

SENATE BILL 2748

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 2, relative to publication of proposed constitutional amendments.

WHEREAS, in Opinion No. 86-84, the attorney general observed that Article XI, Section 3, of the Tennessee Constitution, unlike the constitutions of some other states, does not specify a particular method of publication for proposed constitutional amendments; and

WHEREAS, on such occasion, the attorney general also noted that Article XI, Section 3, requires the state to take some action to inform the public of a proposed constitutional amendment; and

WHEREAS, in the case of American Civil Liberties Union of Tennessee v. Darnell, 195 S.W.3d 612, (Tenn. 2006), the Tennessee supreme court stated that the general assembly possesses authority to adopt a rule or enact a statute that defines the term "published" as used in Article XI, Section 3; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 3-2-113. For purposes of the publication requirement set forth in the first sentence of Article XI, Section 3, of the Tennessee Constitution, a proposed constitutional amendment shall be deemed to have been sufficiently "published" if the amendment is timely posted on the official website of the secretary of state or on the official website of the general assembly. If the amendment is so posted, then no other form of publication is necessary to comply with such publication requirement.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.