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Weekly Legislative Update January 8-11, 2013

Tennessee legislators arrived in Nashville last Tuesday to begin the 108th General Assembly. As mandated by the Constitution, legislators held their organizational session during which they took the oath of office, elected speakers, adopted rules, formed new committees and elected three Constitutional Officers—Justin Wilson, Comptroller; Tre Hargett, Secretary of State; and David Lillard, State Treasurer.

The ninety-nine (99) member House of Representatives re-elected Beth Harwell as Speaker. This will be her second term as the first woman to preside over the Tennessee House. In the Senate, its thirty-three (33) members re-elected Ron Ramsey to his fourth term as Speaker and Lt. Governor. The collective ten years of leadership by Harwell and Ramsey is fledgling compared to the prior leadership of John S. Wilder, who presided over the Senate for nearly forty years (40), and Jimmy Naifeh who led the House for eighteen (18). Although new to these top posts, both Harwell and Ramsey are legislative veterans, intent on placing their marks on the history and practices of the General Assembly at a time when Tennessee voters initiated change through the election of thirty-one (31) new members. This is the largest freshman class elected to the legislature in modern history and means that fifty percent (50%) of the House membership has two years of experience or less. Both Ramsey and Harwell will use this transition period as an opportunity to implement reforms to the legislative process they believe the voters demanded at the ballot box.

One particularly significant component of the membership of this year's General Assembly is the Republican super-majority in both houses. Tennessee voters elected seventy (70) Republicans, twenty-eight (28) Democrats and one (1) Independent, to serve in the House. They elected eight (8) new members of the Senate, for a make-up of twenty-six (26) Republicans and seven (7) Democrats. A supermajority is two-thirds of the body. Thus, with Republicans holding seventy (70) and twenty-six (26) seats, they well exceed the required sixty-six (66) and twenty-two (22) votes needed for this dominant control in both bodies.

The first wave of changes initiated by Harwell was to restructure the committee system and to limit the number of bills which each house member can introduce. The purpose of this re-structure was to create committees with an evenly distributed number of bills so that legislation moves towards a regular May 1 adjournment. Thus, some less-busy committees were combined and committees with heavy bill rosters were split. The new House committees are: Agriculture and Environment; Business and Utilities; Civil Justice; Consumer and Human Resources; Criminal Justice; Education; Finance, Ways and Means; Government Operations; Health; Insurance and Banking; Local Government; State Government; and Transportation. Senate Committee structure remains unchanged.

The bill limit was originally proposed by Harwell as ten (10) bills per member. After much debate last week, this number was increased to fifteen (15) before being adopted into the rules. Harwell intends for this limit to save taxpayer resources by cutting down on staff work needed to prepare, summarize and assess the fiscal impact of frivolous bills and duplications. The exceptions built into this rule allow committees to work together and bring joint bills and allows members to carry the Governor's legislative package without penalizing their constituents. In response to this change, the clerks of both the House and Senate announced they would enforce the one-subject rule to prohibit members who did not get a bill in from tacking it onto someone else's bill as an amendment.

The Senate already has a nine-bill limit which is imposed after the third legislative day. But, this rule is less important in view of the hard House bill limit. Lt. Governor Ramsey announced that he is considering repealing the bill filing deadline, another move to focus on substantive legislation and to end the practice of caption bills (those with titles only which are written through the amendment process).

After rules were adopted and new committees appointed, legislators concluded the organizational session and took a two-week recess so that the newly-elected members could settle into their new offices and learn the process for the committees to which they were appointed. Some bills were introduced, but most will flood in when lawmakers return on January 28. New contact information can be found on the General Assembly web-page along with the new committee lists. There is also a smart phone app made available by a vendor for a small fee. (Search 108th General Assembly)

The pace for committee work this year will be swift. Governor Haslam will present his budget before the February 5, constitutional deadline. Thus, legislators will jump directly into budget hearings when they return. In order to conclude by May 1, the House will wrap-up subcommittee work by the third week of March. Ramsey has a more aggressive adjournment target than Harwell, April 19. But, either way both Speakers agree they will adjourn earlier than last year's May 4 conclusion.

The many changes and the aggressive adjournment targets will make 2013 a challenging year to discuss and pass legislation. Many groups are taking a "wait and see" approach to give them a change to see how the rule-changes play out and to get to know new legislators. But, important work needs to be done. Issues to be discussed this year include: access to guns and guns in schools; wine in grocery stores; health care funding; changes to the conservatorship process; compounding pharmacy practices in the wake of sickness and deaths resulting from tainted steroid injections; school funding and access to vouchers for private schools; and funding for the care the elder population.