

SPRING TERM, 2013

Opinion of the Court

NOTICE: The following document represents the official Opinion of the Court, and constitutes a binding decision on all parties concerned within the jurisdiction of the Court. 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**

POKORNY *v.* RAPP

Argued and Decided April 15, 2013

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By Unanimous Decision

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The Baylor University Senate passed the Outdoor Recycling Appropriation Act of 2013 (SA60-18), authored by Senator Nick Pokorny, in their last scheduled meeting of the 60<sup>th</sup> legislative session on April 11, 2013; the bill allocates \$18,075.00 to a campus improvement recycling project. Student Body President (SBP) Kelly Rapp issued a veto of the bill on April 30, 2013 following discussion with several administrators regarding the appropriateness of the allocations set forth in it. Senator Pokorny filed a charge against SBP Rapp in this Court for issuing an unconstitutional veto, specifically one that did not fall within the required time period for SBP veto as set forth in Art. III § 3 Par. 1.N of the Student Body Constitution (hereinafter “Constitution”), which states, “The President must sign or veto a bill before the senate meeting following the bill’s passage.”

**DISCUSSION**

SBP Rapp argued that because the bill was passed in the *last* senate meeting of the 60<sup>th</sup> legislative session (a claim that is inconsistent with *Bell, et al. v. Rogers*), the required time limit for approval or veto of a bill did not apply because the following senate meeting on April 25, 2013 was the beginning of a *new* legislative session. The question before the Court was straightforward: Does the Constitution make provisions for a veto following the final meeting of any given legislative session?

It is the analysis of the Court that while the Constitution does not make explicit provisions for a veto following the final meeting of a legislative session, it is unambiguous in Art. III § 3

Par. 1.N that *any* senate meeting immediately following the bill's passage qualifies as the deadline for SBP approval or veto. Additionally, the Court defined a Senator's term of office in *Bell, et al. v. Rogers* (2012) to "not technically end until the end of the last meeting of the spring semester" which gives the Senate the constitutional ability to "conduct business up until the end of the last meeting of the spring semester". Thus, the final meeting of the 60th legislative session was jointly held with the first meeting of the 61st legislative session on April 25, 2013, contrary to SBP Rapp's belief, and was indeed a *senate meeting*. In this case, SBP Rapp did not issue the veto until after the senate meeting immediately following the bill's passage; it is for this reason the Court overturns SPB Rapp's veto of SA60-18, and the bill will pass in its original state, effective immediately.

*It is so ordered.*