

Headlines Aplenty in Tennessee as State of the State Approaches: Cooper Makes Decision on Reelection; Trump Weighs in On Congressional Race; Supreme Court Confirmation and Legislative Expulsion Trial Set for This Week

The 2022 session is beginning to grind into gear as a momentous week looms ahead, featuring the State of the State address, a Supreme Court confirmation, a potentially historic expulsion hearing, and bill filing deadlines. Combine that with last week's finalization of the redistricting maps and a longtime Congressman's announcement that he will not seek reelection, and the Tennessee political landscape is not lacking for headlines or intrigue.

Redistricting Effects: Cooper Announces Retirement; Trump Endorses Ortagus

The 112th General Assembly has completed its once-a-decade legislative task of redistricting, with the House passing the Republican backed proposals last Monday and the Senate finishing up the job on Wednesday morning. The entire process and the new district maps will either be bemoaned or celebrated depending on which side of the aisle one identifies with, as Davidson County is now splintered into three Congressional Districts through the heart of Nashville.

The hot button redistricting issue was always what would become of Rep. Jim Cooper's current 5th District. The old 5th District, which was largely comprised of Nashville/Davidson County -- frequently described as an island of blue in a sea of red -- is now divided into three parts. A large portion of the county is now combined with strong Republican suburbs such as Williamson County (Brentwood; Franklin) and Wilson County (Mt. Juliet; Lebanon), along with rural and conservative counties such as Lewis, Maury, and Marshal. With these changes, Democrats will have a tall task gaining a Congressional seat in the foreseeable future, subject of course to further population growth in the Nashville metropolitan area. The Republican redistricting plans will now head to Gov. Bill Lee's desk and await his signature as Democrats prepare potential legal action.

In the midst of the changes being formalized, Congressman Jim Cooper (D-Nashville) made the unsurprising announcement last week that he would not be seeking reelection for another term. Within hours of that announcement, former President Donald Trump was already offering his endorsement for a potential GOP replacement. Trump announced his support for Morgan Ortagus, a Fox News Commentator and former spokeswoman for Secretary of State Mike Pompeo, who just moved to Nashville a few months ago to work for a Nashville-based healthcare investment firm. Trump's press release described Ortagus as "an absolute warrior for America First and MAGA," and said that she would have his "complete and total endorsement" if she decided to run. Despite being a virtual unknown in the Nashville area before Trump's announcement, Ortagus quickly became a household name in Republican circles around Nashville. It also remains to be seen what impact President Trump's endorsement will have on the field of potential Republican contenders, which seemed to have been growing by the day.

Governor Lee Announces Over \$3 Million in Campaign Contributions in Second Half of 2021

Heading into the final year of his first term, Governor Bill Lee gave an update on the size of his reelection war chest, including the fact that he had raised more than \$3 million in campaign contributions during the second half of 2021. Governor Lee, who partially self-funded his 2018 gubernatorial bid, is not expected to report any loans to his reelection campaign. Last summer, Lee reported raising \$3.6 million since winning the gubernatorial election in 2018 and spending \$1.85 million during the same period. The Governor begins his reelection year with almost \$5 million on hand, a strong deterrent for any would-be challenger on either side of the aisle. While the generally popular Governor is not likely to attract an opponent for August's Republican primary, his would-be Democratic challengers will have an even tougher hill to climb given the fundraising disadvantage they will face. So far several Democrats have announced plans to challenge Lee, including Nashville physician Jason Martin and Memphis City Council member JB Smiley, Jr. The latest campaign finance disclosure reports are due by January 31, which is the same day the governor is scheduled to deliver his final State of the State address for his first term in office.

Lee to Deliver Final State of the State of First Term

In what is often considered the true beginning of any legislative session, Governor Bill Lee will deliver his annual State of the State address to lawmakers and fellow Tennesseans on Monday evening, January 31. The Governor will reflect on recent accomplishments, give an update on the state's fiscal condition, and outline his top legislative priorities and spending requests for the year. The state budget is always the top issue and will be extremely important this year due to strong tax collections, excess revenues, and an extraordinary amount of federal funds disbursed to Tennessee. There is also the possibility that the proposed budget will not be released until a week after the State of the State is delivered, a relatively unusual move.

The Governor is also expected to devote significant time to discussing education funding, a significant priority in 2022, and the attempt to overhaul the state's K-12 education funding formula. Infrastructure is also expected to be a top priority this year, based upon recent comments by the Governor as well as Tennessee's receipt of \$3.9 billion from the American Rescue Plan and another \$8 billion as part of the Infrastructure Investment and Jobs Act passed by Congress last year. Lee has stressed the need to invest in broadband, and water and wastewater improvements.

Sarah Campbell Set to Fill Vacant Tennessee Supreme Court Seat

Last month, Gov. Bill Lee announced that he would be naming associate solicitor general Sarah Campbell to the Supreme Court, filling Justice Cornelia A. Clark's vacant seat. This week the Legislature will hold confirmation hearings in the Senate Judiciary Committee and House Civil Justice Committee. Campbell, 39, grew up in Rogersville,

TN and attended Duke law school. Before joining the Tennessee Attorney General's office in 2015, Campbell clerked for U.S. Supreme Court Justice Samuel Alito and worked at Williams & Connolly in Washington, DC.

Robinson Trial Set; Could Be First Sitting Member Ousted in Modern History

Last Monday, Lt. Gov. Randy McNally (R-Oak Ridge) announced that Sen. Katrina Robinson's (D-Memphis) expulsion trial will be held before the full Senate on Wednesday, February 2, potentially resulting in the first Senate expulsion in modern history. Robinson had been the defendant in a recent federal trial in Memphis, where a jury originally convicted her of four federal wire fraud charges, two of which were later dismissed by a federal judge. The remaining two convictions related to the mispending of federal grant money that was actually meant for her nursing school, and putting those funds to personal use, including her wedding. The federal judge denied Robinson's motion for acquittal on those two charges, thus upholding the jury verdict.

Lt. Gov. McNally's announcement came just days after the Senate Ethics Committee recommended expulsion after weighing Robinson's convictions. While Robinson supporters argue that the alleged acts predated her election in 2018 and that expulsion would be premature due to her sentencing hearing in federal court not being scheduled until March of this year, the Ethics Committee determined last week that the convictions amount to a violation of the Senate Code of Ethics, thus triggering the full Senate vote to determine whether she should be expelled.

Sen. John Stevens (R-Huntingdon), an attorney in his own right, will present the argument for Robinson's expulsion. Robinson and her attorneys will then be given an opportunity to present a defense. Following the presentations, Lt. Gov. Randy McNally (R-Oak Ridge) will allow debate.

It will take a two thirds vote to expel Robinson, amounting to 22 of the 33 seats in the Senate. Currently Republicans hold 27 seats in the chamber.

Lawmakers Make Another Attempt at Marijuana Legalization with Bipartisan Bill

For years, marijuana bills have come before the General Assembly -- and in some cases, actually pass a few committees -- only to meet their eventual demise. SB1973/HB1634 is the newest endeavor with Rep. Bruce Griffey (R-Paris) and Sen. Sara Kyle (D-Memphis) teaming up to sponsor legislation that would enable voters to weigh in on marijuana legalization in a state sponsored public opinion poll. As introduced, the bipartisan bill requires county election commissions to include three non-binding questions related to the legalization of marijuana on the November 2022 ballot.

Last March, the Senate passed a hemp bill sponsored by Sen. Frank Nicely (R-Strawberry Plains) and Rep. Chris Hurt (R-Halls). The bill, SB694/HB715, creates an exemption in the prohibition of possessing THC at a concentration of greater than three-

tenths of a percent if the person is transporting it within the state to a location where it will be reconstituted to a concentration of not more than three-tenths of a percent. The House Agriculture & Natural Resources Subcommittee deferred the bill to final calendar.

House Transportation Committee Advances “Transportainment” Regulation Bill

Last October, the Metro Nashville City Council passed a new ordinance barring party vehicle passengers from possessing open containers of beer and other alcohol on open-air party vehicles -- including unenclosed party busses, trailers, and pedal taverns -- much to the chagrin of Nashville partygoers, bachelorettes, and business owners in the industry. The Tennessee House of Representatives is now taking a stab at passing regulatory legislation, and last week the House Transportation Committee discussed HB1329, a bill that allows government entities outside of Shelby and Davidson counties to also regulate entry into the business of providing passenger transportation service, including entertainment transportation. The governmental entity's jurisdiction must comply with the safety rules and regulations and the liability insurance requirements. Legislators were torn when contemplating the heartburn of putting transportainment companies out of business, but in the end, the Committee voted to pass. The bill is set to appear before the House Finance, Ways, and Means Committee on February 2.