



Decision by the Judicial Review Board December 7, 2009

Request from Mike Bennie, Undergraduate Association President:
Evaluate the constitutionality of discretionary line items (DLIs) within a UA budget in regards to the Senate's final authority over the purse.

Decision:

Our decision is that DLIs within a budget are constitutional with an appropriate clause being that Senate maintains the right to change the amount allocated at any time for egregious misuse of funding, pending an appropriate vote.

Explanation:

Neither the Constitution nor the Bylaws satisfactorily address this question. Article 4.1.7 is slightly relevant in that it maintains that the administration of the assets/liabilities is vested in the Finance Board, but that does not preclude the Senate's final authority.

With DLIs, the power removed from Senate is the complete granular control over the allocation. However, Senate maintains appropriate control in deciding to allocate to that specific item and setting the upper bound of the item. In contrast, in the Judicial Board's ruling from earlier this semester that Senate's final authority over the funds must be maintained in regards to reallocating the funds, Senate did not maintain control and exhibit authority over allocation.

Practically, DLIs allow for appropriate delegation of funds and for legitimate abstraction of details. However, it is most important that Senate still maintains its overall authority over the funds. To that effect, we added an appropriate clause to the Decision.

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