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Public Acts and the Legislative Process in Tennessee

Dennis Huffer
Municipal Technical Advisory Service

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Public Acts and the Legislative Process in Tennessee

Prepared by
Dennis W. Huffer
Legal Consultant

MTAS
MUNICIPAL TECHNICAL ADVISORY SERVICE

A statewide agency of
The University of Tennessee
Institute for Public Service
in cooperation with the
Tennessee Municipal League

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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March 2003

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INTRODUCTION

In the earliest and coldest months of each year, the Tennessee General Assembly begins meeting to consider legislation for the state. Each General Assembly lasts two years and has two sessions — the first session in odd-numbered years and the second session in even-numbered years. Each session will usually run from January until mid-May.

The organizational session of each General Assembly must be held on the second Tuesday in January, after members of the House of Representatives have been elected. General Assembly officers, such as speakers of the two houses, are chosen during this phase. The organizational session may last no longer than 15 consecutive calendar days, and no legislation may be passed on third reading during this period. The General Assembly must meet on the first Tuesday after the organizational session, unless it sets an earlier date by joint resolution.

The second session (or second year) of each General Assembly usually begins in January, also. During each session, the General Assembly will consider approximately 2,800 bills (1,400 in each House) and will adopt around 500 new public acts. Of these new public act, about 200 will affect municipalities and municipal officials to some degree.

Although the General Assembly meets only during the first few months of each year, preparations for the next session frequently begin during the current session and continue throughout the year. Legislation often spawns more legislation, or it may be necessitated by actions of other bodies and officers. The courts or the attorney general, for example, may render decisions or opinions that are adverse to municipal interests and demand legislative correction.

Legislative bills often turn out to be complex, with many people and many groups involved in their development and preparation. Legislation dealing with municipal purchasing, for example, might mean several weeks of meetings and informal discussions among city officials, Tennessee Municipal League (TML) staff, Municipal Technical Advisory Service (MTAS) consultants, private company representatives, and the comptroller's office staff. Legislation might go through many revisions before agreement is reached on the final version of the proposed bill. Legislative work is not as seasonal as one might first expect.

The purpose of this report is to inform city officials about the legislative process and how public acts are passed. Public acts that affect cities will influence all, almost all, or a whole group of cities (such as all cities incorporated under the Uniform City Manager-Commission Charter). Private acts, which are legislative enactments generally affecting only one city or county and requiring local approval, are not considered here.

WORK WITH TML

City officials should work with TML to stay abreast of legislative happenings. The league is the eyes, ears, and voice of cities on Capitol Hill. City officials should inform the league as early as possible of the need for legislation or the city's intent to have legislation introduced. This same advice holds true for other organizations that want to have legislation affecting cities adopted.

Many awkward situations and much embarrassment can be avoided simply by informing the league of proposed legislation. Following are examples of what can happen when cities don't coordinate efforts with TML.

The league drafted a general bill amending a particular section in *Tennessee Code Annotated* (*T.C.A.*). A city had a bill drafted and introduced that amended the same section in its entirety. The league's bill passed, and the city's bill passed afterwards. Since the league's bill amended only part of the section and the city's bill amended the whole section, the city's bill wiped out the amendment affected by the league's bill. The league had to draft and gain passage of similar legislation during the next legislative session. This embarrassing incident could have been avoided by one phone call from the city to the league.

In a similar situation, an organization that works for cities had legislation drafted and introduced, but did not inform the league. The legislation died, partly because the league had not lobbied for it. Fortunately, there was a similar legislation pending in a committee. After a plea for help from the organization and a great deal of effort, the league was able to aid the organization in passing that legislation.

So, it is extremely important to follow this rule: Inform TML of legislation your city needs or intend to have introduced.

DRAFTING LEGISLATION

Legislation should be drafted as far in advance of the legislative session as possible. This should be done not only to easily meet deadlines, but to make sure the legislation is correct and acceptable to other groups. Support, or even lack of opposition, from such groups can be crucial to legislation passage. One way to gain support or reduce opposition is to let interested groups or organizations review the proposed legislation beforehand and suggest any needed changes. These reviews can take much time.

The larger cities in the state have their own staff attorneys who draft legislation for them. The league or MTAS often drafts bills for smaller cities and public acts affecting all cities. Also, city attorneys may draft legislation for smaller cities. No matter who does the work, inform TML.

Telling the league of your city's need for a public act might relieve you of everything but asking your legislators to vote for the bill. The league can have the bill drafted and introduced, and will even shepherd it through the legislature. The league might tell you that no legislation is needed, or that a private act, as opposed to a public act, is required.

INTRODUCTION OF THE BILL

Once the bill is drafted, it usually will be submitted to the General Assembly's Office of Legal Services. This department often changes a bill's wording, so carefully check the language coming out of this office to make sure the bill's meaning has not been altered. The Office of Legal Services enters the bill in the legislature's computer system, which keeps track of bills and amendments. This department will also place the bill in Senate and House color-coded folders (jackets) and make it ready for introduction.

After a bill has been jacketed, it is ready to be given to a sponsor — a member of the Senate or House who agrees to help pass the bill. The sponsor must explain the bill in committee hearings and on the floors of the respective houses. Choosing a sponsor can be very important to a bill's passage.

Different legislators have different interests. Some legislators know a great deal about fiscal and tax matters and therefore like, or at least are willing to sponsor, bills dealing with those subjects. Others are interested in agriculture, conservation, and a whole range of other subjects. There are some legislators who are particularly concerned with and act favorably toward cities. Knowing which legislators are interested in what is one of the keys to finding good sponsors.

A sponsor must be obtained for each bill in each House. Securing a sponsor means going to the selected legislator, explaining the bill, and asking him or her to sponsor it. Often sponsors agree; sometimes they don't. Sometimes they agree to sponsor if certain changes are made. When they don't agree to sponsor the bill for some reason, or if they ask for too many changes, other sponsors must be found.

Once you've gained a willing sponsor, he or she must file the bill with the clerk of the sponsor's House, who assigns the bill a number. In the Senate, the number of the first bill introduced will be SB 1 (short for Senate Bill Number 1). In the House, the first bill will be HB 1 (short for House Bill Number 1), and so on. Each bill in one House should have an identical, or companion, bill in the other House. The companion bills, although identical, will not usually have the same bill numbers. It should be pointed out here that each House has rules setting deadlines, or bill cutoff dates, for introducing general bills. These deadlines make it imperative to draft all bills by the beginning of each legislative session.

Bills may be prefiled before the beginning of each session, however, in accordance with *T.C.A.* 3-2-108 and 109 (see Appendix B). Prefiling a bill simply means dropping it in the legislative hopper before the session starts.

Bills must be passed on three different days to become law. The first two considerations are usually routine, and bills are passed en masse. The third consideration is when the bill, if it makes it that far, will get individual scrutiny. Before getting to the floor for the third consideration, however, the bill must be considered by at least one Standing Committee and scheduled for floor action by the Calendar Committees of each House. The Calendar Committee in the Senate merely schedules bills for floor action if they have been approved by the proper Standing Committee. In the House, the Calendar and Rules Committee exercises greater authority and may schedule the bill, defeat the bill, or send it back to the committee from which it came.

LEGISLATIVE COMMITTEES

Once a bill has been passed routinely on first and second consideration, the speaker will assign the bill to a committee based on its subject matter. Bills affecting cities often go to the State and Local Government Committees of the two houses. Bills dealing with local taxes and others concerned only with finances generally go directly to the Finance, Ways and Means Committees of each House. Any bill having a large fiscal impact (the exact dollar figure is set in the rules of each House for each session), no matter what its subject, must go to the Finance, Ways and Means Committees after it has received approval by the Standing Committee that deals with the subject matter. Thus, bills with a large fiscal impact often must be approved by two Standing Committees — the committee concerned with the subject matter and the committee dealing with finances.

In addition to the committee system, the House of Representatives uses subcommittees as well. Thus, a bill assigned to a particular committee will then be assigned to a subcommittee based on its subject matter. Subcommittees function like small committees and create one additional hurdle for bills in the House.

Bills in committee are set for a hearing by the chair, in consultation with the vice chair and secretary. Bills generally are placed automatically on calendars in the Senate committees. But, the committee chair and those he or she consults with must consider both the legislation's necessity and importance to determine how early or late to place bills on the calendar. In House committees, when sponsors ask the bills be put on the calendar, they are generally place on the calendar first.

The calendar, or the list of bills that a committee will consider, is published before each committee meeting. The calendar for the meetings of each committee must be reviewed by local government lobbyists and others to determine which bills in what committees affect cities. All committees must be monitored. The interests of municipalities are so wide-ranging that legislation in any committee in either House can affect them.

Once it has been determined that a bill affects municipalities, it must be decided whether the impact is good, bad, or neutral. This task is not always easy. However, a decision has to be made, often in a short amount of time. If a bill is bad, local government lobbyists will lobby against the bill. If a bill is good, local government lobbyists will not lobby against it and might lobby for it. The calculations that determine legislative action can be very complex. Let's say a bill is moderately positive for cities, but one of the committee members is strongly opposed to it. If this member is a friend of cities and can help municipalities later, it might be determined not to lobby for the bill at the risk of upsetting a friend.

(Lobbying, by the way, means trying to persuade legislators to vote the way you want them to vote or to do what you want them to do. Local governments lobbyists do this by marshaling facts and figures to support their positions and by using logic, reason, and appeals to fairness, common sense, and friendship. To help make lobbying decisions and assignments and to coordinate their efforts, local government lobbyists have formed a lobbying group, made up of lobbyists from TML, the Tennessee County Services Association, the Tennessee County Executives Association, the Tennessee County Commissioners Association, the Tennessee County Highway Officials Association, and the larger cities in Tennessee. Occasionally other lobbyists, such as those for the County Officials Association of Tennessee, also join the group. It meets each day when the legislature is in session to go over the next day's calendars and plan legislative strategy.)

When a bill is considered in committee, the sponsor must come before the group to explain it and answer questions. For the sponsor to do this, the group or organization that initiated the bill will have to provide him or her with information about the bill and its impact. To prepare for committee hearings, sometimes sponsoring legislators will ask for specific details about the bill's necessity or effects. If no group has lobbied against a bill and the sponsor does a good job of explaining it, the committee hearing generally will go smoothly.

The committee hearings are usually where opposition surfaces, if it hasn't already. Several legislators might oppose the bill, ask difficult questions, or indicate the need to change the bill before they can vote for it. Legislators might propose specific amendments to the bill and otherwise prod the sponsor to alter it. If it becomes clear that there are not enough votes to pass the bill out of committee without major modifications, the sponsoring legislator often will ask to put off the bill for future consideration so the conflicting sides can reach a compromise. Opposition, questions, and proposed changes to the bill more often than not are the result of lobbying by a group or groups opposed to the measure. This lobbying often will result in either killing the bill altogether or producing a bill both sides find acceptable.

Sometimes the difficult questions that legislators ask in committee hearings are not the result of lobbying, but of the legislators' own concerns. Legislators are not shy about questioning a bill if they find it objectionable or if they don't understand it. It's impossible to anticipate every question people might ask about a bill or every argument they might use against it. Therefore, when TML or other city bills are before a committee, there is always someone from the TML staff or another local government lobbyist present who can help the sponsor. Also, if committee members propose amendments, the staff person can tell the sponsor and committee if the amendments are acceptable or if the sponsor should ask to delay the bill so the amendments can be reviewed and options explored.

When opposition amendments have been proposed, options include accepting the amendments, making counterproposals relative to amendments, making some other trade-off connected to the bill, withdrawing the bill, or attempting to pass the bill without amendments. Decisions on these options depend on the bill's importance, the strength of support for and opposition to the bill, and the effect this legislation would have on other TML bills and TML's relationships with different legislators. Again, the complexity of the legislative process manifests itself.

Once a bill has been passed by the committee, it must go to the Calendar Committee (Senate) or Calendar and Rules Committee (House) for scheduling for the floor action, unless the bill has a large fiscal impact. Then it must go the Finance, Ways and Means Committee first for approval. As noted earlier, the Calendar Committee in the Senate merely schedules bills for floor action. The Calendar and Rules Committee in the House may delay or kill a bill or schedule it for floor action.

FLOOR ACTION

Much the same procedure takes place on the floor of the two houses as in committees. The floor calendar is published in advance. Lobbyists do their work. At the time for hearing the bill, the sponsor will be recognized to explain the bill and answer questions. Any amendments that have been added to the bill in committee also must be approved by the entire House or Senate. The rules provide that the chair (or designee) of the committee that added the amendments must explain them. Usually, the chair designates the sponsor of the bill to explain these amendments. They also may be proposed from the floor. Amendments are voted on before the bill. To pass on third consideration, the bill must receive the votes of a majority of all members to which each House is entitled (50 in the House of Representatives and 17 in the Senate).

Bills must pass both houses in identical form. The process described above for committee action and floor action doesn't occur simultaneously in both houses. A bill may work its way through the Senate weeks or even months before consideration in the House. Often, by the time a bill has passed the first House, all concerned parties have been heard, agreements have been reached, and necessary amendments have been made. Thus, the amended version of the bill passes one House while an unamended or different version might get to the floor of the second. When this happens, the version that passed in the first House is substituted for the version still on the floor of the second House. The sponsor in the second House motions to "substitute and conform" the bill to the one that has already passed. The motion to substitute and conform generally is approved, and the same version of the bill passes both houses.

Sometimes, however, different amendments are added to a bill in the committees or on the floors of the two houses. If two different versions do pass the two houses, each must approve amendments added by the other. On rare occasions where the two houses cannot agree, a Conference Committee, composed of members of both houses, may be created to reconcile differences. The recommendations of the Conference Committee also must be approved by the two houses. Once the bill is passed in identical form by both houses, it is engrossed and signed by the speakers of the House and Senate and sent to the governor for consideration.

GOVERNOR'S ACTION

If the governor signs the bill when it is presented, it becomes law as provided for in the bill. If he or she vetoes the bill, the governor must return it, with written objections, to the House in which it originated. For the vetoed bill to become a law, the veto must be overridden in both houses by a majority of the elected members. If the governor fails to take any action on a bill within 10 calendar days (Sundays excepted) after it has been presented, it becomes law without his or her signature.

Appendix A: PERTINENT PROVISIONS FROM THE TENNESSEE CONSTITUTION

From Article 2

Sec. 8. Legislative sessions — governor's inauguration. The General Assembly shall meet in organizational session on the second Tuesday in January next succeeding the election of the members of the House of Representatives, at which session, if in order, the governor shall be inaugurated. The General Assembly shall remain in session for organizational purposes not longer than 15 consecutive calendar days, during which session no legislation shall be passed on third and final consideration. Thereafter, the General Assembly shall meet on the first Tuesday next following the conclusion of the organizational session unless the General Assembly by joint resolution of both houses sets an earlier date.

The General Assembly may by joint resolution recess or adjourn until such time or times as it shall determine. It shall be convened at other times by the governor as provided in Article III, Section 9, or by the presiding officers of both houses at the written request of two-thirds of the members of each House.

Sec. 17. Origin and frame of bills. Bills may originate in either House; but may be amended, altered or rejected by the other. No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived or amended.

Sec. 18. Passage of bills. A bill shall become law when it has been considered and passed on three different days in each House and on third and final consideration has received the assent of a majority of all the members to which each House is entitled under this constitution, when the respective speakers have signed the bill with the date of such signing appearing in the journal, and when the bill has been approved by the governor or otherwise passed under the provisions of the constitution.

Sec. 19. Rejection of bill. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 20. Style of laws — effective date. The style of the laws of this state shall be, "Be it enacted by the General Assembly of the State of Tennessee." No law of a general nature shall take effect until 40 days after its passage unless the same or the caption thereof shall state that the public welfare requires that it should take effect sooner.

From Article 3

Sec. 18. Bills to be approved by the governor — governor's veto — bills passed over governor's veto. Every bill which may pass both houses of the General Assembly shall, before it becomes a law, be presented to the governor for his signature. If he approves, he shall sign it, and the same shall become a law; but it he refuses to sign it, he shall return

it with his objections thereto, in writing, to the House in which it originated; and said House shall cause said objections to be entered at large upon its journal and proceed to reconsider the bill. If after such reconsideration, a majority of all members elected to that House shall agree to pass the bill, notwithstanding the objections of the executive, it shall be sent, with said objections, to the other House, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that House, it shall become a law. The votes of both houses shall be determined by yeas and nays, and the names of all members voting for or against the bill shall be entered upon the journals of their respective houses.

If the governor shall fail to return any bill with his objections in writing within 10 calendar days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature. If the General Assembly by its adjournment prevents the return of any bill within said 10-day period, the bill shall become a law, unless disapproved by the governor and filed by him with his objections in writing in the office of the secretary of state within said 10-day period.

Every joint resolution or order (except on question of adjournment and proposals of specific amendments to the constitution) shall likewise be presented to the governor for his signature, and on being disapproved by him shall in like manner, be returned with his objections; and the same before it shall take effect shall be repassed by a majority of all the members elected to both houses in the manner and according to the rules prescribed in case of a bill.

The governor may reduce or disapprove the sum of money appropriated by any one or more parts of items in any bill appropriating money, while approving other portions of the bill. The portions so approved shall become law, and the items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced unless repassed as hereinafter provided. The governor, within 10 calendar days (Sundays excepted) after the bill shall have been presented to him, shall report the items or parts of items disapproved or reduced with his objections in writing to the House in which the bill originated, or if the General Assembly shall have adjourned, to the office of the secretary of state. Any such items or parts of items so disapproved or reduced shall be restored to the bill in original amount and become law if repassed by the General Assembly according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Appendix B: PERTINENT PROVISIONS FROM *TENNESSEE CODE ANNOTATED*

§ 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 session 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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