

# CAPITOL UPDATE

## TCSA'S WEEKLY CAPITOL UPDATE



*Week of February 4-11, 2022*

### **Ground Ambulance Assessment**

The annual bill to levy an assessment on ambulance services was recommended by the House Insurance Committee this week and heads to the Finance Subcommittee from here.

The assessment is levied each year in the same manner as similar assessments on hospitals and nursing homes. The funds raised from these assessments are used to draw down additional federal funds through TennCare reimbursement. The bill (HB1719/SB1872) by Rep. Reedy and Sen. Yager will be heard next week by the Senate Commerce Committee on 2/15 and the House Finance Subcommittee on 2/16.

### **Limitations on Eminent Domain**

In response to complaints raised by his county that it is having difficulty getting timely publication of notice of meetings of the county commission in local papers, Rep. Cepicky of Maury County filed a bill (HB1677) this year to allow for alternative methods of providing notice.

Under the bill as amended, the county can post notice of meetings on the county's website when print publication of notices cannot be done in a timely manner, provided that the county also posts a notice at a location like the courthouse where the public is likely to see it. The bill passed the House unanimously Monday night, February 7th. It is expected to be heard for consideration in the Senate.

READ ON AND KEEP YOURSELF UPDATED!

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## Constables

Two bills related to constables started moving this week. The first, (HB1732) by Representative Hulsey, provides a method for suspension or removal of constables by criminal court judges under certain circumstances. As introduced, the bill requires a constable who is under indictment or who has been charged with a crime to be placed on administrative leave immediately by order of a judge. Upon conviction, the constable may be removed from office by order of the judge or through the process of ouster.

The bill was recommended to the Local Government Committee in the House by the Cities and Counties Subcommittee. The second bill, (HB1693) by Representative Campbell, adds the East Tennessee Constables Association to the list of entities eligible to provide in-service education and training for constables. It was likewise recommended by the subcommittee. Both bills will be heard by the Local Government Committee on the 15th.

## Conflicts of Interest

After provisions were amended in the 1981 Financial Management Act last year to simplify the conflicts of interests provisions in that act, the Comptroller's Office is supporting a bill (HB1704) this year to make similar changes to the County Purchasing Law of 1957. The proposed language prohibits county purchasing agents, members of the county purchasing commission, county commissioners and other officials of the county from having a direct interest in a contract or purchase order for supplies, materials, equipment or contractual services. If any of those covered individuals have an indirect interest in such purchases, they are required to disclose that interest.

A second bill that pertains to a specific type of conflict for county commissioners, (HB1684) by majority leader Rep. William Lamberth, is moving to the consent calendar in the House of Representatives. The bill makes a small modification to the conflicts of interest provision for county employees serving on the county commission. Under current law, a county employee or spouse of a county employee cannot vote on budgets or amendments that directly apply to their department. However, they are not prohibited from voting on the entire county budget, appropriation resolution or tax rate resolution. This bill would require them to declare their conflict when voting on one of these resolutions or an amendment to one of them. It is scheduled to be heard on a consent calendar on 2/14.



## School Board Compensation

Two bills were considered this week that related to school board compensation. The first, (HB1848) by Rep. Haston, requires the compensation of school board members to be included in the budget submitted to the county commission for approval. Currently the law says that school board compensation is “fixed by the county legislative body.” The bill also provides that the compensation shall not be reduced from the prior year. This bill was recommended by the K-12 Subcommittee and sent to the Education Administration Committee.

A second bill, (SB1679) by Sen. Gardenhire, requires a school board to be compensated at least as much as the local governing body (city council or county commission) for the school system. A fiscal note for the bill estimated that it could result in as much as \$1 million in new spending statewide. The bill generated a significant amount of discussion in the Senate Education Committee before it ultimately passed it out and sent it to the Finance Committee on a 5-2-2 (two abstentions) vote. While they all agreed that serving on the school board is a difficult and sometimes thankless job, several members of the committee expressed a reluctance to tell local jurisdictions how much to pay them. According to testimony in the committee, in some counties the school board already makes the same amount as county commissioners, while in other districts there is a significant difference between the two. The bill is not yet scheduled for a hearing in Senate Finance or in the House.

## Short Term Rentals

A proposed amendment made its way around the halls of the Cordell Hull Building this week that would rewrite the state laws on how short-term rentals (Airbnb, VRBO, etc.) can be regulated by local governments. The proposed language significantly gutted the existing authority and made it more difficult to address complaints and problems caused by such facilities that might be violating the law. After a number of questions were raised about the proposal by local government organizations, the bill that was supposed to accept the amendment was taken off notice. It is expected that the proponents of the amendment will attempt to find another bill later in the session to carry these proposed changes.