TENNESSEE HOUSE OF REPRESENTATIVES

111TH GENERAL ASSEMBLY

PERMANENT RULES OF ORDER
CAMERON SEXTON, SPEAKER

SELECT COMMITTEE ON RULES

Matthew Hill, Chair; Clark Boyd, Rush Bricken, John DeBerry Jr., Ron Gant, Andy Holt, Dan Howell, William Lamberth, Susan Lynn, Johnny Shaw, John Mark Windle, Jason Zachary.

PERMANENT
RULES OF ORDER

of the

TENNESSEE
HOUSE OF REPRESENTATIVES

One Hundred Eleventh General Assembly

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1. SPEAKER TO CONVENE HOUSE. At the hour to which the House shall have been adjourned, the Speaker shall proceed to the dais and announce that the House is in session in accordance with the adjournment motion previously made. The Speaker shall then call the House to order and, after appropriate opening ceremonies, call for the regular order of business, beginning with a roll call to determine that a quorum is present. A quorum of the House of Representatives shall be as defined by the Constitution of the State of Tennessee: "Not less than two-thirds of all the members to which each house shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members." Article 2, Section 11, Constitution of the State of Tennessee.

2. SPEAKER TO PRESERVE ORDER. The Speaker shall preserve order and decorum and may speak to points of order in preference to other members. The Speaker will have the authority to set the guidelines for decorum.

3. OTHER DUTIES OF SPEAKER. The Speaker shall supervise the preparation of the daily Journal and shall have general direction of the Representative Chamber in accordance with the authority granted under the Rules of the House.

4. ORDER IN GALLERY OR LOBBY. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or the Chair of the Committee of the Whole shall have power to order the same to be cleared.

5. FORMS OF QUESTIONS. Questions shall be put directly in this form: "Representatives in favor of (then state the proposition) say 'Aye' and, after the affirmative will be expressed, "Representatives who are opposed, say 'Nay'." If the Speaker doubt, or a roll call be requested, as provided in Rule 29, a roll call vote shall be taken.

6. SPEAKER TO APPOINT COMMITTEES. The Speaker shall appoint all committees, unless otherwise directed by the House, in which case they shall be elected by a vote of the House; and if, upon the first ballot, there be no election, a second ballot shall be taken, in which a plurality of votes shall elect. The Speaker shall, in appointing committees, give consideration to the abilities, preferences and seniority of the members and the political party representation in the House. No member shall be appointed to serve on more than three (3) standing committees, exclusive of the Committee on Calendar and Rules.

7. SPEAKER TO APPOINT COMMITTEE OFFICERS. The Speaker shall appoint one (1) chair and one (1) vice-chair for each of the standing committees and for the Committee on Calendar and Rules. The Speaker shall appoint one (1) subcommittee chair for each

subcommittee. Any officer of any committee, with the approval of the Speaker, may choose to be a member of only one (1) committee. In appointing committee officers, the Speaker shall consider the abilities, preferences and seniority of members and the political party representation in the House.

8. SPEAKER PRO TEMPORE. A Speaker pro tempore of the House of Representatives shall be elected by the membership of the House during the organizational session of the General Assembly. The Speaker pro tempore shall serve until a successor is chosen or until the expiration of such speaker's term, whichever shall first occur. The Speaker pro tempore shall act during the absence of the Speaker, except that the Speaker shall have the right to name any member to perform the duties of the Chair for periods not to exceed three (3) consecutive legislative days. In the absence of the Speaker and the Speaker pro tempore, it shall be the duty of the Clerk to call the House to order and call the roll for the election of a temporary Speaker. In the event of an interim vacancy of the office of Speaker, through death or resignation, or in the event of disability of the Speaker, the Speaker pro tempore shall conduct the necessary business of the House only until such time as an election can be held in the House to fill the vacancy.

9. CHIEF CLERK. There shall be a Chief Clerk, Assistant Chief Clerk, Assistant Chief Clerk/Parliamentarian, Chief Engrossing Clerk and Chief Sergeant-At-Arms of the House of Representatives who shall be appointed by the Speaker and who shall serve until a successor is chosen. The Chief Clerk shall keep open the Office of the Clerk during and between sessions of the General Assembly on a permanent basis and shall transact efficiently such business as is assigned or required by law or rules of the House, both during and between sessions. The Chief Clerk, Assistant Chief Clerk, Assistant Chief Clerk/Parliamentarian, Chief Engrossing Clerk and Chief Sergeant-At-Arms shall take an oath to support the Constitution of the United States and of the State of Tennessee and to truly and faithfully discharge the duties of the office to the best of such clerk's knowledge and ability.

10. APPOINTMENT OF HOUSE EMPLOYEES. The Speaker shall appoint such House employees as are necessary for the proper transaction of the business of the House.

11. VOTES REQUIRED FOR CHOICE. In all votes other than those specifically provided for herein, a majority of those present and voting shall be necessary to a choice, a quorum being present.

12. ORDER OF BUSINESS. The reading of the daily Journal for the preceding day shall not be required; provided, however, that upon appropriate motions, the House may direct that the same be read. Any corrections in the Journal shall be suggested by individual members under the order of Unfinished Business.

After appropriate opening ceremonies, the Speaker shall call for the following:

(1) Roll Call
(2) Welcoming and Honoring
(3) Introduction of Resolutions
(4) Senate Joint Resolutions (Congratulatory, Memorializing)
(5) Resolutions Lying Over
(6) Introduction of Bills
(7) Senate Bills on First Consideration
(8) Senate Bills on Second Consideration

(9) House Bills on Second Consideration
(10) Petitions and Memorials
(11) Reports from Standing Committees
(12) Reports from Select Committees
(13) Calendars
(14) Unfinished Business
(15) Announcements
(16) Roll Call

13. SPECIAL ORDER. It shall require an affirmative vote by two-thirds (2/3) of the members to which the House is entitled under the Constitution to set a special order of business; however, when a motion has been made to set for a special order any bill, resolution, or motion, the motion having failed for lack of a two-thirds majority but having received a majority vote of the members of the House present, it shall be in order, upon the demand of five (5) members of the House, for the Committee on Calendar and Rules to meet and report for the adoption or rejection by a majority vote of the House a rule or order fixing a time for the consideration of said bill or measure. It shall require a majority vote of the members of the House to postpone any special order set.

14. NUMBER OF SPECIAL ORDERS PERMISSIBLE WITHOUT RE-REFERRAL. After a bill has been scheduled for third consideration, another date for third consideration may be requested, and the bill or resolution shall be so scheduled, however, any bill or resolution shall only be rescheduled three (3) times. If the House does not consider the bill or resolution on or before the fourth such scheduled time, the bill or resolution shall be automatically re-referred to the Committee on Calendar and Rules. The same shall apply to any bill or resolution that has been rescheduled without special order.

15. PETITIONS AND MEMORIALS - BRIEF STATEMENT. Before any petition or memorial addressed to the House shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be filed with the Chief Clerk.

16. SYSTEM ENTRY CODE. Before any bill or resolution can be accepted by the Chief Clerk for the purpose of pre-filing and assigning a number, or any committee amendment or any other amendment in the first degree can be accepted for the purpose of attaching it to a bill, the document in question shall have a system entry code affixed thereto by the Office of Legal Services.

17. RESOLUTIONS. Resolutions shall be pre-filed with the Office of the Chief Clerk by 4:00 p.m. for introduction the following day and referral to the appropriate standing committee. However, all congratulatory and memorializing resolutions shall automatically be introduced the day of filing or the first legislative day thereafter and placed on the next Consent Calendar in accordance with Rule No. 50.

Joint resolutions calling for joint conventions shall be referred by the Speaker to a committee consisting of the Speaker, the Majority Leader and the Minority Leader for immediate consideration. The committee shall report its recommendations concerning the proposed joint convention to the House.

18. DUTIES OF MEMBERS TOWARD SPEAKER. No member shall be recognized by the Speaker unless the member addresses the chair from such member's desk. In all cases the member who shall first rise shall be entitled to speak first; but when two (2) or more members shall rise at the same time, the Speaker shall name the member who shall speak first.

When any member is about to speak in debate or deliver any matter whatever to the House, such member shall rise, and respectfully address the chair and await the notice of the Speaker. After recognition by the Speaker, the member shall proceed with making remarks which strictly conform to the question under debate and avoid all personalities.

19. TRANSGRESSION OF RULES BY MEMBER. Any member who, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall, or any other member may, call such transgressing member to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case without debate. If there be no appeal, the decision of the Chair shall prevail. If the decision be in favor of the member called to order, such member shall be permitted to proceed, without leave of the House. If otherwise, such member shall not be permitted to proceed. In case any member objects and continues, without leave of the House, and if the case require it, such member shall be liable to the censure of the House.

20. ATTENDANCE OF MEMBERS REQUIRED. No member shall be absent from service in the House without leave first obtained; and in case a less number than the quorum of the House shall convene, the Speaker is hereby authorized to send the Sergeant-at-Arms, or any other person or persons, for any or all absent members. This shall be done at the expense of such absentees, respectively, unless such excuse for nonattendance shall be rendered as the House, when a quorum is convened, shall deem sufficient.

21. TIME LIMITS OF DEBATE. Each member shall be limited to fifteen (15) minutes in such member's opening remarks and shall be limited to ten (10) minutes in rejoinder in discussion upon the floor of the House, EXCEPT by a majority of the members present, the House may increase or decrease the limitations of time herein set out for debate on a particular bill, resolution or motion.

22. PERSONS ADMITTED ON FLOOR OF HOUSE. The Sergeant-at-Arms shall admit no person into the House Chamber thirty (30) minutes prior to and during any session except members of the General Assembly, employees of the House as designated by the Speaker of the House, employees of the Senate as designated by the Speaker of the Senate, employees of the Office of Legal Services, employees of the Office of Legislative Information Services, Fiscal Review Committee staff, as designated by the Speaker of the House, members of the Capitol Hill Press Corps as designated by the chair of the Corps and approved by the Speaker of the House, and the Chaplain and the Physician of the Day. All visitors and spectators shall have access to the gallery so long as they preserve order.

23. EVERY MOTION MUST BE SECONDED. Every motion must be seconded by some member of the House other than the proponent of the motion and upon failure of a second, the Speaker shall declare the motion failed for lack of a second.

24. MOTION REDUCED TO WRITING. The Speaker may require any motion to be reduced to writing and placed on the desk of the Clerk.

25. WHAT MOTION DEBATABLE. All motions shall be subject to debate except the following motions:

(1) To adjourn
(2) Lay on the table
(3) For the previous question

Provided, however, the proponent of any motion sought to be tabled shall have the right to be heard after the motion to table is made and before said motion to table is put to vote.

26. PRECEDENCE OF MOTIONS. When any question or motion is under debate in the House, the following motions only shall be in order and may be entertained by the Speaker:

(1) To adjourn
(2) To lay on the table
(3) For the previous question
(4) To postpone to a day certain
(5) To commit or recommit
(6) To amend

Each of said motions shall take precedence in the order set out herein.

27. NO MOTION TO ADJOURN OR PREVIOUS QUESTION UNTIL FURTHER BUSINESS. When a motion to adjourn or a call for the previous question shall have been made and failed, the Speaker shall not entertain another motion to adjourn or a call for the previous question until some business has been transacted since the last motion to adjourn or a call for the previous question was voted upon.

28. WHEN MOTION NOT TO BE ENTERTAINED BY SPEAKER. After the Speaker has submitted a question or after there has been a roll call or count of the House, the Speaker shall not entertain or recognize a member on a point of personal privilege or otherwise until a decision of the House has been declared by the Chair. At any other time, a member may rise to a point of personal privilege but such member shall confine such remarks to questions affecting the rights, reputation and conduct of the member in such member's official capacity, and shall not address remarks to any question germane to substantive matters being considered.

29. DEMAND OF ROLL CALL. Any question or motion (except final passage of a bill) may be put to the House by a voice vote at the discretion of the Speaker; provided, however, that, as required by the Constitution of Tennessee, any five (5) members of the House may require a roll call of the membership of the House and said members desiring a roll call shall indicate their desire by raising their hands. All votes taken upon final passage on third consideration of a general bill and all votes taken on demand by any five (5) members as provided for shall be taken by the electronic roll call system, provided that the Speaker may require the calling of the names of the members in alphabetical order and each member shall then answer "Aye" or "Nay" when such member's name is called by the Clerk without debate. Whenever the electronic roll call system is used, the Clerk shall preserve the record of the votes of the members by making the printed roll call as authenticated by the roll call system a part of the rough journal. All members casting votes by the electronic roll call machine shall be at their proper desks at the time for voting with the exception of the Speaker and sponsor moving

passage of the bill under consideration. No member shall vote for another member on the electronic roll call system or otherwise. A member temporarily away from their desk, but within the House Chamber, may request the Clerk to record their vote before the result is announced by the Speaker. If a member is deemed absent by the Clerk during voting, the Clerk shall lock the member's electronic roll call machine. In the event the electronic roll call system is inoperative, all questions shall be put to the House by voice vote or by calling the roll as circumstances may require.

30. EXPLANATION OF VOTE. Any member may have written into the Journal an explanation of such member's vote on any particular motion, resolution, or bill by presenting to the Clerk an appropriate explanation in typewritten form. However, an oral explanation is not a matter of privilege and shall not be allowed from the floor.

31. CHANGE OF VOTE. Any member's vote on a roll call vote may be changed if such member requests such change before the result of the roll call is announced by the Speaker. After the result of the roll call is announced by the Speaker, no member may change such vote and the Journal entry shall not be altered. However, any member not voting at the time the roll call was taken, or any member voting on the original question but wishing to express a desire to change such member's original stand, may, have entered on the Journal a typewritten statement of support of or opposition to the question upon which the vote was taken.

32. APPEALS TO HOUSE ON RULINGS OF SPEAKER. Any five (5) members of the House may appeal to the House from the ruling of the Speaker and a majority vote of the members present shall decide the appeal.

No member shall speak more than twice on the appeal except with the permission of the majority of the members present

33. WHO MAY ADDRESS SPEAKER. No one may address the Speaker except a member of the House.

34. DIVISION OF QUESTION IN DEBATE. If the question in debate contains several points, any member may have the same divided; but no bill shall be divided on third and final consideration.

35. OTHER PAPERS AND VISUAL AIDS. When the reading of a paper is called for and the same is objected to by any member, it shall be decided by a vote of the House without debate. Distribution of other papers to the desks of the members shall be restricted to general announcements only, can only be accomplished upon request of a member of the House and must reflect the name of the requesting member. No props or other devices shall be used as visual aids for the advocacy of, or opposition to, any bill or resolution.

36. PREVIOUS QUESTION. The previous question shall only be admitted when demanded by two-thirds (2/3) of the members present. It may be applied to the main question, the main question and amendment, or to the main question and amendment to the amendment. If the question prevails on the main motion, its effect shall be to preclude all future amendments and terminate all debate. When a member's turn to be recognized comes and that member, during that turn of recognition, wishes to call the previous question, the member may not debate that issue at that time, but must only move for the previous question. The proponent of the motion, amendment, resolution or bill shall have the right to close the debate thereon, and no call for the previous question shall cut off this right. However, when the demand for the previous

question has been made and rejected under the foregoing provision but received a majority vote of the members of the House, it shall be in order, upon the demand of any five (5) members of the House, for the Committee on Calendar and Rules to meet and fix or limit the time in which debate on said question shall be closed, which decision shall be binding upon all membership of the House.

37. TABLED MOTION - HOW REMOVED, ETC. When any bill, resolution, or motion is laid on the table by a vote of the House, it shall require a two-thirds (2/3) vote of those members present to take it from the table; but it shall require only a majority of the votes (a quorum being present) to lift from the table a vote rejecting a bill, resolution, or a motion.

38. BILLS DISPLACED BY SUBSTITUTION TABLED. When a bill has been substituted for another bill, the bill displaced by the substitution shall be considered as tabled.

39. WHEN BILL OR RESOLUTION FAILS TO RECEIVE CONSTITUTIONAL MAJORITY. When any bill or resolution is voted upon, but fails to receive a constitutional majority, the same shall be automatically re-referred to the Committee on Calendar and Rules and shall not be set again for a calendar unless it is recommended by two-thirds (2/3) of the committee members entitled to vote at a meeting of the committee. Any bill so rereferred during the final seven (7) days of the session shall not be again placed on the calendar for consideration during that session unless called for by a favorable vote of two-thirds (2/3) of the members to which the House is entitled under the Constitution, in which case it shall be placed in the next available position on the calendar for a succeeding day. However, no bill or resolution may be voted on more than twice during this General Assembly.

40. MOTION TO RECONSIDER FOLLOWING FINAL PASSAGE. When a vote on final passage of a bill has been made and carried in the affirmative or negative, it shall be in order for any member voting with the prevailing side to move for a reconsideration thereof, at any time the same day or the next succeeding day of actual session. If the member moving the reconsideration shall request that motion be entered upon the Journal, it shall be done, and such member shall have exclusive control of the motion during that day and the next succeeding day of actual session; providing the motion has been duly seconded; and the motion shall be a privileged motion, taking precedence, when called up, over all other business. Thereafter, it may be called up by any member and disposed of by the House; however, no motion to reconsider a reconsideration shall be in order. No motion to reconsider shall be placed upon the Journal during the last seven (7) legislative days of any annual session.

41. NO CROWDING ABOUT CLERK'S DESK. Members shall not crowd or stand about the Clerk's desk.

42. WHO ALLOWED IN ROOMS OF CLERKS. No persons other than members and employees of the General Assembly shall be allowed in the offices of the Chief Clerk and Chief Engrossing Clerk during the period the House is in floor session.

43. INFORMATION REQUIRED ON COVERS OF BILLS AND RESOLUTIONS. Every bill or resolution introduced shall be typewritten on not less than a full page of paper.

Each bill or resolution shall be enclosed in *a* manuscript cover and shall bear the signature(s) of the sponsor(s) on said cover and said cover shall also contain a succinct statement of the purpose or nature of said bill or resolution.

No member shall be permitted to be added as a sponsor to a bill or resolution without the written permission of the first prime sponsor; provided, however, if a piece of legislation purports to name a public facility (bridge, building, etc.), the member who represents the district in which said facility lies shall be allowed to be added as a prime sponsor. Only the first prime sponsor may request that a bill be put on notice. However, the first prime sponsor may designate in writing, filed with the office of the house clerk, such other prime sponsor(s) who shall have all the rights of the first prime sponsor as to action on a bill.

The Chief Clerk shall delete the name of any member who is not the only prime sponsor from any bill or resolution upon receipt of such request in writing.

When a member introduces a bill or resolution, the Clerk shall immediately give the same a House number.

44. FILING OF BILLS FOR INTRODUCTION.

(a) Bills which have not been assigned a system entry code by the Office of Legal Services shall not be accepted for filing or pre-filing by the Office of the Chief Clerk.

(b) All bills for introduction shall be filed with the Chief Clerk no later than 4:00 p.m. on the day preceding the date of introduction.

(c) In the interim between sessions, any member of the House may pre-file a bill or resolution for introduction in the next session and the procedure shall be as follows:

(1) The bill or resolution shall be filed with the Chief Clerk of the House by the member in the number and form prescribed by the Rules of the House.

(2) The Chief Clerk shall number the bill or resolution and note thereon the date of the first day of the next session, on which the bill or resolution will be introduced and, in the case of bills, will pass first consideration.

(3) After written request of the sponsor of a pre-filed bill or resolution, the Speaker of the House may refer the bill or resolution to the appropriate committee to be studied and considered by the committee, or a subcommittee thereof, during the interim between sessions.

(d)

(1) No member may file more than fifteen (15) bills during each annual session of a General Assembly, except that a chair of a standing committee may file an additional five (5) bills on subjects that pertain to the committee of which he or she chairs.

(2) For the purposes of this Rule 44(d), "bill" means general bills and resolutions, except as provided in subdivision (3).

(3) The following general bills and resolutions are excluded from the limits imposed by this Rule 44(d):

(A) General bills of local application as specified in their captions and local bills;

(B) Administration bills and resolutions, limited to seventy-five (75) per annual session exclusive of bills and resolutions otherwise exempt from the limitation in this subsection;

(C) Resolutions approving amendments and revisions to rules of procedure promulgated by the Supreme Court and the annual codification act;

(D) Annual appropriations bills, supplemental appropriations bills, bond bills, index bills and bills that contain in their caption the following language, "relative to statutory revisions required for implementation of the annual appropriations act";

(E) General bills sponsored and designated by an officer of the Government Operations Committee concerning extensions and terminations of entities or rules;

(F) Resolutions that are memorializing or congratulatory in nature and are not referred to a standing committee;

(G) Resolutions confirming appointments or authorizing annual charitable events;

(H) Resolutions that are procedural in nature and are not referred to a standing committee; and

(I) Any bill or resolution withdrawn from the House by the first prime sponsor, if withdrawn on or before the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session.

(e) Notwithstanding the bill filing limitation in Rule 44(d), any member may petition the rules committee for an exception to exceed the limitation on or before the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session. Any such petition shall include the reasons for the exception and the jacketed copy of the bill or resolution for which the exception is sought. If approved by a majority vote of the total membership of the rules committee, the bill or resolution shall be introduced.

45. BILLS TO BE NUMBERED. Each bill introduced shall be numbered in numerical order by the Clerk and said bill shall bear said number and be designated by said number in all future considerations of the same in the House. No bill shall be assigned a number by the Clerk or be referred by the Speaker to a committee for consideration unless it contains a title or caption; an enacting clause stating, "Be it enacted by the General Assembly of the State of Tennessee:" and language following the enacting clause purporting to state new law or to amend or repeal existing law. Further, no bill that has not been assigned a system entry code by the Office of Legal Services shall be accepted or numbered by the Office of the Chief Clerk.

46. ONE CONSIDERATION PER DAY'S SESSION. Only one (1) consideration of a bill may be had in the House in any day's session.

47. SECOND CONSIDERATION - REFERRED TO COMMITTEE. After the passage of a bill on second consideration, all bills shall be referred by the Speaker to the appropriate committee. A bill assigned to a committee may be reassigned to a different committee only at the discretion of the Speaker. Such reassignment shall be noted by the Clerk. Any bill certified by its sponsor to be a caption bill or which is deemed so by the Speaker, shall receive first and second consideration and then shall be held on the Clerk's desk pending the filing of an amendment in proper form. After the filing of the amendment, the bill shall be referred by the Speaker to the proper committee. Any caption bill that fails to state a subject shall be held on the Clerk's desk until withdrawn by the sponsor.

48. SUBSTITUTE SPONSOR OF LOCAL BILL. Should a Member be on active military duty and unable to attend legislative session then the Speaker may appoint another member to handle the affected members duties and rights with respect to Local Bills.

49. DUTIES OF COMMITTEE ON CALENDAR AND RULES CONCERNING CALENDAR. All bills having been considered and reported out of the standing committee to which referred shall be automatically transmitted to the Committee on Calendar and Rules without further reference by the Speaker; and no bill of general nature shall be considered for third and final passage until a written calendar, from the Committee on Calendar and Rules, giving notice of such bill, has been posted in a regular place in the House Chamber at least forty-eight (48) hours prior to such consideration. Not more than twenty-five (25) general bills shall be placed on the calendar for final consideration on any one (1) day, and this number shall include any bills carried over from previous calendars or any bills set for special order. Should the House not complete any day's calendar, all bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered, provided that only so many of the said bills shall be carried over as will not cause the total to be considered on that day to exceed the aforesaid limit. Any bills remaining to be carried over in excess of that number shall be placed at the head of the calendar on a succeeding day or days, within the daily maximum of twenty-five (25). The foregoing maximum limitation on bills for daily consideration may be suspended by the Committee on Calendar and Rules by a two-thirds (2/3) vote of the total membership of said committee.

50. CONSENT CALENDAR. Any bills or resolutions which are not controversial in nature shall be placed on a Consent Calendar by the officers of the Committee on Calendar and Rules, except for those resolutions placed on the Consent Calendar pursuant to Rule No. 17. The Consent Calendar shall be printed and posted in a regular place in the House Chamber at least seventy-two (72) hours in advance of the time for such consideration.

Any member may object in writing to a bill or resolution on the Consent Calendar and if objection is raised, the bill or resolution shall be removed from the Consent Calendar and placed at the foot of the regular calendar for consideration on the day following removal from the Consent Calendar; provided, however, that any bill or resolution objected to and removed from the Consent Calendar on the final day of a session shall be placed at the foot of the regular calendar on that day.

Upon a motion for passage of the Consent Calendar pursuant to Rule 50, the appropriate language shall be spread in the Journal:

"all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk’s desk be substituted for House Joint Resolutions confirming the

same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in."

51. SPONSOR OF BILL AND CHAIR OF STANDING COMMITTEE PROPOSING AMENDMENT TO BILL MUST BE PRESENT. No bill may be considered on third and final reading unless the sponsor of said bill and the chair, or the chair's designee, of a standing committee which has recommended any amendment or amendments to the bill shall be present in the House, unless such sponsor or chair shall have previously indicated in writing to the Speaker permission for same to be brought up in such member's absence. However, if such sponsor, the chair or the chair's designee is not present in the House within one (1) hour from the time the bill is reached on the calendar, or the calendar is completed, this requirement is waived and the House may proceed to consider the bill in the absence of such sponsor, the chair or the chair's designee.

52. SUBSTITUTE SPONSOR OF BILL. Upon the death or disability requiring the absence from the House of any sponsor of a bill, the Speaker may name one (1) of the cosigners of said bill as sponsor, and if only one (1) person shall have signed said bill as sponsor, and said sponsor becomes unable to be present in the House, the Speaker may name any person favorable to said bill as sponsor.

53. RECALL OF BILL FROM COMMITTEE. Except during the organizational session, after any bill or other matter shall have been in any standing committee for seven (7) days, the same may be called for by two-thirds (2/3) of the members to which the body is entitled under the Constitution and placed upon the calendar of the Calendar & Rules Committee. Such action shall be in order only after a signed notice giving the number of the bill to be called for has been filed with and announced by the Clerk at least one (1) day prior to offering a motion to withdraw said bill from the standing committee in which it is held. When a bill has been recalled from a standing committee to which it was assigned by the Speaker, it shall be placed at the top of the Calendar & Rules calendar on the next day on which the committee meets. This rule (rule 53) may not be suspended.

54. RECALL OF BILL OR RESOLUTION FROM SENATE OR GOVERNOR. Upon motion, the House acting by the written message of the Clerk may request the return of a bill or resolution from the Senate. If a bill has been transmitted to the Governor, upon motion, the forwarding body acting by written message of the Clerk may request the return of the bill or resolution from the Governor.

55. BILL MAY BE RECOMMITTED. After commitment and report thereof to the House, at any time before its passage, a bill may be recommitted, provided the recommitment of the bill during the last seven (7) days of a session shall prohibit further consideration of the bill during that session unless recalled under Rule 53.

56. PRECEDENCE OF SENATE BILLS. Bills coming from the Senate shall have precedence of bills in the House on the same subjects.

57. CERTIFIED BY CLERK. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

58. BILLS TO BE EXAMINED BY CHIEF ENGROSSING CLERK. All bills passed in the House shall, before they are sent to the Senate, be examined by the Chief Engrossing Clerk, whose duty it shall be to examine all bills, amendments, resolutions or motions, before they go out of the possession of the House, and to make report that they are correctly engrossed, which report shall be entered in the Journal. The Chief Engrossing Clerk shall correct any misspelled words in such documents prior to transmission.

59. CONCURRENCE OF HOUSE IN SENATE AMENDMENTS. When a House bill is returned from the Senate with an amendment or a substitute for the House bill, the "ayes" and "noes" shall be called for on the concurrence in the amendment or the passage of the substituted bill and entered on the Journal of the House. No said amendment or substituted bill shall be considered as concurred in or passed unless a majority of the members to which the House is entitled shall have voted affirmatively therefor and the said vote shall have been entered on the Journal. Any measure coming from the Senate with an amendment or a substitute for the House bill shall lie over one (1) day except on the final two (2) legislative days of a session.

No measure coming from the Senate with an amendment or any other Senate action requiring House concurrence or non-concurrence shall be acted on by the House until the Chief Clerk has announced that the measure has been returned from the Senate requiring further action by the House. This announcement shall be made on the legislative day prior to consideration of the measure by the House under the order of unfinished business except during the final four (4) legislative days of the session. The Chief Clerk will see that an impact summary of the Senate action on the measure as prepared by the Office of Legislative Information Services is placed on a special Senate Message Calendar to be printed and placed on the members' desks on the legislative day immediately following the announcement. The impact summaries will appear in numerical order regardless of the nature of the measure.

60. AMENDMENTS TO BILLS.

(a) No amendment beyond the second degree shall be entertained, that is, an amendment to an amendment; and in all such cases, the vote on the respective amendments shall be had in the reverse order in which the same were made.

(b) Except for amendments correcting grammatical or typographical errors, those simply changing dates or the effective date clause or amendments offered on the last day of any general session, the following shall apply to amendments offered by members of the House:

(1) Notice of the proposed amendment or amendment to an amendment has been given by two o'clock p.m. (2:00 p.m.) central time of the day prior to its consideration by the House; provided that, for Monday's calendar, notice of the proposed amendment or amendment to an amendment has been given by twelve o'clock (12:00) noon central time on the day of consideration. A copy of the proposed amendment or amendment to an amendment shall be made available to each member of the House; or

(2) The amendment has been considered by the standing committee which considered the bill itself, and the Committee has made a recommendation concerning the adoption of the amendment in the same manner that the Committee made its recommendation concerning the passage of the bill, a copy of said amendment shall be made available to each member of the House prior to a vote on same; or

(3) With the approval of both leaders or by a two-thirds (2/3) vote, of the members present and voting, for consideration of the amendment if there has not been compliance with either subdivisions (1) or (2) above.

(c) The sponsor of an amendment that has not been filed in compliance with House Rule 60 (b) shall be limited to a one (1) minute explanation of the amendment to be considered.

61. TABLING OF AMENDMENT KILLS SAME. When a motion to lay on the table an amendment, in the first or second degree, to a pending bill, resolution or other matter, prevails, it shall be a final defeat of the tabled amendment, and the further consideration of such bill, resolution, or other matter, may be at once continued.

62. NO RIDER. No amendment by way of a rider shall be received.

63. MOTION TO REJECT. When a bill receives a constitutional majority in the negative on a motion to pass on third and final consideration, or when a resolution receives a constitutional majority in the negative on a motion to adopt or concur on final consideration, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on a motion to pass on third and final consideration (or adopt or concur), I hereby declare the floor now open for a motion to reject." If a member makes the motion to reject, that motion and the bill or resolution in question will lie over the remainder of that legislative day and the Speaker will direct the Chief Clerk to place the bill or resolution in question at the heel of the regular calendar set for the next legislative day.

When a bill or resolution is considered on the next legislative day, no other motion shall be in order until the motion to reject has been disposed of and the Speaker has declared the final status of the bill or resolution in question. If the motion to reject passes, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on the motion to pass on third and final consideration (or adopt or concur), and having received a constitutional majority in the affirmative on the motion to reject, I hereby declare (document type and number) rejected under the terms set forth in Article II, Section 19, of the Constitution of the State of Tennessee."

If no motion to reject is made, or if a motion to reject is made and fails to receive a constitutional majority, the Speaker shall re-refer the bill or resolution in question to the Committee on Calendar and Rules.

If the motion to reject as provided for in this rule is passed, then (a) pursuant to Article II, Section 19, Tennessee Constitution, no bill containing the same substance shall be passed into a law during this General Assembly, and (b) the motion to reconsider shall be out of order.

Motions to reject shall not be in order except as provided above.

64. MOTION TO RECONSIDER EVERY BILL MUST BE ACTED UPON. The Clerk shall transmit to the Senate no bill, resolution, message, report, amendment, or motion nor shall the Chief Engrossing Clerk present any bill or resolution to the Governor for his action until the motion to reconsider shall have been acted upon and said action entered on the Journal.

65. STANDING COMMITTEES. There shall be the following standing committees, each of which the Speaker and the Speaker Pro Tempore shall be members, to wit:

(1) Agriculture and Natural Resources
(2) Commerce
(3) Consumer and Human Resources
(4) Education
(5) Finance, Ways, and Means
(6) Government Operations
(7) Health
(8) Insurance
(9) Judiciary
(10) Local
(11) Naming, Designating, and Private Acts
(12) State
(13) Transportation

Provided, however, the Speaker Pro Tempore shall only vote when the Speaker is not present and voting, except on those standing committees to which the Speaker Pro Tempore has been regularly assigned.

There shall be a committee on Calendar and Rules to be composed of the Speaker, the Speaker Pro Tempore, the Majority Leader or such leader's designee, the Majority Caucus Chair, the Minority Leader or such leader's designee, the Minority Caucus Chair, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one (1) chair, and one (1) vice chair appointed by the Speaker under House Rule 7; and the chair of each standing committee listed above. It shall set the calendar and establish hours and places of meeting of the various standing committees. In establishing the hours and places of meeting of the various standing committees, the Committee on Calendar and Rules shall, insofar as possible, establish regular meeting times and days which shall avoid conflict among the various standing committees. No standing committee shall have more than thirty (30) appointed members. No member shall serve on more than three (3) standing committees, exclusive of the Committee on Calendar and Rules, the Joint Legislative Services Committee, and the Fiscal Review Committee, except the Speaker and the Speaker Pro Tempore who shall be voting members of all standing committees as stated in the rule (65). Provided further, the Speaker Pro Tem or designee, the Majority Leader or designee, the Minority Leader or designee, the Democratic Caucus Chair and the Republican Caucus Chair shall serve as members of the Government Operations committee, as well as they may serve on three other standing committees.

66. NO SPECIAL COMMITTEES - WHEN. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

67. MEETING OF COMMITTEES - WHEN. No committee of this House shall remain in session during the sessions of the House, unless by permission of a majority of members present. All committee meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the Chair, and the time and place of meeting shall be designated at the same time and shall conform with the schedule established by the Committee on Calendar and Rules under House Rule 65. Committee meetings held on days when the House is in recess or adjourned shall be announced in open session or by written notice, furnished to each member of the House not less than seventy-two (72) hours prior to the

meeting time. Committee meetings may be called by the Chair of the Standing Committee, upon approval by the Speaker of the House when the House is in recess or adjourned and shall be called by the Committee Chair when petitioned in writing, signed by a majority of the members of the Committee. Notwithstanding any rule to the contrary, when the House of Representatives is not in floor session, standing committees, subcommittees, committees created pursuant to resolution, committees created pursuant to statute and ad hoc committees of the Regular Session are authorized to meet and conduct business during any extraordinary session of the General Assembly.

68. COMMITTEE OF WHOLE. In forming a Committee of the Whole, the Speaker shall leave the chair, and the Speaker shall appoint a Chair of the Committee of the Whole to preside.

69. PROCEEDINGS IN COMMITTEE OF THE WHOLE. Upon a bill being committed to a Committee of the Whole, the bill shall be read throughout by the Clerk, if demanded by any member, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and the line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be debated and amended by clauses before its final passage. The rules of the House shall be observed in Committee of the Whole so far as applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

70. AMENDMENTS IN COMMITTEE OF WHOLE. All amendments made to a report committed to a Committee of the Whole shall be noted and reported, as in the case of bills.

71. AMENDMENTS IN STANDING COMMITTEES AND BILLS INITIATED BY STANDING COMMITTEES. The standing committees may initiate legislation as a committee in addition to acting upon legislation referred to such standing committees. Such legislation initiated by the committee shall be introduced by the chair or the chair's designee and such other members of the committee as may wish to join therein.

When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House. Bills reported out of standing committees with committee amendments cannot be considered by the Committee on Calendar and Rules unless the committee amendment is attached thereto. The Chair of said standing committee shall cause said committee amendment to be prepared and filed with the Chief Clerk within twenty-four (24) hours from the time the bill was reported out. The preceding two (2) sentences shall not apply to the General Appropriations Bill. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services.

No later than twenty-four (24) hours prior to the time the bill recommended for amendment is scheduled for consideration on the floor of the House, the Chief Clerk shall cause the recommended amendment or amendments to be made available to each member of the House. After the bill has been explained and its passage moved by the sponsor, the chair of the standing committee recommending the amendment, or chair's designee, shall then be recognized for the explanation of and debate on such amendment or amendments. It shall be the responsibility of the Chief Clerk to ensure that the foregoing procedures are observed in the

consideration of amendments recommended by standing committees. It shall also be the responsibility of the Chief Clerk to denote clearly that such amendment or amendments were recommended in a standing committee and to write on the face of the amendment the committee which made the recommendation and the date on which the recommendation was made.

72. FISCAL MEASURES. Any bill or resolution having a fiscal effect, other than not significant as indicated on the fiscal note, shall be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee. The Committee on Finance, Ways and Means may offer committee amendments relating to fiscal concerns only, and shall not offer amendments relating to other substantive portions of the bill. If the Committee on Finance, Ways and Means recommends the bill or resolution for passage, the bill or resolution shall be referred to the Committee on Calendar and Rules. No bill or resolution having a fiscal effect, other than not significant as indicated on the fiscal note, shall be put upon final passage until the same has been referred to and recommended by the Committee on Finance, Ways and Means.

Should a standing committee recommend a bill or resolution for passage with an amendment or amendments which create a fiscal effect, other than not significant as indicated on the fiscal note, then, the chair of the standing committee shall refer the bill along with the recommended committee amendment or amendments to the Committee on Finance, Ways and Means.

Should a standing committee recommend a bill or resolution for passage with an amendment or amendments which negate a fiscal effect as indicated by not significant on the fiscal note, the standing committee shall not refer the bill or resolution to the Committee on Finance, Ways, and Means unless the subject of the bill or resolution is within the subject matter jurisdiction of the Committee on Finance, Ways, and Means but shall instead refer the bill or resolution to the otherwise appropriate committee. However, should an amendment or amendments which negate a fiscal effect not be adopted on the floor which cause the bill or resolution to have a fiscal effect and such bill or resolution not have been previously considered by the Committee on Finance, Ways, and Means, then the bill or resolution shall be automatically referred from the floor to the Committee on Finance, Ways, and Means.

Should a floor amendment or amendments to a bill or resolution be adopted which cause a bill or resolution to have a fiscal effect, other than not significant as indicated on the fiscal note, and the bill or resolution not have been previously considered by the Committee on Finance, Ways and Means, then the bill or resolution shall be automatically referred from the floor to the Committee on Finance, Ways and Means.

73. CONFERENCE COMMITTEES. A motion for the appointment of a conference committee shall be in writing and shall state the purpose or purposes for which the committee is created. Every conference committee report shall refer to the motion by which the committee was created and shall set forth the instructions contained therein followed by the recommendations of the committee which shall conform to such motion and its instructions. No member of a conference committee may sign more than one (1) report. No report of a conference committee or any part thereof shall be adopted and incorporated into pending legislation unless the same shall have received the affirmative vote of a majority of the members to which the House is entitled under the Constitution and a motion to reconsider shall have been acted upon and entered on the Journal.

74. CHANGE AND SUSPENSION OF RULES. The rules of the House may be altered, amended, or suspended by a two-thirds (2/3) vote of the members to which the House is entitled; a motion to alter or amend, but not suspend, the rules shall in all cases lie over one (1) day. This rule (Rule 74) may not be suspended on motion to alter, amend, or suspend the rules. A motion to suspend the rules shall be for a stated purpose and subsequent suspension of the rules shall be limited to that stated purpose.

75. ADJOURNMENT. Adjournment shall be to the hour of 12:30 p.m. on the following day unless otherwise specified by the majority of those members present and voting. During the last two (2) weeks of a session, the House shall convene at 9:00 a.m., recess at 12:00 noon, reconvene at 2:00 p.m., and adjourn on or before 7:00 p.m., unless otherwise specified by a two-thirds (2/3) vote of those present and voting.

76. ENTER RULINGS. The Clerk of the House shall enter on the Journal all rulings by the Speaker on points of order. The Clerk or any member may request that the Speaker submit such ruling in writing at the close of the day on which the ruling was made.

77. ACTION ON BILLS INTRODUCED AFTER 10th DAY. Except as otherwise provided in this rule, any bill or resolution subject to the filing limitation of Rule 44(d) and those exempted in rule 44(d)(3) sections (B), (D) and (E) prefiled after the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session, shall be prefiled for introduction and referred to the delayed bills committee. If approved by unanimous consent of the delayed bills committee, the bill or resolution shall be introduced.

Any Senate Joint Resolution introduced in the Senate after the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session which would be subject to the filing limitation of Rule 44(d) if introduced in the House shall, upon receipt from the Senate, be referred to the delayed bills committee. If approved by unanimous consent of the delayed bills committee, the Senate Joint Resolution shall be referred to the appropriate committee.

Any Senate Bill for which no companion bill has been filed shall be held on the desk of the Clerk until a companion House Bill is filed and scheduled for third consideration.

Any bill or resolution prefiled but not receiving unanimous consent of the delayed bills committee may be called for by two-thirds (2/3) majority of the members to which the body is entitled under the Constitution, in which case it shall be introduced.

The Delayed Bills Committee shall consist of the Speaker, the Majority Leader, and the Minority Leader and shall meet at the call of the Speaker.

78. VETO. Upon receipt of a veto message and return of a bill or resolution from the Governor, or a receipt of a message from the Senate advising the House that a bill or joint resolution has been passed by the Senate, the Governor's veto to the contrary notwithstanding, the Clerk shall read the message and cause the same to be spread at large upon the Journal. Thereafter, the sponsor of the bill or resolution may, upon twenty-four (24) hours typewritten notice and within three (3) legislative days after the filing of said notice, except the last legislative day of any annual session such notice shall not be required, move the House under the item of Unfinished Business to pass the bill or resolution, notwithstanding the objections of the Executive. If the motion shall prevail by a favorable vote of a majority of the members to

which the House is entitled under the Constitution, the bill or joint resolution shall then be transmitted to the Senate unless the same was originally received from the Senate subsequent to its prior approval.

Nothing in this rule shall serve to prohibit the filing of subsequent notices to move the House to pass the bill or resolution, notwithstanding the objections of the Executive, if affirmative action is not taken on the motion first noticed.

79. MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN. If any question shall arise which is not provided for in these rules, the same shall be governed by Mason's Manual of Legislative Procedure (latest edition existing on date of adoption of these rules), which is hereby adopted.

80. FLOOR PRESENTATIONS. Each member shall be allowed two (2) floor presentations during the 111th General Assembly. Presentations are not transferable between members.

81. ELECTION CONTESTS. Each election contest in the House of Representatives shall be initiated by complaint timely received within five (5) days after certification of the election and shall proceed with the introduction of a resolution creating an ad hoc committee to be appointed by the Speaker composed of three (3) members of the majority party and three (3) members of the minority party. The Speaker shall designate one (1) member chair. An ad hoc committee may, as part of its findings and recommendations, recommend the award of reasonable costs and attorney fees against a contestant if the committee determines that the contest was maliciously or frivolously prosecuted. All issues raised in an election contest shall be resolved during the General Assembly in which the contest is initiated and no issue shall be heard after such General Assembly adjourns *sine die*. An ad hoc committee shall timely report its findings and recommendations to the full House of Representatives. Upon approval by a majority of the members of the House, such findings and recommendations shall become the final action of the House of Representatives.

82. ETHICS CODE FOR THE HOUSE OF REPRESENTATIVES.

Article I.
Findings and Purpose

The House of Representatives finds that it is essential in the conduct of the public business that representatives hold the respect and confidence of the people. Representatives should avoid conduct that even appears to violate the trust that the people have placed in them. To ensure and preserve public confidence, representatives should have the benefit of specific standards to guide their conduct. Article II, Section 11, of the Constitution of Tennessee grants to the House of Representatives the power to judge the qualifications of its members. It is the purpose of this code to establish standards of conduct for the representatives, to authorize the House Ethics Committee to consider alleged violations of this code, and to authorize the House Ethics Committee to render advisory opinions to the representatives. This code is in addition to and separate from standards of conduct that may be required under state or federal law.

Article II.
Ethical Standards

SECTION 1.

(a) In order to maintain the integrity and reputation of the House of Representatives, the following conduct is a violation of this Ethics Code:

(1) Actions that destroy a representative's independence of judgment as a legislator;

(2) Actions that are an abuse of the representative's official position, including, but not limited to, placing undue influence upon any state department, agency, court or governmental subdivision;

(3) Actions that are a personal interest in conflict with the proper discharge of the representative's duties in accordance with the provisions of Sections 2 and 3 of this Article;

(4) Actions that are a violation of a state or federal statute that are punished as a felony; and

(5) Any conviction of a state or federal felony or misdemeanor arising out of a representative's official capacity as a member of the general assembly.

(b) Actions that constitute a significant, material violation of Tennessee Code Annotated Title 2, Chapter 10, Title 3, or Title 8, Chapter 50, Part 5 may be a violation of this Ethics Code.

(c) It shall also be a violation of this Ethics Code if a representative:

(1) Initiates or files a complaint or provides information to the House Ethics Committee or the Tennessee Ethics Commission knowing that the material statements in the complaint or the information is false;

(2) Initiates or files a complaint with the House Ethics Committee or the Tennessee Ethics Commission in reckless disregard of the truth or falsity of the statements contained in the complaint; or

(3) Initiates or files one or more frivolous complaints with the House Ethics Committee or the Tennessee Ethics Commission.

SECTION 2. A representative has a personal interest in conflict with the proper discharge of the representative's duties if the representative has reason to believe or expect that the representative will derive a direct monetary gain or any other advantage or suffer a direct monetary loss by reason of the representative's official activity and such representative has not complied with the provisions of Section 3 of this Article requiring disclosure of such personal interest.

SECTION 3. While recognizing that members of the House serve as members of a citizen legislature which reflects a variety of professions and occupations and while also

recognizing that some degree of interest in certain legislation is inevitable, a representative shall not vote on or influence legislation if the member has a personal interest which is in conflict with the proper discharge of the representative's duties, unless the representative discloses such information to the Tennessee Ethics Commission in accordance with the requirements of Tennessee Code Annotated, Title 8, Chapter 50, Part 5. Compliance with the provisions of Tennessee Code Annotated, Title 8, Chapter 50, Part 5, shall constitute compliance with this Article regarding disclosure of personal interests. Compliance with the provisions of Tennessee Code Annotated, Section 2-10-127(d), shall constitute compliance with this Article regarding disclosure of personal interests resulting from a spouse, sibling or child of the representative who is a registered lobbyist.

Article III.
Indictments and Convictions

A representative against whom a presentment or indictment for a felony offense has been returned by a state or federal grand jury shall step down from any office as the chair, vice-chair, subcommittee chair, or any other officer of the House, a legislative committee or any leadership position appointed by the Speaker or elected either by the House membership or by a party caucus. The replacement of any committee officer or leader, appointed by the Speaker, who steps down shall be in accordance with the rules. If such officer or leader is not convicted of the felony offense, such officer or leader may return to serve the remainder of the officer's or leader's term of office subject to the decision of the person or entity with authority to appoint or elect them to the position. The membership or the appropriate caucus shall elect a representative to replace any leader elected by the membership or caucus who steps down, except as otherwise provided in these rules.

Article IV.
House Ethics Committee

SECTION 1.

(a) The House Ethics Committee shall be composed of five (5) representatives of the majority party and five (5) representatives of the minority party. All representatives shall be appointed by the Speaker. The Speaker shall appoint the chair of the committee from such representatives.

(b) The House Ethics Committee shall have authority to render, upon written request of any representative, advisory opinions as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of this Ethics Code. The identity of any representative requesting an advisory opinion, or any person involved in such request, shall be kept in confidence. With respect to an issue addressed in an advisory opinion, any person who conforms that person's behavior to the requirements of the advisory opinion may rely upon the advisory opinion without threat of sanction by the House Ethics Committee or the House of Representatives. Advisory opinions of the committee shall be in writing and signed by six (6) or more members of the committee.

(c)

(1) The committee shall have authority to receive and consider complaints, based upon personal or constructive knowledge, concerning alleged violations of this House Ethics Code from any representative including members of the committee; to initiate, upon vote of six (6) or more members of the committee, complaints concerning alleged violations of this House Ethics Code; to investigate complaints; to refer complaints to the Tennessee Ethics Commission in accordance with Tennessee Code Annotated, Section 3-6-105(c); to hold hearings; to make findings concerning complaints; and to recommend to the House of Representatives appropriate disciplinary action for a violation of this House Ethics Code.

(2) The committee may request the Office of Legal Services, the Comptroller of the Treasury, the Attorney General and Reporter, or any other state entity to assist the committee in investigating any complaint received or initiated by the committee.

(3) Except as provided in Section 1(c)(4)(B) and Section 2(c)(5)(C), all meetings of the House Ethics Committee shall be open to the public. All meetings of the House Ethics Committee held in a meeting room with permanent video technology shall be streamed live, and archived, on the web site of the Tennessee General Assembly.

(4)

(A) Except as provided in subdivision (4)(B), no complaint by a member of the House of Representatives alleging sexual harassment shall be received or considered by the committee. The chair, or committee staff, shall inform any member desiring to file such a complaint as to the appropriate procedure under the Tennessee General Assembly Policy on Workplace Discrimination and Harassment. Sexual harassment by members of the House of Representatives is unacceptable behavior, contrary to the policy of the Tennessee General Assembly, and discouraged in every form.

(B) In accordance with the Tennessee General Assembly Policy on Workplace Discrimination and Harassment, upon conclusion of the staff investigation under the policy, the complaint will be referred to the Workplace Discrimination and Harassment Subcommittee of the Ethics Committee for additional proceedings consistent with the policy. All meetings of the subcommittee shall be closed. In accordance with the policy, confidentiality of the parties involved shall be maintained to the greatest extent possible. The subcommittee shall be composed of two (2) representatives of the majority party and two (2) representatives of the minority party. All representatives shall be appointed by the Speaker. The Speaker shall appoint the chair of the subcommittee from such representatives. If a member of the subcommittee is the subject of a complaint or is recused, subcommittee staff shall notify the Speaker. The Speaker shall appoint a temporary replacement from the full committee who represents the same political party as the member to be replaced.

(d) The committee shall have authority to subpoena and compel the attendance of witnesses, administer oaths, take testimony, and require and compel the production of any documents or other items of evidence relative to any matter under investigation, and to issue show cause orders and attachments of the body. In accordance with the provisions of Tennessee Code Annotated, Title, 3, Chapter 3, the House Ethics Committee shall have all the powers granted to committees of this House.

SECTION 2.

(a) Complaints shall be in writing, signed by at least two representatives, one of which must have first-hand knowledge or evidence of the alleged violation, stating the specific ethical standard under Article II, Section 1 of this code or specific statute alleged to have been violated and all available facts, under oath or affirmation, based on personal or constructive knowledge, which oath or affirmation shall be taken personally before the chair or any member of the House Ethics Committee.

(b) Complaints initiated by the House Ethics Committee shall be reduced to a written complaint by the Chair of the House Ethics Committee, and need not be based on personal knowledge. Any person who believes a violation of this Ethics Code has occurred is encouraged to present such information to any member of the House Ethics Committee who may then determine to file a complaint under this Ethics Code.

(c)

(1) Prior to commencing any action based upon a complaint filed with the committee, the chair shall direct committee staff to examine the complaint to determine procedural compliance with the provisions of this code and whether it states a claim that can be properly heard by the Ethics committee. A complaint not properly received or filed with the committee shall be dismissed without prejudice. Committee staff shall inform any representative desiring to file such a complaint as to the appropriate procedure under this code for filing such a complaint. Complaints merely reciting, or referencing, newspaper or other media accounts of events or occurrences are not sufficient to file a complaint under this code; any complaint based partially on newspaper or other media accounts of events or occurrences should include at least one independent source in addition to such accounts.

(2) Prior to commencing any investigation based upon a complaint filed with, or initiated, by the committee, the committee shall meet and it shall require a vote of six (6) or more members of the committee to proceed with a complaint and to define the nature and scope of the committee's inquiry.

(3) If, after an initial investigation, six (6) or more members of the committee determine that there is reason to believe that a violation of the Ethics Code more probably than not occurred, a copy of the complaint shall be served upon the alleged violator along with a statement of the nature and the scope of the committee's inquiry.

(4) The representative shall have twenty (20) days after service thereof to respond in writing to the complaint, and the chair of the committee, with approval of seven (7) or more members of the committee, may extend the time to respond upon reasonable request.

(5)

(A) The committee shall convene within twenty (20) days of receiving the response from the alleged violator or, if no response is received, the committee shall convene not later than forty-five (45) days after service of the complaint upon the alleged violator. At such time, if six (6) or more members of the committee conclude that more probably than not a violation of the House Ethics Code has occurred, the committee shall set a time and place for a hearing. The complainant and the alleged violator shall be given reasonable notice of the time and place for the hearing. The committee shall provide an opportunity for the complainant and the alleged violator to be heard at the hearing. The alleged violator shall have the right to be represented by counsel and to provide evidence on the alleged violator's behalf, to confront and to cross examine witnesses and to have copies of all documents produced as evidence against them in a reasonable time prior to the hearing. The complainant and the alleged violator may request the committee to subpoena witnesses and require the production of documents or other items of evidence relevant to the proceedings, and to otherwise provide discovery of relevant evidence. Such request must be made at least ten (10) days prior to the hearing date. If a request to issue a subpoena is granted by six (6) or more members of the committee, such subpoena shall be issued in accordance with Tennessee Code Annotated, Title 3, Chapter 3.

(B) Notwithstanding any provision of this code to the contrary, the alleged violator may waive the hearing on the complaint and submit the matter directly to the judgment of the committee. Any such waiver shall be in writing and include a statement in response to the complaint; provided that such waiver may be included in the response provided pursuant to Section 2(c)(4). However, the committee, in the committee's sole discretion, may determine to hold a hearing on the complaint irrespective of waiver of the hearing by the alleged violator.

(C) All witnesses shall testify under oath and the hearing shall be open to the public; provided, however, that the committee may close all or part of the proceedings on unanimous vote. The committee shall not be bound by the strict rules of evidence, but the committee's findings shall be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded by Library and Archives and a copy of such recording shall be maintained by Library and Archives.

SECTION 3. The committee may take the following actions on any complaint:

(1) At any time, the committee may dismiss a complaint if six (6) or more members of the committee find that no violation has occurred, or that no punishment or censure is warranted.

(2) After a hearing, or waiver of a hearing, as provided in Section 2, if six (6) or more members of the committee determine that a violation has been committed, the committee shall make a report of its findings and recommendations to the House of Representatives. Such report shall recommend appropriate disciplinary action against the representative committing the violation, if any. A decision of the committee finding that a violation has been committed shall be in writing and signed by six (6) or more members of the committee.

(3) At any time, if the committee deadlocks on both a motion to proceed on a complaint and a motion to dismiss a complaint, the chair shall recess the committee and at the next meeting of the committee if no motion is made on the complaint or if no motion prevails on the complaint or if no motion to continue the proceedings on the complaint to a fixed date prevails, the complaint shall be deemed dismissed and no further action on the complaint shall be considered except as provided in subdivision (4) of this section.

(4) Once acted upon, or dismissed pursuant to this section, no complaint alleging the same, or substantially the same, conduct by the same member during the same episode shall be received and considered by the committee unless initiated by the committee.

(5) At any time, if the committee finds that the circumstances warrant, the committee may disclose any documentation, evidence, or findings related to the matter to the Attorney General, the Tennessee Bureau of Investigation, any District Attorney General, or any other governmental agency or body or professional organization for possible action.

SECTION 4. No member of the committee shall participate in any matter in which such member is accused or in any matter in which such member is determined by seven (7) or more members of the committee to be so involved in the matter as to lack independent judgment. In either case, such member shall be recused as provided in this section. The Speaker shall appoint a representative to replace any member so recused until the proceedings involving the recused member have been concluded. The representative so appointed shall be from the same party as the member replaced. If the recused member is found not to have violated the House Ethics Code by the House Ethics Committee or the House of Representatives, such member shall return to serve on the committee for the remainder of such member's term and the representative appointed to replace the recused member shall cease to be a member of the committee.

SECTION 5.

(a) A member who accepts travel expenses from a sponsor to participate in an out-of-state trip related to the member's official duties must file a trip disclosure form with the House Ethics Committee within ten (10) business days of the member's return from the trip.

(b) For purposes of this section:

(1) "Sponsor" means an individual or entity that pays for, or reimburses a member for, all or part of the travel expenses for a trip. "Sponsor" does not include the state of Tennessee, a political subdivision of the state of Tennessee, another state or territory of the United States, the United States, or an established and recognized organization of elected or appointed state government officials, staff of state government officials or both officials and staff, or any other established and recognized organization that is an umbrella organization for such officials, staff, or both officials and staff. "Sponsor" does not include a member's spouse;

(2) "Travel expenses" means any cost in excess of one hundred dollars ($100.00) associated with a trip, including, but not limited to, transportation, food, lodging, entertainment, recreational activities, or conference fees and materials. "Travel expenses" also includes the value of any cost in excess of one hundred dollars ($100.00) associated with a trip that is provided as an award, discount, reimbursement, scholarship, or subsidy by a sponsor. "Travel expenses" does not include permissible items under Tennessee Code Annotated, Section 3-6-305; and

(3) "Trip related to the member's official duties" means travel associated with the official duties of a member of the House of Representatives, such as attending a meeting or conference, delivering a speech, or engaging in fact-finding. "Trip related to the member's official duties" also includes any travel extended to a member of the House of Representatives due to the member's status as a member.

(c) Trip disclosure forms will be posted semiannually on the House Ethics Committee page of the General Assembly's website.

COMMITTEE RULES

of the

HOUSE OF REPRESENTATIVES

83. UNIFORM RULES OF COMMITTEES.

(1) The Chair, after advising with the vice chair, shall set the calendars for hearings before the standing committee, taking into consideration the necessity and importance of the legislation before the committee. Those bills and resolutions requested by the sponsors to go on the calendars shall first be placed on the calendars, provided that the chair, after advising with the vice chair, shall set the calendar for hearings on a reasonable number of bills or resolutions at each committee meeting. The requests by sponsors for their bills to be heard in the standing committees shall be filed with the standing committee as soon as practicable, but not later than three-thirty p.m. (3:30 p.m.) central time on the Wednesday preceding the next regularly scheduled meeting of the standing committee. The chair, after advising with the vice chair, shall have the authority to set on the calendars additional bills or resolutions not requested by the sponsors if, in the opinion of such officers, a reasonable number of measures has not been set for hearing. The standing committee shall electronically transmit the committee calendar (bills to be heard) for its next regularly scheduled meeting as early as practicable but not later than seven o'clock p.m. (7:00 p.m.) central time on the same day. The Clerk's office shall publish these calendars as early as possible on the day following so that the sponsor of each bill or resolution scheduled for hearing shall be notified.

These notice provisions shall not apply to a bill or resolution transmitted by a standing committee to the Committee on Calendar and Rules for recommendation.

(2) Prior to any scheduled standing committee meeting, the sponsor of any bill or resolution scheduled for hearing before said standing committee may request in writing that the chair of the standing committee set another hearing date, and the bill or resolution shall be rescheduled for hearing.

No resolution can be considered in a standing committee without a sponsor as reflected in the House Journal. No bill can be considered in a standing committee without a sponsor as reflected in the House Journal and a companion sponsor as reflected in the Senate Journal.

Should the sponsor of a bill or resolution fail to appear before the standing committee when the bill or resolution has been scheduled two (2) times for a hearing, then the bill or resolution shall be returned to the desk of the Clerk of the House. Any bill or resolution which has been calendared during two (2) meetings of a committee, except for time constraints, and which is not reported out of such committee, shall be returned to the desk of the Clerk of the House. After a bill or resolution has been sent back to the Clerk's desk, the sponsor of the legislation may appeal to the Speaker to re-refer the proposed legislation; and the Speaker shall have the discretion as to what action shall be taken.

(3) All bills or resolutions not considered controversial in nature may be placed on the committee consent calendar by the chair, after advising with the vice chair, provided the sponsor does not object. Any member of the standing committee may object to bill or resolution placed on the Committee Consent Calendar, and if objection is raised, the bill or resolution shall be removed from the Committee Consent Calendar and thereafter shall be acted upon by the standing committee.

The Committee Consent Calendar shall be printed and posted in regular places at least seventy-two (72) hours in advance of the time set for consideration of such calendar so that each member of the House may know the status of the legislation pending before the standing committee.

(4) Standing committees of the House shall meet at the times and places specified in the official committee schedule adopted pursuant to House Rule 65.

(5) A standing committee may hold a special committee meeting with approval of the Speaker at a time and place other than that specified in the official schedule of committee meetings. All special meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the chair of the committee. Special meetings held on days when the House is in recess or adjourned shall be announced in advance in open session or by written notice furnished to each member of the House not less than seventy-two (72) hours prior to the meeting time.

(6) If a regular scheduled meeting of a standing committee is canceled, the chair shall announce such cancellation in open session of the House prior to the time fixed for the meeting if possible. If it is not possible for the chair to announce such cancellation in open session, all members of the House shall be given written notice or shall direct the committee staff to make every effort to notify each member of the committee and any other members of the House likely to have business before the committee of such cancellation.

(7) A quorum shall consist of a majority of the members of a given standing committee.

(8) Every meeting of the House of Representatives, or any joint committee, standing committee, statutory committee, special committee, select committee, oversight committee, ad hoc committee, any other committee or any subcommittee shall be open to the public. Only when considering a matter involving the security of the state or nation or when investigating a proposed Article V impeachment of a public official other than a member of the general assembly, may a meeting be closed to the public, but only if there is an affirmative vote of at least three-fourths (3/4) of the members present of the respective committee or House. Adequate public notice of every meeting must be provided. The term "meeting" means at least a quorum of the members of a subcommittee, committee, or the House of Representatives, is present and public business within the jurisdiction of such body is being deliberated and decided.

(9) When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority of those members of the committee present and voting thereon, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House as soon as is practicable. The amendment or amendments should be properly designated as having been recommended in committee and should be signed by the committee chair or the chair's designee before being presented to the Chief Clerk who shall then observe the rules of the House in causing such amendment or amendments to be made available to all members of the House. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services. The Calendar and Rules Committee shall not consider any bill recommended by a standing committee until any amendment or amendments adopted by the standing committee have been attached to the bill. Except as otherwise provided pursuant to Rule 71, the chair shall be responsible for having such amendments delivered within twenty-four (24) hours in typewritten form to the Chief Clerk, who shall attach such amendments to the bill.

(10) No bill or resolution shall be reported from a standing committee unless it shall have received a recommendation for passage as written or for passage with a recommended amendment by a majority of those members of the committee present and voting thereon, a quorum being present. All votes constituting final action on any bill or resolution shall be by roll call vote, and a roll call vote shall be taken at the request of the sponsor of the bill or resolution under consideration or at the request of any three (3) members of the committee. Every bill or resolution reported out of the committee shall contain on the cover a notation in ink, signed by the chair, or other presiding officer, recommending the measure for passage as written or recommending it for passage with an amendment or amendments recommended by the committee. If a motion to recommend a bill or resolution has been voted on by a committee two (2) times and has failed to pass, then the same shall not be considered by the committee again during that annual session.

(11) A written report of the action taken in reporting bills or resolutions out of committee shall be prepared under the direction of the committee chair and submitted promptly together with the bills and resolutions and committee amendments, if any, to the Chief Clerk of the House.

(12) The Chief Clerk shall be responsible for the safe delivery of bills to any meeting of the committee and for their return following the meeting but may delegate such responsibility to one of the Chief Clerk's Office staff.

(13) A standing committee chair may create such ad hoc subcommittees as the chair considers necessary and appropriate to deal with designated subjects within the scope of the subject jurisdiction of the committee. No ad hoc committee shall have the power to kill a bill. The committee chair shall appoint members to any ad hoc subcommittee so authorized and shall name the chair thereof**,** however no such subcommittee shall have fewer than five (5) members.

A subcommittee of a standing committee shall have authority to consider only such bills, resolutions, or subjects as may be assigned to it. Such a subcommittee shall report only to the standing committee chair unless directed otherwise by the House. No subcommittee may meet while the standing committee of which it is a part is in session without the consent of the standing committee.

When a bill or resolution is assigned to a subcommittee, the subcommittee chair, the sponsor, the chief clerk, and the director of legislative information services shall be notified electronically of the assignment, of said bill, the date of assignment, and the name of the subcommittee.

The request of the sponsor for a bill or resolution to be heard by a committee or subcommittee shall be filed with the standing committee. The chair of the standing committee shall electronically notify the chair of the subcommittee that the sponsor has requested the bill or resolution to be heard. The chair of said subcommittee shall set and publish the date and the calendar of bills to be heard and shall electronically and by printed calendar notify the sponsor of bills or resolutions to be heard, the chief clerk, and the director of the Office of Legislative Information Services.

The chair of the standing committee or the subcommittee shall provide copies of the calendar and electronic notice of bills to be heard to the chief clerk and the director of legislative information services.

An electronic report of the action taken by a subcommittee on each bill or resolution which it considers shall be prepared by the chair of said subcommittee and submitted to the chair of the standing committee, the chief clerk, and the director of the Office of Legislative Information Services.

When a bill or resolution is reported from a subcommittee, said bill or resolution shall be placed by the chair of the standing committee on the calendar of the next scheduled meeting of the standing committee unless the sponsor of said bill or resolution requests in writing that the chair of the standing committee set another hearing date.

At any time after a bill or resolution has been acted upon by a subcommittee any member of the standing committee may move to recall the bill or resolution from the subcommittee by presenting the motion in writing to the committee chair. The motion shall be scheduled to be heard at the beginning of the standing committee’s next meeting, provided the notice is timely filed under Rule 83(1) so it can be printed on the committee calendar. If the motion carries by a majority of the members entitled to vote at a meeting of the committee then the bill or resolution shall be placed on calendar for the next meeting of the committee. No such motion shall be considered during the final meeting of a committee during a session.

(14) A motion to reconsider any committee action shall be determined by a majority of the committee members entitled to vote at a meeting of the committee. It shall be treated as a simple motion to reconsider, and its effect shall be the same.

(15) No proxy votes shall be permitted in a standing committee for any purpose.

(16) If a member of a standing committee will be unable to attend said meeting, that member shall request an excused absence from the chair. If any appointed member of a standing committee is absent from two (2) regularly scheduled meetings of the committee without being excused by the chair, the chair shall report such absences to the Speaker of the House.

(17) In the absence of a quorum, the chair or other presiding officer shall have authority to direct the Sergeant-at-Arms to secure the presence of a sufficient number of members to constitute a quorum.

(18) In the absence of any express designation or appointment of any officers of a joint committee or joint subcommittee, the members thereof shall elect a chair and such other officers as are considered necessary by the committee.

(19) All committee minutes shall reflect attendance of members. Members shall be paid in accordance with the provisions of the law governing payment of per diem allowance to members of the General Assembly. The chair of each standing committee is charged with the duty and responsibility of providing and certifying to the Speaker the roll call vote of such committee and a listing of those sponsors appearing before the committee seeking action on their bills or resolutions.

(20) Except as stated in the foregoing rules, the Rules of Order of the House of Representatives shall apply. Other special rules shall not be adopted by committees.

84. CHIEF COUNSEL. There may be a Chief Counsel of the House Representatives who shall be appointed by the Speaker. The duties of the Chief Counsel may include providing legislative counsel to the Speaker of the House of Representatives. The Chief Counsel must be a graduate of an accredited law school, licensed to practice law in the state of Tennessee, and have 5 or more years of experience in the field of legislative law. The Chief Counsel must be appointed by the Speaker without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. Tenn. Code Ann. § 3-12-106 shall apply to the Chief Counsel when serving as legislative counsel to the Speaker.