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**“Constitutional Clarity Amendment of 2011”**

**WHEREAS:** the Associated Student Government is a representative body that voices the concerns of the student body to the administration; and

**WHEREAS:** clarity and congruence within each governing document

of the Associated Student Government is paramount to

the effectiveness of the organization; and

**WHEREAS:** several portions of the Associated Student Government

Constitution need to be amended in an effort to provide

clarity and congruence within the Constitution as well

as other governing documents; therefore

**Be IT ENACTED:** that all subsequence “ASG” be amended to read

Associated Student Government and

**BE IT FURTHER ENACTED:** that all subsequence Graduate House of Representatives be amended to read House of Graduate Representatives and

**BE IT FURTHER ENACTED:** that all subsequence court be amended to read Court and

**BE IT FURHTER ENACTED:** that Article I, Section 3B be amended to read, “No member shall be a part of more than one of the following: legislative branch, executive branch, judicial branch or the election commission.” and

**BE IT FURTHER ENACTED:** that Article II, Section 2C be amended to

read, “In the event that any seats in the

Senate remain unfilled following

elections, nominations will be made by

the Associated Student Government Senate

Selection Committee and are subject to review by the Associated Student Government Vice President only. Confirmation of senatorial candidates shall be approved by a two-thirds majority vote of the Senate.” and

**BE IT FURTHER ENACTED:** that Article II, Section 2D be amended to

read, “Senate candidates will only qualify to run in one of the following categories: (1) academic college (2) on-campus (3) off-campus (4) at-large.” and

**BE IT FURTHER ENACTED:** that Article II, Section 2E be amended to read, “The House of Graduate Representatives shall be comprised of two Representatives per graduate academic college. House seats that are expected to be vacant at the start of the academic year will be elected during the spring election by a plurality vote.” and

**BE IT FURTHER ENACTED:** that Article II, Section 3C be amended to

read, “A graduate student for the office

of Representative shall take a minimum of

six semester hours during each long

semester that the office of

Representative is held, and must have a

minimum 3.00 graduate Texas State GPA at

the time of taking office, and must remain in good academic standing during his/her term in office. In the case that a graduate student is new to Texas State,

they must have completed at least six

semester hours, in good academic

standing by the beginning of their second

semester in order to continue serving in

the House of Graduate Representatives.” and

**BE IT FURTHER ENACTED:** that Article II, Section 3D be amended to read, “A Representative or candidate for the House of Graduate Representatives shall not, at any time, be under disciplinary or scholastic probation or suspension. The Dean of Students Office shall make verification of scholastic and disciplinary eligibility at least seven class days prior to the date of the appointment and by the twelfth class day of the semester.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4B be amended to read, “The Senate shall have authority to, by two-thirds majority vote of Senators present and in good standing, confirm qualified replacement Senators for Senate seat vacancies.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4D be amended to

read, “The Senate shall confirm, by two-thirds majority vote of the Senators present and in good standing, nominations made by the President of the Associated Student Government for administrative positions, university committee appointments, and appointive offices within the Associated Student Government.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4E be amended to read, “The Senate or the House of Graduate Representatives may request the Associated Student Government President to establish temporary, adhoc and permanent standing committees to study student problems and propose legislation.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4K be amended to

read, “The Senate and House of Graduate

Representatives shall have the power to amend the Election Code by a two-thirds

majority vote within each chamber during the same legislative year.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4Q be amended to read, “A Presidential Veto of a bill or resolution jointly authored in the House and Senate may be overridden by a concurrence vote of two-thirds majority of all Senators and Representatives present and in good standing within each chamber.” and

**BE IT FURTHER ENACTED:** that Article II, Section 4R be moved to Article II, Section 4D and all subsequent items be realigned as necessary, and

**BE IT FURTHER ENACTED:** that Article II, Section 5B be amended to read, “Qualifications for the House Leader shall be the same as that of a House Representative.” and

**BE IT FURTHER ENACTED:** that Article II, Section 5C be amended to read, “Powers and duties of the Senate Pro-Tempore shall be to assume the Vice President’s Senate duties and powers in the absence of the Vice President, or if the Vice President yields the chair for comment. Additional duties of the Senate Pro-Tempore shall be outlined in the Senate’s Rules of Procedures.” and

**BE IT FURTHER ENACTED:** that Article II, Section 5D be amended to read, “Powers and duties of the House Leader shall be to assume the Vice President’s House of Graduate Representatives’ duties and powers in the absence of the Vice President, or if the Vice President yields the chair for comment. Additional duties of the House Leader shall be outlined in the House of Graduate Representatives’ Rules of Procedures.” and

**BE IT FURTHER ENACTED:** that Article II, Section 6 be amended to read, “All other Senate and House of Graduate Representatives offices shall be established by, and set forth in each body’s respective Rules of Procedure.” and

**BE IT FURTHER ENACTED:** that Article II, Section 7A be amended to read, “Quorum in the Senate and House of Graduate Representatives shall consist of two-thirds of its members present and in good standing.” and

**BE IT FURTHER ENACTED:** that Article II, Section 7C be deleted

in its entirety.

**BE IT FURTHER ENACTED:** that Article III, Section 1C, Subsection 1 be amended to read, “The President’s term shall begin on June 1st lasting until May 31st of the following year.” and

**BE IT FURTHER ENACTED:** that Article III, Section 1C, Subsection 4 be amended to read, “The President shall appoint student members to the Associated Student Government administrative positions, university committees, and appointive offices, subject to a two-thirds vote of Senators present and in good standing.” and

**BE IT FURTHER ENACTED:** that Article III, Section 1C, Subsection 5 be amended to read, “The President shall approve or veto bills and resolutions enacted by the Senate and House of Graduate Representatives within five class days after official notice of their passage. If the President vetoes a bill, he/she must notify the Senate and/or House of Graduate Representatives at the next regularly scheduled meeting. If the President does not act within the time prescribed, the legislation will become effective as passed.” And

**BE IT FURTHER ENACTED:** that Article III, Section 1C, Subsection 6 be amended to read, “The President shall nominate a Vice President in the event of a vacancy in that office. The nomination shall be subject to confirmation by a two-thirds majority vote of all members of the Senate present and in good standing.” and

**BE IT FURHTER ENACTED:** that Article III, Section 1C, Subsection 9 be amended by deleting the hanging parentheses at the conclusion of the clause, and

**BE IT FURTHER ENACTED:** that Article III, Section 2B, Subsection 5 be amended to read, “The Vice President must have served at least two complete semesters or is serving his/her second semester as an Associated Student Government Graduate Representative or Senator, where a complete semester is defined as the Graduate Representative or Senator being confirmed and sworn in before the fourth meeting of the semester.” and

**BE IT FURTHER ENACTED:** that Article III, Section 2C be amended to read:

**“**C**.** Powers and Duties

1. The Vice President’s term shall begin on June 1st lasting until May 31st of the following year.

2. The Vice President shall preside as Chair at all meetings of The House of Graduate Representatives and Senate.

3. The Vice President has the

discretion to designate the House

Leader as the presiding officer of

the House of Graduate

Representatives.

4. All House of Graduate

Representatives and Senate agenda

items must be signed and coded by

the ASG Vice President before being

brought to the floor.

5. The Vice President shall execute the

powers and duties of the President

in his/her absence, and shall become

President in the event that the

office of the President becomes

vacant.

6. The Vice President may serve as a

non-voting member of all committees

of the Senate and the House of

Graduate Representatives.

7. The Vice President shall appoint the

Chair of each ASG Senate standing

committee with the advice and

consent of a two-thirds majority

vote of Senators present and in good

standing.

8. The Vice President shall appoint the

Chair of each House of Graduate

Representatives standing committee

with the advice and consent of a

two-thirds majority vote of Graduate

Representatives present and in good

standing.

9. The Vice President shall have the

power to remove the Chair of any ASG

Senate or House of Graduate

Representatives standing committee.

and

**BE IT FURHTER ENACTED:** that Article IV, Section 1B, Subsection 1

be amended to read, “Members of the

Supreme Court shall be appointed by the

President of the Associated Student

Government upon concurrence of a two-

thirds majority vote of all Senators

present and in good standing.” And

**BE IT FURTHER ENACTED:** that Article IV, Section 1C be amended to read, “Powers and Duties” and

**BE IT FURTHER ENACTED:** that Article IV, Section 1C, Subsection 1 be amended to read, “Each Justice’s term shall extend to years from the date of confirmation, unless the Justice resigns before his/her two year term has been completed.” and

**BE IT FURHTER ENACTED:** that Article IV, Section 1C, Subsection 3

be amended to read, “The Supreme Court

shall be the interpreter of the

Associated Student Government

Constitution, Code of Laws, the Senate

and House of Graduate Representatives’

Rules of Procedures, the Code of Ethics,

and the Election Code, and shall conduct

itself using Robert’s Rules of Order. All

questions decided by the Court may be

appealed through the Office of the Dean

of Students, the Office of the Vice

President for Student Affairs, and to the

President of Texas State University, in

that order.” and

**BE IT FURHTER ENACATED:** that Article IV, Section 1C, Subsection

4 be amended to read, “The Supreme Court

shall not hear cases involving any issue

not directly related to the

Constitution, Code of Laws, the Senate

and House of Graduate Representatives

Rules of Procedures, the Code of Ethics,

and the Election Code of the Associated

Student Government of Texas State

University.” And

**BE IT FURTHER ENACTED:** that Article IV, Section 1C, Subsection 5 be amended to read, “The Supreme Court may, upon petition of any student and an affirmative vote of Justices, review an Associated Student Government legislation, decision or action. Recourse that may be granted shall be limited to an official warning requesting the Associated Student Government to do or refrain from doing a specific act in official capacity. Failure to abide by the Court’s order shall constitute a violation of the Associated Student Government’s Constitution and/or legislation body’s Rules of Procedure. If the infraction is severe enough, the Supreme Court may make a report to the Senate, which may be remedied by impeachment process outlined in the Associated Student Government’s Constitution.” and

**BE IT FURTHER ENACTED:** that Article IV, Section 1D, Subsection 2 be amended to read, “The Chief Justice shall be responsible for issuing a report to the Senate and the House of Graduate Representatives on the state of the Judiciary once a semester.” and

**BE IT FURTHER ENACTED:** that Article IV, Section 1D, Subsection 4 be amended to read, “The Chief Justice, upon the confirmation of a majority of the Associate Justices, shall appoint a Clerk of the Court. The Clerk of the Court shall keep minutes of the Court’s proceedings, maintain the records of the Court and other duties as the Court sees fit to assign them.” and

**BE IT FURTHER ENACTED:** that Article IV, Section 1D, Subsection 5 be amended to read, “The Clerk of the Court shall hold office for a period of one year from the time of his/her appointment.” and

**BE IT FURTHER ENACTED:** that Article IV, Section 1E, Subsection 2

be amended to read, “Upon petition of

the Court as outlined in Article IV,

Section 1C, Subsection 5, the Court shall

have the authority to review any piece of

legislation passed the Associated Student

Government Senate and/or House of

Graduate Representatives to ensure it

does not conflict with either the

Constitution, Code of Laws, the Senate

and House of Graduate Representatives

Rules of Procedures, the Code of Ethics,

and/or the Election Code of the

Associated Student Government and send

said legislation back to the Senate

and/or House of Graduate Representatives

for further consideration.” and

**BE IT FURTHER EBACTED:** that Article V, Section 2 be amended to read, “Grounds for Initiation of Impeachment Proceedings” and

**BE IT FURTHER ENACTED:** that Article V, Section 3 be amended to read, “For allegations against a Senate Official, the SDRC shall be compromised of the chairs of the Senate Standing Committee and the Senate Pro-Tempore. The Senate Pro-Tempore shall be the chair and preside over the meeting as well as only vote in case of a tie.” and

**BE IT FURTHER ENACTED:** that Article V, Section 4B be amended to read, “All testimony, in the affirmative or negative, shall be presented in open session. The Vice President shall use his/her discretion to create an agenda and format fair to both parties and not infringe on the rights of any party involved in the impeachment proceedings.” and

**BE IT FURTHER ENACTED:** that Article V, Section 5A be amended to read, “If the decision is removal, that person shall relinquish all property of the Associated Student Government and all rights and privileges of the office within twenty-four hours of appeal exhaustion.” and

**BE IT FURTHER ENACTED:** that Article V, Section 5B be amended to read, “If an individual is removed from a paid position, that individual shall receive paid leave until all appeals are exhausted, unless determined otherwise by the Dean of Students or if found responsible for violations of student employment rules and regulations.” and

**BE IT FURTHER ENACTED:** that Article VI, Section 1A be amended to

read, “The Chairman and members of the

Election Commission shall be appointed by

the President of the Associated Student

Government.” and

**BE IT FURTHER ENACTED:** that Article VI, Section 1C be amended to

read, “No member of the Election

Commission shall seek or hold, an elective

office or actively support a candidate or

referendum item in an election that is

overseen by the Election Commission.” and

**BE IT FURTHER ENACTED:** that Article VII, Section 1 be amended to

read, “Proposed amendments may be

initiated by petition of one-tenth of the

Student Body at Texas State University,

or by a bill adopted by a two-thirds

majority of members present and in good

standing, of both the ASG Senate and

House of Graduate Representatives.” and

**BE IT FURHTER ENACTED**: that this constitutional amendment be

added as a singular referendum item to

the ASG Spring 2012 Election ballot, and

**BE IT FURTHER ENACTED:** that this is forwarded to ASG Advisor Kathy Weiser, Dean of Students Dr. Margarita Arellano, Vice President for Student Affairs Dr. Joanne Smith and President Dr. Denise Trauth upon passage.