



Unanimous Opinion By Council Chair Sonpatki and Councilor Carmichael

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY

Noa Stoll, President Pro Tempore of the Senate

INQUIRY TO THE ASOSU JUDICIAL COUNCIL
(No. 24.030.i)

[February 21st, 2024]

On February 9, 2024, Noa Stoll, President Pro Tempore of the ASOSU Senate, brought forth an inquiry before the Judicial Council pertaining to Title IV, Section 5, Subsection E of the ASOSU Statutes. President Pro Tempore Stoll requested clarification on the Statutes in light of SB-83.18 being introduced to the Senate for passage before fee bills SB-83.09 through SB-83.17. She was unsure as to how the Senate should proceed should SB-83.18 be passed before the fee bills, as SB-83.18 attempts to make monetary amendments to the fee bills themselves.

The ASOSU Statutes govern the process for the collection of mandatory student fees in Title IV. As stated in Title IV, the SFC is an “independent committee of the Executive Branch” (IV(3)A), and its members serve one-year academic terms beginning and ending on June 1 of each year (IV(3)A 1). According to the Statutes, it is the responsibility of the SFC to thoroughly review and evaluate each of the unit budget proposals, and subsequently forward the fee levels to the ASOSU Vice President in the form of a fee bill that the Vice President will introduce to the Senate for passage (IV(5)D). It then becomes the responsibility of the Senate to read the fee bills and their respective presentations from the SFC Chair, Vice Chair, and interested parties, and then vote to pass or not pass each bill (IV(5) E 1). If the bill is not passed, it moves into the Mediation Committee for amendment with the intention of being returned to the Senate for final approval (IV(5) E 2,4.).

During the fee-setting process, the SFC voted to pass the fee recommendations without an additional 3% cost-of-living adjustment. This 3% increase would have been in addition to a

previously applied 3% COLA increase established early in the budget setting process by ASOSU leadership in communication with budget managers. SB-83.18 was introduced in the Senate with amendments to six fee bills to include those additional adjustments in the wages for student employees of the student fee-funded units within the incidental fee for fiscal year 2025.

It is the opinion of the Council that the Senate should not amend the monetary value of fee bills on the floor and that any desired amendments to the recommendations should instead be done by voting down the fee bill in Senate and then sending it to the Mediation Committee. The Council has come to this opinion following a thorough analysis of ASOSU's governing documents, including the ASOSU Constitution and Statutes, as well as guidance provided to the Council by the Oregon State University Office of the General Counsel.

If the Senate were to amend the monetary value of fee bills during deliberation and subsequently pass them for signature by the ASOSU President, they would be undermining the integrity of the SFC and the purpose of its organization, as established within the ASOSU governing documents and by Oregon state law. In a letter addressed to the ASOSU on February 20, 2024, Jason Catz, Senior Associate General Counsel, stated:

“...we believe that Senate action to modify fee bills by amendment or separate bill would ultimately be affirmed in court. However, we also believe that outcome is not guaranteed. This is because one could fairly assert that Title IV, Section 5 of the ASOSU Statutes (“Section 5”) establishes the mediation process for consideration of fees not approved by the Senate and allowing some proposed fees to arguably skip the specified SFC process violates ORS 352.105.”

It is true that the ASOSU governing documents do not explicitly prohibit the Senate from amending the fee bill or introducing separate fee bills. However, the fact that these governing documents do not explicitly confer the Senate with this ability and/or outline a process for this was of particular significance to the Council. Instead, the Mediation Committee process *is* specifically outlined within Title IV, Section 5 of the ASOSU Statutes for instances in which the Senate requests a substantive monetary or provisional amendment to a fee bill. If the Senate were given ultimate authority in terms of fee bill amendments, the Mediation Committee process would be rendered null and void. With this in mind, the Council made the decision that the Senate should not unilaterally amend monetary values or provisions and should instead defer to the Mediation Committee process described in the Statutes.

In this particular instance, it is the opinion of the Council that the Senate table SB-83.18 indefinitely rather than withdraw the bill entirely, as there is nothing preventing the Senate from introducing a bill to the floor. Since the Mediation Committee has been deemed the best path forward, the Council believes SB-83.18 should be tabled indefinitely, and the six fee bills mentioned in SB-83.18 be voted down into the Mediation Committees for amendment if so desired by the ASOSU Senate.