ASUM SENATE AGENDA
February 11, 2004 - 6:00 p.m.
UC332-333

1. CALL MEETING TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES - FEBRUARY 4, 2004

4. PUBLIC COMMENT

5. PRESIDENT’S REPORT
   a. Nomination/confirmation of new Senators
   b. Swearing-in of new Senators
   c. Spring Break Lobbying
   d. Athletic Fee Meeting - Tuesday, February 24, 7:30 a.m.
   e. SUGAR Scholarships
   f. Other

6. VICE PRESIDENT’S REPORT
   a. Committee Appointments/Removals
   b. KBGA
   c. Website
   d. Online Election Preview
   e. Renters Rock Week
   f. Other

7. BUSINESS MANAGER’S REPORT
   Special Allocation - approx. $10,808.51
   Travel Special Allocation - approx. $12,160
   STIP - approx. $98,321.77
   Zero-Base Carryover - approx. $77,000
   a. Special Allocation - UM Forensics Team $480.87/$480.87
   b. Travel Lobbying
   c. Gear up for Budgeting...Spring ’04
   d. Other

8. COMMITTEE REPORTS
9. UNFINISHED BUSINESS
To see a list of resolutions in their entirety with the action taken on them, please go to http://www.umt.edu/asum/government/resolution.htm
a. SB30-03/04 Resolution to Send +/- Grading to Student Initiative - tabled
b. SB43-03/04 Resolution requesting the Montana Associated Students (MAS) withdraw from lawsuit with The State of Montana

10. NEW BUSINESS

11. COMMENTS

12. ADJOURNMENT
SENATE MEMBERS
SOPHIA RENA ALVAREZ
ANDREW BISSELL
BRAD CEDERBURG
SAMUEL CHARTIER
TRAVIS COSSITT
KYLE ENGELSON
ANNA GREEN
SHAWNA HAGEN
CHRIS HEALOW
ANDREA HEILING
WILL HOLMES
EMILY JONES
KIMBERLY PAPPAS
VINCENT PAVLISH
SAGE RAFFERTY
EBEN RECKORD
PATRICK VAN ORDEN
ROB WELSH
CHRISTIAN WINKLE
NATHAN ZIEGLER

ASUM OFFICERS
AARON FLINT
President
GALE PRICE
Vice-President
AVERIEL WOLFF
Business Manager

FACULTY ADVISORS
PROFESSOR ANDERSON
PROFESSOR AUSLAND
Chair Price called the meeting to order at 6:01 p.m. Present: Flint, Price, Wolff, Alvarez, Bissell, Cederberg, Chartier, Cossitt, Engelson, Green, Hagen, Healow, Helling, Holmes, Jones, Pappas, Pavlish, Rafferty (6:12), Reckord, Van Orden, Welsh, Winkle and Ziegler (7:05).

The meeting minutes for February 4, 2004, were approved as posted.

Public Comment
Alex Rosenleaf apologized for missing the interview committee meeting due to a conflict. He expressed hope that Senate would oppose SB43, as he believes the matter needs to be clarified for the future. He also commented on Flint’s letter in the Kaimin about election expenses.

John Fletcher informed Senate about a lecture on high protein diets to be held February 17 at 6:30 p.m. in GBB123.

Senator Eben Reckord read the following statement (with minor grammatical/structural changes) to Senate on respect and teamwork, hoping for a change of attitude:

I would like us all to take pause to consider our intentions this evening. Will we act in the name of the students that we have sworn to serve, or will we act in the name of ourselves? I encourage us all to take pride in the words we speak, but over the course of my term I have heard things that no one should be proud of. We are doing our job on paper but have forgotten one thing, the most important thing, respect. Personal agendas are to be expected; differing beliefs are almost guaranteed; but listen to be heard. Listen to what the other person is saying, and if you have questions, ask them to clarify and not to make your point. And, if you must question their ideology, do so without attacking their character. We are all developing minds. Let us help one another to grow from our misunderstandings rather than aid in this war of attrition we find ourselves fighting amongst one another.

There are no guidelines that state that any of us have to get along. But I would encourage all of you to keep in mind that yes, sticks and stones may very well break bones, but words can break a spirit, and a broken spirit has the potential to never heal. Let us lift one another up with our compassion and intelligence while allowing our differences to be respected. Let us stop speaking from positions and express ideas as interests and look for common ground using instead our words, not arrogance, to find the solutions to the issues we discuss. We all have to work together to function as a group, or we will simply break down. And I will stand by anyone that has the patience to disagree yet continue to listen to find common ground. Now tonight we have an opportunity to start over, as we are a new group.

Tonight there sit four new senators among us. And let tonight be the beginning of a new attitude in the senate. An attitude of understanding. An attitude of working together toward a common goal. An attitude where the spectrum of partisanship is an idea that is understood by all, but that is also realized has no place in this room.

When 25 people applied for the open senate seats I shook my head in disbelief, because I knew that almost all of them had no idea about what they were getting themselves into.

Let us bring some honor back to this hall. Let us live up to the expectations of those 21 senators that will not sit at this table. And to all the students of the University, we owe it to them to shape up because there is an entire senate that can be found outside those doors that were ready to make that promise - to rise above party differences and petty grievances. And it is time to start tonight.
President’s Report
a. A motion by Flint-Winkle confirming the nominations of Brad Cederberg, Samuel Chartier, Shawna Hagen and Andrea Helling to Senate passed.
b. Dean Couture presided at the swearing-in of the new Senators, after which they took their seats at the Senate table.
c. Flint hopes to do some State higher education lobbying over spring break, especially in the areas of Browning, Glasgow and Roundup. Interested persons should contact him.
d. The breakfast meeting to discuss the proposed athletic fee will be Tuesday, February 24, at 7:30 a.m. in UC329. Senators should contact Carol if they plan to attend.
e. On the issue of the proposed raise in the Athletic Fee, Flint said maybe there should be a scholarship for the Sugar Bears.

Vice President’s Report
a. The following slate of committee removals passed on a motion by Price-Winkle: ASUM Affairs - James Steel; Budget and Finance - Dan Windmueller; Elections - Brad Engebretson, Ashley Oliver; UC Board - Ashley Oliver; University Affairs - Ashley Oliver, Dan Windmueller; COT Affairs - Brad Engebretson; Housing Board - Brad Engebretson; Scholarship and Financial Aid - Alex Rosenleaf.
b. The following slate of committee appointments passed on a motion by Price-Green: ASCRC - Emily Jones; Student Computer Fee - James Dolph, Jesse Lakes, Aaron Flint; Budget and Finance - Sam Chartier; University Affairs - Sam Chartier, Brad Cederberg; UC Board - Andrea Helling; COT Affairs - Andrea Helling, Shawna Hagen (Chair); ASCRC - Shawna Hagen; Scholarship & Financial Aid - Brad Cederberg.
c. Pavlish will be the Senate spokesperson on KBGA tomorrow morning.
d. Price is gathering information on costs for updating the ASUM web site.
e. Price previewed the election web site and asked for input.
f. The Off-Campus Renter Center Housing Board is planning a Renters Rock Week featuring, among other things, safety tips. Volunteers are needed.
g. New Senators will receive their folders next week.

Business Manager’s Report
Special Allocation - approx. $10,808.51
Travel Special Allocation - approx. $12,160
STIP - approx. $98,321.77
Zero-Base Carryover - approx. $77,000
a. A Special Allocation request by Forensics for $480.87, recommended by Budget and Finance for same, passed after Welsh’s previous question call.
b. Over 30 groups requested $70,000 in travel funds. Approximately $11,000 is available. Wolff thanked committee members for their work.
c. Budget requests are due this Thursday by 4 p.m. The executives will make their recommendation on Monday.
d. Wolff read a student’s thank-you note directed to ASUM Legal Services. The Chair recognized the presence of Ziegler
Committee Reports

a. ASUM Relations and Affairs (Winkle) - SB43 received no recommendation. An ASUM ad was in the Kaimin. Comments on the athletic fee and in support of Fine Arts were read.
b. IT (Rafferty) - An online voting presentation will be next Tuesday at 4 p.m. in the ASUM office.
c. Board on Membership (Pappas) - The following groups were approved for recognition on a motion by Pappas-Winkle: Student Social Work and the UM Student Dance Club.
d. COT (Price) - The new Chair is Hagen.
e. Off-Campus Renter Center Board (Price) - Renters Rock Week needs volunteers. Some proposals for the week are surveys on renter problems and an award for the best property management.
f. Interview (Welsh) - Senate interviews were held and nominations made.
g. SPA (Jones) - They discussed Secretary of State candidate forums and withdrawal from MAS that some have proposed.
h. Transportation (Healow) - Budgeting for the second park 'n ride bus was discussed as well as ideas for Rock and Roll Week.
i. UC Board (Engelson) - A budget should be ready by February's end.
j. University Affairs (Holmes) - There was no quorum this week.
k. Suggestion Box (Winkle) - Letters were read previously.
l. Elections (Price) - A meeting will be held next week.

Unfinished Business

To see a list of resolutions with the action taken on them noted and the resolutions currently being considered in their entirety, please go to:
http://www.umt.edu/asum/government/resolution.htm

a. SB30-03/04 Resolution to Send +/- Grading to Student Initiative - tabled
b. SB43-03/04 Resolution requesting the Montana Associated Students (MAS) withdraw from lawsuit with The State of Montana (Exhibit A). Welsh-Alvarez moved the following (Exhibit A1: delete paragraphs 1-3, 6, 10, 16 and 19; delete "even" in paragraph 4; amend paragraph 7 to read "Whereas, Section 2-15-1508 of the Montana Code Annotated states, "The governor shall appoint the student ... based upon a nomination provided by a student organization designated by the Board of Regents"; insert a new paragraph 8 to read "Whereas, the Board of Regents has designated the Montana Associated Students (MAS) as the student organization which submits nominations"; insert a new paragraph 12 to read "Whereas, a legislative solution would have been impossible in 2002-2003 and 2003-2004"; insert a new paragraph 14 to read "Whereas, withdrawing from the lawsuit would result in the loss of approximately $6,000.00 in student funds, $100,000 from University of Montana students alone"; insert a new paragraph 15 to read "Whereas, it is not important for student organizations to present a unified front and take a pro-active stance in order to clarify and secure student rights"; insert "(ASUM)" after "...The University of Montana" and insert "(MAS)" after "...Associated Students." A motion by Jones-Rafferty

Five-minute recess

Jones-Flint moved to strike paragraphs 12 and 14. A friendly amendment by Pavlish to amend paragraph 14 to read "Whereas, students have already paid approximately $6,000.00 in student funds, $100,000 from University of Montana students alone" was accepted. After accepting the friendly amendment, Jones modified her amendment to paragraph 12 by electing not to strike it but to amend it to read "Whereas, although a legislative solution would have been impossible in 2002-2003 and 2003-2004, a legislative solution can still be sought." After a previous question call by Jones the amendment passed as amended. After failed previous question calls by Welsh and Holmes, the resolution as amended failed 8Y, 14N, on a roll call vote (see Tally Sheet) after a previous question call by Holmes.

New Business
a. Resolution to amend Fiscal Policy
b. Resolution in support of MAS
c. Resolution on committee minutes
d. Resolution to stipend for Senators
e. Resolution for transportation funding
f. Resolution to amend Bylaws
g. Resolution on resolution officer assistant
h. Resolution on freshmen independence
i. Resolution on voluntary fee proposal

Comments

The meeting adjourned at 10:57 p.m.

Carol Hayes
ASUM Office Manager
Resolution requesting the Montana Associated Students (MAS) withdraw from lawsuit with The State of Montana.

Whereas, the resolution passed by last year's senate of The Associated Students of The University of Montana (ASUM) requested a legal opinion, rather than a lawsuit;

Whereas, the MAS lawsuit resulting from the previous senate’s action includes defendants not mentioned in the original ASUM resolution;

Whereas, the lawsuit now mentions each member of the 58th Legislative Assembly of the Montana State Senate;

Whereas, oral arguments in this case have not even started;

Whereas, the term of the disputed nomination is set to expire in June of 2004;

Whereas, the 2002-2003 MAS leadership was consulted by the Governor’s office;

Whereas, Section 2-15-1508 of the Montana Code Annotated allows the Governor of Montana to appoint the student of her choice;

Whereas, according to the law, “the length of the term of the student member is determined by the Governor and must be for not less than one year and not more than four years;”

Whereas, the law clearly puts discretion in the hands of the Governor;

Whereas, if students desire a formal consultation process, lasting many months, they should seek a legislative clarification;

Whereas, taking the State of Montana to court severely undermines the credibility of student governments around the state;

Whereas, a more important case MAS could have joined was AP vs. Crofts;

Therefore let it be resolved that The Associated Students of The University of Montana requests the Montana Associated Students to formally withdraw from the lawsuit:

Montana Associated Students vs. The State of Montana, Judy Martz as Governor of the State of Montana, All Members of the Senate of the 58th Legislative Assembly of Montana, and Bob Brown as Secretary of State of The State of Montana.

Let it further be resolved that ASUM supports legislative clarification to the Montana Code Annotated dealing with the selection of the Student Regent that strengthens the consultation process.

Authored by Aaron Flint, ASUM President

Past news articles (over):
http://www.kaimin.org/test2.php?ardate=20030425&id=1520

http://www.kaimin.org/test2.php?ardate=20030305&id=979

SB43/03/04 Resolution requesting the Montana Associated Students (MAS) withdraw from the Lawsuit with The State of Montana.

Whereas, the resolution passed by last year's senate of the Associated Students of the University of Montana (ASUM) requested a legal opinion, rather than a lawsuit;

Whereas, the MAS lawsuit resulting from the previous senate's action includes defendants not mentioned in the original ASUM resolution;

Whereas, the lawsuit now mentions each member of the 58th Legislative Assembly of the Montana State Senate;

Whereas, oral arguments in this case have not even started;

Whereas, the term of the disputed nomination is set to expire in June of 2004;

Whereas, the 2002-2003 MAS leadership was consulted by the Governor's office;

Whereas, Section 2-15-1508 of the Montana Code Annotated states, “The governor shall appoint the student ... based upon a nomination provided by a student organization designated by the board of regents” allows the Governor of Montana to appoint the student of her choice;

Whereas, the Board of Regents has designated the Montana Associated Students (MAS) as the student organization which submits nominations;

Whereas, according to the law, “the length of the term of the student member is determined by the Governor and must be for not less than one year and not more than four years;”

Whereas, the law clearly puts discretion in the hands of the Governor;

Whereas, if students desire a formal consultation process, lasting many months, they should seek a legislative clarification;

Whereas, a legislative solution would have been impossible in 2002-2003 and 2003-2004;

Whereas, taking the State of Montana to court severely undermines the credibility of student governments around the state;

Whereas, withdrawing from the lawsuit would result in the loss of approximately $6,000.00 in student funds, $1000.00 from University of Montana students alone;

Whereas, it is not important for student organizations to present a unified front and take a pro-active stance in order to clarify and secure student rights;
Whereas, a more important case MAS could have joined was *AP v. Crofts*;

Therefore let it be resolved that The Associated Students of The University of Montana (ASUM) requests the Montana Associated Students (MAS) to formally withdraw from the lawsuit:

*Montana Associated Students v. The State of Montana, Judy Martz as Governor of the State of Montana, All Members of the Senate of the 58th Legislative Assembly of Montana, and Bob Brown as Secretary of State of The State of Montana.*

Let it further be resolved that ASUM supports legislative clarification to the Montana Code Annotated dealing with the selection of the Student Regent that strengthens the consultation process.

Authored by Aaron Flint, ASUM President

Filed 8/4/01
roll call vote
2/11/04