

**STATUS OF LEGISLATION OF IMPORTANCE TO THE
TENNESSEE CHAPTER OF AMERICAN PLANNING ASSOCIATION BEFORE
THE 2nd SESSION OF THE 109th TENNESSEE GENERAL ASSEMBLY**

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The final status of the bills is highlighted in **yellow**.

Note: This is the final report. The 109th General Assembly has adjourned sine die. That means they are gone and won't be back. All bills that did not pass are dead. Next year is a new general assembly, the 110th. Many, perhaps most, of the current legislators will be back, and all the bills that they sponsored could be reintroduced. Stay tuned.

NEW BILLS INTRODUCED THIS YEAR	
PLANNING	
<p>SB 2112 by Johnson / HB 2548 by Keisling No action taken.</p> <p>Zoning - As introduced, increases the minimum continuing education training required for board of zoning appeals members from four hours per year to five hours per year. - Amends TCA Title 13, Chapter 7.</p> <p>Note: This is a caption bill, the content of which is still to be decided.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.;</p> <p>Senate: Introduced; referred to State & Local Comm. placed in General Subcomm. stopping action.</p>

<p>SB 2477 by Harper / HB 2281 by Jones No action taken.</p> <p>Planning, Public - As introduced, extends to all counties authorization for interested parties to appeal municipal planning commission decisions to the chief legislative body of the municipality having jurisdiction over zoning matters; presently authorization for such appeals is limited to Hamilton and Knox counties. - Amends TCA Title 13, Chapter 4 and Title 27, Chapter 9.</p> <p>Note: This is a caption bill.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.;</p> <p>Senate: Introduced; referred to State & Local Comm;</p>
<p>SB 2475 by Harper / HB 2280 by Jones No action taken.</p> <p>Planning, Public - As introduced, increases the maximum number of members of a local planning commission from 10 to 15. - Amends TCA Title 13.</p> <p>Note: This is a caption bill.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.;</p> <p>Senate: Introduced; referred to State & Local Comm.</p>
<p>ZONING</p>	
<p><u>SB 0912</u> by <u>Johnson</u> / <u>HB 0919</u> by <u>Daniel</u></p> <p>Zoning - As introduced, increases, from 15 days to 30 days, the notice requirement for a hearing on a zoning ordinance or any amendment to a zoning ordinance. - Amends TCA Title 6; Title 13; Title 42; Title 67 and Title 68.</p> <p>Summary –This bill was amended in Senate committee last year and is now up in House committee. The amendment amends TCA § 13-7-208 to state that if a business or industry has paid taxes for three years preceding a request for permission to rebuild, expand, or construct additional facilities, it is declared to be a legal nonconforming use.</p> <p>Another amendment was filed by the House sponsor that would have removed all size restrictions on billboards and would have put most zoning restrictions in danger of being illegal.</p>	<p><u>Status</u></p> <p>House – Introduced; referred to Local Gov. Subcommittee; on calendar for 3-25; passed with amendment; on calendar for full committee for 3-31; deferred; on calendar for 4-7; re-referred to subcommittee; deferred to 2016;</p>

	<p>back on calendar for 3-23; taken off notice stopping action on the bill.</p> <p>Senate – Introduced; referred to State & Local Gov. Committee; on calendar for 4-6-15; passed committee; now held in Calendar Committee;</p>
<p>SB 0549 by Niceley / HB 0775 by Daniel</p> <p>Zoning - As introduced, requires any zoning amendment affecting a parcel of private property to take effect only upon written consent of the owner of that property. - Amends TCA Title 13, Chapter 7.</p> <p>Summary – The caption above says it all. It arises from a rezoning of property where a property owner was not aware of the rezoning and was not pleased with it; according to Senator Niceley.</p> <p>NOTE: The bill was amended in the Senate committee to send the bill to TACIR for a study of the issues. The study by TACIR was completed. An attempt to bring this bill back up after the study was approved by the Advisory Commission failed, as highlighted under the status heading. The study is available at: http://www.tennessee.gov/assets/entities/tacir/attachments/2015_CommunityBasedLandUseDecisions.pdf</p>	<p>Status</p> <p>House – Introduced; referred to Local Gov. Committee; on calendar for 3-17; on calendar for 3-25; taken off notice; put back on notice for 3-9; again taken off notice;</p> <p>Senate – Introduced; referred to State & Local Gov. Committee; on calendar for 3;18; failed in committee;</p>

	<p>put back on notice for 4-6; passed with amendment to send the bill to TACIR for study. Put back on notice for 3-15-16; placed in General Subcomm. stopping action.</p>
<p>SB 2006 by *Ketrone /HB 2417 by Lynn</p> <p>Zoning - As introduced, increases number of members who may be elected to serve on boards of zoning appeals in certain counties and municipalities, as determined by local legislative bodies. - Amends TCA Section 13-7-106 and Section 13-7-205.</p> <p>Summary: Current law requires a BZA to consist of 3 or 5 members. This bill will permit a BZA to consist of 3, 5, 7, or 9 members. The expansion of the board was requested by local government, and we supported this bill.</p> <p>Signed by Governor. Now Public Chapter 693.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 2-10; passed Subcomm.; on full comm. Calendar for 2-16; passed, referred to Finance Subcomm.; on calendar for 3-2; passed; on full committee calendar for 3-8; passed committee; on House consent calendar for 3-14; passed.</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 2-9; passed comm.; on</p>

	Senate consent calendar for 2-17; Passed Senate ; held on desk.
<p>SB 1636 by Haile/HB 1632 by Casada</p> <p>Real Property - As introduced, prohibits a local governmental unit from enacting zoning regulations that require the allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing. - Amends TCA Title 66, Chapter 35.</p> <p>Summary: This bill arises from the movement in Metro Nashville to develop an affordable housing program through inclusionary zoning. As introduced, it will prohibit mandatory inclusionary zoning but specifically allow an incentive based program. Metro has now decided to use some sort of incentive based program so objections may subside. Nevertheless, the sponsors are going forward with the bill. The bill represents another move by the legislature to dictate to local governments and restrict their police powers.</p> <p>The amendment provides that the bill applies to all current and future zoning regulations. Signed by Governor.</p>	<p>House: Introduced; referred to Local Gov. Subcommittee; on calendar for 2-24; passed; on full committee calendar for 3-1; passed; on House floor 3-10; deferred to 3-24; on calendar; deferred to 4-7; on calendar; passed with amendment.</p> <p>Senate: Introduced; referred to State & Local Gov. Comm.; on calendar for 3-8; deferred to 3-15; on calendar; deferred to 3-22; passed with amendment.</p>
<p>SB 1809 by Haile / HB 1848 by Jernigan</p> <p>Zoning - As introduced, reduces from 30 days to 15 days the notice Davidson County must provide prior to a public hearing on an amendment to a county zoning ordinance. - Amends TCA Section 13-7-105.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 2-10;</p>

<p>Summary: Current law requires counties to conduct a public hearing prior to any amendment with a 15-day notice requirement. TCA § 13-7-105 (b)(2) contains a provision that Davidson County must give a 30-day notice. This bill would put Davidson County under the same 15-day requirement as other counties. It is a local bill.</p> <p>Signed by governor. Now Public Chapter 577.</p>	<p>passed Subcomm.; on full comm. Calendar for 2-16; on consent calendar for 2-22; passed House.</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 2-9; passed comm.; on Senate consent calendar for 2-17; passed Senate; transmitted to governor.</p>
<p>SB 2517 by Ketron HB 2608 by White D</p> <p>Withdrawn.</p> <p>Zoning - As introduced, increases, from five to nine, the maximum number of members who may be appointed to county and municipal boards of zoning appeals. - Amends TCA Title 13, Chapter 7.</p> <p>Summary: This bill is exactly the same as SB 2006 listed above.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 2-10;</p> <p>Senate: Introduced; referred to State & Local Comm.</p>
<p>SB 2375 by Bell / HB 2040 by Farmer</p> <p>Senior Citizens - As introduced, authorizes zoning consideration of temporary family healthcare structures. - Amends TCA Title 13; Title 68 and Title 71.</p> <p>Summary: (See note below.) This bill does not authorize zoning consideration of a temporary family healthcare structure; it requires a local zoning ordinance to permit the structure as an accessory structure in any district zoned for single family dwellings. This constitutes a state mandate to allow these type structures regardless of the desires of</p>	<p>House: Introduced; referred to Health Subcomm.; on calendar for 3-1; deferred to 3-8; on calendar; deferred to 3-15; on calendar;</p>

<p>the local government. There are numerous requirements placed on such structures as a part of the bill some of which probably parallel current local zoning requirements for accessory structures, but not all would be. Two elements that could negatively impact local governments include a \$100 limitation on any fee that might be charged for the permit to locate the structure, and it installs the local planning commission as the enforcing entity for the structures. This ignores the fact that most zoning enforcement actions are carried out by a zoning administrator or building inspector within the local codes department. This bill injects state requirements into a locally adopted zoning ordinance.</p> <p>Note: The bill is passing with an amendment. The amendment re-writes the bill and makes it permissive for local zoning, removes the planning commission as the enforcing agency and replaces it with the codes department, provides for penalties for failure to remove the structure when it is no longer needed, plus other non-zoning factors.</p> <p>Transmitted to Governor.</p>	<p>passed; on full committee for 3-23; deferred to 3-30; passed; referred to Local Govt. Comm.; on calendar for 4-6; passed; referred to Finance; on subcommittee calendar for 4-13; passed; passed full committee; on floor calendar for 4-18; passed House;</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 3-29; passed; on floor calendar for 4-11; passed Senate;</p>
ANNEXATION	
<p>SB 1817 by Jackson / HB 2307 by Eldridge</p> <p>Annexation - As introduced, deletes the limitation allowing noncontiguous annexation by resolution to occur in only a county 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. - Amends TCA Title 6, Chapter 51, Part 1.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 3-9; deferred to 3-16; on calendar; deferred to</p>

<p>Summary: Last year, an annexation bill was passed that allows, in part, the annexation of territory that is not attached in any way to the existing corporate limits of the city. Due to the population description, it only applied to one county. This bill will make the annexation of non-contiguous territory apply statewide if the territory 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. Owner permission is required.</p>	<p>3-23; passed; on full committee calendar for 3-29; deferred to 4-6; on calendar; taken off notice and withdrawn.</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 3-22; deferred; on calendar for 3-29; passed; held in Calendar Comm.;</p>
<p>SB 2428 by Crowe / HB 2242 by VanHuss</p> <p>Annexation - As introduced, deletes the authority to annex by resolution certain territory for any county 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. - Amends TCA Section 6-51-104.</p> <p>Summary: This bill does the same as the bill above, SB1817.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 3-16; deferred 3-23; taken off notice.</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 3-22; deferred to 3-29; on calendar; placed in General Subcomm.</p>

<p>SB 2261 by Beavers / HB 2243 by Van Huss No action taken.</p> <p>Annexation - As introduced, authorizes the notice of the adoption of the plan of services to be published on the newspaper's web site in addition to the newspaper of general circulation. - Amends TCA Title 6, Chapter 51</p> <p>Note: This is a caption bill. Rep. Van Huss has indicated that he does have plans for the bill. He wasn't ready to reveal anything.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; no action taken.</p> <p>Senate: Introduced; referred to State & Local Comm.; no action taken.</p>
<p>SB 2583 by Norris / HB 2587 by Todd</p> <p>Annexation - As introduced, authorizes counties and municipalities to amend growth plans as often as necessary. - Amends TCA Title 6, Chapter 58.</p> <p>Note: In presenting this bill on the House floor the sponsor spoke about the original intent of PC 1101 to be a 20-year plan that would expire after 20 years (his interpretation). He then explained that he has found out that the law does not expire in 20 years. So, he laid the bill on the desk and vowed to come back next year and repeal the law.</p> <p>Summary: This bill includes a number of provisions dealing with growth plans as follows:</p> <ul style="list-style-type: none"> • A growth plan may be amended as often as deemed necessary by the county and municipalities • An amendment retracting an urban growth boundary and affecting only the municipality proposing it shall not require the county mayor to reconvene or reestablish the coordinating committee but shall be submitted to the county legislative body and to the governing body of the municipality proposing it for their approval or disapproval within six (6) months of the date the county mayor receives notice of the amendment. • After July 1, 2016, the county mayor shall take appropriate action to reconvene or establish the coordinating committee at least once every five (5) years to review and revise or readopt the growth plan • After July 1, 2018, eligibility for the loan and grant programs listed in § 6-58-110 shall lapse for those counties and municipalities with growth plans that are more than five (5) years old. This subdivision (d)(2) shall not apply in any county having a population according to the most recent decennial census that is within five percent (5%) and two thousand five hundred (2,500) of its population in the preceding decennial census; 	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 2-24; passed; on full committee calendar for 3-1; passed; on House floor calendar for 3-17; held on desk; Rep. Todd has indicated that he will put the bill on notice next week; on calendar for 4-19; rolled to next calendar; on calendar for 4-20; laid back on desk stopping all action.</p>

<p>however, the county mayor of any such county shall take appropriate action to reconvene or reestablish the coordinating committee within one (1) year of each future decennial census to review and revise or readopt the growth plan within three (3) years of such census; otherwise, eligibility for the loan and grant programs listed in § 6-58-110 shall lapse</p> <ul style="list-style-type: none"> • The procedures for amending the growth plan shall be the same as the procedures in this section for establishing the original plan. The burden of proving the reasonableness and necessity of the proposed amendment shall be upon the party proposing the change • It is the duty of the coordinating committee to submit the proposed amendment with its recommendation either for or against the amendment to the county legislative body and to the governing body of each municipality within the county for their approval or disapproval within six (6) months of the date of the coordinating committee’s first meeting on the proposed amendment. 	<p>Senate: Introduced; referred to State & Local Gov. Comm.; on calendar for 3-8; deferred to 3-15; on calendar; deferred to 3-22; deferred to 3-29; on calendar; passed; on floor calendar for 4-6; passed.</p>
<p>SB 2367 by Watson / HB 2382 by Carter</p> <p>Annexation - As introduced, defines "property being used primarily for agricultural purposes" for purposes of annexation. - Amends TCA Title 6.</p> <p>Summary: This bill attempts to define “property being used for agricultural purposes” in annexation procedures. It is the same as a bill from last year that did not pass.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.;</p> <p>Senate: Introduced; referred to State & Local Comm.; on calendar for 3-15; placed in General Subcomm. stopping action.</p>
<p>Note: The bill was amended in the House and was re-referred to the Senate State and Local Committee. The committee deferred the bill for summer study.</p> <p>SB 0749 by Watson / HB 0779 by Carter</p>	<p>Status</p> <p>House – Introduced; referred to Local Gov. Subcommittee; on calendar for 3-25; on</p>

<p>Municipal Government - As introduced, abolishes deannexation by ordinance; requires the reallocation of certain municipal highway funds if a municipality deannexes city roadways; revises various other provisions governing deannexation. - Amends TCA Title 6, Chapter 51 and Title 54.</p> <p>Generally under present law:</p> <p>(1) Any incorporated city or town may, after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory. Such contraction of limits must be approved by a majority of the total membership of the city legislative body;</p> <p>(2) The contraction of limits described in (1) above may not occur if opposed by a majority of the voters residing within the area to be deannexed. The concurrence of a majority of the voters is presumed unless a petition objection to deannexation signed by 10 percent of the registered voters residing within such area is filed and a referendum held;</p> <p>(3) Any incorporated city or town may contract its limits within any given territory if 3/4 of the qualified voters voting in an election assent to such contraction; and</p> <p>(4) The election described in (3) above must be held under the provisions of an ordinance to be passed for that purpose, and a full report of the election must be spread upon the minutes of the board, if the contraction is assented to, and in the report the metes and bounds of the territory to be excluded must be fully set forth.</p> <p>This bill removes (1), (2), and (4) above and revises (3) to only require a majority vote of the qualified voters voting in an election to assent to any incorporated municipality contracting its limits.</p> <p>Under this bill, whenever 10 percent or more of the registered voters of any incorporated municipality petition the county election commission that an election be held of the qualified voters, submitting to them the question of "deannexation" or "no deannexation," the commission must hold an election in the municipality to ascertain the will of the municipality as to deannexation from the municipality. Such election will be scheduled to coincide with the next citywide or countywide election, primary, or referendum that is held at least 45 days after the petitions for deannexation are filed with the election commission. If a majority of the voters fail to approve the deannexation referendum, no further election</p>	<p>calendar for 4-1; passed with amendment; on full committee calendar for 4-7; passed; referred to Finance Comm.; on subcommittee calendar for 4-14; passed with a 7-5 split vote; referred to full committee; reset for final calendar; bill deferred to 2016. On calendar for 2-23; deferred to 3-1; on calendar; passed with amendment; on House floor for 3-14; passed House with amendments.</p> <p>Senate – Introduced; referred to State & Local Gov. Committee; on calendar for 3-24; passed with amendment; now in Calendar Committee; on floor calendar for</p>
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<p>may be held on the issue for 36 months.</p> <p>Under present law, funds in the municipal street aid fund are distributed to eligible municipalities monthly by the commissioner of finance and administration in proportion as the population of each municipality bears to the aggregate population of all municipalities. This bill adds that, in the case of any street deannexed by a municipality on or after May 1, 1998, the municipality must submit a map of the deannexed area to the commissioner, and the commissioner will have the duty to revise and reallocate any funds to the appropriate municipality or county for the purposes of street improvement in the deannexed area.</p> <p>This bill prohibits a municipality from deannexing territory containing any public way, such as a street or tunnel, that is dedicated to public use and maintained for general public travel without approval by a 2/3 vote of the county legislative body.</p> <p>Summary of Amendment – The bill now provides:</p> <ul style="list-style-type: none"> • That application of the bill is limited to the deannexation provisions to the following cities: Monteagle, Kingsport, Johnson City, Chattanooga, Knoxville, and Memphis. • That the contraction provisions apply to annexation that became operative or effective on or after May 1, 1989. This amendment further specifies that the petition the bill requires to be filed by the registered voters calling for an election for deannexation must contain the ordinance that annexed the territory, which must include the same map used to annex the territory. It clarifies that no additions or deletions from the original map used by the municipality is permitted, except that, prior to the election, any commercial or industrial properties located within the territory may be excluded from the proposed deannexation by resolution of the municipal legislative body. This amendment also clarifies that only the registered voters residing within the plat set forth in the map may vote in the election. • That the petition for deannexation be filed not less than 75 days before next scheduled citywide or countywide election, primary election, or referendum. Under the bill, the county election commission, upon receipt of the petition, must hold an election on the petition to coincide with the next citywide or countywide election, primary, or referendum that is held at least 45 days after the petition is filed. This amendment changes that time period to at least 75 days after the petition is 	<p>4-22-15; re-referred to Calendar Committee. back on Senate calendar for 3-21-16; re-referred to State and Local; on calendar for 3-29; deferred for summer study stopping action for the year.</p>
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filed. Under this amendment, the municipality must determine the debt amount not less than 30 days prior to the election.

- That the operative date of the deannexation, if a majority of voters approve the deannexation, will be 30 days after the date the county election commission makes its official canvass of the election returns.
- That if a majority of voters fail to approve the deannexation referendum, no further election may be held on the issue for 36 months. This amendment does not specify when another election may be held on the issue, but it does repeal the provisions of the bill setting forth this deannexation procedure on July 1, 2019.
- That the present law requirement, which this bill would have deleted, that the report of the election, setting forth the metes and bounds of the territory to be excluded, be spread upon the minutes of the board. This amendment reduces from 3/4 vote to a majority the vote needed for this to happen.
- Under present law, a municipality may continue to levy and collect taxes on property in the deannexed territory to pay for the deannexed territory's proportion of any debt contracted prior to the deannexation. This amendment revises this provision to apply to debt issued "during the annexed period". This amendment requires the municipality to make a showing that the debt arises out of public improvements made to the deannexed territory to continue to levy and collect taxes in the territory.
- That the map of any streets deannexed after May 1, 1998, must be submitted to the commissioner of finance and administration within six months of the effective date of this bill. This amendment specifies that the commissioner has one year from the submission of such map to revise and reallocate any funds as required by the bill. This amendment adds that prior to any reallocation of funds by the commissioner, a municipality may by a 2/3 vote of its legislative body rescind the deannexation of the street, if the rescindment is accomplished within six months of the effective date of the act.
- Present law, enacted in 2015, authorizes 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:

(1) To be used for industrial or commercial purposes or future residential development; or

<p>(2) Owned by one or more governmental agencies.</p> <p>This amendment revises (1) above to require that the territory be utilized for a industrial or commercial purpose or residential development.</p> <p>Under present law, these provisions for annexation of nonadjoining territory only apply to a county 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. This amendment removes this restriction, thereby making the provisions applicable statewide.</p> <ul style="list-style-type: none"> • Another amendment removes Johnson City from this bill. 	
<p>CODES</p>	
<p>SB 2300 by Kyle / <u>HB 1932 by White M</u></p> <p>Real Property - As introduced, 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. - Amends TCA Title 13, Chapter 6.</p> <p>Summary: Under present law, the Neighborhood Preservation Act requires the owner of residential rental property or an unoccupied residence to maintain the exterior of such property and the lot on which the residential rental property or unoccupied residence is located at a level which is no less than the community standards of the residential property in the area. This bill extends the Act to also apply to occupied residences.</p> <p>Signed by Governor.</p>	<p>House: Introduced; referred to Civil Justice Subcomm.; passed Subcomm.; on full committee calendar for 2-16; passed; on floor calendar for 2-25; passed House.</p> <p>Senate: Introduced, referred to State & Local Gov. Comm.; on calendar for 2-16; passed; on Senate consent calendar for 2-22; reset for 3-2;</p>

	<p>reset for 3-16; on regular calendar for 3-21; house bill substituted and passed; transmitted to governor;</p>
<p>SB 2173 by Tate / HB 2235 by Cooper</p> <p>Real Property - As introduced, increases, from 90 days to 115 days, the period in which the owner of property determined to be blighted or deteriorated has to abate the conditions. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 13; Title 66 and Title 67.</p>	<p>House: Introduced; referred to Local Gov. Subcomm.; on calendar for 2-17; taken off notice in subcommittee stopping action.</p> <p>Senate: Introduced; referred to State & Local Gov. Comm.; no action taken.</p>
TRANSPORTATION	
<p>SB 1467 by McNally / HB 1525 by Matlock</p> <p>Public Funds and Financing - As introduced, prohibits state funds for metropolitan transportation planning from being released to, or expended by, a metropolitan planning organization (MPO) unless the MPO's policy board ensures that the number of votes for any local government official is equally weighted and that one voting member residing within the MPO's boundaries is chosen by the Tennessee county highway officials association. - Amends TCA Title 9, Chapter 4, Part 51 and Title 64, Chapter 8, Part 3.</p> <p>Summary: This bill is apparently directed at the Nashville MPO based on the assumption that the MPO is not in compliance with the bill passed last year affecting membership and voting by MPOs.</p>	<p>House: referred to Transportation Subcomm.; on calendar for 3-2; passed; on full committee calendar for 3-8; deferred to 3-15; on calendar; deferred to 3-22; passed with amendment; referred to Finance Comm.; on</p>

<p>The bill was amended in House committee to state that no funds can be expended unless the board meets the requirements of TCA § 64-8-301 and provides that if any requirements are in violation of 23 U.S.C. § 134, the federal law will control.</p> <p>Note: There was interesting testimony in Senate Finance when the bill was brought up for discussion. The bill was introduced to affect only the Nashville MPO, and that is the way it was explained. However, Senator Overbey raised a question about all the other MPOs across the state, so TDOT was asked to testify. The Chief Legal Counsel of TDOT testified that the Commissioner had been advised by the Federal Highway Administration that if TDOT withheld funds from the Nashville MPO, the feds would withhold all planning funds across the state thereby affecting all MPOs. That is what stopped the bill.</p>	<p>Subcomm. calendar for 4-6; passed; on full committee for 4-12; deferred to 4-18; on calendar; taken off notice likely stopping action;</p> <p>Senate: Introduced; referred to Finance Committee; on calendar for 3-15; deferred to 3-22; deferred to 3-29; on calendar; deferred to 4-5; on calendar; deferred to 4-12; on calendar; deferred to 4-18; deferred to 4-19; placed in General Subcommittee stopping all action.</p>
<p>SB 1684 by Bowling /HB 1508 by Rogers</p> <p>Highways, Roads and Bridges - As introduced, enacts the "Express Transportation Act." - AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 9; Title 54; Title 55; Title 64; Title 65 and Title 67, relative to maximizing roadway capacity and mobility in corridors connected to Nashville.</p> <p>Summary: The act may be cited as the Express Transportation Act and allows the conversion of an existing HOV lane to a toll or toll way facility. It: Expands the purpose of pilot programs to include the use of</p>	<p>House: Introduced; referred to Transportation Subcomm.; on calendar for 2-17; deferred to 3-2; on calendar; passed with amendment; on full committee calendar</p>

<p>tollways and toll facilities as a tool for managing traffic; (2) Adds that existing HOV lanes on highways, bridges, or other transportation-related facilities may be converted to tollways or toll facilities, regardless of when it was constructed; (3) Urges rather than requires the department to identify and initiate development of pilot projects as soon as reasonably practical, and other features.</p>	<p>for 3-8; passed; referred to Finance Subcomm.; on for 3-16; defer to 3-23; placed behind the budget; on subcommittee calendar for 4-18; taken off notice likely stopping action.</p> <p>Senate: Introduced; referred to Transportation Comm.; on calendar for 2-22; deferred to final calendar; reset for 3-7; passed and referred to Finance Comm.; on calendar for 3-22; passed with amendment; referred to Calendar Committee;</p>
<p>SB 1716 by Gardenhire / HB 1650 by Carter</p> <p>Taxes, Gasoline, Petroleum Products - As introduced, restricts the use of state gasoline tax revenues distributed to the highway fund, counties, and cities to the construction, improvement, and maintenance of</p>	<p>House: Introduced; referred to Transportation Subcomm.; on calendar for 1-27; on</p>

highways and bridges; prohibits the use of such revenue for pedestrian, bicycle, and other non-vehicular facilities. - Amends TCA Title 9; Title 54; Title 55 and Title 67, Chapter 3.

Summary: This bill arises from some kind of conflict in Hamilton County over multi-modal projects. The intent is to limit the expenditure of gas tax monies to roads and bridges. The bill has been amended in subcommittee. The substance of the amendment is:

(A) For public roads with a posted speed limit greater than thirty-five (35) miles per hour, no revenues from the gasoline tax distributed to the counties, cities, and highway fund pursuant to subsection (b) shall be used for the construction of pedestrian and bicycle trails and paths; parks; greenways; and similar facilities open to the use of the public for non-vehicular travel, except that such revenues may be used for the construction, improvement, or maintenance of sidewalks;

(B) For new or reconstructed roads with a proposed posted speed limit of thirty-five (35) miles per hour or less, no revenue from the gasoline tax distributed to the counties, cities, and highway fund pursuant to subsection (b) shall be used for the construction of a new dedicated bicycle lane unless the work is part of the larger highway improvement project and the bicycle lane serves a transportation purpose supported by an engineering analysis.

More details are contained in the amendment.

calendar for 2-10; deferred to 2-17; on calendar; deferred to 2-24; on calendar for 3-2; deferred to 3-9; passed with amendment; on calendar for full committee for 3-15; passed; referred to Finance Subcomm.; on calendar for 3-30; deferred to 4-6; deferred to 4-12; on calendar; passed; on full committee calendar for 4-12; passed; taken off notice in Calendar Committee likely stopping action.

Senate: Introduced; referred to Finance Comm.; referred to Subcomm.; on calendar for 3-1; referred to full committee with

	<p>amendment and a negative recommendation; on calendar for 3-15; defer to 3-22; deferred to 4-12; on calendar; deferred to 4-13; deferred to 4-18; referred to summer study stopping all action.</p>
<p>SB 1953 by Yarbro / HB 2022 by Beck</p> <p>Mass Transit - As introduced, authorizes the department of transportation to construct and operate a mass transit system on the shoulder of a state or interstate highway; authorizes the department to enter into a contractual arrangement with a public transportation provider to operate the system. - Amends TCA Title 5; Title 6; Title 7; Title 9; Title 54; Title 55; Title 64 and Title 65.</p> <p>Amended in Committee on 2-17. Summary: The amendment re-writes the bill. It provides:</p> <ul style="list-style-type: none"> • Authorizes the Department of Transportation (TDOT) to construct or improve the shoulder or right-of-way of state and interstate highway for the operation of buses and to enter into a contractual arrangement to authorize one or more publicly owned mass transit agencies to operate such buses • Authorizes publicly owned mass transit agencies, upon being authorized by the Department, to operate the buses or contract with private operators • Authorizes TDOT to identify sources of funding for operation and construction of the system, and to establish necessary procedures for the safety of passengers and vehicles on or adjacent to the system. • Two other clarifying amendments were also adopted. 	<p>House: Introduced; referred to Transportation Subcomm.; on calendar for 2-10; deferred to 2-17; on calendar; deferred to 2-24; on calendar for 3-1; passed with amendment; referred to Finance Subcomm.; on calendar for 3-9; deferred to 3-16; on calendar; passed; on full committee for 3-22; passed with amendment; on</p>

	<p>House floor for 4-6; deferred to 4-11; on calendar; passed House;</p> <p>Senate: Introduced; referred to Transportation Comm.; on calendar for 2-8; deferred to 2-17; on calendar; passed with amendment referred to Finance Comm.; on calendar for 3-1; deferred to 3-8; on calendar; deferred to 3-15; on calendar; passed; passed Senate on 3-23;</p>
OTHER	
<p>SB 1885 by Stevens / HB 1673 by Marsh</p> <p>Hotels and Restaurants - As introduced, clarifies that certain requirements that apply to hotels and places of public accommodation do not apply to short-term rental units. - Amends TCA Title 5; Title 6; Title 7; Title 13; Title 56; Title 62; Title 66; Title 67 and Title 68.</p> <p>Summary: The most egregious parts for local regulation are as follows:</p>	<p>House: Introduced; referred to Business & Utilities Subcommittee; on calendar for 3-15, taken off notice likely stopping all action.</p>

<ul style="list-style-type: none"> • The general assembly preempts any regulation by local governing bodies... • This chapter shall supersede all ordinances or regulations of local governing body that purport to regulate on-line lodging units (an AirBnb)... • It amends TCA § 13-7 Part 1 and Part 2 by stating that “Notwithstanding any law to the contrary, an on-line lodging unit as defined shall be deemed consistent with residential use, shall be authorized in any zoning district allowing residential use, and shall not be deemed a hotel, motel, bed and breakfast...”. • It also applies in condominium developments or developments with homeowners’ associations. 	<p>Senate: Introduced; referred to Commerce and Labor Committee; on calendar for 3-22; deferred to summer study stopping all action.</p>
<p>SB 0405 by Overbey/HB 610 by Carter</p> <p>Real Property - As introduced, enacts the "Tennessee Homeowners Association Act." - Amends TCA Title 66.</p> <p>Summary – This bill is brought by the Tennessee Bar Association to address issues related to homeowners associations in planned developments of single family detached homes. These type developments are not covered by the Tennessee Condominium Act. The bill basically addresses the organization and operation of an HOA, and it requires that certain types of information be provided upon request for purchasers, procedures for amending the declaration, and procedures for reactivating an inactive HOA.</p> <p>A 39 page amendment has been drafted.</p>	<p>Status</p> <p>House – Introduced; referred to Business & Utilities Subcommittee; on calendar for 3-24; deferred til 3-31; deferred until 2016. Now it is back up and on Subcomm calendar for 2-16; deferred to 3-1; on calendar; taken off notice while a new amendment is drafted; on calendar for 3-15; deferred for summer study stopping action.</p>

	<p>Senate – Introduced; referred to Commerce and Labor Committee; on calendar for 3-10; deferred to 3-24; on calendar for 3-24; deferred til 3-31-15; taken off notice; put back on the calendar for 3-15; deferred to 3-22; placed in General Subcommittee stopping action.</p>
<p>SB 2369 by Watson / HB 2387 by Carter</p> <p>Eminent Domain - As introduced, permits 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 be paid to a successful plaintiff in addition to any damages awarded. - Amends TCA Title 5; Title 6; Title 7; Title 13; Title 29; Title 42, Chapter 6 and Title 44.</p> <p>Summary: This is a very dangerous bill that would require a local government (or state regulatory agency) to pay damages for any regulatory action (rezoning) that may lower the value of a piece of property if a jury finds that a taking has occurred. A regulatory taking is defined as: (A) Deprivation of all economically beneficial use of the land; (B) Permanent physical invasion of the land; or (C) Diminishment of property values, including, but not limited to, interference with distinct investment-backed expectations. Item C is the big problem. This goes beyond the standards for a taking as decided by the US Supreme Court.</p>	<p>House: Introduced; referred to Civil Justice Subcomm.; on calendar for 2-10; deferred to 2-24; on calendar; taken off notice likely stopping action.</p> <p>Senate: Introduced; referred to Judiciary Comm.; no action taken.</p>

<p>SB 1481 by Haile / HB 1507) by Rogers</p> <p>Attorney General and Reporter - As introduced, directs the office of the attorney general to prepare a statement of a property owner's rights during any condemnation proceeding and to post the statement on its web site; 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. - Amends TCA Title 29, Chapter 17 and Title 29, Chapter 16.</p>	<p>House: Introduced; referred to Civil Justice Subcomm.; no action taken.</p> <p>Senate: Introduced; referred to Judiciary Committee; placed in General Subcommittee stopping action;</p>
<p>SB 1916 by Dickerson / HB 1798 by *Clemmons</p> <p>Real Property - As introduced, 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. - Amends TCA Title 66, Chapter 27, Part 1.</p> <p>Summary: There are two condominium laws in state law. The first was adopted way back in the 1970s to authorize condominium projects with some controls in place. The second one was adopted in 2008 to modernize the act and provisions. This bill simply provides that when a conflict occurs between the application of the two laws, the 2008 act applies.</p>	<p>House: Introduced; referred to Business and Utilities Subcomm.; on calendar for 3-8; taken off notice.</p> <p>Senate: Introduced; referred to Commerce Comm.; on calendar for 3-8; recalled from committee and withdrawn.</p>
<p>SB 0459 by Bell / HB 0185 by Butt No action was taken.</p>	<p>Status</p>

<p>This one is back from last year.</p> <p>Personal Property - As introduced, prohibits the state or any political subdivision from adopting or implementing any policy recommendation that intentionally or inadvertently infringes upon or restricts private property rights without due process of law; repeals any law in conflict with the act and prohibits contracts that are in conflict with the act from being entered into or renewed on or after the effective date of the act. - Amends TCA Title 12, Chapter 1, Part 2 and Title 66.</p> <p>Summary – At first blush, this appears to be another anti-agenda 21 bill. However, it could endanger many sustainable development provisions in subdivision regulations and zoning ordinances. At this time the seriousness of this bill is open to discussion. It provides:</p> <ul style="list-style-type: none"> • The state or any political subdivision of the state shall not adopt or implement any policy recommendation that intentionally or inadvertently infringes upon or restricts private property rights without due process of law • Even if required by recommendations originating in or traceable to a policy statement for sustainable development adopted in 1992 at the Conference on Environment and Development by an organization composed of representatives of multiple nations or any other international law or plan of action that contravenes the United States Constitution or the Constitution of Tennessee • The state or any political subdivision of the state shall not enter into any agreement, expend any sum of money, receive funds for contracting services, or give financial aid to or receive such aid from nongovernmental and intergovernmental organizations engaging in such policy implementation • Any existing statute, ordinance, rule, regulation, or other similar agreement in conflict with this act is hereby repealed and is of no effect • No contract in conflict with this act shall be entered into or renewed on or after its effective date. 	<p>House – Introduced; referred to State Gov. Subcommittee; on calendar for 3-25; deferred til 4-1; off notice until January 2016. On calendar for 1-27-16; reset for final calendar; on calendar for 3-23; taken off notice stopping action.</p> <p>Senate – referred to Judiciary Comm.; on calendar for 3-24; deferred til 4-1; deferred; on calendar for 4-6-15; placed in General Subcommittee stopping action.</p>
<p>SB 2354 by Dickerson / HB 2295 by Beck</p> <p>Mining and Quarrying - As introduced, adds limestone to the definition of "mineral" for purposes of applying the requirements of the Tennessee Mineral Surface Mining Law of 1972 to limestone; prohibits the issuance of a permit to conduct surface mining on land that is located within 2,000 feet of a property line of a park or</p>	<p>House: Introduced; referred to the AG and Natural Resources Subcomm.; on</p>

<p>community education center, 500 feet of any other property line, 1,200 feet of a residential structure, or one mile of a dam. - Amends TCA Title 13, Chapter 7; Title 59; Title 69, Chapter 11 and Title 69, Chapter 3.</p> <p>Summary: This bill as well the next two by Dickerson and Beck arise out of a controversy in Metro Nashville over a rock quarry proposed to be located in close proximity to the Old Hickory Dam and a recreation area plus some residential development. The local forces are attempting to stop the quarry from opening.</p>	<p>calendar for 3-15; taken off notice stopping action.</p> <p>Senate: Introduced; referred to Energy, Ag, & Natural Resources Comm.; on calendar for 3-14; placed in General Subcommittee stopping action.</p>
<p>SB 2356 by *Dickerson (HB 2293) by *Beck</p> <p>Mining and Quarrying - As introduced, prohibits the issuance of a permit in relation to the operation of a rock quarry on land that is located within 2,000 feet of a property line of a park or community education center, 500 feet of any other property line, or 1,200 feet of a residential structure. - Amends TCA Title 59; Title 69, Chapter 11 and Title 69, Chapter 3.</p>	<p>House: Introduced; referred to the AG and Natural Resources Subcomm.; on calendar for 3-15; failed for lack of a second.</p> <p>Senate: Introduced; referred to Energy, Ag, & Natural Resources Comm.; on calendar for 3-14; placed in General</p>

	Subcomm. stopping action.
<p>SB 2357 by Dickerson / HB 2292 by Beck</p> <p>Mining and Quarrying - As introduced, enacts the "Dam Safety Act" to prohibit the issuance of a permit to conduct surface mining on land that is located within one mile of a dam operated by the U.S. army corps of engineers. - Amends TCA Title 59; Title 69, Chapter 11 and Title 69, Chapter 3.</p> <p>Summary: This bill is directed at a situation in Metro Nashville where a rock quarry is proposed less than a mile from Old Hickory Dam. The dam was constructed in the 1950s, and there is great concern about the effect of blasting in the bed rock on the integrity of the old dam.</p>	<p>House: Introduced; referred to the AG and Natural Resources Subcomm.; on calendar for 2-16; deferred to 3-1 on calendar; deferred to 3-8; on calendar; failed.</p> <p>Senate: Introduced; referred to Energy, Ag, & Natural Resources Comm.; on calendar for 2-22; deferred to 2-29; on calendar deferred to 3-7; on calendar; deferred to 3-14; deferred;</p>
<p>SB 1828 by Southerland / HB 1789 by Keisling</p> <p>Highway Signs - As introduced, extends the time, from 180 days to two years, in which a person granted a permit authorizing a digital billboard has to erect and begin displaying an advertising message before revocation of the permit. - Amends TCA Title 54, Chapter 21.</p>	<p>House: Introduced; referred to Transportation Subcomm.; passed subcommittee; on full</p>

<p>Summary: The obvious intent with this bill is to give billboard companies much more time to erect a digital billboard.</p> <p>The bill was amended. It now:</p> <ul style="list-style-type: none"> • Requires digital billboards to be erected and begin displaying an outdoor advertising message within 12 months instead of 180 days after the date on which a permit is granted. • Authorizes the permit owner to obtain an additional 12 months of time to install an outdoor advertising message sign upon payment of an additional \$200 permit fee that is separate from any annual permit renewal fee <p>Signed by Governor.</p>	<p>committee calendar for 2-16; passed with amendment; on House floor 3-7; passed.</p> <p>Senate: Introduced; referred to Commerce Comm.; recalled and referred to Transportation; on calendar for 3-7; passed;</p>
<p>SB 1915 by Dickerson / HB 1966 by Mitchell</p> <p>Gas, Petroleum Products, Volatile Oils - As introduced, prohibits the construction of a gas compressor on land that is located within one mile of a public park. - Amends TCA Title 68.</p> <p>Summary: Another controversy out of Metro Nashville deals with gas compressors. Two such compressors have been proposed. The public and local officials are fighting the locations.</p>	<p>House: Introduced; referred to Ag, & Natural Resources Subcomm.; on calendar for 3-1; deferred to 3-8; on calendar; on calendar for 3-15; taken off notice stopping action.</p> <p>Senate: Introduced; referred to Energy, Ag, & Natural Resources Comm.; on</p>

	calendar for 3-7; deferred to 3-14; on calendar; placed in General Subcomm. stopping action.
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Key to Terms:

Taken Off Notice – The terminology used in the House to remove a bill from consideration in committee. Bills can put back on notice. This action is generally taken when the sponsor detects that the votes are not there to pass the bill.

Placed in General Subcommittee – The terminology used in the Senate to accomplish the same thing.

Held on Desk – An action to hold a bill for another consideration. Bills can be left on the desk or taken off to take an action.