



Inquiry Procedures

The jurisdiction of the ASOSU Judicial Council shall derive from any case, or controversy initiated by an action of any member, or group of members, of the ASOSU, including committees, officers, etc., as those actions relate to the ASOSU Constitution and Statutes.

The Judicial Council has the final say on interpretations of the ASOSU Constitution and Statutes. Once the Judicial Council has made a ruling of interpretation on the Constitution or Statutes, that interpretation is to be accepted as law.

Parties requesting an inquiry from the Judicial Council shall submit the attached Writ of Judicial Inquiry form (typed). The Writ of Judicial Inquiry should be sealed in an envelope, addressed to the Chairperson of the Council, and placed in the Chairperson's mailbox in the Student Involvement Office (Snell 149).

The Judicial Council will decide whether to accept or deny a Writ of Judicial Inquiry during the closed deliberation session following the first regular weekly meeting after receipt of the request by the Council. Parties requesting an interpretation will be notified of acceptance or denial of their Writ of Judicial Inquiry within two (2) working days after the decision.

If you have any questions, please feel free to contact the Chairperson, or another member of the Judicial Council at (541)737-6359 or asosu.judicial@oregonstate.edu.



For Council Use Only: Case #

10-104(i)

WRIT OF JUDICIAL INQUIRY

Inquirer:

Full Name:

Paul Alljets

Address:

155 Sowell Hall

Phone Number:

503-830-2291

ASOSU Affiliation:

Speaker of the House

Constitutional or statutory provision in question:

Document Title (e.g. ASOSU Constitution, Statutes, Election Packet, etc.)

ASOSU Constitution

Citation (e.g. Article and Section, etc.)

Art. III S. K. #2

Quotation of the provision in question:

"Congress, in Joint Session shall vote to Approve or Reject the Student/Independent Fee Committee Budget Recommendation."

Summary of the alleged:

ASOSU Congress would like to know
IF Congress can vote on fees in
multiple joint sessions or simply one.

Type of Review Sought:

Original Decision

Date of Decision: _____

Signature of Inquirer: _____



Date: _____

4/19/2010

Majority Opinion by Councilor Ludlow in Association with
Councilors Leonard, Malos, Shroyer, and Whitaker

**JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY**

PAUL ALJETS, ASOSU SPEAKER OF THE HOUSE

INQUIRY TO THE ASOSU JUDICIAL COUNCIL

No. 10-104(i).

[APRIL 28, 2010]

Mr. Speaker Paul Aljets has brought before the council the question of whether or not the ASOSU Congress may vote on Student Incidental Fee Committee budget recommendations over the course of more than one joint session. Article III, section K, subsection #2 states

“Congress, in joint session, shall vote to approve or reject the annual Student / Incidental Fee Committee Budget Recommendations”

Since there's no mention of adjournment, the congress must look to the standing rules of the House of Representatives for their answer. As defined in Title II, Section 7, Subsection A,

“Robert's Rules of Order shall be the parliamentary authority in all cases not specifically addressed in the ASOSU Constitution, Statutes, and/or the Standing Rules of the houses of Congress.”

So, the question is deferred to Robert's Rules of Order where a final solution may be found. Robert's rules define a motion to adjourn as a privileged motion and states that

“A member can propose to close the meeting entirely by moving to adjourn. This motion can be made and the assembly can adjourn even while business is pending, provided that the time for the next meeting is established by a rule of the society or has been set up by the assembly. (In such a case, unfinished business is carried over to the next meeting.)”

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Majority Opinion by Councilor Ludlow

It is from this definition that the council bases its decision. In joint session, the ASOSU Congress may as it deems fit adjourn while the approval of Student Incidental Fee Committee budget recommendations are on the table with the stipulation that the time of the next joint session of congress is established by the assembly prior to adjournment.

The court decided that as it does not directly violate policy or constitutional precedence, the Congress may indeed decide to vote multiple times on Student Incidental Fee Committee budget recommendations. All consenting Councilors agree with the aforementioned.

CHAIRMAN BOYD, concurring

The Council decided that while in Joint Session the ASOSU Congress does have the option to vote on fees in multiple joint sessions as in the ASOSU Constitution, in reference to Joint Sessions, it states:

“Congress, in joint session, shall vote to approve or reject the annual Student/Incidental Fee Committee Recommendations” (Article III, § K 2)

The Constitution does not attempt to further clarify in any preceding or subsequent text of the Constitution whether the Congress is limited to a single Joint Session to vote on Student/Incidental Fee Committee Recommendations. As made clear through investigation of Roberts Rules of Order which the Congress is held to, there is no restriction limiting the Joint Session of Congress from either tabling their vote to another session or voting only once on the aforementioned recommendations. Therefore, it is our decision that the Congress can hear and vote on Student/Incidental Fee Committee Recommendations multiple times until the referenced recommendations have been approved.

COUNCILOR RIVAS, concurring

In response to the question posed regarding the ability of Congress to hold multiple, or single, joint sessions to vote on

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Concurring Opinion by Councilor Rivas

Student / Incidental Fee Committee Budget Recommendations, I have found that multiple sessions may be held. After reviewing through Article III, Section K, 2nd point; there is no specification as to whether, or not, multiple sessions can, or cannot, be held. Therefore, it shall be interpreted that Congress shall be allowed to hold multiple joint sessions with regards to reviewing, and voting upon, the Student / Incidental Fee Committee Budget Recommendations.