

6-20-2011

## Rules Committee Meeting Minutes 6/20/2011

University of South Florida. Student Government Senate

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University of South Florida  
Student Government Fifty-Second Student Senate

SUMMER SESSION  
June 20th 2011

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**Meeting called to order by Chairwoman Nakita Kiger at 12:07PM.**

Kiger- First thing on the agenda. I'm here. Ms. Belmont is not here. Jessica Cao is here. Jeff Gao is here. Mr. Kimble is... Ms. Brown, did he switch committees yet?

Brown- No.

Kiger- Then he is unexcused. Ms. Rustan is here. And Mr. Saunders is here. Next thing on the agenda is additions/deletions to the agenda. Any motions?

*Motion to accept the agenda by Senator Saunders.*

Kiger- Any objections? The agenda is accepted. Additions or deletions to the minutes. I sent out the minutes with the email. Did everyone have a chance to look those over? I hope so. Any motions?

*Motion to accept the minutes by Senator Gao.*

Kiger- Any objections? The minutes are accepted. We are in open forum.

**Open Forum:**

Kiger- Anyone wishing to address the committee at this time? We are onto new business.

**New Business:**

Kiger- The first thing in new business is the bill 52004. Which deals with the nominations of the election rules commission, which I believe the only amendment is 2301.2.13: stating if the nominee for the position of supervisor of elections is not confirmed by the senate, the student body president must submit a new nomination within 15 business days. Any questions? Motions?

Brown- Could you scroll back down?

Kiger- Yeah.

Saunders- Was there a specific situation why this statute amendment was called for?

Brown- Last year the student body president submitted someone for the position that was highly unqualified and he did it by the first deadline. It took him two months to put up another candidate, because there was no second deadline.

Toro- Yeah and what happens is, if you're late nominating hiring a supervisor of elections, you can't hire the rest of the ERC until you have the supervisor. So, once you fall behind the supervisor, you fall behind the entire ERC and then elections or ANS.

Kiger- Any other questions? Motions?

Toro- I would like to, Ms. Brown brought up a good point, I think I would like to change it to instead of not confirmed to if fails in senate. Is failed by the senate instead of not confirmed, because if not confirmed could mean that we just did not meet at all and then they would automatically...whatever. So, I want to be more specific and say failed by the senate.

Kiger- So, you want to say failed by the senate?

Toro- Yes.

Kiger- Am I allowed to amend it by someone who's not in my committee request?

Brown- Jeff, sponsor her amendment.

Gao- I sponsor Ms. Sam Toro's amendment.

Kiger- Okay, we are going to change it to is failed.

Toro- I would like to perhaps further my amendment, because I was discussing it with some people and someone brought up a good point. Let's say the ERC is nominated May 15<sup>th</sup>, the first day and then they fail. They still have until the last day in July or whatever. It would be unfair to impose that 15 days. Do you guys understand what I'm saying? What if the person fails in May? We should then impose this 15 day deadline.

Kiger- So, would you like to amend it to say must a new nomination within 15 business days of the final deadline or something along those lines, because I think this could still...

Toro- I think we could add in the beginning of the clause if it is past the deadline and the nominee fails in senate, to make it more specific.

Kiger- If the deadline has passed?

Toro- If the deadline is passed and the nomination for supervisor of election has failed in senate, yada yada yada...

Kiger- Ms. Brown, do you have a suggestion?

Brown- I do. Maybe at the end say submits a new nomination within 15 business days or by...and whatever the previous deadline is, comma whichever is later.

Toro- Or by the aforementioned deadline whichever is later.

Kiger- Okay. Whichever is later?

Brown- It doesn't sound right. But I can't remember what they say in car commercials to elude to that. Like ever 30,000 miles...

Saunders- Or by the aforementioned deadline. Okay.

Kiger- Personally, I would read this by 15 business days or by the aforementioned deadline.

Rustan- Who are we making this clause for? People that understand that or other people.

Toro- Tell me if this sounds good. Once the aforementioned deadline has passed if the nominee for the position of supervisor of elections is failed by the senate, the student body president must submit a new nomination within 15 business days.

*Motion to vote on the amendment by Senator Gao.*

Kiger- Motion to vote by straw poll. Any objections? All those in favor. All of those opposed. All those abstaining. Then the next thing on the agenda is the declaratory judgment chapter that I wrote which basically gives the Supreme Court the power to issue the binding interpretations of statutes by means of a new process. I added the definition of declaratory judgment and added it to title 5. Did everyone have a chance to look it over in the email. Any questions?

Saunders- Can you give me an example?

Kiger- If a member of student government had a question about a statute, they could go to the declaratory judgment panel and get a meaning of that statute and whatever they say it means becomes law and its legally binding and you can't contest that and that's the way it's going to be viewed.

Brown- The legal opinion of the attorney general are legally binding. If it's brought in front of the Supreme Court, they can completely over turn it. While he is a great legal advisor if we have a question about the statute it would be better to have a binding opinion.

Saunders- Comment: That being the case, this idea of a declaratory judgment panel would foster activism.

Brown- They got the idea from the fl supreme court when they visited Tallahassee.

Toro- And they would only give a...since it is binding it would be very dangerous.

Kiger- And only officers of student government are able to request it. It's in there. Only officers of SG may make a request.

Saunders- So, hypothetically, Ryan Goff can go ask for opinions on statutes and in the panel would he be allowed to talk.

Kiger- No, he is allowed to submit a request and they will rule on it and they will give him their opinion.

Saunders- Are opinions binding as long as the statute is in existence.

Brown- As long as they are in existence.

Kiger- Any other questions, comments, concerns?

Saunders- Are they going to be recorded?

Brown- Of course. It's the court. They will give a majority opinion. It's all public record and it's all very formal.

Rustan- Can declaratory judgments be overturned by another court. If they're binding, can someone else come in and change it?

Brown- The court could update a declaratory judgment and it can be taken to the court as a case.

Kiger- You are allowed to appeal a decision.

Saunders- Can a person go to the court to update a declaratory judgment. Or does the court initiate it themselves?

Kiger- They would have to go to the court.

Saunders- 504. 6 so basically if the court is on the declaratory panel, they are going to appeal it if they disagree?

Kiger- No.

Toro- That is someone failing in JEC and having to go in front of senate.

Kiger-Any other questions? Motions? Comments?

*Motion to vote by straw poll by Senator Gao.*

Kiger- All those in favor, all those opposed, all of those abstaining. 3 to 1 to 1. This motion passes. The next thing on the agenda is the title 4 changes which I believe Ms. Toro would like to discuss with you all. Could you pull up the most recent version of title 2. Just as a blanket statement, when a bill is presented, please direct all questions toward the author of the bill, or the chair Ms. Kiger. I think it is important that any questions be toward the author of the bill, because I am the author and the only one who can answer questions about the bill. I just want to have that there for reference. You guys have seen this twice I believe. So, can we just go to questions? Do you guys have any questions about this bill?

Saunders- There was no questions about this bill. This bill was postponed because you were making changes to title 2.

Toro- In my opinion we should pass this sooner than later and getting backlogged will be a bad idea. So, I would like to know what is it that you are uncomfortable about. What things are being stricken?

Saunders- I know there are things from here that you are adding from title 2. It will be completely out of statutes.

Toro- Can you give me a specific example? I'm sorry I know that may be a little hard to read. Everything that is in there is covered by university statutes. It would automatically move to censure or impeachment. It is already covered in chapter 209. So, if you could give me a specific one that you are uncomfortable and maybe you could discuss that?

Saunders- What would you feel was important to add to title 2.

Toro- The one clause I removed was the one about proper decorum. I don't think that's something that once the proper decorum is removed; everyone will start wild n out. And the things I added to title 2 were conflict of interest, slander, liable. I think that was the only one.

Kiger- Any other questions?

Saunders- Which one was that?

Toro- Oh the first one. I changed the wording a little bit but it was almost the same exact thing.

Kiger- Any other questions, motion, comments?

Saunders- I am less hesitant to postpone that. If there's still actual things that are not going to be institutes at all, that we should postpone it until that comes first.

Brown-I agree. Mr. Hassouneh already has her amendments for title 2. My recommendation would be to, if you're comfortable with this bill as it is, wait for the amendments to pass through the committee as well. I understand if you want to wait for title two is passed through here as well.

Kiger- Any motions?

Saunders- Motion to vote on the bill by straw poll.

Kiger- Any objections? All opposed. All in favor. All of those abstaining. This motion passes. Any announcements?

**Announcements:**

Kiger-Seeing none. Are there any motions?

*Motion to adjourn by Senator Gao.*

Kiger- Any objections? Seeing none.

**Adjournment called by Chairwoman Kiger at 12:31PM.**