

Majority Opinion By Council Chair Bennett

JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY

Carol Moreno, ASOSU Speaker of the House
INQUIRY TO THE ASOSU JUDICIAL COUNCIL

(No. 18-020.i)

[March 11th, 2019]

Carol Moreno, ASOSU Speaker of the House brought an inquiry before the Judicial Council pertaining to the annual budget mediation process. Within her inquiry, Moreno seeks to clarify the mediation process after a budget has been approved by the mediation committee and subsequently returned to congress for a vote. She contextualizes her inquiry through citation of the most current ASOSU budget setting process for fiscal year 2020:

“In the most recent ASOSU Senate meeting, the recommendations from mediation were rejected -- but it is still unclear what process should be used moving forward. Should Congress amend the student fee bills or should they return to mediation? If the student fee bill is returned to mediation, and ultimately returned to Congress, what happens if Congress rejects this fee a third time?”

Upon deliberation and review, the Judicial Council finds that the answers to these questions are available within the Constitution and Statutes, but seeks to clarify any ambiguity with the following:

- I. Budget Bills:** Budget bills do not differ functionally from other bills that are introduced to Congress, insofar as they require passage of the bill by a simple majority through both houses of Congress. Budget bills do, however, have specific provisions outlined in the Statutes, such that upon initial failure of a bill in a house of congress, they are to be sent to mediation committee, and “*the bills shall be treated as though they are in a second reading*”, etc. (ASOSU Statutes, Title VII, Section 1, Subsection F).
- II. Mediation:** The Mediation committee, was established to “mediate” differences or disagreements pertinent to budget bills and shall “*be considered Conference Committee and shall follow all the provision outlined under Conference Committee except as otherwise stated in these statutes*” (ASOSU Statutes, Title VII, Section 1, Subsection H). The Judicial Council interprets this mediation as non-binding for houses of Congress -- they are recommendations made by the committee to Congress. This is found in Title II, Section 5, Subsection D of the ASOSU Statutes under which the Statutes state “*Following mediation and passage in a Conference Committee, the legislation shall be sent to the houses of Congress for final approval.*” and Title III, Section 1, Subsection F, which reads “*Should a budget bill be sent to Mediation Committee... it will return to the Houses of Congress for*

final vote on approval. Amendments to the bills shall be permitted at this stage...” Therefore, all budget bills are amendable on the floor after its return from mediation and must be passed by simple majority by both houses. They are subsequently subject to a veto by the ASOSU President.

- a. The Judicial Council interprets the terminology “resolve” from the ASOSU Constitution to be in line with this interpretation, specifically Article III, Section K, Subsection 3: “*The House of Representatives shall be responsible for establishing and maintaining a Mediation Committee to resolve all rejected Student / Incidental Fee Committee Recommendations*”. Any ambiguity that was present in the Constitution is elucidated further in the Statutes.

III. Failure of a Budget Bill: If a budget bill is to fail in either house of Congress, the budget is left un-recommended by the ASOSU Congress and a new bill must be introduced to recommend a student fee level for the following fiscal year or leave the budget un-recommended (and therefore be subsequently set by OSU administration).

The Judicial Council concludes that all Student Fee recommendations are to be approved by majority vote of ASOSU Congress and not Mediation committee, as this will ensure that students, represented through Congress, maintain their status as the steward of Student Fees.