



State of Tennessee

PUBLIC CHAPTER NO. 170

HOUSE BILL NO. 1035

By Representative Littleton

Substituted for: Senate Bill No. 742

By Senator Dickerson

AN ACT to amend Tennessee Code Annotated, Section 4-3-2403 and Title 8, Chapter 38, relative to social security for public officers and employees.

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

SECTION 1. Tennessee Code Annotated, Section 8-38-101, is amended by adding the appropriately designated subsections:

() "Agreement" means the federal-state agreement between the federal agency and the State of Tennessee entered into on August 16, 1951 as authorized by the Social Security Enabling Act for the purpose of extending coverage under Title II of the Social Security Act.

() "Employer" means the state, a political subdivision, or a local instrumentality of either.

() "Modification" means an amendment to the original federal-state agreement to modify coverage for coverage groups or to extend coverage to additional coverage groups consistent with the provisions of Section 218 of the Social Security Act and this chapter.

() "Plan of agreement" means an agreement between the state social security administrator and an employer for the purpose of extending the benefits of the Social Security Act to coverage groups within its employ.

SECTION 2. Tennessee Code Annotated, Section 8-38-103(b)(2), is amended by deleting the language "state" and by substituting instead the language "employer" and by deleting the language "secretary of the treasury" and by substituting instead the language "Internal Revenue Service".

SECTION 3. Tennessee Code Annotated, Section 8-38-104(a)(3), is amended by deleting the language "secretary of the treasury" and by substituting instead the language "Internal Revenue Service".

SECTION 4. Tennessee Code Annotated, Section 8-38-105, is amended by deleting the language "into the contribution fund established by § 8-38-115" and by deleting the language "§ 3101 of the Federal Insurance Contributions Act, codified in 26 U.S.C. § 3101" and substituting instead "the "Rate of Tax" sections of the Federal Insurance Contributions Act".

SECTION 5. Tennessee Code Annotated, Section 8-38-107, is amended by deleting it in its entirety.

SECTION 6. Tennessee Code Annotated, Section 8-38-111, is amended by deleting the section language in its entirety and substituting instead the language "Each political subdivision that has an approved plan under §§ 8-38-108 – 8-38-110 shall pay to the Internal Revenue Service, at such time or times as may be required by applicable federal law, contributions with respect to wages, equal to the applicable taxes which would be imposed by the "Rate of Tax" sections of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act."

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SECTION 7. Tennessee Code Annotated, Section 8-38-112, is amended by deleting the section language in its entirety and substituting instead the language "Each political subdivision required to make payments under § 8-38-111 is authorized to impose upon each of its employees, as to services which are covered by an approved plan of agreement, a contribution with respect to the employee's wages, not exceeding the amount of the employee's tax which would be imposed by the "Rate of Tax" sections of the Federal Insurance Contributions Act, if such services constituted employment within the meaning of that act. Each political subdivision is authorized to deduct the amount of such contribution from the employee's wages. Failure to deduct such contributions shall not relieve the employee or employer of liability for such contributions".

SECTION 8. Tennessee Code Annotated, Section 8-38-113, is amended by deleting it in its entirety.

SECTION 9. Tennessee Code Annotated, Section 8-38-114, is amended by deleting it in its entirety.

SECTION 10. Tennessee Code Annotated, Section 8-38-115, is amended by deleting it in its entirety.

SECTION 11. Tennessee Code Annotated, Section 8-38-117, is amended by deleting it in its entirety.

SECTION 12. Tennessee Code Annotated, Section 8-38-118, is amended by deleting it in its entirety.

SECTION 13. Tennessee Code Annotated, Section 8-38-119, is amended by deleting it in its entirety.

SECTION 14. Tennessee Code Annotated, Section 8-38-120, is amended by deleting it in its entirety.

SECTION 15. Tennessee Code Annotated, Section 8-38-123, is amended by adding a new subsection as follows:

(e) The governor shall delegate signature authority to the state treasurer, who is the administrator for the state of Tennessee. The governor shall also delegate the authority to designate an agency or individual to supervise the state old age and survivors insurance agency, and shall delegate the authority to supervise referenda to the state treasurer. The state treasurer may designate an individual to administer the state old age and survivors insurance agency and to supervise referenda as needed.

SECTION 16. Tennessee Code Annotated, Section 8-38-125, is amended by deleting it in its entirety.

SECTION 17. Tennessee Code Annotated, Title 8, Chapter 38, Part 1, is amended by adding the following language as a new, appropriately designated section:

8-38-127.

(a) The old age and survivors' insurance agency shall be attached to the Department of the Treasury in a division as designated by the state treasurer.

SECTION 18. Tennessee Code Annotated, Title 8, Chapter 38, Part 1, is amended by adding the following language as a new, appropriately designated section:

8-38-128.

(a) The state social security administrator may implement procedures for the filing and retention of social security documents by electronic means and may authorize electronic signatures in the signing of such documents.

(b) If a document is filed by electronic means pursuant to this section, the electronic record and the electronic signature of the person who executes the same shall

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be binding on all persons. The use of an electronic signature shall have the same validity and effect as the use of a signature affixed by hand.

(c) For the purposes of this section, the following definitions shall apply:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(2) "Electronic record" means information which is created, generated, sent, communicated, received, or stored by electronic means;

(3) "Electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

SECTION 19. Tennessee Code Annotated, Section 4-3-2403(b) (4), is amended by deleting this subsection in its entirety.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 1, 2013

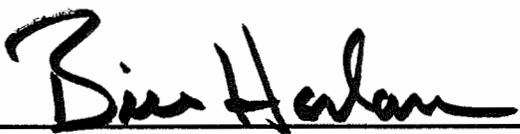


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 16th day of April 2013



BILL HASLAM, GOVERNOR