

**SENATE OF THE ASSOCIATED STUDENTS
OF NEW MEXICO STATE UNIVERSITY**

**SENATE RULES COMMITTEE SUBSTITUTE FOR
BILL #145**

SIXTY-SEVENTH SENATE

2023-2024

Introduced by:	<u>Sandoval, Benavidez, Banihani</u>	Date: 01/22/2024
Referred to:	<u>Rules, Credentials and Archives, Finance</u>	Date: 01/25/2024
Senate Action:	<u>Do-Pass</u>	Date: <u>02/08/2024</u>
Date Signed:	<u>02/12/2024</u>	

LXVII-23-24

AN ACT

1 AMENDING CHAPTER 1 OF THE 2023-2024 ASNMSU **LAW BOOK**. BE IT ENACTED BY THE SENATE OF THE
2 ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY.

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4 Section 1: Purpose of Act.

5 To amend Chapter 1 of the ASNMSU **Bylaws** for reasons deemed necessary by the **Winter** 2023
6 Law Book Committee. Amended with deleted material [in brackets] and inserted material
7 underlined;

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9 Section 2: Main Provisions.

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1. THE CONSTITUTION OF THE ASNMSU

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1-1. NAME

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The name of this student association shall be "The Associated Students of New
Mexico State University," hereafter referred to as the "ASNMSU."

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1-2. MEMBERSHIP, STRUCTURE, AND LIMITATION OF POWER

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1-2-1. MEMBERSHIP

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All students of NMSU who have paid the ASNMSU supporting fees shall
be members of the ASNMSU.

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1-2-2. GOVERNMENTAL STRUCTURE

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The governing structure of the ASNMSU shall consist of three branches:
the legislative, the executive, and the judicial.

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1-2-3. LIMITATION OF POWER

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The ASNMSU shall not have the power to enact any bylaw or adopt any
policy which infringes upon the rights of any policy-determining body of
NMSU to perform their duties and responsibilities.

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1-3. LEGISLATIVE

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1-3-1. LEGISLATIVE POWER VESTED

31 All legislative powers granted in this Constitution shall be vested in the
32 Senate of the ASNMSU, hereafter referred to as the "Senate."

33 1-3-2. SENATE MEMBERSHIP QUALIFICATIONS AND OFFICERS

34 The Senate of the ASNMSU shall be composed of Senators of the
35 ASNMSU elected by the ASNMSU members of the university's
36 Undergraduate Colleges and the Graduate School, hereafter referred to
37 collectively as the "Colleges." Senators of the ASNMSU shall be elected
38 for a term of one (1) year and shall take office at the last Senate of the
39 ASNMSU meeting of the semester of their election. No person shall be a
40 Senator of the ASNMSU who is not, when elected and while in office, a
41 member of the ASNMSU, not under academic or disciplinary probation,
42 and a student of the College by which they are elected. No Senator of the
43 ASNMSU shall hold an additional elected office or appointed position of
44 the ASNMSU except as may be provided through the bylaws. The
45 members of the Senate of the ASNMSU shall be apportioned among the
46 several Colleges in direct proportion to their respective enrollments as
47 determined by the current official fall semester enrollment figures from
48 the NMSU registrar, but each College shall have at least two (2) Senators
49 of the ASNMSU. Amendments to the apportionment shall be passed by a
50 vote of three-fourths of the Senate of the ASNMSU membership present
51 and voting. When a vacancy occurs in the Senate of the ASNMSU, the
52 College Council of the College of the vacated position may select an
53 interim Senator of the ASNMSU to serve the remainder of the unexpired
54 term. The Vice President of the ASNMSU shall be President of the Senate
55 of the ASNMSU but shall have no vote unless the Senate of the ASNMSU
56 is equally divided. The Senate of the ASNMSU shall choose its other
57 officers and a President Pro Tempore of the ASNMSU who shall serve in
58 the absence of the Vice President of the ASNMSU or when the Vice
59 President of the ASNMSU shall exercise the Office of President of the
60 ASNMSU.

61 1-3-3. POWERS AND DUTIES

62 The Senate of the ASNMSU shall have the authority to pass all legislation
63 necessary and consequent to any provision of this Constitution. No money
64 shall be drawn from the treasury except as a consequence 12 of
65 appropriations made through the bylaws. The Senate of the ASNMSU
66 may levy such fees as may be necessary to support the ASNMSU upon the
67 consent of the ASNMSU. The Senate of the ASNMSU shall have the sole
68 power to initiate impeachment proceedings against any individual holding
69 a position of trust and confidence under the ASNMSU on allegation of
70 nonfeasance or misfeasance by a threequarters majority vote of those
71 present and voting. The Senate of the ASNMSU shall have the sole power
72 to try any member of the judiciary in matters of alleged nonfeasance,
73 misfeasance, and, if guilt is found by a three-quarters majority vote of
74 those present and voting, to remove such a person from office. The times,
75 places, and manner of holding elections for Senators and Executive
76 Officers of the ASNMSU shall be prescribed by the Senate of the

ASNMSU. The Senate of the ASNMSU shall be the judge of the elections, returns, and qualifications of all elected officials of the ASNMSU and may delegate these duties as prescribed through the bylaws.

1-3-4. ENACTMENT AND VETO OF BILLS

Every bill having passed the Senate of the ASNMSU shall be presented to the President of the ASNMSU before being enacted into bylaw. If the President of the ASNMSU approves, the bill shall be enacted by the President of the ASNMSU 's signature. If the President of the ASNMSU disapproves, the President of the ASNMSU shall return the bill with a written message of objections to the Senate of the ASNMSU. The Senate of the ASNMSU may then reconsider the bill; should two-thirds majority of the Senators of the ASNMSU present vote in the affirmative upon the bill, it shall be enacted into bylaw. Should the President of the ASNMSU fail to return a bill to the Senate of the ASNMSU within two weeks after it has been presented, the bill shall be enacted into bylaw as though the President of the ASNMSU had signed it, provided the Senate of the ASNMSU shall not have prevented its return by its adjournment. All bills shall be transmitted to the Office of the President of NMSU and the Office of the Vice President of Student Success of NMSU within forty-eight hours of enactment into bylaw. The President of NMSU or designee shall have the power to nullify the annual general appropriations bill within two weeks after it has been presented to them.

1-3-5. MEETINGS AND RULES OF PROCEEDINGS

The Senate of the ASNMSU shall convene no less than once every two weeks during the fall and spring semesters. A regular meeting may be omitted by a two-thirds majority vote of the Senate of the ASNMSU. A majority of the membership shall constitute a quorum to transact business, but a smaller number may adjourn and may compel, upon peril of censure, the attendance of absent members. The Senate Clerk of the ASNMSU shall keep a journal of the proceedings of all meetings in which the affirmative and negative votes shall be entered upon any document or matter of record. The proceedings of the meeting shall be made available to the public. The Senate of the ASNMSU may determine the rules of its proceedings. All meetings of the Senate of the ASNMSU, whether the body is sitting in whole or in part, shall be open to the public. All persons in attendance shall be subject to the rules of the Senate of the ASNMSU.

1-4. EXECUTIVE

1-4-1. EXECUTIVE POWER AND ELECTION

The executive power shall be vested in the President of the ASNMSU, who shall enforce the execution of all bylaws and policies of the ASNMSU not explicitly required of the other branches. A President and Vice President of the ASNMSU shall be elected by a majority vote of active ASNMSU members casting ballots in an election during the spring semester of each academic year. No person shall be a candidate for executive office who has not been a member of the ASNMSU for the

spring and fall semesters of the academic year prior to candidacy. No person under academic or disciplinary probation or who is not a member of the ASNMSU shall hold an executive office. Each elected Executive Officer 13 shall serve a term of one year commencing on May 16th and terminating with the successor's installation.

1-4-2. ORDER OF SUCCESSION

In such event that the President of the ASNMSU resigns from their office, be removed from their office, or in some other manner be rendered unable to fulfill the duties and discharge the powers of office, all powers, authorities, responsibilities, and duties of the Office of the President of the ASNMSU shall fall upon the Vice President of the ASNMSU. In the event that such disability be removed, all powers, authorities, responsibilities, and duties of the Office of the President of the ASNMSU shall revert to the President of the ASNMSU upon their declaration of fitness to serve. The Senate of the ASNMSU may, through the bylaws, provide for the order of succession of executive responsibility in the event that both the President of the ASNMSU and Vice President of the ASNMSU suffer disability or, in some manner, become incapacitated.

1-4-3. INFORMATION TO BE PROVIDED TO THE SENATE

From time to time, the President of the ASNMSU shall give the Senate of the ASNMSU information on the state of the ASNMSU and recommend measures they judge necessary and expedient.

1-4-4. APPOINTIVE POWERS

The President of the ASNMSU shall nominate and, with the consent of the Senate, shall appoint members of the ASNMSU to fill executive offices which may be established through the bylaws. The Senate of the ASNMSU may, through the bylaws, invest the President of the ASNMSU with the power to make specified appointments at their sole discretion. The President of the ASNMSU shall have the authority to appoint such executive assistants as deemed necessary.

1-5. JUDICIAL

1-5-1. SUPREME AND INFERIOR COURTS

The judicial power of the ASNMSU shall be vested in the Supreme Court and inferior Courts of the ASNMSU ordained and established by the Senate of the ASNMSU. The Supreme Court of the ASNMSU shall comprise of one (1) Chief Justice of the ASNMSU and four (4) Associate Justices of the ASNMSU nominated by the President of the ASNMSU and confirmed by the Senate of the ASNMSU. The four (4) Associate Justices of the ASNMSU shall be nominated with the consent of the Chief Justice of the ASNMSU. All Justices of the ASNMSU shall be members of the ASNMSU, and no person shall be nominated or appointed a justice of the Supreme Court of the ASNMSU who has not been a member of the ASNMSU for the spring or fall semester prior to their appointment. The Chief Justice and two (2) Associate Justices of the ASNMSU shall be nominated by the outgoing President of the ASNMSU and confirmed at

the spring semester's last Senate of the ASNMSU meeting. The term of the remaining two (2) Associate Justices of the ASNMSU shall be confirmed at the last Senate of the ASNMSU meeting of the fall semester. All the Supreme Court Justices of the ASNMSU shall serve a one (1) year term. When a vacancy occurs within the Supreme Court of the ASNMSU, the President of the ASNMSU, with the consent of the Senate of the ASNMSU, shall appoint a qualified member of the ASNMSU to fill the remainder of the unexpired term. A majority of the Justices of the ASNMSU shall constitute a quorum to render a decision.

1-5-2. JUDICIAL POWER

The judicial power shall extend to all cases, in bylaw and equity, arising under this Constitution, statutory enactments, legislative resolutions, or executive orders of the ASNMSU. Both the Supreme Court and inferior Courts of the ASNMSU shall have the power to render decisions in matters of 14 binding arbitration when both parties to such a dispute so request and submit to the jurisdiction over any case originally adjudicated by any inferior Court of the ASNMSU. The Supreme Court of the ASNMSU shall have the sole power to try impeachments of Legislative and Executive Officers. This power shall extend no further than the judgment of removal from office.

1-6. THE LAW BOOKS

All contents in the Law Books of the ASNMSU shall henceforth be considered the bylaw of the ASNMSU.

1-6-1. CERTIFICATION

The Law Book of the ASNMSU shall be certified in accordance with NMSU Policy and Procedures **by November 1st** of every fiscal year by the NMSU Vice President of Student Success. Should the contents of the Law Book of the ASNMSU fail to be certified at any point, all employees of the ASNMSU shall cease all operations. Exempt employees shall include:

- A. The Advisors of the ASNMSU; and
- B. Any full-time employees of the ASNMSU; and
- C. Employees of the ASNMSU that are considered essential by the Advisors of the ASNMSU and confirmed by the passing of a simple resolution. The Senate of the ASNMSU shall then have the sole power to review and amend the Law Book of the ASNMSU to meet NMSU Policy and Procedure, and they will only be able to pass legislation concerning the Law Book of the ASNMSU until certification is completed.

1-7. AMENDMENTS

Amendments to this Constitution shall be passed by a two-thirds majority vote of the Senate of the ASNMSU membership, approved by a majority of those members of the ASNMSU voting for that purpose, and approved by the President of NMSU or their designee before such amendments shall become effective....

216Section 3: Rationale.

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218 This amendment sets a strict deadline for certifying the ASNMSU lawbook.