

# Law-making in Tennessee\*

In Tennessee, as in other states of the United States, the state's laws are made exclusively by one of the three separate branches of state government, known as the legislative branch. "Legislative" means "making laws". The other two branches are the executive and the judicial. The executive branch executes and enforces the state laws, while the judicial branch construes and interprets the laws in the application to the affairs of man.

The name of the legislative authority may vary from state to state, but usually it is called the Legislature or the General Assembly. The official title in our state is the "General Assembly of the State of Tennessee", but it is entirely proper to refer to the "Legislature".

The Tennessee Legislature is composed of two bodies, or houses, called the Senate and the House of Representatives. The Senate has 33 members, including its presiding officer, or speaker, who is also, by virtue of his office, the lieutenant governor of the state. The House of Representatives has 99 members, including the speaker. The members of each house elect the speakers from among their membership.

Legislators are elected by popular vote of the people every even-numbered year. Senators' terms are for four years but expire on a staggered basis. Senators representing even-numbered districts are elected in one election year, while senators representing odd-numbered districts are elected in the next election year. Senators represent counties called a senatorial district or in the case of the four urban counties represent a senatorial district within the county. Most of Tennessee's 95 counties have one or more direct representatives, but some of the smaller counties are combined into what is known as a flatorial district and they are represented by a flatorial representative.

The Legislature convenes in the State Capitol in Nashville on the first Tuesday in January of every odd-numbered year for an organizational session lasting not longer than fifteen calendar days. There follows a recess of approximately six weeks, whereupon the legislators then convene on the fourth Tuesday in February to begin their regular lawmaking session. There is no limit on the length of the regular session but members may adjourn or recess from time to time as they consider necessary. However, members may not be paid their expenses or travel allowances for more than ninety legislative days. That is, days when the Legislature is actually in session for the conduct of business.

When the Legislature initially convenes, the first order of business is the swearing in of the members elect. The two bodies meet in their respective chambers and the members take an oath of office, swearing to support the constitution of the United States and the constitution of Tennessee and to perform their official duties impartially without favor or prejudice, and to always protect the rights of the people.

The membership of each body next elects a presiding officer or speaker, and also elects a chief clerk, an assistant chief clerk, and a chief engrossing clerk.

Each body then adopts its rules of procedure and the speakers appoint certain standing committees to give initial consideration to proposed legislation and report recommendations to the full body for action.

In Tennessee, formal expressions of legislative intent may be made in any of four ways: (1) public acts; (2) private acts; (3) resolutions; and (4) joint resolutions.

Acts, public or private, are the end result of bills and do not become acts until they are passed in identical form by both houses of the Legislature and either (1) signed by the governor or (2) allowed to become law by the governor's failure to return the bill stating his objections to it, within five days (Sundays excepted) during the session after it has been presented to him, or (3) passed by a majority of all the members of each house, notwithstanding the objections of the governor, where he has vetoed the bill.

A bill is the form in which a proposed law is drafted for introduction in the Legislature, and it remains a bill until final legislative and executive action is taken on it.

In Tennessee, the terms public acts, general acts, public laws, and general laws are used interchangeably in referring to legislative enactments of statewide application, although "public acts" is the official designation.

Private, local, or special acts refer to acts applicable to one or more, but not all, subdivisions or parts of the state.

Resolutions, unlike bills, do not become the law of the state when acted upon by the Legislature, but serve merely to express the will of the majority of the body by which they are adopted. Resolutions are termed House Resolutions or Senate Resolutions, depending upon the house in which they are adopted. Resolutions passed by both houses are joint resolutions. Joint resolutions are a higher form of expression of the legislative will, and, although they are not laws, they do have the force of law for certain limited purposes. If they originate in the Senate, they are Senate Joint Resolutions; if they originate in the House, they are House Joint Resolutions. Joint resolutions require the approval of the governor and are subject to the same rules as bills with reference to vetoes, passage over the governor's veto, and taking effect upon failure of the governor to sign or veto them.

A legislator may introduce a bill on the floor of the body of which he is a member merely by holding it aloft until a page takes it from him to the chief clerk's desk. Bills must be typewritten on legal size paper (8 ½" by 14") and are introduced in the original and whatever number of copies the rules may require. Both the bill and the copy, or copies, are jacketed in manuscript covers of different and distinctive colors. The signature or signatures of the member, or members, sponsoring the bill must be placed on the cover, which also must contain a brief statement of the nature and purpose of the bill.

When the bill reaches the chief clerk's desk, he examines it to see that it conforms to legislative rules and numbers it.

Since the Tennessee Constitution provides that no bill shall become a law until it shall have been read and passed on three different days in each house, a somewhat complex procedure then follows concerning the bill.

There being no objection, the bill is passed on first reading by the chief clerk reading the number, sponsor and title of the bill.

The following day, the bill is again read, usually by number and title, passed on second reading, and referred by the speaker to the appropriate standing committee. The committee studies the bill and reports to the Senate or the House, as the case may be. Public hearings may or may not be held on the bill, depending upon the subject matter and the interest aroused by the bill.

Being recommended for passage by the committee, the bill then goes to the Committee on Committees, also called the Calendar Committee, which places the bill on the calendar, that is, sets the time for the bill to be considered by the full House or Senate as the case may be.

The bill is then called up for passage, and after being read the third time and discussed or debated, it may be passed with or without amendment by a majority of the members to which the body is entitled. (50 or more votes in the House of Representatives; 17 or more votes in the Senate.)

The bill now having been passed in one body then goes to the office of the chief engrossing clerk, where it is retyped, without errors or erasures and is transmitted to the other body, where it is read on three different days, passed on the third reading by a majority, and sent to the chief engrossing clerk, where it is enrolled, that is retyped, without errors or erasures, on a heavy-weight paper. The bill is then signed by the two speakers and forwarded to the governor for his signature. Having been signed by the governor, or having been allowed to become a law without his signature the bill now becomes an act of the Legislature and is sent to the office of the Secretary of State, where it is assigned chapter number and filed, thus becoming a law of the State of Tennessee.

*\* Prepared by the Tennessee Legislative Council staff for high school student groups who visit the Capitol during legislative sessions.*