

# CAPITOL UPDATE

## TCSA'S WEEKLY CAPITOL UPDATE



*January 21, 2022*

## Redistricting Discussions

One of the first items on the agenda of the 2022 session has been redistricting. Committees in both the Senate and the House have heard bills proposing redrawn district lines with data from the 2020 Census. The most notable change is that in the Republican proposal for the House Congressional map, made up of nine districts, Metro Nashville-Davidson County is split into three separate districts.

Currently, Davidson County is entirely located in the 5th congressional, together with Dickson County and the majority of Cheatham County. Democratic legislators have expressed concerns about minority populations' representation. The Senate on Thursday passed the redistricting legislation for the state House, state Senate and the Congressional Districts. The House is expected to take up and pass the bills next Monday night.

READ ON AND KEEP YOURSELF UPDATED!

### Redistricting Discussions

1

### Education Savings Account (ESA) Eligibility

2

### TACIR Recommendation Against Right-of-Way Legislation

3

### County and City Officials Present to TACIR on Challenges in Grant Administration

3



## Education Savings Account (ESA) Eligibility

**SB1674/HB1671 (Bell, Curcio)** seeks to change a student's eligibility for an education savings account (ESA) for the following year based on whether their current school meets the requirements for 180 days of in-person instruction.

The ESA (or voucher) legislation that passed the General Assembly previously has been found by a trial court to be unconstitutional because it applied only to Davidson and Shelby Counties but did not provide a means for the legislation to be approved locally. That case is currently on appeal. This bill would amend ESA provisions in state law to provide new ways that a student could become eligible for a voucher. According to this bill, if a school does not provide at least 180 days of in-person learning specifically due to the impact of COVID-19, a student at that school would become eligible to use an ESA to choose a different school for the following school year.

The bill also allows students attending or zoned for the state's Achievement School District (ASD) to qualify for an ESA. At present, the only schools in the ASD are in Davidson and Shelby County. After many school systems spent at least part of last school year online, virtual learning is only allowable this academic year with specific approval from the Commissioner of Education. Under this bill, a day of virtual instruction would not count toward the 180 days of in-person instruction.

The bill passed out of the Senate Education committee on a 6-2 vote with one member abstaining. It has been sent to the Senate Calendar committee to be scheduled for a floor vote and to the House Education Instruction subcommittee. It has not yet been scheduled for a hearing in the House.

Under this bill, a day of virtual instruction would not count toward the 180 days of in-person instruction. The bill passed out of the Senate Education committee on a 6-2 vote with one member abstaining. It has been sent to the Senate Calendar committee to be scheduled for a floor vote and to the House Education Instruction subcommittee. It has not yet been scheduled for a hearing in the House.

## TACIR Recommendation Against Right-of-Way Legislation

A draft report on a key piece of legislation introduced last year and deferred to the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) received an unfavorable recommendation this week by the body. **SB1604/HB366 (Williams, Bailey)** would prohibit local governments from requiring a property owner to dedicate land along an existing public right-of-way as a condition of approving any application made to develop the property.

The Tennessee County Highway Officials Association has been opposed to this bill and others like it because they would effectively require a highway department to purchase rights-of-way for future road expansions caused by residential or commercial development, for instance.

The Tennessee County Highway Officials Association has been opposed to this bill and others like it because they would effectively require a highway department to purchase rights-of-way for future road expansions caused by residential or commercial development, for instance. TACIR “does not recommend the proposed legislation,” according to its draft.

Instead, commission staff recommends the General Assembly codify into state law existing federal Nollan/Dolan test criteria, the constitutionally-based standard established and applied by the U.S. Supreme Court for dedications. Like in other states that have codified this test, this would stress to local planning bodies that they must abide by the standard on all future dedications, further raising awareness to local governments that such a standard exists and that property owners’ rights are protected.

## County and City Officials Present to TACIR on Challenges in Grant Administration

A panel of local officials and staff from a development district spoke this morning to TACIR regarding challenges faced in administering state grants. This study had been requested by the city of Oak Ridge. The panel discussed a number of grants and highlighted how costly delays and cumbersome administrative burdens can discourage local governments from making use of state grant funds.

Madison County Highway Superintendent Bart Walls testified about the State Aid program and possible program changes that could potentially drive up the costs of administering these funds. Walls stressed repeatedly that the program is greatly appreciated by county highway departments and has accomplished many great things for local highways and roads, but he pointed out that new proposed requirements vastly expanded the application process and required new pavement analysis that could cost county highway departments as much as \$80,000 to \$100,000 a year in order to qualify for and draw down state aid funds. Walls was joined on the panel by Mark Watson of the City of Oak Ridge and Lorie Fisher who is the director of community development for the South Central Tennessee Development District. The panelists pointed out problems with different processes and portals used by various state departments and agencies and issues like state departments each requiring local officials to complete the same certifications and filings over and over.

Their testimony was quickly confirmed by city and county mayors serving on TACIR. Ms. Fisher suggested that it could benefit local governments if the state could adopt a single process used across multiple departments in order to simply grant application and administration. She also pointed out how reimbursable grants can be difficult for small cities and counties because they have to pay the costs of projects up front, then wait weeks or months for reimbursement. Both the panelists and local government members of TACIR provided numerous cases where grants that were awarded years ago still have not provided funding to the local governments for projects. Rep. Ryan Williams cited a case of a project in his district that has tripled in cost from the time the grant was awarded until the project was finally funded. 3