

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

SENATE RULES COMMITTEE SUBSTITUTE FOR

BILL # 395

SIXTY-EIGHTH SENATE

2024-2025

Introduced by: Baca, Diaz, Uribe, O'Neill Date: 04/06/2025

Referred to: Rules, Credentials & Archives, and Finance Date: 04/10/2025

Senate Action: Do-Pass Date: 5/1/25

Date Signed: 5/7/25

LXVIII-24-25

AN ACT

1 AMENDING CHAPTER 1 OF THE 2024-2025 ASNMSU BYLAWS. BE IT ENACTED BY THE
2 SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY.

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4 Section 1: Purpose of Act.

5 To amend Chapter 1-2, 1-3, and 1-6 of the ASNMSU Bylaws as recommended by the
6 Attorney general. Amended with deleted material [in brackets] and inserted material
7 underlined.

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10 Section 2: Main Provisions

11 **1. THE CONSTITUTION OF THE ASNMSU**

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15 **1-2. MEMBERSHIP, STRUCTURE, AND LIMITATION OF POWER**

16 **1-2-1. MEMBERSHIP**

17 **A.** All students of NMSU who have paid the ASNMSU supporting fees shall be members
18 of the ASNMSU.

19 **B. Membership structure looks as follows:**

i. ASNMSU Member: A paid employee of ASNMSU – hourly pay or through scholarship.

ii. Associated Member: An intern of ASNMSU receiving resume experience and/or course credit.

iii. Associated Student or Constituent: An ASNMSU fee-paying member.

1-2-2. GOVERNMENTAL STRUCTURE

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

B. The associations governing documents of ASNMSU shall consist of the ASNMSU Bylaws, an overarching term, which includes the following documents:

a. the ASNMSU Bylaws

i. ASNMSU Constitution

ii. The ASNMSU Election Code

iii. The Executive Bylaws

iv. The Judicial Bylaws

1. Appendix A

v. The Legislative Bylaws

vi. Rules of the Senate

b. The ASNMSU Financial Procedures Manual

c. The College Council Bylaws

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1-3-2. SENATE MEMBERSHIP QUALIFICATIONS AND OFFICERS

The Senate of the ASNMSU shall be composed of Senators of the ASNMSU elected by the ASNMSU members of the university's Undergraduate Colleges and the Graduate School, hereafter referred to collectively as the " Colleges." Senators of the ASNMSU shall be elected for a term of one (1) year and shall take office at the last Senate of the ASNMSU meeting of the semester of their election. No person shall be a Senator of the ASNMSU who is not, when elected and while in office, a member of the ASNMSU, not under academic or disciplinary probation, and a student of the College by which they are elected. No Senator of the ASNMSU shall hold an additional elected office or appointed

position of the ASNMSU except as may be provided through the bylaws. No person shall be a Senator of the ASNMSU if they are enrolled in a recurring class scheduled to overlap for up to more than 90 minutes from the start time of a regularly scheduled Senate meeting and assigned committee meetings. The members of the Senate of the ASNMSU shall be apportioned among the several Colleges in direct proportion to their respective enrollments as determined by the current official fall semester enrollment figures from the NMSU registrar, but each College shall have at least two (2) Senators of the ASNMSU. Amendments to the apportionment shall be passed by a vote of three-fourths of the Senate of the ASNMSU membership present and voting. When a vacancy occurs in the Senate of the ASNMSU, the College Council of the College of the vacated position may elect an interim Senator of the ASNMSU to serve the remainder of the unexpired term; however, all senators must recuse themselves from voting on any college council matter regardless of any club affiliations in separate councils. The Vice President of the ASNMSU shall be President of the Senate of the ASNMSU but shall have no vote unless the Senate of the ASNMSU is equally divided. The Senate of the ASNMSU shall choose its other officers and a President Pro Tempore of the ASNMSU who shall serve in the absence of the Vice President of the ASNMSU or when the Vice President of the ASNMSU shall exercise the Office of President of the ASNMSU.

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1-6. THE GOVERNING DOCUMENTS [LAW BOOKS]

All contents in the [Law Books of the] ASNMSU bylaws – including the financial procedure manual – shall henceforth be the governing documents of the Association, outlining how ASNMSU interacts with the student body and university institutions. [shall henceforth be considered the bylaw of the ASNMSU.]

A. Internal governing documents shall include:

- 1. Any documents, forms or agreements executed by individual ASNMSU members – electronically or by hand – that'll be binding only on its members and shall not impose obligations on ASNMSU as an entity; and**

81 2. The ASNMSU Election Packet per semester – once ratified by the Senate;
82 and

83 3. Internal documents may regulate procedures, operations, or member
84 conduct but shall not contradict or extend beyond the scope of ASNMSU's
85 constitutional and bylaw authority; in the event conflict arises, the ASNMSU
86 bylaws shall take precedence.

87 B. ASNMSU's external agreements and engagement are additional governing
88 documents, which include:

89 1. All documents, forms, or agreements executed by ASNMSU or its duly
90 authorized representatives (usually Advisors) pursuant to NMSU's internal
91 procedures; and

92 2. ASNMSU's responsibility in external agreements shall depend on the
93 nature of the agreement:

94 a. If ASNMSU is a direct party (e.g., funding allocations, service
95 contracts, etc.), its role is advisory or administrative rather than legally
96 binding. Final contractual obligations rest with NMSU, but ASNMSU
97 holds authority to void any agreements deemed not beneficial once the
98 agreement term has ended; and

99 b. If ASNMSU facilitates a service or initiative without being a formal
100 party, it must ensure policy compliance, budgetary commitments, and
101 alignment with student interests while operating within university
102 oversight; and

103 3. As a university-affiliated entity, ASNMSU does not possess independent
104 authority to execute legally binding contracts with external parties. Any
105 agreements involving financial, legal, or operational commitments must be approved
106 and signed by authorized university officials. ASNMSU officers may propose
107 agreements but cannot unilaterally bind ASNMSU to external obligations.

109 **1-6-1. CERTIFICATION**

110 The [Law Book] Bylaws of the ASNMSU shall be certified in accordance with NMSU
111 Policy and Procedures at the beginning of every fiscal year by the NMSU Dean of
112 Students [Vice President of Student Success.]

113 A. Should the contents of the [Law Book] bylaws of the ASNMSU fail to be certified at
114 any point, all employees of the ASNMSU shall cease all operations:

115 1. [A.] Exempt employees shall include:

116 [A.] a. The Advisors of the ASNMSU; and

117 [B.] b. Any full-time employees of the ASNMSU; and

118 [C.] c. Employees deemed essential by the Advisors of the ASNMSU and
119 confirmed by the passage of a simple Senate resolution:

120 i. For clarification, essential personnel include those whose roles are
121 dependent on academic credit rather than direct compensation (such as
122 interns and roadrunners), ensuring that these
123 positions remain operational to avoid significant harm to their academic
124 progression; and

125 2. The Senate of the ASNMSU shall then have the sole power to review and amend
126 the [Law Book] bylaws of the ASNMSU to meet NMSU Policy and Procedure, and
127 they will only be able to pass legislation concerning the [Law Book] bylaws of
128 the ASNMSU until certification is completed:

129 a. The Senate, in consultation with the ASNMSU Attorney General, ASNMSU
130 Advisors, and the NMSU Dean of Students, shall have the final
131 authority to determine when operations may resume.

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133 Section 3: Rationale.

134 The purpose of this revision is to improve clarity, consistency, and structural organization
135 within the ASNMSU governing documents. This proposal removes outdated and
136 ambiguous terminology such as “Law Book” and replaces it with the more accurate and
137 comprehensive term “bylaws.” Additionally, formatting changes have been made to
138 streamline navigation and readability, ensuring alignment with NMSU policy and
139 enhancing institutional transparency. These updates reflect a commitment to good
140 governance, operational efficiency, and clear delineation of roles and responsibilities
141 within the ASNMSU. This revision ensures all members, internal and external, can
142 engage with the document more effectively and that all policies and procedures remain
143 accessible and enforceable.