



TENNESSEE COUNTY
SERVICES ASSOCIATION

Capitol Update - Week of March 7th

Bill on Immigration Status of K-12 Students Draws Protests

The Senate Education Committee this week was cleared after there were outbursts from groups in the audience protesting [SB836/HB793](#). That bill, sponsored by Senate Finance Chair Bo Watson and House Majority Leader William Lamberth, directs school systems and charter schools to require each student wishing to enroll to provide documentation establishing that the student is a U.S. citizen, in the process of obtaining citizenship or holds legal immigration or visa status. If the students cannot demonstrate that status, the school system can require them to pay tuition prior to enrolling in the public school.

In the 1982 case of *Plyler v. Doe*, the U.S. Supreme Court ruled that school systems cannot exclude children living in the United States from a free public education based on their immigration status. That opinion has been considered the law of the land in the decades since. An amendment added to SB 836 this week includes extensive “whereas” clauses explaining the rationale for the legislation and specifically citing the *Plyler* case. It is an indication that the sponsors want to distinguish the proposed legislation from the holding in the Supreme Court decision or perhaps see a challenge come back before the Supreme Court for reconsideration of the issue.

The bill narrowly passed the Senate committee on a 5-4 vote, drawing bi-partisan opposition. Sen. Raumesh Akbari, the only Democrat on the committee, spoke out forcefully against the measure during the debate. In the final tally, she was joined by three Republicans who also voted against the measure. After the bill was approved, there were loud outbursts from individuals in attendance in the committee, forcing the committee chair to call for the room to be cleared. The protestors marched out and left the Cordell Hull building, loudly chanting “We’ll be back! We’ll be back!” The bill was referred to the Finance Committee in the Senate, but is not scheduled for debate next week. In the House, the bill has been put on notice for the K-12 Subcommittee on Tuesday the 11th.

Other Education Measures

The House K-12 Subcommittee recommended a number of measures this week related to charter schools. [HB1322](#) authorizes a charter school operator that has at least one public charter school authorized by an LEA or the Tennessee public charter school commission to apply for “replication” of that school in the LEA in which the governing body is currently operating. Application could be made either to the LEA or directly to the state commission. This bill also authorizes sponsors of public charter schools in LEAs whose denials of public charter school applications have been overturned by the commission three or more times in a three-year period to apply directly to the commission. The measure was sent to the full Education Committee.



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A second bill, [HB997](#) prohibits a charter school authorized to operate in a county from charging tuition to a student who transfers to the school from another LEA (a municipal or special school district) located in the same county. This bill has already passed the Senate and now moves to the House Education Committee.

A third bill, [HB1163](#), directs the Department of Education to disburse funds generated by students in a public charter school directly to the charter school unless the school is authorized by the achievement school district or the public charter school commission. In those cases, the funds are disbursed to the authorizing authority. This bill has also passed the Senate and is scheduled for the House Education Committee.

Revenue Proposals

This week, the Senate State and Local Government Committee approved [SJR48](#) which ratifies a rate increase in 911 fees to \$1.86. The joint resolution heads to the Senate Finance Committee. Joint resolutions must proceed through one chamber prior to moving in the other house.

[HB 695](#) by Rep. Baum, which raises the cap on mineral severance tax by \$0.15 over a ten-year period was approved by the House Finance Subcommittee. The companion bill, SB889 by Senator Reeves, was likewise approved by the Senate State and Local Committee and referred to Finance. The current cap is \$0.15, so the bill effectively doubles the maximum tax rate. It would take a vote of the county commission to increase their current mineral severance tax to the new cap limits. This bill is a negotiated proposal supported by TCHOA, roadbuilders, and members of the aggregate industry.

[HB1329/SB1315](#) is a bill brought by Governor Lee's administration to reduce the fee charged by the Department of Revenue for collecting and remitting various taxes to local governments. This is a proposal that has been supported for several years by TCSA, specifically regarding the administrative fee on the local option sales tax. The cost of this reduction is included in the Governor's proposed budget. Since it is funded, the bill was approved this week by the House Finance Subcommittee and sent to the full Finance Committee. It is scheduled for consideration next week in the Senate State and Local Government Committee.

Senator Walley has [SB843](#) on notice for the Senate State and Local Government Committee next week. The bill was filed in response to a resolution received from one of his counties asking to return a portion of the real estate transfer tax to county governments. The companion bill in the House has been taken off notice, but both Senator Walley and the House sponsor, Rep. Kirk Haston, have signed on as co-sponsors to a similar proposal, [HB649/HB1080](#), supported by TCSA and sponsored by Rep. Pat Marsh and Senate Majority Leader Jack Johnson. That bill continues to be the subject of negotiations and discussions with House and Senate leadership about how it could be funded or phased in to reduce the immediate impact on the State's budget. It continues to garner numerous co-sponsors in each chamber. We encourage



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counties to keep asking their Representatives and Senators to sign-on to this bill and show support for the measure.

Highway Related Legislation

[HB770](#), which would have increased the maximum gross vehicle weight of a vehicle with an axle group of three axles to 85,000 pounds, failed in subcommittee this week in the House. The bill was not scheduled for discussion in the Senate.

A proposal to allow off-road utility vehicles to be driven on a state highway or county road if certain conditions are met is progressing in both chambers. [HB810/SB728](#) was approved by the House Transportation Subcommittee and Senate Transportation Committee this week.

A third proposal to allow county highway departments with a licensed engineer on staff to set speed limits has begun moving. The proposal, [HB975/SB954](#), is coming out of Montgomery County. The bill was approved by the House Transportation Subcommittee and sent to the full committee. It is scheduled for consideration in Senate Transportation next week.

County Commission Meetings

Two bills that affect how county commissions do their business both moved forward this week. [HB22/SB178](#), which amends the law regarding public comment periods, was approved in a mixed vote of the House State and Local Committee. The bill requires local governing bodies to allow speakers to talk about any subject germane to the county, rather than limiting presenters to items on the agenda for the meeting. The commission would still be allowed to limit the total amount of time for the comment period. The bill is headed to the House floor Monday night and is scheduled for consideration in the Senate State and Local Committee next week.

A proposal that has been before the General Assembly multiple times since the COVID pandemic is back again. [HB152/SB136](#) would allow electronic participation in a meeting by individual members of a county commission who have a medical or family emergency, have been called into active military duty or who cannot attend a meeting in person due to weather conditions. The bill requires county commissions to adopt these provisions by a $\frac{2}{3}$ vote for this process to apply in a county. Under the bill, commissioners could only participate electronically up to three times per year and must meet certain conditions. The bill is not yet on notice in the Senate.

Progress Toward Adjournment

In a sure sign that the session is progressing quickly, committees and subcommittees have been announcing dates for their final meetings and have set deadlines for sponsors to put their bills on notice for the year. In conjunction with how quickly both chambers are moving to review department and agency



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budgets, it appears the General Assembly is on track to adjourn in mid to late-April. There is speculation that the pace of business this year is partially motivated by the upcoming trial of former House Speaker Glen Casada. More than 20 Representatives and numerous House staff members have been subpoenaed in the case and could be called to testify once it gets underway. That trial is currently scheduled to begin on April 22nd.