



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Bill Provisions from T.C.A.

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Bill Provisions from T.C.A.

Reference Number: MTAS-997

§ 3-2-102. Presentation to governor. Every bill, joint resolution, or order, except on questions of adjournment and proposals of specific amendments to the constitution, shall, after the same has been passed, enrolled, and signed by the speakers of both houses of the General Assembly, be presented by the Committee on Enrolled Bills of that House wherein such bill, joint resolution, or order originated, to the governor for his signature; and said committee shall report that they have presented the bill, joint resolution, or order to the governor for his signature, and the date of such presentation, which report shall be entered on the journal of that House to which such committee belongs; provided, that no bill, joint resolution, or order shall be presented to the governor until the time for moving a reconsideration shall have expired, unless expressly ordered by that House wherein such bill, joint resolution, or order originated; and provided further, that the speaker of the Senate shall first sign all bills and joint resolutions originating in the Senate, and the speaker of the House of Representatives shall first sign all bills and joint resolutions originating in the House of Representatives.

§ 3-2-103. Approval of governor. If the governor approves the bill, joint resolution, or order, he shall write upon the same, to the left of and below the signatures of the speakers of the two houses, the fact and date of his approval, as follows: "Approved _____, 20____," and shall sign the same as follows: "_____, governor."

§ 3-2-104. Failure of government to return. If, while the General Assembly remains in session, the governor shall fail to return any bill, joint resolution, or order, with his objections, within 10 days (Sundays excepted) after it shall have been presented to him, it shall be the duty of the Committee on Enrolled Bills of that House wherein such bill, joint resolution, or order originated to cause said bill, joint resolution, or order forthwith to be re-enrolled; and the same shall thereupon be signed by the respective speaker of each House, who shall annex and sign the following certificate:

"This bill (joint resolution or order) having been presented to the governor for his signature on the _____ day of _____, and the governor having failed to return it within the time prescribed by law, the same is hereby declared to have become a law (or, in case of a joint resolution or order, the same is hereby declared to have taken effect).

This _____ day of _____, 20____.

_____, speaker of the House of Representatives

_____, speaker of the Senate."

§ 3-105. Filing with secretary of state. When any bill, joint resolution, or order shall have been returned duly signed by the governor, or shall have been passed over his veto, or shall otherwise become a law, the Committee on Enrolled Bills of that House wherein such bill, joint resolution or order originated, shall forthwith file the same in the office of the secretary of state, and shall report the fact and date of such filing, which report shall be entered upon the journal.

§ 3-2-106. Preservation of original acts. The original acts and resolutions passed by the General Assembly, and enrolled and filed in the office of the secretary of state, shall be bound together and preserved in that form in said office, and the secretary of state shall cause the same to be done.

§ 3-2-107. Fiscal notes for revenue bills — cumulative fiscal notes while legislature in session — preparation and content. (a) Fiscal notes shall be provided for all general bills or resolutions increasing or decreasing existing appropriations or the fiscal liability of the state or of local governments of the state. Not more than seven days following the introduction of any such bill or resolution, the Fiscal Review Committee shall furnish to the chief clerk of the House or houses of introduction a statement of analysis of the fiscal effect of such bill or resolution and shall prepare and distribute copies of the statement to members of the General Assembly. Within seven days following receipt of a request from a member of the General Assembly for a fiscal note on any proposed bill or resolution requiring a fiscal note, the Fiscal Review Committee shall prepare a fiscal note statement to accompany such proposal at the time of introduction. Within 24 hours following a request by the sponsor of an amendment to any pending measure on which a fiscal note is required by this section, the Fiscal Review Committee shall prepare for the sponsor a fiscal note showing what effect the amendment would have on the estimates made in the fiscal note which applies to the bill or resolution. In regard to any bill or resolution affecting

local government, the director of the Division of Local Finance in the office of the comptroller is directed to provide to the Fiscal Review Committee, upon request, the information necessary to determine the fiscal effect of such bill or resolution.

The fiscal note shall, if possible, include an estimate in dollars of the anticipated change in revenue, expenditures, or fiscal liability under the provisions of the bill or resolution. It shall also include a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to the effect setting forth the reasons why no dollar estimate can be given. The fiscal note statement shall include an explanation of the basis or reasoning on which the estimate is founded, including any assumptions involved.

No comment or opinion shall be included in the fiscal note regarding the merits of the measure for which the note is prepared; however, technical or mechanical defects may be noted.

(b) A cumulative fiscal note shall be prepared weekly by the Fiscal Review Committee and a copy shall be distributed to each member of the General Assembly each week while the General Assembly is in session. The cumulative fiscal note shall show the cumulative increase or decrease of revenue or expenditures as caused by legislation enacted from the beginning of the session then convened.

§ 3-2-108. Prefiling bills or resolutions — time — manner. (a) At the time specified in this section and § 3-2-109, members of the legislature are hereby authorized to prefile legislative bills and resolutions for introduction in the next succeeding regular legislative session.

(b) Bills and resolutions may be prefiled at the following times:

1. In the case of both senators and representatives, from the time that a member-elect has received his certification of election until next succeeding regular legislative session.

2. In the case of both senators and representatives, from the adjournment of the regular legislative session in odd-numbered years until the convening of the regular legislative session in even-numbered years.

3. In the case of senators, from the date of each general election of representatives at which senators area not regularly elected until the next succeeding regular legislative session.

(c) Bills and resolutions which are prefiled under the provisions of this section and § 3-2-109 shall be in such final and correct form for introduction in the legislature as is required by the constitution, laws, and rules of the respective houses of the legislature.

(d) The original copy of every bill and resolution prefiled shall be inspected by an attorney for the legislative drafting service.

(e) Any bill or resolution prefiled under this section and § 3-2-109 shall be mailed to the chief clerk of either House by registered or certified mail, return receipt requested, or by personal delivery by a member of the legislature who is one of the authors of the bill or resolution, and in the case of personal delivery the office of chief clerk of either House shall deliver a signed receipt therefor to such author.

(f) Any Standing Committee may prefile any bill or resolution at any time when a senator or representative is authorized to prefile bills and resolutions under this section. Bills or resolutions filed under authority of this subsection (f) shall be filed by the chairman or vice chairman of the Standing Committee in the same manner as such chairman or vice chairman would prefile a bill of which he was the author, or in the event neither the chairman nor vice chairman desires to sign said bill any member of the committee voting with the majority of the committee may introduce same. Before prefiling any bill or resolution under authority of this subsection, the chairman or vice chairman shall be authorized to make such prefiling by a majority vote of the members of his committee.

(g) The chief clerk of either the Senate or the House of Representatives shall number the bill or resolution and note thereon the date of the prefiling and the date of the first day of the next session of the General Assembly on which it will be first considered and passed. The procedures for printing and distribution shall be the same for prefiled bills and resolutions as if the General Assembly were in regular session.

§ 3-2-109. Placing prefiled bill or resolution on calendar — failure to comply procedurally. Immediately upon the convening of the next succeeding regular session of the legislature all bills and resolutions prefiled in accordance with § 3-2-108 and this section shall be deemed properly introduced and shall be placed upon the calendar on the first legislative day for the first consideration and passage in the same manner as bills and resolutions introduced after the convening of the legislature.

When any prefiled bill or resolution is placed on the calendar for first consideration and the same is passed, any prior failure to comply with any of the procedural requirements of § 3-2-108 and this section shall have no effect on the validity of such bill or resolution.

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