

Majority Opinion By Council Chair Bennett

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY

Justin Bennett, ASOSU President

INQUIRY TO THE ASOSU JUDICIAL COUNCIL (No. 18-012.i)

[October 17th, 2018]

Justin Bennett, ASOSU President, brought an inquiry before the Judicial Council pertaining to the separate powers vested in both the Executive and Legislative Branches, the ASOSU Budget, and entrance into agreements, especially fiscal in nature, as outlined in the ASOSU Constitution and Statutes. Specifically, President Bennett focuses on what the Judicial Council interpreted to mean *legislative overreach*. Moreover, President Bennett asks explicitly, “are members of the Legislative Branch allowed to mandate or not mandate that the ASOSU President sign agreements/any document that is presented to the President.” Furthermore, President Bennett continues with, “If the President signs or does not sign an agreement/document presented to them that is fiscal in nature, is Ways and Means then allowed to fund/not fund that line item if the President has signed a document allocating money toward that source?”

The Judicial Council recognizes the provisions as provided by President Bennett as related to his inquiry, but not central to the argument he subsequently proposes. The generalizations of *Article IV, Section D* of the Constitution represent an ambiguous, yet base level of the ASOSU President’s responsibilities, and do not reflect them in its entirety, as they are further outlined within the Constitution and Statutes.

Moreover, the Oversight and Ethics Committee is responsible for ensuring a balance and separation of powers within the ASOSU, but the Judicial Council urges members of ASOSU to recognize that powers of the Executive, the Judiciary, and Legislative powers originate in the Legislative Branch and through the Constitution and Statutes. In this way, the responsibilities and powers of the ASOSU President have been defined and vested by the Legislative Branch through our governing documents. Nonetheless, the Judicial Council recognizes that *legislative overreach* can occur within the ASOSU, and that a balance of powers should be emphasized.

Pertinent to the inquiry at hand however is the power of Congress to mandate the ASOSU President sign an agreement or document, especially one that is fiscal in nature. The Judicial Council references Article III, Section I, Subsection 6 in its ruling in relation to the veto power of the ASOSU President and the already outlined process found in our governing documents. The Judicial Council interprets this to apply to bills fiscal in nature as presented and subsequently approved by the House and Senate. Moreover, in this way, the Judicial Council recognizes the autonomy of the Executive, and the balance and check that the Legislative Branch serves.

Therefore, the Memorandum of Understanding that is renegotiated yearly with the Oregon Student Association shall fall under the same parameters and ruling.