**Office of the Attorney General**

**Official Opinion**

**TO:** Youseff Aly, *ASNMSU Graduate Senator*

**FROM:** Devon Harrison, *ASNMSU Attorney General*

**DATE:**  April 28th, 2025

**TITLE:** “Legality and Procedural Standing of Bill 198 under Bylaw 7-3-3-G; Inquiry into Senatorial Conduct Regarding Legislative Obstruction” 

**Subject:**

1. Regarding Bill 198, is it still legal or not based on 7-3-3-G and could it be taken for the table during Committee of the Whole (C.O.W.)?
2. Also, is blocking a legal bill from passing for no legitimate reasonable concern against the oath of the office of Senators?

**Applicable Bylaw:**

**ASNMSU Senate Legislation:**

[Bill 198](https://eltnmsu.sharepoint.com/%3Ax%3A/r/sites/ASNMSU/Shared%20Documents/Attorney%20General/Official%20Opinions/68h%20Senate/Bill%20198.xlsx?d=wb3c0749e344a4982b02c9e6cb5b820e4&csf=1&web=1&e=ImLNHN)

**ASNMSU Senate Meeting Minutes:**

01/23/25 [Meeting Minutes](https://eltnmsu.sharepoint.com/%3Ab%3A/r/sites/ASNMSU/Shared%20Documents/Attorney%20General/Official%20Opinions/68h%20Senate/Senate%20Meeting%20Minutes%201.23.25.pdf?csf=1&web=1&e=yD10dV)Quote:
“**XV. First Readings**
- Bill #: 167, 168, 169,170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, ...”

03/06/25 [Meeting Minutes](https://eltnmsu.sharepoint.com/%3Ab%3A/r/sites/ASNMSU/Shared%20Documents/Attorney%20General/Official%20Opinions/68h%20Senate/Senate%20Meeting%20Minutes%2003_06_2025.pdf?csf=1&web=1&e=qkcza3)

Quote:
“Bill #198: Making an appropriation to the English Graduate Student Organization

* Amend line 16 to read El Paso, TC, to Amman, Jordan roundtrip
* Jaden Moore moved to table this bill

VOTE: Yes: 10 | Nay: 8 | Recusal 1 | Abstain: \_\_ |”

**NMSU 2025 Academic Calander:**

<https://records.nmsu.edu/academic-calendar/2025.html>

**ASNMSU Bylaws:**

7-3-3. MAIN PROVISIONS

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G. Any bill which is making an appropriation that is introduced to the ASNMSU Senate and referred to the standing committees shall have a time limit placed upon it for which it can remain in the ASNMSU Senate standing committees or the ASNMSU Senate. Any bill for any type of travel shall be given six (6) working weeks from the date it is introduced in first reading to get to the ASNMSU Senate for second readings to be voted upon. Such a bill may be tabled in any committee for as long as the author desires so long as it reaches the ASNMSU Senate by the sixth week to be voted upon. It shall be automatically withdrawn if it stays in committees for any longer than six (6) working weeks. The bill shall be considered active during the time place upon it and shall be withdrawn automatically if it goes over the time placed upon it:

1. The author of the appropriations bill shall inform the constituent(s) and provide a copy to the Chair of the committee by Monday at noon on the sixth week; and

2. “Working weeks” shall refer to weeks during which the ASNMSU holds ASNMSU Senate meetings or ASNMSU Senate standing committee meetings; and

3. Should an appropriations bill remain in the standing committees for six (6) working weeks, be referred to the ASNMSU Senate floor, and then be referred back to committees, the bill shall have until the next regularly scheduled general ASNMSU Senate meeting to return to the floor. Failure to return to the ASNMSU Senate floor by the next regularly scheduled general meeting will result in automatic withdrawal of the bill.



**Opinion(s) Rendered:**

### **Question 1: Is Bill 198 still legal under 7-3-3-G, and can it be taken from the table during Committee of the Whole (C.O.W.)?**

 No, Bill 198 is no longer legally valid for passage. According to Section 7-3-3-G of the ASNMSU Financial Procedures Manual:

“*Any bill for any type of travel shall be given six (6) working weeks from the date it is introduced in first reading to get to the ASNMSU Senate for second readings to be voted upon... It shall be automatically withdrawn if it stays in committees for any longer than six (6) working weeks.*”

Bill 198 was introduced during the Senate meeting on **January 23, 2025**, and was tabled during the **March 6, 2025,** meeting. Based on the NMSU Academic Calendar, there were no holidays or Senate recesses affecting the six-week working window. Therefore, **March 6th marked the final eligible day** for this bill to be considered.

As of today, **thirteen (13) weeks** have passed since its introduction—well beyond the allowable six-week limit. Thus, **Bill 198 is considered expired** and **cannot be legally passed** in its current form, including via motions to take it from the table during C.O.W.

**Recommendation:**
 If a Senator wishes to pursue the intent of Bill 198, they may **draft a new version of the bill** with a different bill number and submit it for consideration during the May 1, 2025, Senate Meeting Continuation. This would be a renewing of the Bill as it would be allowed an additional six (6) weeks under a different bill number.

### **Question 2: Is blocking a legal bill from passing without a legitimate concern a violation of a Senator’s oath of office?**

 This question contains assumptions that must be clarified before a definitive legal opinion can be offered. Specifically:

* The phrase “*blocking a legal bill*” presumes the bill is valid; in this case, **Bill 198 is not**, so opposition to it would not be a violation of oath or procedure.
* The phrase “*no legitimate reasonable concern*” is subjective and not legally actionable without specific context or evidence.

If this question refers to opposition to Bill 198 being taken from the table, Senators have valid procedural grounds for opposing it, as the bill has expired and is no longer within its legal time frame for consideration. Voting against it—or refusing to bring it back—would be a lawful and reasonable action.

If the concern is broader or refers to a different bill or behavior, the Attorney General’s Office requests **a more specific example**, including:

* Which bill is in question?
* What actions are alleged to be obstructive?
* What evidence supports the claim that the action is taken “without reasonable concern”?

Without this context, we cannot evaluate whether the alleged conduct violates a Senator’s oath or ASNMSU governing documents. Simply opposing a bill—regardless of intent—is within a Senator’s legislative right, particularly if done in service of their constituents’ interests.

Should you have any questions or require any additional clarification, please do not hesitate to contact the Attorney General’s Office. Thank you.

Best,

**Devon L. Harrison - he / him / his**

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