

ADVISORY OPINION OF THE COURT

NOTICE: The following document represents an advisory opinion of the Supreme Court of the Student Government Association of Texas Tech University and constitutes a non-binding decision on all parties concerned within the decision of the Court.

STUDENT SUPREME COURT OF TEXAS TECH UNIVERSITY

*In Re Senate Resolution 48.54*

Decided October 1, 2013

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By 6-0 Decision

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ON REQUEST FOR AN ADVISORY OPINION FILED BY SENATOR JOSEPH CORCORAN, MEMBER OF THE 48<sup>TH</sup> SESSION OF THE STUDENT SENATE OF THE STUDENT GOVERNMENT ASSOCIATION OF TEXAS TECH UNIVERSITY

On September 22, 2013, Senator Joseph Corcoran, member of the 48<sup>th</sup> Session of the Student Senate and Vice-Chairman of the Senate Committee on Rules and Administration, requested from this court an advisory opinion regarding whether a bill or resolution can amend the Rules of the Senate. Furthermore, Senator Corcoran inquired as to what procedure is to make all resolutions passed concerning the Rules of the Senate during the 48<sup>th</sup> Session and previous sessions valid, as well as any other advice this court would deem important in helping the committee decide which course of action to take.

Pursuant to the authority vested in us by the Constitution of the Student Government Association, we hereby DENY this request for an advisory opinion for lack of jurisdiction.

The Constitution of the Student Government Association vests in the Supreme Court certain responsibilities and duties to be executed in accordance with its provisions. One of these responsibilities is to issue advisory opinions “Upon written request signed by the President of the Student Government Association or any member of the Senate advise and *consent as to the constitutionality* of any existing or proposed legislation or render an advisory opinion to the Senate of *interpretation of this Constitution.*” ART. IV, SEC. 5, CL.1. Thus the Constitution vests in this Court the ability to render advisory opinions regarding interpretation of the Constitution.

However, we may not traverse beyond the bounds enumerated in our Constitution. “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” *See Kontrick v. Ryan*, 540 U.S. 443, 455

(2004); *see also Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506–07 (2006). Additionally, this Court has the right to “reject an appeal that is either unwarranted or not under the Court’s jurisdiction by majority vote of the Court.” RULES AND OPERATING PROCEDURE OF THE STUDENT SUPREME COURT § 6.1. The Court here lacks jurisdiction to render an advisory opinion because the Senator is requesting an interpretation of internal Senate Rules and not an interpretation of the Constitution. We decline, and rightfully so, to extend our jurisdiction to the internal procedures of another branch of government.

Based on the foregoing analysis, we hereby DENY this request for an advisory opinion for lack of jurisdiction

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Michael Uryasz  
Hon. Michael Uryasz, *Chief Justice*

/s/ \_\_\_\_\_  
Hon. Tiffany Montemayor, *Senior Associate Justice*

/s/ \_\_\_\_\_  
Hon. Andrew Robertson, *Associate Justice*

/s/ \_\_\_\_\_  
Hon. Riley Branch, *Associate Justice*

/s/ \_\_\_\_\_  
Hon. William Echols, *Associate Justice*

/s/ \_\_\_\_\_  
Hon. McKenzie Divel, *Associate Justice*