
In Re Senator Mark A. Chollak's Request for Interpretation

Decided November 19, 2003

CHRISTENSEN and WILEN, JJ., delivered the opinion of the Council, in which BUHLER, C.J., and HARRIS and LONG, JJ., joined.

On Thursday, October 16, 2003, the ASUW Steering Committee met to address Senate Bills #2052 and #2053, which were previously submitted to the Committee. Steering decided to refer the bills to itself rather than assigning them to another standing or special committee. At their following meeting—Thursday, October 23, 2003, the Committee discussed and made amendments to the bills. Senator Mark A. Chollak, on behalf of the ASUW Constitution Committee, brought forth a formal request for interpretation of the ASUW Constitution and By-Laws to the Judicial Council. The issue before the Council is whether it is proper for the Steering Committee to refer bills to itself for consideration and amendments. We unanimously hold that it is not.

Art. II, §10(A)(6) of the ASUW By-Laws outlines the purpose, powers, and composition of the Steering Committee. The purpose of the Committee is to “provide coordination for the various issues, legislative activities, and program involvements of the ASUW Executive and Legislative branches...” While the language “provide coordination” is somewhat vague, it implies that the Committee functions to organize issues between the Executive and Legislative Branches.

The Steering Committee has the explicit power to “refer proposed ASUW legislation to ASUW standing or special committees for specified action or recommendation prior to final consideration by the Senate.” Art. II, §10(A)(6)(b) of the ASUW By-Laws. Stated as such, the Steering Committee may refer issues to itself. However, the By-Laws do not explicitly render power to act or make recommendations on proposed legislation beyond any referrals. Therefore, we must determine whether the By-Laws implicitly confer power to consider or amend to the Steering Committee. Upon examination of the powers explicitly given to other standing committees, we note that a number of the referenced committees are endowed with specific authority to act on issues. Of particular interest are the purpose and powers granted to the Constitution Committee. The By-Laws explicitly state that the Constitution Committee “shall be responsible for the initial review and formulation of all proposed amendments to the ASUW Constitution and shall review changes or additions to the ASUW By-Laws to insure that the By-Laws are consistent with the purpose of the ASUW and the Constitution.” Art. II, §10(A)(2)(a) of the ASUW By-Laws. The silence of the By-Laws regarding the powers of the Steering Committee, then, suggests that the Committee has no power to consider or amend; rather, the Committee’s only authority is to refer the matter elsewhere.

Additionally, we must consider the composition of the Steering Committee in light of the notion of a balance of powers between the three branches of ASUW. The Steering Committee is composed of members of two branches of government—Executive and Legislative. With this composure the legislative process would not be upheld were the Steering Committee able to act on legislation other than for referral. Therefore, we feel that action by the Committee on legislative matters is inappropriate. To allow such action would defy the spirit of the ASUW Constitution and By-Laws.

**Formal Request for Interpretation of ASUW By-Laws
by Judicial Council.**

**Filed October 28, 2002 by
Education Senator Mark A. Chollak**

On Thursday, October 16, the ASUW Steering Committee met in their regular meeting. Senate Bills #2052 and #2053 had been submitted to Steering prior to this date.

Rather than being referred to a standing committee, Steering decided to refer the bills to itself. At their following meeting on Thursday, October 23, 2003, the bills were discussed and amendments were made to the bills.

The question before the Judicial Council is:

Based on the powers granted by the ASUW Constitution and By-Laws, is it proper for the Steering Committee to refer bills to itself for consideration and amendments?

Those who may speak at any hearing concerning this matter include Mark A. Chollak, Army Goodson, Marshawn Rising and John Hughes.