

HOW A BILL BECOMES LAW IN TENNESSEE

General Bills

Introduction

A legislator may introduce a bill in the body of which he is a member by filing it with the appropriate clerk. Bills must be typewritten on letter size paper (8 1/2" by 11") The bills 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 the caption of the bill.

Numbered by Chief Clerk

The bill is then examined by the Chief Clerk of the House or Senate to see that it conforms to legislative rules, is given a number which is placed on all copies, and is then distributed as required under the rules.

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

Passed on First Consideration

A bill must be filed with the Chief Clerk no later than 4:00 p.m. on the day preceding the date of introduction. Any bills pre-filed in conformance with this House and Senate rule are introduced under the proper order of business, while any bills filed after 4:00 p.m. of the preceding day or during that day's session are held for introduction the next day the house is in session. There being no objection, the bill is passed on first consideration.

Passed on Second Consideration

The next legislative day following introduction of a bill, the bill is passed on second reading and is referred by the Speaker to the appropriate standing committee under the proper order of business.

Referred to Committee

After the bill has been referred to committee, it will remain there unless one of the following courses of action is taken to bring it out: (a) the sponsor of the bill appears before the committee to explain the bill, and a motion to have the bill recommended for passage receives a majority vote of those members of the committee present and voting thereon; (b) after seven days in a committee without action being taken, the bill may be recalled from committee by a majority of the members of the Senate or House as the case may be; (c) if the bill is not considered controversial in nature, it is placed on a committee consent calendar and then reported as "recommended for passage" if objection is not raised; or (d) in the House committees, if the sponsor fails to appear before the committee at the scheduled hearing on two occasions and he fails to request that his bill be rescheduled, the bill is returned to the Clerk's desk where it is held pursuant to Rule 83(2); (e) in the Senate committees, if the sponsor fails to appear before the committee at the scheduled hearing and has failed to request that his bill be re-scheduled, the bill is returned to the Clerk's desk for the purpose of being withdrawn from the Senate.

The committee chairmen report committee action taken in reporting bills out of committee to the Chief Clerk. All bills being recommended for passage by the committee are referred automatically to the scheduling committee, which is the House Committee on Calendar and Rules or the Senate Calendar Committee.

Referred to Calendar

The House Committee on Calendar and Rules is composed of the speaker, the speaker pro tempore, the majority leader or his designee, the majority caucus chairman, the minority leader or his designee, the minority caucus chairman, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one chairman, and one vice-chairman (appointed by the speaker), and the chairman of each standing committee. This committee sets the calendar and establishes the schedule of meetings of the various standing committees. Unlike the Senate Calendar Committee, the House Calendar and Rules Committee debates the merits of a bill or resolution. While the Senate Calendar Committee determines when a bill will reach the floor for debate, the House Calendar and Rules Committee determines whether a bill will reach the floor.

The Senate Calendar Committee is composed of a chairman and the majority and minority floor leaders. The Senate rules state specifically that the Calendar Committee "shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill or resolution" but shall calendar every bill or resolution referred to it.

Placed on Calendar

Written calendars (lists of bills to be considered for third reading) are required to be posted in the Senate Chamber at least 24 hours prior to consideration by the Senate or in the House Chamber at least 48 hours prior to consideration by the House. Senate rules limit the Senate calendar to 14 general bills, plus holdovers, while House rules place the maximum at 25, including any bills held over from previous calendars or any bills set by special order and excluding only those bills "bumped" or objected to on a Consent Calendar. Consent Calendars are made up of those bills and resolutions considered non-controversial in nature and are required to be posted in the House at least three days in advance of consideration and in the Senate, by 2 p.m. of the day prior to consideration.

Passed on Third Consideration

On the day a bill appears "on the calendar," it is open to debate and amendment by the entire body considering it (House or Senate). This action takes place under the order of business now known as "Calendar".

The bill is then called up for passage, and after being considered 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.) When debate is over, a vote is taken on the bill; and the question is, "Shall the bill be passed on third and final consideration?". Procedure reaches that point either by (a) debate being exhausted, i.e., all those wishing to speak have done so and the Speaker calls for the question; or (b) a motion for the "previous question," which requires two-thirds vote of those present, automatically stops debate and a vote is taken. If the vote on the passage of the bill carries, the bill automatically goes to the Chief Engrossing Clerk.

Bill is Engrossed

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. The bill is "engrossed" by reproducing it with all the amendments inserted in the proper places.

Companion Bills

It is customary to introduce identical bills in both houses simultaneously. When this is done, the bills are called "companion bills". When a companion bill is passed in one house, it then goes to the other house to await action on its companion. When the companion bill is called up, it is made to conform with the version already passed by the other house and the version first passed is substituted for the companion in the second house. The substituted bill is then considered on third and final reading. (The motion to conform and substitute is appropriate only on third readings where a bill would have already gone through the first two steps required by the Constitution and the rules.)

If a bill passes one house and is amended in the other, the bill goes back to the house where it was originally passed for action on the amendment. The first house may vote to concur or not to concur. If it concurs in the amendment(s), the bill follows through for the governor's approval; but if the first house refuses to concur, the bill goes back to the house where the amendment originated and the motion there is that that house recede or refuse to recede from its position in adopting the amendment(s). If there is a refusal to recede, it then becomes necessary to appoint conference committees, consisting usually of at least three members of each house, to meet and attempt to reconcile the differences between the two houses on the bill or to recommend a course of action agreeable to both houses.

Bill Is Enrolled

After being passed by both houses, the bill is enrolled, that is retyped, without errors or erasures, on a heavy-weight paper, by the Chief Engrossing Clerk in the house of origin. This step involves preparing the bill in the exact form passed by both houses and in a format suitable for approval by the two Speakers and by the Governor.

Signed by Speakers

After the Speakers sign the enrolled copy, it is automatically transmitted to the Governor for his action.

Signed by Governor

The Governor may sign the bill; veto it; or allow it to become law without his signature. The Governor is allowed ten days (Sundays excepted) after a bill is presented to him to approve or veto the bill; if he takes no action within that period, the bill becomes a law without his signature. The Governor also has constitutional authority to reduce or disapprove any sum of money appropriated in any bill while approving other portions of such bill.

If the Legislature is still in session, the Governor returns all bills and joint resolutions to the house of origin after he has taken action. After adjournment of the General Assembly, bills are returned by the Governor to the Office of the Secretary of State.

If the Governor has vetoed a bill or reduced or disapproved an appropriation within a bill, the veto can be overridden, or reduced or disapproved sums of money restored, by a majority vote of the membership to which each body is entitled under the Constitution.

Sent to Secretary of State and Assigned Public Chapter Number

The Secretary of State's office assigns each general bill passed into law a public chapter number, while local bills are assigned private chapter numbers. The public chapters are published in pamphlet form soon thereafter for distribution to members of the General Assembly and other interested parties. Several months after the session, the public chapters, resolutions and joint resolutions adopted are published in bound volumes as the Tennessee Public Acts. The private chapters are similarly published in bound volumes as the Tennessee Private Acts.

Incorporated into the Code

In the meantime, the Tennessee Code Commission and the publishers of the Tennessee Code Annotated are busily converting and annotating new laws into the existing Code. The supplements and replacement volumes of the Code are usually available about six months after the adjournment of the General Assembly. (It should be remembered that private acts apply only to one city or county and do not become a part of the Code.)

Local Bills

In the Senate, the first three steps in passing a bill (introduction, numbered by Chief Clerk, and passes first consideration) are the same for local bills as for general bills. On second consideration, however, procedure changes and the bill is passed on second consideration and held on the Clerk's desk. Since local bills only affect one "locality," they need not be referred to a standing committee but, must meet the approval of the local legislative delegation. The Speaker may refer a local bill to committee in which case it follows the normal steps in the committee system.

After a local bill receives the signature of each member of the local delegation affected by the legislation, it is placed on the Consent Calendar

From the Engrossing process on, the procedure for local bills is the same as for general bills. These bills do not amend the code but, instead become part of the Private Acts of a particular year.

In the House, the steps in passing local bills are the same as for passing general bills.

Resolutions

The following represents the normal steps in adopting resolutions:

Resolutions differ from bills in that they do not become law but simply serve to express the views of the majority of one or both houses of the Legislature.

Resolutions adopted in only one house are known as House or Senate Resolutions, depending on the house in which adopted or introduced. Resolutions adopted by both the Senate and the House are called Joint Resolutions. If they originate in the Senate, they are called Senate Joint Resolutions; and if in the House, they are referred to as House Joint Resolutions.

In the Senate, all memorializing resolutions are referred to the Calendar Committee; and all other resolutions, except joint resolutions proposing joint conventions, are referred to standing committees.

In the House, all resolutions except congratulatory or memorializing resolutions are referred to standing committees, while congratulatory and memorializing resolutions are placed on the Consent Calendar. All joint resolutions in either house calling for a joint convention of both houses are referred to a committee consisting of the Speaker, the majority leader, and the minority leader.

No resolution, except one proposing an amendment to the Constitution, is required to be read three times. However, according to Article III, Section 18 of the Tennessee Constitution, all joint resolutions, except those calling for adjournment of the Legislature and those proposing specific amendments to the Constitution, must be submitted to the Governor for his signature. The Governor may veto a resolution, just as he may veto a bill; and the General Assembly may override the veto of a resolution in the same manner it may override the veto of a bill.

Source:

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