SB43-19/20: Resolution Regarding Referendum Language for Article 8 of the ASUM Constitution

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The Associated Students of the University of Montana
Resolution Regarding Referendum Language for Article 8 of the ASUM Constitution
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SB43-19/20

Authored by: Cierra Anderson, ASUM Senator; Noah Durnell, ASUM Senator; Brian Fulton, ASUM Senator; Matthew Hurley, ASUM Senator; Christian Pfeifer, ASUM Senator;
Sponsored by: Zoe Nelson, ASUM Senator;

Whereas, A Constitution establishes a system of government, defines the powers and functions of the institutions of government, provides limits to state and non-state action, and regulates the relations between institutions and its people;

Whereas, The Constitution of the Associated Students of the University of Montana (ASUM) regulates the interactions between students of the University, members, and the Associated Government;

Whereas, The ASUM Constitution was last amended and approved by a student vote in 2012;

Whereas, “ASUM shall be the representative body of the members of the Association, organized exclusively for educational and non-profit purposes,” and “The primary responsibility of the Association is to serve as an advocate for the general welfare of the students.”;

Whereas, The ASUM Constitution is in need of general revision, clarification, and update to reflect the values and needs of both students and the institution;

Whereas, Amendments to the ASUM Constitution would better serve the general welfare of students and the functions of government;

Whereas, Article 8 of the ASUM Constitution currently reads:

Article 8: Finance
• Section 1. The Association shall be supported and maintained by funds derived from the following sources: (1) student activity fees; (2) receipts from all entertainment, and activities conducted under the supervision of the Association; (3) proceeds derived from the associated organizations; and (4) donations.
• Section 2. The Board on Budget and Finance shall be composed of nine (9) members, including the Business Manager as Chair, at least one but not more than four ASUM Senators, and at-large student members. Board appointees will be recommended by the President in consultation with the Business Manager and confirmed by a two-thirds (2/3)

1 Denis J. Galligan and Mila Versteeg. Social and Political Foundations of Constitutions.
2 “Student” is “defined as anyone currently enrolled in the University of Montana,” in Article I, Section 3 of the Constitution.
3 “Member” is “defined as any Student Activity Fee paying student of the University of Montana,” in Article I, Section 2 of the Constitution.
4 The characteristics and functions of the Associated Government are defined in the ASUM Constitution, Article II.
5 ASUM Constitution. Article II, Section 1.
vote of the ASUM Senate. The Board shall be responsible for advising ASUM on all fiscal matters.

- Section 3. The President shall follow the budget procedure enumerated in the Bylaws when preparing the annual budget recommendation. The President's budget recommendation shall be submitted as a seconded motion to the ASUM Senate during the month of February.

- Section 4. The Board on Budget and Finance shall be responsible for developing an annual Fiscal Policy, subject to two-thirds (2/3) approval of the ASUM Senate. ASUM will consistently use this annual Fiscal Policy in making all financial decisions. The statement of policy shall be made available to the public.

- Section 5. The fees, donations, and receipts from any source are to be used only for the purposes of ASUM under the control of the ASUM Senate. All funds shall be managed in accordance with state and federal laws, and Board of Regents policy. All grants to organizations shall be accompanied by a disclaimer of liability. No incumbent of any officially elected position of the Association shall receive any compensation by virtue of that position except for that specified within the Fiscal Policy.

- Section 6. The ASUM Executives shall receive for their services a compensation which shall neither voluntarily increase nor voluntarily diminish during the time they serve in office.

- Section 7. Any ASUM funds remaining in an association account at the end of the fiscal year shall be transferred to the ASUM Reserve Fund as soon as reasonable accounting permits. The ASUM Senate may authorize any association account to retain its year-end balances.;

Whereas, Article 8 of the ASUM Constitution was in need of general update to read well and be grammatically accurate;

Whereas, Article 8 of the ASUM Constitution describes duties of the Business Manager that are no longer practiced;

Whereas, Article 8 of the ASUM Constitution made incorrect and confusing references to “the Association” instead of “ASUM” and to “at-large student members” instead of “Students At-Large”;

Therefore, Let It Be Resolved, That the following language be submitted to the student body as a referendum during the General Election in Spring, 2020:

“Article 8 of the ASUM Constitution is in need of general revision to reflect the functions of ASUM as a governing body. The proposed changes will be in bold or be strikethrough:

Article 8: Finance

Section 1. ASUM shall be supported and maintained by funds derived from the following sources: (1) student activity fees; (2) receipts from all entertainments and all activities conducted under the supervision of ASUM; (3) proceeds derived from the associated organizations; and (4) donations.
Section 2. The Board on Budget and Finance shall be composed of nine (9) members, including the Business Manager as Chair, at least one but not more than four ASUM Senators, and Students At-Large. Board appointees will be recommended by the President in consultation with the Business Manager and confirmed by a two-thirds (2/3) vote of the ASUM Senate. The Board shall be responsible for advising ASUM on all fiscal matters.

Section 3. The President shall follow the budget procedure enumerated in this Constitution and ASUM Fiscal Policy when preparing the annual budget recommendation. The President's budget recommendation shall be submitted as a seconded motion to the ASUM Senate during the month of February.

Section 4. The Board on Budget and Finance shall be responsible for overseeing all amendments to Fiscal Policy, subject to two-thirds (2/3) approval of the ASUM Senate. ASUM will consistently use the ASUM Fiscal Policy in making all financial decisions. The statement of policy shall be made available to the public.

Section 5. The fees, donations, and receipts from any source are to be used only for the purposes of ASUM under the control of the ASUM Senate. All funds shall be managed in accordance with state and federal laws, and Board of Regents policy. All grants to organizations shall be accompanied by a disclaimer of liability. No incumbent of any officially elected position of ASUM shall receive any compensation by virtue of that position except for that specified within the Fiscal Policy.

Section 6. The ASUM Executives shall receive compensation for their services, which shall neither voluntarily increase nor voluntarily diminish during the time they serve in office.

Section 7. Any ASUM funds remaining in an ASUM account at the end of the fiscal year shall be transferred to the ASUM Reserve Fund as soon as reasonable accounting permits. The ASUM Senate may authorize any ASUM account to retain its year-end balances.

Do you support these changes as a revision to the Constitution?

____ Yes, I support these changes to the Constitution.

____ No, I do not support these changes to the Constitution."

Therefore, Let It Be Further Resolved, That this resolution be sent to Grace Dunnehoff, Chair of the Elections Committee.

Passed by Committee: December 15th, 2019

Passed by ASUM Senate: December 4th, 2019

Alexandra Akmal,

Ethan Hanley,
Resolution Passed Unanimously