



The Associated Students of New Mexico State University

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Office of the Attorney General

Official Opinion

TO: Isabelle Diaz, *ASNMSU HEST Senator; Pro Tempore*

FROM: Ruben Morales Jr., *ASNMSU Deputy Attorney General*

DATE: March 18th, 2025

TITLE: “Clarification on the Committee of the Whole (COW)”

Subject: The opinion addresses the role and legality of the Committee of the Whole (COW) within the Associated Students of New Mexico State University (ASNMSU) Senate, clarifying its purpose, legal standing, and appropriate usage.

Applicable Bylaw:

NMSU Policy:

[Appendix – Regents Policy Manual 1.00-B – Bylaws of the Regents of New Mexico State University - 4.5 “Conduct of Meetings”](#)

ASNMSU Bylaws:

C.O.W Procedure - 6-10-8-a.b, 6-13, 6-14, 6-14-1

Parliamentarian Procedure - 6-15 & 6-15-1-B

ASNMSU Policy:

[Roberts Rules 12th Edition](#)



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Opinion Rendered:

Questions have arisen regarding the legitimacy of the ASNMSU's 68th Senate's use of the Committee of the Whole (COW). This procedural framework is historically known in our Association through ASNMSU Senate's application of the Roberts Rules of Order (RRO) in order to lawfully conduct the legislation process, which is not traditional if compared to Federal and State procedure. RRO is specified as a 'governing document' in NMSU's Regents Policy Manual, which clarifies its institutional authority and further supports ASNMSU's reliance on RRO for procedural guidance within a legal context.

On the current record, COW has been used three times - primarily to deliberate on legislation entering the Senate or to address situations where a bill has not yet been substantiated before the Senate due to procedural concerns (e.g., verification issues, lateness, etc.). The COW is a procedural tool embedded within RRO 12th ed., which ASNMSU follows as its parliamentary authority, as referenced in Sections 6-10-8-a.b and 6-13 of our Bylaws. Additionally, there is always an option for reconsideration of such actions taken in COW, stated in 6-13-5, which allows "the ASNMSU Senate... [to] reconsider any section upon dissolving out of ASNMSU Senate Committee of the Whole." Also, RRO (12th ed.) 52:1 states that an assembly may move into COW to "give detailed consideration to a matter under conditions of freedom somewhat like those of a committee...[allowing] any member...[to] speak in debate on the main question or any amendment...as often as he is able to get the floor;" however, still regulated under the rules of debate as in regular session. Allowing for engagement in more flexible deliberation over complex or unresolved matters, and members to discuss issues informally before taking formal action. By moving into the COW, the ASNMSU Senate can resolve matters efficiently and then return to formal debate (RRO 52:8). Moreover, because all Senate committees (including those for Rules, Credentials and Archives, and Finance) are integral parts of the Senate legislation process, any unsubstantiated bills are still presented to the full Senate for comprehensive review. This ensures that even if a bill does not pass through all individual committees, it remains subject to deliberation by the committees composing the Senate as a whole.

For clarification, RRO 52:1, clearly states that the COW exists to provide a means for an assembly to deliberate in greater depth than is possible under standard meeting rules but still governed by rules of the assembly with exceptions (RRO 52:9). Further, RRO 52:10, 52:13, and 52:16 and bylaw 6-15-P clarifies the process that a legislative body may enter and abide by when entering the COW to debate matters requiring thorough discussion before a final decision must be made. RRO 52:8 and bylaw 6-13-A emphasizes that the scope of debate in the COW must



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remain limited to the specified subject, while 52:11, 52:12, and 52:14 ensures that upon conclusion, the COW reports its findings to the full assembly for the final action – thus preserving transparency and procedural integrity. These provisions confirm that the COW is a legally supported and effective method of parliamentary procedure.

To address some concerns, the Senate may choose, when deemed necessary, to enter the COW to debate and amend legislation in a more flexible, informal setting before bringing it back for formal consideration. Additionally, while there may be concerns about its frequency, its use is expressly provided for under ASNMSU bylaw section 6-13 and related sections. In addition, it is important to note that RRO 12th edition provides alternative procedures for Senate to engage in more flexible discussions. For instance, Sections 52:24 - 52:27 provide for “informal consideration”, which is a simplified method suitable for smaller assemblies that suspends certain debate limitations while still requiring formal action on votes. However, on this note, it is imperative that the Senate employ these procedures judiciously, ensuring that it does not replace standard procedural vetting, and that all recommendations are eventually ratified by the full Senate.

In conclusion, RRO procedures – such as the COW and informal consideration – are established and legally recognized procedural devices within the ASNMSU Senate. Its legal foundation in Roberts Rules of Order 12th edition, combined with the explicit authorization provided by the Regents Policy Manual, ASNMSU bylaws, and related provisions, affirms its legitimacy. Additionally, when used appropriately, these procedures aid in resolving bills that remain unsubstantiated or in need of more discussion before the Senate, maintaining legislative efficiency, transparency and accountability. Any concerns regarding its use are unfounded when it is implemented in strict adherence to our governing documents.

If any additional clarification is needed on this matter, please feel free to contact the AG office.

Best regards,

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