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S.B. 2015-2016. 02

Date of First Reading: April 2, 2016

A Bill –

A Bill entitled “Appeals Clarification Act” which amends the Student Government Code to clarify and reassert the Supreme Court’s constitutional and statuary authority and limitations related to appeals.

WHEREAS: The members of Student Government at Texas State University have a duty to ensure proper and clear due process procedures; and

WHEREAS: Clear governance of any organization requires an impartial and easily accessible judicial process; and

WHEREAS: Recent interpretations of the Student Government Code could weaken the Supreme Court’s ability to address any appeal that may come before it ultimately leading to a slower process with needless confusion; and

WHEREAS: Intentional safeguards have been written into this Act in order to prevent any interference with ongoing
judicial proceedings related to the 2016 Elections as this Act is intended to resolve future issues within the judicial process and has no bearing on current proceedings; and

WHEREAS: This bill has been compiled and is authorized by the Student Government Constitution Article III, Section 10 (d), (e), (f), (j), and S.G.C Title I, Chapter 100, Article III, Section 5; therefore

BE IT ENACTED: That Title VII, Chapter 100, Article One, Section 5 be amended by striking all of Section 5, and

BE IT ENACTED: That the rest of Title VII, Chapter 100, Article One be amended by adjusting the numeration of these sections in Chapter 100 accordingly; and

BE IT ENACTED: That the text in the Student Government Code Title VII, Chapter 100, Article I, Section 12 be amended by striking out all of Section 12 and replacing it with the following:

JURISDICTION AND APPEALS. As provided for in the Constitution, the Supreme Court shall have jurisdiction over all appeals. When the justices accept hearing an appeal the following shall apply:

(a) At no time will the Supreme Court embrace issues not cited in the complaint or appeal.
(b) The Court cannot ignore the question or issue within the original complaint and appeal. In addition, the Court may address any related interpretative, factual, procedural or other issues that may affect the original case and appeal.

(c) The Court will assume all powers of the judicial body that originally heard the complaint, question, or issue so that the court may resolve the case as quickly and effectively as possible.

(d) The Court shall issue orders and/or opinions in order to resolve the appeal effectively and completely.

BE IT ENACTED: To avoid any interference or impropriety in relation to the current judicial process related to the 2016 Elections this amendment will not take effect until June 1, 2016 OR until all 2016 Election related appeals and cases before any judicial branch or University Administrator have been completed, whichever applies first; and

BE IT ENACTED: Even after the enactment of this legislation, it cannot be applied retroactively to appeal or overturn any final decision of Student Government or University Administration. Any and all decisions made by The Student Government Court System or University Administration in relation to the 2016 Elections shall be final
whereas the language within the amendment will only be applicable to future judicial proceedings; and

BE IT ENACTED: That upon passage this bill be forwarded to Student Body President Lauren Stotler for further action.