



**Bill B-22-22**

**The University of Alabama**

**27th Senate 2022-2023**

**Authors:** Senator John Richardson

**Sponsors:** Senator Jennifer Baggett, Senator Kaleigh Shaw, Senator John McLendon, Senator Keighan Nangle, Senator Seth Hudson, Senator Kiley Price, Senator Karina Collins, Senator Emilia Stuart, Senator Sarah Kate Smalley, Senator Elizabeth Prophet

**Endorsements:** Chief Justice Caleb Thome, Counselor to the Chief Justice Abilene Morthland, Associate Justice David Ware, President Madeline Martin,

**A BILL TO REQUIRE STANDING AND IMPLEMENT A STATUTE OF  
LIMITATIONS FOR JUDICIAL REVIEW**

*Be it enacted by the Senate of the Student Government Association Assembled.*

Section 1. Findings:

- A. The Student Government Association is modeled after the Federal Government of the United States.
  - a. The Student Judicial Board acts as the *Court of Last Resort* when it comes to judicial review relating to legislation, executive order(s), and government processes.
  - b. The Supreme Court of the United States, in *Lujan v. Defenders of Wildlife* (90-1424), 504 U.S. 555 (1992), established a three-part test to determine whether a party has standing to sue, as Federal courts only have constitutional authority to resolve actual disputes.
  - c. Currently, appeals submitted to the Chief Justice do not require any form of standing to form a panel of inquiry.
- B. Many statutes, both state and Federal, have a statute of limitations for filing legal action(s) against any party.

- a. Currently, appeals regarding legislation, executive order(s), and government processes, have no statute of limitations for filing an appeal for judicial review.
- b. This has resulted in retroactive action impacting legislation passed during a previous session of the SGA Senate and Administrations.
- C. The addition of standing as a requirement for appeal, and implementing a statute of limitations for appeals regarding legislation, executive order(s), and government processes, will promote stability and efficiency within the Student Judicial Board and SGA as a whole.

## Section 2. Legislation: **changes in red**

Chapter 401.4 The Chief Justice may appoint panels of inquiry to perform a judicial review of any legislation or executive order whose constitutionality has been formally questioned by way of written petition to the Student Judicial Board.

Chapter 401.4.1 Each panel of inquiry shall consist of six Associate Justices.

Chapter 401.4.1.1 The Chief Justice shall serve as chair of each panel of inquiry.

Chapter 401.4.1.2 The Chief Justice shall vote only in the case of a tie amongst voting members of the panel.

Chapter 401.4.2 A petition to establish a panel of inquiry may be denied by the Chief Justice if a prior panel of inquiry has previously upheld the constitutionality of said legislation or executive order.

**Chapter 401.4.2.1 A petition to establish a panel of inquiry may be denied by the Chief Justice if the complainant(s) lack standing.**

**Chapter 401.4.2.1.1 In order to have standing the complainant(s) or a party for which the complainant(s) is/are filing on behalf of, must have suffered an "injury in fact," meaning that the injury is (a) concrete and particularized and (b) actual or imminent; There must be a causal connection between the injury and the conduct brought before the court; It must be likely, rather than speculative, that a favorable decision by the court will redress the injury.**

**Chapter 401.4.2.2 A petition to establish a panel of inquiry regarding the Code of Laws, a Senate Resolution, a Senate Act, an Executive Order, or government process must be submitted to the Chief Justice within sixty (60) days of publication or implementation of such legislation or action.**

**Chapter 401.4.2.3 A panel of inquiry must be created if the written petition is signed by a Senator, member of Executive Council, or a member of the Student Judicial Board, unless it lacks standing and/or has surpassed sixty (60) days of publication or implementation of such legislation or action.**

Section 3. Severability Clause:

If any provision of this Bill shall be held or made invalid by a judiciary decision, statute or rule, or shall be otherwise rendered invalid, the remainder of this Bill shall not be affected thereby.

Section 4. Copies:

Copies of this bill shall be sent to: Madeline Martin, President; Caleb Thome, Chief Justice; David Strickland, Attorney General; Angel Narvaez-Lugo, Student Government Association Advisor; *The Crimson White*; and others that may be deemed necessary at a later date.