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Opinion No. 06-036

Membership of Fiscal Review Committee

QUESTION

The Fiscal Review Committee is a committee of the General Assembly created under Tenn. Code Ann. § 3-7-101. Under this statute, "no political party shall have less than two (2) elective members from each house of the general assembly." The Vice Chairman of the Fiscal Review Committee recently changed his political affiliation from the Democratic to the Republican Party. Does this change require a change in the membership of the Committee under this statute?

OPINION

No.

ANALYSIS

This opinion concerns the membership of the Fiscal Review Committee. This is a special, continuing committee of the General Assembly created under Tenn. Code Ann. § 3-7-101. This statute provides:

> (a) There is created a special, continuing committee of the general assembly, to be known as the fiscal review committee.
>
> (b) It shall be composed of the speaker of the senate, the speaker of the house of representatives, the chair of the senate standing committee on finance, ways and means (or if the committee has co-chairs, then one (1) of them, to be designated by the speaker), the chair of the house standing committee on finance, ways and means (or if the committee has co-chairs, then one (1) of them, to be designated by the speaker), all ex officio members, and fifteen (15) members to be elected as follows:
>
> Six (6) senators and nine (9) representatives to be elected by the respective houses of the general assembly, with each house to elect an appropriate number of members from each of the two (2) major

> political parties so that the political make-up of the committee, exclusive of the speakers, shall reflect as nearly as possible the same ratio of members of such parties as the parties are represented in the respective houses. ***However, notwithstanding, no political party shall have less than two (2) elective members from each house of the general assembly.*** Notwithstanding any other provision in this section, the member from the house of representatives added in this section shall be from the same political party as the speaker of the house in the Eighty-Eighth General Assembly.
>
> (c) ***Committee members shall serve for their full term of office as legislators and until their successors are selected and qualified, if reelected to either house of the general assembly.*** Members are eligible to succeed themselves as members of the committee. ***As terms expire, successors shall be selected during the fifteen-day organizational session of each general assembly.***
>
> (d) Vacancies among the membership shall be filled in the same manner as in the original selection of members, except that in the case of a vacancy in the elected membership when the general assembly is not in session, the speaker of the body from which the originally elected member came shall appoint a successor, who shall be from the same political party as the member's predecessor.
>
> (e) The committee shall elect from its membership a chair, a vice chair, and such other officers as it considers necessary.
>
> (f) All members of the committee, exclusive of the speakers, shall be voting members.

(Emphasis added). Senator Don McLeary is the Vice-Chairman of the Fiscal Review Committee. Senator McLeary recently changed his affiliation from the Democratic to the Republican Party. As a result of this change, only one of the elected members of the Fiscal Review Committee from the Senate is now a Democrat. The question is whether the membership of the Fiscal Review Committee must now be changed.

We note, initially, that the statute forming the Fiscal Review Committee is, in effect, a legislative rule of proceeding adopted by both Houses. Under Article II, Section 12, of the Tennessee Constitution, each House is the sole judge of its rules. *Mayhew v. Wilder,* 46 S.W.3d 760 (Tenn. Ct. App. 2001), *p.t.a. denied* (2001); *State v. Cumberland Club,* 136 Tenn. 84, 188 S.W. 583 (1916). The meaning of a statute is to be determined not from the special words in a single sentence or section but from the statute taken as a whole and viewing the legislation in light of its general purpose. *See, e.g., McLane Company, Inc. v. State,* 115 S.W.3d 925, 928 (Tenn. Ct. App. 2002), *p.t.a. denied* (2003).

The question here is whether the sentence, "However, notwithstanding, no political party shall have less than two (2) elective members from each house of the general assembly," requires the committee membership to be changed when, as a result of a member's change in party affiliation, one party has fewer than two elective members on the committee. The statute contains no provision for effecting this result. Further, the statute expressly states that "[c]ommittee members shall serve for their full term of office as legislators and until their successors are selected and qualified, if reelected to either house of the general assembly." Tenn. Code Ann. § 3-7-101(c). The same subsection states that "[a]s terms expire, successors shall be selected *during the fifteen-day organizational session of each general assembly*." (Emphasis added). The statute does not provide that an elective member is disqualified from membership by changing his or her political affiliation during the term of office. For this reason, we conclude that the requirement that each political party have two elective members from each House applies when the full membership is elected during the organizational session, or when a vacancy must be filled. Since Senator McLeary is still in office and qualifies as a member, his seat on the Fiscal Review Committee is not vacant. No change in committee membership, therefore, is required.

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