S T A T E O F T E N N E S S E E
OFFICE OF THE
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September 20, 2006

Opinion No. 06-144

State Legislator Assuming Office

QUESTION

When does a state legislator assume office within the meaning of Article II, § 2.03.F, of the Shelby County Charter?

OPINION

Ordinarily, a state legislator's term begins the day he or she is elected. A state legislator is entitled to receive a salary from the date he or she is elected. A definitive answer to this question, however, requires an interpretation of the Shelby County Charter. Since this Office does not provide interpretations of locally adopted charters, we cannot provide further guidance on the issue.

ANALYSIS

Article II, § 2.03.F, of the Shelby County Charter provides in part that: "If a County Commissioner assumes another compensated elected office the County Commissioner shall vacate the County Commission office within ninety (90) days and the vacancy shall be filled in accordance with Article II, Section 2.11 herein." The question is when a state legislator assumes office. Under Article II, Section 3, of the Tennessee Constitution, "Representatives shall hold office for two years and Senators for four years *from the day of the general election* . . .." (Emphasis added). A state legislator's term, therefore, ordinarily begins the day he or she is elected. *See* Op. Tenn. Att'y Gen. 96-138 (November 25, 1996) (a member of the Gallatin City Council "accepted" office as a legislator within the meaning of the Gallatin City Charter on the day she was elected). A state legislator is entitled to receive a salary from the date he or she is elected. Tenn. Const. Art. II, § 23; Tenn. Code Ann. § 3-1-107.

A definitive answer to the question presented in the request, however, requires an interpretation of when a Shelby County Commissioner has assumed another compensated elected office within the meaning of Article II, § 2.03.F, of the Shelby County Charter. Since this Office does not provide interpretations of locally adopted charters, we cannot provide further guidance on the issue.

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