

CHAPTER FOUR
SBA LEGISLATIVE BYLAWS

Last Updated 11/16/03

PREAMBLE

We, the members of the Student Senate, in order to represent the students of the University of Miami School of Law in a more viable way, do hereby establish the following Bylaws for the Senate of the University of Miami School of Law

I. Title - Legislative Bylaws (Adopted 2/09/03 – SB03-08)

II. Constitutional Conformity (Adopted 2/09/03 – SB03-08)

- A. The SBA Senate Bylaws shall not conflict with the SBA Constitution.
- B. These Bylaws shall take effect at the first SBA Senate meeting immediately after the Spring 2003 SBA General Elections.

III. Definitions (Adopted 2/09/03 – SB03-08)

- A. Vote of the Senate: Requires a majority of Senators present to pass the given Motion. A tie vote fails.
- C. Two-thirds vote of the Senate: A vote that requires at least two-thirds of the Senate membership, present & voting, to pass the given Motion.
- D. Main Motion: Main Motions shall be defined as Bills, Resolutions, and Acts.
- E. Quorum: A majority of all Senators installed must be present in order to conduct official Senate business.
- F. Majority: More than half.
- G. Executive Session: A session of the Senate that is closed to the public and that only Senate members and Senate Support Staff may attend and/or be present.

IV. Meetings of the Senate (Adopted 2/09/03 – SB03-08)

A. Call to Order

1. The Speaker, or the Vice-Vice Speaker in his absence, shall call all Senate meetings to order within fifteen (15) minutes of the time for which they are scheduled. Quorum must be present for the meeting to begin.
2. If neither the Speaker, nor the Vice-Speaker in the absence of the Speaker, calls the meeting to order during the first fifteen minutes and quorum is present, the meeting may be called to order by the Dean of the Senate or the Senior most Senator.

V. **The Student Voice in the SBA Senate Meetings (Adopted 10/19/03 – SB03-46)**

- A. The Senate shall promulgate the necessary rules and procedures to permit members of the student body to address the Senate or one of its standing, ad hoc, or special committees on Calendar items as part of the regular order of Senate or committee meetings, except for the first and last meetings of the regular session of each semester. The period set aside by the Senate for student comments shall be officially referred to as "Student Comments."
- B. The Senate shall set aside a no more than ten minutes for Student Comments. Student Comments shall be included at the end of all meetings in the Senate Calendar and any other agenda.
- C. For the purpose of this act, a student does not require a majority vote of the Senate or committee to comment on a calendar item, but shall make comments adhering to the rules and procedures of the SBA Senate.
- D. Individual students may have time restrictions placed upon their comments, and may be deemed out of order by the Senate Chair when appropriate.
- E. The Senate reserves the right by majority vote to extend allotted time. Time will expire in complete if no student has the floor and no other student is requesting the floor upon a majority vote of the Senate to conclude Student Comments.
- F. In the occurrence that time is not extended and there are students remaining to speak, students may submit a written report of his/her comments, being no more than 500 words, to the Speaker of the Senate and ask for it to be forwarded to all Senators. Students who did not attend the most recent meeting during the student comments period, and those who had an opportunity to address the Senate or chose not to, do not have a right to submit written reports.
- G. The Senate shall advertise the opportunity for student comments in the *SBA Hearsay* and the *Res Ipsa Loquitor* whenever possible via the announcement of meetings.

- H. Elected and appointed members of SBA Executive, Legislative, or Judicial branches, including all Support Staff and Cabinet Members, may not be recognized to obtain the floor for comments during Student Comments, except to directly answer questions.

VI. Attendance (Adopted 2/09/03 – SB03-08)

- A. At minimum, Senators are required to attend SBA Senate meetings and serve on at least one committee.
- B. If a Senator is unable to attend a Senate meeting, he/she shall notify the SBA Speaker of the Senate prior to the meeting, verbally (including by answering machine) or in writing, to request an excused absence.
- C. An excused absence shall be granted by the Speaker except in extraordinary circumstances.
- D. Senators shall accrue no more than three unexcused absences during one semester.

VII. Quorum (Adopted 2/09/03 – SB03-08)

- A. A Senate meeting may not begin unless there is a quorum present.
- B. Once the meeting begins, only Senators may question the presence of quorum.
- C. A Senator may question the presence of quorum at any time. A call for quorum does not require a second. If a Senator questions the presence of quorum, the Speaker must immediately precede to call the roll and verify a quorum. Until quorum is verified, no business shall be conducted, and no vote shall be announced. If a Senator questions whether a quorum is present and the presiding officer attempts to ignore the request, any business the Senate attempts to conduct is not official and not binding. If quorum is verified, then business shall proceed.
- D. If there is not a quorum, then the meeting is immediately adjourned.

VIII. Agenda (Amended 10/19/03 – SB03-44)

- A. The Agenda for all regularly scheduled meetings shall be in the following order: Call to Order, Executive Officer Reports, Judicial Branch Report, Committee Reports, Old Business, New Business, Announcements, and Adjournment.
- B. All reports shall be subject to a 5-minute maximum time limitation. Extensions on time may be granted on the floor by a majority vote of the Senate.
- C. To place an item on the agenda under New Business, two copies of all proposed legislation must be submitted, one to the SBA Speaker of the Senate or his/her designee and the other to the SBA Senate Clerk (via e-mail in an attachment in Microsoft Word or Word Perfect format. In addition a hard copy of legislation may be submitted to the Speaker and Clerk by his/her SBA mailbox), in its entirety, 72 hours before each regularly scheduled Senate meeting. Items shall be placed on the agenda in the order that they are submitted. Items that are not on the agenda may be introduced at the meeting during New Business after actions on agenda items are complete.
- D. Once submitted all legislation becomes property of the SBA. Any amendments to the legislation must follow the amendment procedures in this Chapter. Withdrawals must follow the withdrawal provisions in this Chapter.
- E. All acts, bills, resolutions, and motions that are placed on the agenda must have the name of the sponsor. The sponsor must have the authority as described in Article IX of this Chapter to introduce legislation in the SBA Senate.
- F. The Speaker, or his/her designee, shall give each piece of legislation a Senate Reference Number as described in Article IX of this Chapter.
- G. The agenda shall be completed by the Speaker, or his/her designee, and posted on the SBA office door 48 hours before each regularly scheduled Senate meeting.
- H. Under the direction of the Speaker, the Senate Clerk shall prepare agenda packets for the meetings consisting of the agenda, the legislation listed on the agenda, minutes from previous meetings requiring approval, and any prepared reports. Agenda packets shall be distributed to SBA Senators and Senate Support Staff, and copies to the Executive Officers in attendance. Additional copies shall be placed in the SBA files and made available upon request to any SBA member.
- I. All items that are on the agenda or introduced under New Business, and that are not considered or acted upon by the Senate, shall automatically be placed on the next meeting's agenda under Old Business. Items shall be considered in the same order under Old Business as they would under New Business.

IX. Legislation (Amended 10/19/03 – SB03-44)

- A. All legislation shall be introduced in writing, unless the urgent nature of the legislation requires immediate action and it is approved by the Speaker.
- B. It shall be the duty of the SBA Clerk of the Senate to work with the SBA Historian to maintain a permanent record of all legislation considered by the Senate. An archive of all legislation shall be created and kept including all legislation whether or not enacted, including the vote tally, roll call if applicable, any amendments, committee reports, executive veto messages, or any other pertinent information as to the history of the legislation.

C. Types of Legislation

- 1. *Resolutions* - Resolutions shall be formal expressions of the opinion or will of the Senate. Resolutions shall be adopted by majority vote of the Senate. Resolutions are advisory in nature and contain limited authority.
- 2. *Bills* - Bills shall be legislative proposals to adopt statutory amendments and revisions and other legislative acts and proposals as provided by law. Upon passage, Senate Bills shall be binding in nature upon the SBA.
- 3. *Constitutional Amendments* - Constitutional Amendments are legislative proposals to amend the SBA Constitution. Constitutional Amendments shall require a two-thirds vote of the Senate for passage, and then shall appear on the ballot of the next regular election for ratification. Constitutional Amendments shall only have binding effect if the Constitutional Amendment is approved by both the SBA Senate and the Student Body.
- 4. *Referenda* - Referenda shall be any legislation brought by the SBA Senate to a vote of the entire Student Body that is not a Constitutional Amendment. Referenda shall only have binding effect if the Referendum is approved the SBA Senate and the Student Body.
- 5. *Appropriations Bills* - Appropriations Bills shall be legislative proposals that request disbursement of SBA funds for a particularly stated purpose within the bill. Upon passage the appropriations bill shall allow for the spending of funds.

D. Substantive Requirements for Legislation

- 1. All legislation shall be submitted in twelve (12) point Times New Roman font.
- 2. Each bill, resolution, amendment, or referendum that deletes text from the statutes, rules of procedure, or constitution shall include the text to be deleted either by including the entire text to be stricken or by designation by use of strikethrough, except when

deleting entire articles. Legislation deleting entire articles must include the article number and the article title.

3. Each bill, resolution, amendment, or referendum that adds language to any currently enacted legislation shall show the additions in italics.
4. Each bill, resolution, amendment, or referendum that adds a new clause, article, or chapter without affecting any language of currently enacted legislation shall occur in normal font.

E. Format of Legislation

1. Senate Reference Number - As prescribed in Chapter 4, Article VIII, Section 4 of the Constitution: The Speaker, or his designee, shall give each piece of legislation a term number in the sequence they are proposed and considered. The Senate Reference Number (“SRN”) shall have 3 parts: the nature of the legislation, the Senate session identification, and a draft appearance number.
 - a. *Nature of the Legislation* - Resolutions shall be assigned the prefix "RS". Senate Bills shall be assigned the prefix "SB". Constitutional Amendments shall be assigned the prefix "CA". Referendum shall be assigned the prefix “RF”. Appropriations shall be assigned the prefix “AB.”
 - b. *Senate Term Number* - The letters indicating the nature of the legislation shall be immediately followed by a hyphen and then the term number of the Senate. The term number shall be reassigned yearly after each regular spring election and the inauguration of the new Senators. The term number shall be counted retroactively from the 1996-97 term when the Constitution was reenacted serving as the 1st Senate of the Student Bar Association.
 - c. *The Senate Legislative Session Identification* - Immediately after the term number shall appear the session identification. There shall be two sessions in each Senate term. The session identification shall:
 - i. Indicate “A” for the first session beginning with the new term of the Senate in the spring and ending with the dismissal for summer break.

- ii. Indicate “B” for the second session beginning with the first meeting after summer break and ending at the end of the Senate term in the spring.

d. *Draft Appearance Number*- Following the Term and Session Identification shall be a hyphen followed by the draft appearance number. The Appearance number shall be assigned by the Clerk of the Senate, or in his/her absence the presiding officer of the Senate. Each legislative session the numbers shall be distributed starting with “01” for each of the types of legislation. No two pieces of legislation shall be given the same Senate Reference Number. If a piece of legislation is withdrawn and then resubmitted, then it shall be issued a new SRN.

2. *Subject and title*

- A. The subject of each piece of legislation shall be briefly expressed in its title. If any Bill covers more than one of statutory article within any chapter, it shall be defined as an Omnibus Bill. A two-thirds (2/3) vote is required for final passage of an Omnibus Bill.

3. *Legislative Intent*

- a. All legislation shall have a statement written by the primary sponsor stating the purpose and intent of the legislation consisting of no more than 100 words.
- b. This statement of "legislative intent" shall be attached to the Bill when delivered to the Student Body President for approval and/or veto.

4. *Affected Statutes or Amendments*

- a. The legislation should list all parts of the SBA Constitution and Statutory Bylaws that would be substantively affected by the passage of the current piece of legislation
- b. There is no need to show the effect based solely on the sequencing of already enacted legislation

5. *Effective Dates*

- a. The date in which the legislation shall become active shall be listed in a separate heading under the legislative purpose, and not to appear in the text of the legislation. Legislation that does not note an effective date will take immediate effect unless it is clearly

against the intentions of the legislation.

- b. Constitutional Amendments shall contain an effective date, but cannot take effect until ratification by the Student Body.

6. *Enacting Clauses*

- a. Resolutions: There shall be an enacting clause on every resolution proposed by the SBA Senate. It shall read: "Be it resolved by the __Student Bar Association Senate that:"
- b. Bills: There shall be an enacting clause on every bill proposed by the SBA Senate. It shall read, "Be it enacted by the __Student Bar Association Senate that:"
- c. Constitutional Amendments: There shall be an enacting clause on every Constitutional Amendment proposed by the SBA Senate. It shall read, "Be it amended upon ratification by the Student Body that:"
- d. Referenda: There shall be an enacting clause on every Referendum proposed by the SBA Senate. It shall read, "Be it referred to the Student Body that:"
- e. Appropriations Bills: There shall be an enacting clause on every appropriations bill proposed by the SBA Senate. It shall read, "Be it *appropriated by the* __*Student Bar Association Senate that:*"

7. *Authors, Sponsor, and Co-Sponsors*

- A. Any type of legislation may be authored by any currently enrolled student of the University of Miami School of Law, but it must be sponsored by a voting member of the SBA Senate, who shall be the primary sponsor. No bill, resolution, Constitutional Amendment, referenda, or appropriations bill, shall be placed on the calendar or heard by the Senate if the legislation does not have a primary sponsor. Additional sponsors may be added to the legislation and shall be known as co-sponsors. Legislation in newspapers, Senate Journals, and Calendars should denote both the primary sponsor and co-sponsors. Only the primary sponsor will be allowed to give opening unless they yield this right to a co-sponsor or the author.
- B. SBA Senate Committees may also sponsor and/or author legislation. If a Committee is the sponsor, then the Committee Chair shall serve as the primary sponsor for purposes of

presentation. The Chair however may delegate this authority to any other member of the Committee.

- C. Any Senator by motion may add his/her name as a co-sponsor to any legislation under consideration.

- F. On the first presentation the legislation shall be presented to the full Senate by its primary sponsor; in his/her absence the legislation may be presented by any listed co-sponsor. If no co-sponsor is listed, is present, or chooses not to speak on the legislation, then the legislation must be deferred to the next regular meeting as New Business, unless deemed to be of an urgent nature by the Speaker. After the first presentation, the Speaker may recognize discussion on the legislation, but he/she shall not recognize a Motion to Vote until the next regularly scheduled SBA Senate Meeting. The Speaker shall either entertain a Motion to Defer until the next meeting or a Motion to Defer to the appropriate Committee.

- G. In cases of emergencies or circumstances of an urgent nature, the sponsor or any Senator may move to adopt the legislation immediately prior to the first reading. This motion requires a 2/3 vote.

- H. Deferring to Committees
 - 1. If the legislation is a proposed appropriation bill, then the bill shall be deferred to the Budget and Finance Committee. If the legislation is a proposed Constitutional Amendment or Bylaw revision or addition, then the bill shall be deferred to the Constitution and Bylaws Committee.
 - 2. The appropriate committee shall include one of the following recommendations in its committee report:
 - a. Recommend Passage
 - b. Recommend Passage in Amended Form
 - c. Recommend Defeat
 - d. No Recommendation
 - e. Recommend Postponement

- I. On the second presentation, the legislation shall be presented by its primary sponsor, in his/her absence the legislation may be presented by any listed co-sponsor. If no co-sponsor is listed, is present, or chooses not to speak on the legislation, then the legislation must be deferred to the next regular meeting unless deemed to be of an urgent nature by the Speaker. The sponsor of each

piece of legislation shall first have up to five minutes to explain his legislation. The sponsor may defer only technical questions about the legislation to the author, if the author is present.

- J. After the sponsor has finished reading and explaining the legislation, legislation that was deferred to a committee shall have the Committee Chair or his/her designee from the committee read the committee report. Committee representative shall also have up to five minutes to explain the committee recommendation.
- K. Despite the committee's recommendation, the sponsor of the legislation shall have the right to make changes and to accept friendly amendments before the legislation is brought to a vote by the Senate.
- L. All legislation that has not been passed by the Senate by the end of the Legislative sessions (the dismissal for summer break and the end of the Senate term in the spring) is deemed dead. Dead legislation must be re-filed and issued a new Senate Reference Number for further consideration. Constitutional Amendments and Referenda that have been approved by the Senate and are awaiting a ballot shall still remain viable.

M. *Withdrawal of Legislation*

- 1. At any time until the legislation has either passed or failed, the sponsor, and only the sponsor, of legislation may withdraw the legislation from consideration by the Senate.
- 2. Once withdrawn, legislation must be resubmitted as new legislation and assigned a new Senate Reference Number for further consideration.
- 3. In cases of exigency, legislation is deemed to rectify the emergency, and the sponsor seeks to withdraw the legislation, any Senator may move to call the legislation to question and block the withdrawal by a 2/3 vote of the Senate.

N. *Legislative Restriction Act (Adopted 11/16/03 – SB8B-02)*

- 1. All members of the SBA shall be allowed to introduce for first reading, as a primary author of a bill, a maximum combination of four Senate bills, Constitutional Amendments, and/or referendum for the purpose of revising or adding to the SBA Bylaws or Constitution per Senate to be of an urgent nature. Appropriation Bills, Resolutions, and Senate Bills that are not Bylaw revisions shall not be restricted.

X. *Questions & Debate (Amended 10/19/03 – SB03-44)*

- A. After the committee makes its recommendation, up to five minutes shall be set aside for questions and answers. Senators shall retain their right to make motions

and amendments in accordance with Robert's Rules of Order when they have the floor.

B. If there has been no debate on a motion, a motion to Move the Previous Question shall require a unanimous consent.

C. The Senate may limit the numbers of those debating or the length of debate in accordance with Robert's Rules of Order, or in the discretion of the Speaker.

D. The Speaker shall recognize Senators for open floor debate, and only whenever necessary for decorum use the method of alternating between Pro and Con speakers.

E. The Speaker should believe in good faith that all Senators are aware of the text of the measure prior to the vote. Upon the request of any member, the Speaker may read all or any part of a measure before a vote.

XI. Amendments (Adopted 10/19/03 – SB03-44)

A All legislation as described in Article IX of this chapter may be amended according to Robert's Rules of Order.

B Any currently enrolled student of the University of Miami School of Law may author an amendment to legislation, but it must be sponsored by a voting member of the SBA Senate or by a committee of the SBA Senate.

C Amendment Form

1 Whenever possible Senators shall propose amendments that substantively alter the proposed legislation in writing.

2 Oral amendments that substantively alter the proposed legislation on the floor of the Senate during debate shall be recorded by the Clerk of Senate, and then read out-loud to the entire Senate.

3 Amendments that correct spelling, grammar, and/or syntax without altering the intent or meaning of the legislation may be made in an oral motion on the Senate floor, and do not require a reading by the Senate Clerk.

4 Each amendment shall include the following:

a The Senate Reference Number of the legislation to be amended shall be noted on the proposed amendment.

b The Speaker, or his/her designee, shall assign each amendment a number beginning with one (1) in the sequence in which they are proposed.

- c Each amendment shall clearly state the language in the proposed legislation that is to be altered or deleted by the amendment and any new language, if applicable, to be inserted into the legislation.
 - d New language shall be identified by being written in italics, and deleted language shall be identified by being written with a strikethrough.
- D The Senate Clerk shall note on the amendment whether the amendment was adopted or failed and include the vote tally and roll call if applicable.
- E As a ministerial duty, the Presiding Officer and the Senate Clerk shall affix their signatures to all amendments that are adopted by the Senate.
- F Sponsor Acceptance
 - 1 The sponsor of the proposed legislation shall be given the opportunity to accept or reject any proposed amendment to the proposed legislation.
 - 2 If the sponsor accepts the amendment, the amendment shall be incorporated into the language of the legislation and shall be noted on the amendment in accordance with the provisions of this article.
 - 3 If the sponsor rejects the amendment, it shall be noted as such on the amendment. The amendment shall proceed to Questions & Debate and Voting in accordance with the provisions of this chapter. If the amendment receives a majority vote of the Senate, then the amendment shall be incorporated into the language of the legislation. If an amendment fails to receive a majority vote of the Senate, the amendment fails and the Senate shall proceed back to consideration of the legislation unless further proposed amendments remain to be considered.
- G Copies of all proposed amendments, whether adopted or failed, shall be included in the legislative archive in accordance with the provisions of this chapter.
- H Amendments to a proposed amendment shall proceed through the process outlined in this article.

XII. Voting (Amended 10/19/03 – SB03-44)

- A. Upon a motion by any two Senators and immediately prior to the vote on proposed legislation, the Clerk of the Senate shall read the legislation in full before the entire Senate.
- B. All motions in the Senate require a simple majority vote unless otherwise specified in the SBA Constitution, Bylaws, or Robert's Rules of Order.

- C. There shall be no voting by proxy or conference call.
- D. Senate votes shall normally be conducted by hand vote. If two Senators, or the Speaker, request a roll call vote, the Speaker shall conduct a roll call vote. A request for roll call may be made before or after a hand vote providing it is made within fifteen minutes following the announcement of the vote result. All votes of the Senate shall be recorded in the minutes.
- E. Secret ballot shall only be permitted when the Senate is in Executive Session.

XIII. The Executive Veto (Amended 10/19/03 – SB03-44)

A. Enrolled Copies

1. Bills shall be enrolled before being sent to the Executive for approval.
2. An Enrolled Bill must have been duly introduced and enacted by the Senate. Attached to the passed written copy of the legislation shall be written information regarding the Bill's title, date of introduction, dates of referral to Senate committee(s), recommendations of the committee(s), name of author(s), primary sponsor, and co-sponsor(s), the numerical designation of the Bill, the affected legislation, the effective date, and the legislative intent.
3. The enrolled copy shall provide a place for the signature of the Senator presiding over the meeting when the legislation is enacted and the Clerk of the Senate shall affix their signatures to the legislation. The Clerk and presiding Senator must sign their names to the legislation as a ministerial duty.
4. There shall be a place provided for the signature of the Student Bar Association President for his/her designate for their approval or veto.
5. Within 48 hours from the end of the SBA meeting where legislation is passed, the Clerk of the Senate must submit the copy with a time dated signature to the SBA archives to be signed by the presiding Senator and then the SBA President

B. The SBA President may veto any Senate appropriation bill as *SBA Statutes Chapter 3, Article VII* allows.

C. If the SBA President exercises his/her veto, he/she shall notify the Speaker of the SBA Senate in writing within the 48-hour period and also post that writing on the SBA office door. The 48 hours shall begin to be counted from the time that the necessary time dated signatures of both the Senate Clerk and Senator

presiding over the meeting in which the legislation was passed have been affixed to the enrolled copy.

- D. Bills not acted upon within the 48 hour period shall be treated as approved
- E. Vetoed legislation shall automatically be placed by the Speaker on the agenda at the very next Senate meeting under the title "Special Order" before Executive Officer Reports, Committee Reports, Unfinished Business, New Business, and Announcements. The President is recommended to deliver an oral justification of veto to the Senate at its next regularly scheduled meeting.
- F. Legislation requiring a majority vote shall require a two-thirds vote of the Senate to override a veto. If the vetoed legislation is overridden, the legislation is considered final and cannot be vetoed again.
- G. Legislation requiring a two-thirds majority vote may not be vetoed except for Omnibus Bills.
- H. If a vetoed bill is amended on the floor of the Senate during the reconsideration of the bill, that bill will be considered new legislation and must return to the beginning of the legislative process.

XIV. Removal from the Ballot (Adopted 10/19/03 – SB03-44)

- A. Any Constitutional Amendment that has been passed by the SBA Senate and is awaiting ratification by the Student Body may be removed from the ballot by a $\frac{3}{4}$ vote of the SBA Senate.
- B. Any Referendum that has been referred by the SBA Senate and is awaiting approval of the Student Body may be removed from the ballot by a $\frac{2}{3}$ vote of the SBA Senate.
- C. Removal from the ballot must occur at least 2 weeks before the vote of the student body is to occur.
- D. Student produced initiatives may not be removed from the ballot by the SBA Senate.
- E. If two or more Constitutional Amendments awaiting ratification by the Student Body are in conflict with each other, then any Senator may force the Senate to reconsider each Amendment to alleviate the conflict by removal of one or more of the Amendments from the ballot.

XV. Senate Committees (Adopted 2/09/03 – SB03-09)

- A. All Senators must serve on at least one committee. That committee may be a Senate Committee, SBA Committee, Faculty Committee, or other external committee. The Senate shall have the following standing Senate Committees:
1. SBA Senate Constitution, Bylaws, & Rules Committee – shall be the committee that will be responsible for reviewing all bills regarding amendments to the SBA Constitution and SBA Statutory Bylaws and for issuing recommendations as to the legislation’s passage. This committee shall also be responsible for issuing recommendations regarding amending any other rule governing the operation of the SBA Senate. The membership of this committee shall be limited to Senators, as voting members, and the SBA Parliamentarian, who shall serve on an ex-officio basis only.
 2. SBA Senate Budget and Finance Committee - shall be the committee that will be responsible for reviewing all legislation regarding appropriations and budget expenditures, which require the SBA Senate’s approval, and for issuing recommendations as to the legislation’s passage. This committee shall ultimately be responsible for creating the SBA fiscal budget. It shall have the power to accept the SBA Executive Branch’s budget or to reject, in its entirety or amend in part, the budget proposal. The membership of this committee shall be limited to Senators, as voting members, and the SBA Treasurer or another designee by the SBA President, who shall serve on an ex-officio basis only.
 3. SBA Senate Social & Philanthropy Committee – shall be the committee that will be responsible for organizing all social and philanthropic activities, in which the SBA is the official sponsor or where the SBA Senate is involved. Such social activities shall include, but not be limited to, Beer at the Rat, SBA sponsored parties, picnics, charity events, food drives, etc. The membership of this committee shall be limited to Senators, as voting members, and the SBA Social Events Coordinator or another designee by the SBA President, who shall serve on the committee on an ex-officio basis only.
 4. SBA Judicial & Executive Appointment Committee (JEAC) – Shall be the committee that will be responsible for reviewing all judicial and executive nominees that the SBA President nominates to either the SBA Supreme Court, Executive Cabinet or to the Election Commission. The committee members shall interview the nominees and ask probing questions to determine if the nominee is, in their judgment, qualified to be appointed to the position which they have been nominated to serve. The committee shall make a recommendation

to the full Senate at its meeting where confirmation of the nominee is scheduled to take place. The committee's membership shall be appointed by the Speaker of the SBA Senate and limited to Senators, as voting members. **(Amended 9/21/03 – SB03-25)**

- B. Senate Committees are a part of the legislative branch. They propose legislation to the Senate on matters relevant to the committee. The Senate may commit legislation to a Senate Committee for recommendations. Senate Committees may also investigate and provide oversight reports to the Senate on matters relevant to the Committee to insure that Senate legislation is executed according to Senate guidelines. The Senate may empower Senate committees with other duties.
- C. The Senate may create ad hoc Senate committees when necessary.
- D. Senate Committees are open to all SBA Senate members for membership. Committee members are appointed by the Speaker.
- E. Senate Committee Chairs and Vice-Chairs are appointed by the SBA Speaker of the Senate.
- F. The size of all committees shall be determined by a simple majority vote of the Senate.

XVI. Parliamentary Procedure (Adopted 2/09/03)

- A. Except where otherwise stated in the SBA Constitution or Bylaws, the rules of procedure in all SBA meetings shall be governed by Robert's Rules of Order as published in the latest edition of Robert's Rules of Order, Newly Revised.
- B. Any deviation from these procedures shall require a two-thirds vote of the Senate to Suspend the Rules.
- C. The Speaker shall provide Senators with copies of the SBA Constitution and all SBA Bylaws at the beginning of each Senate term.
- D. The Speaker has final authority to decide procedure, unless overridden by two-thirds majority of the Senate.

XVII. Speaking Privileges (Adopted 2/09/03 – SB03-08)

- A. All individuals must be recognized by the Speaker in order to address the SBA Senate unless according to Robert's Rules of Order such privilege is a matter of right.

XVIII. Executive Session (Adopted 2/09/03 – SB03-08)

- A. The SBA Senate shall have the power to enter into executive session under the following circumstances:
 - 1. When faculty and administrators are present at a SBA Senate Meeting.
 - 2. During the confirmation process of judicial nominees or executive appointments, or the election of Senate officers.
 - 3. Whenever the Senate deems it necessary, in order to address a very delicate and controversial situation as defined by the Senate.
- B. A three-fourth vote of the present and voting members of the Senate shall be required in order to invoke the Senate's power of Executive Session.

XIX. Election of Senate Officers (Adopted 2/09/03 – SB03-11)

- A. Following the annual Spring election, at the first meeting of the new Senate, the Senate shall elect a Speaker and a Vice-Speaker by written ballot with a simple majority of the whole Senate required to elect.
- B. The whole Senate, for the exclusive purpose of electing a Speaker and Vice-Speaker at the first meeting of the new Senate, shall consist of the outgoing Senators (excluding the Senators who have been elected to an Executive Board position) and the newly sworn Senators.
- C. Should the Senate fail to elect a Speaker and a Vice-Speaker, the Dean of the SBA Senate shall serve as the Interim-Speaker.

XX. Vote of Confidence (Adopted 2/09/03 – SB03-11)

- 1. All elected officers in the Senate shall be subject to an automatic Vote of Confidence at the first SBA Senate meeting of the Fall and Spring terms.
- 2. Each elected Senate officer shall have up to five minutes to offer any justification for his/her retention.

3. After the elected Senate officer gives his/her initial justifications, the Senators who opposes the retention of the officer shall have up to five minutes to speak. Then any Senators in favor of retention shall have up to five minutes to speak.
4. No member of the SBA Executive branch, Judicial branch, or any other non-Senator, may offer an opposition or public support of a Senate officer during the vote of confidence process.
5. After the Senate members have debated the issue of retention, the officer shall have the final five minutes to address any concerns or make any final statements.
6. Once the elected Senate officer concludes his/her final words, then the Senate members shall proceed to vote to retain the officer. A two-thirds majority, of the senate members present and voting, shall be required to remove an elected officer of the Senate. If the Vote of Confidence is at least two-thirds in the negative, then elections shall be held for the Senate leadership position in question.

XXI. The Speaker of the SBA Senate (Adopted 2/09/03 – SB03-12)

- A. The Senate shall be chaired by a Senator, selected by the Senate from its body, who shall serve as chair for a term of up to one year.
- B. The Speaker of the Senate shall:
 1. Shall be the Chair of the SBA Senate, as defined in the SBA Constitution.
 2. Preside over Senate meetings.
 3. Have all the rights of the floor and of membership.
 4. Vote last or abstain on Senate business.
 5. Have final authority in the Senate on procedure.
 6. Appoint standing and/or ad hoc committees of the Senate as the President Pro-Tempore or the Senate may deem necessary for the functioning of the Senate, subject to the Bylaws.

7. Have the authority to appoint or remove a Senate Parliamentarian, Senate Clerk, and/or any other persons necessary for the functioning of the Senate.
8. Be the administrative head of the Senate and its appointed personnel.

XXII. The Vice Speaker of the SBA Senate (Adopted 2/09/03 – SB03-12)

- A. There shall be a Vice-Speaker of the SBA Senate, selected by the Senate from its body, who shall serve for a term of up to one year.
- B. Shall be the Vice-Speaker of the SBA Senate, as defined in the SBA Constitution.
- C. The Vice-Speaker shall preside in the Speaker's absence.
- D. If the Speaker is unavailable then the Vice-Speaker shall assume the responsibilities of the Speakership, until such time when the Speaker is available.
- E. In the event of a vacancy in the Speakership, the Vice-Speaker shall assume the duties and powers of the Speaker and a new Speaker shall be elected at the next Senate meeting. In the event of a vacancy in the Vice-Speakership, a new Vice-Speaker will be elected at the next Senate meeting.
- F. The Vice-Speaker shall retain Senate membership and all rights thereof.

XXIII. The SBA Parliamentarian (Amended 4/06/03 - SB03-13)

- A. There shall be a Parliamentarian, who shall be a non-senator, appointed by the Speaker, who shall serve for a term of one year or until replaced by the Speaker.
- B. The duties of the Parliamentarian shall include, but be limited to:
 1. Shall advise the Senate Speaker on matters of parliamentary procedure using the SBA Senate Bylaws and Robert's Rules of Order.
 2. Assist the Speaker of the Senate in organizing, implementing, and evaluating Student Government Orientations and Leadership Workshops.
 3. Give each new Senator a Parliamentary Procedure Information Packet to be developed with the Senate President.

4. Educate the Senate on parliamentary procedure.
 5. The Parliamentarian shall have no vote.
- C. The Parliamentarian may issue to the Senate, in an advisory capacity, opinions on the legality of Senate actions and procedure and on Constitutional interpretations, with other such duties as delegated by the Speaker, not in conflict with the SBA Constitution. With the understanding that there can be reasonable differences of opinion in interpreting parliamentary procedure, the SBA Constitution, and SBA Bylaws, advisory opinions of the Parliamentarian are not binding.
- D. The SBA parliamentarian may receive a stipend, not exceeding \$400 per year (or \$200 per Semester) for the successful completion of his/her duties and/or services. The SBA Senate shall have the discretion not to fund the position in the annual SBA Fiscal Budget.

XXIV. The Clerk of the SBA Senate (Amended 4/06/03 - SB03-13)

- A. There shall be a Clerk of the Senate, who shall be a non-senator, appointed by the Speaker of the Senate, who shall serve for a term of one year or until replaced by the Speaker.
- B. Duties
1. The Clerk shall organize and maintain Senate Records including minutes, attendance rolls, roll call votes, records of the Legislative Branch, and other materials as required or delegated by the Speaker. The Clerk shall make necessary copies and assist Senators and SBA members who request information about SBA rules, records, or legislation.
 2. The Clerk shall assemble agenda packets prior to Senate meetings and provide Senate minutes to the Speaker for Senate approval on a timely basis.
 3. The Clerk shall notify Senators of Senate meetings.
 4. The Clerk shall have no vote.
 5. The Clerk shall perform such additional duties as the Speaker of the Senate shall request, not in conflict with this Constitution.
- C. Compensation

1. The Clerk shall receive a stipend, not exceeding \$900 per year (or 450 per semester) for the successful completion of his/her duties and/or services. The Clerk's hours and terms of employment shall be determined by the Speaker of the SBA Senate.

XXV. The Dean of the SBA Senate (Adopted 2/09/03 – SB03-12)

- A. The Dean of the Senate shall be the Senator with the most seniority and who has served in the Senate the longest.
- B. The Speaker and the Vice-Speaker of the Senate shall not be eligible to be the Dean of the Senate. If the Speaker or Vice-Speaker resigns, declines re-election, or is defeated for re-election and he/she has the most seniority, then he/she shall be the Dean of the Senate.
- C. If there is more than one senator who has served the longest, the Dean position shall go to the Senator who obtained the highest number of votes from the last SBA General Election.
- D. If a senator leaves the SBA Senate for any reason, but returns to the Senate, he/she shall maintain his/her seniority.
- E. The Dean of the Senate shall:
 1. Be the third in the line of the leadership of the Senate.
 2. Assume the duties of the Speaker, if in the event that the Speaker and the Vice-Speaker are unavailable, until an election for a new Speaker and Vice-Speaker can be held.

XXVI. The Administrator of the SBA Senate (Adopted 4/06/03 - SB03-13)

- A. There shall be an Administrator of the Senate, who shall be a non-senator, appointed by the Speaker of the Senate, who shall serve for a term of one year or until replaced by the Speaker.
- B. Duties
 1. Serve as the SBA Speaker's main administrative assistant and shall execute any discretionary task for the Speaker.
 2. The Senate Administrator shall have no vote.
 3. Oversee all public relations activities for the Senate.

4. Oversee the progress and completion of projects of the Senate, under the direction of the Speaker.
5. Be responsible for developing a policy of operation for the SBA Legislative Branch.
6. Perform such additional duties as the Speaker of the Senate shall request, not in conflict with this Constitution.
7. The Senate Administrator may receive a stipend, not exceeding \$400 per year (or \$200 per Semester) for the successful completion of his/her duties and/or services. The SBA Senate shall have the discretion not to fund the position in the annual SBA Fiscal Budget.

XXVII. The SBA Senate Reporter (Adopted 4/06/03 – SB03-13)

A. There shall be a SBA Senate Reporter, who shall be a non-senator, appointed by the Speaker of the Senate, who shall serve for a term of one year or until replaced by the Speaker.

B. Duties

1. Serve as the SBA Speaker's junior administrative assistant and shall execute any discretionary task for the Speaker.
2. The Senate Administrator shall have no vote.
3. Organize and distribute a report on the events which occur at the SBA Senate meetings for the purpose of publication in the law school's official newspaper and/or other student publications.
4. Perform such additional duties as the Speaker of the Senate shall request, not in conflict with the Constitution.

C. The Senate Reporter may receive a stipend, not exceeding \$500 per year (or \$250 per Semester) for the successful completion of his/her duties and/or services. The SBA Senate shall have the discretion not to fund the position in the annual SBA Fiscal Budget.

XXVIII. Judicial & Executive Appointment Confirmation Act (Adopted 9/21/03 – SB03-25)

- A. The SBA President shall inform the Speaker of the SBA Senate that he/she has a judicial/executive nomination to fill a vacancy and request that it be placed on the Senate agenda. This request must be in writing or in the form of an e-mail message.
- B. The SBA President shall submit this request in a timely fashion, before the submittal deadline for items to be placed on the agenda.
- C. At the SBA Senate meeting, the Speaker shall recognize the SBA President, during New Business, who shall announce the name of his nominee and request that the nomination be deferred to the SBA Senate Judicial and Executive Appointment Committee (JEAC). The Speaker shall then formally call for the JEAC to meet and the nomination shall be deferred to the JEAC.
- D. The SBA President shall submit to the JEAC Chair enough copies of the nominee's resume and application for the full Senate. The resumes shall be submitted in a sealed envelope signed on the seal by the SBA President and the nominee and remain sealed until the JEAC meets with the nominee. The Chair shall open the envelope at the meeting in the presence of the nominee and distribute the resumes to the committee members. At the conclusion of the meeting, all copies of the nominee's resume shall be placed in a sealed envelope, signed on the seal by the JEAC Chair and the nominee and shall remain sealed until the next regularly scheduled Senate meeting. The envelope shall be opened at the meeting by the Speaker in the presence of the nominee and distributed to the full Senate. At the conclusion of the vote, all copies of the resume shall be returned immediately to the nominee. Resumes shall make no reference to the nominee's GPA or class rank. The nominee, at his/her discretion, may submit up to two (2) letters of recommendation, one (1) of which shall be from a faculty member.
- E. The JEAC shall schedule at least one meeting with the judicial nominee to ask several in depth questions of him/her. The JEAC shall set this meeting sometime between the end of the SBA Senate meeting where the SBA President announce the nominee and before the following regularly scheduled meeting of the SBA Senate convenes. After questioning the nominee, the JEAC shall prepare to deliver a report to the SBA Senate, recommending either rejection or confirmation of the judicial/executive nominee. The contents and final recommendation of the report shall not be disclosed to any non-JEAC member, except the Speaker, until the report is delivered to the floor of the Senate, at its next regularly scheduled meeting.
- F. If the JEAC fails to meet and interview the nominees, within the aforementioned specified timeframe, then the Senate shall have the power, by two-thirds vote, to bring the nominations directly to the floor of the Senate.

- G. At the next regularly scheduled meeting, the President shall formally present his nominee to the members of the SBA Senate. All copies of his resume are to be collected by the Speaker and destroyed after the total confirmation process is concluded.
- H. The president shall then explain why he/she selected the individual in question to be his/her judicial or executive nominee and address questions as to why he/she believes that the nominee is qualified.
- I. After the SBA President has presented his nominee, the nominee will have up to five minutes to address the Senate and to answer any questions that the Senate members may have. Only Senators shall pose questions to the nominee.
- J. The Senate members shall limit their questions to the nominee's past professional and academic experiences, his/her judicial ideology, philosophy on issues relating to law and government, and any other issue regarding his/her effectiveness as a member of the judicial branch or as an executive appointment. No questions shall be posed solely on the basis of a nominee's race, sex, religion, ethnic background, sexual preference, or specific questions regarding the nominee's G.P.A.
- K. After the nominee's time has expired, the SBA Senate shall move into executive session and exclude all non-Senate members and non-legislative staff from the room. All executive session discussions shall be off the record and confidential. If any member violates the confidentiality provision, then that may constitute grounds for impeachment. If any member of the legislative staff violates the confidentiality provision, then that may constitute grounds for dismissal.
- L. Before discussion of the nominee starts, a representative from the JEAC shall have five minutes to deliver the committee report. The JEAC Chairman or his designee shall indicate whether the JEAC approves or disapproves of the judicial or executive nominee and address questions posed by the other members of the Senate.
- M. The members shall have a maximum of twenty minutes to discuss and deliberate confirming the nominee. If necessary, any member can motion to extend the time for an additional ten minutes. A two-thirds vote of the present and voting members of the Senate shall be required to extend time.
- N. After deliberations, the members shall vote in secret ballot to confirm the nominee. A simple majority vote of the present and voting members of the Senate shall be required to confirm any statutory executive officer nomination. A two-thirds vote of the present and voting members of the Senate shall be required to confirm any nominee to the SBA Supreme Court or on the Executive Board.

XV. Other (Adopted 2/09/03 – SB03-08)

- A. Bylaws shall be renumbered and re-lettered where appropriate to provide for the proper sequence of numbers and letters.