

The Tennessee Journal

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No tickets required: The awards for this year's session are here

Just when we thought they would never leave, state lawmakers have finally wrapped up their business for the year and gone home. In the grand *Tennessee Journal* tradition, here are this year's legislative superlatives and awards:

Adventures in Props Prize. Senate Judiciary Chair Todd Gardenhire brought a bag full of tools to a committee hearing to show why he thought a bill seeking to require safe storage of firearms in cars would be futile. The Chattanooga Republican held up a hammer and a crowbar, saying they provide thieves access to the interior of vehicles. But an attempt to use a bolt cutter to demonstrate the ease with which a cable securing a gun safe could be cut through didn't have the desired effect as the security device held firm as a standing Gardenhire put his weight into the handles. Still, he said, a "good professional" would have sliced through the cable in a couple of minutes. Despite the failed exhibition, the panel voted 7-2 to kill the bill.

Fixing the Hitch Ribbon. Rep. Ryan Williams, R-Cookeville, got more than he ordered at a Nashville steakhouse when a glass door slammed shut on his hand, nearly severing the tip of his thumb. Doctors managed to sew the digit back together again. Days later, the lawmaker went golfing with his son and shot his first ever hole-in-one. Colleagues joked that the injury sustained in the restaurant accident must have repaired the flaws in Williams' swing.

Mixed-up World Certificate. At a Senate Republican Caucus meeting, members were cheering each other on for declaring they would refuse to accept House versions of bills arriving in the upper chamber. Colleagues responded with groans when Sen. Dawn White of Murfreesboro said she would go along with the House. Sen. Becky Massey of Knoxville declared: "Be a man, Dawn!"

Foot in Mouth Trophy. As negotiations over Gov. Bill Lee's universal school voucher proposal were reaching a make-or-break deadline, WTVF-TV's Phil Williams released an audio recording of Rep. Scott Cepicky, one of the chief sponsors of the House version of the measure, saying his aim on public education was to "throw the whole freaking system in the trash." Cepicky in his talk with homeschool parents went on to explain that the legislation would rebuild public schools by removing onerous testing

requirements and having the state spend more on teachers' health benefits and school maintenance, but the damaging quote dominated the news cycle just as backers could least afford the negative attention. In the end, the two chambers couldn't agree on competing versions of the bill and the "Education Freedom Scholarship" bill died.

Unexpected Humor Award. House Agriculture Chair Chris Todd, R-Jackson, sponsored a bill that he said fixed a mistake in the state code that has stood for about 70 years. The bill, which the governor signed into law earlier this month, replaces references to "poisonous" snakes with the term "venomous." Todd, who isn't known for witticisms or a particularly jovial demeanor, caught the chamber by surprise when he said he had planned to bring examples to the floor, but that wildlife officials couldn't get hold of snakes because it was hibernation season. The only samples that could be located, he said, were among fellow Republican Rep. Jeremy Faison's congregation in Cocke County, "and they wouldn't let go of them."

Grave Digger is Doing It in the Air Award. Republican Sen. Brent Taylor of Memphis put himself into the spotlight this session by pursuing a number of tough-on-crime bills that rankled Democrats. Taylor, 55, is a former owner of a funeral home chain. During one tense debate, Sen. Frank Niceley, R-Strawberry Plains, said he agreed with an argument put forth by Taylor, whom he referred to as the "young gravedigger from Memphis."

Taking Back Gipper Award. Republican lawmakers in 2021 renamed two roads abutting a Nashville government office complex after President Ronald Reagan in a move seen as payback for the city honoring civil rights leaders Rosa Parks, Martin Luther King Jr. and John Lewis on streets surrounding the state Capitol and the legislative office building. This session, the Legislature took half a step back by voting to take Reagan's name off of about half of the road and returning it to its original moniker. The official reason for the reversal was that the earlier change had meant that the Lindsley Avenue Church of Christ was no longer located on the road it is named after.

Frostiest Reception. Rep. Ron Gant's intent of clamping down on drunken driving may have been good,

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Editor: Erik Schelzig (eschelzig@stateaffairs.com) | Senior Reporter: Andy Sher (asher@stateaffairs.com) | Chief Content Officer: Alison Bethel (alison@stateaffairs.com)

but his vehicle to do so turned out to have massively miscalculated the unslaked thirst Tennesseans have for a frosty brew. The Piperton Republican made national headlines early in the session for proposing to ban the sale of cold beer at convenience stores and supermarkets. He also wanted to create a two-drink maximum at bars and restaurants if patrons couldn't prove they had a way home other than getting behind the wheel. Following an outpouring of national outrage and ridicule, Gant declared his proposals had simply been part of a caption bill that obscured the true aim of the legislation, which turned out to be a study of drunken driving trends in the state. Meanwhile, beer caves will remain legal in Tennessee for at least another year.

Most Lamented Retirements. Republican Rep. Sam Whitson of Franklin and Democratic Rep. Darren Jernigan of Nashville formed both a close friendship and the core of a shrinking number of lawmakers who were comfortable working across the aisle. Whitson, a retired Army colonel, arrived on the scene as a GOP challenger to embattled Rep. Jeremy Durham, who later abandoned his campaign following the release of an attorney general's report detailing allegations of serial sexual misconduct for which he was ultimately ousted from the House. Jernigan has been hired to lobby on behalf of Metro Nashville and is already credited with helping mend relations with the Republican supermajority.

You Can't Fire Me Because I Quit Award. Stones River Group lobbyist Mark Cate got caught between two clients on a bill pending in the Legislature. Cate represents the Tennessee Charter School Allies, which had questions about efforts by the University of Memphis to [establish its own public school district](#) within Shelby County. Cate at the same time served as a consultant for the university. While Cate insisted he wasn't working against the bill, university officials got a different impression and informed the board of their intention to terminate their agreement with Stones River. Cate beat them to the chase by withdrawing from his consulting arrangement. The bill later cleared the House 80-18 and the Senate approved the final version 27-3.

Biggest Political Backflip. When Bobby Harshbarger, the son of U.S. Rep. Diana Harshbarger of Kingsport, announced he would mount a Republican primary challenge to state Sen. Jon Lundberg of Bristol, he singled out the incumbent for voting in committee against a bill to ban LGBTQ+ flags at public schools. Lundberg went to great pains to argue the measure would have prohibited far more banners, including those symbolizing military branches, the 4-H club or auto racing. The bill had cleared the House but languished for weeks in the Senate until it was suddenly scheduled for the floor. It failed after receiving just 13 votes — four shy of the minimum needed. But one of the senators voting for the measure was Lundberg.

Been There, Done That Prize. When firebrand Rep. Bryan Richey, R-Maryville, was presenting a bill before giving up his House seat to run for the Senate, Democratic Rep. Justin Jones of Nashville stood to facetiously congratulate him on passing his "first and last bill" — a reference to Richey's previously perfect record of failure. Faison, the Republican Caucus chair, stood to chastise the criticism

from "some other members who will never know what it's like to be in the well." The comment elicited shouts from Jones and Rep. Justin Pearson, D-Memphis, of: "We went to the well!" Jones and Pearson were thrown out of the House last year for mounting a gun protest in the chamber. Public outrage over the ousters resulted in more than \$1 million in political donations flowing to both lawmakers.

Least Successful Sequel. Jones tried all session to goad Republicans into overreacting to his provocations again like they did last year when they threw him and Pearson out of the House. Jones told a committee chair who cut him off that he held a gavel, not a whip. He described House Speaker Cameron Sexton as "drunk with power." And he called members of the majority party racist on the House floor. While Jones was often called to order — a disciplinary slap on the wrist — House Republicans largely kept their anger about the Democrat's antics in check.

When lawmakers during the last week of session passed a controversial bill to allow public school teachers to be armed, Jones paraded around the House floor, alternately getting in the faces of GOP lawmakers and rallying the gallery in chants of "Blood on your hands!" After the vote, the chamber pressed ahead with its business while protesters were cleared from the gallery. Jones' refusal to stop recording video of proceedings in contravention of chamber rules caused him to be called to order three times, which escalated his punishment to losing his right to be recognized on the floor for the remainder of that day's floor session and the one on the following day.

Misguided Retribution Medal. That's not to say that Jones didn't annoy House Republicans. Sexton wanted to get Democrats to do a better job of policing the activist-cum-lawmaker. Jones wasn't interested in toning down his rhetoric, even charging in a quickly deleted social media post that the speaker had "bought and paid for the Dem leadership in the Tennessee House." Given the apparently tense relations within the minority caucus, a coordinated effort by GOP lawmakers this week to delay consideration of Nashville Democrats' bills as retribution for Jones' behavior was all the more of a head-scratcher.

Hold-Me-Back Prize. House Democratic Caucus Chair John Ray Clemmons of Nashville was outraged when Republican Rep. Scott Cepicky blocked his resolution honoring Metro Nashville Public Schools on the House floor. Clemmons said when he demanded an explanation from Cepicky, the Republican called the city's public schools "shitty." Several lawmakers [converged to keep the confrontation from getting physical](#) in the back of the chamber. House Republican leader William Lamberth of Portland dismissed Democrats' outrage about the incident, calling it a "spirited verbal interaction" between colleagues.

Truth as a Defense Award. Democratic Rep. Aftyn Behn of Nashville didn't take kindly to Republican Rep. Jason Zachary laughing during her comments criticizing his bill to impose criminal penalties on people who help underage girls travel out of state to get an abortion. When Behn called the Knoxville Republican "smug," his colleagues roared to have her disciplined for impugning the character of another member. Democrats lodged a parlia-

Tennessee News Digest

- Tennessee's seasonally adjusted unemployment rate was 3.2% in March, a decrease from 3.3% in February and 3.5% in January. The national jobless rate was 3.8%.
- West Tennesseans responded with excitement about Buc-ee's plans to open a travel center in Fayette County, about 28 miles from downtown Memphis. The chain has stores in Crossville and Sevierville, but plans for a Clarksville location fell through last year.

- Automotive manufacturer Avancez announced plans to hire 501 workers at a new facility within the supplier park at Ford Motor Co.'s BlueOval City in Haywood County.
- Wisconsin-based industrial ventilation maker Greenheck Group plans to build a \$300 million manufacturing and warehousing facility in Knoxville and create 400 jobs.
- Nashville plans to submit a bid to host the Special Olympics USA in 2030. The 2022

games were held in Orlando and the 2026 edition is being hosted by Minneapolis and St. Paul, Minnesota.

- Knoxville Mayor Indya Kincannon's administration is seeking historical landmark overlay protection for the Sunsphere, the tower constructed for the 1982 World's Fair. Officials could seek inclusion on the National Register of Historic Places when the structure turns 50 years old in 2032.

mentary inquiry about whether a statement of fact can be a violation of House rules. Sexton declared it would be up to the body to decide. Republicans voted to call Behn to order.

Lobbying Full-Court Press Award. The Tennessee Hospital Association's army of lobbyists engaged in several big fights this session, coming away with a major win by getting lawmakers to [hike the annual coverage assessment fee](#) to 6% from 4.87%, which is projected to lead to a \$3 billion boost in federal Medicaid funding. The THA also managed to halt a push for a total repeal of certificate of need rules that has been championed in deep-pocketed conservative circles. The [final version of the bill](#) phases out some elements of the law over a number of years, while keeping others intact for the foreseeable future.

It wasn't all wins, however. The group's so-called "[white bag bill](#)" aimed at limiting providers' drug costs failed in a Senate floor vote. Another measure to [give hospitals authority to directly hire](#) specialists and emergency room doctors without having to go through medical staffing companies ran aground in a House committee.

Lacey Blair, the Tennessee Hospital Association's vice president for state government affairs, oversaw a team that included Zack Blair and contract lobbyists Katie Ashley, Luke Ashley, Trammel Hoehn, JP Homik, Megan Lane, David McMahan, Valerie Nagoshiner, Nathan Poss and Mollie Leach Pratt.

Bizarre Logic Prize. Rep. Gino Bulso of Brentwood caused widespread consternation among fellow Republicans and Democrats alike by trying to sink a bill on the House floor to ban marriage between first cousins. Bulso, who likes to tout his expertise as an attorney during debates, said that while he vehemently disagreed with the U.S. Supreme Court's landmark ruling legalizing same-sex marriage, the order purportedly invalidated the bill sponsored by popular Democratic Rep. Darren Jernigan. In a rare sign of bipartisanship, the chamber overwhelmingly torpedoed Bulso's amendment and approved the bill.

X Marks the Spot Award. Speaking in favor of a bill seeking to ban "chemtrails" in Tennessee, Sen. Frank Niceley said on some days he can go out in front of his house and see a clear sky. But on others, he will spot "exes right over my house." Even fellow conspiracy theory adherents like Sen. Janice Bowling, R-Tullahoma, guffawed at Niceley's claim. But the senator didn't appear to consider it a laughing matter. He said he has taken photos of the mysterious crosses with his phone as evidence.

Don't Diss the Sasquatch Ribbon. When the chemtrails bill was up in the House, Democratic Caucus Chair John Ray Clemmons proposed an amendment to bar any injection of chemicals into the atmosphere that could "threaten the Sasquatch or its natural habitat." Republicans voted down the change, but the amendment found a supporter in House Speaker Cameron Sexton. Why the break with most of his caucus? Sexton's home town of Crossville is the site of the annual [Upper Cumberland Bigfoot Festival](#), and he didn't want to do anything to endanger the event that gets underway on Oct. 19.

Worst Rerun. When hecklers interrupted Gov. Bill Lee's State of the State address last year, he shut them up by extemporaneously declaring: "Civility is a strength, it is not a weakness." There were renewed jeers and shouts during this year's speech, and the governor resorted to using the same line again. But it didn't work this time as protesters went on to even more aggressively interrupt the address, to the visible annoyance of the governor.

Most Surprising Lobbying Win. Lawmakers this year shot down several seemingly reasonable liquor bills, such as efforts to allow bars and restaurants to sell booze during the same hours on Sundays as during the rest of the week or to authorize liquor stores to set up shop outside of Nashville's urban core. But a proposal to [let intercity buses serve alcoholic drinks](#) passed both chambers despite heavy criticism by state regulators.

Bass Berry's Erica Vick Penley guided the measure through the legislative minefield on behalf of luxury coach company Vonlane, which operates routes connecting Nashville with Memphis and Atlanta. The Tennessee Alcoholic Beverage Commission issued dire warnings about companies potentially circumventing local liquor laws by parking bus-based bars in rural communities and argued that age enforcement would be a logistical challenge because of the mobile nature of the new service. But lawmakers largely brushed off the concerns and the measure passed 23-5 in the Senate and 66-23 in the House.

Speaker's Privilege Award. A perhaps tongue-in-cheek Senate floor argument broke out about whether Memphis barbecue was more deserving than East Tennessee's slow-cooked meats to be named an official state food. Republican Speaker Randy McNally of Oak Ridge ruled from the podium that based on his experience of having lived in both places, Memphis barbecue was better. The upper chamber agreed on a 22-6 vote.

Tennessee Notes & Quotes

■ Volkswagen workers voted by a nearly 3-to-1 margin to unionize the German automaker's lone U.S. plant in Chattanooga. The victory was the United Auto Workers' first among foreign-owned plants in the South. The UAW had narrowly lost two previous unionization efforts at the Volkswagen plant in 2019 and 2014. Gov. **Bill Lee** and his Republican counterparts in Alabama, Georgia, Mississippi, South Carolina and Texas issued a public statement before the vote to urge workers to reject the union.

■ "Let me be clear to the Republican governors that tried to undermine this vote: There is nothing to fear from American workers using their voice and their legal right to form a union if they so choose." — [President Joe Biden](#).

■ "I think it was a mistake but that's their choice... I think it's a loss for workers." — **Lee** *in standing by his efforts to keep the union from organizing the plant*.

■ U.S. Supreme Court justices in oral arguments on Tuesday appeared to be siding with Starbucks in its appeal of a federal judge's 2022 ruling that the coffee giant had to reinstate seven union supporters fired from a Memphis store. The company said the employees were terminated for inviting a WMC-TV crew into the business after hours. A panel of three 6th Circuit judges appointed by Republicans last year upheld the ruling by District Judge **Sheryl Lipman**, who was named to the bench by Democratic President **Barack Obama**.

■ "I shouldn't have said that." — *Oracle co-founder Larry Ellison after divulging that the tech giant plans to move its headquarters to Nashville*.

■ **Ellison** let the news slip in a discussion moderated by former U.S. Senate Republican leader **Bill Frist** at a health care summit hosted by the company. Gov. **Bill Lee**, who wasn't in attendance, was left to hurry out [a congratulatory social media post](#) citing a *Nashville Business Journal* article. The governor made the recruitment of Oracle a major economic development priority in his first term. The state approved a \$65 million grant to the company in 2021 to land a \$1.35 billion, 8,500-job campus in Nashville, while the city kicked in \$175 million in tax breaks.

■ Senate Education Chair **Jon Lundberg** of Bristol has hired **Blake Harris'** firm to manage his re-election campaign. Lundberg has drawn a Republican primary challenge from pharmacist **Bobby Harshbarger**, the son of U.S. Rep. **Diana Harshbarger** of Kingsport. Harris, a former chief of staff and campaign consultant for Gov. **Bill Lee**, has also been hired by state Sen. **Becky Massey** of Knoxville. She faces a GOP primary challenge from self-professed "real conservative" **Monica Irvine**.

■ Assistant House Clerk **Kim Cox** [is retiring after a 30-year career](#) in the General Assembly. A resolution passed by the chamber credited her with being "the Legislature's matchmaker and therapist, no matter your status as an intern, staff member, or House member."

■ **Mike Morrow**, who served in senior fiscal and administrative positions under seven Tennessee governors, died

on Wednesday at age 72. Morrow began his government career during the last few days of Gov. **Winfield Dunn's** administration in 1975 and was briefly the commissioner of the Department of Finance and Administration at the end of Gov. **Phil Bredesen's** time in office. He remained as deputy commissioner of the agency for Gov. **Bill Haslam** until his retirement in 2015.

■ Memphis Mayor **Paul Young** is proposing a property tax hike of 75 cents, or 28%, to generate a projected \$105 million per year for the city's general fund. The increase would be the first in Memphis in eight years.

■ While some Republican lawmakers had gotten the impression Attorney General **Jonathan Skrmetti** wouldn't proceed with his appeal of a lower court finding that last year's state takeover of the Metro Nashville Airport Authority was unconstitutional, the state's top lawyer went through with [submitting his legal challenge](#) to the Tennessee Court of Appeals. A three-judge Chancery Court panel in October found the law replacing mayoral appointees to the board with six chosen by the governor and House and Senate speakers violated home rule protections in the Tennessee Constitution. The city has until early next week to file its reply to the state's appeal.

■ When the Senate passed [a bill to create an East Bank Development Authority](#) for Nashville, it included two board members appointed by the speakers of both chambers. Senate Finance Chair **Bo Watson**, R-Hixson, told colleagues he expects the provision carries less legal risk because the makeup of the panel will be set from the start rather than being changed later. The authority also won't be established unless the Metro Council approves it by a two-thirds threshold, thus eliminating any argument the measure was imposed on the city without local buy-in.

■ The state Department of Environment and Conservation has named **Roger McCoy** as the honorary state naturalist. McCoy, who is the agency's director of conservation programs, is the state's third person ever to hold the title.

■ Nashville Mayor **Freddie O'Connell** unveiled a proposal to impose a half-cent sales tax surcharge to generate more than \$100 million per year for public transit, sidewalks and modernized traffic signals. The plan would not include light rail. If approved by voters in a November referendum, the proceeds from the tax would go toward a 15-year, \$3.1 billion program. About half of the funding would be expected to come from the federal government. Nashville voters in 2018 rejected a light rail proposal.

■ House members congratulated Republican Rep. **John Holsclaw**, an Elizabethton jeweler, when he presented his last bill before his retirement from the General Assembly.

■ "One time I brought him my watch to fix, and he brought it back and said, 'this watch doesn't work.' And I said, 'I know, I wear it for decoration.' You should have seen the look on his face." — *Rep. Antonio Parkinson, D-Memphis, in floor comments about Holsclaw*.

■ "If he tries to sell you a Rolex, don't buy it." — **Holsclaw**.