The Minority of the ASUCD Judicial Council delivers a Concurring Opinion:

I

This core of this case considers the validity of the ASUCD Senate Resolution #17, which was passed on May 28, 2015. The Petitioner claimed that this Resolution is unconstitutional and violates the Preamble of the ASUCD Constitution, the Student Bill of Rights, Article II, Section 2 and 3, and Article VI, Section 1(1)(b) and (c). The Minority of the Judicial Council finds that this Resolution specifically conflicts with Article II Section 2 and 3 of the ASUCD Constitution.

II

Article II, Section 2 of the ASUCD Constitution states:

"The Senate shall promote the welfare and interests of the members of the ASUCD, subject to the limitations enumerated in this Constitution, and consistent with the legislative process outlined under Article VI of this Constitution."

III

Article II, Section 3 of the ASUCD Constitution states:
“The Senate shall have authority over and responsibility for: (1) all ASUCD revenues and their allocations, (2) maintenance, use and title to all ASUCD property, and (3) the development of all policies and regulations necessary for carrying out the duties enumerated in this Constitution and for the smooth and efficient operation of the Association, subject only to the limitations enumerated in this Constitution.”

IV

The Minority of the Judicial Council argues that this language narrows the scope of the ASUCD Senate’s purview. Specifically, the Minority argues that the ASUCD Senate is only tasked with governing its various services and entities. The Minority of the Judicial Council believes that the ASUCD Senate ought not legislate on concerns that transcend that of its fiduciary responsibilities.

OPINION RENDERED