

Kurtz, J., delivered the opinion of the Judicial Council, in which Haigler, C.J.; Allhusen, J.; Averill, J.; Miller, J.; and Wilson, J. joined

Introduction

A formal request for interpretation was submitted by the ASUW Vice President and ASUW Steering Committee wherein three questions were presented to the Judicial Council for interpretation. The Judicial Council considered the request for interpretation under the authority of the *ASUW By-Laws*, Article II, Section 1, Clause A, “[i]n situation of disagreement or dispute, shall provide interpretation of the ASUW Constitution and ASUW By-Laws”. The Judicial Council convened and interpreted the questions submitted on October 16, 2008 in Room 011 of the University of Wyoming Student Union.

Question One

Under the governing documents of the ASUW and Roberts Rules of Order, can an ASUW Senate committee amend a piece of legislation in their committee, with and without authors and sponsors, or can they only propose amendments that must be voted on the floor of the Senate? If committees can make amendments, can “friendly amendments” be approved without the authors and/or sponsors and do both need to be present during a committee meeting to accept the amendment?

Interpretation and Recommendation 1

It is the interpretation of the Judicial Council that Article VI, Section 1, Article E within *ASUW Rules and Procedures* that committees can make recommendations of amendments; however they must be presented to ASUW on the Senate floor following the second reading. The Council recommends that the Senate consider developing working procedures to address the drafting of friendly amendments and amendments within committee structure. These recommendations are based the Judicial Council’s opinion that no specific language, within the working documents of ASUW, relevant to the question posed regarding friendly amendments.

Question Two

Under the governing documents of the ASUW, is the Budget and Planning Committee required to give a recommendation on legislation that has been referred to their committee and that changes before it can be taken to the full Senate, or does it simply need to be referred to this committee? Can a recommendation be made in Committee of the Whole on a piece of legislation that changes the finance policy in place of a recommendation from the Budget and Planning Committee?

Interpretation and Recommendation 2

It is the interpretation of the Judicial Council that the Budget and Planning Committee is the only Committee granted the authority to make changes and recommendations. However, these changes and recommendations must be brought before the Senate for confirmation. We based this interpretation upon *ASUW By-laws* Article 2, Section 10, Part A, Subsection 5b and *ASUW Finance Policy* Section I, Part C. Therefore, it is the interpretation of the Judicial Council that the Committee of the Whole cannot recommend changes to the ASUW Finance Policy.

Question 3

In consideration of a recent ASUW Senate situation, if a committee is not ready to make a recommendation to the full senate on piece of legislation, does this lack of a recommendation from the committee postpone second reading of this legislation? If yes, can a recommendation be made in Committee of the Whole instead of waiting for the original standing committee to make a recommendation? What would be the proper course of action when a piece of legislation is referred to two committees and the following happens:

- a. One committee offers a recommendation and the other is not ready to offer one.
- b. The ASUW governing documents state that legislation must be referred to a particular committee and that committee does not make a recommendation while the other one makes a recommendation.
- c. Assuming committees have the power to amend legislation, one committee amends legislation and the other does not.

Interpretation and Recommendation 3

It is the interpretation of the Judicial Council specific wording regarding the timeliness of a second legislative reading within Article VI, Section I, Part B. Thus, a second reading cannot be postponed by a lack of recommendation. However, the completion of a second reading does not require legislative action. It is also the opinion of the Judicial Council that no wording within the ASUW working documents exists to specify a specific structure for recommendations; they need not be limited “recommendation to pass” and “recommendation not to pass”. There also does not exist a timeline for the presentation of a recommendation. It is also the interpretation of the Judicial Council that Article II, Section 10 of *ASUW By-laws* that all committees are required to review legislation brought to their attention, but only specific committees are required to provide a timely recommendation as specified by the working of their powers and duties.

Conclusion

These are the interpretations and opinions of the Judicial Council formed after carefully reviewing all ASUW working documents, including but not limited to, the *ASUW Constitution*, *ASUW By-laws*, *ASUW Procedures*, and the *ASUW Finance Policy*. We submit these recommendations back to the ASUW Vice President Chair and ASUW Steering Committee. All interpretations and opinions were formed under strict confidentiality and without influence outside of the Judicial Council.

UNIVERSITY OF WYOMING

ASUW Student Government
Dept. 3625 • Wyoming Union, Room 020
1000 E. University Ave. • Laramie, WY 82071
Phone: (307) 766-5204

Memorandum

TO: ASUW Judicial Council

FROM: Jonathan McBride, ASUW Vice President
Chair, ASUW Steering Committee

RE: Request for Interpretation

Introduction

As provided by the ASUW Constitution and By-Laws, the ASUW Vice President and Steering Committee formally submit three questions to the ASUW Judicial Council for its interpretation and advice.

The ASUW By-Laws, Article III, Section 1, Clause A provides that the ASUW Judicial Council, “[i]n situations of disagreement or dispute, shall provide interpretation of the ASUW Constitution and the ASUW By-Laws.” And pursuant to Article III, Section 4 of the AUSW By-Laws, “Any member of the ASUW may bring a dispute before the ASUW Judicial Council.” The ASUW Judicial Council therefore has authority to consider this request for interpretation.

Questions Presented

1. Under the governing documents of the ASUW and Roberts Rules of Order, can an ASUW Senate committee amend a piece of legislation in their committee, with and without authors and sponsors, or can they only propose amendments that must be voted on the floor of the Senate? If committees can make amendments, can “friendly amendments” be approved without the authors and/or sponsors and do both need to be present during a committee meeting to accept the amendment?
2. Under the governing documents of the ASUW, is the Budget and Planning Committee required to give a recommendation on legislation that has been referred to their committee and that changes the Finance Policy before it can be taken to the full Senate, or does it simply need to be referred to this committee? Can a recommendation be made in Committee of the Whole on a piece of legislation that changes the finance policy in place of a recommendation from the Budget and Planning Committee?
3. In consideration of a recent ASUW Senate situation, if a committee is not ready to make a recommendation to the full senate on piece of legislation, does this lack of a

4. recommendation from the committee postpone second reading of this legislation? If yes, can a recommendation be made in Committee of the Whole instead of waiting for the original standing committee to make a recommendation? What would be the proper course of action when a piece of legislation is referred to two committees and the following happens:

- a. One committee offers a recommendation and the other is not ready to offer one.
- b. The ASUW governing documents state that legislation must be referred to a particular committee and that committee does not make a recommendation while the other one makes a recommendation.
- c. Assuming committees have the power to amend legislation, one committee amends legislation and the other does not.

Thank you very much for your time and consideration of this request for interpretation of the governing documents of the ASUW.

XC: Matt Caires, ASUW Advisor
Bill Weber, ASUW Judicial Council Advisor
Lisa Augustin, ASUW Secretary (file copy)