



**73rd Student Senate
Judiciary Committee
Date: 14 September 2021**

Meeting Recording:

https://drive.google.com/file/d/1I41DGjpzeT08mHxdNi3Hha1RplCmTCT_/view?usp=sharing

Call to Order: 9:04 pm

Members Present: Chair Little, Vice Chair Puwalski, Senator(s) Linsky, Arutt, Myers, Stults

Members Tardy: None

Members Excused Absent: Senator(s) Guillamont

Members Absent: Senator(s) Rossi, Rodgers, Flashman, Reeves

Guests: Senator Randall, Parliamentarian Rowan

Announcements:

- **Chair** - None
- **Vice Chair** - None
- **Members** - Linsky: Encourage your peers to apply for Sweepings; there is over \$1 million available
- **Guests** - Randall: PAC & RTAC are accepting applications for membership and RSOs that need funding. Gas, hotel, airfare, merchandise, guest speakers, etc. can be funded.

Committee Business:

- **Bill 49** - To elucidate the legislative subpoena powers vested in the Senate by the Student Body Constitution, subject to limited oversight by the Student Senate President.
- **Bill 50** - To amend statutes which concern the discretionary veto power granted to the Vice President of Student Affairs by the SGA Senate.
- **Bill 51** - To eliminate the Budget Committee in its entirety and restructure its current duties to the purview of the Finance Committee.

Old Business: None

New Business:

Bill 49 - Sponsored by Senator Linsky - To elucidate the legislative subpoena powers vested in the Senate by the Student Body Constitution, subject to limited oversight by the Student Senate President.

- Opening Statement:
 - Sen. Linsky: I worked with former Sen. Stinson on this. This bill was proposed before by Sen. Linsky and former Sen. Stinson, but was vetoed by Dr. Hecht. This is a revised version that explicitly mentioned HIPAA and FERPA.
- Technical non-debatable:
 - None
 - **Sen. Stults moves to enter roundtable, Sen. Arutt seconds**
- Round table:
 - Sen. Myers: Just to clarify, Dr. Hecht just wanted written confirmation in the bill that there cannot be a violation of HIPAA and FERPA?
 - Sen. Linsky: Yes
 - Parliamentarian Rowan: So if an Ad Hoc or Senate Committee creates an Investigative Board does the Senate President need to agree?
 - Sen. Linsky: This bill will constrain legislative subpoena to ensure that the Senate does not go wild demanding private information, as was the case in prior investigations last year where there was not a very defined process in place.
 - Parliamentarian Rowan: The word “and” is changed to “or”. Is this just a grammatical change?
 - Sen. Linsky: Yes, but also a philosophical change. Senate President needs to be in the know and be aware of the investigative results because the investigation could reflect poorly on the Senate President and the entirety of the Senate.
 - Sen. Randall: How do you define a “legitimate investigative purpose”?
 - Sen. Linsky: this wording is taken from FL law about the FL legislature’s investigative power. The investigation has to do things that directly relate to the original creation of the investigative board and the board’s statement of purpose. If an investigation was to go to court, this is the FL statutory standard it would be held to, so it streamlines this potential process.
 - Sen. Randall: Where does it say that the legitimate investigative purpose must relate to the purpose of the creation of the board?
 - Sen. Linsky: I’d be open to an amendment about that
 - Chair Little: Judiciary Committee can also issue subpoenas without creating an investigative board, right?
 - Sen. Linsky: Yes
 - Sen. Randall: Bill only references a process for an inbvcestuigarte board and not the Judiciary Committee. Do you realize that?
 - Sen. Linsky: This goes beyond the Judiciary Committee. Any committee can do this with a majority vote. It’s said in Constitution, so it doesnt need to be said again in Statutes
 - Sen. Randall: Would you be willing to table this bill to clarify that it also applies to standing committees and not just investigative boards?
 - Sen. Linsky: I’m open to an amendment
 - Stults: Would you like that amendment? Put it in the chat and I can make it.
 - Sen. Linsky: I’ll put it in chat
 - Chair Little: Would it just be easier to simply reference the Constitution instead of being more specific with which committees get this subpoena power?
 - Sen. Linsky: It is necessary to specify since the Constitution doesn’t allow for investigative boards to have subpoena power

- **Sen. Stults moves to amend; Sen. Myers seconds. No objections. Sponsor finds it friendly; bill is so amended.**
 - Amendment: change all occurrences of the word “investigative board” to add “or standing committee” to the language behind each investigative board (option A)
- Sen. Randall: this amendment is not sufficient and is not worded well for the context of the instances in which the words “investigative board” are used
- **Sen. Stults: moves to rescind amendment; Sen. Myers seconds. No objections. Amendment rescinded**
- **Sen. Myers moves to amend Bill 49 to add “or standing committee” to the language behind each “investigative board” listed in all paragraphs under 406(G). Sen. Stults seconds. No objections. Amendment passes**
- Sen. Randall: Point of info: Does the committee feel that it's important to tie a “legitimate investigative purpose” to the duties of an investigative board/ duties of a standing committee?
 - Sen. Linsky: yes
 - Sen. Myers: yes
- Sen. Randall: can you defined “unreasonably burdensome”
 - Sen. Linsky: Use a balancing test. Weigh the cost of providing info and how difficult it is against how easily it can be obtained somewhere else. Also determine its importance to justice. Ex: requesting all text messages is unreasonable, but it's more reasonable to request text messages about a specific topic.
- Sen. Randall: What is an “impartial custodian of the public record”?
 - Sen. Linsky: Could be senate clerk or SGA staff. Someone who is unbiased with regard to those records.
- Sen. Randall: point of info to the committee: Does this make sense to the average Senator?
 - Sen. Linsky: doesn't really matter if it makes sense; it's more important that the process is specific and I think Dr. Hecht wanted it to be specific so that Senate could handle subpoena power responsibly. I'm open to an amendment to make the language less confusing.
- Sen. Myers: I think the language makes sense as is
- Sen. Stults: would you rather it be the Senate clerk or a different SGA employee?
 - Sen. Linsky: Clerk because I want it to be student-oriented. Parliamentarian is a good alternative. If those positions aren't filled, then SGA staff could be a good alternative.
- Parliamentarian Rowan: Rules of Procedure states that Senate Pres. fulfills duties of vacant Senate offices
- Sen. Myers: Is there a reason you picked 15 days to respond to a subpoena.
 - Sen. Linsky: 15 days seemed to be a reasonable time frame to submit information and was a compromise between myself and former Sen. Stinson. We could also amend it so that it says 15 school days so that it doesn't include holidays and weekends.
 - **Sen. Myers moves to call the question, Sen. Arutt seconds**
- Closing:
 - Sen. Linsky: Thank you for the questions and comments. The amendment that was made is great. I'm glad some other amendments have been mentioned and maybe they can be proposed on the Senate floor tomorrow.
- Vote:
 - Y-6, N-0, A-0

- RESULT: Passes

Bill 50 - Sponsored by Senator Linsky - To amend statutes which concern the discretionary veto power granted to the Vice President of Student Affairs by the SGA Senate.

- Opening Statement:
 - Sen. Linsky: Most controversial bill I've ever submitted. I'm not impressed by Dr. Hecht's knowledge of student and state statutes. I think her veto power has been used arbitrarily. Her Central Reserves veto was illegal; only the University President can line item veto. She has veto power because we, as students, allow her to have it. It is a privilege that we can take away and I think we should take it away. Her Central Reserves veto has really undermined confidence in the Student Senate's ability to get funding for RSOs. Yields 0:20.
- Technical non-debatable:
 - None
 - **Sen. Myers moves to enter roundtable, Sen. Stults seconds**
- Round table:
 - Sen. Myers: Have there been any other attempts to rectify issues? Should this be the first line of defense?
 - Sen. Linsky: I don't only take issue with the Central Reserves issue; I also don't like how subsequent conversations were structured after that. I've also drafted a lawsuit and I'd rather not file it. There is a power imbalance and Dr. Hecht has taken advantage of her position. I want to find a solution without having to litigate.
 - Sen. Stults: can you think of another instance of abuse of power other than the Central Reserves issue?
 - Sen. Linsky: I wouldn't call it an abuse of power. I think she uses her veto power haphazardly.
 - Sen. Myers: Is there another person who should have this veto power instead of Dr. Hecht?
 - Sen. Linsky: I think it's ideal for the VP of Student Affairs to have veto power, but Dr. Hecht is the current holder of that position and she hasn't been using her veto power appropriately. The students gave Dr. Hecht veto power and we can take it away if we think she's misusing it.
 - Sen. Myers: Won't it be problematic if there's no higher power to have a veto power?
 - Sen. Linsky: I think it's inevitable that administration will eventually get their veto power back, but I don't think we should give the veto power to anyone else right now. I also want to wait until Sweepings is over for this bill to be passed.
 - Sen. Stults: Can't we fix this by just having the ability to override Dr. Hecht's veto?
 - Sen. Linsky: That's also a good alternative
 - **Vice Chair Puwalski moves to table Bill 50, Sen. Stults seconds; no objection. Bill 50 is tabled.**

Bill 51 - Sponsored by Senator Randall - To eliminate the Budget Committee in its entirety and restructure its current duties to the purview of the Finance Committee.

- Opening Statement:
 - Sen. Randall: Eliminate Budget, which is a standing committee. This is a big change. This committee makes crucial decisions and historically, many members have not had the proper knowledge/familiarity to make these decisions. Finance Committee has purview over Finance Code, which means that the Budget Committee's responsibilities can fall under the Finance Committee, which is why we need to combine the two committees. Yields 0:36.
- Technical non-debatable:
 - Sen. Linsky: How much time was spent addressing this issue and creating this legislation?
 - Sen. Randall discussed with several Senators in ROPAH, attended ROPAH meetings, met with Senate leadership, and spent a week and a half writing the bill
 - Chair Little: Was the current Budget Chair consulted?
 - Yes
 - **Sen. Arutt moves to enter roundtable, Sen. Myers seconds**
- Round table:
 - Sen. Randall: I have 3 amendments I'd like to be considered.
 - Sen. Myers: How long will the Budget process take?
 - Sen. Randall: That's something we can take another look at. There's no reason that Budget Week really only needs to be a week.
 - Sen. Linsky: A lot of thought has gone into this bill. These changes change things that have been overlooked for a long time. Sen. Randall has done a great job.
 - Sen. Myers: What is the backup plan if this doesn't go to plan and Finance is not able to effectively complete all their tasks?
 - Sen. Randall: create subcommittees within Finance. Senate President could also create an Ad Hoc to create the budget composed of members from Finance Committee, as well as leaders of other standing committees.
 - Sen. Stults: Moves to amend Bill 51 as requested by bill sponsor; Sen. Myers seconds. Bill sponsor finds it friendly; Bill 51 is amended as such without objection.
 - **Sen. Myers moves to call the question, Sen. Arutt seconds**
- Closing:
 - Sen. Randall: I appreciate the questions. This is a big deal and helps streamline Senate operations. I hope you vote yes.
- Vote:
 - Y-5, N-0, A-0
 - RESULT: Passes

Unfinished Business: None

Committee Legislative Round Table: N/A

Final Announcements:

- **Chair:** 7:00pm on Tuesdays will be our meeting time going forward. I will make an announcement in our chat about amending the Elections Code. It looks like we'll be losing more members of our committee, so instead of splitting the large Elections Code

among a small group of Senators, we can look at a different section of the Elections Code every week.

- **Vice Chair:** You all made me type a lot, but that was a very productive meeting and I'm glad we were able to accomplish all that. Great work tonight.
- **Members:** Linsky: encourage RSOs to apply to Sweepings
- **Guests:** None

Date and Time of Next Meeting: Tuesday 9/21 at 7:00pm

Adjourned: 8:22 pm

Gabrielle Little

Signature of Chair