



From: Attorney General Cameron Harris

To: Andrea Godoy, ASUN Senate Secretary

Date: March 7, 2017

Re: Resolutions Opinion

Senate Secretary Godoy,

In regards to your inquiry regarding the integrity of legislation that has been passed and archived incorrectly, I offer the following opinion:

It has been brought to my attention that there has been an issue with how the 84th Session of the Senate and a few previous sessions have been passing and documenting Resolutions.

ASUN 84th Session Rules, Rule XV:

d) BINDING RESOLUTION Any legislation that gives the approval of the Senate as per policy or as a check to the Executive Branch and causes binding action. A Binding Resolution shall be used for: amendments to the Senate Rules, selection of the Speaker of the Senate, selection of the Secretary of the Senate, selection of the Speaker Pro-Tempore, selection of the Parliamentarian, selection of the committee chairs, organization of all the committee's membership, creation of Special Committees, any disciplinary action, and where the approval of the Senate is sought by Law or any other purpose necessitating a resolution.

e) RESOLUTION Any legislation pertaining to the voice of the student body. This includes but is not limited to, making suggestions, recommendations, or commendations.

There is a clear difference between the definition of a Resolution versus a Binding Resolution as outlined above. The 84th Session of the Senate has been passing many Resolutions that should have been passed as Binding Resolutions. For example, the creation of the Special Committee on Safety, Sustainability & Wellness was passed through the Senate as a Resolution when it should have been passed through as a Binding Resolution (S. Res 84-31). There have been many other instances like this from the 84th Session and in past sessions of the Senate where this has happened as well.

While the use of these Resolutions is not correct, the language of the incorrectly passed and archived Resolutions can correctly define themselves by their legislative content. I see no harmful consequences that will arise from the incorrect uses of these Resolutions that have already been passed. In order to preserve the fairness and legitimacy of the Senate's actions, it is my opinion that all Resolutions and Binding Resolutions that have been passed and archived incorrectly are still lawful and valid. However, in the future I recommend that Senate should exclusively state whether the legislation in question is a Resolution or a Binding Resolution and document said legislation accordingly to avoid further confusion.

Respectfully,

A handwritten signature in black ink, appearing to read 'C. Harris'.

Cameron Harris

Attorney General

Associated Students of the University of Nevada