



The Student Senate

Texas A&M University

S.B. 64-30

The Student Senate
64th Session
Texas A&M University

Introduced By: Cody T. Vasut, Off-Campus
Scott Bowen, Engineering
Mark Womack, Off-Campus
Paul Boehm, Rules and Regulations Chair
Mariana Fernandez, Northside

Sponsored By: Rachel Thornburg, Agriculture and Life Sciences

Action Taken Passed
November 16, 2011

Certified By: Tanner Wilson
Tanner Wilson
Speaker of the Senate

Duly Approved: Jeff Pickering 112
Jeff Pickering 11-23-11
Student Body President

The SGA Constitution Modernization Amendment
Special Designation: Constitutional Amendment

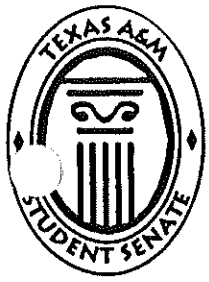
"An amendment auditing, overhauling, and modernizing the Student Government Association Constitution to better serve students."

~ GENERAL LEGISLATIVE INTENT FOR THIS AMENDMENT ~

Whereas(1a): The first Constitution of the student body was adopted in 1948 by the student body of Texas A&M University, organizing the Student Senate; and,

Whereas(1b): The most recent major overhaul of the Constitution occurred in 1972, when the Student Senate was divested into three coordinate branches of government; and,

Whereas(1c): This 1972 Constitution has been amended over the past thirty-nine years by various sessions of the Student Senate; and,



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Whereas(1d): These amendments have not always utilized the same language, creating numerous ambiguities within the text of the Constitution; and,

Whereas(1e): A comprehensive audit and update of the Constitution is necessary to resolve these ambiguities by providing for common language throughout the document; by reducing ambiguity in several clauses of the Constitution; by ensuring a proper and modern balance is achieved between the three branches of the Student Government Association (legislative powers vested in the Senate, executive powers vested in the SBP, and judicial powers vested in the Judicial Court); and by providing for more rights and powers for the student body under their Constitution in line with principles of “Enlightened Shared Governance” the Student Government Association has repeatedly called for from Texas A&M’s Administration; and,

Whereas(1f): This constitutional amendment should be carefully studied by the Student Senate and the various branches of the Student Government Association before its passage, and after its passage before it takes effect.

Therefore

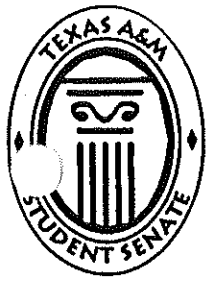
Let it be

Enacted(1): This particular enactment clause has the legal effect of a special expiring constitutional amendment and shall take immediate effect, but it shall not be codified into the Student Government Association Code.

“Enaction of this Amendment. This constitutional amendment shall take effect on February 20th, 2012. Any constitutional amendments adopted between the date this constitutional amendment is signed by the Student Body President and February 20th, 2012 shall amend the Constitution as altered by this constitutional amendment and shall also not take effect until February 20th, 2012. An underline in this constitutional amendment indicates the addition of a term or phrase to the constitution, and a bracketed strike-through indicates a removal of a term or phrase from the constitution. If an entire section, sub-section or lower sub-division is removed or added, the following section, sub-section or lower sub-division shall be renumbered accordingly so that no section, sub-section, or lower sub-division is skipped.”

~ LEGISLATIVE INTENT REGARDING THE PREAMBLE ~

Whereas(2a): The Preamble to the Constitution should remain unchanged because its language has remained largely unchanged over the last thirty-nine years, and because it is merely an introduction to the Constitution; and,



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~ LEGISLATIVE INTENT REGARDING ARTICLE I ~

Whereas(2b): Article I Section II should be amended to remove extra language regarding registered students so that a common definition can be later provided for the term “students;” and,

Whereas(2c): Article I Section III should be amended to provide for common titles for the various offices of the Student Government Association throughout the document; and,

Whereas(2e): Article I Section IV should be amended by moving the anti-discrimination clause to a new Article X, and by adding several general common definitions for technical terms used throughout the Constitution; and,

Whereas(2f): Article I Section V should be added to include a provision clarifying that any member of the Student Government Association in office at the end of a fall or spring academic semester remains in office even if he or she does not take summer or winter classes at A&M, as is a common occurrence.

**Let it be
Further**

Enacted(2): That Article I of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE I. THE STUDENT GOVERNMENT ASSOCIATION

SECTION I. This organization shall be known as the Student Government Association of Texas A&M University.

SECTION II. The Student Government Association shall represent the student body, which consists of all ~~[full-time and part-time]~~ students ~~[who are duly registered]~~ at Texas A&M University, and shall exercise its authority through this Constitution as hereafter provided.

SECTION III. The governing structure of the Student Government Association of Texas A&M University shall consist of the following three distinct branches: Executive, Legislative, and Judicial. In order to provide for an effective system of checks and balance no person may concurrently serve in two or more of the following positions: Student Body President, ~~[M]member of the [E]xecutive [Council] cabinet,~~ Student Senator, ~~[Senate Officer,]~~ or ~~[Member] Justice of the~~ Judicial Court.

SECTION IV. ~~[The Texas A&M University Student Government Association shall not discriminate against, nor give preferential treatment to, any person on the basis of race, color, national or ethnic origin, religion, sex, gender, disability, age, sexual orientation, or veteran status, prohibiting discrimination based on these factors in any and all forms.]~~ General Definitions. For the purposes of this Constitution the terms:



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- (a) “Student(s)” shall be defined as any individual student or group of students who are duly enrolled in at least one (1) credit hour at Texas A&M University.
- (1) “Student Body” shall be defined as all students at Texas A&M University.
- (b) “Member of the Student Government Association” shall be defined as any student occupying any office within the Student Government Association pursuant to this Constitution, any statute enacted by the Student Senate, or under any rule or procedure enacted pursuant to this Constitution or under any rule or procedure enacted pursuant to any statute.
- (c) “Announced Meeting” shall be defined as any meeting held with at least one (1) day’s notice to the membership of the entity conducting the meeting, including a tentative agenda of the items to be discussed and the location and the time of the meeting.
- (d) “Day” shall be defined as one twenty-four (24) hour intervening period of time as determined under the central standard time zone (CST) in the United States, adjusted for daylight savings time called for by the laws of the United States.
- (e) “Fall or Spring Academic Semester(s)” shall be defined as the term of classes at Texas A&M University lasting during the months of August to December for the fall semester and January to May for the spring semester, but shall not include those classes lasting from May to August (summer semester) or those classes occurring between the end of the fall semester and the beginning of the immediately following spring semester (winter semester).
- (f) A rule or procedure “enacted pursuant to this Constitution” shall be defined as the Student Senate By-Laws, the Judicial Branch By-Laws, the Executive Branch By-Laws, and the Governance Council By-Laws, and a rule or procedure “enacted pursuant to any statute” shall be defined as any rule or procedure authorized under, or in accordance with, any statute enacted by the Student Senate or authorized under, or in accordance with, any agreement entered into by the Student Body President and ratified by the Student Senate.

SECTION V.

All members of the Student Government Association in office at the conclusion of a fall or spring academic semester shall continue to remain in office at the beginning of the immediately following spring or fall academic semester, notwithstanding the failure of the member to enroll in classes during the intervening winter semester or summer semester, whichever is applicable. This Section shall not apply if the member’s particular term in office expires at the conclusion of a fall or spring academic semester.

~ LEGISLATIVE INTENT REGARDING ARTICLE II ~

Whereas(3a): Article II Section I should be clarified that the Student Body President is the individual vested executive powers; and,

Whereas(3b): Article II Section II Sub-Section (a) should amended to include minor formatting changes; and,

Whereas(3c): Article II Section II Sub-Section (b) should be added to clarify that the term of the Student Body President mirrors the term of each session of the Student Senate,



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except that each new SBP may appoint members of his or her cabinet before taking office; and,

Whereas(3d): Article II Section II Sub-Section (c) should be amended to clarify what is meant by the term “regular” semester, and to clarify whether the semester during which an SBP candidate runs for office is counted towards the total; and,

Whereas(3e): Article II Section II Sub-Section (d) should be amended to ensure that the replacement of a Student Body President is an individual elected by either the student body or confirmed by the Student Senate, and to ensure that a special election is held sooner in the process to replace the Student Body President; and,

Whereas(3f): Article II Section III Sub-Sections (a) through (d) should be amended to provide for common language throughout the Constitution and to reduce ambiguity as to what legislation the SBP’s veto power extends to and what is meant by the term “member of the executive cabinet;” and,

Whereas(3g): Article II Section III Sub-Section (e) should be amended to allow the Student Senate to establish and remove executive committees and commissions, rather than the Student Body President, so that it is easier for committees and commissions to be created; so that changes in the structure of the Student Government Association are made on the floor of the Senate subject to a vote by the Student Senate and the veto of the Student Body President; so that a future Student Body President with potentially poor motives could not single-handedly eliminate SGA’s successful committees and commissions; and so that committees and commissions can be created to implement statutes passed by the Student Senate. Any removal of a committee or commission, however, should be by a higher vote to protect committees and commissions from the potentially poor motives of a future Student Senate; and,

Whereas(3h): Article II Section III Sub-Section (f) should be amended to clarify that students on university committees are subject to the statutes enacted by the Student Senate and signed by the Student Body President; and,

Whereas(3i): Article II Section III Sub-Section (g) should be amended to place all executive orders underneath the statutes of the senate to avoid any confusion or ambiguity about what executive orders the Student Body President can enact; it is recommended that the statute later passed by the Student Senate allow the Student Body President to enact any rule or procedure that does not otherwise conflict



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with the statutes passed by the Student Senate and signed by the Student Body President, or some similar flexible wording; and,

Whereas(3j): Article II Section III Sub-Section (h) should be amended to expand the power of the Student Body President to enter into contractual agreements with entities outside the Student Government Association, so that the Student Body President can individually and more effectively negotiate complex agreements with external entities that may then be adopted by a two-thirds (2/3) vote of the Student Senate; and,

Whereas(3k): Article II Section III Sub-Sections (i) to (m) should be amended to reflect common language throughout the Constitution, proper grammar, and clear language in line with the current practices of the Student Body President.

**Let it be
Further**

Enacted(3): That Article II of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE II. EXECUTIVE BRANCH

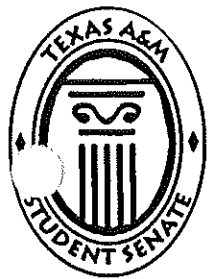
SECTION I.

All executive powers shall be vested in the ~~[Executive Branch]~~ Student Body President of the Student Government Association of Texas A&M University. A primary charge of the Student Body President and the Executive Branch shall be the timely implementation of all ~~[legislation]~~ statutes enacted by the Student Senate.

SECTION II.

The Executive Branch shall be organized in the following manner:

- (a) The chief executive officer shall be the Student Body President who shall be elected from the student body by a majority vote during the ~~[S]spring [S]student [Government] body [E]elections~~ as provided for by statute.
- (b) The term of the Student Body President shall be in accordance with the length of the term of his or her corresponding session of the Student Senate, but the power of appointment for the incoming session of the Student Senate shall accrue to the Student Body President for the incoming session of the Student Senate immediately upon his or her election.
- (c) The Student Body President shall have been ~~[registered]~~ enrolled at and in good standing with Texas A&M University for at least three (3) ~~[consecutive-regular]~~ academic semesters (fall or spring) preceding his~~[/]~~ or her election to office. The spring academic semester during which the Student Body President is elected to office shall count towards this total.
- (d) If the Student Body President is unable or unwilling to continue serving as Student Body President or to assume office, the office ~~[will]~~ shall fall to the Speaker of the Senate, then to the Speaker Pro-Tempore of the Senate, and finally to the Senate Rules and Regulations Chair. If none of these are willing and able to serve, then a ~~[Vice-President]~~ member of the executive cabinet shall be elected by a majority vote of the ~~[Vice-Presidents]~~ members of the executive cabinet present



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and voting at an announced meeting and [approved] confirmed by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting. [If the office is still vacant, then nominations will be accepted on the floor of the Senate and elected according to the Senate Officer Election procedures.]

- (1) If the process above does not fill the position, then a special election [will] shall be held within fourteen (14) days to elect a new Student Body President by the [S]student [B]body. The Student Senate shall, in the interim through an emergency special session, elect a Student Senator by a majority vote of the Student Senate membership present and voting at an announced meeting to serve as acting Student Body President until a new Student Body President is elected. The acting Student Body President shall keep his or her seat in the Senate during this period, and the acting Student Body President shall have all of the duties and powers of the Student Body President.
- (2) Each officer in the line of succession shall have forty-eight (48) hours to accept or decline the position of Student Body President by written and signed notification to the Chief Justice.

SECTION III.

The duties and powers of the Student Body President shall include the following:

- (a) Signing or vetoing all [bills] statutes and constitutional amendments passed by the Student Senate within [five] seven ([5]7) [class] days. Any [bill] statute or constitutional amendment not signed or vetoed within [five] seven ([5]7) [class] days shall be considered signed or approved. This veto power shall not extend to Student Senate resolutions, [the Student Senate or Judicial Court By-Laws] any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, or [measures] statutes or constitutional amendments approved in a[n initiative] referendum [or general election, but shall extend to the Student Government Constitution].
- (b) Faithfully [E]xecuting all statutes enacted [legislation of] by the Student Senate for which [he/she] the Student Body President shall be responsible to the Student Senate.
- (c) Acting as the ceremonial representative of the student body.
- (d) Organizing and appointing members of an executive cabinet, which shall serve at the discretion of the Student Body President, [with the approval] subject to confirmation of two-thirds (2/3) of the Student Senate membership present and voting at an announced meeting.
 - (1) A "member of the executive cabinet" shall be defined as any student appointed by the Student Body President and confirmed by the Student Senate who shall advise and assist the Student Body President on performing the Student Body President's duties and powers under this Constitution or such additional duties and powers of the Student Body President as may be established by statute in accordance with this Constitution and noted as delegable or assignable by the particular statute.
 - (2) No member of the executive branch, however, may be assigned or delegated the Student Body President's signing, veto, appointment, special session, contractual agreement, executive order, or proclamations of opinion powers, except in the case of the appointment of committee chairs, commissioners, or other executive offices as may be established by statute.
- (e) [Creating and appointing all needed executive offices and committees, not already provided for, which will serve at the discretion of the Student Body President, with the approval of two-thirds (2/3) of the members of the Student Senate present and voting at an announced meeting.] Appointing all executive branch committee chairs and commissioners of committees and commissions established by the Student Senate by statute, which shall serve in accordance with the statutes. The



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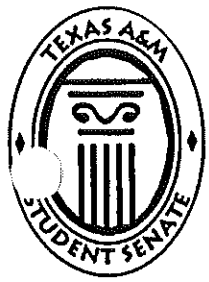
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Student Body President may also appoint other executive offices as may be established by the Student Senate by statute, which shall serve in accordance with the statutes, unless the Student Senate, by statute, vests power for their appointment in a committee chair, commissioner, or member of the executive cabinet. Alternatively, the Student Senate may, by statute, allow committee chairs, commissioners, or other executive offices to be elected by the student body, or any subset of the student body.

- (f) Appointing [all persons] any student, including Student Senators and Justices of the Judicial Court, to student positions on Texas A&M University and System Committees subject to [the approval] confirmation of two-thirds (2/3) of the Student Senate membership present and voting at an announced meeting. Such students appointed and confirmed shall serve in their committee positions in accordance with the statutes.
- (g) Establishing such rules and procedures for the Executive Branch as may be authorized under, and in accordance with, the statutes through a signed executive order amending the Executive Branch By-Laws [as are necessary for the proper functioning of the Executive Branch duties under the Student Government Association Constitution]. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent statute enacted by the Student Senate or a subsequent rule or procedure adopted by the Student Body President authorized under, and in accordance with, the statutes; or it is ruled unconstitutional or contrary to the statutes by the Judicial Court in a case.
- (1) The Student Body President may also issue non-binding proclamations of the opinion the Student Body President by signed executive order that shall expire at the conclusion of each corresponding session of the Student Senate.
- (h) Entering into [a contractual] agreements with [agencies and organizations] entities outside the [University community] Student Government Association subject to [the majority approval] ratification by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting [or the majority approval of the officers of the Senate in the event the Student Senate is in recess]. Such agreements shall have the same effect and legal status under this Constitution as a statute passed by the Student Senate and signed by the Student Body President, but such agreements shall not contradict or alter any provision of this Constitution. All agreements shall be codified into the Student Government Association Code until they are repealed by the Student Body President or expire. [Recess shall be defined as the summer sessions and official University holidays and breaks during the academic year.]
- (i) Reporting to the Student Senate at every regularly scheduled general assembly meeting the status of all enacted [legislation] statutes for the session of the Student Senate [deemed Active by the Internal Affairs committee of the Student Senate], the state of the student body, the operations of the Student Government, and [addressing the Student Senate] for the purpose of answering questions. If unable to attend a general assembly meeting, [he/she] the Student Body President shall [may] send a[n agent to represent him/her] member of the executive cabinet to report to the Student Senate.
- (j) Calling special sessions of the Student Senate if [he/she feels there is just cause] deemed necessary by the Student Body President.
- (k) Presenting a specific vision for the upcoming year [legislative program] to the Student Senate at the first general assembly meeting of the fall academic semester.
- (l) Presiding over the incoming Student Senate until the Speaker of the Senate is elected or delegating this duty to another student. [If the Student Body President will be speaking as a character speaker for a candidate for Speaker of the Senate, he/she must designate another person to preside over the Student Senate.] Whether or not this duty is delegated, the student who presides over the incoming Student Senate until the Speaker of the Senate is elected may not be



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a Student Senator during that meeting of the incoming Student Senate, nor may the student serve as a character witness or speaker for any candidate for Speaker of the Senate.

- (m) The Student Body President shall be ultimately responsible for the lack of timely implementation of any statute [any legislation] enacted by the Student Senate.

~ LEGISLATIVE INTENT REGARDING ARTICLE III ~

Whereas(4a): Article III Section I and Section II Sub-sections (a) to (d) should be amended to reflect common language throughout the Constitution, proper grammar, and clear language in line with the current practices of the Student Senate; and,

Whereas(4b): Article III Section II Sub-Section (e) should be amended to clarify how an outgoing Student Senate transitions to an incoming Student Senate in line with the current practices of the Student Senate; and,

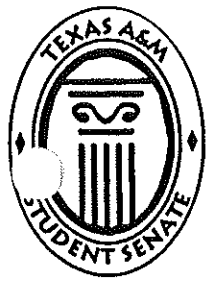
Whereas(4c): Article III Section II Sub-Sections (f) to (h) should be added/amended to clarify who a Student Senator is, what a Student Senator can do (vote/sponsor legislation/debate/make motions), and how many Student Senators must be in attendance to conduct business or discipline other Senators; and,

Whereas(4d): The recall power contained in Article III Section II Sub-Section (f) should be eliminated and moved to a later Article in the Constitution for better organization and readability; and,

Whereas(4e): Article III Section III Sub-Section (a) should be amended to clarify that the Student Senate can enact any statute concerning the Student Government Association that is not expressly forbidden by the text of the Constitution; to clarify that only statutes codified into a common Student Government Association Code do not expire at the conclusion of a session of the Student Senate, in line with present practices; and,

Whereas(4f): Article III Section III Sub-Section (b) should be amended to clarify that resolutions of the Student Senate may be utilized to enact non-binding statements from the Student Senate, in line with present practices, or other Student Senate powers, such as ratification and confirmations; and,

Whereas(4g): Article III Section III Sub-Section (c) should be amended for grammar purposes; and,



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Whereas(4h): Article III Section III Sub-Section (d) should be added to clarify that the Student Senate now has the power, as discussed in Article II above, to create executive and judicial committees, commissions, and other offices, but may only remove them by a vote that is subject to a three-quarters veto override; and,

Whereas(4i): Article III Section III Sub-Section (e) should be amended to clearly articulate what rules and procedures the Student Senate may enact by Senate By-Law, not subject to SBP veto, and to specify that all other rules or procedures relating to the Student Senate are subject to the veto of the SBP; and,

Whereas(4j): Article III Section III Sub-Section (f) should be amended to clarify that the Student Senate alters its apportionment by a bill amending the Student Senate by-laws; and,

Whereas(4k): Article III Section III Sub-Section (g) should be amended to clarify how the Student Senate must fill its vacancies, and to allow the Student Senate by statute to fill its vacancies by special elections conducted by the election commission; and,

Whereas(4l): Article III Section III Sub-Section (h) should be amended to reflect common language throughout the constitution and proper grammar, and to allow the Student Body President the right to explain his veto to the Student Senate to ensure educated decisions are made when overriding a veto; and,

Whereas(4m): Article III Section III Sub-Section (i) should be amended to reflect common language throughout the constitution; and,

Whereas(4n): Article III Section III Sub-Section (j) should be amended to allow the Student Senate to call referendums on statutes, as well as constitutional amendments, subject to certain higher voting restrictions for constitutional amendments, and subject to restrictions on the Student Senate overturning statutes or constitutional amendments adopted in referendums; and,

Whereas(4o): Article III Section III Sub-Section (k) should be struck and moved to a later article in the constitution for better readability and organization; and,

Whereas(4p): Article III Section III Sub-Section (l) should be amended to reflect common language throughout the constitution, and to expand the scope of the survey rule to tuition bills as well as fee bills.



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Let it be
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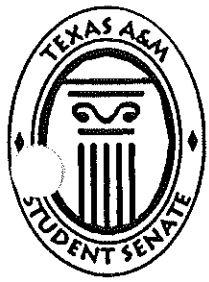
Enacted(4): That Article III of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE III. LEGISLATIVE BRANCH

SECTION I. All legislative powers shall be vested in the Student Senate of the Student Government Association of Texas A&M University. The Student Senate shall be the official [group] body which shall identify student opinion and formulate student policy.

SECTION II. The Student Senate shall be organized in the following manner:

- (a) The Student Senate ~~[, in addition to its officers,]~~ shall be composed of Academic Area, Living Area, and Freshman Senators. Academic Senators shall be elected by a plurality vote from their respective constituencies based upon college representation. Living Area Senators shall be elected by a plurality vote from their respective constituencies based upon their official residence. Academic Area Senators, and Living Area Senators shall be elected during the [S]spring [S]student [Government Association] body [E]elections as provided for by statute. Freshman Senators shall be elected at-large by a plurality vote of the Freshman Class during the [E]fall [S]student [Government Association] body [E]elections as provided for by statute.
- (b) The presiding officer of the Student Senate shall be the Speaker of the Senate, who shall be nominated and elected by a majority vote ~~[from the membership]~~ of the Student Senate membership present and voting at an announced meeting prior to the end of the [S]spring academic [S]semester. The Speaker Pro-Tempore, ~~[and]~~ the Chair of Rules and Regulations, ~~and all other officers of the Senate provided for in the Student Senate By-Laws shall also be nominated and elected by a majority vote [from the membership] of the Student Senate membership present and voting at an announced meeting prior to the end of the [S]spring academic [S]semester.~~
- (1) All officers of the Senate shall remain Student Senators upon their election, but officers of the Senate may be removed from their officer position by a two-thirds (2/3rds) vote of the Student Senate membership present and voting at an announced meeting.
- (c) ~~[All other Senate officers provided for in the By-Laws shall be nominated and elected as provided for in the By-Laws.]~~
- (d) If the Speaker of the Senate is unable to fulfill the duties of office, or upon his or her removal or resignation from office, the Speaker Pro-Tempore shall fulfill those duties until a new Speaker can be elected from the Student Senate membership present and voting at an announced meeting. In the absence of the Speaker Pro-Tempore, such duties shall fall to the Chair of Rules and Regulations [shall preside until a new Speaker can be elected from the membership of the Senate] and then to the remaining officers of the Senate provided for in the Student Senate By-Laws in an order provided for in the Student Senate By-Laws.
- (e) ~~[All Senators shall begin their term of office according to procedures set forth in the By-laws. The Senate session must begin after the results for spring elections are announced but before the end of that semester's final examination period. The session must end before the next session takes office. A Senate shall not be considered to be in session until such time as all the duties and powers listed in Article III, Section III have been transferred to that Senate.] The term of each session of the Student Senate shall begin and end during a final called general assembly meeting during the last fourteen (14) days of the spring academic semester every calendar year. The incoming Student Senate shall not begin its session until the outgoing Student Senate adjourns at~~



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the final called general assembly meeting. Should the outgoing Student Senate fail to make a quorum for longer than twenty (20) consecutive minutes during the final called general assembly meeting, it shall automatically be adjourned. Upon the adjournment of the outgoing Student Senate, the incoming Student Senate shall be transferred all duties and powers vested in the Student Senate under this Constitution, unless otherwise provided for in this Constitution. The incoming Student Senate may, however, after its election, meet in called general assembly meetings prior to the beginning of its session to conduct its officer elections, handle its internal business under the existing Student Senate By-Laws, appoint Senators to and assign legislation to committees, and confirm appointments by the incoming Student Body President.

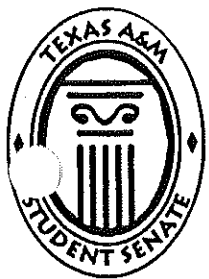
(1) The power of confirmation of Student Body President appointments shall vest immediately to the incoming Student Senate upon its election. Nothing in this Section, however, shall be construed as vesting the power to enact statutes, resolutions, constitutional amendments, or rules and procedures in the Senate By-Laws in the incoming Student Senate until the outgoing Student Senate is adjourned at the final called general assembly meeting.

- (f) The right to vote in a general assembly meeting, special session, or committee meeting affecting bills or resolutions, to sponsor bills and resolutions, to debate in a general assembly meeting or special session, and to make motions in a general assembly meeting or special session shall only extend to Student Senators. A Student Senator's right to vote or to sponsor bills and resolutions may not be infringed, except the primary author/sponsor of a bill or resolution may deny any other Student Senator the right to co-author/sponsor the primary author/sponsor's bill or resolution.
- (g) The term "Student Senate membership" when used in this Constitution shall be defined as Student Senators who have been duly elected or appointed under this Constitution.
- (h) A quorum of a majority of the Student Senate membership shall be necessary to conduct any business at any general assembly meeting or special session under this Constitution, but a lesser amount may discipline those Student Senators who are not in attendance. Such disciplining shall be in accordance with the Senate By-Laws.
- (i) [A recall for any elected member of the Student Senate may be called for by a member of his/her constituency for not upholding his-her office by an official petition form from the Student Government office, signed by ten percent (10%) of his/her constituency or three hundred students in his/her constituency, whichever is smaller. An official petition shall contain the date of issuance of the petition, the signatures, and the last four digits of the signers' UINs. The petition must be returned within ten (10) class days from the date of issuance to the Student Government office and presented to the Student Body President. After the validity of the necessary signatures is verified, the Student Body President shall call a recall election within ten (10) class days after receiving the verified petition. If the recall is passed by a majority vote of the constituency voting in the election, the position will be declared vacant.]

SECTION III.

The duties and powers of the Student Senate shall ~~[be to]~~ include:

- (a) Enacting all [measures] statutes necessary [and proper] for the general welfare of the student body in accordance with this Constitution. Enacting all statutes which shall be necessary for carrying into execution all duties and powers vested by this Constitution in the Executive Branch, the Legislative Branch, the Judicial Branch, or in any other entity of the Student Government Association. The Student Senate shall also have power to enact all statutes necessary for carrying into execution any duty or power delegated or assigned to any entity of the Student Government Association by any entity outside the Student Government Association, including duties and powers vested in the "student government" of Texas A&M University under Texas state law.
- (1) A "statute" shall be defined as a rule, regulation, procedure, policy, or statement of the official opinion of the student body enacted by the Student Senate by bill, or enacted by the student body through a referendum petition, that shall be binding on all individuals



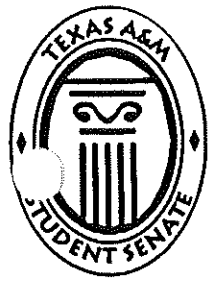
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- interacting with and all branches and entities of the Student Government Association in accordance with this Constitution.
- (2) Codification. All statutes may either be codified into a common Student Government Association Code, or may be uncoded.
- (i) Codified Statutes. Statutes may be codified, but only if the bill or the referendum petition enacting the statute expressly states which portion of the Student Government Association Code is amended, repealed, or created by the statute. Statutes may only be codified into a common Student Government Association Code. The Student Government Association code shall also include copies of this Constitution, the Executive Branch By-Laws, the Judicial Branch By-Laws, the Student Senate By-laws, the Governance Council By-laws, and any other rule or procedure required by statute to be included.
- a. Codified statutes shall not expire unless a provision within the statute provides for its expiration, it is repealed or superseded by a subsequently codified statute, or it is ruled unconstitutional by the Judicial Court in a case.
- (ii) Uncodified Statutes. All other statutes shall automatically expire at the conclusion of each corresponding session of the Student Senate.
- a. Uncodified statutes, however, shall not otherwise expire during the corresponding session of the Student Senate unless the statute provides for its expiration, it is repealed or superseded by any subsequent statute, or it is ruled unconstitutional by the Judicial Court in a case.
- (iii) The Student Senate may, by statute, vest authority in any part of the Legislative Branch or the Executive Branch for maintaining the Student Government Association Code.
- (3) All statutes shall be enacted by bill and a majority vote of the Student Senate membership present and voting at an announced meeting.
- (i) No bill may enact a combination of a statute, constitutional amendment, or rule or procedure.
- (b) Enacting non-binding statements of the opinion of the Student Senate by resolution and a majority vote of the Student Senate membership present and voting at an announced meeting. All non-binding statements of the opinion of the Student Senate shall expire at the conclusion of each corresponding session of the Student Senate.
- (1) The Student Senate may also exercise its power of ratification, confirmation of appointments, impeachment, or any other action authorized under the Student Senate By-Laws by resolution, which shall be binding and shall not expire except when the agreement ratified expires, the term of the office confirmed expires, or the action taken by the Student Senate provides for its own expiration.
- (2) No resolution may exercise more than one power of the Student Senate, except that any resolution may exercise a single power of the Student Senate and enact a non-binding statement of the opinion of the Student Senate.
- (c) Appropriat[e]ing such funds and approv[e]ing such student fees by statute as may be placed at its discretions for such purposes as it may deem of service to the [S]tudent [B]ody.
- (d) Creating, organizing, and removing executive committees, commissions, and other executive offices; legislative branch commissions; and judicial branch committees, commissions, and other judicial branch offices by statute.



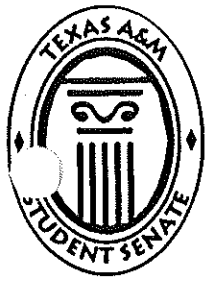
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- (1) A three-fourths (3/4) vote of the Student Senate membership present and voting at an announced meeting shall be necessary to override a veto of the Student Body President on any statute removing a committee, commission, or other office under this Sub-Section.
- (2) All committees, commissions, and other offices previously established by the Student Body President or the Chief Justice as of January 1st, 2012 shall be deemed established by statute until such time as the Student Senate may enact a statute expressly removing or otherwise altering the committee, commission, or other office.
- (e) Establishing such rules and procedures in the Student Senate By-Laws as are necessary [for the proper functioning of] to organize the Student Senate, to organize and govern its proceedings, to discipline its members, and to provide for any other rule or procedure expressly called for by this Constitution by bill and a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent rule or procedure adopted by the Student Senate; or it is ruled unconstitutional by the Judicial Court in a case. [Amend the Student Senate By-Laws by a two-thirds (2/3) vote of the membership present and voting. Amend the Student Government Association Constitution by a two-thirds (2/3) vote of the membership present and voting.]
 - (1) All other rules and procedures relating to the Student Senate or the Legislative Branch may only be enacted by statute.
- (f) Apportioning itself annually in the Student Senate By-Laws by bill. [and] [s]Such apportionment must be in accordance with the provisions of this [e]Constitution and must be approved by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (g) Filling vacancies in the Student Senate membership by appointment in accordance with the Senate By-Laws and subject to confirmation of a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
 - (1) The Student Senate may alternatively, by statute, vest the filling of vacancies in the Student Senate membership with the student body by special election of the vacant Student Senate seat's constituency.
- (h) Overrid[e]ing the veto of the Student Body President on any statute by a two-thirds (2/3) [majority] vote of the Student Senate membership present and voting at an announced meeting. In the case of a constitutional amendment, a three-fourths (3/4) [majority] vote of the Student Senate membership present and voting at an announced meeting is needed to override a Student Body President veto. Any vetoed [legislation] bill is to be automatically placed on the next Student Senate general assembly or special session meeting's agenda and classified as old or unfinished business. The Student Body President shall be granted at least five (5) minutes to explain the reasoning for his or her veto of any statute or constitutional amendment immediately preceding the Student Senate's consideration of whether to override the Student Body President's veto.
- (i) Special Sessions may be called by the Student Body President, the Speaker of the [Student] Senate, or by a petition to the Speaker, signed by one-third (1/3) of the Student Senate membership [voting members of the Student Senate. Procedures by which the Student Senate may call a Special Session are stated in the Student Senate By-laws].
- (j) Calling a general referendum of the [S]tudent [B]ody by bill and a majority vote of the Student Senate membership present and voting at an announced meeting in order to render a decision regarding a proposed [legislation] statute. Calling a general referendum of the student body by bill and a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting in order to render a decision regarding a proposed constitutional amendment. No bill may present both a constitutional amendment and a statute to the student body for a decision.



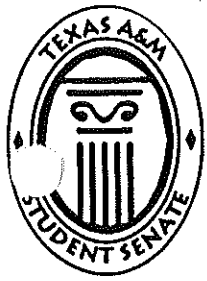
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- (1) Proposed statutes, if approved of by a majority vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
 - (i) Such statutes shall not expire or be altered, if codified into the Student Government Association Code, unless they provide for their own expiration, they are repealed or amended by a later codified statute enacted by the Student Senate at least one (1) calendar year after the referendum enacting the statute, or unless the repeal or amendment occurs through any later referendum.
 - (ii) Any statute approved of in a referendum, but not codified into the Student Government Association Code, shall automatically expire at the conclusion of the corresponding session of the Student Senate, but may not be altered by any statute enacted by the Student Senate during the corresponding session of the Student Senate.
 - (2) Proposed constitutional amendments, if approved of by a two-thirds (2/3) vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
 - (i) Such constitutional amendments may not be repealed or amended by the Student Senate until at least one (1) calendar year after the referendum enacting the constitutional amendment, unless the repeal or amendment occurs through any later referendum.
 - (3) Nothing in this Sub-Section shall be construed as allowing the Student Body President to veto any bill calling for a referendum of the student body on any proposed statute or constitutional amendment.
- (k) ~~[The student body shall have the power to enact measures independent of the Senate in the form of an initiative petition or a referendum petition containing the signatures of ten percent (10%) of the student body. The petition shall be issued from the Student Government Association office, and must be completed ten (10) days after the issuance of the petition. The petition shall contain the date of issuance, the signatures, the last four digits of the signers' UINs, and the specific initiative to be addressed or referendum question to be asked. To ensure a scientific assessment of student opinion, the petitioner shall consult with the Chief Justice of the Student Government Association and one of the many experts on scientific polling found on campus about the wording of the Referendum Question before the petition is issued. The Referendum Question is to be clearly presented to petition signers throughout the ten (10) class day petition period. In the case of an initiative petition, the measure shall be held within fifteen (15) class days after the presentation of the petition to the Student Body President. In the case of a referendum petition, the referendum shall be included in the next general Student Body Election as governed by the Election Regulations. In the event that the next general election will not present a timely response, the petitioner may request a special referendum election to be held within fifteen (15) days after the presentation of the petition. The results of the referendum shall be implemented by the Student Body President.]~~
- (l) ~~[The Student Senate shall pass no legislation expressing the Student Body's or Student Government's opinion on any fee without the input of at least one half of one percent (.005) of the Student Body. The results of this information shall be presented to the Student Senate no later than the second reading of the legislation. The Student Senate may not require student input on fee legislation in the event that three-quarters (3/4) of those present and voting consider the legislation as emergency fee legislation.]~~



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~ LEGISLATIVE INTENT REGARDING ARTICLE IV ~

Whereas(5a): Article IV Section I should be amended to clearly designate how far the power of the Judicial Branch extends, to only cases between students and members of the Student Government Association regarding the organization's governing documents, rather than all "conflicts" between SGA members, which is an ambiguous term; and,

Whereas(5b): Article IV Section II Sub-Sections (a) to (c) should be amended to reflect a modern judiciary, including a set number of justices appointed by the Student Body President to permanent terms starting in the 65th Session, ensuring the independence of the judiciary. The previous appointment system should be removed because its voting make-up (SBP, Speaker, and the RR Chair) allowed the Student Senate to effectively appoint the Chief Justice and because the Student Body President already is the individual with appointment power; and,

Whereas(5c): Article IV Section II Sub-Section (d) should be amended to allow the Student Body President to appoint the Chief Justice every session of the Student Senate, to ensure that the SBP can impact the make-up of the court in at least some manner every session, and to allow the Chief Justice to appoint a Vice Chief Justice and other offices in the judicial branch established by the Student Senate; and,

Whereas(5d): Article IV Section II Sub-Section (e) should be amended to provide for a vacancy procedure for the Justices of the Judicial Court in line with the Student Body President's new power to appoint the justices; and,

Whereas(5e): Article IV Section II Sub-Section (f) should be amended to clarify the number of justices necessary to hear cases and discipline other justices; and,

Whereas(5f): Article IV Section III Sub-Section (a) should be amended to clarify the process for the Judicial Court to rule on cases filed by students; and,

Whereas(5g): Article IV Section III Sub-Section (b) should be amended to place all judicial orders amending the judicial branch by-laws underneath the statutes of the senate to avoid any confusion or ambiguity about what judicial orders the Judicial Court can enact; it is recommended that the statute later passed by the Student Senate allow the Judicial Court to enact any rule or procedure that does not otherwise conflict with the statutes passed by the Student Senate and signed by the Student Body President, or some similar flexible wording; and,



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Whereas(5h): Article IV Section III Sub-Section (c) should be amended to clearly designate the language to be used when administering the oath of office, which individuals the oath must be taken by, and which individuals can give the oath of office; and,

Whereas(5i): Article IV Section III Sub-Section (d) should be amended to clarify how and when the Judicial Court may declare a statute or other rule or procedure (branch by-laws and rules enacted pursuant to a statute) as unconstitutional, and to prohibit the Judicial Court from ruling on cases by using the preamble or the “spirit of the constitution,” two potential ruling methods that can be abused; and,

Whereas(5j): Article IV Section III Sub-Sections (e) to (g) should be amended to eliminate unnecessary clauses, clarify language, and ensure that the Judicial Court does not imply that it has the power to order money damages from individuals sued in the Judicial Court, unless the Student Senate and the Student Body President, through a signed statute, say so.

**Let it be
Further**

Enacted(5): That Article IV of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE IV. JUDICIAL BRANCH

SECTION I. All judicial powers shall be vested in the Judicial Court of the Student Government Association of Texas A&M University.

- (a) The powers of the Judicial Court shall extend to any case between any student and any member of the Student Government Association in regards to: this Constitution; any statute; any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute; or any action or inaction authorized by the same.

SECTION II. The Judicial Court shall be organized in the following manner:

- (a) ~~[The Judicial Court shall consist of a Chief Justice and eight (8) Associate Justices as follows:]~~ The term of each Judicial Court shall last as long as its corresponding session of the Student Senate. The Judicial Court shall only be in session during the fall and spring academic semesters, and the Judicial Court may not hear cases or conduct any other official business on university holidays.
- (1) ~~One (1) Freshman~~
 - (2) ~~One (1) Sophomore~~
 - (3) ~~One (1) Junior~~
 - (4) ~~One (1) Senior~~
 - (5) ~~Four (4) At-Large Members]~~
- (b) ~~[There shall be four (4) Alternate Justices as follows:]~~ The Judicial Court shall consist of nine (9) Justices which shall occupy seats numbered by the Student Body President by April 1st, 2012.
- (1) ~~One (1) Freshman~~
 - (2) ~~One (1) Sophomore~~



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- (3) ~~One (1) Junior~~
(4) ~~One (1) Senior]~~
- (c) ~~[In the event that this exact demographic is unmet due to a lack of qualified applicants for a seat, the position shall be filled at the discretion of the Chief Justice.]~~ The Justices of the Judicial Court shall be appointed to serve permanently for as many terms of the Judicial Court as they wish to remain in office, provided that the Justice continues to meet all grade and eligibility requirements for his or her office and is otherwise not removed from office by resignation, by violating the Judicial Court's attendance policy, or by impeachment. Justices shall be appointed by the Student Body President and confirmed by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (1) All Justices of the Judicial Court in office on February 19th, 2012 shall be subject to re-appointment for the next term of the judicial court.
- (2) All Justices of the Judicial Court in office on February 19th, 2012 shall remain in office until the conclusion of the 64th Session of the Student Senate, unless they are impeached, resign, violate the Judicial Court's attendance policy, or violate the grade policy contained in this Constitution.
- (d) ~~[The Chief Justice shall be appointed by a committee consisting of the Student Body President, the Speaker of the Senate, and the Chair of the Rules and Regulations committee as voting members, and a Justice of the previous Judicial Court not applying for the position as a non-voting member. The appointee must be approved by two-thirds (2/3) of the Student Senate present and voting at an announced meeting. The Chair of Rules and Regulations shall serve as chair of this committee and votes in case of a tie. The Chief Justice must have previously served on the Judicial Court. In the case that no applicants meet this qualification, it is at the discretion of the committee to select an appropriate Chief Justice. The Chief Justice is to be sworn into office by the previous Chief Justice or available Justice of the previous Court. If the action cannot be carried out by a Justice of the Court, the Speaker of the Senate can administer the oath of office.]~~ The Student Body President shall appoint the Chief Justice for his or her corresponding term of the Judicial Court from among the Justices of the Judicial Court for that session subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (1) The office of Chief Justice shall be subject to re-appointment for each subsequent term of the Judicial Court.
- (2) The Chief Justice shall appoint a Vice Chief Justice from among the Justices of the Judicial Court to advise and assist the Chief Justice on performing the Chief Justice's duties and powers under this Constitution or such additional duties and powers of the Chief Justice as may be established by any statute enacted by the Student Senate and noted as delegable or assignable by the particular statute.
- (3) The Vice Chief Justice shall serve at the discretion of the Chief Justice.
- (4) The Chief Justice shall appoint such other officers and members of the Judicial Branch as may be established by the Student Senate by statute, which shall serve in accordance with the statutes, unless the Student Senate, by statute, vests their appointment in the Student Body President, the Vice Chief Justice, or the Justices of the Judicial Court.
- (5) In the event that the Chief Justice vacates the office of Chief Justice, but not the office of Justice of the Judicial Court, the Student Body President shall appoint a new Chief Justice pursuant to this Sub-Section to serve the remainder of the session.
- (i) The Vice Chief Justice shall fulfill the duties of the Chief Justice until a new Chief Justice is selected. Should the Vice Chief Justice be unable to fulfill those duties, the longest tenured Justice shall fulfill the duties of the office, and in the



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event of a tie in tenure, a Justice elected by a majority vote of the Justices of the Judicial Court present and voting at an announced meeting.

- (e) [The Justices of the Judicial Court shall be selected through an application and interview process to be conducted by the Chief Justice. In the event that vacancies arise during the year, the positions shall be filled through an application and interview process conducted by the Chief Justice within fifteen (15) class days of the vacancy. All members of the Judicial Court must be approved by two-thirds (2/3) of the Student Senate present and voting at an announced meeting.] Should a seat on the Judicial Court be vacated, the Student Body President shall appoint a new Justice to fill the seat subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (f) A quorum of a majority of the Justices of the Judicial Court shall be necessary to hear any case, but a lesser amount may discipline those Justices of the Judicial Court who are not in attendance. Such disciplining shall be in accordance with the statutes or any Judicial Branch By-Law authorized under, and in accordance with, the statutes.
- (g) [The terms of the members of the Court shall be one year.
- (h) In the event that the position of Chief Justice becomes vacant, a senior Justice shall call a meeting of the Judicial Court to elect a Chief Justice from the present members. A majority vote of the Justices present and voting shall be necessary to elect a new Chief Justice. The new Chief Justice must be approved by two-thirds (2/3) of the members of the Student Senate present and voting at an announced meeting within fifteen (15) class days of the vacancy.]

SECTION III.

The duties and powers of the Judicial Court shall include:

- (a) [Certifying within three (3) class days, the results of all elections and referendums.] Ruling on any case by a majority vote of the Justices of the Judicial Court hearing the case. All rulings shall be accompanied by, at minimum, a majority opinion stating the ruling, the judgment imposed, and the reasoning of the majority. Rulings may also be accompanied by the reasoning of any plurality, concurring, or dissenting opinions in whole or in part. All opinions shall also, at minimum, clearly designate the names and signatures of the Justices of the Judicial Court joining the particular opinion, the name(s) of the parties, and the date and time of the decision.
- (b) Establishing such rules and procedures for the Judicial Branch as may be authorized under, and in accordance with, the statutes through [by] a two-thirds (2/3) [majority] vote of the Justices of the Judicial Court signing a judicial order amending the Judicial Branch By-Laws [- such rules and procedures as are necessary for the proper functioning of their duties under the Student Government Association Constitution]. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent statute enacted by the Student Senate or a subsequent rule or procedure adopted by the Judicial Court authorized under, and in accordance with, the statutes; or it is ruled unconstitutional or contrary to the statutes by the Judicial Court in a case.
- (1) Notwithstanding Sub-Section (b) above, the Judicial Court shall retain the sole power to establish rules and procedures in the Judicial Branch By-Laws governing the following specifically enumerated topics:
- (i) The Judicial Court's closed internal deliberations after hearings are concluded; and,
- (ii) The Judicial Court's internal officer positions occupied by Justices of the Judicial Court (i.e., finance chair, chaplain, treasurer, etc...).
- (2) The establishment of any rule or procedure listed in Sub-Division (1) above, however must still be accomplished through a process and document in accordance with the Constitution and the statutes.



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- (3) No statute, nor any rule or procedure in the Judicial Branch By-Laws, enacted or established after a case is pending before the Judicial Court may apply to that particular case, its hearings, or its re-hearings.
- (4) Any statute regulating the rules of procedure or evidence for hearings shall be enacted by a two-thirds (2/3) majority vote of the Student Senate membership present and voting at an announced meeting and shall be subject to a three-fourths (3/4) veto override by the Student Senate.
- (c) [Preside, represented] Administering the oath of office, [by] through its Chief Justice or designated Justice of the Judicial Court by the Chief Justice, at the swearing in of all members of the Student Government Association [offices] that require Student Senate [approval] confirmation, the Student Body President, Student Senators, the Justices of the Judicial Court, and any other member of the Student Government Association the Student Senate may, by statute, require the oath of office to be administered to. Should no Justice of the Judicial Court be available to administer the oath of office, the Student Body President may administer the oath of office, then the Speaker of the Senate, then any Student Senator appointed for such purposes by the Student Senate, and then the Student Government Association Advisors.
 - (1) The oath of office shall be as follows: "I (state your name) do solemnly swear (or affirm) to faithfully execute to the best of my ability the duties of the office of (state your office) for the Texas A&M University Student Government Association; to uphold the honor of the same; at all times to protect the welfare of the student body; and to promote good relations between the students and those concerned with the University."
 - (2) No individual enumerated in this Sub-Section may exercise any power under this Constitution, any statute enacted by the Student Senate, or any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, except after taking the oath of office under this Sub-Section.
- (d) [Interpreting the Constitution and Branch By-Laws and Senate Legislation] Declaring by binding judicial order that: any statute; any rule or procedure enacted pursuant to this Constitution or rule or procedure enacted pursuant to any statute; or any action or inaction authorized by the same; is repugnant to this Constitution, should such issue arise in a case. However, such declaration shall include, in writing, the express provision of this Constitution which shall be in conflict.
 - (1) The preamble of this Constitution shall not be considered in determining whether any of the preceding are repugnant to this Constitution.
 - (2) The Judicial Court shall in all cases rule: any statute; any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute; or any action or inaction authorized by the same; as constitutional if any provision of this Constitution authorizes it and no provision of this Constitution prohibits it.
 - (3) Nothing in this Article shall be construed, however, as vesting in the Judicial Court the power to compel the Student Body President, the Student Senate, any other entity of the Student Government Association, or the student body to exercise any un-qualified discretionary power expressly listed under this Constitution, including, but not limited to, compelling the Student Senate to enact any statute, rule or procedure, or constitutional amendment unless this Constitution expressly requires the Student Senate to do so; to impeach, remove, or otherwise discipline any individual; to ratify any agreement entered into by the Student Body President; or to confirm any nominee.
- (e) In the event of a vacancy in the office of Student Body President, the [Judicial Board] Chief Justice [is] shall be responsible for notifying the officer next in the line of succession.
- (f) [Allowing the Chief Justice to answer questions and provide clarifications during Senate meetings; and to ensure the governing documents of the Student Government Association are followed



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~~correctly.]~~ The Judicial Court shall not have authority to order money damages or monetary fines unless authorized by statute and only in accordance with the statutes.

- (g) ~~[Ruling on any conflicts that arise concerning Student Government, its member groups, or its members which are not resolved through the normal methods, activities, or policies of those involved in conflict.]~~

~ LEGISLATIVE INTENT REGARDING ARTICLE V ~

Whereas(6a): Article V should be amended to ensure common language is used throughout the constitution, and to allow the Governance Council to enact by-laws authorized by the statutes of the senate, in line with the Executive Branch and the Judicial Court.

Let it be
Further

Enacted(6): That Article V of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE V. GOVERNANCE COUNCIL

SECTION I. The Governance Council shall be composed of members from all branches of the Student Government Association.

SECTION II. Membership

- (a) The ~~[Senate Officers]~~ officers of the Senate shall each hold a voting seat on the Governance Council.
- (b) The Student Body President and the members of the ~~[E]xecutive [C]ouncil~~ cabinet selected by the Student Body President shall hold voting seats on the Governance Council such that the number of seats held by the Executive Branch does not exceed the number held by the Legislative Branch.
- (c) The Chief Justice of the Judicial Court shall hold a voting seat on the Governance Council.

SECTION III. The duties and powers of the Governance Council shall ~~[be to]~~ include:

- (a) ~~[Establish a vision for the Student Government Association which will allow the appropriate branches to formulate goals to implement that vision.]~~
- (b) Provid[e]ing a forum for communication between leaders of the branches.
- (c) Working cooperatively between branches to implement ~~[policy initiatives]~~ statutes and constitutional amendments ~~[passed]~~ enacted by the Student Senate or by the student body in a referendum.
- (d) Establishing such rules and procedures for the Governance Council as may be authorized under, and in accordance with, the statutes through a majority vote of the voting members of the Governance Council signing a council order amending the Governance Council By-Laws. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent statute enacted by the Student Senate or a subsequent rule or procedure adopted by the Governance Council authorized under, and in accordance with, the statutes; or it is ruled unconstitutional or contrary to the statutes by the Judicial Court in a case.



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~ LEGISLATIVE INTENT REGARDING ARTICLE VI ~

Whereas(7a): Article VI should be amended to reflect a necessary grammar change and common language throughout the constitution; and,

Whereas(7b): Article VI Section II (“Performance Review”) should be removed because members of the executive cabinet should serve at the discretion of the Student Body President, who can be impeached if he or she fails to adequately monitor his or her staff, and because the current performance review system allows four Student Senators (one complainant, the Speaker, the RR Chair, and the Speaker Pro-Tempore) to effectively remove any cabinet member because the Student Senate has a majority of the voting seats on a performance review committee; and,

Whereas(7c): Article VI Section II (“Performance Review”) should be removed because committee chairs will now serve in accordance with the statutes, which arguably could provide for a statutory performance review if absolutely necessary.

**Let it be
Further**

Enacted(7): That Article VI Section I of the Student Government Association Constitution is amended to read as follows, and Article VI Section II of the Student Government Association Constitution (“Performance Review”) is removed; and,

ARTICLE VI. REMOVAL PROCEDURES

SECTION I. Impeachment

- (a) The Student Senate shall have the sole power to impeach any Senator, Justice of the Judicial Court, or the Student Body President, for failure to uphold the duties or honor of his or her office. Impeachment shall require a three-fourths (3/4) vote of the Student Senate membership present and voting at an announced meeting. Any individual impeached shall be removed from office and the office declared vacant if the individual does not appeal his or her impeachment within the time period enumerated in Sub-Section (b) or, if the individual appeals, the impeachment is upheld by a ruling of the Judicial Court; a vote for impeachment shall also be considered a trial for impeachment.
- (b) The impeached individual has the right to appeal the Senate’s ruling to the Judicial Court within forty-eight (48) hours of the conclusion of the impeachment trial. The Judicial Court shall issue a ruling within ~~one~~ seven (~~1~~7) ~~week~~ days of their receipt of the appeal ~~of~~ if the decision based only on whether the procedure, as enumerated in the Student Senate By-Laws, was followed substantially correctly. The Judicial Court shall not rule on the merits of the case, and shall ignore any error it finds harmless to the rights of the individual impeached by the Student Senate.



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- (c) The Student Senate may further bar any individual impeached by the Student Senate from holding any office under the Student Government Association or any office whose election is conducted by the Student Government Association under the statutes for a specified or unspecified period of time by a three-quarters (3/4) vote of the Student Senate membership present and voting at an announced meeting.

SECTION II. Attendance Policies

- (a) The Student Senate may adopt an attendance policy in the Student Senate By-Laws for the purpose of disciplining Student Senators for failure to attend proceedings and meetings of the Student Senate, its committees, or the Governance Council's meetings.
- (1) A Student Senator may be automatically removed from office for violating the Student Senate's attendance policy under this Sub-Section.
- (b) The Judicial Court may adopt an attendance policy in the Judicial Branch By-Laws for the purpose of disciplining Justices of the Judicial Court for failure to attend hearings, other official meetings of the Judicial Court, or the Governance Council's meetings.
- (1) A Justice of the Judicial Court may be automatically removed from office for violating the Judicial Court's attendance policy under this Sub-Section.

~ LEGISLATIVE INTENT REGARDING ARTICLE VII ~

Whereas(8a): Article VII Section I should be amended to reflect common language throughout the constitution; and,

Whereas(8b): Article VII Section II should be amended to apply a common grade policy to all members of the Student Government Association, regardless of position or title, ensuring that all students have a fair and equal opportunity to serve in the Student Senate, the Executive Branch, and the Judicial Court, regardless of their particular academic performance, so long as they pass their classes and meet other university requirements.

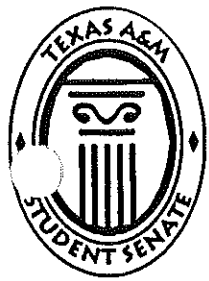
Let it be
Further

Enacted(8): That Article VII of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE VII. GRADE POLICY

SECTION I. All members of the Student Government Association shall:

- (a) Have at least a 2.00 overall grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students at the time of the election, selection, or appointment. Post at least a 2.00 grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students for the semester prior to the election, selection, or appointment. Post at least a 2.00 grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students for the regular semester during the term of office.



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- (b) Be in good standing with the University and enrolled in at least six (6) credit hours in a [regular] fall or spring academic semester during the term of office. If the student is enrolled in the Blinn TEAM program, they must meet the stipulations outlined in Student Rule 41.2.2.1 or such equivalent student rules governing the Blinn TEAM program.
- (c) Students enrolled in the Blinn TEAM program are also eligible to hold office as long as the student is meeting all applicable Blinn TEAM requirements and is in good standing with the program.
- (d) Be removed from office in accordance with the statutes should the student fail to maintain the above requirements.

SECTION II.

~~[The Student Senate shall have the power to provide additional grade requirements by statute beyond the minimum established in this Article for the Student Body President and offices in his Executive Cabinet, and all offices in the Legislative and Judicial Branches] There shall be no additional grade requirements for any member of the Student Government Association beyond those provided in this Article.~~

- (a) ~~[Any statute altering grade requirements pursuant to this section of the Constitution shall not take effect until two calendar years has passed since the enactment of that Statute.~~
- (b) ~~All additional grade requirements for any office in the Student Government Association previously established in the Executive Branch By Laws, Judicial Branch By Laws, or Student Senate By Laws, shall remain in force until the Student Senate enacts a statute governing the particular office's additional grade requirements, and the particular statute takes force under sub-section (a).]~~

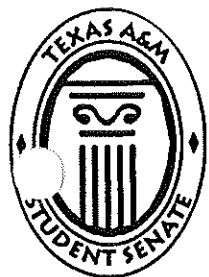
~ LEGISLATIVE INTENT REGARDING ARTICLE VIII ~

Whereas(9a): Article VIII Section I should be amended to clarify that monies under the control of the Student Government Association should be able to be spent by the authorized members of the Student Government Association without interference by advisors, unless the spending violates university rules and procedures; and,

Whereas(9b): Article VIII Section II should be amended to place all monies donated to the entirety of the Student Government Association, including the brick endowment, under the control of the Student Senate's appropriation power, rather than the control of the Student Body President to executively distribute; and,

Whereas(9c): Article VIII Section III should be amended to ensure common language is used throughout the constitution, to clarify the budgetary process, and to provide for a common fiscal year between the university and the Student Government Association; and,

Whereas(9d): Article VIII Section III Sub-Section (c) should be added to include a line-item veto power for the Student Body President in budget bills to allow the Student



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Body President to veto only certain spending items without being forced to veto the entirety of the budget bill; and,

Whereas(9e): It is the intention of the amendment authors that the term “budget bill” be construed to mean any appropriation of student fee money by the Student Senate through a statute, and not just the annual SGA budget.

**Let it be
Further**

Enacted(9): That Article VIII of the Student Government Association Constitution is amended to read as follows; and,

ARTICLE VIII. FINANCES

SECTION I.

All monies belonging to this organization shall be deposited and disbursed through a bank account established for this organization at the [MSC] Student Organization Finance Center and/or the Fiscal Office. All funds must be deposited within 24 hours after collection. The advisor to this organization must approve and sign each expenditure before payment.

SECTION II.

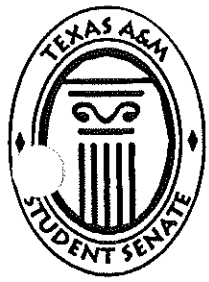
All monies or property donated or allocated to the Student Government Association as a single entity shall be under the exclusive control of the Student Senate and its power of appropriation and regulation by statute.

- (a) The Student Senate, however, shall not have power to appropriate or confiscate those monies or property donated to individual entities of the Student Government Association, but the Student Senate shall have power to regulate their use by the particular entity by statute. Additionally, should any individual entity of the Student Government Association cease to exist, its monies and properties shall be placed under the exclusive control of the Student Senate and its power of appropriation and regulation by statute.
- (b) This Section shall apply prospectively to all monies or property donated or allocated to any entity of the Student Government Association or the Student Government Association as a single entity after February 19th, 2012, except that those monies previously donated to the SGA Endowment shall be subject to the provisions of this Section retroactively.

SECTION III.

The Student Government Association Budgetary Process

- (a) [The Vice President of Finance, in consultation with t] The Student Body President, or a member of the executive cabinet assigned for this purpose by the Student Body President, [will] shall be responsible for the initial formulation of the Student Government Association budget in accordance with the statutes.
- (b) The budget [will] shall then be considered, amended, and approved by the Student Senate [according to the Student Senate bylaws] through its power of appropriation and regulation by statute in a bill.
- (c) Line Item Veto. The Student Body President’s veto power shall extend to any line item or set of line items in any budget bill at his discretion in accordance with this Constitution. The Student Senate may vote on each individual line item when considering whether to override the Student Body President’s veto. Such line items as may not be vetoed by the Student Body President shall pass into effect in accordance with this Constitution.



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- (d) The Student Government Association fiscal year ~~[will] shall~~ be ~~[from November 1st to October 31st]~~ in accordance with the fiscal year for Texas A&M University. If a budget is not approved ~~[by either October 31st or]~~ by the conclusion of the fifth Student Senate ~~[G]general [A]assembly meeting [in] during the [F]fall academic semester~~, the budget for the previous year ~~[will] shall~~ be automatically adopted. If the amount distributed that year is less than the previously adopted budget, then the amount ~~[will] shall~~ be distributed proportionally based on the previous year's budget.

~ LEGISLATIVE INTENT REGARDING ARTICLE IX ~

Whereas(10a): Article IX should be amended to clarify that SGA Advisors serve to advise the members of the Student Government Association on performing their duties, to ensure that university rules and procedures are complied with, but not to exercise authority under the Student Government Association Constitution, which is reserved to students duly elected or appointed under the constitution; and,

Whereas(10b): The Student Senate is aware that SGA Advisors possess authority independent of the SGA Constitution under university policies and practices, which are beyond the purview of the Student Senate and which are arguably not affected by language in the SGA Constitution; and,

**Let it be
Further**

Enacted(10): That Article IX of the Student Government Association Constitution is amended to read as follows; and,

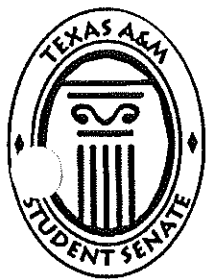
ARTICLE IX. ADVISORS

SECTION I.

The Student Government Association Advisors shall provide guidance to all areas of the organization. The advisors ~~[will] shall~~ provide financial and organizational advice as well as ensure compliance with all Texas A&M University [Student Rules] rules and procedures, but not this Constitution, the statutes, or any other rule or procedure established pursuant to this Constitution or any other rule or procedure established pursuant to any statute. The advisors ~~[will] shall~~ meet regularly with the Student Body President ~~[and executive branch, the Student Senate and its leadership, and the Governance Council]~~, members of the executive cabinet, committee chairs, commissioners, the Chief Justice, and the officers of the Student Senate. The advisors ~~[will] shall~~ meet with the other entities of the organization as ~~[needed] the advisors deem necessary~~.

SECTION II.

The advisors shall not be vested any duty, power, or decision making authority by any entity of the Student Government Association, by any statute, or by any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, other than expressly provided for in this Constitution.



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Speaker of the Senate

~ LEGISLATIVE INTENT REGARDING ARTICLE X ~

Whereas(11a): A new Article X is necessary to catalog and display the various powers and rights of the student body when interacting with their Student Government Association; and,

Whereas(11b): Article X Section I should be added to include the various recall and referendum powers of the student body that presently exist under the constitution, with only minor changes in numbering and wording to ensure common language in the constitution and common effects of statutes and constitutional amendments adopted in referendums called by students, or the Student Senate; and,

Whereas(11c): Article X Section II should be added to reflect the same anti-discrimination clause that was present in Article I; and,

Whereas(11d): Article X Section III should be added to ensure that all students enjoy the right to vote and participate in referendums; and,

Whereas(11e): Article X Section IV should be added to ensure that all students enjoy the right to have fair trials, fair proceedings, and fairly applied statutes between different categories of students; and,

Whereas(11f): Article X Section V should be added to ensure that all students enjoy the right to be free of excessive fines, including election fines, and excessive punishments, including removals for petty-violations; and,

Whereas(11i): Article X Section VI should be added to ensure that all students enjoy the right to public trials before the Judicial Court, sufficient notice of judicial court cases, the right to cross-examine witnesses brought against them, and other judicial process. These rights are particularly important in election violation cases; and,

Whereas(11j): Article X Section VII should be added to ensure that any compensation given to members of the Student Government Association in the future is done with the approval of the student body, unless it is a scholarship not paid out of student fees; and,

Whereas(11k): Article X Section VIII should be added to ensure that the Student Senate, Student Body President, Chief Justice, and the student body can remove individuals they have the sole power to remove without having to fear violating the provisions of this Article; and,



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Whereas(11): Other rights were not included because the Student Government Association is not likely to impact those rights.

Let it be
Further

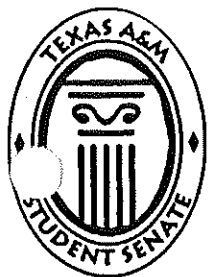
Enacted(11): That Article X of the Student Government Association Constitution is renumbered to Article XI and a new Article X is added to read as follows; and,

ARTICLE X. THE POWERS AND RIGHTS OF THE STUDENT BODY

SECTION I.

The student body's power of referendum and recall petitions.

- (a) The student body shall have the power to enact statutes independent of the Student Senate in the form of a referendum petition containing the signatures of at least five thousand (5,000) students. Such statutes, if approved of by a majority vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
- (1) Such statutes shall not expire or be altered, if codified into the Student Government Association Code, unless they provide for their own expiration, unless they are repealed or amended by a later codified statute enacted by the Student Senate at least one (1) calendar year after the referendum enacting the statute, or unless they are repealed or amended by any later referendum.
- (2) Any statute approved of in a referendum, but not codified into the Student Government Association Code, shall automatically expire at the conclusion of the corresponding session of the Student Senate, but may not be altered by any statute enacted by the Student Senate during the corresponding session of the Student Senate.
- (b) The student body shall have the power to amend this constitution independent of the Student Senate in the form of a referendum petition containing the signatures of at least seven thousand and five hundred (7,500) students. Such constitutional amendments, if approved of by a two-thirds (2/3) vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
- (1) Such constitutional amendments may not be repealed or amended by the Student Senate until at least one (1) calendar year after the referendum enacting the constitutional amendment, unless the repeal or amendment occurs through any later referendum.
- (c) The student body shall have the power to call for a recall vote on any Student Senator in the form of a recall petition containing the signatures of at least ten percent (10%) or one hundred and fifty (150) students in the particular Student Senator's constituency, whichever is larger. Only one (1) Student Senator may be the subject of any one (1) recall petition, and a Student Senator may be the subject of a completed recall petition only once per any session of the Student Senate. The Student Senator shall be removed from office if two-thirds (2/3) of his or her constituency voting in an announced constituency wide student body election vote for his or her removal. Any Student Senator removed from office by recall may not be appointed to any Student Senator vacancy in the corresponding session of the Student Senate.
- (d) A referendum petition may only relate to either enacting a statute or a constitutional amendment, and may not relate to a combination thereof. A recall petition may only relate to a Student Senator. All referendum petitions shall include the exact items to be enacted in Senate bill format, and all recall petitions shall clearly note the individual subject to the recall. All information

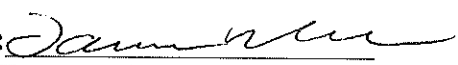


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Speaker of the Senate

contained within a petition shall be made available for review by any student who is requested to sign the petition.

(e) All petitions must be turned in within fourteen (14) days of their issuance to the Chief Justice of the Judicial Court. The Chief Justice shall certify the signatures on the petition no later than fourteen (14) days after receipt of the petition, whereupon it shall be deemed complete by the Chief Justice if the required number of signatures are certified as accurate.

(f) A student body wide vote on any completed referendum petition shall be held during the next general student body election as provided for by statute, so long as the referendum petition is deemed complete by the Chief Justice within seven (7) days prior to the particular election.

(1) The petitioner may request for the vote on any completed referendum petition to be held earlier than the next general student body election should the referendum petition fail to meet this timing requirement or the issue necessitate a quicker vote at the petitioner's discretion. This request shall be filed with the Speaker of the Senate at least one (1) day before a regularly scheduled general assembly meeting or special session of the Student Senate, and must be confirmed by a majority vote of the Student Senate membership present and voting at the Student Senate general assembly meeting or special session immediately following the request by the petitioner. Should the request be confirmed, the vote on the referendum petition shall be taken no later than twenty-eight (28) days after confirmation, but no earlier than seven (7) days after confirmation.

(g) A vote of the particular Student Senator's constituency on any completed recall petition shall be held, in all cases, no later than twenty-eight (28) days after it is deemed complete, but no earlier than seven (7) days after it is deemed complete.

(h) This Section shall not be construed as to deprive the Student Senate from providing further regulations by statute for the initiation, distribution, format, qualification of an effective signature, and certification of signatures for any petition as well as the operations of the student body vote for any petition.

SECTION II. The student body's right to be free of discrimination.

(a) The Student Government shall not discriminate against, nor give preferential treatment to, any person on the basis of race, color, national or ethnic origin, religion, sex, gender, disability, age, sexual orientation, or veteran status, prohibiting discrimination based on these factors in any and all forms.

SECTION III. The student body's right to vote.

(a) The right to vote, to participate in petitions, referendums, or recalls shall extend to any student, and shall not be infringed on any other basis.

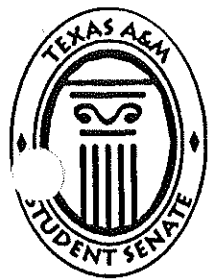
SECTION IV. The student body's right to fair process of law.

(a) The liberty, rights, and privileges of any student shall not be deprived except by fair process of law. Each student shall have equal protection of the statutes, but such equal protection of groupings of students shall only be deemed unconstitutional if arbitrary and capricious.

SECTION V. The student body's right to be free of excessive punishments or fines.

(a) Excessive punishments or fines shall not be imposed under the statutes, under the rules or procedures, or by the Judicial Court; nor shall any student be put in jeopardy of adjudication of his rights in a case before the Judicial Court twice for the same offense; nor shall any student be compelled to be a witness against himself or herself in a case before the Judicial Court.

SECTION VI. The student body's right to a speedy and public trial.



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Tanner Wilson
Speaker of the Senate

(a) In all cases before the Judicial Court, all students shall enjoy the right to a speedy and public trial on the Texas A&M University campus in an announced proceeding with at least seventy-two (72) hour's notice; the right to cross examine witnesses brought against them; the right to be informed of the nature and cause of any accusation; the right to assistance of counsel of their choosing, whether a licensed attorney in the State of Texas or not; and the right to compulsory process for obtaining witnesses in their favor insofar as such process can be reasonably provided for by the power of the Student Government Association.

(1) The Judicial Court may issue a writ of injunction in accordance with the statutes for a period not to exceed thirty (30) days through a hearing with at least twenty-four (24) hour's notice to the party against whom the writ is to be issued.

SECTION VII.

The student body's right to approve all compensation for members of the Student Government Association.

(a) No statute establishing or modifying compensation for any member of the Student Government Association for their official duties, other than through reimbursement of expenditures, shall be valid except upon majority approval by the student body voting in an announced referendum of the student body. Compensation of any member of the Student Government Association for their official duties, including reimbursement of expenditures, must be by statute or pursuant to an appropriation by statute of the Student Senate.

(b) Nothing in this Section shall be construed as prohibiting any member of the Student Government Association from receiving scholarships, grants, or other awards from any entity in consideration directly or indirectly of the individual's service in the Student Government Association. Such scholarships, grants, or other awards, however, may not be funded directly out of student fees.

SECTION VIII.

The limitation of this Article in the context of purely discretionary or disciplinary decisions.

(a) The provisions of this Article, other than those addressing petitions, shall not be construed by the Judicial Court to limit the Student Senate's power to move into executive session, power of impeachment, power to remove officers of the Senate, power to discipline Senators or other members of the Legislative Branch; the Student Body President's power to remove members of the executive cabinet; the Chief Justice's power to remove the Vice Chief Justice; or the student body's power to recall any Student Senator.

~ LEGISLATIVE INTENT REGARDING ARTICLE XI ~

Whereas(12a): Article XI should be amended to ensure common language is used throughout the constitution, and to ensure that bills, resolutions, etc... that were previously passed by other sessions of the Student Senate are expired unless a record of them is contained within the common Student Government Association Code; and,

Whereas(12b): This change is to ensure that there is some degree of finality as to whether the Student Government Association Code reflects all legislative changes made over the years.



The Student Senate

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Tanner Wilson

Tanner Wilson

Speaker of the Senate

Let it be
Further

Enacted(12): That Article XI of the Student Government Association Constitution (previously Article X) is amended to read as follows.

ARTICLE XI. AMENDMENTS

SECTION I.

Amendment of this [~~Student Government~~] Constitution, except as otherwise provided for in this Constitution, must originate in the Student Senate and must pass the Student Senate by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting after being read at least two (2) times at separate announced meetings, and subsequently be signed by the Student Body President. If the Student Body President vetoes the amendment, then the Student Senate can override the veto with a

three-fourths (3/4) vote of the Student Senate membership present and voting at an announced meeting.

SECTION II.

All previous constitutions are null and void, and this [e]Constitution is subject to review by the Department of Student Activities annually and/or when it is amended.

SECTION III.

Notwithstanding any other provision of this Constitution, all bills, resolutions, statutes, or rules or procedures enacted pursuant to this Constitution or rules or procedures enacted pursuant to any statute; previously enacted prior to July 1st, 2011 and not codified into the Student Government Association Code's June 2011 Bound Edition shall be deemed executed or expired.

- (a) This Section shall not apply to any bill, resolution, statute, or rule or procedure enacted pursuant to this Constitution or rule or procedure enacted pursuant to any statute, enacted during the 64th Session of the Student Senate.

~ CLOSING LEGISLATIVE INTENT ~

Whereas(13): The Student Senate realizes that no constitutional change will prevent conflict from occurring in the future regarding the interpretation of the constitution; however, the Student Senate trusts that future generations will continue to exhibit the core values of Texas A&M University, specifically, respect, when resolving future disputes.