



## TENNESSEE INTERCOLLEGIATE STATE LEGISLATURE

# Constitution

Adopted by the 25th General Assembly, November 1991, and including amendments through the 38th General Assembly, November 2007.

### ARTICLE I

#### *Name*

**Section 1.** The name of this organization shall be the Tennessee Intercollegiate State Legislature, referred to hereinafter as the TISL.

### ARTICLE II

#### *Purpose*

**Section 1.** The purpose of this organization shall be to:

- a. Promote interest in both state and federal government.
- b. Strive for a more perfect knowledge and experience of judicial and legislative processes.
- c. Provide leadership training in an environment that permits the expression and examination of a wide range of ideas.
- d. Promote cooperation in solving problems of general interest to the Tennessee Intercollegiate State Legislature.

### ARTICLE III

#### *Membership*

**Section 1.** Every accredited institution of higher education in Tennessee may participate in TISL and may appoint its own delegation in a manner prescribed and administered by that institution.

**Section 2.** Every delegate will be enrolled and in good standing at a participating institution.

### ARTICLE IV

#### *General Organization*

**Section 1.** The branches of TISL shall be the Executive, Judicial, and Legislative Departments.

### ARTICLE V

#### *Officers*

**Section 1.** The General Assembly, in joint session, shall elect a Governor. The Governor shall:

- a. Serve as the Chief Executive Officer of the TISL.
- b. Give to the General Assembly and Executive Council information on the state of the TISL.

- c. Appoint such officers as he/she deems necessary, and remove them at will.
- d. Call and preside over meetings of the Executive Council.
- e. Perform such other duties as shall be enjoined by law.
- f. Inform all Tennessee institutions of higher education about events and policies relating to the TISL.
- g. Execute all powers and duties in this Constitution and in the laws of the TISL.
- h. Be responsible for administrative matters not expressly delegated to the Legislative or Judicial branches.

**Section 2.** The General Assembly shall, in joint session, elect a Secretary of State. The Secretary of State shall:

- a. Keep a record of all official acts and proceedings of the General Assembly and the Executive Council.
- b. Appoint such officers as he/she deems necessary for the functioning of his/her office, and remove them at will.
- c. Perform such other duties as shall be enjoined by law.

**Section 3.** Each house shall elect a Speaker. The Speaker shall:

- a. Appoint such officers, as he/she deems necessary to provide for the proper functioning of the house, and remove them at will.
- b. Preside over sessions of his/her respective house, and assume all responsibility and authority normally delegated to one of his/her position.
- c. Perform such other duties as shall be enjoined by law.

**Section 4.** Each house shall elect a Speaker Pro Tempore. The Speaker Pro Tempore shall:

- a. Succeed to the position of Speaker if a vacancy should occur in that office.

- b. Preside in the absence of the Speaker.
- c. Perform such other duties as shall be enjoined by law.

**Section 5.** The Governor shall appoint a State Treasurer, subject to confirmation by the Executive Council. The State Treasurer shall:

- a. Serve as the Chief Financial Officer of the TISL.
- b. Comply with and enforce the Financial Procedures Act.
- c. Perform such other duties as shall be enjoined by law.

**Section 6.** An Attorney General shall be appointed by the Judges of the Supreme Court at their session coinciding with the General Assembly. The Attorney General shall:

- a. Take all necessary steps to ensure compliance with the provisions of the Charter of the TISL Foundation, this Constitution, the Financial Procedures Act, and any other Act of the TISL General Assembly, or any other relevant governing or legal instrument.
- b. Likewise be guilty of committing the violation if he/she shall have knowledge of a violation of any of the aforementioned legal documents and shall fail to take action or prevent or punish that violation.
- c. Be responsible for overseeing any and all elections by the General Assembly.
- d. Perform such other duties as shall be enjoined by law.
- e. Prepare written opinions on constitutional or legal issues when requested by two members of the Executive Council.
- f. Represent TISL before the Tennessee Intercollegiate Supreme Court.

**Section 7.** A majority of all votes cast shall be necessary for election or confirmation. The General Assembly shall adopt an Election Procedures Act.

**Section 8.** Neither the Governor, the Secretary of State, Attorney General,

nor the Speaker of either house shall serve as a voting delegate from any institution during his/her term of office. All other officers may serve as voting members. No officer shall vote except as a member of his/her delegation or when rules of procedure require or allow.

**Section 9.** In case of a vacancy in the office of Governor, the authority and responsibility of the office shall devolve on the Speaker of the Senate, and in the case of a simultaneous vacancy in the office of Speaker of the Senate, the authority and responsibility of the Governor shall devolve on the Speaker of the House of Representatives. Any vacancies not otherwise provided for shall be filled by the Executive Council, if the General Assembly is not in session.

**Section 10.** The term of office extends from adjournment of the General Assembly at which the officer is elected until adjournment of the next General Assembly.

**Section 11.** No officer shall serve two (2) consecutive terms of office in the same office. No officer who has served more than six (6) months of a term of office to which some other person was elected shall serve a consecutive term in the same office.

**Section 12.** Any officer may be removed with the consent of three-fourths (3/4) of the body which elected or confirmed him/her. Removal shall be considered only upon presentment of a petition signed by one-fourth (1/4) of the body. An officer may be removed for any reason which the body feels is serious enough to warrant removal. Any officer removed from office shall be permanently barred from holding office in the TISL.

**Section 13.** Every officer must be a student at a participating institution at the time of his/her election, and must remain enrolled for all academic terms, except interim or summer. Any officer who is not so enrolled shall be automatically removed.

## ARTICLE VI Executive Branch

**Section 1.** All executive powers granted herein shall be vested in the Executive Council, hereafter referred to as the EC, which shall consist of the Governor, as

chairperson, Speakers of the Senate and House of Representatives, the Speakers Pro-Tempore of the Senate and House of Representatives, Secretary of State, Attorney General, Chief Justice and the State Treasurer, all of whom shall be selected in accordance with Article V of this Constitution.

**Section 2.** The EC shall:

- a. Call special sessions of the General Assembly by three-fourths (3/4) majority. Such call shall be issued at least two (2) months before the special session is to convene.
- b. Set the date for the regular sessions of the General Assembly, at least six months in advance.
- c. Review, repeal or amend at will the decisions of all officers except those areas of authority reserved to the officer by this Constitution, by legislation of the General Assembly, or by the courts.
- d. Establish reasonable institutional and delegate fees for participating institutions and delegates, which fees should not be barriers to participation.
- e. Take actions and make policies and regulations, when the General Assembly is not in session, to perpetuate the continued existence of TISL.
- f. Establish rules and procedures for the General Assembly, which shall be subject to review, repeal or amendment by the General Assembly.
- g. Oversee compliance by the Governor and State Treasurer with the Financial Procedures Act.
- h. Call special sessions of the Executive Council with the consent of the majority of the Council.
- i. Perform such other duties as shall be enjoined by law.

**Section 3.** Any decision or policy of the EC is subject to review, repeal or amendment by the General Assembly.

**Section 4.** The Executive Council, by a two-thirds majority, may remove one of its members for regularly failing to participate in official TISL meetings and events, for corruption or for failing to perform the duties of his/her office. The officer in question will be notified at

least ten (10) days before such a vote and invited to respond. No removal under this provision shall occur in the final twenty (20) days of an officer's regular term of office. *(As amended by the 38<sup>th</sup> General Assembly, November 2007.)*

## ARTICLE VII Legislative Branch

**Section 1.** The legislative authority of the TISL shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. There shall be one General Assembly in each academic year; there may be more than one session of each General Assembly.

**Section 2.** Every institution shall automatically receive two (2) representatives in the House of Representatives. The remaining seats in the House of Representatives shall be apportioned according to the total headcount enrollment of the previous fall semester of that institution divided by the total headcount enrollment of the previous fall semester for all the institutions participating in the House of Representatives. These numbers shall be based on the previous fall semester. The formula shall be as follows:

- a. Institution Population as of the end of the grading period for the previous fall semester (P) divided by Population Total of All Institutions (T) in the House of Representatives equals Institution Percentage (X).  $(P/T=X)$
- b. Institution Percent (X) multiplied by the Total Number of Seats Available after the 2 Seat Per Institution Distribution (S) equals Institution Bonus Seats (B).  $(X*S=B)$
- c. Institution Bonus Seats (B) plus Two Seats (2) equals the Total Number (N) of Seats for the Institution in Question in the House of Representatives.  $(B+2=N)$

If a institution does not have enough delegates to fill all of their seats then the Extra Seats will be redistributed among the other institutions based on the following: Extra Seats (E) multiplied by the Institution Percentage (X) equals Extra Institution Seats (D).  $(E*X=D)$  No institution shall have more than twenty (20) seats. The total number or representatives shall be ninety-nine (99). *(As*

*amended by the 32nd General Assembly, November 1997.)*

**Section 3.** The number of Senators shall be equal to the number of participating institutions. All participating institutions shall have one seat in the Senate.

**Section 4.** Each institution's delegates must be enrolled students at that institution. The Senate and House of Representatives shall be judges of the qualifications of their own members. Each institution shall select its own delegates in a manner to be prescribed and administered by that institution.

**Section 5.** Not less than a majority of all the members to which each house shall be entitled shall constitute a quorum to do business.

**Section 6.** Any bill may be amended, altered or rejected by either house.

**Section 7.** No bill shall become law until it has been passed in identical form in each house by a majority of the members present and voting.

### ARTICLE VIII *Judicial Department*

**Section 1.** The judicial power of TISL shall be vested in the Tennessee Intercollegiate Supreme Court.

**Section 2.** The Supreme Court shall consist of five judges. When they are appointed, no two shall be enrolled at the same institution, and each grand division shall be represented by at least one justice enrolled at an institution in that grand division. The judges shall designate one of their own number who shall preside as chief justice. The concurrence of three of the judges shall in every case be necessary to a decision.

**Section 3.** Judges of the Supreme Court shall be appointed by the Governor from the nominees of a commission to be established by the General Assembly.

**Section 4.** The term of office shall begin on July 1 and be for one year or until the judge is no longer qualified under this Constitution, whichever occurs first. A judge may serve three terms. Every judge shall be enrolled for fall and spring semesters at a Tennessee college or university, and none shall be enrolled in a college of Law. No judge shall participate in the Executive or Legislative branches during his/her term of ap-

pointment except as provided by this Constitution.

**Section 5.** The Supreme Court shall have original and sole jurisdiction in cases arising from the TISL Constitution and the laws of TISL and such additional jurisdiction as may be enacted by the General Assembly.

**Section 6.** Said court shall be held at Nashville concurrently with the regular session of the General Assembly and at such other times and places as may be provided by law.

**Section 7.** The Court, by majority vote, shall appoint officers and adopt rules of procedure consistent with the general laws of TISL.

**Section 8.** Judges and the Attorney General may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote. The judge against whom the Legislature may be about to proceed shall receive notice thereof accompanied with a copy of the causes alleged for his/her removal, at least ten days before the time at which either house of the General Assembly shall act thereupon.

**Section 9.** If a vacancy occurs before the expiration of a judge's term, the Executive Council, without the participation of the Attorney General or the Chief Justice, shall elect a qualified judge to serve the remainder of the term. *(Article VIII was rewritten by the 38<sup>th</sup> General Assembly, November 2007)*

### ARTICLE IX

#### *Miscellaneous Provisions*

**Section 1.** Every accredited institution of higher education in Tennessee may participate in the TISL.

**Section 2.** The Tennessee Intercollegiate State Legislature and its General Assembly are an unincorporated function and division of the Tennessee Intercollegiate State Legislature Foundation, a Tennessee non-profit organization. *(As amended by the 37th General Assembly, November 2006)*

**Section 3.** The General Assembly shall adopt a Financial Procedures Act, which shall govern all financial matters. A

violation of this Act shall be grounds for removal of any officer.

**Section 4.** All actions, agreements or debts entered into by the TISL under previous Constitutions or other organizational documents shall continue to be valid as if adopted under this Constitution.

**Section 5.** Any action, written document or other procedure that is in conflict with this Constitution or the Charter of the Tennessee Intercollegiate State Legislature Foundation shall be rendered invalid by this section.

**Section 6.** The General Assembly shall have the powers to create a standing set of by-laws, which can be amended as deemed necessary. A simple majority of both houses of the General Assembly shall be necessary for passage and amendment of the by-laws. While the General Assembly is not in session, the EC shall be allowed to amend the by-laws by a two thirds (2/3) majority.

### ARTICLE X *Amendment*

**Section 1.** Amendments to this Constitution must be approved in a regular session by two-thirds (2/3) of the members to which each House is entitled.

### ARTICLE XI *Ratification*

**Section 1.** This Constitution shall be ratified upon passage by two-thirds (2/3) of the members to which each House is entitled and signature of the Governor.

*The Tennessee Intercollegiate State Legislature Foundation is a 501(c)(3) educational corporation chartered by the State of Tennessee.*

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