

Associated Student Government Judiciary

Interpretation Request

January 14th, 2020



Chief Justice Justyce Yuille authoring for where the majority (5-0) decision rules.

I. Introduction

On December 2nd, 2020 the Associated Student Government (ASG) Judiciary received an interpretation request that was submitted by requestor Levi Brown at 4:11 P.M. The requestor's request for interpretation stemmed from the fact that two legislation's was denied from the Senate agenda. Mr. Brown has requested for the ASG Judiciary to consider whether the Chair of Senate has the power to decline legislation from the agenda for the Senate meetings.

II. Facts of the Case

Following below is the verbatim detailed nature of the interpretation request as filed by the requestor, Levi Brown:

"I am requesting an interpretation of the ASG Constitution Article III Section 8 (F) pg. 13. I contend that the term "set" as used in the referenced section does not give the Chair of Senate the power to decline to add whichever legislation he/she chooses to the agenda for Senate meetings. In my email submission, I have attached a brief outlining my argument as well as the evidence that is referenced in the footnotes of my brief."

The requestor lists 'ASG Constitution Article III, Section 8, Subsection F, as the proposed section of law that is now in question. ASG Constitution Article III, Section 8, Subsection F is quoted as follows:

"The Chair of Senate shall be responsible for the meetings of the Senate and shall publish each meeting's agenda no late than twelve (12) hours before the start of the said meeting. After the agenda is published, the order outlined may only be changed by a two-thirds (2/3) vote of the Senate."

Because the requestor was not able to meet the ASG Judiciary, Levi Brown attached various emails and a detailed brief to his interpretation request. Furthermore, ASG Judiciary was not able to question Senator Levi Brown, specifically regarding his own definition of "set." As the ASG Judiciary was reading the brief, it was noted that the requestor presented a question in the brief that was different from the question on the interpretation request. The question that was presented in the brief states:

"Whether the term "set" as outlined in the Associated Student Government Constitution Article III, Section 8 (F) gives the Chair of Senate the power to prevent legislation, written by those elected to represent the student body, from going to the floor of Senate."

Because the question in the brief ask whether the Chair of Senate has the power to prevent legislation from going to the floor of Senate and the statement on the

interpretation request questions whether the Chair of Senate has the power to decline legislation from being on the agenda, the ASG Judiciary has determined that the question the requestor wrote on the interpretation request is the only question that will be addressed in accordance with the Section of the Constitution that was stated.

Furthermore, there were two specific legislations the requestor submitted addressing whether the Chair of Senate had the right to decline his legislation from being on the agenda. The first piece of legislation was titled, “A Resolution to Support Clear Marking of Parking Signs.” The Chair of Senate denied the resolution, despite it being submitted at 4:44 PM, due to the fact that the resolution needed additional work before it could be added to the agenda. The second piece of legislation was titled, “Proclamation for Hunter Yurachek.” The Chair of Senate denied the proclamation because it was sent late. These two specific legislations were the basis for determining whether the Chair of Senate has the power to decline legislation from being on the Senate agenda in accordance with Article III, Section 8 (F).

III. Discussion

The ASG Judiciary analyzed the emails and the constitutional and statutory provisions listed in the briefs. Because the requestor stated the 2019-2020 Standing Rules, specifically Section 3(A), which states that all legislation needs to be submitted to the Chair of Senate by 5:00 PM on the Saturday, the Judiciary has determined that the Chair of Senate ultimately had the power to prevent the requestors “Proclamation for Hunter Yurachek” from being on the agenda due to the fact that it was ultimately past the submission deadline. Regarding the “Resolution to Support Clear Marking of Parking Signs” the ASG Judiciary did notice that Senator Levi Brown did submit the legislation before 5:00 PM. Because of this proclamation, the ASG Judiciary observed the second piece of the 2019-2020 Senate Standing Rules Section 2(E) that the requestor submitted in the brief, which states any changes to the agenda requires a two-thirds majority vote from the Senate body.

Although the Chair of Senate did decline the legislation from being on the agenda, even though it was submitted on time, Associate Justice Michael Spendio stated that one of the roles of the Chair of Senate is to create structure within the Senate meetings. Part of establishing structure is determining the specific legislations that will be on the Senate agenda, regardless of whether it is on time. Furthermore, Associate Justice Amelia Ver Woert stated that the Senate Standing Rules Section 2(E) grants a Senator the opportunity to motion for something to be changed on the Senate agenda at the beginning of the meetings. Lastly, the ASG Judiciary argues that even though the legislation was submitted on time, the Senate Standing Rules 3(A) does not say the Chair of Senate will accept legislation that is submitted on time.

IV. Conclusion

Under the conclusion of the interpretation request submitted by requestor Levi Brown, a quorum of the ASG Judiciary has determined that the Chair of Senate has the power to decline a Senator’s legislation from the Senate agenda. Furthermore, the ASG Judiciary has recognized that the Chair of Senate has the power to set the agenda, which means ensuring that each legislation follows the proper format. Additionally, the ASG Judiciary believes that the setting of the agenda is role of the Chair of Senate to ensure appropriate legislation is presented to the Senate body as a whole. The word “set” in Constitution Article III, Section 8 (F) allows the Chair of Senate make certain

legislation is submitted on time and follows the appropriate legislative format. Lastly, the 2019-2020 Senate Standing Rules 2 (E) grants Senator Brown the opportunity to make a motion, which would have allowed him to add his legislation to the agenda by a two-thirds vote. Therefore, the legislation, if approved by the Senate, would have been added to the agenda and could not be appealed.

V. Decision

A quorum of the ASG Judiciary voted on Tuesday the 14th of January 2020 to rule unanimously (5-0) that the Chair of Senate does have the power to decline a Senator's legislation when setting the Senate agenda for Senate meetings.

IT IS SO ORDERED

Authored by Chief Justice Justyce Yuille

Joined by Assoc. Justice Fernanda Alcantara

Joined by Assoc. Justice Michael Spendio

Joined by Assoc. Justice Amelia Ver Woert

Joined by Assoc. Proxy Breanna De Leeuw
