

SENATE BILL #2178

Title: Allocation of End of the Year Funds to a New ASUW Brochure

Date: March 28, 2007

Authors: Vice President Freeburn and Chief of Staff McConnaughey

Sponsors: Senators Clay, Harris, Watt and Wilson; Executive Morris

1. WHEREAS, the Associated Students of the University of Wyoming (ASUW)
2. uses a brochure as a major avenue of disseminating information to current and
3. prospective students; and
4. WHEREAS, the current brochure includes outdated information on many ASUW
5. Standing Committees and Programs and Services; and
6. WHEREAS, the current Director of Public Relations has invested time and energy
7. into creating a new brochure; and
8. WHEREAS, the ASUW Budget and Planning Committee removed money for a
9. brochure from the FY 08 budget with the recommendation of using money from
10. the end of the year funds; and
11. WHEREAS, the ASUW President and Vice President would have the option to
12. spend end of the year funds on a new brochure.
13. THEREFORE, be it enacted by the Student Senate of the Associated Students of
14. the University of Wyoming (ASUW) that end of the year funds be committed to
15. the development and purchase of a new ASUW brochure that better reflects the
16. current activities of ASUW; and
17. THEREFORE, be it further enacted that the incoming ASUW President and
18. Vice President allocate \$1,000 (see Addendum A) to be spent to purchase 3,000

19. new ASUW brochures before the end of FY 07.

Referred to: Student Relations Committee

Date of Passage: April 17, 2007

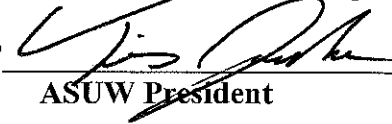
Signed:



(ASUW Chairperson)

“Being enacted on April 17, 2007, I do hereby sign my name

hereto and approve this Senate action.”



ASUW President

ADDENDUM A

UW Media Relations

| | |
|----------------|---------------------|
| 3000 brochures | Gloss Finish \$637 |
| | Velvet Finish \$640 |

| | |
|----------------------------|-------------|
| Graphic Design Costs | \$250-\$350 |
| (16" x 9" 4-fold brochure) | |

UNIVERSITY OF WYOMING

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In Re Request for Interpretation of Senate Bill #2178 Decided April 26, 2007

Weagant, J., delivered the opinion of the Judicial Council, in which Hockman, C.J., Curry, J. Madden, J., and Zilmer, J. joined.

Momon J., and Brooks J. took no part in the decision of the Council.

The Senate, in an attempt to inform students and the public of the current structure and activities of the Associated Students of the University of Wyoming (ASUW), passed Senate Bill #2178 (Bill). The Bill specifically requires the ASUW President to allocate \$1,000 from the end of the year funds to purchase printed brochures with current information about ASUW. This opinion in no way should be construed as interpreting the merits of the brochures or whether the purchase is a prudent one.

The complainants are members of ASUW as fee paying students. A request for interpretation of a Senate bill and the executive action that made the bill binding is completely proper in this situation under *Rules and Procedures of the Judicial Council*, Article III, Section 1, Clauses B and C. Our interpretations only interpret the specific provisions which we are asked to interpret in the request and are binding and final as to the constitutionality and lawfulness of the action in question. Here, we are asked whether Bill #2178 violates the ASUW Finance Policy and, if so, is found to be void. This Council finds Senate Bill #2178 to be void as being in direct conflict with the ASUW Finance Policy.

The ASUW Finance Policy acts as the foundation for any expenditures, budgeting and fiscal management for all branches of ASUW. Further, the Finance Policy is not rigid or non-bending when the need arises for flexibility because the policy can be amended. Section I(G). The Policy makes clear that the authority to use ASUW funds from the last day of the spring semester to the first day of the fall semester is completely at the discretion of the ASUW President. Any legislation attempting to compel or direct those funds during the summer would be void and unenforceable as contrary to the ASUW Finance Policy.

Bill #2178 attempts to do just that. Although the Senate minutes of April 10, 2007 states that money *should* be spent on the brochures, the actual text of the bill *commands* the executive branch to purchase the brochures from these funds. From the text of the minutes, it is clear the Senate knew they had no power over the end of year funds and the spending thereof between the spring and fall semesters. Further, the exact amount of the available end of the year funds for the Executives to spend is not known until sometime in June. The sole discretion given to the Executives is to enable ASUW to respond to changing circumstances and events while the Senate is not in session. Tying up end of year funds before the exact amount available is known would place ASUW in a precarious financial position by requiring a specific expenditure with the expectation that ASUW will be able to respond to the circumstances that may develop over the summer. Expenditures between the spring and fall semesters are clearly at the discretion of the ASUW executive branch. Because the Bill is in direct conflict with the ASUW Finance

Policy, the conflicting language in the Bill is void. The Bill's text reveals only one purpose, to compel and direct the executive branch to make an expenditure with funds which they possess sole discretionary authority over, therefore, **Senate Bill #2178 is void.**