

SENATE BILL #1860

Title: ASUW Carryover Budget Expenditures

Date: April 29, 1997

Authors: President Neu, Executive Assistant Curry, and Senator Delzer

Sponsors: Senators Anthes and Delzer

1 WHEREAS, the ASUW does not currently budget money for Student Government Office upkeep
2 and improvements; and

3 WHEREAS, the carryover budget is comprised of fees that are not expended during the academic
4 year; and

5 WHEREAS, the ASUW Student Government Office has unbudgeted needs that arise after the
6 adjournment of the Senate.

7 THEREFORE, be it enacted by the Student Senate of the Associated Students of the University
8 of Wyoming, that \$3,181.00 are allocated from the FY97 carryover budgets to be used for
9 improvements to the ASUW Student Government Office (See Addendum); and

10 THEREFORE, be it further enacted by the Student Senate of the Associated Students of the
11 University of Wyoming, that the funds between lines of the itemized Addendum not be
12 transferred between lines; and

13 THEREFORE, be it further enacted by the Student Senate of the Associated Students of the
14 University of Wyoming, that at the first Senate meeting of the Fall 1997 semester, the Senate be
15 apprised of the expenditures made over the summer.

Referred to: Committee of the Whole

Date of Passage: April 29, 1997 **Signed:** Angela Eicke
ASUW Chairperson

“Being enacted on _____, I do hereby sign my name hereto and

approve this Senate action.”

ASUW President

**ASUW STUDENT GOVERNMENT OFFICE
SUPPLY NEEDS**

(In addition to FY98 Budget Requests)

4 Laser Printer cartridges for Laser Jet 5L Printer	\$ 400.00
2 Printer cartridges for older printer in Senate Office	\$ 150.00
2 (at least) cases of copy/printer paper	\$ 100.00
Miscellaneous small office supplies: Post it Notes, clips, binders, audio tapes, etc.	\$ 100.00
Two network lines installed in office	\$ 400.00
One new phone line installed in office for fax capabilities	\$ 195.00
Two Windows 95/Office 95 software licenses	\$ 600.00
Two ethernet cards for computers	\$ 180.00
Materials for office maintenance and renovation (paint and painting supplies)	\$ 100.00
Pencils for ASUW for orientation, and advertising	\$ 500.00
Pens for ASUW for advertising	\$ 456.00
Total	\$3,181.00

ASSOCIATED STUDENTS OF THE UNIVERSITY OF WYOMING

JUDICIAL COUNCIL OPINION

Re: The Interpretation and Application of the ASUW Finance Policy, Section II, Subsections H, I and L

The Associated Students of the University of Wyoming ("ASUW"), Judicial Council (the "Council") convened May 2, 1997, in the Wyoming Union to render an interpretation of Section II, Subsections H, I and L of the ASUW Finance Policy. Specifically, the Council was charged with the duty of determining if the ASUW Executive Officers could approve line item transfers between accounts without the approval of the ASUW Senate during those summer months when ASUW Senate was in recess and unavailable. Section II, Subsections H, I and L reads as follows;

- H. Budget transfers between lines of a single account shall be under the authority of the ASUW Budget and Planning Committee. All budget transfer requests shall be submitted to the Budget and Planning Committee prior to the proposed expenditure of funds on the form provided by the ASUW Business Office. All approved budget transfers shall be communicated to the ASUW Senate in a timely manner by the Budget and Planning Committee Chairperson.
- I. Budget revisions which do not affect the total spending authority of the ASUW Budget shall be under the authority of the Budget and Planning Committee pending final approval by the ASUW Senate.
- L. At the end of the fiscal year all residual monies from the ASUW Budget shall revert to the ASUW Reserve.

Members of the Judicial Council present were as follows:

**Stacey Baim
Cody Hartley
Julie Yates (Chair)**

The following individuals presented testimony to assist the ASUW Judicial Council:

**Gregory Delzer, former ASUW Executive Officer
Lorraine Lupton, ASUW Business Manager
Scott Neu, ASUW President**

OPINION

The Judicial Council unanimously held that the language of Section II, Subsections H, I, and L is unambiguous. ASUW Senate, not the Executive Officers, must approve line item transfers between accounts. However, this opinion **shall not take effect until the next fiscal term beginning July 1, 1997 and shall not act retroactively.**

DISCUSSION

The Judicial Council's Authority to review the ASUW Finance Policy

Under Article VIII, Section 2, Subsection B, of the ASUW Constitution, the ASUW Judicial Council has jurisdiction to review all actions of the ASUW Executive Branch. Further, under Article VIII, Section 3, Subsection C, the Judicial Council is given the authority to "render final decisions regarding the actions of the ASUW Executive Branch for actions found to be procedurally inappropriate or incorrect pursuant to the provisions of the ASUW Constitution, By-Laws and/or other duly established ASUW standards." (Emphasis added)

It is upon these provisions that the Judicial Council grounds its authority to review the Executive Officers historical practice of approving line item transfers during those months in which the ASUW Senate is unavailable to render approval.

Executive Officers Cannot Act on Behalf of the ASUW Senate

The Executive Branch cannot violate the separation of powers created in the ASUW Constitution. The Constitution clearly states that ultimate approval of budget transfers is a legislative function. The Executive Branch would only be able to act on behalf of the legislative branch if Senate had delegated its power of approval of line item transfers to the Executive Branch. In the case at hand, there is no evidence that the Senate has delegated such power.

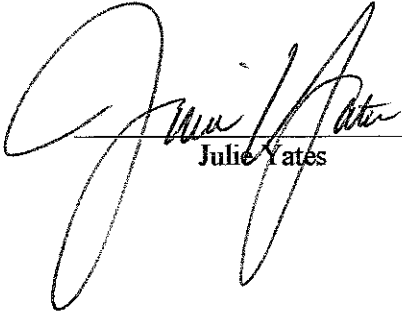
Conclusions by the ASUW Judicial Council

- (1) The ASUW Business Office believed, in good faith, that it was complying with the ASUW Finance Policy. Hence, this decision **should not** be applied retroactive and in no way should affect past transactions.
- (2) Greg Delzer, the petitioner, knew of the discrepancy between the ASUW Finance Policy and the practices of the ASUW Business Office for almost a year. However, Mr. Delzer did not bring a complaint to the Council until now, after the ASUW Senate has recessed, making it impossible for the Budget and Planning Committee to ask for Senate's approval on carry-over expenditures and line item transfers. Consequently, **the Council holds that this opinion shall not take affect until the next fiscal year beginning July 1, 1997, so as to avoid any "blindsiding" that otherwise would occur and to encourage good faith petitions that comport with notions of fair play.**

Respectfully Submitted, this _____ day of _____, 1997;

Stacey Baim

Cody Hartley



Julie Yates