

ASUNM Student Court

May 14, 1997

Decision on the case of: Davidson, Anderson, Valles, Vargas
vs. Evangelist, Buckley

Intro - Plaintiff's challenge App #25 as improper - *Summarize Case*
After carefully reviewing all evidence and testimony presented to the Court, the Court *Hearing held*
finds that:

1. The Senate meeting on April 9, 1997 should not have taken place as quorum was not fulfilled based on Article II, Section 9 (B) of the ASUNM Constitution.
 - a. Neither the ASUNM Lawbook nor the ASUNM Constitution state that a member of the Executive Cabinet can fill quorum. Since Treasurer Abby Anderson was used to fill quorum, and there is no stipulation allowing for such an action this Senate meeting did not have quorum.
 - b. *necc?* The Senate Standing Rules state that the meeting to be called to order within twenty (20) minutes of its scheduled meeting time. According to the minutes from the Senate meeting on April 9, 1997, the meeting was called to order at 6:29 pm. This meeting was scheduled for 6 pm. Therefore the Senate Standing Rules were violated.
2. In order for legislation to become law it must pass with a majority vote of the seated Senate as required by Article II, Section 6 of the ASUNM Constitution. The seated Senate is defined in the ASUNM Lawbook Definitions Code as "all current members of the Senate session who have taken the oath of office". At the time of the meeting 19 Senators had taken the oath of office; hence, a majority of 10 votes would have been needed to pass legislation. There was not a majority vote of the seated Senate in favor of Appropriation Bill #25B. *How many votes were taken* — 6-5-1
3. The ASUNM Finance Code Article I, Section 2 is sufficiently vague that the Court is unable to make a decision on what defines a "service organization".
4. The Statute of Limitations as defined in the ASUNM Judicial Procedure Article I, Section 1, has expired with respect to all other legislation that has passed the Senate under similar circumstances. This legislation, therefore, shall remain valid.

With respect to the above, the Court finds that Appropriation Bill #25 B is invalid and all funds allocated shall be returned to ASUNM account.

Senate
necc. to define Service Organization in Lawbook

The Court recommends that, in the future; more complete and accurate minutes be taken at Senate meetings, that Senators fulfill their commitment and improve their attendance in the interests of passing legislation as required by the ASUNM Constitution, and that the President, Vice-President, and Senate familiarize themselves more closely with the ASUNM Constitution and Lawbook, in an effort to avoid other complications of this type.

Authorized by:

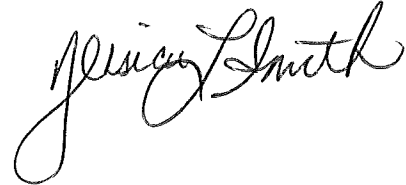
Chief Justice Paul A. Sanchez

Associate Justice Jessica W. Preston

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Associate Justice Jennifer Garcia

Associate Justice Jessica Smith

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Associate Justice Brent Keller