



**74th Student Senate
Judiciary Committee
[April 19, 2022 | 7:00 pm] | [938 6379 6079]**

Zoom recording:

<https://drive.google.com/file/d/1liIGN3JWCOLUeyuLB-Ux4BwpxdV9EbEP/view?usp=sharing>

Call to Order: 7:01 p.m.

Members Present: Chair Myers, Vice Chair Maglin, Senator Wang, Senator Casiple, Senator Boisvert, Senator Kariher, Senator Schindler, Senator Roy

Members Tardy: None

Members Absent: Senator Drackley (excused)

Guests: Chair Diaz, Chair DuChêne, Parliamentarian Rowan

Land Acknowledgement

Announcements:

- None

Committee Business:

- Adopt Rules of Procedure
- Bill 37: Diaz (P); Roy, Pfeuffer-Ferguson, Myers, Stewart, Bettley (Co)
 - Proving for more internal accountability by adding the Directors of Executive Institutes (FLI, TLI) to the list of major offices and those appointed officers subject to impeachment by the Student Senate. This bill also requires that the Directors of the Institutes be financially certified. This omnibus bill requires $\frac{2}{3}$ concurrence of the Student Senate.
- Bill 39: Stewart, Diaz (P)
 - To allow members of the faculty and Student Body not serving in the Student Senate the ability to endorse bills, resolutions (consent resolutions included), and constitutional amendments being brought before the Senate.
- CA 2: Wang (P)
 - To make appointed Temporary Justices Subject to Senate Confirmation.
- Resolution 34: Wang (P)
 - Rule change outlining the process of voting on additional absences once a Senator is unsuspending in an impeachment hearing held by the Judiciary Committee.

Old Business:

- **Judiciary Committee Rules of Procedure**
 - Senator Wang moves to adopt ROP as they are

- **Senator Tucker** seconds
- No objections
- **Bill 37 - Sponsored by Senator Diaz (P); Roy, Pfeuffer-Ferguson, Myers, Stewart, Bettley (Co)**
 - Opening Statement:
 - Chair Diaz (P): Hello judiciary, this is a bill that allows for more internal accountability. The first thing that it does it add positions in the executive insitutes to the list of major office jobs. Major offices are positions within the student government that we consider to be very important and we think that people in those roles should be very dedicated. Current constitution says that you can only hold one of those positions at a time. FLI and TLI are extremely important to the student body and freshmen transfer-students new to FSU. This bill would make the directors of FLI and TLI members of a major office position– so you can't be an agency executive director and the director of FLI and TLI. Also, this would make these roles impeachable by the student senate, specificall the judiciary committee. This is not possible now, but this bill will make it a possibility to have that accountability. Also, the finance code would be amended to include the directors of FLI and TLI (and one additional leadership member) so that they must also be financially certified in order to receive A&S funding. **Sponsor yields 1:03**
 - Technical Non-Debatable Questions:
 - Senator Wang: Would this bill make FLI/TLI allowed to go through the budget process?
 - Chair Diaz (P): This bill would not. In order for them to receive A&S fees, two members of that bureau have to be financially certified. I am proposing a bill to address that in the future.
 - **Senator Wang moves to enter round-table discussion; Senator Tucker seconds**
 - Round-Table Discussion:
 - Senator Tucker: I'm looking through it right now and I don't see any issues with it. I think I like this.
 - Senator Boisvert: **POI** - In the 405.2 appointed officers section, I noticed a pre-semantic change to executive cabinet– does that include the senate clerk, historian, and press secretary and nothing else? Or does that encompass other roles?
 - Chair Diaz (P): If you're referring to the change I made to the Student Senate Officers, I made that change to kind of 'future-proof' statutes. Having this bill say "Student Senate Officers" allows us to not keep updating our statutes. So, any officer of the senate is liable to be impeached.
 - Senator Wang: This is a pretty simple bill. I think this makes sense adding them to the major offices. It holds them to the same standard as us and adds more accountability. I like this bill.
 - Senator Schindler: **POI** - how are the FLI/TLI positions selected?
 - Chair Diaz (P): Their statutes are somewhat vague, but they say that the outgoing board interviews and selects the future board.

I'm not sure if they call it to a vote or not, but it is an internal decision of the institutes.

- Senator Schinder: **POI** - Say if one of these directors were to go through an impeachment hearing, would it be up to the rest of their board to decide on the next director?
 - Chair Diaz (P): If the director of FLI or TLI are removed, I believe that the Student Body Vice President would be the interim director of that institute until the position can be filled.
- Senator Boisvert: **POI** - It was mentioned that you can't hold two separate positions in the major offices. If this were to happen to the Student Body Vice President as the interim director, would they be able to hold both offices under current statutes?
 - Chair Diaz (P): That's a very good question. This bill doesn't relate to that, that's a separate conversation.
- **Senator Tucker moves to call the question; Senator Kariher seconds**
- Closing Statement:
 - Diaz (P): Thank you so much, again. I think this bill is good for internal accountability and for those who are wondering, the newly instated director of FLI said that they do not plan on seeking another major office position during their term. This bill is good for having institutes that are effective. **Sponsor waives rest of time**
- Vote:
 - Yes: 8, Senator(s): Wang, Tucker, Boisvert, Schindler, Kariher, Roy, Casiple, Vice Chair Maglin
 - No: 0
 - Abstain: 0
- **RESULT: BILL 37 PASSES**
- **Bill 39 - Sponsored by Senator(s) Stewart, Diaz (P)**
 - Opening Statement:
 - Chair Diaz (P): As I told the chair of this committee, I do plan on withdrawing this bill. For those that were not there, this went onto the senate floor and there was a lot of controversy surrounding it. There would have to be a lot of work done to fix it. I do withdraw the bill. **Sponsor waives time, bill is WITHDRAWN**
 - Technical Non-Debatable Questions:
 - N/A
 - **N/A moves to enter round-table discussion; N/A seconds**
 - Round-Table Discussion:
 - N/A
 - **N/A moves to call the question; N/A seconds**
 - Closing Statement:
 - N/A
 - Vote:
 - Yes:
 - No:
 - Abstain:
 - **RESULT: BILL 39 WITHDRAWN BY SPONSOR**

New Business:

- **Constitutional Amendment 2 - Sponsored by Senator Wang, Chair DuChêne (P)**

- Opening Statement:

- Senator Wang (P): This bill has gone through a lot. I'm going to outline what our current process is for the judicial branch and how this will impact that. Right now, we have a Chief Justice and associate justices that sit for the duration of their time in law school. They hear all cases that go through to the Supreme Court. They are all appointed by the Student Body President, come to judiciary committee, and then to the full senate floor for confirmation. This bill focuses on fixing the issue of temporary justices. For temporary justices, they are allowed to be appointed by the Chief Justice in the case of a vacancy of the court. I interpreted "vacancy of the court" as a justice recusing themselves during a case or leaving their position altogether. I wanted temporary justices to come through the senate instead of the Chief Justice appointing one of their friends from law school or a situation like that. Upon speaking with Parliamentarian Rowan, I was told that the legislative intent of the statute was to allow the Chief Justice to appoint a temporary justice in the case that an associate justice recuses themselves for one case. I want to change this bill to no longer make temporary justices subject to confirmation in the case that an associate justice recuses themselves because of a conflict of interest. Instead, I want to make it so that the Chief Justice may appoint a temporary justice in these certain cases. **All time used up in opening statement (3:00 minutes)**

- Technical Non-Debatable Questions:

- N/A

- **Senator Tucker moves to enter round-table discussion; Senator Kariher seconds**

- Round-Table Discussion:

- Senator Tucker: **POI** - What is current process for appointing temporary justice?
 - Senator Wang (P): Chief justice has full authority in appointing temporary justices.
- Senator Kariher: I move to make Chair Duchêne a primary.
 - Chair Myers: I now make Chair Duchêne a primary.
- Senator Casiple: **POI** - Senate still has to confirm the temporary justices? Or did you say you're trying to change that part?
 - Senator Wang (P): We changed from the Student Body President to the Chief Justice having the power to appoint temporary justices. According to an advisory opinion from the court last year,, the only person with sole appointment power is the Student Body President. However, Parliamentarian Rowan has stated that that is not the case and the advisory statement is false. But I want to change it so that the Chief Justice has sole appointment power but only in the case of a justice-recusal due to a conflict of interest.
- Senator Schindler: **POI** - When would a temporary justice be necessary?
 - Senator Wang (P): The whole idea of temporary justices came about when the court was dealing with cases that had major conflicts of interest (i.e., cases regarding student organizations that the justices were a part of, etc.). When justices had to recuse

themselves due to the conflict of interest, the idea of temporary justices were brought about. Basically, I want to change it so that the only case in which we would ever have temporary justices would be when people recuse themselves from certain cases.

- **Senator Tucker** moves to amend
 - Article IV, Section 3, Clause A.4: Strike out “Student Body President, having consulted with the” and “,” after Justice.
 - **Senator Boisvert** seconded; No Objections
 - Sponsor finds it friendly
- Senator Tucker: **POI** - Why did you not find that friendly?
 - Senator Wang (P): Your amendment said that it would only address associate justices instead of a Chief Justice, who may have to recuse himself.
- Senator Boisvert: **POI** - If a Chief Justice is to recuse themselves, what’s the process of a temporary appointment for them? Is it similar to the process for associate justices?
 - Senator Wang (P): If they were recused, they would have to appoint someone on their own
- Senator Kariher: **POI** - What happens if there is a true vacancy instead of a recusal for a case?
 - Senator Wang (P): The Student Body President would appoint a full-time associate justice to get confirmed by the student senate.
- Senator Tucker: Move to allow a non-senator to speak– Parliamentarian Rowan.
- Parliamentarian Rowan: If the Chief Justice recuses, they designate an associate justice as acting Chief.
- **Senator Tucker** moves to amend
 - Article IV, Section 3, Clause A.4: Add “as a result of a recusal by a sitting Justice,” after “Supreme Court” and before “Chief Justice.”
 - **Senator Schindler** seconded; No Objections
 - Sponsor finds it friendly
- Senator Boisvert: **POI** - How do you feel about the last part of that bill
 - Chair DuChêne (P): Get rid of it.
- **Senator Kariher** moves to amend
 - Article IV, Section 3, Clause A.4: Strike out “The Temporary Justice shall be subject to the approval of the Senate Judiciary Committee and the full Senate.”
 - **Tucker seconded**; No Objections
 - Sponsor finds it friendly
- Senator Tucker: The appointment process take a lot time, so I think it’s best if we should just leave it up to them for just one case. They can just get it done quickly and their way without having to go through the whole senate.
- Senator Boisvert: **POI** - Is there a system in place where if there’s a conflict of interest, an associate or Chief justice can be removed another way? Do they have to recuse themselves or can they be removed?
 - Chair Duchêne (P): It’s at the discretion of the individual justice to recuse themselves and morally step up and say there’s a conflict of interest. There should be a recusal mandate, however that’s not within the scope of this bill. If they choose not to, there’s really

nothing we can do. We can impeach justices if they are acting with malfeasance, but yeah that's it.

- Senator Tucker: I like this bill and I think it looks clean. I will be voting yes.
- Senator Kariher: I was going to say one more thing– I think this is really good, especially striking out that last part. It would drag out the system quite a bit to have to go through the whole process when it could be quickly done by an unbiased Chief Justice.
- Senator Tucker - **POI** - Is it possible to move this bill to be approved by unanimous consent?
 - Chair Myers: Yes.
- **Senator Tucker moves to approve by unanimous consent; Senator Kariher seconds; No Objections**
- Closing Statement:
 - None
- Vote:
 - Yes:
 - No:
 - Abstain:
- **RESULT: CA 2 PASSES BY UNANIMOUS CONSENT**
- **Resolution 34 - Sponsored by Senator Wang, Chair DuChêne (P)**
 - Opening Statement:
 - Senator Wang (P): I served as pro-tempore of the 73rd senate, so I heard a lot of the absence hearings for senators as the Rules Committee chair. If suspended (after five absences), you have to appear before the Rules Committee and they decide if you are capable of continuing or should be forwarded to impeachment in the Judiciary Committee. If Rules finds the senator capable they have to vote again on how many absences the senator in question should be given. But if deemed capable in judiciary, the senator would get all five of their absences back and they have can free-reign over senate again. This is fixing that problem if judiciary unsuspends the senator, Rules must vote on how many absences that senator can have thus forth.
 - Chair Duchêne (P): It clears up some things and makes more consistent the amount of absences we give senators who are unsuspended. This makes everything easier for everyone involved. **Sponsors yield 0:35s**
 - Technical Non-Debatable Questions:
 - None
 - **Senator Tucker moves to enter round-table discussion; Vice Chair Maglin seconds**
 - Round-Table Discussion:
 - Senator Tucker: This is an awesome piece of legislation. A few weeks ago we went through the impeachment process in judiciary and we had a senator who we deemed capable of continuing in senate, but people were concerned about the number of absences this senator would be given again– they did not feel that getting all the absences back would be fair. So this makes it more fair and easier to do our jobs.
 - Vice Chair Maglin: Yeah, I like this bill because it adds another layer of accountability for senators in that if you're just skirting by and you are deemed capable of returning by the judiciary committee, your new number

of absences will differ from someone who was truly unable to be present and is dedicated to continuing as a senator.

- **Senator Kariher moves to approve by unanimous consent; Senator Tucker seconds; No Objections**
- Closing Statement:
 - None
- Vote:
 - Yes:
 - No:
 - Abstain:
- **RESULT: RESOLUTION 34 PASSES BY UNANIMOUS CONSENT**

Unfinished Business:

- None

Closing Announcements:

- Chair Myers: This meeting was great and it seemed like you all read the legislation beforehand and came with great questions. I'm super excited for this committee because you all seem so good!
- Vice Chair Maglin: Thank you all for your patience with waiting for me to catch up for second or two throughout the meeting. Like Chair Myers said, I'm really excited for the fall. I won't be here in the summer, but I'm looking forward to working with you all and hopefully becoming friends with all of you!
- Senator Wang: This will be sappy, but I will miss my time in SGA. I have super high hopes for this committee. Just continue to look at legislation with a magnifying glass—like you all do— and continue to uphold our student constitution. I'm super excited for all of you to find a home within judiciary like I did. My best moments have been in judiciary, so yeah, I yield.
- Senator Roy: I look forward to all the great times up ahead for my time here in Judiciary!

Next Meeting: TBD

Adjourned: 7:51 p.m.

Camila Myers

Signature of Chair [Name]