

## 2017 LEGISLATIVE SUMMARY - FINAL

SB355 Tracy/HB906 Wirgau is our LICENSING BILL. This is the bill that increases a contractor's licensing limit from \$750,000 to \$1.5 million and a full audit will not be required until the contractor's license limit reaches \$3 million, raised from \$1.5 million. Neither amount had been raised since 2000. This bill has been signed by the Governor and we have asked for a formal bill signing photo opportunity with the Governor, which will happen sometime in June.

SB520 Massey/HB476 Gravitt, is our EXTERIOR DESIGN ELEMENTS BILL. As you may know, this bill has been a battle. We have committee chairman against chairman, cities against their legislators, and us against cities. After a great deal of discussion on two emergency GA conference calls, a motion was made on the 4/19 Government Affairs conference call to ask our bill sponsors to roll the bill in both houses to the first calendar of 2018. The motion passed. We immediately went over to the plaza and spoke with both of our sponsors. Several legislators are appreciative and have expressed their commitment to help us try to work something out prior to next session. In the meantime, and part of the motion, at the Summer Meeting we will discuss asking for an Attorney General opinion on whether or not cities have the authority granted to them by the state to regulate exterior design elements. I have received an additional legal opinion on this issue from our attorney, Tom White and he totally agrees with us. Legislators have also committed that if we cannot work things out, they will not fight us next session (we'll see).

SB295 Briggs/HB362 Zachary, is our TDEC BILL. This bill started out completely different than it ended up - but we are in an excellent place with the legislation and it accomplishes what we need. Originally the bill would require any "NPDES permit issued by TDEC to be reviewed by the Government Operations Committee to evaluate the financial impact of post construction stormwater requirements imposed by TDEC in the permit on the local governmental entity and persons required to comply with the requirements." The Government Operations committee would also evaluate whether the permit's post construction stormwater requirements exceed the minimum requirements of federal law. As you can imagine, TDEC was not happy with this bill and was fighting it.

So...at the very last minute, on the House floor, an amendment was introduced that TDEC, TML NFIB and we agreed upon. Rather than the entire permit going before Gov Ops, now there will be a rule making hearing on just the definition of Maximum Extent Practicable. That has been the biggest issue for us. The EPA does not define MEP but TDEC did in the 2016 permit (the 1<sup>st</sup> inch of rainfall). So the amendment adds on to the bill we passed last year (that does not allow TDEC to be more stringent than the EPA). The amendment reads "...these numeric or narrative effluent limitations to manage post-construction stormwater shall be adopted by the board as rules pursuant to the uniform Administrative procedures Act. No NPDES permit regulating a local government entity's municipal separate storm sewer system shall be issued...until after the rules of this act take effect." The amended version passed in the House with just 7 no votes.

The process will be there will be a rule making hearing on numeric or narrative effluent limitations requirements. That rule must go before Gov Ops, along with the cost impact (as defined in statute that governs the rule process and Gov Ops). If Gov Ops does not agree with the rule, they can ask TDEC to amend, repeal or withdraw the rule. If TDEC does not amend, repeal or withdraw the rule, then the Gov Ops committee can request the general assembly to repeal the rule. A new permit cannot be issued without approval of the rule.

This satisfies TDEC because their largest concern was cherry picking certain permits for review by Gov Ops - they issue thousands of permits and it would have set a precedence. This helps all of us because MEP will be defined and we will have an opportunity to have total input into that definition.

Since the Senate Agriculture Committee had shut down just about the time Representative Zachary decided to move the bill in the House, this bill will not become law until the Senate passes it. That cannot happen until next January, but should be fairly easy to do because there is agreement on the amended version.

SB1167 Hensley/HB539 Doss is the bill that allows inspections in areas that have opted out of building codes. Currently, if a city or county opted out of any residential building codes, the state fire marshal's office could not inspect. This was a problem for those homes for insurance purposes. The bill has been signed by the Governor.

SB469 Niceley/HB456 Littleton is the flag bill that prohibits HOAs from adopting or enforcing regulation that prohibit flying US flags and military flags. The bill was amended (with our support) to allow HOAs to regulate size but not prohibit. The amended bill is waiting for the Governor's signature.

SB1089 Ketron/HB1199 Rudd is another HOA bill that would prohibit HOAs from prohibiting political signs in homeowners' yards. The bill was amended (with our support) so that political signs could not be larger than 4' by 4'. The amended bill has been signed by the Governor.

SB258 Tracy/HB586 Rudd has to do with penalties for moving, removing or destroying property stakes. Our concern was language for stakes versus pins. After speaking with the Senate Sponsor, he decided not to move the bill forward. It originated as a constituent issue.

SB453 Bell/HB 557 Carter is the zoning notice bill initiated by the Tennessee Chamber. The intent of this bill is to determine a process for zoning change notices. The goal is to guarantee all owners of any property that is in the process of a zoning change to be notified by certified mail. The challenge became defining the types of zoning changes that initiated the necessity for the certified mail expense. The cities had issues with the expense so and the language of the bill had changed to a point that the House Sponsor decided to park the bill until next year. We will most likely be asked to work with the sponsor next year, rather than the Chamber.

We were part of the coalition on the Governor's GAS TAX legislation. It passed in both houses and has been signed into law by the Governor.

Several weeks ago, we discussed the adoption of the new Residential electrical code. Proposed for adoption is the 2014 version, which includes Arc Fault protectors everywhere. Our efforts to remove that requirement have apparently fallen on deaf ears. Our last option is to bring forward our concerns in the Joint Government Operations Committee. I met with Joint Gov Ops Chairman Mike Bell and he may call a meeting of all parties to discuss prior to the May 17 committee meeting. We will be sending out a separate notice for our members to call the members of the Joint Gov Ops committee and let them know our concerns about Arc Fault Circuit Interruptors.

## Latest Actions for Bills in Group: 2017 HBAT

As of Tuesday, August 22, 2017 at 4:10 PM

Bill Number	Composite Abstract	Last Major Action	Action Date
<u>SB0292</u> by Tracy ( <u>HB0333</u> by Doss)	As enacted, revises various provisions regarding persons employed by regulatory boards.	Comp. became Pub. Ch. 454 <i>(Last action on companion, 06/01/2017: Pub. Ch. 454)</i>	06/01/2017
<u>SB1257</u> by Norris ( <u>HB0488</u> by Lollar)	As enacted, authorizes cities incorporated under the general law city manager commission charter to charge fire fees for the construction and maintenance of municipal fire departments.	Comp. became Pub. Ch. 459 <i>(Last action on companion, 06/01/2017: Pub. Ch. 459)</i>	06/01/2017
<u>SB1214</u> by Norris ( <u>HB0325</u> by Hawk)	As enacted, renames the second injury fund to subsequent injury and vocational recovery fund and authorizes the bureau to use money from the fund to provide vocational recovery assistance to employees with certain limitations; revises certain provisions regarding electing to be exempt from the law; and revises various procedural provisions regarding appeals of workers' compensation orders.	Pub. Ch. 344 <i>(Last action on companion, 05/22/2017: Comp. became Pub. Ch. 344)</i>	05/22/2017
<u>SB1089</u> by Ketron ( <u>HB1199</u> by Rudd)	As enacted, enacts the "Tennessee Freedom of Speech Act."	Comp. became Pub. Ch. 294 <i>(Last action on companion, 05/19/2017: Pub. Ch. 294)</i>	05/19/2017
<u>SB0469</u> by Niceley ( <u>HB0456</u> by Littleton)	As enacted, prohibits a homeowners' association from adopting or enforcing a dedicatory instrument provision that prohibits, or has the effect of prohibiting, a property owner from displaying the flag of the United States of America or an official or replica flag	Pub. Ch. 331 <i>(Last action on companion, 05/19/2017: Comp. became Pub. Ch. 331)</i>	05/19/2017

	of any branch of the United States armed forces on the property owner's property; allows certain restrictions regarding display.		
<u>SB0780</u> by Johnson ( <u>HB0393</u> by Dunn)	As enacted, expands the offense of theft to include new home construction contractors who fail to refund amounts paid under contract under certain circumstances or deviate from or disregard plans or specifications in any material respect that are contained in a new home construction contract.	Comp. became Pub. Ch. 310 ( <i>Last action on companion, 05/19/2017: Pub. Ch. 310</i> )	05/19/2017
<u>SB0355</u> by Tracy ( <u>HB0906</u> by Wirgau)	As enacted, increases the monetary limit that triggers requirement that review of the financial statement of an applicant for a contractor's license be attested by the reviewing accountant from \$1.5 million to \$3 million; increases maximum value of buildings that small commercial building contractors may build for use and occupancy by the general public from \$750,000 to \$1.5 million.	Comp. became Pub. Ch. 237 ( <i>Last action on companion, 05/11/2017: Pub. Ch. 237</i> )	05/11/2017
<u>SB1167</u> by Hensley ( <u>HB0539</u> by Doss)	As enacted, authorizes the state fire marshal to inspect an owner's building upon the owner's request to determine if the building meets the statewide safety standards even if the building is located in a county or municipality that has opted out of the statewide safety codes.	Pub. Ch. 281 ( <i>Last action on companion, 05/11/2017: Comp. became Pub. Ch. 281</i> )	05/11/2017
<u>SB1231</u> by Norris ( <u>HB0445</u> by Gant)	As enacted, authorizes the development of curriculum for work-based learning in labor education alignment program.	Pub. Ch. 283 ( <i>Last action on companion, 05/11/2017: Comp. became Pub. Ch. 283</i> )	05/11/2017
<u>SB1217</u> by Norris ( <u>HB0326</u> by Hawk)	As enacted, authorizes commissioners and chief executive officers of administrative departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade.	Pub. Ch. 230 ( <i>Last action on companion, 05/03/2017: Comp. became Pub. Ch. 230</i> )	05/03/2017
			05/03/2017

<p><u>SB1188</u> by Norris (<u>HB0300</u> by Hawk)</p>	<p>As enacted, revises various professional regulatory provisions, including provisions regarding cosmetologists, home inspectors, and engineers.</p>	<p>Pub. Ch. 226 (Last action on companion, 05/03/2017: Comp. became Pub. Ch. 226)</p>	
<p><u>SB1215</u> by Norris (<u>HB0529</u> by Hawk)</p>	<p>As enacted, enacts the "Tennessee Broadband Accessibility Act."</p>	<p>Pub. Ch. 228 (Last action on companion, 05/03/2017: Comp. became Pub. Ch. 228)</p>	<p>05/03/2017</p>
<p><u>SB1221</u> by Norris (<u>HB0534</u> by Casada)</p>	<p>As enacted, enacts the "Improving Manufacturing, Public Roads and Opportunities for a Vibrant Economy (IMPROVE) Act" or the "2017 Tax Cut Act."</p>	<p>Comp. became Pub. Ch. 181 (Last action on companion, 05/03/2017: Pub. Ch. 181)</p>	<p>05/03/2017</p>
<p><u>SB0924</u> by Ketrone (<u>HB1159</u> by Littleton)</p>	<p>As enacted, redefines "nonprofit organization" for purposes of qualifying to have an annual gaming event to include a 501(c)(3) organization that has been in continuous existence in this state for three years and is a dues paying member of a separate 501(c)(3) organization that has been in existence in this state for 10 years.</p>	<p>Pub. Ch. 224 (Last action on companion, 05/03/2017: Comp. became Pub. Ch. 224)</p>	<p>05/03/2017</p>
<p><u>SB0520</u> by Massey (<u>HB0476</u> by Gravitt)</p>	<p>As introduced, defines "building design elements" for purposes of local governmental zoning; prohibits application of zoning regulations relating to building design elements for certain dwellings, with limited exceptions.</p>	<p>Senate Reset on first calendar of 2018 (Last action on companion, 04/20/2017: Action def. in Calendar &amp; Rules Committee to 2018)</p>	<p>04/24/2017</p>
<p><u>SB0819</u> by Southerland (<u>HB0764</u> by Halford)</p>	<p>As enacted, revises provisions governing the enforcement of the Water Quality Control Act; clarifies that the department of environment and conservation is the sole state agency authorized to conduct investigations under the Act and that other state agencies may assist the department in satisfying its duties under the Act.</p>	<p>Pub. Ch. 148 (Last action on companion, 04/19/2017: Comp. became Pub. Ch. 148)</p>	<p>04/19/2017</p>
			<p>04/12/2017</p>

<u>SB0258</u> by Tracy ( <u>HB0586</u> by Rudd)	As introduced, allows an action against a person claiming adverse possession to extend past the seven-year statute of limitation if there is an allegation of a person moving, removing, or destroying property stakes to alter the lawful property owner's property lines; punishes any person found guilty of moving, removing, or destroying property stakes for the purpose of adverse possession as a Class E felony.	Assigned to General Subcommittee of Senate Judiciary Committee <i>(Last action on companion, 04/26/2017: Action Def. in s/c Finance, Ways &amp; Means Subcommittee to 2018)</i>	
<u>SB1156</u> by Hensley ( <u>HB0361</u> by Zachary)	As introduced, sets the statute of limitations of certain causes of actions arising from a home inspection or home inspection report to one year; prohibits contractual waiver of the limitation; limits home inspector liability relative to certain defects; prohibits disciplinary actions taken by the commissioner from being the sole basis for civil or criminal cause of actions against the home inspector.	Assigned to General Subcommittee of Senate Judiciary Committee <i>(Last action on companion, 04/05/2017: Action Def. in s/c Civil Justice Subcommittee to 1st Calendar of 2018)</i>	04/11/2017
<u>SB0261</u> by Johnson ( <u>HB0939</u> by Carter)	As introduced, requires all workers' compensation cases to proceed through the workers' compensation appeals board prior to seeking a discretionary appeal to the Tennessee supreme court.	Senate Reset on first calendar of 2018 <i>(Last action on companion, 04/05/2017: Action Def. in s/c Consumer and Human Resources Subcommittee to 2nd Calendar of 2018)</i>	04/10/2017
<u>SB0128</u> by Dickerson ( <u>HB0295</u> by Swann)	As enacted, updates, from the August 2011 edition to the August 2016 edition, the electrical safety code governing electric-supply stations and lines; updates publisher's address.	Pub. Ch. 3 <i>(Last action on companion, 04/04/2017: Comp. became Pub. Ch. 3)</i>	04/04/2017
<u>SB0453</u> by Bell ( <u>HB0557</u> by Carter)	As introduced, extends the date by which notice must be published before a public hearing on a municipal zoning ordinance or amendment, from at least 15 days before the hearing to at least 60 days before the hearing.	Assigned to General Subcommittee of Senate State & Local Government Committee <i>(Last action on companion, 04/04/2017: Taken off</i>	04/04/2017

		<i>notice for cal in s/c Local Government Subcommittee of Local Government Committee)</i>	
<u>SB0363</u> by Haile ( <u>HB1143</u> by Casada)	As introduced, clarifies that no local government has the authority to enact a law that would place requirements regarding inclusionary, affordable, or below market value housing when entitlements, variances, or any other form of permit or authorization is sought from the local government.	Assigned to General Subcommittee of Senate State & Local Government Committee ( <i>Last action on companion, 04/03/2017: Received from House, Passed on First Consideration</i> )	04/04/2017
<u>SB0372</u> by Overbey ( <u>HB0497</u> by McCormick)	As introduced, clarifies that a local government may regulate and tax a short-term rental unit that is located within the local government's jurisdiction.	Assigned to General Subcommittee of Senate Commerce and Labor Committee ( <i>Last action on companion, 04/24/2017: Withdrawn.</i> )	04/03/2017
<u>SB0941</u> by Ketron ( <u>HB0983</u> by Calfee)	As introduced, increases from \$500 to \$1,000 the amount of the penalty imposed on a person convicted by a court of having injured or destroyed any portion of the gas fixtures or other property belonging to a gas company, having willfully opened a communication into the street or other gas pipes, or having let on gas after it has been stopped by a gas company.	Recommended for passage with amendment/s, refer to Senate Calendar Committee Ayes 7, Nays 0 PNV 1 ( <i>Last action on companion, 04/05/2017: Taken off notice for cal. in Business and Utilities Committee</i> )	04/03/2017
<u>SB0888</u> by Haile ( <u>HB1382</u> by Jernigan)	As introduced, enacts the "Fair Repair Act."	Assigned to General Subcommittee of Senate Commerce & Labor Committee ( <i>Last action on companion, 03/29/2017: Action Def. in s/c Consumer and Human</i> )	03/24/2017



		<i>Resources Subcommittee to 2nd Calendar of 2018)</i>	
<u>SB1333</u> by Yarbro ( <u>HB1232</u> by Beck)	As introduced, prohibits homeowners' associations from prohibiting the display of political or campaign posters or signs placed on private property that are not larger than 18 inches in height by 24 inches in width during the period beginning 60 days before any election until the day after the election.	Assigned to General Subcommittee of Senate State and Local Government Committee <i>(Last action on companion, 02/28/2017: Taken off notice for cal. in Local Government Committee)</i>	02/28/2017
<u>SB1368</u> by Bailey ( <u>HB0496</u> by Williams)	As introduced, prohibits a planning commission or local legislative body from requiring a landowner to transfer ownership of land along an existing public right of way to the local government as a condition of approving the subdivision of property without first purchasing the property; permits landowner subject to regulatory taking to petition for a jury of inquest or sue for damages including reasonable costs and attorney's fees.	Passed on Second Consideration, refer to Senate Judiciary Committee <i>(Last action on companion, 02/14/2017: Assigned to s/c Local Government Subcommittee)</i>	02/13/2017
<u>SB0295</u> by Briggs ( <u>HB0362</u> by Zachary)	As introduced, prohibits the department from issuing any permit that has not first been reviewed by the general assembly in the same manner as a rule under the Uniform Administrative Procedures Act.	Passed on Second Consideration, refer to Senate Energy, Ag., and Nat. Resources Committee <i>(Last action on companion, 05/09/2017: Received from House, Passed on First Consideration)</i>	02/06/2017