord to charge a fee to the tenant not exceeding the reasonable cost of changing the locks. Grants immunity to the landlord from any cause of action by any tenant or household member that arises out of acts by a protective order respondent occurring between the submission of a proper written request and the expiration of the period.

**Senate Status** 02/12/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/18/2015 - Referred to House Business & Utilities Subcommittee.

### **SB912 / HB919 Hearing on a zoning ordinance - notice increase.**

**Category** Property & Housing

**Sponsors** Sen. Jack Johnson / Rep. Martin Daniel

**Description** Increases the notice required for a hearing on a zoning ordinance or any amendment to a zoning ordinance to 30 days, rather than 15 days. Broadly captioned.

**Amendment** SENATE STATE & LOCAL COMMITTEE AMENDMENT 1 (005093) provides that, in regards to municipal zoning, proof that a business establishment paid taxes for not less than three years immediately preceding the request for permission to rebuild, expand, or construct additional facilities, shall create a presumption that the use to which the establishment operates was permitted prior to the zoning change. HOUSE LOCAL GOVERNMENT SUBCOMMITTEE AMENDMENT 1 (005851) deletes and replaces certain language of the bill such that the amended bill authorizes municipalities with more than 25,000 residents to increase from \$10,000 to \$25,000 the threshold for which competitive bids or public advertisement is required for public purchases.

**Senate Status** 04/06/2015 - Senate State & Local Government Committee recommended with amendment 1. Sent to Senate Calendar Committee.

**House Status** 03/23/2016 - Taken off notice in House Local Government Subcommittee.

### **SB980 / HB1083 Extra-territorial jurisdiction authority binding after removal.**

**Category** Property & Housing

**Sponsors** Sen. Mark S. Norris / Rep. Curry Todd

**Description** Clarifies that any actions taken by Shelby County under extra-territorial jurisdictional authority granted to the county by a private act shall remain binding on the owners of the property or other affected persons and that any removal of this extra-territorial jurisdiction shall not be retroactive in application.

**Senate Status** 02/19/2015 - Referred to Senate State & Local Government Committee.

**House Status** 04/01/2015 - Taken off notice in House Local Government Subcommittee.

### **SB1141 / HB1258 Disclosure of mold in residential units.**

**Category** Property & Housing

**Sponsors** Sen. Reginald Tate / Rep. Johnnie Turner

**Description** Requires any residential landlord to certify in writing to any prospective tenant, prior to entering into a rental agreement, that the residential landlord does not know or have reasonable cause to know that mold exists in the dwelling unit and building. Requires the landlord to disclose information and measures taken to remove mold if the landlord knows that mold has been present. Requires landlord to disclose to any current tenant the presence of mold if the landlord knows or has reasonable cause to know that mold is present. Does not require landlords to perform or conduct air or surface tests unless a current tenant notifies the landlord of potential mold.

**Senate Status** 02/19/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/24/2015 - Referred to House Business & Utilities Subcommittee.

**Cosponsors** Rep. JoAnne Favors ;

**SB1371 / HB1230 Notice of filing of a condemnation petition - certified by mail.**

**Category** Property & Housing

**Sponsors** Sen. Sara Kyle / Rep. Joe Towns Jr.

**Description** Requires notice of filing of a condemnation petition to be sent by certified mail with a return receipt requested. Requires nonresident respondents to be notified by certified mailing, rather than by publication. Increases the time after notice of filing that petitioner must wait to take any additional steps in the condemnation proceedings to 90 days, instead of 30 days. Requires notice to include statements concerning respondent's right to contest or appeal condemnation proceedings and that condemner has the right to take possession of property 90 days after the notice of filing, if the right to take possession has not been challenged. Broadly captioned.

**Senate Status** 02/19/2015 - Referred to Senate Judiciary Committee.

**House Status** 03/25/2015 - Taken off notice in House Civil Justice Subcommittee.

**SB1887 / HB1956 Uniform Residential Landlord & Tenant Act - Montgomery County exempt.**

**Category** Property & Housing

**Sponsors** Sen. Frank Niceley / Rep. Curtis G. Johnson

**Description** Exempts Montgomery County from the application of the Uniform Residential Landlord and Tenant Act.

**Senate Status** 03/08/2016 - Senate Commerce & Labor Committee deferred to 03/15/16.

**House Status** 01/27/2016 - Referred to House Business & Utilities Subcommittee.

**SB1908 / HB2384 Causes of action against an HOA.**

**Category** Property & Housing

**Sponsors** Sen. Todd Gardenhire / Rep. Mike Carter

**Description** Allows the declarant to retain full and unfettered control of the subdivision, until the subdivision is transferred to the control of the homeowners' association. Allows a member of a homeowners' association to have a cause of action against a homeowners' association for damages, which includes a declaratory judgement, reasonable attorney's fees, and actual costs associated with maintaining the action for: failure to be afforded the right to notice of any meeting at least 72 hours prior to the meeting; failure to be afforded the right to appear and address the association's governing body while the body makes any considerations, any adverse action taken against the member without the member being given a reasonable time for curing the breach, and a notice of the penalties that are allowed.

**Senate Status** 03/15/2016 - Senate Judiciary Committee deferred to Summer Study.

**House Status** 03/15/2016 - House Business & Utilities Subcommittee deferred to summer study.

**Cosponsors** Rep. Darren Jernigan ;

**SB1950 / HB1883 Disposal of unclaimed garments by dry cleaner.**

**Category** Property & Housing

**Sponsors** Sen. Ken Yager / Rep. Martin Daniel

**Description** Increases from 180 days to 240 days the minimum time required before a dry cleaner or launderer may dispose of unclaimed garments. Broadly captioned.

**Senate Status** 03/22/2016 - Senate Commerce & Labor Committee deferred to summer study.

**House Status** 03/16/2016 - House Business & Utilities Subcommittee deferred to summer study.

**SB2028 / HB1773 Agency seizing property responsible for paying reasonable expenses.**

**Category** Property & Housing

**Sponsors** Sen. Richard Briggs / Rep. Jason Zachary

**Description** Presently, in order to forfeit any property or any person's interest in the property the state must prove by a preponderance of evidence that: (1) The seized property was of a nature making its possession illegal or was used in a manner making it subject to forfeiture; and (2) The owner or co-owner of the property knew that the property was of a nature making its possession illegal or was being used in a manner making it subject to forfeiture; or (3) In the case of a secured party, that the following standards are met: (A) The secured party is a co-conspirator to the activity making the property subject to forfeiture; or (B) The secured party, at the time the interest attached, had actual knowledge of the intended illegal use of the property. The state's failure to carry the burden of proof operates as a bar to any forfeiture and the property must be immediately returned to the claimant. Under this bill, if the seizing agency fails to carry the burden of proof and a person who has property seized prevails in a claim or action to recover the seized property, then that person will be entitled to reasonable attorney fees and administrative hearing or court costs incurred in seeking the return of the seized property and in bringing the claim or action. Requires the seizing agency to pay for or reimburse such costs and fees. Specifies that the seizing officer and the agency employing the officer will be immune from civil liability for the seizure if the officer and agency acted in good faith.

**Senate Status** 03/08/2016 - Senate Judiciary Committee recommended. Sent to Senate Calendar Committee.

**House Status** 02/24/2016 - Taken off notice in House Civil Justice Subcommittee.

**SB2227 / HB1810 State-owned surplus property to be disposed of at auction.**

**Category** Property & Housing

**Sponsors** Sen. Steve Southerland / Rep. Marc Gravitt

**Description** Requires all state-owned surplus property, either real or personal, be disposed of at a public auction conducted by an auctioneer licensed by the Tennessee auctioneer commission who is selected through a competitive bid process.

**Senate Status** 03/22/2016 - Senate State & Local Government Committee deferred to 03/29/16.

**House Status** 03/15/2016 - Failed in House Business & Utilities Subcommittee.

**Cosponsors** Rep. David Alexander ; Rep. Dale Carr ; Rep. John Forgety ; Rep. Andy Holt ; Rep. Mary Littleton ; Rep. Dennis Powers ; Rep. Art Swann ; Rep. Bryan Terry ;

**SB2300 / HB1932 Expands the applicability of the Neighborhood Preservation Act.**

**Category** Property & Housing

**Sponsors** Sen. Sara Kyle / Rep. Mark White

**Description** Expands the applicability of the Neighborhood Preservation Act to certain occupied buildings and residential properties by authorizing a person to bring a civil action against the owner of an occupied building or property that is not properly maintained or that fails to comply with certain ordinances or regulations.

**Senate Status** 03/21/2016 - Senate passed.

**House Status** 02/25/2016 - House passed.

**Executive Status** 04/25/2016 - Enacted as Public Chapter 0727 effective April 7, 2016.

**Public Chapter**  PC727

**Cosponsors** Rep. Jim Coley ; Rep. G.A. Hardaway ;

### **SB2317 / HB2274 Radon concentrations in dwelling - disclosure.**

**Category** Property & Housing

**Sponsors** Sen. Sara Kyle / Rep. Johnnie Turner

**Description** Requires, with certain exceptions, a seller of residential real property to disclose in writing to the buyer of the property information relating to radon concentrations in the dwelling. A seller may satisfy the disclosure requirements by providing a written disclosure to a licensed real estate broker or affiliate broker representing or assisting a prospective buyer.

**Senate Status** 01/25/2016 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/23/2016 - Failed in House Business & Utilities Subcommittee.

### **SB2375 / HB2040 Zoning consideration of temporary family healthcare structures.**

**Category** Property & Housing

**Sponsors** Sen. Mike Bell / Rep. Andrew Farmer

**Description** Requires that zoning ordinances consider as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings, any temporary family healthcare structures that are: (1) For use by a caregiver in providing care for a mentally or physically impaired person; and (2) On property owned or occupied by the caregiver as their residence. Provides that temporary family healthcare structures will not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this bill. Requires any person proposing to install a temporary family healthcare structure to first obtain a permit from the local governing body, for which the local government may charge a fee of up to \$100. The local government may not withhold such permit if the applicant provides sufficient proof of compliance with this bill. The local government may require that the applicant provide evidence of compliance with this bill on an annual basis as long as the temporary family healthcare structure remains on the property. A temporary family healthcare structure installed pursuant to this bill may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and must comply with all applicable requirements of the department of health. No signage advertising or otherwise promoting the existence of the structure will be permitted either on the exterior of the temporary family healthcare structure or elsewhere on the property. Any temporary family healthcare structure installed pursuant to this bill must be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this bill. The local governing body, or planning commission on its behalf, may revoke the permit granted if the

permit holder violates this bill. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this bill. This bill vests the planning commission with all necessary authority on behalf of the governing body of the locality to ensure compliance with this bill.

**Amendment** Senate amendment 1 (014993) rewrites the bill. Redefines "temporary family healthcare structure." Adds language to the bill that requires the Bureau of TennCare to seek, as part of the plan to expand cost-effective community-based residential alternatives to institutional care, written guidance from the centers for Medicare and Medicaid services regarding whether temporary family healthcare structures may be covered in whole or in part under the Long-Term Care Community Choices Act, and , if so, shall, upon appropriation by the General Assembly, specifically to cover temporary family healthcare structures, seek federal approval of a waiver amendment to offer such benefit to eligible older adults and person with disabilities who chose temporary family healthcare structures in lieu of care in other settings. Clarifies that any waiver approved shall apply only to a person who meets the CHOICES 2 activities of daily living criteria and meets financial eligibility requirements for medical assistance under this chapter and is either a person with a developmental or intellectual disability or an older adult who is related to the owner or occupier of the property. Adds language to enhance the authority of local codes departments relative to the temporary family healthcare structures.

**Senate Status** 04/13/2016 - Senate passed with amendment 1.

**House Status** 04/18/2016 - House passed.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0992 effective July 1, 2016.

**Public Chapter**  PC992

**Cosponsors** Sen. Janice Bowling ; Sen. Mark Green ; Sen. Dolores R. Gresham ; Sen. Kerry Roberts ; Sen. John Stevens ; Rep. Mike Carter ; Rep. G.A. Hardaway ; Rep. Dennis Powers ; Rep. Ron Travis ; Rep. Tim Wirgau ;

## Public Employees - 1

### SB2020 / HB1937 Notary records of financial institutions.

**Category** Public Employees

**Sponsors** Sen. Ferrell Haile / Rep. Tim Wirgau

**Description** Requires a financial institution that adopts a written policy stating that notary records are a record of the financial institution to give a copy of the written policy to the individual receiving notary services.

**Senate Status** 01/25/2016 - Referred to Senate Commerce & Labor Committee.

**House Status** 01/27/2016 - Referred to House Insurance & Banking Subcommittee.



## Public Finance - 1

### SB748 / HB777 Fiscal Note Integrity Act of 2015.

**Category** Public Finance

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

**Description** Enacts the "Fiscal Note Integrity Act of 2015." Requires all communications between fiscal review staff and members of the general assembly or employees of a state agency concerning a bill to be public record. Requires a fiscal analysis form be sent to any agency the fiscal review staff requests information from. Specifies contents of fiscal analysis form. Requires fiscal review director to submit preliminary fiscal notes. Establishes an informal review at the request of the bill sponsor or agency. Obligates that the agency, sponsor of the bill, and fiscal review staff member who prepared the preliminary fiscal note attend the informal review at the request of either party. Imposes burden of proof upon the state agency at the informal review. Allows agency and sponsor to (1) present any relevant information as to the determination of any anticipated expenditure, and (2) request testimony from any witnesses. Requires fiscal review director to provide the sponsor of the bill and state agency a written decision including reasoning as to the final decision. Allows sponsor or state agency to request a hearing before the fiscal review committee. Requires committee to vote to affirm, reject, or revise the fiscal note concluding a hearing. Specifies fiscal review staff to report any of the following to the ethics commission: (1) falsification of information, or (2) undue influence by a member of the assembly, official, or employee of a state agency.

**Senate Status** 02/18/2015 - Referred to Senate State & Local Government Committee.

**House Status** 02/19/2015 - Referred to House State Government Subcommittee.

## Taxes Business - 4

### SB324 / HB213 Calculation of net worth for franchise taxes.

**Category** Taxes Business

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

**Description** Revises formula for calculating the excise and franchise taxes for tax years beginning on or after July 1, 2016, by multiplying the receipts factor by three and increasing the denominator of the fraction to five. Revises formula for calculating the excise tax for tax years beginning July 1, 2016, imposed on captive REIT affiliated groups by triple weighting receipts. Specifies that all persons subject to franchise and excise taxes must register with the department of revenue within 15 days after the date the person becomes subject to the tax.

**Senate Status** 03/31/2015 - Taken off notice in Senate Finance Revenue Subcommittee.

**House Status** 04/08/2015 - Taken off notice in House Finance Subcommittee.

### SB1698 / HB2557 Privilege tax on litigation in civil cases.

**Category** Taxes Business

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

**Description** Allows a county, upon the adoption of a resolution by a 2/3 majority vote of the county legislative body, to assess a privilege tax on litigation in civil cases in an amount not to exceed

\$25.00 per case. Specifies that the revenue collected from such tax is to be used exclusively for personnel and operating costs of the circuit court located in that county.

**Amendment** SENATE AMENDMENT 1 (012775) limits the bill to Williamson County.

**Senate Status** 03/28/2016 - Senate passed with amendment 1.

**House Status** 04/18/2016 - House passed.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0945 effective July 1, 2016.

**Public Chapter**  PC945

### **SB2366 / HB1480 Exempts certain entities from some franchise and excise taxes.**

**Category** Taxes Business

**Sponsors** Sen. Bo Watson / Rep. Eddie Smith

**Description** Exempts certain new businesses from a portion of their franchise and excise tax liability during their first two years of existence. Requires the taxpayer to provide documentation requested by the department of revenue to establish that the taxpayer qualifies for the exemption. Authorizes the department to promulgate rules to specify the documentation required to qualify for the exemptions.

**Senate Status** 02/02/2016 - Referred to Senate Finance Revenue Subcommittee.

**House Status** 04/19/2016 - Taken off notice in House Finance Subcommittee.

### **SB2558 / HB1554 Penalties for deficient or delinquent franchise and excise taxes.**

**Category** Taxes Business

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

**Description** Revises various provisions governing estimated franchise and excises taxes and deficient or delinquent franchise and excise tax payments. Revises the provisions governing which taxpayers must submit estimated payments, to require that available credits be taken into consideration when computing the \$5,000 tax liability threshold for the estimated payment requirement to apply, and to clarify the consideration of the preceding and current tax year. Requires every taxpayer that has a combined franchise and excise tax liability of \$5,000 or more, after application of all available franchise and excise tax credits for both the immediately preceding tax year, annualized if the preceding tax year was for less than 12 months, and the current tax year, to make quarterly estimated payments for its current tax year. Removes the requirement that the payments be "equal." Revises the required quarterly payment option from "25 percent of 100 percent" to "25 percent of 80 percent" of the combined franchise and excise tax liability for the current tax year. Revises the penalty provisions to reduce the penalty from five percent to two percent, and to reduce the maximum penalty from 25 percent to 24 percent. Revises the circumstances under which a penalty payment will not be assessed. Under present law, a taxpayer that has timely made four quarterly estimated franchise and excise tax payments, each of which equals at least 25 percent of the current year's franchise and excise tax liability, is not assessed a deficiency penalty with regard to any quarterly payment. A separate law governing taxes in general authorizes the commissioner to accept as good and reasonable cause for waiver of a delinquency penalty the fact that the taxpayer has timely filed and paid the tax for a period of at least two years next preceding the due date of the delinquent return and payment, if the specific cause for the delinquency does not constitute a willful disregard of the law or gross negligence. Deletes from present franchise and excise tax law

the provision regarding when a penalty is not assessed and instead adds to the general tax provisions that if a taxpayer has filed estimated payments of franchise and excise taxes by the due date for a period of at least two years, but the estimated payments resulted in an underpayment for which penalties and interest accrued, the commissioner may consider such estimated payments to be filed in a timely manner for purposes of establishing "good and reasonable cause" under the present general tax law. Part of Administration Package.

**Amendment** House Amendment 1 (013543) adds language to require the Commissioner of the Department of Revenue to ensure that any new integrated tax system implemented by the Department will support the annualization of quarterly estimated.

**Senate Status** 04/19/2016 - Senate passed.

**House Status** 03/24/2016 - House passed with amendment 1.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0881 effective April 27, 2016.

**Public Chapter**  PC881

**Cosponsors** Sen. Todd Gardenhire ; Sen. Randy McNally ; Rep. Kevin Brooks ; Rep. Martin Daniel ; Rep. Charles M. Sargent ;

## Taxes General - 2

### SB909 / HB943 Governmental immunity for all parcels purchased at tax sales.

**Category** Taxes General

**Sponsors** Sen. Ferrell Haile / Rep. Bud Hulseley

**Description** Grants a government entity immunity from liability all dues, fees, and assessments for all parcels purchased by the entity at tax sales.

**Senate Status** 02/19/2015 - Referred to Senate Judiciary Committee.

**House Status** 02/24/2015 - Referred to House Local Government Subcommittee.

**Cosponsors** Sen. Rusty Crowe ; Rep. David Alexander ; Rep. Dale Carr ; Rep. Michael Harrison ;

### SB934 / HB964 Historic Rehabilitation Tax Credit Act.

**Category** Taxes General

**Sponsors** Sen. Rusty Crowe / Rep. Jon Lundberg

**Description** Establishes a tax credit, only applicable in the city of Bristol, for an owner of a certified historic structure that incurs qualified rehabilitation expenditures for the rehabilitation of that structure. Provides that the tax credit may be used against any state premium tax liability and is to be equal to 25 percent of the qualified rehabilitation expenditures, provided that certain requirements for the rehabilitation are met. Requires that requests for a property to be designated as a certified historic structure or for a proposed rehabilitation must be made on application forms provided by the Tennessee historical commission, which shall entail certain standards, such as those established by the United States department of the interior for rehabilitation. Authorizes the commission to issue tax credit certificates to an owner for qualified rehabilitation expenditures, on the condition that an audited cost report of the rehabilitation by a public accountant is performed and there is evidence that the historic

structure has been placed in service.

**Senate Status** 02/19/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 03/24/2015 - Taken off notice in House Government Operations Committee.

## Taxes Property - 12

### SB883 / HB875 Report detailing number of parcels classified as homebelt property.

**Category** Taxes Property

**Sponsors** Sen. Jeff Yarbro / Rep. Harold Love Jr.

**Description** Requires the county assessors of property to submit an annual report to the division of property assessment that details the number of parcels classified as homebelt property. Requires that information obtained in the report be included in the state board of equalization's annual tax aggregate report.

**Senate Status** 03/31/2015 - Taken off notice in Senate State & Local Government Committee.

**House Status** 03/31/2015 - Taken off notice in House Local Government Committee.

### SB1465 / HB1515 Property tax reimbursement for disabled veteran home owners.

**Category** Taxes Property

**Sponsors** Sen. Mark Green / Rep. Joe Pitts

**Description** Establishes the first portion of home value for which real property tax relief will be reimbursed to disabled veteran home owners from \$100,000 to \$175,000.

**Senate Status** 03/30/2016 - Taken off notice in Senate State & Local Government Committee.

**House Status** 03/30/2016 - Taken off notice in House Local Government Subcommittee.

**Cosponsors** Sen. Mike Bell ; Sen. Todd Gardenhire ; Sen. Lee Harris ; Sen. Joey Hensley ; Rep. Bill Beck ; Rep. Kevin Brooks ; Rep. Sheila Butt ; Rep. Kevin Dunlap ; Rep. Marc Gravitt ; Rep. Timothy Hill ; Rep. Darren Jernigan ; Rep. William G. Lamberth ; Rep. Bob Ramsey ; Rep. Courtney Rogers ;

### SB1484 / HB1410 Repeals the "Save the Tax Relief Act."

**Category** Taxes Property

**Sponsors** Sen. Mark Green / Rep. Joe Pitts

**Description** Repeals the "Save the Tax Relief Act," thereby returning from \$23,000 to \$25,000 the first portion of home value for which tax relief will be reimbursed to elderly low income and disabled home owners. Increases from \$100,000 to \$175,000 the first portion of home value for which tax relief will be reimbursed to disabled veteran home owners. Removes the requirement that caps the income eligibility for the disabled veteran home owner tax relief program at \$60,000 for those who have not received a tax reimbursement prior to tax year 2015.

**Senate Status** 04/19/2016 - Set for Senate Finance, Ways & Means Committee 04/20/16.

**House Status** 04/18/2016 - Taken off notice in House Finance Subcommittee.

**Cosponsors** Sen. Mike Bell ; Sen. Rusty Crowe ; Sen. Dolores R. Gresham ; Sen. Joey Hensley ; Sen. Doug Overbey ; Sen. Jim Tracy ; Rep. Bill Beck ; Rep. Kevin Brooks ; Rep. Sheila Butt ; Rep. Kevin Dunlap ; Rep. John Forgety ; Rep. Brenda Gilmore ; Rep. Marc Gravitt ; Rep. Andy Holt ; Rep. Darren Jernigan ; Rep. Curtis G. Johnson ; Rep. Bo Mitchell ; Rep. Bob Ramsey ; Rep. Courtney Rogers ; Rep. Art Swann ; Rep. John Mark Windle ;

**SB1646 / HB1689 Formula for calculating hearing costs in property tax appeals.**

**Category** Taxes Property

**Sponsors** Sen. Paul Bailey / Rep. Marc Gravitt

**Description** Under present law, the state board of equalization has jurisdiction over the valuation, classification, and assessment of all properties in the state. One of the duties of the board is to receive, hear, consider, and act upon complaints and appeals made to the board. The board assesses the cost of hearing or processing an appeal against any non-prevailing, non-indigent appellant. Under present law: (1) The assessment must not exceed \$7.00 per parcel for processing an appeal or \$120 for hearing costs; (2) The assessment must be proportionate to the value of the property at issue; and (3) If the totaled assessment is 1/2 or more of the appellant's claim, the board issues a total refund. Otherwise, the refund of the hearing costs is proportionate to the relief granted. Revises (3) above to require that the refund of hearing costs be 1/2 of the appellant's claim, if the ordered reduction totals less than 1/2 of the appellant's claim. Present law also authorizes the board to create an assessment appeals commission and to delegate to the commission the jurisdiction to hear and act upon all complaints and appeals regarding the assessment, classification, and value of property for purposes of taxation. Actions taken by the commission are final unless the board issues an order requiring review of the commission's action, in which case the action will not become final until the board has rendered its final decision in the matter. If the board chooses not to review a matter, the commission is required to issue a certificate of assessment showing the description of the property and the assessment as determined by the commission. The certificate of assessment is subject to judicial review in the same manner as final actions of the board. Revises the above provisions to require the assessment appeals commission to issue the following, if the state board does not review the matter: (1) A notice, including notice by electronic means, of its final actions to the parties; or (2) If requested by a taxpayer, a certificate of assessment or other final certificate of the commission's actions. The date of the notice or certificate will commence the period for seeking judicial review of the final order of the board or commission. Present law requires trustees or collectors to send, with the current tax bill, a notice to delinquent taxpayers informing them of their obligation to pay back taxes or risk the sale of their property. This bill specifically includes taxpayers who are delinquent in unpaid rollback taxes in the group of delinquent taxpayers receiving such a notice.

**Senate Status** 03/14/2016 - Senate passed.

**House Status** 04/13/2016 - House passed.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0938 effective April 27, 2016.

**Public Chapter**  PC938

**SB1816 / HB1930 Publication of notice of intent to enforce tax lien.**

**Category** Taxes Property

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

**Description** Requires notice of intent to enforce tax lien to be published in a newspaper of general circulation for three consecutive weeks instead of only two consecutive weeks.

**Senate Status** 01/21/2016 - Referred to Senate Judiciary Committee.

**House Status** 01/25/2016 - Referred to House Business & Utilities Subcommittee.

**SB1877 / HB1914 Failure to pay taxes due to error by land surveyor.**

**Category** Taxes Property

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

**Description** Permits a person who owns real property and who has not paid taxes on a portion of real property for more than 20 years to bring any action to recover the property if the failure to pay taxes was due to the error of a land surveyor. Broadly captioned.

**Senate Status** 03/22/2016 - Taken off notice in Senate Judiciary Committee.

**House Status** 03/23/2016 - Taken off notice in House Civil Justice Subcommittee.

**SB1897 / HB1846 Certain public housing authorities exempt from property tax liability.**

**Category** Taxes Property

**Sponsors** Sen. Steven Dickerson / Rep. Darren Jernigan

**Description** Exempts public housing authorities from property tax liability when they enter into leases that permit the public housing authority to acquire the property for a nominal sum at or before the completion of the lease term.

**Senate Status** 03/07/2016 - Senate passed.

**House Status** 02/22/2016 - House passed.

**Executive Status** 04/05/2016 - Enacted as Public Chapter 0642 effective March 23, 2016.

**Public Chapter**  PC642

**Cosponsors** Sen. Jeff Yarbro ; Rep. Jason Powell ; Rep. Mike Stewart ;

**SB2105 / HB1921 Purchase of land in a tax lien sale.**

**Category** Taxes Property

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

**Description** Declares that a purchaser of a parcel of land in a tax lien sale has no obligation to purchase insurance on the parcel during the redemption period and that the purchaser is not liable for damage that occurs to the property during the redemption period unless it is caused by intentional acts of the purchaser.

**Amendment** House Business & Utilities Committee Amendment 1 (014967) deletes all language of the original bill. Clarifies that a person receiving title to a parcel sold at a tax sale pursuant to Tenn. Code Ann. § 67-5-2502 is vested with an absolute and indefeasible title in fee to the parcel, unless a judicial action challenging the parcel is filed in an appropriate court and effectually prosecuted against the person within three years of the recording of the tax deed or an order confirms the sell. A person claiming title of a parcel conveyed pursuant to a tax proceeding

after the three-year period shall be forever barred from challenging the title of the parcel. Makes multiple other changes to processes governing parcels offered at county property tax sales for parcels on which delinquent property taxes are owed. SENATE COMMERCE AND LABOR COMMITTEE AMENDMENT 1 (014936) clarifies that a person receiving title to a parcel sold at a tax sale pursuant to T.C.A. 7-5-2502 is vested with an absolute and indefeasible title in fee to the parcel, unless a judicial action challenging the parcel is filed in an appropriate court and effectually prosecuted against the person within three years of the recording of the tax deed or an order confirms the sell. Provides that a person claiming title of a parcel conveyed pursuant to a tax proceeding after the three-year period shall be forever barred from challenging the title of the parcel. Makes multiple other changes to processes governing parcels offered at county property tax sales for parcels on which delinquent property taxes are owed.

**Senate Status** 04/20/2016 - Re-referred to Senate Calendar Committee.

**House Status** 04/12/2016 - Taken off notice in House Finance Subcommittee.

### **SB2177 / HB2484 Tennessee Brownfield Redevelopment Tax Credit Act of 2016.**

**Category** Taxes Property

**Sponsors** Sen. Reginald Tate / Rep. Raumesh Akbari

**Description** Enacts the "Tennessee Brownfield Redevelopment Tax Credit Act of 2016." Allows any qualified business to receive a Tennessee brownfield redevelopment tax credit equal to \$4,500 for each qualifying job created. Defines "qualified business" to mean a new or existing business located on a brownfield site. Requires the qualified business to file a business plan with the commissioner of revenue in order to qualify for the credit. Also requires the qualified business to create at least ten qualifying jobs in order to qualify for the credit.

**Amendment** House Agriculture & Natural Resources Committee Amendment 1, Senate Finance Revenue Subcommittee Amendment 1 (013671) adds language to the original bill that limits the F&E tax credits authorized under this Act to two qualified businesses per county, located on brownfield sites in counties with a population of more than 300,000. Establishes that such credits are subject to approval by the respective county legislative body and the Commissioner of the Department of Economic and Community Development.

**Senate Status** 04/19/2016 - Taken off notice in Senate Finance, Ways & Means Committee.

**House Status** 04/18/2016 - Taken off notice in House Finance Subcommittee.

### **SB2599 Limits appraised value of low-income housing tax credit property.**

**Category** Taxes Property

**Sponsors** Sen. Mark S. Norris

**Description** Limits the appraised value of low-income housing tax credit property for property tax purposes to the value indicated by an income approach that utilizes market or unrestricted rent for comparable property.

**Senate Status** 01/25/2016 - Referred to Senate State & Local Government Committee.

**House Status** *None*

**SB2600 / HB2036 Classifying property as low-income housing property.**

**Category** Taxes Property

**Sponsors** Sen. Mark S. Norris / Rep. Jeremy Faison

**Description** Establishes procedure for classifying property as low-income housing property. Permits any owner of property to apply for classification as low-income housing property on any assessment roll of any county by filing an application with the property assessor by April 1 of the first year the classification is sought. Requires the assessor to determine whether the property is low-income housing property and then to classify property as such on the county tax roll. Specifies requirements for LIHTC property and FmHA 515 property. Requires the assessor to discontinue the classification of property as low-income housing property unless the owner certifies, upon request of the assessor, that the property continues to qualify as low-income housing property. Requires the assessor to request the certification in the year of completion of every general reappraisal of property in the county but in no event less frequently than every six years. Requires such property be valued according to present use value. Makes other related revisions.

**Senate Status** 01/25/2016 - Referred to Senate State & Local Government Committee.

**House Status** 03/02/2016 - Failed in House Local Government Subcommittee.

**SB2604 / HB1826 County mayor to sell land held because of delinquent taxes.**

**Category** Taxes Property

**Sponsors** Sen. Mark S. Norris / Rep. Mark White

**Description** Authorizes a county mayor to sell land held by the county due to delinquent taxes during the redemption period to a third party under certain conditions. Allows a county mayor to hold properties in some instances until a sufficient number of parcels or area has been acquired to improve the parcels' marketability and redevelopment profile. Clarifies that in no event shall the accumulation of such parcels result in property being held without being marketed for more than five years. Decreases the amount of time a tax must be due on abandoned property before the tax lien can be enforced from two years to one year.

**Senate Status** 04/06/2016 - Senate passed.

**House Status** 03/07/2016 - House passed.

**Executive Status** 04/29/2016 - Enacted as Public Chapter 0853 effective April 19, 2016.

**Public Chapter**  PC853

**Cosponsors** Rep. Raumesh Akbari ; Rep. Karen D. Camper ; Rep. Ron Travis ;



## Utilities - 1

### SB2370 / HB2119 Recovery of charges for providing water, wastewater or sewer services.

**Category** Utilities

**Sponsors** Sen. Bo Watson / Rep. Marc Gravitt

**Description** Prohibits a governing body of any city, town, or utility district to recover any charges or penalties for the furnishing of water, wastewater, or sewer services to a tenant from any property owner who is not a party to the tenant's contract for services with the city, town, or utility district.

**Amendment** HOUSE AMENDMENT 2 (014868) deletes all language after the enacting clause. Declares that a water and wastewater treatment authority created in Hamilton County shall not require a property owner, the property owner's agent, or a subsequent tenant to the property to pay or to guarantee the payment of charges, penalties, or other fees owed to the authority incurred by a former tenant of such property owner or agent. Authorizes a water or wastewater authority created in Hamilton County to establish deposits based upon the past usage and payment history of the new tenant and requires the delinquent payment history of a former tenant of the property to not be considered in establishing the amount of the deposit for the new tenant. SENATE AMENDMENT 2 (016290) adds that an authority shall not require a property owner who leases residential property, the property owner's agent, or a subsequent tenant of the property to pay or to guarantee the payment of charges, penalties, or other fees owed to the authority that were incurred by a former tenant of such property owner or agent. Provides that this payment restriction shall only apply from September 1, 2016 to December 31, 2016. Adds that an authority shall create a written acknowledgement for the provision of services, to be made available to a property owner who leases residential property or the property owner's agent and to be completed by a tenant at the time the tenant enters into or renews a residential rental agreement. Provides that the written acknowledgement shall be used by the authority in the collection of all charges, penalties, or other fees owed to the authority by the tenant and shall require the tenant to supply his or her name, social security, phone number, driver license number, email address, employer information, etc. Requires the property owner or property owner's agent to submit a copy of the written acknowledgement to the authority within one business day of the completion of the written acknowledgement by the tenant, and upon doing so the authority cannot recover any delinquent charges, penalties, or other fees incurred by the tenant. Requires the authority to confirm in writing the receipt of the tenant's written acknowledgement within two business days. Provides that a property owner may refuse to enter into or renew a residential rental agreement with a prospective tenant who fails to provide the required information, and if a property owner does enter into an agreement with a tenant who does not provide the information then the property owner is liable for any charges, etc. Permits an authority to require a deposit of up to three months of water and wastewater fees to be included in the tenant's first monthly billing statement and reasonable attorney fees against the tenant for charges, penalties, etc. Provides that this is to only apply to residential rental agreement not utilizing submetering or prorated billing by an allocation formula for the leased residential property in Hamblen County.

**Senate Status** 04/20/2016 - Senate passed with amendment 2.

**House Status** 04/20/2016 - House concurred in Senate amendment 2.

**Executive Status** 05/23/2016 - Enacted as Public Chapter 1082 effective May 20, 2016.

**Public Chapter**  PC1082

**Cosponsors** Sen. Todd Gardenhire ; Rep. JoAnne Favors ; Rep. Marc Gravitt ; Rep. Patsy Hazlewood ;  
Rep. Gerald McCormick ;

## **Workers Compensation - 1**

### **SB581 / HB316 Report of employers who fail to provide coverage.**

**Category** Workers Compensation

**Sponsors** Sen. Doug Overbey / Rep. Steve McDaniel

**Description** Changes the date by which the workers' compensation division must produce its report of all the employers that failed to obtain coverage or self-insure during the previous fiscal year from December 31 to December 15.

**Senate Status** 02/12/2015 - Referred to Senate Commerce & Labor Committee.

**House Status** 02/11/2015 - Referred to House Consumer & Human Resources Subcommittee.

**Executive Status** 03/16/2015 - Workers' Compensation Advisory Council deferred to next meeting.