

STATE OF TENNESSEE

OFFICE OF THE
ATTORNEY GENERAL
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May 8, 2001

Opinion No. 01-072

Senate Joint Resolution 110

QUESTIONS

1. If Senate Joint Resolution 110, as filed, is read two times (and voted on each time as required by Senate rule), and then an amendment is put on the Resolution, would the Resolution, as amended, then have to be read (and voted on) two more times, the second time then being the final time?
2. Would the answer be any different if the proposed amendment is also read at the time of the first two readings?
3. If the proposed amendment is tabled during the first two readings or is not adopted, but is then adopted on the third reading, would the amendment still have to be read two more times?
4. I ask the same questions as above but with respect to the particular amendment attached hereto, proposed by the Senate Judiciary Committee.

OPINIONS

1. No.
2. No.
3. No.
4. The amendment does not have to be read two more times.

ANALYSIS

1. The first paragraph of Article XI, Section 3 of the Tennessee Constitution states:

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays thereon, and referred to the general assembly then next to be chosen; and shall be published six months previous to the time of making such choice; and if in the general assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people at the next general election in which a Governor is to be chosen. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Governor, voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions the same shall at each of said sessions be read three times on three several days in each house.

This is the first legislature to consider Senate Joint Resolution 110. This Office has previously opined that during the first legislature's consideration of a resolution proposing a constitutional amendment, amendments to the resolution are permissible. Op. Tenn. Atty. Gen. 01-019 (February 7, 2001); Op. Tenn. Atty. Gen. 96-113 (September 5, 1996); Op. Tenn. Atty. Gen. U96-037 (April 22, 1996). The three readings process need not begin again as long as the amendment to the resolution does not change the purpose or subject of the proposed constitutional amendment. Op. Tenn. Atty. Gen. 96-113 (September 5, 1996); Op. Tenn. Atty. Gen. U96-037 (April 22, 1996).

2. and 3. The scenarios of questions two and three do not alter the analysis discussed under question one.

4. A comparison of SJR 110 as originally introduced and as amended by the Senate Judiciary Committee reveals that the purpose and subject of the resolution would not be changed by adoption of the Committee amendment on third reading. Therefore, the three readings process need not begin again.

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Requested by:

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