

University of Wisconsin - Green Bay

## **Student Government Association Student Court**

**On Student Government Association Student Senate Resolution  
“United Council Referendum Resolution”**

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### **PETITION FOR WRIT OF CERTIORARI**

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SGA President

University Union,  
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2420 Nicolet Drive  
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(920) 465-2583

7 February 2007

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To the Chief Justice and Associate Justices of the  
University of Wisconsin - Green Bay student court,

Complaint Brief

In the case of student senate's passing of "United Council  
Referendum Resolution":

Authority: SGA Constitution, Article 3, Section 1. (4).

The passing of aforementioned resolution by the  
Student Senate is inconsistent with the SGA Constitution  
and the standing by laws of the Student Senate for the  
following reasons:

1. Article I, Section 2 (1) states that "The  
membership of the Student Senate shall include a Chairman,  
a Speaker, their appointees, and 35 Senators. In addition,  
the Senate is allowed to add, to their membership, members  
as deemed fitting by majority vote of the body." Under  
that section, the secretaries are not members of the  
Senate. This is further confirmed by Senate Bylaws, Article  
IV, which does not identify Secretaries as members.  
This exclusion of the secretaries as members of the Senate  
was deliberate to prevent Presidential "takeover" of the  
legislative body. This separation of powers is further  
evidenced by Article 1, Section 2 (5), requiring Senate  
confirmation of all Secretarial appointments by the

President. Per Article 4, Section 1 (7), Membership, students can only serve in one branch of the government. Thus, it is the position of this brief that secretaries are constitutionally unable to author, introduce, or co-sponsor Senate legislation.

2. The resolution was not considered by committee prior to being received by the full Senate. SGA Constitution, Article 1, Section 2, (4) states, "The Student Senate is responsible for the creation of standing rules governing its behavior consistent with this Constitution." Student Senate bylaws, Article VII states "All resolutions/bills submitted to the Student Senate for consideration must be forwarded to the appropriate committee for consideration of the floor." Only one resolution that was voted on that evening was a product of committee. Thus, legislation that proceeds directly to the floor of the Senate without consideration by committee is in violation of the senate standing rules.

Issues

As such, the two issues respectfully submitted for consideration by the Student Court are:

1. Are non-members of the Senate constitutionally able to author, introduce, and co-sponsor Senate legislation?
2. Is this consideration of legislation before the full Senate prior to consideration by committee in violation of Article VII of the Student Senate bylaws, and thus in violation of Article 1, Section 2 (4) of the SGA Constitution?

Prayer for Relief

Student Court of the University of Wisconsin - Green Bay is solicited to determine the standing of "United Council Referendum Resolution" and, if necessary, send the resolution back to the SGA legislative branch for proper governance.

Given the time period that the President has to veto the resolution and the upcoming election, it is urged that the Student Court consider this complaint as expedient as possible so that the Student Senate has the opportunity to produce similar legislation that has gone through the proper governance, thus assuring fair and equal separation of powers.

Submitted to the Student Court of the University of  
Wisconsin - Green Bay on behalf of the Student Government  
Association President, the Seventh of February, Two  
Thousand and Seven.