

SENATE BILL 2109

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 13, relative to the Tennessee Historic
Properties Act.

WHEREAS, there are a significant number of real properties, buildings, monuments, and plaques that are owned by the State of Tennessee, political subdivisions of the state, not for profit entities, or third parties that have historical significance; and

WHEREAS, the General Assembly has previously recognized the significance and public value of some of these historical properties through passage of the Tennessee Historic Preservation Act; and

WHEREAS, notwithstanding the enactment of the Historic Preservation Act, the General Assembly finds that these properties, so long as they are not classified and defined as being owned by the State are, or may continue to be, in jeopardy of loss, destruction, or exploitation, particularly by political subdivisions of the State; and

WHEREAS, the General Assembly hereby declares that any and all such historically significant properties are and should be protected as valuable public resources; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 13, is amended by adding the following as a new part:

4-13-1. This part shall be known as the "Tennessee Historic Properties Act."

This part must be liberally construed to effect its purposes and must be retroactively applied to the maximum extent authorized under law to effect its purposes.

4-13-2. As used in this part, "historic properties" means:

(1) All properties, whether real or personal, that fall within the scope of the Tennessee heritage protection act, compiled in § 4-1-412, and that are owned in whole or in part by this state;

(2) All properties, whether real or personal, that fall within the scope of the Tennessee Heritage Protection Act, codified in § 4-1-412, and that are owned in whole or in part by any political subdivision of the state, including any cities, counties, or counties with a metropolitan form of government; and

(3) All properties, whether real or personal, that were owned at any point on or after April 1, 2013, in whole or in part by any political subdivision of the state, including any cities, counties, or counties with a metropolitan form of government, which properties would, if owned as of the effective date of this act, fall within the scope of the Tennessee Heritage Protection Act.

4-13- 3.

(a) Title to all historic properties under § 4-13- 2(1) must be held in the name of the state of Tennessee.

(b) Title to all historic properties under § 4-13- 2(2) must be amended to designate the state of Tennessee as a joint owner.

(c) Title to all historic properties under § 4-13- 2(3), once reacquired pursuant to § 4-13- 4, must designate the state of Tennessee and the political subdivision that had been the prior owner as a joint owners.

4-13- 4. The Tennessee historical commission has the power of eminent domain for purposes of this part and shall bring an eminent domain action or other appropriate legal proceedings to recover for and on behalf of the state any and all historic properties described in § 4-13- 2(3). Upon acquisition of such historic properties, title must designate the state of Tennessee and the political subdivision that had been the prior owner as joint owners. All costs of such proceedings incurred by this

state must be charged to, and reimbursed to the state by, the political subdivision that conveyed its interests in such historic property.

4-13-5. The political subdivisions identified as a joint owner of the historic property by this part shall pay the costs of maintaining the historic property described in § 4-13-2(2) and (3).

4-13-6. Each political subdivision that has any ownership in a historic property under § 4-13-2(2) or (3) shall make an annual report to the governor of its performance of the duties imposed by this part.

4-13-7. A willful or knowing violation of this part or of the Tennessee Heritage Protection Act, codified in § 4-1-412, which transfers or attempts to transfer ownership or title of any historic property, or which has the effect of negatively impacting the historic recognition of such property, constitutes grounds for ouster from office for any officer of the political subdivision who causes such violation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.