



## TENNESSEE INTERCOLLEGIATE STATE LEGISLATURE

# Constitution

*Adopted by the 25th General Assembly, November 1991, and including amendments through the 48th General Assembly, November 2017.*

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### 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 the state and the federal governments.
- 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 not-for-profit institution of higher education based in Tennessee that otherwise fits the criteria set forth in the TISL Legal Code 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 departments of TISL shall be the Executive, Judicial, and Legislative.

**Section 2.** No person elected or appointed to a position set forth in this Constitution may serve in another Department during the term for which he/she was elected or appointed.

### ARTICLE V

#### *Officers*

**Section 1.** Delegates at large, as defined by law, shall elect a Governor. The Governor shall:

- a. Give to the General Assembly and Executive Council information on the state of the TISL.

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

**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 of the Legislature 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 of the Legislature 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 General Assembly, in joint session, shall elect a State Treasurer. The State Treasurer shall:

- a. Comply with and enforce the Financial Procedures Act.
- b. Perform such other duties as shall be enjoined by law.
- c. Appoint such officers as he/she deems necessary, and remove them at will.

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

- a. Take all necessary steps to ensure compliance with the provisions of the Charter of the TISL Foundation, this Constitution and any other Act of the TISL General Assembly, or any other relevant governing or legal instrument.
- b. Act to uphold the Constitution and Legal Code of TISL before the Tennessee Intercollegiate Supreme Court.
- c. Perform such other duties as shall be enjoined by law.
- d. Prepare written opinions on constitutional or legal issues when requested by two members of the Executive Council.
- e. Appoint such officers as he/she deems necessary, and remove them at will.

**Section 7.** A Lobbying Director shall be elected in a manner prescribed by law. The Lobbying Director shall:

- a. Oversee and direct the TISL Lobbying Program.
- b. Appoint the CEOs of the lobbying firms and such other officers as he/she deems necessary and remove them at will.
- c. Recommend to the Executive Council lobbying firms to be created and firms to be abolished.
- d. Perform such other duties as shall be enjoined by law.

**Section 8.** A majority of all votes cast shall be necessary for election. The General Assembly shall adopt an Election Procedures Act.

**Section 9.** No member of the Executive Council may serve as a Senator or Representative except that the Speaker Pro Tempore of each house may serve in a seat otherwise designated for his/her college.

**Section 10.** 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 11.** 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 12.** No person shall serve more than one term as Governor, and no person otherwise shall serve more than two terms in the same Executive Council office; provided, however, that less than six months of a term to which another person was elected shall not constitute a term for purposes of this section.

**Section 13.** Any member of the Executive Council may be removed from office for regularly failing to participate in official TISL meetings and events, for corruption or for failing to perform the duties of his/her office.

- a. Until twenty (20) days before each General Assembly, the Executive Council, with the concurrence of a majority of the members to which it is entitled, may petition the Supreme Court to have an officer removed for a cause stated above. The officer in question shall be notified and shall have at least ten (10) days to respond to the initial petition.
- b. During the General Assembly, an officer may be removed for a cause stated above by a concurrent vote of two-thirds of the members of the Senate and of the House of Representatives, voting separately, after receipt of a petition setting forth specific cause for removal and signed by fifty (50) registered delegates.

An officer removed under this section is disqualified from future service on the Executive Council or the Supreme Court.

**Section 14.** Every Executive Council member and Supreme Court Justice must be a student at an institution eligible to participate in TISL at the time of his/her election and must remain so enrolled for the spring and fall semesters for a minimum of five academic hours. The student must be primarily present within the state of Tennessee during said semesters. Any member of the Executive Council may petition the Supreme Court to remove an officer or justice who is ineligible under this section.

**Section 15.** Any person elected to the Executive Council or appointed to the Supreme Court must be at least eighteen (18) years old at the time his/her term of office commences.

## ARTICLE VI

### *Executive Department*

**Section 1.** All executive powers granted herein shall be vested in the Executive Council, hereinafter referred to as the EC, which shall consist of the Governor, as chairperson, the 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, the State Treasurer and the Lobbying Director, each of whom shall be selected in accordance with 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.

## ARTICLE VII

### *Legislative Department*

**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.** The number of Representatives shall be 99 (ninety-nine) and shall be apportioned among institutions proportional to enrollment in a manner to be established by the General Assembly. Any law affecting the apportionment of the House of Representatives shall take effect after the adjournment of the General Assembly at which it is adopted.

The minimum number of seats for each institution shall be two unless the number of participating institutions exceeds 25 (twenty-five), in which case the minimum shall be one. The maximum number of seats in total, including bonus seats, shall be nine.

House seats unclaimed at the close of business on the first day of the General Assembly shall be reallocated, proportional to enrollment, among participating institutions with extra delegates present and eligible to serve in the House. Unclaimed seats shall be delegated according to representation ratio, in descending order, beginning with the institution with the highest ratio. Each institution shall receive only one unclaimed seat.

**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.

**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.

**Section 8.** Every bill which may pass both houses of the General Assembly shall, before it becomes a law, be presented to the Governor to be signed.

If, upon consultation with the Executive cabinet, the Governor shall refuse to sign it, it shall be returned with objections to the Secretary of State, who shall notify each house, to be read in open session. Either house may proceed to again consider the bill. If, in each house, a majority of the members present and voting shall agree to pass the bill, notwithstanding the objections of the Executive, it shall become a law. The votes of both houses shall be determined by an enumerated vote. Official communication from one officer to another or to a house of the Legislature shall be in writing.

If the Governor shall fail to return any bill by 9 a.m. of the next day after it shall have been presented to him/her, it shall become a law without his/her signature.

**Section 9.** No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived or amended.

## 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 upon the adjournment of the General Assembly 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. During the term for which he/she was appointed, a judge shall not seek another position or serve in any other capacity within TISL.

**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 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. The appointee shall have previously been endorsed by the nominating commission unless no such nominee shall be able and willing to serve.

**Section 10.** The Legislature may, by general laws, make provisions that special Judges may be appointed to hear any cause in which a Judge may be disqualified.

### ARTICLE IX

#### Miscellaneous Provisions

**Section 1.** 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.

**Section 2.** 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 3.** 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 4.** The Executive Council shall compile all laws governing the internal affairs of TISL and publish them on the TISL web site.

**Section 5.** Any law affecting eligibility to vote in TISL elections or referendums shall take effect after the General Assembly at which it is adopted.

### ARTICLE X

#### Amendment

**Section 1.** An amendment 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 the members to which each house is entitled, such proposed amendment shall lie over until the next day or beyond; and if the General Assembly on a succeeding day shall agree to such amendment by two-thirds of the members to which each house is entitled, then it shall be submitted to the delegates at large, as defined by law, at the general election of the same General Assembly. And if the voters shall approve and ratify such amendment by a majority of all the delegates voting for Governor voting in favor, such amendment shall become a part of this Constitution.

**Section 2.** The General Assembly may adopt reasonable laws to implement this process.

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

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