



**General Counsel Opinion
GC 2017-004
October 15, 2017**

Questions Presented

SGA General Counsel has been requested to provide an opinion on the following question:

Whether author, SGA President Baker, conducted sufficient and reasonable research of Congressional Bill NO. 980907 prior to its submission, and whether that bill violated the Undergraduate Student Congress Bylaws; thus, making it invalid?

Answer & Analysis

Petitioner believed that the author of Congressional Bill NO. 980907 (“Bill”) failed to conduct research in sufficient and reasonable depth in regard to the nominations. The reason for petitioner’s claim was based upon his belief that there was not enough time allotted for sufficient and reasonable research prior to submitted the Bill. On Monday, October 2, 2017, the Board of Regents had requested for student nomination. The Bill was submitted to the Congress general members agenda at 4:38 P.M. on the same day. Petitioner claimed that President Baker wasn’t aware of the Board of Regents request until 4:00 P.M. that same day. Petitioner further asserts that there was not adequate time for President Baker to conduct sufficient and reasonable research prior to submitting the Bill to the agenda; thus, the Bill should be invalid. Respondent, President Baker, does not dispute the fact that he found out about the request for student nominations on Monday, October 2, 2017. Respondent contends that due to time constraints, he thought about the most fair and transparent option for selecting nominees, which was by selecting student leaders who have already been elected into office by large bodies of students through the fair democratic process outlined in the Student Government Association Code Annotated. The issue is whether respondent conducted sufficient and reasonable research prior to submission of the Bill.

The Student Government Association Undergraduate Student Congress Bylaws (“Bylaws”) Section 7.1(1)(e) states that “each author shall research legislation in sufficient and reasonable depth prior to its submission.”¹ We believe that since the nominations were a time sensitive issue under the circumstances, the research was sufficient and reasonable. Although the Board of Regent gave little time to find nominees, respondent did contemplate about his options and he proceeded with the option he felt best under the circumstances and time constraint. Further, the nominees weren't just random students that were selected, they were elected by the student body to represent

¹ SGA Undergraduate Student Congress Bylaws Sec. 7.1(1)(e).

in their respective capacity which aided respondent in making his decision. Just because there was a time constraint, doesn't necessary mean that he didn't conduct research sufficiently and reasonably. The Bylaws states that legislation must be research in sufficient and reasonable depth, nowhere does it make time limitation to mean that there could be no sufficient and reasonable research conducted. We believe that under the circumstances and time constraint, respondent conducted sufficient and reasonable research prior to submitted the Bill. Therefore, the Bill did not violate the Bylaws.

This is the opinion of the General Counsel.

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