

Legislation, Constitutions, and the Judiciary Committee



Judiciary Chairman

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The Judiciary Committee Overview

The Judiciary Committee is one of six standing committees in Student Senate that reviews all non-budgetary bills, resolutions, and proposed constitutional amendments submitted to the Senate. The Judiciary Committee also reviews the qualifications of all executive nominations to the judicial branch, determining if they are qualified to hold office. In addition the committee reviews the constitutions of any student organization requesting special allocations or requesting or again receiving an annual budget. It consists of nine Senators named to the committee by the Senate, as well as a member of the Allocations Committee, chosen by the chairperson of that committee as a non-voting member, and the Senate Judiciary Liaison who also serves as a non-voting member.

Duties of the Judiciary Committee

1. The Judiciary Committee shall review all non-budgetary bills, resolutions, and proposed constitutional amendments submitted to the Senate.
2. The Judiciary Committee shall review the qualifications of all executive nominations to the judicial branch, determining if they are qualified to hold said office.
3. The Judiciary Committee shall, upon request by the Senate President or as ordered by the Senate, review the Student Body Constitution, Statutes, and Senate Rules and Procedures and draft legislation to amend these documents as is necessary.
4. The Judiciary Committee shall review the constitutions of any student organization requesting special allocations or requesting or again receiving an annual budget.
5. The Judiciary Committee shall, upon request from any Senator or Student Body Officer or Official, issue non-binding opinions as to questions of law regarding the Student Body Constitution and Statutes and the Senate Rules and Procedures.
6. The Judiciary Committee shall submit into the Senate records all non-binding opinions and other documents created by or submitted to the committee and make copies available at the next meeting of the Senate following their creation/submission.
7. The Judiciary Committee shall, before every fall general election, submit to the Senate legislation regarding the apportionment of the Senate.
8. The chair of the committee will submit an end of session transition report at the end of each Fall and Spring sessions to the Senate Secretary that will detail the committee's activities of that session and offer suggestions to future chairs.
9. The Judiciary Committee shall once every semester draft and submit to the Senate a resolution honoring fallen Gators.

What is the Difference between a Bill and a Resolution?

A **resolution** expresses a sentiment but does not mandate action on behalf of the Senate. A **bill** may or may not express a sentiment, but it always mandates action on behalf of the Senate.

Resolutions

The actual structure of a resolution is really very simple, and it comes down to four basic parts:

- 1. Resolutions begin with the number of the resolution, the title of the resolution and the names of the authors and sponsors of the resolution:**

STUDENT SEN. RES. 2013-####

TITLE: Student Body Resolution (addressing, commemorating, or recognizing the issue).

AUTHOR(S): Senator (name), Senator (the names of the co-authors, if any).

SPONSOR(S): Senator (the names of the sponsors, a senator must sponsor pieces of legislation written by non-senators).

- 2. Then the following statement and the “whereas clauses” are added to provide background information about the resolution and introduce it to the reader. These can be filled in as seen fit – but aim for clarity and good sense:**

WE, THE STUDENTS OF THE UNIVERSITY OF FLORIDA, HEREBY RESOLVE THAT:

WHEREAS, foundational information for the resolution.

WHEREAS, supplemental information for the resolution.

WHEREAS, additional information about the resolution.

WHEREAS, the core of the resolution.

WHEREAS, explanation of the core of the resolution.

WHEREAS, support for the core of the resolution.

WHEREAS, solid proof for the core of the resolution.

WHEREAS, any important times or dates to consider in the resolution.

3. Next come the “therefore clauses,” which the Senate will vote on. In essence, by voting on the resolution, the Senate will vote to either agree or disagree with these clauses. Because the phrase is generally that “the University of Florida recognizes,” write something the University of Florida could really recognize as a whole, with further clarity and good sense:

THEREFORE, LET IT BE RESOLVED that the University of Florida recognizes a basic principle behind the resolution.

THEREFORE, LET IT FURTHER BE RESOLVED that the University of Florida recognizes a more fundamental principle behind the resolution.

THEREFORE, LET IT FINALLY BE RESOLVED that the University of Florida recognizes the core of the resolution and encourages everyone to act in accordance with the spirit of this resolution.

4. Do not forget the proviso – this final italicized sentence describes who the Senate will send a copy of the resolution to if it is passed.

Proviso: A copy of this resolution shall be sent to UF President Bernie Machen and anyone else who should receive a copy of the resolution once it is adopted by the Senate.

Bills

The structure of bills is similar to that of a Resolutions but there are a few key differences.

1. The bill begins with the number, the title of the bill, and the names of the authors and sponsors of the resolution:

STUDENT SENATE BILL. 2013-####

TITLE: Applicable to what is being changed or the intent Ex: Election Commission Professionalism Act

AUTHOR(S): Senator (name), Senator (the names of the co-authors, if any).

SPONSOR(S): Senator (the names of the sponsors, of which there should be a few of).

2. **The next step is to copy the codes in their exact form and use underlining to show what is being added and lines drawn directly through text that is to be removed from code. An example is provided below from the Election Commission Professionalism Act**

721.1 The Elections Commission shall consist of six (6) members. The Student Body President shall nominate two (2) law students. The Student Senate President shall nominate two (2) law students. The Chief Justice of the Supreme Court shall nominate two (2) ~~law students who have completed at least one (1) full year of law school.~~ The student senate shall be notified of nominations no later than forty-eight (48) hours prior to the senate meeting at which the nominee will be presented for confirmation. The nominations will be presented to the Student Senate for approval by a 2/3 vote. Members shall serve staggered one-year terms, so that one (1) of the nominees of each branch ends his or her term after each election.

How Legislation Gets to Senate

The next step is to present legislation to the committee. This process has a few steps which are very similar to the process a bill takes on the senate floor.

Reading time: The committee will be given 5 minutes to read over the piece of legislation and mark it up for grammatical mistakes or questions that they plan to ask.



Presentation: Very much like when a bill is on the Senate floor authors will be given 5 minutes to present the bill. Be sure to include relevant information such as why the bill was written, how it will impact the student body, and why it is important.



Questions: The committee will then be given 5 minutes to ask questions. These can range from informational to questions that pertain to ethics and consequence.



Amendments: If the committee finds any faults whether grammatical, or content related they will have the opportunity to amend the bill with the approval of the committee. It is important to know that if the committee amends the bill to a point where the author no longer wishes to sponsor it then the committee will become its author.

Passing the Bill to the Floor

Once the bill has been questioned and marked up, the committee will then vote on whether to pass or fail the bill. There are many ways in which to pass a bill and they are as follows.

1. **Favorably**, this means that the committee is in full favor of the original bill with no amendments. It will be sent to the Senate floor in its original form.
2. **Favorably with committee amendments**, this means that the committee is in favor of the bill as long as it includes the amendments voted on and passed by the committee.
3. **Favorably with proposed committee amendments**, while similar to the option above it differs. If an amendment requires extensive rewriting or change that are too timely to handle in committee, then the committee agrees to pass it but only if the changes are made before the bill hits the floor.
4. **Unfavorably**, this means that while a majority of the committee does not support the bill it is still in a state that warrants floor debate and vote. * this would require a 2/3 majority vote to pass in Senate*
5. **Fail**, if a bill is failed it will not be heard on the Senate floor. The author will be informed by the chair in writing as to why it has failed.
6. **Tabling**, a bill can be tabled by the committee to the next week. If the bill is not heard in the next week's meeting then it is considered failed.

Legislation is judged on its constitutionality, legality, clarity, implication, and format.

Constitutionality: The quality of being constitutional. That is in accordance with the constitution of a country, state, etc... For our chambers all legislation must comply with the UF, State of Florida, and Federal constitution.

Legality: The extent to which the legislation adheres to the law of the land. For our chambers we must ensure that the proposed legislation does not break any standing laws. These laws include those of the University, Gainesville, Alachua County, the State of Florida and the United States of America.

Clarity: Clearness of lucidity as to perception or understanding: freedom from indistinctness or ambiguity. The extent to which the purpose of the bill is clear, in addition be sure that those who are to be affected by your legislation are clear in the reading.

Implication: The conclusion that can be drawn from something, although it is not explicitly stated. The likely consequence of something: "political implications." Any consequence of a proposed piece of legislation that is not immediately visible as a consequence in the reading, but can be an unforeseen consequence of any legislation. *This criterion is subject to interpretation*

Format: The writer must ensure that the proposed piece of legislation conforms to the layout and format of acceptable legislation, which has been previously seen by the chamber. (Examples will be included)

Writing a Constitution

Whenever an organization wishes to receive special allocations, to begin receiving an annual budget, or to continue receiving an annual budget, the Judiciary Committee shall review that organization's constitution. If there are any problems with an organization's constitution, those problems will be reported to that organization as well as the Allocations Committee or Budget and Appropriations Committee. The Judiciary Committee reviews constitutions for their compliance with the Student Body Constitution and Statutes, University of Florida Rules and Regulations, and all applicable state and federal law.

For more information on constitutions and guidelines for writing a constitution visit:

<https://www.studentinvolvement.ufl.edu/Student-Organizations/Organization-Resources/Forms>

Common Mistakes in Constitutions

It is important that an organization's constitution is without error so that they can receive funding as quickly as possible. Some of the most frequent errors can be avoided by ensuring that:

- The President and Treasurer of an organization are **elected** and not appointed. It is specifically stated within the guidelines that at the very least an organization must have an **elected** President and Treasurer.
- The finance includes information about how the organization will be funded. If an organization requires membership dues, the maximum dollar amount and/or other financial obligations of members, as well as when payment is due, must be clearly stated in this article. If an organization does not require membership fees or other financial obligations, a statement to that effect should be included in this article.
- The requirements and procedures for the dissolution of the student organization are clearly stated. Should any organization assets and/or debts exist, appropriate means for disposing of these assets and/or debts must be specified clearly and unequivocally. A specific charity must be designated as the recipient of any remaining assets at the dissolution of the organization.