

## League of Women Voters – report on priority issues

May 26, 2011

### Responsible Budget – Protect the social infrastructure

The budget that passed was \$30.8 Billion and was a 3.9% reduction in last year's budget. In reality, this budget is actually bigger than last year but doesn't appear so because of the loss of stimulus money. Gov. Haslam's budget contained much good news for social service advocates - reinstating some of the cuts that were made in the original budget. The most significant restorations were to TennCare, including:

- \$8.5 million to restore previously scheduled rate reductions to TennCare mental health providers.
- \$5 million for the Department of Intellectual Disabilities Services to restore residential rates.
- \$33 million for TennCare services like labs, X-rays, dental and transportation.
- \$7 million grant Meharry Medical College.
- \$5 million for the Memphis Regional Medical Center, Nashville General Hospital and Jellico Community Hospital.
- \$3.5 million for smoking cessation programs in TennCare.
- \$3 million additional for Home Health Provider Services.
- \$1.1 million for perinatal grants to 5 teaching hospitals.

### INCOME TAX BAN:

SJR221 that would lead to a ban on the income tax in Tennessee passed the Senate with lopsided approval. The vote was 26 – 4, with Senators Henry, Tate, Marrero and Harper voting against the measure. The House has deferred a vote on the Senate Resolution until the first calendar of 2012. Senate Sponsor, Brian Kelsey of Memphis stated, "Not having a state income tax has already brought jobs to Tennessee, and if this resolution passes, we will be able to tell prospective businesses that we will never have an income tax in Tennessee, and that will help us become the Number One state in the Southeast for jobs."

In this method of amending the state constitution, the resolution is passed in a particular General Assembly (this is the 107th) by simple majority. Then it must pass in the next General Assembly (to be elected in 2012) by a two-thirds majority in both houses. Then the proposed constitutional amendment would go on the general election ballot in 2014, an election which includes a governor's race, for a decision by the electorate.

### Elections & Open Government

**SB 16/HB 007 that requires a photo ID to vote** passed on the House Floor after a 2 ½ hour debate and an Attorney General's opinion that this legislation would effectively create a poll tax on voters. The Sponsor, Rep. Debra Maggart stated that she is working on another bill that would fund photo IDs for those who can't afford one. The House amendment includes the requirements for a photo ID for early voting as well as regular voting. House amendment 2 prevents identification cards issued to a student by an institution of higher education containing the student's photograph from being valid photographic proof in order to vote.

The bill has been sent to the governor.

**SB 1666 Ketron /HB 1443 Maggart** was amended to specify that a photo identification license would be provided free of charge to any person who signs an affidavit stating the person: (1) Does not have a valid government issued photo identification; (2) Is a registered voter in this state; and (3) Needs the photo identification license for voting purposes. The bill has been sent to the speakers for signatures.

**SB 0115 Campfield / HB 0284 Dennis enacts the Electronic Publication of Legal Notices Act.** This bill would create a pilot project in Knox county to allow legal notices to be posted on the Internet rather than in a newspaper. This type of electronic notice would greatly diminish the public's right to receive timely information of legal notices. The legislature has deferred action on this bill to summer study.

**SB 1203 Yager / HB 0386 Dunn Delayed implementation of the Voter Confidence Act.** While we would have preferred to see implementation of the Act take place in 2012, the amended bill still allows local election commissions the option to purchase optical scanners with HAVA funds. We believe that this is the best resolution possible, given the current climate of the legislature and election commissions and the budget constraints of most counties. Tennessee voters must show photo identification to poll officials before being allowed to cast ballots under a GOP-backed bill headed to the governor. Senators voted 18-14, agreeing to changes made by the House. Among other things, student college IDs won't be accepted. People living in nursing or group homes would be exempt. Others would be allowed to cast provisional ballots. Republicans said the bill is necessary to prevent fraud. Democrats contend it could discourage elderly and poorer voters who do not have ready access or funds to pay for driver's licenses. The bill has been sent to the Governor for his signature.

**SB 1951/HB 1875 that allows custodians of public records to charge labor costs.** This bill was amended in the House State & Local Government Committee. As amended, it rewrites the bill and no longer requires custodians to charge fees. The amendment states that a 'public record' does not include cell phones, computers or other electronic equipment that may have been used to create or store a public record. This bill has been sent to the governor.

#### **Health Care – support implementation of the Affordable Care Act.**

**SB 79 Beavers/HB 115 Weaver enacts the TN Health Care Freedom Act** and declares that the public policy of this state is that every person within this state is free to choose or decline any mode of securing health care services without penalty. Enacted as Public Chapter 0009 (effective 3/18/2011).

#### **Environment –**

**Hydraulic Fracturing: HR 98 by Richardson** sponsored by **Rep. Jeanne Richardson** that urges TDEC, the oil and gas industry and citizen groups (including the League) to collaborate on proposed regulations for hydrological fracturing, passed the House unanimously. Thanks again to everyone who helped to move this issue forward this year and a special thanks is due to Rep.

Richardson. This resolution, putting the House on record as supporting new regulations, is an important first step. It has been sent to the Speaker for her signature.

**SB 578/HB 290 that would restrict mountain top removal coal mining and construction** was ultimately defeated by a 6 to 2 vote on party lines in Senate Environment. Deliberation on the bill focused on the benefits of reclaiming abandoned mines and Senators called for a negotiated resolution to the issue. It was clear from the discussion, that there is a real desire to mitigate the damage that has been done from destructive mining in the past. Action on the bill was deferred in the House.

**Maintain dedicated funds.** Governor Haslam's amended budget retains the Tennessee Real Estate Transfer Funds for their intended purpose. The legislature passed that budget and the funds remain (on a nonrecurring basis) for another year. That fee will raise approximately \$16 million for conservation land funding including wetlands protection; land for state parks and natural areas; improvements and developments at local parks; and work to clean up streams next to farms.

#### **Education –**

**Pre-K** – the Governor has said that he will keep current funding for PreK in tact and the legislature was generally supportive of the popular program. Vanderbilt released a very favorable research study on the program and its research on the effects of pre-k in Tennessee will continue for the next few years.

#### **Maintain Appointed School Superintendents –**

**SB 787/HB 902 that would have reestablished the office of elected school superintendents** was defeated by one vote in the House Education committee. The vote was anything but a party-line vote. Thanks to the League members who communicated with legislators on this issue and helped achieve this outcome. The bill was taken off notice in the Senate.

#### **Judicial Selection: Support merit-based selection and retention.**

**SB 127/ HB 173** that called for the election of all judges, was taken off notice in the House Judiciary Committee. There were several joint resolutions filed dealing with constitutional amendments on this subject, but they didn't have much momentum this year. We expect to see this issue revisited next session.

**SJR 23 by Beavers** that proposes a constitutional amendment to provide for the popular election of the attorney general has passed in Senate Judiciary.

Senate Status: Taken off notice in Senate Finance Committee 05/17/2011.