



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

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asnmsu.nmsu.edu

Office of the Attorney General

Official Opinion

TO: Isabell Diaz, *ASNMSU Pro Tempore*
& Riley Robertson, *Editor-and Chief of the Round Up*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: January 21st, 2025

TITLE: The General Appropriation Act's Maximum Limit Per Organization Each Academic Year.

Subject: Does the \$10,000 funding limit apply to the total appropriations per organization per academic year or to each funding purpose (operating expenses and travel reimbursements) separately?

Applicable Bylaw:

ASNMSU Bylaws:

7-4-3. MAIN PROVISIONS

- G. Funding for operating expenses (including teams) shall be no more than ten thousand dollars (\$10,000) per academic school year:
 - 1. The decision as to whether or not an appropriation is for operating expenses shall be made by the ASNMSU Senate Rules Committee before the request for appropriation enters second readings if the purpose of the funding is not clear.
- H. The ASNMSU Senate shall make appropriations for conference attendance travel, conference presentation travel, research travel, community service travel, and humanitarian service travel according to the following procedures:



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1. The ASNMSU Senate may provide up to one hundred percent (100%) of the total funds requested, but no more than ten thousand dollars (\$10,000) per academic school year to help defray the traveling expenses for the following:

a. Round trip transportation to destination to include:

- i. Airfare; and
- ii. Commercial bus line; and
- iii. Commercial train; and
- iv. Mileage for the use of personal vehicle; and
- v. Rental vehicle; and
- vi. Fuel if using a rental vehicle; and
- vii. Fuel if using NMSU vehicle.

b. Registration, including workshops; and

c. Lodging; and

7-5. SENATE FINANCIAL PROCEDURES

The ASNMSU Senate will hear all bills, resolutions, and memorials according to the latest edition of Robert's Rules of Order unless otherwise specified for in special orders of the ASNMSU Senate.

7-5-1. MAIN PROVISIONS

C. The ASNMSU Senate will not consider appropriations made to base programs to count against the total appropriation limit; and

D. The ASNMSU Senate will appropriate no more than one hundred thousand dollars (\$100,000) beyond the ASNMSU General Appropriations Act to base programs of the ASNMSU during every fiscal year, as defined by NMSU; and

E. The ASNMSU Senate may continue to appropriate more than one hundred thousand dollars (\$100,000) to ASNMSU base programs beyond the ASNMSU General Appropriations Act, providing that the appropriation bills beyond the one hundred thousand dollars (\$100,000) fiscal



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year limit be approved by three-quarters (3/4) of the ASNMSU Senate voting for the purpose; and

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7-6-4. MAIN PROVISIONS

A. The ASNMSU base programs are not subject to section 7-4; and

B. The maximum amount of the ASNMSU General Appropriations Act for the next fiscal year shall be no higher than the actual income from the Summer Session II, Fall, and Spring student fee allocation for the current fiscal year. Allocation adjustments to student fees during the respective time periods shall also be considered:

1. The ASNMSU Senate shall have the right to reallocate up to ten percent (10%) of the ASNMSU Expense Fund Account as of February 15th towards the ASNMSU General Appropriations Act with a three-quarters (3/4) majority vote.

ASNMSU Senate Bills:

Bill 68 and Bill 101:

[Sub-Bill 68](#)

[Sub-Bill 101](#)

[Sub-Bill 220 \(67th Senate\)](#)

ASNMSU Bill Packets:

[Bill Packet 6 - Bill 68 PASSED](#)

[Bill Packet 8 - Bill 101 VETOED](#)

ASNMSU Veto Rationale:

[The ASNMSU Presidents' Rationale](#)

NMSU Policy:



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PART 3: ASNMSU FUNDS

The following applies to clarify the permissible uses of ASNMSU funds.

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D. Withdrawals: Subject to Section E. below, the ASNMSU senate, by a simple majority, may withdraw funds from the ASNMSU Account to allocate funds to chartered student organizations and to NMSU course participants to assist with related expenses (e.g. competitions representing NMSU) for the benefit of students. This shall be done through the normal appropriations process.

Opinion Rendered:

The ASNMSUs’ Attorney General (AG) Department acknowledges that the bylaws are unclear as to whether the \$10,000 limit applies cumulatively or per funding purpose: however, the distinct categories for operating expenses and travel reimbursements each lie with their own \$10,000 cap. The AG Department is also aware that the NMSU’s independent student-run newspaper (‘The Round Up’) has brought two bills before the 68th ASNMSU Senate for the Spring 2024-2025 academic year – Sub-Bill 68 and Sub-Bill 101.

Sub-Bill 68 is an appropriation bill for five thousands hundred ninety-five USD and no cents (\$5,695.00) for Operational Expenses; whereas Sub-Bill 101 is an appropriation bill for four thousand three hundred five USD and no cents (\$4,305.00), which was also for Operational Expenses, but was vetoed by ASNMSU President Alhalholy on November 20th, 2024 (11/20/24). Together the two bills totaled exactly ten thousand USD and no cents (\$10,000.00). Sub-Bill 101 was vetoed due to “the unlawful process used to pass this legislation through the ASNMSU Senate. As stated in Chapter 7-3-3-B of the ASNMSU Financial Procedures, ‘Any ASNMSU Senator who is drafting legislation intended to fund an organization’s operating expenses shall be required to submit their bill to the ASNMSU Fiscal Advisors.’ However, in the case of Bill #101, this critical step was not followed, as the legislation was not submitted to the ASNMSU Fiscal Advisors for review prior to its introduction and passage in the Senate.”, which the AG Department stands behind – these regulations of the Financial Procedure Manual must be followed to ensure ethical procedures are abided.

However, the issue at hand within this opinion is to clarify whether there is a ten thousand USD and no cent maximum limit on the ASNMSU Senate’s appropriation power per organization per academic year – in total – or a ten thousand USD and no cent maximum limit on



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the ASNMSU Senate's appropriation power per organization, per academic year, per the appropriations purpose. In terms of an appropriations purpose, there are two main ones: operating expenses or travel reimbursements, which there is an array of 'types' of travel i.e. conference, competition, humanitarian, research-based, etc.; so, totally there would be a maximum limit on the ASNMSU Senate's appropriation power per organization, per academic organization of twenty thousand USD and no cents (\$20,000.00).

After reviewing the legislative history of the 67th Senate, Sub-Bill 220, which introduced the \$10,000 limit revealed to have an insufficient rationale documented and therefore the AG department will not entertain backing precedent with an originalist interpretation of the Sub-Bill that interprets the legislations 'intent' to be a cumulative total. The AG department, like any court would, supports the adherence to the explicit bylaw language over precedent – in terms of legal validity. If Senate wants to continue the precedent of a \$10,000 limit per organization that follows the General Appropriation Act, then Senate must amend the bylaws to add this explicit statement.

With this said, the AG department recognizes the legality of 'The Round Up' asking for \$10,000 for Operational and Travel reimbursements each, but we also urge the 68th Senate to exercise caution in its spending practices, particularly in light of increased recommended expenditures that are four hundred dollars over the fiscal teams financially responsible recommendation. The Senate should not forget that sustainable budgeting allows them to serve the broader student body effectively.

Please feel free to contact the AG office if you need further clarification on this matter.

Best regards,

Devon L. Harrison - he / him / his

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