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 WHEREAS, the current brochure includes outdated information on many ASUW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: 

"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)
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.