

SPRING TERM, 2012

Opinion of the Court

NOTICE: The following document represents the official Opinion of the Baylor University Student Court, and constitutes a binding decision on all parties concerned within the jurisdiction of the Court<sup>1</sup>. This decision, and all concurring or dissenting opinions, will remain on the official record for seven (7) years in accordance with Article IV 3.5.A of the Student Body Constitution.

## **BAYLOR UNIVERSITY STUDENT COURT**

BELL, ET AL. *v.* ROGERS

Argued and Decided April 19, 2012

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By Unanimous Decision

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ON PETITION FOR INJUNCTION

CHIEF JUSTICE LATHAM delivered the opinion of the Court.

Petitioners in the present case introduced a bill before the Student Senate in what was advertised as the last business meeting of the 59<sup>th</sup> Legislative Session, one week before Diadeloso. The Senate passed the bill and Student Body President Zach Rogers issued a veto thereafter. Because the veto occurred subsequent to the last business meeting of the legislative session, and because tradition dictates that newly elected senators would begin their terms—and the next legislative session—at the first meeting following Diadeloso, a constitutional question arose as to whether or not the Student Body President (SBP) was required to call the Senate into special session to resolve the veto before the next legislative session began. Sophomore Senator Stephen Bell filed a claim in this Court seeking an injunction requiring Respondent, SBP Rogers, to call the Senate into special session in order to allow the Senate to debate and attempt to override his veto of Petitioners' bill.

### **DISCUSSION**

The decision before this Court requires dividing the

question into two parts: 1) Does the Student Body Constitution (hereinafter referred to as the “Constitution”) require that any legislation vetoed after the final business meeting of a given legislative period be resolved in special session, and 2) In the absence of clearly defined beginning and ending points for each legislative period—either in the Constitution or in the Senate Bylaws—what is the best definition of a legislative session within the meaning of the Constitution?

### (I)

In answering the first part of the question, we looked to the constitutional provision requiring that all vetoed legislation be returned to the Senate for debate in Art. III § III Par. 1.N. The Constitution clearly states that legislation vetoed by the SBP must be presented to the Senate with “written objections or specific recommendations for revisions,” and that the Senate may either override the veto with a two-thirds vote, accept the revisions or simply sustain the veto. However, it makes no explicit or implicit provision for procedural requirements in the event that a veto is issued after the final business meeting of a legislative session. Complicating matters, it is the view of this Court that the power to call the Senate into special session is a singular prerogative of the SBP. We see no constitutional provision that elevates the SBP’s privilege of calling the Senate into special session to a mandatory requirement. We, therefore, decline to enjoin SBP Rogers to call a special session in order to resolve his veto.

### (II)

As for whether the legislation in question could be considered by the Senate without a special session, we turn to the second part of our analysis. As has been said, the Senate has historically utilized the last meeting of the spring semester to induct new members rather than to conduct business. This tradition has also stipulated that a given legislative session ends at the last Senate meeting before Diadeloso. The Constitution, however, states that a senator’s term of office does not technically end until the *end* of the *last* meeting of the spring semester. Art. V § 4 Par. 2, emphasis added. In our view, a legislative session ought to correspond with a senator’s term of office unless otherwise stipulated in the Constitution or in the Senate Bylaws. Given that no such stipulation exists, we find that the Senate may constitutionally conduct business up until the end of the last meeting of the spring semester. We leave

it, therefore, to the discretion of the Internal Vice President and the Senate Executive Council (also “Senatorial Executive Council”) to establish and execute an agenda for the Senate meeting scheduled for April 26, 2012 in a manner consistent with the Constitution and the Senate Bylaws and not inconsistent with this opinion.

*It is so ordered.*

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ON PETITION FOR INJUNCTION

JUSTICE LEE, concurring.

The Court must answer two questions to decide this case. The first is whether a veto of a bill by the Student Body President (SBP) after the final Senate meeting of the spring semester required a special session of the Senate in order to fulfill Art. III, § III, Par. 1.N of the Student Body Constitution (hereinafter referred to as the “Constitution”), which states that “[i]n the event of a veto, the bill must be returned to the Senate with written objections of specific recommendations for revisions.” The second question asks us to consider when the 59<sup>th</sup> legislative session of Student Senate ends and when the 60<sup>th</sup> legislative session begins. This second question is relevant because if the 59<sup>th</sup> legislative session of Senate has ended, the SBP does not have the privilege of calling a special session of the 59<sup>th</sup> session. Tradition has held that a legislative session of Senate ends at the Senate meeting preceding Diadeloso. This would mean that the SBP does not the option to call a special session of the previous legislative session after this time. However, a closer look at the Constitution leads the Court to conclude otherwise.

The Constitution does not define a starting and ending point for a legislative session. Without a clear constitutional definition of a legislative session, the Court determined that the terms of office for a Senator would define when a legislative session began and ended. Art. V, §

IV of the Constitution, "Terms of Office," is particularly helpful in this regard. Par. 2 states that Senators shall serve "...until the end of the last Senate meeting of the spring semester." As previously mentioned, the Senate meeting in the week preceding Diadeloso is traditionally considered the last Senate meeting of a school year.

Taking the whole of Par. 2 of Art. V, § IV into account, however, this is not so clear. In its entirety, it reads, "[a]ll Student Senate members elected at Diadeloso shall begin their terms of office at the end of the last Senate meeting of the spring semester and shall serve until the end of the last Senate meeting of the spring semester of the succeeding school year." Par. 1 of Art. V, § 4 also states that, "[a]ll Student Senate positions elected in the fall shall begin their terms of office at the first Senate meeting following their election and serve until the end of the last Senate meeting of the spring semester of that academic year." The Court took note of the fact that the exact same language was used to define both when a current Senator's term ended, as well as when a new Senator's term began: "...at the end of the last Senate meeting of the spring semester."

Taking this identical language into account, the Court determined that the end of the 59<sup>th</sup> legislative session and the beginning of the 60<sup>th</sup> are simultaneous events. Therefore, the April 12<sup>th</sup> meeting of the 59<sup>th</sup> legislative session could not constitutionally be "the last Senate meeting of the spring semester," because the new Senators for the 60<sup>th</sup> legislative session had not yet been elected and therefore could not possibly have started their terms. Rather, the last Senate meeting of the Spring 2012 semester would have to occur after the elections on Diadeloso. In this case, it is clear that the last Senate meeting would be on Thursday, April 26<sup>th</sup>, the last Thursday of classes before finals. It is therefore on April 26<sup>th</sup>, 2012, that the 59<sup>th</sup> legislative session of Student Senate ends and the 60<sup>th</sup> legislative session begins.

While this shows that SBP Rogers still has the privilege of calling the 59<sup>th</sup> legislative session into special session, it also shows that such action is unnecessary. While the Senate is not bound to physically meet on Thursday, April 26<sup>th</sup>, that option is open to them, and it is at that meeting that they could have a chance to vote on SBP Rogers' veto of the bill regarding the Bear Pit. I encourage current President of the Senate Michael Lyssy, as well as

the rest of Senate, to take advantage of this option if they believe this vote is necessary.

I would like to stress that this is not a permanent solution to the question of what should happen if, in the future, a SBP should veto a bill that is passed at the last true Senate meeting of the spring semester. I further encourage incoming Internal Vice President, Brian Kim, and the members of the 60<sup>th</sup> legislative session to consider possible solutions for this problem, such as disallowing any new legislation to be introduced after the second-to-last meeting of before Diadeloso, noting in advance that a veto of any legislation passed at the last meeting before Diadeloso will not be reconsidered, or clearly formalizing a date for the final Senate meeting in which business may be conducted.

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JUSTICE BEAL, concurring in part and dissenting in part.

I join the Court in its holding as to Part (I) of its opinion. I respectfully dissent, however, in my view of Part (II) of the Court's opinion.

The Court held that there was no Constitutional requirement for the SBP to call for a special session of Senate but there were two conflicting lines of reasoning regarding Art. V, § IV, Par. 2, which mandates that the term of a senator last "...until the end of the last Senate meeting of the spring semester." This wording appears ambiguous and resulted in a difference of opinions held by members of Court. The Court determined that it was unnecessary for the SBP to call a special session because the 59<sup>th</sup> legislative session had not ended until the newly elected senators were sworn in and had taken their posts. This led the majority to determine that the veto could be voted upon again at the meeting following the elections held on Diadeloso.

I do not share the concern expressed by some of my colleagues that the two week break between the last meeting of the 59<sup>th</sup> legislative session and the first meeting of the 60<sup>th</sup> legislative session renders Student Government (specifically, the Senate) incapable of addressing the needs of the Student Body. In my view, the executive branch is capable of dealing with the concerns of the Student Body during this time. The legislative branch is concerned with proposing bills in order to improve the lives of the Student

Body and is not charged with addressing the immediate needs of the students.

The whole of Art. V, § IV, Par. 2, which states “[a]ll Student Senate members elected at Diadeloso shall begin their terms of office at the end of the last Senate meeting of the spring semester and shall serve until the end of the last Senate meeting of the spring semester of the succeeding school year,” supports the opinion that “the last Senate meeting of the spring semester” is in fact the meeting held before Diadeloso. In this case, the 59<sup>th</sup> legislative session would have concluded on April 12<sup>th</sup> and the 60<sup>th</sup> legislative session will begin at the next scheduled Senate meeting, April 26<sup>th</sup> 2012. The majority's view proves impractical under certain circumstances—one being a runoff election that prolongs the ability to hold a Senate meeting before the end of the year. In this example, the newly elected Senators would not hold their post until the beginning of the fall semester, and the previous Senators would hold their offices throughout the summer. It is not a necessity, then, to require that the legislative sessions coincide directly with terms of office.

The solution to the problem, in my view, is that the 59<sup>th</sup> legislative session ended on April 12<sup>th</sup>, 2012, and the 60<sup>th</sup> legislative session begins at the following Senate meeting on April 26<sup>th</sup>, 2012. Thus, if legislation presented at the final meeting of a legislative session—the last Senate meeting before Diadeloso—is vetoed, the only recourse is to put forward a new bill in the next legislative session. Such a veto would effectively result in the death of the bill for the current legislative session. Otherwise, under unforeseen circumstances such as a runoff election, the revote on the vetoed bill by the Senate would not occur, which suggests that the majority's opinion offers an inadequate solution.