

## VIDEO & TRANSCRIPT OF HOUSE FLOOR SESSION - HB321-SB273

March 30, 2023 | 9:00 a.m.

Speaker 1 ([00:00:25](#)):

Call next Bill. Mr. Clark.

Speaker 2 ([00:00:26](#)):

Mr. Speaker, pursuant to the motion by the leader, we're ready for house for item 42, house Bill 3 21, chairman Howell and others relative to transportation. Mr. Speaker, the Senate bill is on the

Speaker 1 ([00:00:35](#)):

Desk. Chairman, how you're recognized.

Speaker 3 ([00:00:37](#)):

Thank you Mr. Speaker. I move to substitute and conform to Senate bill 2 73.

Speaker 1 ([00:00:42](#)):

Chairman Howell moves substitute form Senate Bill 2 73. Probably seconded with the objection. So order Chairman Howell.

Speaker 3 ([00:00:46](#)):

Thank you Mr. Speaker. I move passage of Senate Bill 2 73 on third and final consideration,

Speaker 1 ([00:00:53](#)):

Chairman Howell moves passage of sand Bill 2 73 on third consideration property seconded Mr. Clerk Club First Amendment,

Speaker 2 ([00:00:58](#)):

House transportation Committee amendment number one,

Speaker 1 ([00:01:00](#)):

Vice chairman. Vital, you're recognized.

Speaker 4 ([00:01:03](#)):

Thank you Mr. Speaker. Roll to the heel of the amendments

Speaker 1 ([00:01:07](#)):

Without objection. Roll to the hill. Next amendment. Mr. Clerk

Speaker 2 ([00:01:10](#)):

House Finance we A means committee amendment number one filed as house amendment two

Speaker 1 ([00:01:13](#)):

Chair. I hear you. Oh, here we go. Chair Lady Hazelwood,

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Speaker 2 ([00:01:22](#)):

Move to Road to the

Speaker 5 ([00:01:23](#)):

Hill

Speaker 1 ([00:01:24](#)):

Without objection. Roll to the hill. Next amendment. Mr. Clerk

Speaker 2 ([00:01:26](#)):

House Amendment three. But Chairman Clemens, Mr. Speaker was timely filed.

Speaker 1 ([00:01:29](#)):

Chairman Clemens, you're recognized.

Speaker 5 ([00:01:33](#)):

Thank you Mr. Speaker.

([00:01:37](#)):

Ladies and gentlemen, we are focused on a transportation bill, perhaps the largest transportation funding bill that this state has seen in the last several years. The last time we addressed this issue was in about four or five years ago with the Improve Act. Right now what this amendment seeks to do is require the Department of Ed the transportation to seek and take appropriate steps to secure all available funds and grants from the federal government that can be used to facilitate the return of Amtrak and interstate and inner city passenger rail service to the state of Tennessee. It requires the department to communicate and coordinate with appropriate federal departments and agencies to effectuate the purposes of this amendment. Ladies and gentlemen, my district, I represent Nashville, Tennessee, along with several other individuals, we have the honor of representing the highest traffic city and region in the state of Tennessee.

([00:02:38](#)):

This isn't just a Davidson County issue, this is a regional issue. Wilson County, Rutherford County, Murray County, Cheatham County, Dixon County, Montgomery County, all of your respective counties are directly affected by this right now. As we stand here today, the federal government has ample money that Amtrak wants to be in Tennessee. Amtrak wants to be here. They are practically begging us to take their money and invest it and restart interstate passenger rail service, which could be used for intrastate passenger rail service. Ladies and gentlemen, they want to connect right now. They want to begin connecting Nashville to Chattanooga, to Atlanta. We want to connect Nashville to Memphis. Now think about all the counties that rail goes through. Think about all the underserved counties that goes through. Think about what it would do to your local economies in the counties between here in Memphis, here in Chattanooga, to have rail stops, to have people from Atlanta bringing their money into this state.

([00:03:50](#)):

People from the Midwest bringing their money into your counties throughout this state, each and every one of you represents a county with a town square, with small businesses, with families. Imagine what

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people getting off a train, walking around your town and being able to hop back on a train and continue their journey could do for your local economies. I'm not asking you to jump over the moon here. I'm asking you to take yes for an answer. The federal government wants to invest in Tennessee in our future, in our people, in creating jobs, in building local economies, in impoverished counties. Ladies, gentlemen, let's make the common sense decision here. Let's take the opportunity with which represented this governor has finally turned his attention to an issue that actually matters and we have an opportunity, something today that's good. Let's take the money from the federal government. Let's work with the federal government. Let's build rail for Tennessee. Let's build our communities. Let's strengthen our local economies. Let's build small businesses. Let's do what's right for the people of this state. Finally, please adopt amendment three. Thank you.

Speaker 1 ([00:05:15](#)):

Representative Clemens moves adoption amendment number three, property. Second. Any discussion on the amendment? Representative Carr, you're recognized.

Speaker 6 ([00:05:22](#)):

Thank you. Mr. Speaker Tido has already submitted a letter of interest to the Federal Rail Administration with regarding corridor identification and we are in active conversations with the F R A as well as our surrounding states to properly coordinate such efforts. Also, taser is currently studying specific routes in Tennessee and TDOT sports. Local efforts to coordinate with the f a I think to seek real federal railway grants before a plan is in place is not a good planning. Therefore, Mr. Speaker, I move to lay this amendment

Speaker 1 ([00:05:56](#)):

On table. That's the proper motion. Probably second department situation as representative Clemens has moved adoption of amendment number three, representative Carr has moved that motion to the table. That cuts off all debate. Except for that the sponsor Representative Clemens, you're recognized.

Speaker 5 ([00:06:08](#)):

Thank you Mr. Speaker. Ladies and gentlemen, what has happened thus far is the Department of Education has submitted an expression of interest letter to the F R A. We had to beg them to do that. Some of us who've been working on this issue, representative Powell and several other representatives in this body have been working on this issue for years. We had to beg TDOT to submit that expression of menstrual letter. It is non-binding. All it does is say, Hey, we're interested. That's it. It commits us to nothing. It doesn't say we're going to do anything. It guarantees your community nothing. It guarantees our transportation infrastructure. No modernization. Ladies and gentlemen. This isn't asking us to spend a bunch of money. This is asking the state of Tennessee requiring the department to work with the federal government to take yes for an answer to take their money and facilitate the development of Amtrak and passenger rail service in the state of Tennessee.

([00:07:09](#)):

This is not, this shouldn't even been controversial. Let's take this opportunity. This is an opportunity. I coach little league baseball and I tell my kids every single night you have an opportunity, what are you going to do with it? And they all respond back to me in time. Take advantage of it. That's what we teach 'em. Let's take advantage of this opportunity to modernize our transportation infrastructure system. If we want to profess that's what this is about. Let's take this opportunity. It's cost send you nothing

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although it's going to happen is your community's going to benefit. That's it. I I've asked you to vote against the tabling motion

Speaker 1 ([00:07:46](#)):

Permanently situations representing Clemens has moved. Adoption amendment number three, you representative a car has moved that motion to the table. We are voted on tabling motion. All those in favor of tabling vote. Aye. When the bell rings, those opposed vote no. Has every member voted the Z member which change or vote?

Speaker 7 ([00:08:02](#)):

Camper.

Speaker 1 ([00:08:03](#)):

No Camper, no. Mr. Clerk take the vote. Aye. 70 21 Nays one president on voting the aye have it. The motion to adopt number amendment number three is table Next move. Ms. Clark house amendment four by representative McKenzie, Ms. Speaker, it was timely filed. Representative McKenzie, you're recognized.

Speaker 8 ([00:08:28](#)):

Thank you Ms. Speaker. I need everyone to hear me clearly as it relates to the improve Act. The improve act resulted in a gas tax increase that gas tax equates to \$274 for the average gasoline or diesel engine in the state of Tennessee. So every time we put our hose connected to our car, it's averaged \$274. Now with this act, everyone's talking about the toll lanes, tow roads, but we also have Eves which are ever increasing. So today we're only paying a hundred dollars for that tax. That's too little. I agree wholeheartedly. So this act takes that up to \$274. So now we have a electric vehicle tax of \$274, which I wholeheartedly agree with, but there's a catch if you vote for this. You are voting for a tax increase that will never end. You're voting for an index into inflation. So you will be voting for a tax that has no end to it.

([00:09:45](#)):

That is crystal clear. All this amendment does. It's simple. It sets the gasoline tax at \$274 on average and the electric vehicle tax at \$274. That's fair. That puts everyone on the same footing. That's all this amendment does. Please listen to the words. This is not a partisan issue. This is strictly about getting the amount of tax that we require. We are not a high tax state and I love it here. So be clear. So please, please support the simple amendment that all simply sets the tax rate at \$274, which is the exact same as what our diesel and gasoline engines consumed on the average year in the state of Tennessee. Thank you Mr. Speaker,

Speaker 1 ([00:10:49](#)):

Representative McKenzie.

Speaker 8 ([00:10:50](#)):

With that I renew my motion.

Speaker 1 ([00:10:52](#)):

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Representative McKenzie moves adoption amendment number four, proper motion properly seconded. Any discussion Chairman Whitson, you're recognizing

Speaker 9 ([00:11:01](#)):

Thank you Mr. Speaker. The 26 billion infrastructure deficit that our state faces today is due in large part to our gas tax revenue. Not keeping up with the rising costs and inflation, allowing the fever electric vehicles and hybrids to be indexed with a cap of 3% each year. Start in 2028 ensures that TDOT and your local highway departments are better prepared to continue investing in road bridge and transit projects in our communities. This amendment undermines the ability to guarantee a future revenue stream and will harm cities and counties as well since the registration fee are shared between the state and locals cause of that. Mr. Speaker, I move to lay amendment four on the table.

Speaker 1 ([00:11:43](#)):

The proper motion, probably second department of situation is Representative McKenzie has moved adoption amendment number four. Chairman Whitson has moved that motion to the table. That cuts off all debate except for that the sponsor Representative McKenzie, you're recognized.

Speaker 8 ([00:11:57](#)):

Thank you Mr. Speaker. If you move this to the table, you are voting for a tax and neverending tax that this body had no appetite for doing. The only reason the Improve Act passed was that you all refused to index it to inflation. I agree with that. Let's not index this to inflation that because once you do that it is out of control. You have no control on what that number is year over year. Please listen to it. This does nothing to take away our choice lanes. It doesn't take away the infrastructure. It creates a level playing field, which you all said I was not here should be set at that \$274. So every four wheel rolling vehicle now pays the same amount. I need you to hear what we're saying. What I'm saying here, what I'm hoping that we'll get a majority of the members here to say That's right.

([00:13:10](#)):

This is a sliver. This isn't about what somebody told you to vote or how they told you to vote. This index is dangerous. It was so dangerous that the only reason the gas tax passed was you all got rid of it. Those of y'all that was here. So again, I ask you all to consider what I'm saying. This will do nothing to harm the bill, which I support, but this sets a level playing field and this it goes to the core Tennessee values. We're not tax and irresponsibly to tie this to inflation is irresponsible and I think everyone knows that. So please, I ask you to vote against the tabling motion. Thank you Mr. Speaker

Speaker 1 ([00:13:56](#)):

Departing situation. Representative McKenzie has move adoption member number four, representative Whitson has moved that motion to the table. We're voting on the tabling motion. All those in favor vote. Aye. When the bell rings those opposed vote no. As every member voted. Does any member which change their vote? Mr. Clerk, please take the vote.

Speaker 2 ([00:14:21](#)):

Aye. 68 21 Nays three present on voting

Speaker 1 ([00:14:23](#)):

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The aye have it. The motion to adopt amendment number four is tabled. Let the general reflect representative Darby is excused. Next amendment. Mr. Clerk

Speaker 2 ([00:14:32](#)):

House Amendment five by Chairman Clemens. Mr. Speaker is

Speaker 1 ([00:14:34](#)):

Timely filed. Chairman Clemens, you're recognized.

Speaker 5 ([00:14:37](#)):

Thank you Mr. Speaker. Ladies and gentlemen, what amendment five would do is commit 30% of all the money that we are putting into this so-called transportation modernization fund and ensure it be used to design, plan, develop and maintain public transit in the state of Tennessee for the governor of Tennessee to call this a transportation modernization act or to call this \$3 billion a transportation modernization fund is a joke. We are doing nothing to guarantee the modernization of our transportation infrastructure system. Nothing. There is no commitment by this administration to do anything to facilitate the transportation

([00:15:32](#)):

Of anyone who may not be able to afford a car, who may not be able to afford to drive on a Lexus lane or a toll lane. What about disabled and special needs individuals who need to get to and from work that can't afford to live in your city? They need to have a way to get to the office. They need to have a way to get into downtown. Public transit facilitates that and allows that. This state has not made public transit a priority. Let's be honest. And if we are going to call ourself a modern state or a modern city of any kind, you have to have public transit. There's no great city in the world that doesn't have a reliable public transit system. So I think it is completely disingenuous for this governor to say we are modernizing anything. We have no commitment, nothing.

([00:16:33](#)):

There is no commitment. Ladies and gentlemen, this is our commitment to the people of Tennessee, to the individuals who rely on public transit who aren't going to be able to afford to drive on your Lexus lanes and toll lanes. The privatization of the roadways in the state of Tennessee. This is for the disabled and in special needs individuals who need to get to and from work and have an equitable access to transportation. Ladies, gentlemen, we have to update our infrastructure system. What we have is archaic. It's antiquated and it requires more commitment from this body. If we're going to put 3 billion out there, let's make sure some of it's being used to actually modernize something. Ask you to vote for this amendment. Thank you,

Speaker 1 ([00:17:19](#)):

Chairman Clemens moves adoption amendment number five, property. Seconded. Any discussion? Chairman Fain, you're recognized.

Speaker 10 ([00:17:26](#)):

Thank you Mr. Speaker. Move to lay that amendment on the table.

Speaker 1 ([00:17:34](#)):

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Property situation is Representative Clemens has moved adoption amendment number five. Chairman Fain has moved that motion to the table. That cuts off all debate except for that at the sponsor. Chairman, you're recognized.

Speaker 5 ([00:17:50](#)):

Thank you Mr. Speaker. Ladies and gentlemen, I would ask you to make this commitment to the people of Tennessee to modernize our transportation infrastructure system. If we're going to talk about modernization, let's actually do the job. Let's commit the money to that. Let's make sure the money's being spent in the right way. There's no other way to guarantee this is going to happen. You can receive assurances and behind closed doors from the administration all you want, but we know nothing gets things done like codifying language. Let's ensure that we provide the people of Tennessee with a modern infrastructure system. Public transit is the future. It's necessary and we absolutely have an obligation to provide this to the people of Tennessee. Vote against the tabling motion. Thank you Mr. Speaker.

Speaker 1 ([00:18:35](#)):

Thank you. We had a proper motion. Proper second. The pardon Situation as Chairman Clemens has moved. Adoption amendment number five, chairman Fain has moved that motion to the table. We're voting on the tabling motion. All those in favor vote Iowa in the bell rings. Those opposed vote no. Has every member voted? Is anyone wish changed your vote Mr. Clerk, take the vote.

Speaker 2 ([00:19:05](#)):

I 71 22 NAS one present on voting

Speaker 1 ([00:19:08](#)):

The ayes have it. The motion to adopt amendment number five is table Next amendment. Mr. Clerk amendment

Speaker 2 ([00:19:15](#)):

Six by representative Himer, Mr. Speaker was timely found

Speaker 1 ([00:19:18](#)):

Representative Himer. You're recognized.

Speaker 11 ([00:19:20](#)):

Thank you Mr. Speaker and sponsor. Amendment number six is pretty simple. It would just divide the 3 billion mentioned in the bill equally amongst the four regions per on a per capita basis as determined by the population and the 2020 census, we know where the population is. We know where the cars, where the congestion is. This bill, this amendment is just simply allocating those dollars to that those areas.

Speaker 1 ([00:19:51](#)):

Do you wish to move? Adoption,

Speaker 11 ([00:19:53](#)):

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Move. Move adoption.

Speaker 1 ([00:19:55](#)):

That's the proper motion. Probably seconded. Representative him removes adoption of amendment number six. Any discussion? Leader Lamberth. You're recognized.

Speaker 12 ([00:20:05](#)):

Thank you Mr. Speaker. Mr. Speaker. And with this amendment, I get it. We all come down here to fight for our districts and I understand that you would like to have more money in the Middle Tennessee. I also am in middle Tennessee, but to take money from every other region in the entire state that has potholes and has road needs and has safety problems and say just because there's more people in middle Tennessee that there should be more money in this bill allocated to Middle Tennessee. With all due respect, sir, is relatively selfish. So with that, I make a motion to move this bill to the table.

Speaker 1 ([00:20:38](#)):

Depart situation is representing him or has moved adoption amendment number six. Leader lamberth has moved that motion to the table. That cuts off all debate except for that of the sponsor. Representative Himer, you're recognized.

Speaker 11 ([00:20:51](#)):

Thank you Mr. Speaker. And all due of respect, I'm glad to fight for my district. For my area of my region. I know where the problems are and I think this amendment addresses that. And I renew my motion and ask you to vote against this tabling motion.

Speaker 1 ([00:21:06](#)):

The ping situation is representing him or has moved adoption amendment number six. Leonard Lamberth has moved that motion to the table. We're voting on the tabling motion. All those a favor vote. Aye. When the bell rings those opposed vote no. As every member voted. Does any member which change their vote? Mr. Clerk, take the vote. Aye. 70 20 Nays. Aye. Have it The motion to adopt amendment number six. This table. Next amendment. Mr. Clerk amendment number seven by Representative Clemens. Mr. Speaker was timely filed. Chairman Clemens, you're recognized.

Speaker 5 ([00:21:47](#)):

Thank you Mr. Speaker. Ladies. Gentlemen, this amendment simply removes all reference to toll lanes. This is your last opportunity. We're not modernizing anything. What we're doing is privatizing everything. I hope you all take this opportunity again, this your last chance. This removes privatized toll lanes from rural Tennessee, from urban Tennessee, from suburban Tennessee. This bill, I don't know if you've read it or not, but it allows privatized toll lanes in every community in this state. You've probably been assured in your office, oh, we're not put a toll elated year. We're not put a toll in here. I don't care. I don't care what anybody told you. This bill authorizes it. It's your last opportunity. This removes all. I think my leader had a problem with the word Lexus lane. So I'll call 'em limousine lanes, whatever we want to call 'em because here's the problem ladies and gentlemen. Here's the reality of the district that I have the pleasure of serving

([00:22:59](#)):



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My district is I 24 runs from downtown straight to Antioch, straight to the Rutherford County line. Now if you represent Rutherford County, you got your folks driving in this traffic too. If you represent Murray County, your folks are sitting in this on 65. You represent Montgomery County. Your folks are sitting in this on 24 and other end of the county. Now here's the reality. This bill also authorized these private companies to set the rates and the variable rates. Now the department's probably told you, oh, don't worry, we're going to do that too. We're going to oversee that. But they're authorizing the private companies to do it with this legislation. That's the reality. So let's say you have working families. Let's say you've got somebody working downtown in the hospital and industry in city that's driving the economy of the state of Tennessee. They may make let's say 10 \$15 an hour, let's say \$15 an hour working at a hospital, making twice a minimum wage.

[\(00:23:59\)](#):

Guess what to get to work on time in one direction. If you look at other states, these variable rates 10, \$15, \$20. So now just to get to work on time, the people I represent, the people you represent are paying an hour of their wages just to get to work on time. Guess what? They got to go back home. They got to get the kid a little league baseball practice. They got to make it to church. They got to make it to a community meeting or one of your public meetings. They're paying another hourly wage. And guess what? They have to park down here too. That's another \$20. So now you're looking, yeah, 25. So now guess what, you working eight hour day, you make \$15 an hour. You just got charged four hours at least to get to work on time. And guess what? That money's not coming to the state of Tennessee. It's not going to benefit your taxpayers. It's a private company who is profiting from your working families. If this governor wants to privatize everything, then let's, let's call it what it is. You can change every word in the code, but if you don't change the definition, it is what it is. This is profiteering on the back of working families. Ladies and gentlemen, it's your last chance. Please jump off this cliff. Privatize your roadways. Vote for toll lanes. I dare you. I dare you. Thank you. Please adopt this amendment.

Speaker 1 [\(00:25:43\)](#):

Chairman Clemens moves adoption amendment number SEC seven. Properly seconded. Clear lamberth. You're recognized.

Speaker 12 [\(00:25:50\)](#):

Thank you Mr. Speaker. And I would remind my friend from Davidson County that while that was a really good speech and he mentioned it was the last chance to vote on one of his amendments, you do have one coming up in just a moment. Next. So with this particular amendment, a public-private partnership allows for funds to be utilized throughout the rest of the state for needed transit projects, for needed projects for roads and pot roads to be built in potholes to be filled. Why should the entire state have to pay hundreds of millions of dollars for small sections of congested roads in just the urban area? Why would the individuals that are actually own those roads not help fund that? The rest of us have already paid for the roads that are already there. So for a little more convenience to be able to guarantee to be able to go 55 miles per hour, why not let the folks that are actually actually in a hurry to get where they're going? Go ahead and pay that small fee so that the rest of us can have the roads that we need in our districts that comes in through the gas tax and through general fund dollars that are being utilized from surplus in this bill. So with that Mr. Speaker, I moved to lay this amendment on the table. It's

Speaker 1 [\(00:27:00\)](#):

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Proper promotion probably in p many situation as representing Clemens has moved. Adoption amendment number seven, Le Lamber has moved that motion to the table. That cuts off all debate except for that as the sponsor. Chairman Clemens, you're recognized.

Speaker 5 ([00:27:12](#)):

Thank you Mr. Speaker and thank you leader for the opposing perspective. The reality is, is that what you've been told by the department selling these privatization of your roadways is probably more accurate because what the funds collected from these toll lanes do they do two things. They pay for the construction of that toll lane, not transit. They pay for the construction of that toll lane and they go in the pocket of the private company. They don't come back into the state of Tennessee's Caers. They pay for that roadway that was built for that private company to profit. That's where that money's going. It's not going into your community. And again, if you say you just want to build 'em in urban areas, let's be honest about it, but this bill authorizes them in rural areas. You want to put a toll lane on Wilma Rudolph Boulevard, be my guest.

([00:28:12](#)):

You want to put a toll lane in your community on your bypass around your C, around your little city. Be my guest. Don't ask for my heavily congested and trafficked area to carry the load for your community. Yet again, don't ask the people of Nashville and Rutherford County and Murray County, Montgomery County, Dixon County, Wilson County, Smith County. Don't ask all of these working families and all these counties to pay for your community yet again because we're already doing enough. But the reality is that money's not going to your community. It's going in the pocket of that private company and it's going to pay off that roadway. That's how they're selling it. Well, they're saying we can't build another lane. We can't widen the interstate another lane unless we have somebody help pay for it under this archaic funding structure we have in the state of Tennessee, which is a whole nother issue that we're not even addressing here today. Let's be honest about what we're doing. Ladies and gentlemen, this has done nothing to provide for public transit. It's doing nothing to benefit your community. This is all about profiting off the back of working families. That's it. If you want to vote for the rest of this bill, you want to invest \$3 billion, you can still do it. Let's just not give away yet something else to private companies in the privatization of our roadways, vote for this amendment. It's your last opportunity,

([00:29:54](#)):

Dare you.

Speaker 1 ([00:30:00](#)):

Pardoning situation is representing Clemens has moving adoption. Member number seven, leader Lamberth has moved that motion to the table or vote on the tabling motion. All those in favor vote. Aye. When the bell rings those opposed vote no. Aye, has every member voted? Does any member wish to change their vote? Mr. Clerk, please take the vote. Aye.

Speaker 2 ([00:30:29](#)):

71 22 nays one present on

Speaker 1 ([00:30:31](#)):

Voting. The ayes have it. The motion to adopt amendment number seven at this table. Next move. Ms. Clerk

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Speaker 2 ([00:30:36](#)):

House Amendment eight by Chairman Clemens, Mr. Speakers timely filed

Speaker 1 ([00:30:44](#)):

Chairman Clemens, you recognize?

Speaker 5 ([00:30:45](#)):

Thank you Mr. Speaker. Now you last one is your last chance. This one just changes the name to be honest with the people of Tennessee. If the governor wants to call this Transportation Modernization Act, let's call it what it is, the Transportation Privatization Act. That's what you're doing. You're privatizing transportation in the state of Tennessee. That's it. We already have the opportunity to do this. If we want to build rail, we want to do commuter rail. The law already allows that under this same model. Why are we doing it? Just to build roadways that your working families are going to have to pay to drive on. I'm telling you Tennesseans don't want this, but if you're going to do it, let's call it what it is. Let's be honest, let's look people in Tennessee in the eye and say we are passing the Transportation Privatization Act. That's all this amendment does. I move for passage

Speaker 1 ([00:31:39](#)):

Chairman Clemons moves adoption amendment number eight. That's a proper second proper motion. Any discussion, chairman, how you're recognized?

Speaker 3 ([00:31:47](#)):

Thank you Mr. Speaker. I must admit I'm a little mystified as to why this amendment was brought. Some of you may recall back in 2016 this there was legislation passed to create a public-private partnerships for public transportation in Tennessee. I was here when that happened. That bill was co-sponsored and supported by the representative from Davidson County. That bill did not privatized public transportation. It created a partnership. That's exactly what this bill does. It creates a partnership. This bill proposed choice lanes will be operated under lease agreement. The state of Tennessee will always own the roads. Nobody outside the state of Tennessee, no entity, no country, no construction company will ever own an inch of Tennessee roadways. And I can only assume since I mystified that this amendment does seek to privatize our roads. House Bill 3 21 also removes all references to toll roads, which was I believe adopted back in 2007, 2008. But I want travelers to have a choice to pay a user fee if they choose and not forced to pay a total for that reason. Mr. Speaker, I moved this amendment to the table

Speaker 1 ([00:33:11](#)):

Mr. For our promotion. Probably second department situation is that Representative Clemons has moved adoption amendment number eight. Chairman how has moved that motion to the table and that cuts off all debate. Except for that the sponsor Chairman Clemons, you're

Speaker 5 ([00:33:24](#)):

Recognized. Thank you Mr. Speaker. I appreciate you reemphasizing What I've said. The law already allows us to do this for public transit. It was a bipartisan bipartisan initiative. If we want to build a modernized transportation infrastructure system, we can do it. We can build commuter rail for our communities. We can build commuter rail for our small businesses and local economies. The law allows

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it already. Why are we now going to allow it for something that already exists just to widen lanes and make working families to drive on the roadway? This legislation attempts to be as misleading as possible. Again, all this amendment seeks to do is just change the title Transportation Privatization Act. That's it. Ask you vote against the table motion.

Speaker 1 ([00:34:23](#)):

Affirm situation is representing Clemens has moved adoption amendment number eight. Chairman Howell has moved that motion to the table. We're voting on tabling motion although in favor vote. Aye. When the bell rings those opposed vote no. Has every member voted? Does any member wish change the vote Mr. Clerk take the vote.

Speaker 2 ([00:34:50](#)):

Aye. 71 20 NA one present on voting

Speaker 1 ([00:34:53](#)):

The ayes have it. The motion to adopt amendment number eight is tabled. Next amendment. Mr. Clerk

Speaker 2 ([00:35:01](#)):

Amendment number nine by Representative Richie. Mr. Speaker was timely filed.

Speaker 1 ([00:35:07](#)):

Representative Richie, you're recognized.

Speaker 13 ([00:35:09](#)):

Thank you Mr. Speaker and members. I introduced this particular amendment because the last time I was receiving responses as to we need to pass this bill and then we can find out what's in it was Obamacare and that was Nancy Pelosi making that statement. I've asked several questions on this legislation and the answer that I keep getting is we need to get this pass so that we can have to get contracts sent back to us to be able to further reevaluate what's actually in it. There's concerning things when it comes to non-compete clauses that are in there, which would restrict the state from being able to improve additional roads that are either connected or adjacent to these particular projects. And then there's also concerns as far as for what dollar amount we're going to actually put the citizens of Tennessee on the hook for when it comes to these particular partnerships. So this amendment's real simple. It says that the state cannot even entertain or look at a contract that has a non-compete clause inside of it and that they could not go any more than 15% on the hook to the citizens of Tennessee. But after chatting with everybody, I know where the destination of this is. So with that Mr. Speaker, I'm move this amendment or move to withdraw this amendment. Thank you. Without

Speaker 1 ([00:36:34](#)):

Object. Objection amendment number nine. Withdrawn. Next minute. Mr. Clerk. Mr.

Speaker 2 ([00:36:38](#)):

Speaker that brings the body back to the heel of the amendments House transportation committee amendment number one,

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Speaker 1 ([00:36:42](#)):

Chairman, vital, you recognized.

Speaker 4 ([00:36:45](#)):

Thank you Mr. Speaker. Move to withdraw

Speaker 1 ([00:36:48](#)):

With without objection. Amendment number one. Withdrawn representative Lynn.

Speaker 14 ([00:36:53](#)):

Thank you Mr. Speaker. I do realize that I'm out of order and I apologize, but I have a group here today from Heritage Christian Academy. They're rep here in the corner. If y'all would help me welcome these homeschoolers here and they are having a wonderful day learning about our republic.

Speaker 1 ([00:37:10](#)):

Thank you. Out of order. Next minute, Ms. Clerk

Speaker 2 ([00:37:16](#)):

House finance ways and means. Committee amendment number one filed as house amendment two. Mr. Speaker, it's the same as Senate amendment two.

Speaker 1 ([00:37:22](#)):

Chair Lady Hazelwood, you're recognized.

Speaker 15 ([00:37:24](#)):

Thank you Mr. Speaker. Same as Senate amendment. Move to withdraw

Speaker 1 ([00:37:28](#)):

Without objection. Amendment number two, withdrawing. Next amendment. Mr. Clerk. Mr.

Speaker 2 ([00:37:31](#)):

Speaker, no further amendments.

Speaker 1 ([00:37:33](#)):

Chairman Howell, you're recognized.

Speaker 3 ([00:37:34](#)):

Thank you Mr. Speaker members in 1923. That's 100 years ago. If your math is good, Tennessee had 244 miles of paved roads in that same year. Governor Austin P asked the general assembly to approve a 2 cent per gallon gas tax. Today Tennessee has 96,187 miles of paved roads. More than 20,000 bridges, 1200 miles of interstate and 28 public trans systems serving all 95 counties. However, today that 2 cent gas tax that was passed a hundred years ago is the inflation equivalent of 35 cents. However, the state per gallon gas tax is 26 cents and 27 for diesel. So what we have is a highway funding stream that has

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served the state well for about 95 years, but it built and it has built the current infrastructure we now enjoy. But it has not kept pace with inflation and it continues to decline gas tax revenue. This fiscal year is about 4 million lower than the same time last year.

[\(00:38:51\)](#):

It will continue to decline to more fuel efficient vehicles and the federally mandated 60% increase in fuel efficiency in the years to come. So what we're seeing is a trend showing that the gas tax is not sustainable as the sole funding source for infrastructure. So after a hundred years of a system that has served us well due to changing technology growth in population demand for more roads, we it's time to do something about the way we address our infrastructure. That's what the Transportation Modernization Act does At its core. It is a funding bill. It also expands TDOT's ability to use different methods to build a project which gives TDOT authority to examine the possibility also of entering into public-private partnerships that would address the most congested and unsafe bottlenecks in Tennessee's major cities. The bill also expands from five to 28 to the number of alternative bill contracts that TDOT can enter into such as alternative build, cmgc design bill, progressive design bill.

[\(00:40:04\)](#):

And we have seen those systems used for example recently on I four 40 here in Nashville. That system came in on time, actually came in weeks ahead of time and it came in on budget. This bill also creates a \$3 billion transportation modernization fund within the straight treasury, which is separate from the TDOT budget, which is created by the gas tax. In addition, the bill allocates \$300 million to the existing state aid fund, which is dedicated revenue to your counties, your county road departments. The bill makes it clear these funds must be used for infrastructure in your counties. They cannot be diverted by a local governing body and it impacts all 95 counties trying to keep eye on the clock. The bill seeks to reduce the average bill time for a major TDO project from 15 to five years. It addresses the serious congestion concerns we have in our major cities.

[\(00:41:07\)](#):

It addresses the need for more funding through the transportation modernization fund. The bill captures revenue from electric vehicles which do not pay gas tax as well as hybrid vehicles. The registration fee from those electric vehicles will be divided between state and local governments just as the gas tax is now. And I might add that this bill is endorsed in its current form. This bill is endorsed by the Tennessee Public Transportation Association. It is supported overwhelmingly by the Nashville Metropolitan Planning Organization, the Tennessee County Mayor's Association, the County Road Superintendents Association, the Tennessee Road Builders Association, as well as the Greater Nashville Regional Caucus Mayor's Caucus as well as the Middle Tennessee Mayor's Caucus. This is a good bill. It sets us up for success for the next generation, even your second generation from now. And that was Mr. Speaker. I renew my motion.

Speaker 1 [\(00:42:14\)](#):

Chairman Howell renews his motion. Any discussion on the bill? Representative Powell, you're recognized.

Speaker 16 [\(00:42:22\)](#):

Thank you Mr. Speaker. Let me start off by saying that I sit on the transportation committee and the sponsor has done a excellent job of presenting this bill and going through the process and I want to also say the commissioner and his staff have also done a good job answering questions and addressing issues

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that I've brought up. But when it comes down to it, there are still major issues with this piece of legislation and a lot of those have been brought up in amendments that we had a chance to vote on the floor. First of all, I am selfish. I fight for my people. I represent the fastest growing district in the city of Nashville, in South Nashville and we continue to be traffic gridlocked and suffer from congestion. Meanwhile, I continue to see an action in our community in improving our infrastructure and our roads in a meaningful way.

[\(00:43:43\)](#):

Secondly, modernization. I think it's misleading in a call this a modernization bill and I appreciate the efforts that we've, all discussions we've had and hopefully we will continue to look at real transit and focus on light rail and passenger rail in this state. It's critically important, but we had some opportunities to do that in this piece of legislation and we're not addressing true traffic modernization in my opinion. Third, let me talk about EVs. We are treating electric vehicles, which thank goodness Ford has decided to come here and invest heavily in our state and put one of these facilities here to build these type of these vehicles. But we are them differently than gas powered vehicles. We are taxing them. We're putting an index on them, but we wouldn't be standing here. Had several gener journal assemblies ago, which I was on, and yes, I voted for the Improve Act.

[\(00:44:49\)](#):

If we had indexed that gas tax, we didn't make that choice. And now we're here again today and I can tell you, I don't know if I'll be here the next time, but people in this room will be voting on another one of these increases. You can guarantee it. Fourth, these you want to call 'em choice lanes, that's fine, but I'm telling you, just wait until these are being constructed in your district and your constituents are angry because you're putting in Lexus lanes, choice lanes, whatever you want to call 'em. Instead of investing in true infrastructure for everyone, not for select few, for everyone.

[\(00:45:33\)](#):

The last component of this is that when I voted, and this doesn't deal with this administration, but when I voted for the last Improve Act, there was one key road that I went into my district and I'm still waiting on that and I've been told yet again by this current administration and they've made promises and they said things about that's there that's going to happen, but I continue to wait. Yet when I drive to a county just south of me, I continue to see project after project after project. And it's unfair. It's unfair that a C city and a community that has so many, so much growth and so much development is not getting the fair share. We should look at treating this at a per capita basis. I truly believe that. But ultimately, let me tell you what changed my mind and made me decide I'm not voting for this legislation and I'm going to stick on this bill, but I'm going to say that this body in this administration has shown a desire to attack my community and my city. And when I'm on this floor and a bill has passed and before I even leave this floor, I'm told it's signed.

[\(00:46:56\)](#):

I take that personally, you can fool me once. Shame on you, but fool me twice, shame on me. I'm not going to BeLive by promises made by this administration. I'm proud of our council and what we've done. They funded the Metro Nashville Police Department that stopped this attack. Let Nashville fight for Nashville Chairman Now

Speaker 3 [\(00:47:30\)](#):

Thank you Mr. Speaker. Thank you for your comments. With regard to one point you made regarding indexing. I would indicate to you that what I mentioned a while ago, the current effa inflation equivalent



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of the two syntax that was passed 100 years ago would be 35 cents today if this governing body had had the political courage to index it. I'll remind you again that in 2017 indexing was in that bill and I was here, but this body did not have the political courage to index it. However, this is a giant step forward. We are indexing the EV registration fee and it takes courage to do that. Why? Because it is the right thing to do. People want good roads, but we also have to pay for those good roads and that's why indexing is in this bill. Thank you Mr. Speaker.

Speaker 1 ([00:48:32](#)):

Representative Mitchell, you recognize him?

Speaker 17 ([00:48:35](#)):

Yeah. Thank you Mr. Speaker. And my comments are along the same terms of representative pals. Several years ago we were sold a bill of goods. They came in and they said, oh, here's all these projects you're going to do. Step up and help us raise this gas tax so we can catch up. Well, not a nickel has been spinning my district, not one of those projects done. And they've got one on the books that they said, well, we're going to do, but they're not going to start that until 2027. I'll tell you, my people are tired of paying for this gas tax and not getting anything out of it. So there's no way in the world I'm going to pay have them pay more money if you don't like Lexus lanes. How about Mercedes movers, Beamer boulevards, Tesla trails. I'm not having my people pay any more money for something they're not going to get any benefit out of.

([00:49:50](#)):

You may have noticed I didn't have an amendment. Why I didn't have an amendment because it wouldn't hold the caption because I was going to give all of y'all an opportunity to take that gas tax increase off because I'm sure many of your districts aren't getting any benefit from it. But I'm sure there will be a bill that comes on the floor before session ends that will hold that amendment. And I won't give all of you the opportunity because today you're privatizing the streets and you're giving it to the wealthy to have the fast lane, but the hardworking people aren't going to be able to do that. They're going to still sit there in traffic. So when they're calling you and asking you if you did anything for 'em, well, you may need to ask 'em if they are driving that Lexus or that Beamer, that Mercedes because you're helping them. But my folks are tired of paying that increased gas tax and got nothing out of it.

([00:51:00](#)):

And I love when Tdoc comes in my office and they're like, well, it's not political, it's not poli. Don't tell me it's not political. I've been around here long enough when Ned Ray Macor was governor, if he'd had one more term in office ever, a farm in West Tennessee may have been paved over. So it's both sides do it. So don't come tell me it's political. But what really irritates me is I drive to all these surrounding counties of all these people who voted against the Improve Act and that's where I see all the construction. That's where all the construction's going on, where these people didn't have the courage or bravery to stand up and do what they needed to do, but they're getting rewarded. So my people, like I said, are sick and tired of paying for this. So I'm going to give all of you the opportunity The next time a bill comes on the floor, we're going to get that little vote. So everyone's going to get the be on record again, whether you were here for the improved act or not. So you can step up and either before a gas tax or take that off your people. Thank you

Speaker 1 ([00:52:18](#)):

Chairman. Now.



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Speaker 3 ([00:52:20](#)):

Thank you Mr. Speaker. My only comment would be that this bill triples the current TDOT budget. That's a lot of money. Every county in this state is going to benefit. There is a separate \$300 million fund that will be divided into the states. And I believe I can tell you what that number is, if I can find it real quick. But I believe just out of the \$300 million fund, Davidson County is going to receive \$11,200,000 just from the 300 million. That does not count the 3 billion that's going to be spent to leverage the choice lanes that will alleviate the traffic here. With regard to the Improve act, of course we know what happened with the Biden inflation. Covid hit inflation hit and that seven and a half cent gas tax was eat up. But I will proudly say that TDOT has done a great job of taking those 900 projects that was in the Improve Act and about two thirds of those projects are now in some phase of development. That's a good job by tdot. We need additional funding and that's what this bill does. Thank you Mr. Speaker,

Speaker 1 ([00:53:48](#)):

Representative Clemons, you're recognized.

Speaker 5 ([00:53:51](#)):

Thank you Mr. Speaker. First of all, 11 million is a joke. Four 40 was 153 million project and that was one project, \$11 million to the busiest biggest city in the Senate of Tennessee. Give me a break, ladies. Gentlemen, I've already talked hit on these points, but there is no modernization in this bill. This is privatization. Worst of all, we're trying to lie or at the very best misrepresent what we're doing with this bill by changing words. Literally sections of this bill. Change the word toll to use your fee. Use your fee toll way to use your lane. I mean, we're not even changing The definition is that how lazy this administration is? I mean, is that how badly that you're trying to hide from what we're actually doing? That all you're doing is literally changing words and not definitions. I mean, give me a break. Let, there's a cap in here in 54 1 6 0 2 that limits these new projects to 28 alternative delivery projects.

([00:55:03](#)):

I have no objection to alternative delivery projects. Design build projects did four 40. They've done our bridges. They can do great work. However, these are expensive projects. These require larger companies with a lot of resources, most of which are from out of state that bring in out-of-state workers. So I want everyone in this room to be aware that we're threatening local jobs and local businesses with this cap of 28. This is almost a joke because it excludes projects funded by the transportation modernization fund. \$3 billion, 3 billion is it covered with these caps? Money that's going to go to out-of-state. That's 24 40 projects, which was the largest design build project of its type of that time. It excludes discretionary funds. I think we all know what discretionary funds are. That means administrators do whatever the heck they want with it. And federal grant program funds, well, we all know the money, the real money comes from the federal government.

([00:56:09](#)):

So this 28 cap, you think we're going to do 28 design build con projects in this state in a year. I'd love for that to happen, but it ain't going to happen. But that elevated cap means all these jobs, all this money is going to out-of-state corporations, out-of-state workers, and it's not going to benefit the people in your community who have been serving this state for years. Our Tennessee Road Builders, our local companies, they thrive. They do a great job. What's upon a time we have the best roadways in the country because of our local road builders. This bill does not protect them. Finally, ladies and gentlemen, this is a bandaid on a gaping wound. As the chairman said, we've been using the same

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funding model in the state of Tennessee since 1923, since Governor Austin P. That's how old this funding model is. We bond out and finance everything we do in the state of Tennessee except for roads.

[\(00:57:16\)](#):

How much sense does that make? How much sense does that make? Are roads that sacred that we're going to use the excuse of something a governor did in 1923 to hold this as sacred, to hold us back from modernize our transportation infrastructure system? Think about that. Why it makes zero sense. And now we're going to use that antiquated funding model, an archaic insufficient funding model as an excuse to privatize our roadways and somehow claim that toll lanes are going to fix the problem and that a one-time injection of a transportation modernization fund is going to fix the problem and get all these 900 projects on our state books resolved overnight. Give me a break. Give me a break, ladies. Gentlemen, we're not fixing anything here. There is a root cause issue. It's an archaic funding model that we need to modernize so that we can modernize the infrastructure system to follow. Don't vote for the privation of Broadway. Ways. Demand better. We're punting the ball down the road yet again. This is a bandaid. When we passed the Improve Act, we said we'd be back in four years. Guess what? We were right. Guess what? This governor is punting again to the next governor and nothing's going to get fixed in the meantime, except you're going to have toll lanes in your community. Thank you, Mr. Speaker.

[\(00:58:53\)](#):

Chairman. How are you

Speaker 3 [\(00:58:54\)](#):

Recognized? Thank you, Mr. Speaker. Appreciate the gentleman's comments, but I need to correct some statements that were made that are not correct. We are not shipping our roadway road building jobs out of the state with more than 20 years of data and 30 states that have adopted a public-private partnership model. The data shows that 70% of the work done on these P three projects are done by contractors in those states. I think this is a jobs program myself for people who live and work and have businesses in Tennessee with Adam, Mr. Speaker, I'll renew my motion

Speaker 1 [\(00:59:38\)](#):

Chairman. However, News's motion Representative Williams, you're recognized. Thank you Mr. Speaker. I vote previous question. Previous question being called objection. I don't see enough. We're voting, although it's in favor of Senate Bill 2 73 vote. Aye. When the bell rings, those opposed vote no. Has every member vote as wish, change or vote? Pearsons and I he pointed up. Aye. This is the bill. This is the bill. Mr. Clerk. Mr. Clerk, take the vote. Aye. 78 12 Nays. Three President, not voting. 2 73. I receive a constitutions majority out here by a clerk pass who? Objection. The most serious table.