

7-25-2011

Senate Bill (S) 52-005: Creation of the Declaratory Judgment Process

University of South Florida. Student Government Senate

Follow this and additional works at: https://digitalcommons.usf.edu/sg_leg_pubs



Part of the [Higher Education Administration Commons](#), and the [Political Science Commons](#)

Scholar Commons Citation

University of South Florida. Student Government Senate, "Senate Bill (S) 52-005: Creation of the Declaratory Judgment Process" (2011). *Legislative Branch Publications*. 5.
https://digitalcommons.usf.edu/sg_leg_pubs/5

This Senate Statutory Bill is brought to you for free and open access by the Student Government at Digital Commons @ University of South Florida. It has been accepted for inclusion in Legislative Branch Publications by an authorized administrator of Digital Commons @ University of South Florida. For more information, please contact digitalcommons@usf.edu.



University of South Florida Student Government Senate



SB [S] 52-005

Creation of the Declaratory Judgment Process

52nd Term

Summer 2011

The intent of this bill is to grant the Student Government Supreme Court the power to issue binding interpretations of Statutes by means of a new process which shall be named Declaratory Judgment. Declaratory Judgments are not intended to mandate action nor to provide interpretations or opinions regarding general operational circumstances or specific controversies.

A SENATE STATUTORY AMENDMENT

Be it enacted by the Senate of the University of South Florida Student Government assembled, that the following definition be appended to the Student Government Statutes:

- 103.1 **Declaratory Judgment** – A conclusive and legally binding opinion given by the Declaratory Judgment Panel of the Student Government Supreme Court regarding the clarification of a Student Government Statute.

Furthermore, be it enacted by the Senate assembled that the following chapter be inserted accordingly:

Chapter

504

Declaratory Judgment Panel

-
- 504.1 The purpose of the Declaratory Judgment Panel, hereafter referred to as the "Panel", shall be to offer a conclusive and legally binding opinion, with regard to the clarification of Student Government Statutes, which may not take into account circumstances specific to the request, nor mandate any further action to be taken.

504.2 The Declaratory Judgment Panel shall be comprised of the following members:

504.2.1 The Chief Justice

504.2.2 Two Justices elected by the Supreme Court to serve for the remainder of the Student Government term.

504.2.2.1 Should a Justice no longer be able to serve on the aforementioned Panel, the Court shall elect another Justice to fill the position at the next scheduled meeting.

504.2.2.2 Any Justice on the Panel, excluding the Chief Justice, may be brought up for a vote of confidence by a supermajority vote of the Supreme Court.

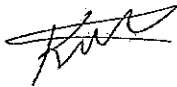
504.3 Should a Justice be removed from office or resign, the Supreme Court shall elect another Justice to fill the position as defined in the Supreme Court Rules of Procedure.

504.4 Only Officers of Student Government may make a request for Declaratory Judgment.

504.5 The Panel must meet within 48 hours of a request being made, excluding weekends and University holidays.

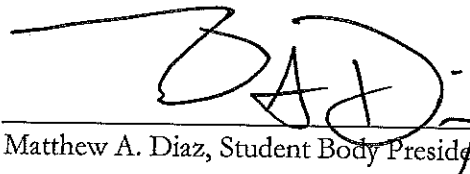
504.6 The opinion of the Panel may be appealed to the entire Court and must be heard within 5 business days.

504.7 In the event that the Supreme Court should not meet the minimum required number of appointed Justices to satisfy the statutorily prescribed quorum, the Declaratory Judgment process may not be utilized.



Digitally signed by Khalid Hassouneh
DN: cn=Khalid Hassouneh, o=USF Student
Government, ou=Senate President,
email=khassoun@usf.edu, c=US
Date: 2011.07.13 13:45:12 -0400

Khalid J. Hassouneh, Student Senate President



Matthew A. Diaz, Student Body President

07-25-11P12:32 RCVD

SB [S] 52-005

Creation of the Declaratory Judgment Process

Author: Chairwoman Nakita Kiger

Sponsor: Chairwoman Nakita Kiger

Committee Action: 5-0-1

First Reading: 07.05.2011

Second Reading: 07.12.2011

Final Vote Count: 32-3-1