



STATE OF TENNESSEE
OFFICE OF THE GOVERNOR

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GOVERNOR

BILL HASLAM
GOVERNOR

MEMORANDUM

TO: Attorney General Bob Cooper
Mary Beth Thomas
Joe McCord
Russell Humphrey
Greg Glass
Alan Whittington
Paige Seals
Ashleigh Roberts
John Rader

FROM: Herbert H. Slatery III 

DATE: May 13, 2014

RE: Correction of Bill Dates

On May 7, 2014, the above named individuals met regarding an issue with the Governor's signature and the effective date of certain bills. Article III, Section 18 of the Constitution of the State of Tennessee requires that the Governor approve or veto bills within a ten-day period after receipt of the same; otherwise, they become law without his signature. It has come to the attention of the Governor's office that 67 bills signed by the Governor contain a date indicating that they were approved outside of the ten-day period. The Governor's office has, however, reviewed internal documents and spoken with employees of the office and determined that the actual signing date of these bills was within the ten-day period. The "approved" date was inserted by an employee of the Governor's office on a later date when the bills were transmitted to the Secretary of State's office for filing, and the "approved" date does not reflect the date the Governor actually signed the bills. The Tennessee Supreme Court has made it clear: "It is sufficient that the bill was approved by the Governor within the number of days fixed by the Constitution, and it became a law when approved." *Forrester v. City of Memphis*, 15 S.W.2d 739, 741 (1929). Because these 67 bills became law on the date the Governor actually signed them, and not the date reflected as the "approved" date, it would be misleading to the public to leave this clerical error in the date uncorrected.

With regard to these 67 bills, we agreed that the best process to create an appropriate record to reflect the accurate date on which these public chapters took effect is as follows:

- The Governor will send a letter to the Secretary of State setting forth a list of the bills that were signed within the ten-day period but incorrectly dated. The letter will state that these bills were signed prior to the “approved” date noted on the bill and will ask that the bills be returned to the Governor so that the “approved” date can be struck through and the correct date inserted.
- The Governor’s office will then receive the bills and strike through the “approved” date, and will insert the accurate signing date so that it is apparent on the face of the bill that the bill has been corrected to state the accurate signing date. The Governor will not re-sign the bills or otherwise replace the signature page.
- The Governor’s office will then return the bills, with a new message sheet, to the Secretary of State’s office. The message sheet will reflect the date on which the bills are corrected and transmitted to the Secretary of State.
- The Secretary of State will forward the bills to the House and Senate Clerks and will publish the corrected bills on the website.
- The Secretary of State will retain the transmittal letter and message and will provide the same to the Code Commission to clarify the effective dates in the Tennessee Code Annotated. The Governor’s Office will also retain a copy of the transmittal letter and message in its records.
- The General Assembly’s website will be updated to reflect the “Revised Effective Date” of the bills.

The Governor’s office also discovered that there were 79 bills that were signed by the Governor *outside* of the ten-day period. With regard to these bills, 50 of the 79 contain language indicating that they are effective upon becoming law.¹ In order to accurately reflect the effective date of these 50 bills, which would be ten days after transmittal to the Governor, the Governor’s office will submit a letter to the Secretary of State listing the bills at issue and requesting that an addendum be added to the bills indicating their effective dates. This addendum will state something to the effect of “This bill has an effective date of _____, 2014 in accordance with Article III, Section 18 of the Constitution of the State of Tennessee.” This document will be appended to the public chapter and published on the website of the Secretary of State, and then transmitted with the public chapter to the Code Commission for clarity of the record.

The Governor’s Office will be prepared to answer questions regarding the strikethrough, effective date, or timing of the bill.

¹ The remaining 29 bills have effective dates stated in the bill that are not dependent on the Governor’s action or inaction. No addendum is needed to clarify the effective dates of these bills.