



**72nd Student Senate
Judiciary Committee
Date: June 1st, 2020**

Call to Order: 7:09 p.m.

Members Present: Senator(s) Leckie, Chabot, DeJonge, Cusnier, Little, Garcia

Members Tardy: Senator(s)

Members Excused Absent: Senator(s)

Members Absent: Senator(s) Rossi

Guests: Senators England, Gerdt, Lavender, Ryan, Ms. Shayna Cohen, Parliamentarian Alvarez

Announcements:

- Members - None
- Guests - None

Committee Business:

- **Summer Chair and Vice Chair Elections**
- **Bill 62** - Sponsored by Senator Gnanam - to remove unconstitutional powers from Student Body Statutes. [REMANDED BACK TO JUDICIARY]
- **Bill 78** - Sponsored by Senator Leckie - to ensure all changes made to the Senate Rules of Procedure are made at the same threshold.
- **Bill 79** - Sponsored by Senator Lavender - Addition of Chapter
- **Bill 80** - Sponsored by Senator Lavender - Restructuring of the Executive Branch
- **Bill 81** - Sponsored by Senator Lavender - Restructuring of the Deputy Student Body Treasurer Position
- **Bill 82** - Sponsored by Senator Lavender - Restructuring of Appointed Executive Positions
- **Bill 84** - Sponsored by Senator Leckie - to facilitate the staffing of the Office of General Counsel
- **Bill 85** - Sponsored by Senator Leckie (P) and Senators Adamyk, Porter, Murcia, Kilinc, Martin, Little (CO) - to define the powers and duties of the Office of the Student Body Attorney General

Summer Elections:

- **Chair and Vice Chair Elections**
 - **Chair:** Motion to open the floor for nominations by Chabot, seconded by Selva
 - Leckie nominated by Chabot, Seconded by DeJonge
 - Motion to close floor by Chabot, seconded by Cusnier
 - Leckie uncontested

- **Vice Chair:** Motion to open the floor for nominations by Chabot, seconded by Little
 - Chabot is nominated by Little, seconded by DeJonge
 - Motion to close the floor by Garcia, Seconded by Cusnier
 - Chabot uncontested

Old Business:

- **Bill 62** - Sponsored by Senator Gnanam - to remove unconstitutional powers from Student Body Statutes. [REMANDED BACK TO JUDICIARY]
 - Opening Statement
 - Gnanam: This bill removes powers held by HLSU, VSU, and Pride that allows them to veto statute changes to there agencies. This power is technically unconstitutional. We need to communicate with the agencies but the powers are still unconstitutional. We were waiting for a supreme court opinion but we don't know when the Supreme court will meet again.
 - Technical, Non-Debatable
 - None
 - Senator Little moves to enter Round Table Discussion
 - Senator Cusnier seconds
 - Round Table
 - Chabot: They have already checked with VSU and Pride and they are ok with this bill. It was remanded back to Judiciary because HLSU was against this bill but it is still unconstitutional
 - Motion for non-senator to speak by Cusnier, seconded by Garcia
 - Gerdts: I originally voted in favor of this bill. No matter how much they want to retain this power, they can't. Passing this now would prevent the other way this power would be stripped in the future, through court proceedings and ultimately a reproposal of something very similar to this bill. This bill brings us in line with the constitution. We should fix this now instead of wait for the future. It promotes communication with HLSU. This power is not extended to all agencies, which is unfair. Fixing this issue now to alleviate this issue later.
 - Senator Cusnier moves to call the question
 - Senator Little seconds
 - Closing
 - Gnanam: Thank you.
 - Vote
 - Y 5(DeJonge, Cusnier, Little, Chabot, Garcia), N 0, Abstain 0
 - **Bill RESULT:**
 - **PASSED 5-0-0**

New Business:

- **Bill 78** - Sponsored by Senator Leckie - to ensure all changes made to the Senate Rules of Procedure are made at the same threshold.
 - **Bill RESULT:**
 - **WITHDRAWN**
- **Bill 79** - Sponsored by Senator Lavender - Addition of Chapter
 - Opening Statement
 - Lavender: A lot these bills are updating statutes with changes to the executive branch that reflect changes they want to or have already made
 - Technical, Non-Debatable

- None
 - Senator Cusnier moves to enter Round Table Discussion
 - Senator Garcia seconds
 - Round Table
 - Motion to removed Ready and add England as a primary sponsor by Cusnier, seconded by Garcia
 - Sponsor finds it friendly
 - Cusnier: Should we keep the bills separate or combine them?
 - Lavender: I told to keep them separate but I am open to combining them if it is easier
 - Little: They deal with different statutes so that is probably why
 - Senator Cusnier moves to call the question
 - Senator Little seconds
 - Closing: thank you for clarification
 - Vote
 - Y (DeJonge, Little, Cusnier, Garcia, Chabot), N 0, Abstain 0
 - **Bill RESULT**
 - **PASSED 5-0-0**
- **Bill 80** - Sponsored by Senator Lavender - Restructuring of the Executive Branch
 - Opening Statement
 - Lavender: This bill is adding a little clarification to the role of VP. It is adding some language of coordination between Student Body President, Treasurer, and cabinet to the role of VP, feedback and advice, and making the VP a vehicle of communication throughout the executive branch
 - Technical, Non-Debatable
 - None
 - Senator Cusnier moves to enter Round Table Discussion
 - Senator DeJonge seconds
 - Round Table
 - Motion to remove Ready and add England as a primary sponsor by Little, seconded by Garcia
 - Sponsor finds it friendly
 - Garcia: How would the VP receive feedback?
 - Lavender: From my understanding, weekly and bi-weekly meetings. I'm not entirely sure
 - Cusnier: Point of clarification. There is stuff being added under the president's role as well
 - Senator Cusnier moves to call the question
 - Senator Little seconds
 - Closing: Thank you
 - Vote
 - Y 5(DeJonge, Little, Cusnier, Garcia, Chabot), N 0, Abstain 0
 - **Bill RESULT 5-0-0**
 - **Bill Reconsidered and Tabled**
- **Bill 81** - Sponsored by Senator Lavender - Restructuring of the Deputy Student Body Treasurer Position
 - Opening Statement

- Senator Cusnier moves to call the question
- Senator DeJonge seconds
- Closing:
 - Lavender: Thank you and I am excited to see what is done with these new roles, especially during COVID.
 - England: Great bill! I like how each executive branch makes it its own thing and crafts it to make it great for this year.
- Vote
 - Y 5(DeJonge, Little, Cusnier, Garcia, Chabot), N 0, Abstain 0
- **Bill RESULT 5-0-0**
 - **Bill Reconsidered and Tabled**
- **Bill 84** - Sponsored by Senator Leckie - to facilitate the staffing of the Office of General Counsel
 - Opening Statement
 - Leckie: Right now general counsel appointed by Chief Justice. This bill changes this power to the Student Body President and allows undergrads to take this position as well. The job should be open to all as it deals with statutes and not real law. It still has to be confirmed by Senate so there are checks on this power.
 - Technical, Non-Debatable
 - Garcia: What is the job of the general counsel?
 - Leckie: They are a person or group that an RSO or student can go to that falls under SGA and can apply to have representation in SGA court cases.
 - Garcia: Why are there no term limits?
 - Leckie: I don't know but I would be open to adding those in a separate bills?
 - Garcia: What's the difference between doing that now and in a separate bill?
 - Leckie: We should talk to people before changing it and get opinions. It gives us time to ask questions.
 - Cusnier: Would the position have requirements such as taking courses?
 - Leckie: We have responsibility in senate to make sure the candidate is qualified. If we confirm someone they should know the job and what it entails.
 - Senator Little moves to enter Round Table Discussion
 - Senator Dejonge seconds
 - Round Table
 - Garcia motion to non-committee member speak, Leckie second
 - Ryan: This is a good idea. Vacancy is a big issue and this is high priority. However, I have some worries. First, taking away power from Chief Justice (General Counsel is part of the judiciary branch, if we move it over and there is an investigation of the executive branch, that is a conflict of interest). I have some amendments to propose.
 - Leckie: Checks and balances are important. The original reason I moved this power to the Student Body President is that the Chief Justice isn't good at appointing people to things. The General Counsel is kind of like the public defender position, it doesn't yield a lot of constitutional power. The main point is to get more appointments.
 - Ryan: Sent amendments

- Garcia: Who appoints the Chief Justice?
- Motion for a non-senator to speak by Garcia, seconded by DeJonge
- Cohen: The Student Body President. The Chief Justice appointing General Counsel protects against conflict of interest. The General Counsel meant to represent students against SGA in cases.
- Little: For the Interim General Counsel, is there a difference in term or power?
- Ryan: No difference
- Leckie: In 509.1.A.1, theoretically wouldn't Student Body President be able to forward through Attorney General right now? I am confused about the language.
- Ryan: Yes but most of the time this wouldn't be a problem
- Cusnier: According to 509.3 would the temporary General Counsel be appointed solely by Chief Justice or subject to approval by Student Body President and Senate?
- Cohen: The mentality is that they would have to go through Senate? Generally, appointed means subject to confirmation. The Attorney General would appoint a temporary General Counsel and the powers move back to Chief Justice.
- Leckie: The issue of checks and balances are important but General Counsel doesn't yield much power, they are more of a public defender. Appointed by the president means more appointments. They are used if the student or no representation. They help people manage supreme court proceedings and get their court case through. If Student Body President abused this power, the Senate has to confirm and Senate can impeach
- Ryan: If the Attorney General were to step aside because of a conflict of interest, the General Counsel would still have that conflict of interest. The Chief Justice is just the right lay of protection.
- Cohen: Senator Leckie is right in that this is rare but it leaves students unrepresentative. We see this in Culver v. CPE. The Attorney General represented CPE and Culver found their own counsel but the General Counsel should be able to represent students without representation. If a student needs to find counsel to represent them against SGA they are left without counsel. By changing the position so it is not just open to law students allows for more appointments but keeping the power to Chief Justice removes that conflict of interest. A compromise would be to give the Chief Justice the power to appoint a General Counsel but if they don't appoint after a certain amount of time, it goes to Attorney General
- Leckie: I think that we should table this. The difference between the Attorney General and General Counsel is that the Attorney General serves explicitly the Student Body President, but the General Counsel does not and solely represents students. We should table to give us time to discuss with Cohen and Ryan more.
- Motion to table by Cusnier, seconded by Little
- **Tabled**

- Move to recess Cusnier, Dejonge
- **Bill 85** - Sponsored by Senator Leckie (P) and Senators Adamyk, Porter, Murcia, Kilinc, Martin, Little (CO) - to define the powers and duties of the Office of the Student Body Attorney General

- Opening Statement
 - Leckie: This bill defines the job of the Attorney General. We haven't had a place in statutes specifically for the Attorney General which is bad because it is a very important role. I worked a lot with others to clearly define the roles and make sure it is in line with statutes.
- Technical, Non-Debatable
 - None
- Senator Little moves to enter Round Table Discussion
- Senator Cusnier seconds
- Round Table
 - Leckie: Wants to add Little as a cosponsor
 - Motion to add Little as a cosponsor by DeJonge, seconded by Garcia
 - Ryan: Section 307a defines that the Attorney General has the power to investigate SGA bureaus, but Section G provides those bureaus counsel
 - Leckie: The president can investigate bureaus using the Attorney General but other powers in SGA will use other means to investigate
 - Motion for non-senator to speak by Cusnier, seconded by Little
 - Cohen: It seems weird that the Student Body President would decide whether a bureau would be prosecuted or defended by the Attorney General. I'm a little confused.
 - Leckie: If an outside power has a problem with a bureau, the Attorney General would defend them. If the Attorney General did an investigation, the Student Body President decides to start an investigation and the Attorney General would oversee the investigation.
 - Cohen: Attorney General is currently vacant. Did you talk to the previous Attorney General?
 - Leckie: I did not have a direct conversation, but I worked with a lot of senators with experience to put everything into one place.
- Senator Little moves to call the question
- Senator DeJonge seconds
- Cusnier objects, Little withdraws motion
- Motion to table by Cusnier, seconded by Garcia
 - **Tabled**

Unfinished Business: None

Committee Legislative Round Table:

- None

Final Announcements:

- Garcia: SAA is having webinars. Follow SAA on Instagram. Thank you for this experience.
- Alvarez: My job is to teach about Rules of Procedure, Statutes, and Constitution in an unbiased manner and answering questions on how to debate and legislate. Good debate on checks and balances. I am glad you are willing to table and admit that you are entirely sure and willing to learn more before moving forward. But can't say the same for other bills. There are some constitutional and statutory problems with those bills. I am available for questions and am willing to help. Thank you!

Reconsideration

- Motion to reconsider Bill 80 by Garcia, seconded by Cusnier
 - Tabled because sponsor not present
- Motion to reconsider Bill 81 by Little, seconded by Cusnier
 - Tabled because sponsor not present
- Motion to reconsider Bill 82 by Garcia, seconded by Cusnier
 - Tabled because sponsor not present

Final Announcements:

- Leckie: Good meeting! Parliamentarian Alvarez has some important things to look over but good for our first meeting.

Date and Time of Next Meeting: X

Adjourned: 9:05 p.m.

Griffin Leckie

Signature of Chair