



Article III

Legislature

Section 1: Legislative Powers

- I. The legislative power shall be vested in the Senate.

Section 2: Organization

I. Composition

- A. The Senate shall consist of the following:
 1. Executive Council: President, Vice President, Administrative Assistant, Finance Chair, and Public Relations Chair.
 2. College Representatives: One (1) Senator per college.
 3. General Senators: No more than One (1) Senator per five hundred (500) students by headcount determined by the fall census of the year prior to the election.
 4. First-Year: Senator: One (1) Senator.
 5. Advisor: The Vice President of Student Affairs or designee (Nonvoting member of The Senate).
 6. Recording Secretary: Please refer to Article XIV, Section 1, Subsection I for description of position (Non-voting employee of the Senate).
- B. Senator's Constituency
 1. Constituency: The body of students a Senator represents.
 2. Executive Officers & General Senators: The entire Student Body.
 3. College Representatives: Members of the Student Body in their represented college.
 4. First-Year Senator: The first-year members of the Student Body.
- C. Qualifications
 1. Each member of the Senate must meet and maintain the qualifications set forth in Article VI, Section 7. If at any time they no longer meet the qualifications, they must follow the process set forth in Article VII, and a new Senator will be selected per the guidelines defined in Article VI.

II. Permanent Copy

- A. The Constitution shall be prepared in permanent form and kept on file in the Senate office and shall be available to the student body.

Section 3: Sessions

I. Session

- A. All sessions must be held on Dakota State University Campus.
- B. Speaking Privileges: During any session, any individual may speak when recognized by the President unless a majority vote of the Senate closes the



gallery. The President shall have the ability to enact free discussion among Senators.

- C. Quorum: A quorum of the voting members must be present for Senate business to be transacted. Quorum shall consist of two-thirds of the currently filled voting member positions in the Senate. Proxies shall not be counted in determining a quorum.
- D. Agenda: The Senate shall approve the agenda provided by the President with a majority vote. Following approval, a two-thirds (2/3) vote of the Senate may change the agenda.
- E. Parliamentary Procedure: The reference for conduct of sessions shall be the edition of Robert's Rules of Order kept in the Senate Office. The Student Association Senate Constitution, bylaws, and Executive Orders shall take precedence over Robert's Rules of Order unless otherwise stated.
- F. Minutes: Refer to Bylaw 3.4.1.
- G. In the event the President is not present at a session, the line of succession for acting chairperson shall follow Vice President, Public Relations Chair, Finance Chair, Administrative Assistant.

II. Types of Sessions

- A. Regular Sessions: The Senate shall assemble no less than twice per month during the course of the academic calendar year as established by the South Dakota Board of Regents. Sessions may be cancelled by majority vote of the Senate or, in the case of an emergency, by the President. Exceptions to this rule may be made for months where the semester begins or ends within that month.
- B. Special Sessions: The President may call Special sessions. Any Senator may call a special session upon petition of one-third (1/3) of the Senate. This petition shall then be delivered to the President. The President must provide twenty-four (24) hours' notice of any special sessions to all Senators. Discussion will be limited to the topics disclosed in the notice.
- C. Closed Session: Any session of the Senate or any of its committees may retire into closed session by a majority vote of the members present. All individuals deemed pertinent to a closed session shall be permitted to remain at the session by majority vote of the closed session voting members. Minutes shall not be recorded within a closed session. Any individual present may not disclose any details, not publicized by the Senate, outside of a closed session. A majority vote of the Senate may publicize actions of the closed session.

Section 4: Absences & Proxies

I. Absences

- A. Acceptable absences are given for Senate sessions as long as they meet the requirements laid out in Bylaw 3.5.1.
- B. The absences form shall be due to the Administrative Assistant filled out no less than three hours prior to the specified session.



II. Proxies

- A. Any Senator may establish a proxy for their vote in a session or committee meeting. This position must be filled by a Senator excluding the President.
- B. Upon establishment of a proxy, the Administrative Assistant shall receive the absences form with the proxy section filled out no less than three hours prior to the specified session. The President or Administrative Assistant shall approve all proxy requests. For approval of the proxy, the absences must be an acceptable absence following the requirements set forth in Bylaw 3.5.1.
- C. No proxy representative may control more than two votes simultaneously.
- D. The proxy representative must be aware of the terms in which the absent Senator is willing to maintain their vote on all agenda items in case of an amendment to the original bill, amendment, budget request, etc.

Section 5: Legislation

I. Legislation

- A. No legislative act that violates the bylaws or Constitution of the Senate shall be considered.
- B. All legislation shall be recorded as a Constitution Revision, Bylaw Amendment, or a Resolution.

II. Bylaw Amendment

- A. Any formal action taken by the Senate that affects the operation of the Senate shall be known as a Bylaw.
- B. A Bylaw, until altered by subsequent acts of the Senate, is a legislative act that binds both current and future legislative action.
- C. Bylaw Amendments shall contain only one subject. Multiple proposed amendments to any Bylaws with different subjects shall be voted on separately.

III. Resolution

- A. Any act taken by the Senate of a temporary character or for the purpose of requesting or commending action by organizations or persons outside the authority of the Senate.

IV. Constitution Revision

- A. Any formal action taken by the Senate to amend or change the constitution of the Senate shall be known as a Constitution Revision.
- B. A Bylaw that has the same subject and purpose as a Constitution Revision may be considered as one matter and follow Article III Section 6 Subsection VI.
- C. Constitution Revisions shall contain only one subject. Multiple proposed amendments to the Constitution with different subjects shall be voted on separately.

V. Bylaw Amendment & Resolution Approval Process

- A. Introduction
 - 1. Resolutions brought before the Senate must be sponsored by at least one senator and submitted to the Administrative Assistant no less than three (3) days prior to a session.
 - 2. All Bylaw Amendments shall be brought before the Senate by the Senator(s) sponsoring the Bylaw Amendment.



3. The Senate can consider to add a Resolution to the agenda of a session that was not submitted in the time frame above with a unanimous vote of the senate.

B. First Reading

1. All Bylaws & Resolutions shall first be presented to the Senate and then assigned to the appropriate committee by the Vice-President upon the passing of a motion to continue the legislative process. The Senate can declare an emergency with a 2/3 majority vote. This moves the Resolution on in the legislative process and skips committee action. The Resolution will go straight to second reading where the Resolution can be amended and/or moved to final disposition. If an emergency is declared and the Resolution passes, it will change the number of days the President has to veto the Resolution from (7) days to (2) days. (Article III Subsection 6.F.1)

A. Committee Action

1. The Constitution Revision Committee for a Bylaw Amendment shall then meet and deliberate on the Bylaw Amendment prior to the second reading and shall pass it along to the full Senate as "Pass", "Do Not Pass", or "Without Recommendation".
2. For a Resolution, the Senate shall form a committee if there is no present committee for the Resolution. The committee shall then meet and deliberate on Resolution prior to the second reading and shall pass it along to the full Senate as "Pass", "Do Not Pass", or "Without Recommendation".

B. Second Reading

1. All Bylaw Amendments & Resolutions shall be given consideration at a regular session of the Senate. If a measure is amended in committee, the Senate shall consider the amended version.

C. Final Disposition

1. All Bylaw Amendments & Resolutions require a majority vote of the Senate and the signature of the President to pass. Final disposition of all Bylaw Amendments & Resolutions must be conducted with a roll call vote with those voting for and against recorded in the minutes. In the event the President refuses to sign the Bylaw Amendment or Resolution approved by a majority vote of the Senate, it is considered a Presidential veto

D. Presidential Veto

1. The President shall have veto power over all passed Bylaw Amendments and Resolutions. The President will retain the right to veto legislation in its entirety. Should the President fail to veto legislation within seven (7) days of passage, it shall be considered passed. The President shall provide a written statement of the reason(s) in the event of a veto. If the Senate has declared an emergency, then the number of days the president has to veto a Resolution will change to (2) days after the passage of the Resolution.



- E. Veto Override
 - 1. The Senate may override a veto by a two-thirds (2/3) vote.
- F. Ex Post Facto
 - 1. No amendment to the Student Association Senate Bylaw document that affects the number or qualifications of Senators shall take effect until the following term.
 - 2. All other Bylaw Amendments passed shall, unless an emergency is declared by a two-thirds (2/3) majority roll call vote of the Senate and agreed to by the Advisor, take effect at the beginning of the next term.

VI. Constitution Revision Approval Process

- A. Introduction
 - 1. All Constitution Revisions shall be brought before the Senate by the Senator sponsoring the Constitution Revision.
 - 2. The Student Body may bring forth Constitution Revision through the initiative process following Article VIII, Subsection 2.
- B. First Reading
 - 1. The Senator sponsoring the Constitution Revision shall bring it to the Senate where it will be referred to the Constitution Revision Committee.
- C. Committee Action
 - 1. The committee shall meet and deliberate on the Constitution Revision prior to the second reading and shall pass it along to the full Senate as "Pass", "Do Not Pass", or "Without Recommendation". The committee can also bring forth an amendment for the Constitution Revision.
- D. Second Reading
 - 1. The Constitution Revision shall be given consideration at a regular session of the Senate. If a measure is amended in committee, the Senate shall consider the amended version. If the Constitution Revision is amended by the Senate, it must return to Committee Action.
- E. Comment Period
 - 1. Once the Constitution Revision has passed the Second Reading, it will go to a public comment period for two weeks. Once the Comment Period has closed, the Committee shall consider comments made regarding the Constitution Revision at that time.
 - 2. If the committee feels it necessary, they may reopen the revision to comment period.
- F. Third Reading
 - 1. The Committee shall bring the Constitution Revision up to the Senate for the Third Reading where the Senate may/can move to vote on the Constitution Revision or to send it back to the Constitution Revision Committee and brought back at the following session for the Third Reading.
- G. Final Disposition
 - 1. All Constitutional Revision shall become effective upon a three/fourths ($\frac{3}{4}$) vote of the Senate. Final disposition of all Constitution Revision must



be conducted with a roll call vote with those voting for and against recorded in the minutes. In the event the President refuses to sign the Constitution Revision approved by the Senate, it is considered a Presidential veto.

H. Presidential Veto

1. The President shall have veto power over all passed Constitution Revisions. The President will retain the right to veto legislation in its entirety. Should the President fail to veto legislation within seven (7) days of passage, it shall be considered passed. The President shall provide a written statement of the reason(s) in the event of a veto.

I. Veto Override

1. The Senate may override a veto by a three-fourths (3/4) vote.

J. Ex Post Facto

No Constitution Revisions that affect the number or qualifications of Senators shall take effect until the next general election. All other Constitution Revisions passed shall, unless an emergency is declared by a two-thirds (2/3) majority roll call vote of the Senate and agreed to by the Advisor, take effect at the beginning of the next term.