

HOUSE BILL 2785

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 1, Chapter 1; Title 2; Title 3; Title 4; Title 7, Chapter 82; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 17; Title 20, Chapter 7, Part 1; Title 29, Chapter 13, Part 1; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 47, Chapter 18; Title 49; Title 50, Chapter 7; Title 53; Title 54, Chapter 3; Title 55, Chapter 6; Title 56; Title 63; Title 64; Title 67, Chapter 4; Title 68, Chapter 211; Title 69 and Title 71, relative to changing from annual to biennial regular session of the general assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following as a new section:

3-1-123.

(a) Beginning in 2013, the general assembly shall convene in a biennial regular session that meets each odd-numbered year, and may convene in any extraordinary session that the governor calls.

(b) This section shall not affect the period of employment, position, compensation, benefits, or any other rights incident to employment of any employees and staff of the general assembly. Legislative employees and staff shall remain continually employed on an annual basis, whether or not the general assembly is in session.

SECTION 2. Tennessee Code Annotated, Section 9-1-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)

(1) As used in titles 3, 4 and this title:

(A) "Biennium" means a period of two consecutive (2) fiscal years;

and

(B) "Biennial" or "biennially" means happening every two (2) years.

(2) The biennium of state government shall hereafter commence on July 1 in each odd-numbered year and end on the following June 30 in the next ensuing even-numbered year.

(3) This biennium shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments, institutions, offices and agencies of state government. There shall be no appropriation of funds for more than a two-year period.

SECTION 3. Tennessee Code Annotated, Title 1, Chapter 1, Part 1, is amended by adding the following as a new section:

1-1-117.

(a) The code commission is directed to change all references to "annual" in §§ 3-1-121; 3-2-107; 3-6-304; 3-6-113; 3-6-114; 4-3-2207; 4-8-304; 4-10-109; 20-7-106; 40-18-103; 40-30-313; 47-18-1311; 50-7-503; 54-3-102; 55-6-101; and 71-3-155(c), wherever such references appear, to "biennial" as such sections are amended or volumes are replaced.

(b) The code commission is directed to change all references to "annually" in §§ 3-6-114; 3-7-112; 4-3-2303; 4-10-109(a); 8-4-705; 9-4-5606(e); 9-4-5608(a); 49-6-810; and 71-5-2511, wherever such references appear, to "biennially" as such sections are amended or volumes are replaced.

(c) Any reference in this code to annual appropriations act shall be deemed to be a reference to biennial appropriations act as provided in title 9. The code commission is

directed to change all references to annual appropriations act in this code, wherever such references appear, to biennial appropriations act as the code is amended or volumes are replaced.

(d) The code commission is directed to change all references to “annual general appropriations act” in §§ 8-25-303; 67-4-1025, 68-211-835; and 68-211-1006, wherever such references appear, to “biennial general appropriations act”, as such sections are amended or volumes are replaced.

(e) The code commission is directed to change all references to “annual report” in §§ 1-1-105; 2-10-206; 3-6-106; 3-7-112; 4-3-1109; 4-3-5105; 4-4-123; 4-11-305; 4-14-304; 4-21-203; 4-31-117; 4-31-1208; 8-4-110; 8-4-705; 8-37-113; 11-19-104; 13-10-107; 13-14-112; 13-23-125; 13-26-106; 33-5-110; 37-2-406; 37-5-105; 37-5-519; 38-10-104; 39-17-1509; 41-22-411; 45-1-119; 45-5-503; 47-18-1310; 49-1-302; 49-1-1003; 49-6-108; 49-6-303; 49-6-3404; 49-7-145; 49-7-202; 49-7-210; 49-8-203; 49-10-105; 49-50-905; 50-3-107; 50-3-912; 50-6-121; 50-6-619; 53-10-309; 56-54-111; 64-7-107; 68-11-1625; 68-211-873; 68-212-205; 69-3-107; 71-5-105; and 71-5-118, wherever such references appear, to “biennial report” as such sections are amended or volumes are replaced.

(f) The code commission is directed to change all references to “each year” in §§ 3-14-202(g); 4-14-304; 4-25-107(a); 4-26-105(a); 4-29-121; 8-30-202; 9-4-5103(a); 9-4-5202(e)(1), 9-4-5609(b)(2); 36-5-112; 37-1-607; 37-2-601; 37-3-604; 37-3-703; 37-5-105; 37-5-125; 38-11-206; 47-18-1310; 49-1-206; 49-1-302; 49-2-118; 49-3-318; 49-4-932; 49-7-143; 49-7-202; 49-7-2701; 56-54-111; 67-4-1901; 68-1-110; 68-11-216; 71-1-130; 71-3-155; and 71-5-2511, wherever such references appear, to each “even-numbered year”, as such sections are amended or volumes are replaced.

(g) The code commission is directed to change all references to “each year” in §§ 2-1-118; 2-2-140; 3-2-111; 3-2-107(c)(2); 3-7-110; 3-14-202(e) - (f); 4-3-1418; 4-5-209; 4-10-109, 4-23-203; 7-82-401; 8-4-603; 8-6-103; 8-7-315; 8-14-408; 8-27-201; 8-27-702; 9-4-5104; 9-4-5105(b); 9-4-5110; 9-4-5115(a)(1); 9-4-5202(a); 9-4-5404; 9-4-5606(b); 9-4-5609(a); 11-3-120; 11-7-104; 12-6-101; 12-6-102; 12-6-116; 13-28-205; 16-2-505; 16-21-111; 17-2-309; 33-5-110; 37-1-607; 37-2-205; 37-5-128; 37-5-105; 37-5-125; 37-5-128; 37-10-401; 38-6-207; 38-11-206; 39-17-1316; 39-17-1351; 40-1-111; 40-31-107; 41-1-502; 41-22-411; 41-23-103; 43-1-704; 49-1-302; 49-2-301; 49-6-408; 49-6-703; 49-6-705; 49-6-810; 49-6-2304; 49-6-4301; 49-6-3404(e)(5); 49-6-6001; 49-15-109; 50-6-121; 53-10-309; 55-8-201; 56-7-3024; 63-10-109; 67-4-1901; 68-1-120; 68-1-125; 69-3-142; 71-5-118; 71-5-188; and 71-5-2512, wherever such references appear, to “each odd-numbered year”, as such sections are amended or volumes are replaced.

(h) The code commission is directed to change all references to “fiscal year” in §§ 3-7-114; 3-14-202(e) – (g); 4-10-109(e); 4-31-117; 4-31-1208; 8-6-103; 9-4-5102(2); 9-4-5103(a); 9-4-5104; 9-4-5111(a); 9-4-5114; 9-4-5115(a)(1); 9-4-5103(a); 9-4-5105(a); 9-4-5106; 9-4-5108; 9-4-5202(e)(1), 9-4-5203(a) - (d); 9-4-5606(e); 9-4-5609(b)(2); 9-4-5614(b); 9-8-109; 9-9-104; 9-9-119; 29-13-116; and 43-1-704, wherever such references appear, to “biennium” as such sections are amended or volumes are replaced.

SECTION 4. Tennessee Code Annotated, Section 2-10-310(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) Except as provided in subdivisions (a)(2) and (3), from the convening of the general assembly in organizational session through the earlier of the conclusion of the biennial regular session or June 1 in odd-numbered years, and from the convening of the general assembly in any extraordinary session through the conclusion of such extraordinary session, no member of the general assembly or a member's campaign

committee or the governor or the governor's campaign committee shall conduct a fundraiser or solicit or accept contributions for the benefit of the caucus, any caucus member or member or candidate of the general assembly or governor.

SECTION 5. Tennessee Code Annotated, Section 2-10-310(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) From the convening of the general assembly in organizational session through the earlier of the conclusion of the biennial regular session or June 1 in odd-numbered years, and from the convening of the general assembly in any extraordinary session through the conclusion of such extraordinary session, a political campaign committee controlled by a political party on the national, state, or local level, or controlled by a caucus of such political party established by members of either house of the general assembly, or established or controlled by any member of the general assembly, that makes contributions to a candidate for the general assembly or governor for election or to defray the expenses of such person's office shall not conduct a fundraiser, solicit or accept contributions for the benefit of the caucus, any caucus member or candidate for the general assembly or governor.

SECTION 6. Tennessee Code Annotated, Section 3-1-108(a), is amended by deleting the language "and during the first week of any adjourned session in an even-numbered year".

SECTION 7. Tennessee Code Annotated, Section 3-1-108(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) In the governor's biennial state-of-the-state address to the general assembly, the governor is invited to review the progress of the state on all fronts during the past two (2) years, the major problems currently facing the state, and those that can reasonably be anticipated in the coming two (2) years, and the governor's proposals and recommendations for handling such problems.

SECTION 8. Tennessee Code Annotated, Section 3-2-108(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(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 the certificate of election until the next succeeding regular legislative session;

(2) In the case of both senators and representatives, from the adjournment of the regular legislative session until the convening of the next succeeding regular legislative session; and

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

SECTION 9. Tennessee Code Annotated, Section 4-31-1208(a), is amended by deleting the language "preceding year" and by substituting instead the language "preceding biennium".

SECTION 10. Tennessee Code Annotated, Section 4-50-103, is amended by deleting the language "regular annual session occurring in an even-numbered year" and by substituting instead the language "regular biennial session occurring in an odd-numbered year".

SECTION 11. Tennessee Code Annotated, Section 8-37-401(a), is amended by deleting the language "during the year next following, and the estimated amount required to cover the expenses of administering the retirement system during such year" and by substituting instead the language "during the two (2) years next following, and the estimated amount required to cover the expenses of administering the retirement system during such years".

SECTION 12. Tennessee Code Annotated, Section 9-4-5101, is amended by deleting the language "fiscal year" wherever it appears and by substituting instead the language "biennium, itemized separately for each fiscal year".

SECTION 13. Tennessee Code Annotated, Section 9-4-5101(b), is amended by deleting the word "year" and by substituting instead the language "biennium, itemized separately for each year,".

SECTION 14. Tennessee Code Annotated, Section 9-4-5110, is further amended by deleting the language "ensuing fiscal year" and by substituting instead the language "ensuing biennium".

SECTION 15. Tennessee Code Annotated, Section 9-4-5110, is further amended by deleting the language "by quarters for the entire fiscal year" and by substituting instead the language "by quarters for each fiscal year of the biennium".

SECTION 16. Tennessee Code Annotated, Section 9-4-5110, is further amended by deleting the language "fiscal year in question" and by substituting instead the language "biennium in question".

SECTION 17. Tennessee Code Annotated, Section 9-4-5111(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) At any time during the biennium, this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one (1) or more of the allotments; provided, that the commissioner deems such action necessary, and any unused portion thereof shall remain at the end of the biennium as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotments at the end of each quarter of the first fiscal year of any biennium may be used for a like purpose during the second fiscal year. Any unexpended and unencumbered

balance of allotments at the end of the second fiscal year of any biennium shall be credited to the reserve set up for the biennium.

SECTION 18. Tennessee Code Annotated, Section 9-4-5112, is amended by deleting the language "of any quarter during the fiscal year" and by substituting instead the language "of any quarter during a fiscal year in the biennium".

SECTION 19. Tennessee Code Annotated, Section 9-4-5203(a), is amended by deleting the language ", and for calendar year 1977".

SECTION 20. Tennessee Code Annotated, Section 9-4-5203(a), is amended by deleting the language "latest completed calendar year" and by substituting instead the language "two (2) latest completed calendar years".

SECTION 21. Tennessee Code Annotated, Section 9-4-5203(b), is amended by deleting the language ", and the 1977-1978 fiscal year appropriations from state tax revenues".

SECTION 22. Tennessee Code Annotated, Section 9-4-5614(b), is amended by deleting the language "The commission, at least annually, beginning in fiscal year 2005-2006," and by substituting instead the language: "The commission, at least biennially, beginning in fiscal year 2005-2006 and every odd-numbered year thereafter".

SECTION 23. Tennessee Code Annotated, Section 41-1-114, is amended by deleting the language "two (2) years" and by substituting instead the language "four (4) years".

SECTION 24. Tennessee Code Annotated, Section 45-1-119(a), is amended by deleting the language "annually within sixty (60) days after the end of each calendar year" and by substituting instead the language "biennially within sixty (60) days after the end of each even-numbered calendar year".

SECTION 25. Tennessee Code Annotated, Section 50-7-503(a)(2), is amended by deleting the language "each year's" and by substituting instead the language "each biennium's".

SECTION 26. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to biennial regular sessions convening in 2013 and thereafter, and to biennia commencing July 1, 2013 and thereafter.