69th ASOSU Senate
Eighteenth Meeting
Tuesday, November 17th, 2009
Snell 149

Members in attendance: Kevin Schock (President of the Senate), Andrew Struthers (President Pro-Tempore), Donald Lite (Congressional Parliamentarian), Kate Faulkner (Congressional Secretary), Megan Silvey, Brian Moran, Sara Varin (by proxy; Torey Fletcher), Dustin Cheney, Desiree Segura, Ashley Barnes, Nolan Nichols, Matt Baumgartner, Jenna Albert, and Kyle Bailey.

I. Call to Order/Roll-Call/Quorum

The meeting commenced at 7:00pm. Quorum was met with 11 senators.

II. Swearing in of Senators

III. There were no new senators or proxies to be sworn in.

IV. Singing of the OSU Alma Mater

V. Approval of Minutes from Tuesday, November 10th, 2009

Senator Struthers: Has everyone had a chance to look at the minutes?
Senator Moran: I wasn't sent them.
Senator Segura: Can I request one minute to look over them?

Reading time was granted by Senator Struthers from 7:03pm to 7:04pm.

Senator Struthers: Alright, so is there any discussion? Or any motion?
Senator Silvey: My proxy's name is Katie Bullard.
Senator Segura: So I can't remember, what resulted with the Code of Conduct and the revisions? What happened?
Senator Struthers: With the Code of Conduct, I found out that since it already went through Conference Committee, it was coming back to the Houses for a vote that is up or down. I wasn't aware of that at the last meeting. We have to vote up or down and
then it goes back to Conference Committee if we don’t pass, or if we do pass, it’s binding since the House has done their bit already. Is there any other discussion?

Senator Moran: I move to approve the minutes from Tuesday, November 10th, 2009.

Senator Barnes: I second.

Senator Struthers: Is there any further discussion?

There was no further discussion and a voice vote was taken.

Vote: 11-0; pass.

VI. Standing Committee Reports

Oversight and Ethics Committee

Senator Barnes: Nothing to report.

Student Academics and Activities

Senator Silvey: If you guys want to meet afterwards, we can come up with a time to meet and we can get things hammered out.

Student Government

Senator Segura: Nothing at the moment, but I do need to talk to you [Senator Struthers].

VII. Joint Committee Reports

Standing Joint Committee on Congressional Correspondence

Senator Cheney: I’m trying to make contact with the other Chair. I’ll get back to you next week.

VIII. Executive Reports

Senator Struthers: In person here tonight, we have Ben Price, the Veteran’s Affairs Task Force Director.

Ben Price: Not a whole lot to report. The Veteran’s Dinner is going to be in McNary 108 tomorrow.

Senator Segura: What time?

Mr. Price: It’s from 5:00-7:00pm. We’re trying to figure out what vets need and what areas are hurting. December 2nd, I’m having a meeting with Representative Gesler to find out what resources vets need when they return and I have a stack of statements from Peter DeFazio to send to Tuskegee. I’m still planning something for the spring, something that Kurt [Black] and I are working to finance.
Senator Albert: How do you feel about the Veteran’s Day activities?
Mr. Price: Blake Gordon headed that. He said that Wednesday was a bad day and he wanted to push it to Friday. In the middle of the week, people have classes and it’s hard to pull off, but I think it went well.
Senator Struthers: Were you able to make it to the Albany Veteran’s Day Parade?
Mr. Price: Not that day, no. There were enough people pissed off about the article in the Barometer that there was no going anywhere.
Senator Struthers: Are there any questions for Mr. Price? Thank you. And now we have a report from Yesenia Garcia.
Congressional Parliamentarian Lite: To whom it may concern: My name is Yesenia Garcia and I have occupied the position of Director of Social Resources as part of the Associated Students of Oregon State University. These weeks have been hectic for me and I want to apologize for not going in personally to the meeting to present, instead of writing a letter, but the times of the House of Representatives meeting conflicts with another meeting I presently attend.

As you may know, I am in charge of the subsidies available for students including the MealBux program, the Student Health Insurance Subsidy and the Graduate Conference Registration Subsidy. The first 4 weeks of this term I, along with the Assistant Director of Social Resources, have personally dealt with making sure the MealBux program and Student Health Insurance Subsidy was accurately given out to the students in need.

For the MealBux program, we handed out about 600 applications to students, 517 of which were received back. Through a random number basis, we approved 267 applicants, which were doubled from the number we served last year. There were 9 appeals this year, in which we allocated $1,000 among the 9 appeals. We are currently in the process of getting ready for next term’s process, where we are finding ways in which we can be more efficient and things can run more smoothly.

The Student Health Insurance subsidy was distributed the first 3 weeks of the term and was due the third Friday of the term. There were 76 applicants; 56 which were approved and 10 denied due to them not paying the insurance on time or of their financial status.

The Graduate Conference Registration Subsidy is an ongoing process, in where we approve a maximum of 10 applications per term. So far, we have 5 applications that have been turned in and are in the administration process.
Apart from the subsidies, we are working on an efficient filing system because we have to keep applications for 5 years and the office didn’t have a functioning filing system. Additionally, I have currently been working on looking for other possible sources of funding for the MealBux program, since it is a poorly funded program. I have gotten a good direction towards possible funding sources and I am in the process of brainstorming a possible awareness campaign for MealBux.

The ASOSU Services area is also looking for a possible Services Week, in which I will take part in brainstorming and carrying the Services Week on, as well as partnering up with the Human Services Resource Center. Additionally, I have been attending the regular HSRC planning meetings and have put my input on the future of the HSRC.

I hope this is sufficient. If you have any questions, comments, concerns please feel free to let me know. Thank you. Yesenia Garcia.

Senator Struthers: Thank you. I believe her email is on there if you have any questions.

IX. Delegate Reports

Michael Miller: My name is Michael Miller, I'm a delegate from Athletics. There's a couple of things. I'm going to the House tomorrow since we don't have an individual educational institution, just the Senate and the House. One thing I’ve talked to President Van Drimmelen and Vice President Schock about is part of student fees is a marketing option. ASOSU has rights to the marketing board, the jumbotron in Reser stadium and an additional two reader boards in Gill Auditorium. They are available for ASOSU to use for advertisements as long as you give enough foresight. ASOSU is the filter for athletics, they send videos that they want to get on there. There’s a 15-second flash-based advertisement informing students about ASOSU, but if you want to get more student groups involved there’s a groups your involved in or groups you want to get marketed, going through ASOSU is how you’re going to go about that. But it’s open to all groups if you want to make a 30-second video, if you want to get the word out instead of doing chalk and flyers. Also, Alpha Chi Omega is doing a 5K on November 21st, if you want to get a t-shirt. It’s for the Center Against Rape and Domestic Violence and check in is at Alpha Chi Omega, if you know anyone who might be interested. We sent two delegates to the Pac-10 SAAC meeting and got reports back from other schools in the Pac-10 concerning community projects. There's one called the Fantasy Flight, just to give you an idea of what some other schools are doing. To do a fantasy flight, they take a group of kids and send them to the "North Pole" on a chartered airplane. You have the kids get on the plane and taxi and then they get back to the airport terminal it decorated like
the North Pole and they get to meet Santa and then they get back on the plane and taxi again to come home. That might be hard for us to do, I'm not sure if you want to put kids in the air because there's potential for a PR nightmare if anything bad happened. We're trying our own approach with it in conjunction with University of Oregon with the upcoming basketball Homecoming game, possibly with a relay race between UO where the center of the Autzen is, where each has a 10-man team with biking or running. We're trying to get more people involved so it's more of a community event than just an athletic event. If you have any ideas, please see me afterwards.

**Senator Struthers:** Are there any immediate questions?

**Senator Barnes:** This isn't a question, but about the advertising. Let Ryan and Dante know.

**Kenan Heppe:** My name is Kenan and I'm passionate about film-making. If anyone wants help, I think that would be awesome. I plan to go to graduate school for film and would love to help.

**Mr. Miller:** If they don't have anything to run, we can put your videos in as filter. If there's no videos coming from anywhere else, they might as well make use of it because it's about students and their activities. We're trying to lessen the distance between athletics and the community.

**Mr. Heppe:** How do I get my name out?

**Congressional Parliamentarian Lite:** Address that in Gallery Comments.

### X. Messages

There were no messages.

### XI. Special Orders

#### Standing Rules

**Senator Struthers:** Last week the Standing Rules were tabled until the Chair could be here. He's here now. Please explain what you've done.

**Senator Cheney:** We pretty much kept them the same, but we added the whole voting section and also changed Rule II, 5 and Rule VIII, 1. Aside from that, I did make a couple of numbering changes, but that's about it.

**Senator Struthers:** The floor is open for questions on the Standing Rules or any discussion.

**Senator Segura:** Can we take a few moments to revisit them?

Congressional Secretary Faulkner left to print extra copies of the Standing Rules.
Senator Albert: Can you restate the amendments?

Senator Cheney: I'll state them again more in-depth. In Rule II, 5, there was a hole in the process. Rule II, 5 states, "In the event of the absence of the President of the Senate and the President Pro-Tempore feels there is a conflict of interest and would like to debate the issue as a senator, then the Senate shall choose a temporary replacement." We felt if this was to occur, then there should be a rule saying the Senate should choose a temporary replacement for the President Pro-Tempore. Another thing we added was Rule VIII, 1. What it used to be was that senators wishing to speak would stand and address the Chair as Mr. or Ms. President and stand to discuss. We just changed it to, "Senators wishing to speak shall raise their hand and the president will keep a speaker's list," which we thought would apply better to having fewer members. Rule XI, 1 and 2, of voting were added. When I received it, it was just blank, so I added these in. Section 1 reads, "All legislation will be voted on with a role-call vote," and section 2 reads, "All other business will be done with a voice of yea or nay, unless there is a role-call vote." It's kind of straightforward and simple.

Senator Struthers: Is there any discussion?

Senator Segura: So I have a few concerns, not anything huge, just kind of more inclusive. If we look at Rule III, 1 it says, "Senators must be in the Chamber to be counted as in attendance in the meeting." This is something that we were having a pickle with this summer, with what determines quorum. I don't know, I feel there are times when a senator is on the road and planned to be there, but couldn't get a proxy, we should allow another way to participate.

Senator Cheney: You mean like teleconferences?

Senator Segura: Yeah, but without worrying about dropped calls, which is one of the technical issues we ran into. We want to be as inclusive as possible. I'm not sure if anyone wants to change that, I just thought it was something to mention. Things happen, it's something to consider.

Senator Struthers: That's something the committee can look at.

Senator Cheney: Stuff does happen. We could work to make it more lenient towards unexpected occurrences.

Senator Albert: Point of information - it mentions, "Unexcused Leaves of Absence." Does it state what excused absences consist of?

Senator Struthers: I believe it doesn't. It's up to the President of the Senate.

Senator Albert: Is that stated in here?
Senator Struthers: I don't think so, but Rule III, 3 says, "Reasonable excuses shall be determined by the President of the Senate at any time prior to the pertaining meeting," so yes, it is in here.

Senator Barnes: Could we make some sort of formal document to state what reasonable excuse is to not leave it to the President of the Senate to decide?

Senator Segura: Oversight and Ethics, I like the way you think.

Senator Struthers: We can add stuff. When we lost the Chair, we got behind.

Senator Segura: I'd like to call attention to Rule VIII under Debate it talks about the removal of senators or delegates if they are violating the Standing Rules. Can we do anything about members of the gallery? We can extract members of the gallery, can we not, under Robert's Rules? I would like to add that in there. I know in the past we've had wily gallery members, like during Dan McCarthy's DUI, if anyone remembers that.

Senator Struthers: Would you like the Special Rules Committee to look at that or just add it tonight?

Senator Segura: I would like to add it tonight, just for efficiency purposes. Can I readdress something, she [Senator Albert] just pointed out to me that in Rule I, 3, it reads, "In cases of disruption and/or disorder, the President of the Senate shall deputize a Sergeant-at-Arms to escort the disorderly individual from the chamber." So is that all-encompassing?

Senator Struthers: Since we are interpreting it, yes.

Senator Segura: Nevermind, then.

Senator Barnes: Under Rule VII, 2 and 3, there are asterisks after the statements, but they don't refer to anything.

Senator Struthers: Oh, they will be deleted. I put them there for me.

Senator Segura: It says, "meetings?"

Senator Struthers: It's supposed to say, "agendas." Some of it was taken from the House and I was working with Paul on this over the summer. We were referring to the agendas.

Senator Barnes: Can I make an amendment to that statement, so where it says, "All scheduled calendar events shall include, but not limited to," but list out the items?

Senator Struthers: Yes, but state it as an amendment.

Senator Barnes: I move to amend Rule VII, 4 to state, "All scheduled calendar events shall include, but not be limited to:" with the rest listed out.

Senator Struthers: The motion on the floor is to amend Rule VII, 4 to state, "All scheduled calendar events shall include, but not be limited to:" Is there a second?

Senator Albert: I second.

Senator Segura: Is that proper?
Senator Barnes: Yes.
Senator Segura: Are you sure?

A voice vote was taken,
Vote: 11-0; pass.

Senator Albert: Point of information - on Rule III, 6 on the last part of the sentence it reads, “Senators are required to inform the President of the Senate or the President Pro-Tempore of who their proxy is going to be no later than 15 minutes before the meeting begins.” Is that supposed to be “when” the proxy is going to be late or who the proxy is?
Senator Struthers: It’s who the proxy is going to be, up to 15 minutes before the meeting.
Senator Barnes: Are you trying to rephrase it?
Senator Albert: Reading it, it doesn’t make sense. In context, it makes sense. My first thought was, does this mean they inform the President of the Senate when they have a proxy or when the proxy will be late?
Senator Barnes: It’s informing the President of the Senate or the President Pro-Tempore who the proxy is going to be before the meeting.
Senator Segura: So change it to “who will be” your proxy?
Senator Albert: Or split it into two sentences?
Senator Barnes: There needs to be a space between “15” and “minutes.”
Senator Segura: May I request a minute?
Senator Struthers: While you’re having a minute, I’ll ask for any other discussion? Is there any on this side of the room?
Senator Segura: I don’t know how to motion this, I just want to throw it out there.
"Senators are required to inform the President of the Senate...” No, no, I lost it.
Senator Silvey: Wouldn’t it be cleared up if there was a comma after “be?”
Senator Struthers: That would be a simple friendly amendment because it’s a grammatical error. Are you ok with that, Senator Cheney?
Senator Cheney: Yes.
Senator Barnes: On Rule V, 3, Letter B, should that be a vote of 2/3rds of the Committee members?
Senator Struthers: Rule V, 3, Letter B reads, “Bylaws shall be established by a vote of committee members, and subject to approval of the President of the Senate.”
Senator Segura: Yeah, it should probably specify.
Senator Struthers: That was another thing that was taken from the House as we were preparing this over the summer. The bylaws should just be quorum, which is half-plus-one.
Senator Segura: I was going to say, on the next page on Rule IX about voting, it talks about role-call anyway, so it's probably covered in there anyway, right?
Senator Struthers: Yes, it's in there.
Senator Segura: Doesn't the committee have their own rules about voting?
Senator Baumgartner: This is establishing the bylaws, so they aren't in effect yet.
Congressional Parliamentarian Lite: It's by majority vote.
Senator Segura: Do we want to add that for clarification?
Senator Baumgartner: Sure. I move to amend Rule V, 3, Letter B to state, "Bylaws shall be established by a vote of the majority of committee members."
Senator Segura: I second.
Senator Struthers: Is there any other discussion?

There was no further discussion and a voice vote was taken.
Vote: 11-0; pass.

Senator Segura: Rule IX, under Voting, 1, it reads, "All legislation will be voted on with a role-call." Is it possible to add, "unless otherwise requested?" I don't think it always has to be a role-call vote, there are lots of different types of votes.
Senator Struthers: I know Senator Varin was the one who was pushing for it to be role-call for all legislation.
Senator Segura: Do you know the reason?
Senator Cheney: Role-call is precise and thorough. It goes by quick, we just thought it worked.
Senator Struthers: And it keeps votes public.
Senator Segura: Lots of legislation we go through is not so intense and I'm not sure we need to go through that. I totally don't care otherwise, I'm just putting it out there.
Senator Barnes: In Rule V, 3, again, on Letter C, it says, "Committees shall meet at regular intervals," but what does that mean? What if there's no business, so we still have to meet just to say we met?
Senator Segura: It says you can notify them of any changes.
Senator Struthers: Yes, so if there's no reason to meet...
Senator Barnes: But it says, "regular intervals," so what does that mean?
Senator Struthers: It's not defined.
Senator Barnes: So it's how we interpret it?
Senator Struthers: According to Robert's Rules, it's just how we do it every year.
Senator Barnes: It also says that committees shall submit meeting minutes 7 days following the meeting. So what if the committee amends the minutes?

Senator Struthers: No, submit them after.

Senator Barnes: But our committee meets 7 days after, so if we don’t approve the minutes...I don’t know how to fix that.

Senator Struthers: It says, “Meeting minutes shall be approved by the Committee and submitted to the President of the Senate and Congressional Secretary no later than Seven Days following the pertaining meeting.” Do you want it to say, “shall be submitted after they have been approved by the committee?”

Senator Silvey: So you have to get minutes and meet again to approve them and then send them in?

Senator Barnes: I don’t think you need seven days for that.

Senator Silvey: So if you approve the minutes from the previous meeting...

Senator Struthers: Take out “Seven Days?”

Senator Silvey: So when you submit, you’d be one meeting behind?

Senator Struthers: It’s just like our meetings. We approve them one week later, then they go into archives.

Senator Struthers: I move to amend Rule V, Letter E to state that, “Meeting minutes shall be approved and submitted to the Congressional Secretary after they have been approved.”

Senator Barnes: I second.

Senator Struthers: Is there any further discussion?

There was no further discussion and a voice vote was taken.

Vote: 11-0; pass.

Senator Barnes: I have a few friendly amendments. In Rule XI after 1, there’s space and I don’t know that there needs to be space there. Or if it is there, the numbers need to be indented?

Senator Struthers: Where?

Senator Barnes: Rule XI, 1, the Roman numerals need to be indented.

Senator Varin (by proxy): Number 13 is like that, they all are.

Senator Barnes: And we need to have periods after statements.

Senator Nichols: Rule II, 1, I guess it’s supposed to be “absence” not “absent.”

Senator Cheney: Can you repeat that?

Senator Nichols: Change “absent” to “absence” under Rule II, 1.
Senator Albert: Rule XI, 1, II, it says, "Appointees Opening Marks*." Is that supposed to be "Remarks?" Is the asterisks supposed to be there?
Senator Barnes: The asterisks refers to the next page.
Senator Struthers: This allows them a chance to speak on why they chose this person. You're correct, it should be 'remarks.'
Senator Cheney: Keep the asterisks?
Senator Struthers: Keep the asterisks. Is there any further discussion?
Senator Barnes: I move to approve the Standing Rules with the amendments made to the document.
Senator Struthers: The motion at hand is to approve the Standing Rules with the condition that all the amendments are added.
Senator Albert: I second.
Senator Struthers: Is there any further discussion?
Senator Barnes: Good job.

There was no further discussion and a roll-call vote was taken.
Vote: 11-0; pass.

XII. Old Business
ASOSU Code of Conduct Revote
Senator Struthers: I sent an email out about this. I found out we can't make amendments to it. It went through Conference Committee, so we can't do that, it has to be a vote for or against. I will open the floor to discussion for voting on the Code of Conduct.
Senator Baumgartner: If we vote no, it goes back to committee?
Senator Struthers: It goes back to Oversight and Ethics, correct.
Senator Baumgartner: I think we should vote no so it goes back to committee.
Senator Barnes: I thought some issues in the House were valid, but others, not to attack members of the House, they didn't need to bring up.
Senator Segura: Is it possible to...point of information - we did have revisions. The conflict now is we didn't have the authority to do that, is it possible to conditionally approve?
Senator Struthers: No, it's up or down, and then through the Conference Committee.
Senator Barnes: If you have revisions, email them to me.
Senator Struthers: The only way revisions can be done is if we vote it down. It doesn't need a motion because we're already voting on it. Is there any further discussion?
There was no further discussion and a vote was taken by roll-call.
Vote: 11-0; pass.

XIII. Other Old Business
There was no other old business.

XIV. New Business & First Readings
SR-69.01
Senator Struthers: I'm going to enact a new rule. Because I'm the primary sponsor of this resolution, I'm going to ask the Senate to appoint a temporary President Pro-Tempore by nomination. Is there a nomination?
Senator Moran: Kyle.
Senator Struthers: Please refer to him formally.
Senator Moran: Senator Bailey.
Senator Struthers: Do you accept?
Senator Bailey: No.
Senator Silvey: I nominate Senator Barnes.
Senator Struthers: Do you accept?
Senator Barnes: No.
Senator Albert: What does the President Pro-Tempore do?
Senator Struthers: Facilitates discussion until the conflict is resolved. Are there any other nominations?
Senator Baumgartner: I nominate Senator Moran.
Senator Moran: Heck yes.
Senator Struthers: Do you accept?
Senator Moran: Yes.

Senator Moran took the chair as temporary President Pro-Tempore at 8:02pm.

Senator Moran: We have SR-69.01. Andrew, do you want to discuss this?
Senator Struthers: It's a request to have student review of faculty pay cuts. I'll just read through it quickly. *SR-69.01 - Resolution to Request Student Review of Faculty Senate Pay Cut Decision for Student Incidental Fee Funded Faculty
WHEREAS The ASOSU is supportive of Faculty Senate’s effort to save faculty positions by temporarily taking pay cuts or furloughs if the Faculty Senate deems this necessary

WHEREAS The proposed pay cuts or furloughs would affect faculty who are funded by Student Incidental Fees.

WHEREAS It is necessary to respect the processes by which these fees are allocated.

WHEREAS President Ray indicated that he will respect the decision of the Faculty Senate on the matter of pay cuts. It is equally important that Faculty Senate respect the decision of the student decision making bodies that serve equivalent purposes for the student population.

BE IT HEREBY RESOLVED BY THE ASOSU THAT:

The Faculty Senate should, upon approval of any pay cut for faculty, ensure that the proposal is vetted through the Student Incidental Fee Committee and the ASOSU Congress.

Be it further resolved that the Faculty Senate should respect the decision of these bodies in the same manner that President Ray has indicated that he will respect the decision of Faculty Senate.”

Senator Struthers: As you can see, there are six people sponsoring this resolution, including our own President Van Drimmelen. As indicated by Vice President Schock, the Faculty Senate had a meeting last Thursday to talk about pay cuts, reductions, and furloughs. There will be pay cuts in January through June if the Senate approves of it. What came up was members said, “What about those employees paid by student fees?” We do allocate money and go through our own process for giving those fees out. We did try making a case in the Senate, President Van Drimmelen and Vice President Schock did, saying it’s against a Supreme Court ruling, Southworth, which most of you have heard of by now. The Faculty Senate talked about it and then it died out. I was approached by President Van Drimmelen saying we need a resolution in Congress to say that once they approve pay cuts that those paid through student fees go through this process.
Senator Barnes: I have a question. If those student-funded faculty want to furlough, what would be the process for that? Would there be some sort of fund?

Senator Struthers: My understanding of student fees is if student fees don’t get used they are rolled into a contingency fund. If professional staff, like Christian Matheis and ASOSU Legal, if they choose to take paycuts, it gets rolled back into contingency funds. If they choose freely, it goes back into contingency funds, if not, it is allocated, rolled back, and SIFC has control after that what happens with the funds.

Senator Albert: I have a question for Senator Struthers. Other than ASOSU Legal Staff, are there other staff that is funded by incidental fees?

Senator Struthers: Yes, those are in the office, but the psychology services are fully funded by us, the Director of Media, and the Student Parent Advocate. I know I’m missing something, but those are off the top of my head. There are other budgeting boards, Rec Sports, the MU and stuff, even those are affected.

Senator Segura: There are eight major budgeting boards.

Senator Albert: So incidental fees cover...?

Senator Segura: Anything paid by students.

Senator Struthers: Does that answer your question, Senator Albert?

Senator Albert: Yes.

Senator Moran: Is there anymore discussion?

Senator Segura: Hold on.

Senator Albert: Is it common knowledge that incidental fees mean all the fees we pay?

Senator Segura: Yes, and when they all come together, we pay a lot.

Senator Struthers: I move to pass SR-69.01.

Senator Barnes: I second.

Senator Moran: Do I move to vote?

Senator Segura: Ask if there’s any discussion.

Senator Moran: There is a motion to approve, is there any more discussion?

There was no further discussion and there was a vote by roll-call.

Vote: 11-0; pass.

Senator Struthers returned to the chair at 8:14pm
President Schock arrived at 8:15pm.

SB-69.02

Senator Struthers: Senator Barnes will introduce SB-69.02.
Senator Barnes: I can either read it through or just explain it.
Senator Segura: Doesn't the Parliamentarian have to read it anyway?
Senator Struthers: Under the new Standing Rules, the primary sponsor reads it.
Senator Segura: Is there ever an official reading that has to commence?
Senator Struthers: That's a good question.
Senator Segura: I'm just making sure we're obeying our own laws.
Senator Struthers: From the Standing Rules, Rule X, 2, "Legislation shall be read the first time in their entirety by the Primary Sponsor to the Chamber."
Senator Segura: I swear it says "or it can be forgone with no objections," or is it a mandatory reading?
Senator Albert: There is a reading unless someone motions.
Senator Barnes: I can just read it. "SB-69.02 - Bill to Enable Executive Position Modification by Executive Order"

WHEREAS: The previous ASOSU Statutes allowed for the temporary creation of positions and restructuring of the Executive Branch by Executive Order from the President of ASOSU

WHEREAS: The current ASOSU Statutes require all positions to be created or modified by Statutory Amendment

WHEREAS: This severely limits the ability of the Executive Branch to be successful in that it limits the branch's ability to modify its structure and function to best serve students at any given time

WHEREAS: The fundamental power and authority of the Executive Branch is vested in the ASOSU President and Vice President as per the Constitution Article IV, Section A (Definition of Executive Power) Statute Title III, Section 3, Part A, Subpart 1 (Presidential responsibility), Title III, Section 3, Part C (Presidential authority to delegate any and all authority except those specifically vested in other officers).

WHEREAS: It may be necessary to create or modify a position on a temporary or trial basis, and such modifications to the statutes would be frivolous.

BE IT HEREBY ENACTED BY THE 69th ASOSU SENATE THAT:

Title III, Section 2, Part E be stricken from the statutes and replaced with:
E. Creation of additional Executive Officers, Service Directors, Taskforce Directors, Executive Staff, or other Support Staff for the Executive Branch may be accomplished by Executive Order from the President. The President may also remove or modify Executive Branch Positions by Executive Order as long as the modifications do not impair the function of the Executive Branch. All positions or modifications thereof by Executive Order will end at the end of the term of the President unless added to the Statutes.

1. Any Executive, Taskforce or Service Director positions created by Executive Order are subject to Senate Confirmation.

This Bill Shall Take Effect Immediately:

Sponsored By:
Ashley Barnes, ASOSU Senator
Chris Van Drimmelen, ASOSU President

Senator Barnes: Basically the reason for this is the Executive Director of External Development has resigned. One of his requests was to get right of the position and give the responsibilities to other service directors without this specific position being needed. That was, this position will still be there without having to modify the statutes.

Senator Segura: Ok, so the thing about this is, I'm not sure if this is how it is, if the statutes say the President can issue Executive Orders to create ad hoc positions within the Executive Branch. The same goes for allocating duties and responsibilities to other members. I think I don't like this, I feel it really talks about what happened last year. I like to go to last year because a lot of things happened, a new constitution was created and there was a lot of drama and attention paid to checks and balances, with authority vested in the Executive Branch. Where it says under Title III, Section 2, Part E, in the creation of an Executive staff. In the past, something that is statutory doesn't take long, so for the efficiency argument, it's not a strong one. It's possible to reallocate responsibilities or maybe invest into other positions if you have to make a switch in the Executive branch. It's going to be needed if we're playing around with a new constitution and a new administration. I don't think it would be frivolous but could be frivolous. I don't think you'll come across so much, but having checks and balances over the Executive branch...what would happen is they would have an Executive Order and we would have to confirm, so aren't those rules already in place?
Senator Barnes: I don't know if they can change any position without changing the statutes. If they wanted to change something for this year it wouldn't be beneficial for ASOSU in the future.

Senator Segura: I'm not sure if this is carried over or something that has been thrown out altogether, but the President of the administration was allowed to created Executive Orders on the fly. We split Accessibility, an Executive Order was made by the President and myself at the time, it was written, and Senate was informed. That was the process, is that no longer the process?

Senator Struthers: My understanding is if they will change any position there has to be a statute amendment.

Senator Segura: So that's changed.

President Schock: We have to get the statutes amended, instead of just approval.

Senator Struthers: Any time they get a change, they have to get the statutes amended, but we can issue to get it amended instead of having to come to us each week.

President Schock: For a shorter period of time.

Senator Segura: So it's similar to last year. My only other concern is where it says, "The President may also remove or modify Executive Branch Positions by Executive Order as long as the modifications do not impair the function of the Executive Branch." I think something should be added about the livelihood of the person you are eliminating. It could have happened last year with the Director of External Affairs. It concerns me that there's someone here we've employed, what are we going to do when we're supposed to be taking care of that student? We should protect students, that's who we're here to serve.

President Schock: I think the intent behind that piece, at least that concern, is that if someone vacates a position, the Executive Branch would like to hold the right and privilege to not rehire for the position. If it's still in the statutes, we have the responsibility and obligation to attempt to fill it. If the Executive Branch deems the position not necessary to the work we do, particularly with the agenda we have for the year...if the Senate would like to make recommendations to make that more clear, I'm trying to provide a clarification for the intent.

Senator Barnes: I'd feel comfortable if on the end of the sentence, "only when the position is vacant."

Senator Segura: I agree.

Senator Barnes: Do we have to make an amendment?

Senator Struthers: Yes, you have to make a motion as it's changing the intent of the bill.
Senator Segura: I move to amend Title III, Section 2, Part E to also include "and only when the position is vacant."

Senator Struthers: The amendment on the floor is to change Title III, Section 2, Part E to read, "The President may also remove or modify Executive Branch Positions by Executive Order as long as the modifications do not impair the function of the Executive Branch, and only when the position is vacant." There's a motion, is there a second?

Senator Cheney: I second.

Senator Struthers: Is there any further discussion?

There was no further discussion and a voice vote was taken.

Vote:  11-0; pass.

Senator Struthers: Back to the discussion on SB-69.02, is there any other discussion?

Senator Segura: Can I make a friendly amendment? In the second "WHEREAS," strike "to."

Senator Struthers: Senator Barnes, are you ok with that?

Senator Barnes: Yes.

Senator Albert: Point of information, this bill would remove any Senate oversight of the Executive Branch’s ability to make amendments to, create, or change positions?

Senator Barnes: If they feel a position doesn't need to be filled, they can spread responsibilities out amongst the rest.

Senator Segura: Even if a position might be vacated, it doesn't take away the duties of the position.

Senator Struthers: Correct, unless it's added that the statutes be changed by this order.

Senator Barnes: If they felt that was necessary.

Senator Struthers: Correct me if I'm wrong?

President Schock: No, you're not wrong. There's no guarantee with this bill that in the year the duties will be distributed amongst the Executive Branch. Although with the nature of the branch, there are few positions where that's possible, we require a certain number of people to make sure duties get done.

Senator Struthers: Is there any further discussion?

President Schock: It comes down to at what point are the President and Vice President allowed to run a staff the way they need to.

Senator Segura: The counter argument to that is that if an administration argues that diversity is no longer necessary and they are still an at-will employer, then those
responsibilities and duties are lost. That’s a huge problem and that needs to be put in there somewhere.

**Senator Cheney**: Part 1 does say that if any Executive Taskforce or Service Director positions are subject to Senate confirmation, so if we do see that happening, we don’t have to approve it.

**Senator Barnes**: As long as the modifications don’t impair the function. So if a responsibility needs to be distributed, they will be.

**Senator Segura**: I understand that, but I’m not being understood. Saying that is fine, I’m glad Part 1 is there, but if a position is vacated and then the administration decides the position doesn’t need to be there and those duties are not distributed in the branch, then that’s wrong. There could be an entire community not being served just because an administration decides it’s too much. We need to make sure we’re being representative of the student body. I would be upset if these positions were vacated. We need everything we have here so far and I want something in here saying that those responsibilities would be distributed as the administration sees fit.

**Senator Baumgartner**: My interpretation for that is, “or impair the function of the Executive Branch.” That would impair the Executive Branch.

**Senator Albert**: Point of information, most of the discussion has been centered around the Taskforce Directors and the cabinet. Can the Vice President give examples of positions that could be vacated other than top-level positions?

**President Schock**: I can address that briefly. Saferide drivers, for example, those duties could be divided because it’s not fair to burden other employees. As far as top-level positions, Senator Segura brought it up briefly, the Executive Director of External Development has been under attack. It’s a position that has a hard time holding anyone, we just lost ours, that’s what sparked this bill. We want to look at what a position needs to be successful and want time to look at what needs before running out and filing it just because the statutes say we have to.

**Senator Struthers**: Is there any other discussion?

**Senator Segura**: So appease me. I feel like you’re right, Senator Baumgartner, about the function. I have just worked with a lot of administrations for a long time, 5 or 6 administrations now. I know in the past, and I bring up the past because it’s history, something that sounds inclusive isn’t always interpreted that way. Can we put in “does not impair the function or mission,” can we do that too? Function versus mission, the everyday tasks versus the mission.

**President Schock**: It’s not my bill, but I agree.

**Senator Barnes**: I agree, but doesn’t it have to be an amendment?
Senator Struthers: Is there a motion to amend?
Senator Segura: I move to amend Title III, Section 2, Part E, to state, "The President may also remove or modify Executive Branch Positions by Executive Order as long as the modifications do not impair the function or disregard the mission of the Executive Branch, and only when the position is vacant."
Senator Struthers: Let me read it back. You want Title III, Section 2, Part E, to state, "The President may also remove or modify Executive Branch Positions by Executive Order as long as the modifications do not impair the function or disregard the mission of the Executive Branch, and only when the position is vacant."
Senator Albert: I second.
Senator Struthers: Is there any other discussion on the current amendment?

There was no further discussion and a voice vote was taken.
Vote: 11-0; pass.

Senator Struthers: Back to the discussion of SB-69.02 with the current amendments. Is there any other discussion or I will entertain a motion?
Senator Segura: I move to approve SB-69.02.
Senator Cheney: I second.
Senator Struthers: Is there any other discussion?

There was no further discussion and a roll-call vote was taken.
Vote: 11-0; pass.

XV. Other New Business
There was no new business.

XVI. President’s Announcements
Senator Struthers: Legislation - as you see, we’re having some come in now. If there’s anything you’re interested in, there are Taskforce Directors that can help out and people in the Legislative Branch if you have ideas and need help. The other is office hours and the Faculty Senate Meeting is Thursday at 3pm in La Sells Stewart Center.
Senator Segura: What day is that again?
Senator Struthers: It’s Thursday, 3pm in La Sells Stewart Center. If the House passes the resolution, Chris will introduce it to the Faculty Senate.
President Schock: I was at the All-Staff Meeting, were all the eligibility forms filled out?
Senator Struthers: Please fill one out before you leave tonight. Kevin, were you here for the Code of Conduct?
President Schock: No.
Senator Struthers: It failed, so it's going back to Conference Committee.

XVII. Senator Comments
Senator Barnes: I'd just like to thank everyone for working tonight. I'm not going to be here next week, so happy Thanksgiving.
Senator Albert: I just wanted to add to the report from the Veteran's Affairs Taskforce Director that the weather cooperated for the ceremony, the sun came out. I appreciate the fact that we have a Veteran's Affairs Committee.

XVIII. Gallery Comments
Michael Miller: I'm just passing on the personal information from Kenan Heppe his email is heppek@onidorst.edu and he wanted to let people know if there are any student groups wanting to make advertisements or movies, his number is (541) 806-6389. I see band members here, and there was an article about band. I think the stereotype about band geeks has been played out, they have already had their fair share of criticism. In defense of the band, I'll say, "Don't hate the player, hate the game."
Senator Segura: So says Elizabeth Lambert.

XIX. Adjournment
Senator Segura: I move to adjourn.
Senator Moran: I second.

The meeting adjourned at 8:40pm.