S T A T E O F T E N N E S S E E
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Opinion No. 07-18

Secretary of State's Publication of Public and Private Acts

QUESTION

Is the language in Tenn. Code Ann. § 12-6-116 sufficient authority for the Secretary of State to publish the acts and resolutions of the General Assembly via the Internet and to discontinue the annual hardbound printed editions of the Public and Private Acts?

OPINION

Yes. Tenn. Code Ann. § 12-6-116 authorizes the Secretary of State to fulfill his duty to publish the Public and Private Acts of the General Assembly by publishing them in electronic form via the Internet.

ANALYSIS

The Secretary of State's duty to publish and distribute printed copies of the Public and Private Acts of the General Assembly is described in Title 12, Chapter 6, Part 1 of the Tennessee Code. *See* Tenn. Code Ann. §§ 12-6-101 to 12-6-119 (1999). These provisions require the Secretary of State to distribute copies of the printed acts to members of the General Assembly and other specified state officials who have requested them. *See* Tenn. Code Ann. §§ 12-6-101, -102 (1999). These provisions further require the Secretary of State to retain additional copies of the acts and to distribute copies to certain libraries. *See* Tenn. Code Ann. §§ 12-6-103, -107 (1999).

Tenn. Code Ann. § 12-6-116(a) authorizes the Secretary of State to distribute in pamphlet form preliminary copies of the Public Acts at intervals during and shortly after each legislative session, pending publication of the bound volumes. The last sentence of Tenn. Code Ann. § 12-6-116(a), which is the subject of your request, further provides that

> [n]otwithstanding any other provision of law, the secretary of state is authorized to fulfill the provisions of this part by publishing the text of the public acts in electronic form by use of the Internet.

Tenn. Code Ann. § 12-6-116(a) (1999).

The argument could be made that this provision's use of the term "this part" merely refers to Tenn. Code Ann. § 12-6-116(a), the statutory section in which the provision appears, and that the provision is intended to qualify the previous sentence authorizing the Secretary of State to distribute preliminary copies of the Public Acts in pamphlet form. In previous opinions, however, the Attorney General has consistently construed the term "this part" more broadly to encompass the entire part of the Code in which the provision appears. *See, e.g.*, Op. Tenn. Att'y Gen. No. 03-031 (Mar. 25, 2003); Op. Tenn. Att'y Gen. No. 97-076 (May 21, 1997); Op. Tenn. Att'y Gen. No. 96-096 (July 29, 1996); Op. Tenn. Att'y Gen. No. 94-105 (Sept. 9, 1994).

In this case, the term "this part" appears in Title 12, Chapter 6, Part 1 of the Tennessee Code. Consistent with previous opinions of this Office, we conclude that Tenn. Code Ann. § 12-6-116(a)'s reference to "this part" refers to all of the statutory sections included within Part 1. *Cf.* Tenn. Code Ann. §§ 12-6-102(e), 12-6-117(b) (1999) (wherein term "this section" refers only to statutory section in which term appears). Accordingly, notwithstanding any other provision to the contrary, the Secretary of State may fulfill his duty to publish the Public Acts, as set forth in Tenn. Code Ann. §§ 12-6-101 to 12-6-119, by "publishing the text of the public acts in electronic form by use of the Internet." Tenn. Code Ann. § 12-6-116(a) (1999).

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