

CHAPTER 1004
CAPITAL APPROPRIATIONS
H. F. 2595

AN ACT relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section one (1), subsections two (2), four (4), nine (9), and ten (10), are amended to read as follows:

2. For allocation to the Iowa state university of science and technology for construction of a library addition \$ 8,100,000 \$
3,900,000

4. For allocation to the state university of Iowa for planning space needs for law, communications, and performing arts \$ 600,000 \$
260,000

9. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to complete the following utility projects:

a. Iowa state university of science and technology: pollution control plant share, utility maintenance and improvements, and storm sewer addition;

b. State university of Iowa: sludge handling facilities, campus electrical supply renovation, and power plant replacements, and general utility improvements; and

c. University of northern Iowa: turbine generator and general utility system update \$12,300,000 \$
8,049,000

10. For allocation by the state board of regents to the universities under the board's jur-

appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau.***

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph four (4), is amended by striking the subparagraph.

Sec. 7. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection five (5), is amended to read as follows:

5. OFFICE OF THE GOVERNOR

For matching funds for the restoration of Terrace Hill Mansion on the basis of one dollar provided by the state for each two dollars provided by nonstate sources and for the payment of architects' fees at a rate of not more than six percent of the cost of restoration \$ 330,000
200,000

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section seventeen (17), is amended to read as follows:

SEC. 17. There is appropriated from the general fund of the state to the department of general services for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the sum of ~~ninety~~ thirty thousand ~~(90,000)~~ (30,000) dollars, or so much thereof as is necessary, for the purpose of remodeling the capitol cafeteria. Funds appropriated by this section are not to be used to close the rotunda opening and are contingent upon not closing such opening.

Sec. 9. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eleven (1011), section one (1), subsection two (2), paragraph b, is amended to read as follows:

b. For acquisition of land within the boundaries bounded by Des Moines Street on the south, Interstate I-235 on the north, East Fourteenth Street on the east, and Pennsylvania Avenue on the west \$ 250,000
94,650

Sec. 10. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nineteen (1019), section four (4), subsection three (3), is amended to read as follows:

3. For the construction of a national guard armory at Dubuque, the location of which shall be determined by the executive council \$ 231,000
5,000

Sec. 11. Two million seventy-five thousand (2,075,000) dollars of the funds appropriated for the Brushy Creek project by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection four (4), and Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nine (1009), section one (1),

***Item veto

subsection two (2), paragraph a, which are unencumbered shall revert to the general fund of the state on the effective date of this Act.

Sec. 12. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, except as otherwise provided, the sum of two million (2,000,000) dollars, or so much thereof as is necessary, to be used for capital improvement projects deemed necessary by the department for institutions under its jurisdiction or for maintenance of those institutions. The department shall include in the capital improvements to be carried out under this section the renovation and installation of security features in hope hall at the Clarinda mental health institute to serve as an adult corrections security facility primarily for chemically dependent, mentally retarded and socially inadequate offenders, the continuation of planned repairs and improvements at the Clarinda mental health institute, and needed safety and health-related improvements at other institutions under its jurisdiction. In addition, funds appropriated for projects referenced in Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section twenty-five (25), and Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section seven (7), and Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section thirteen (13) which have not previously been obligated may be used for the same purposes as the funds appropriated by this section.

Sec. 13. The legislative council shall appoint an interim study committee to review alternative uses for the buildings at the Clarinda mental health institute, with emphasis upon the establishment of a multi-purpose community human resources center for southwest Iowa, which shall include a needs assessment for community mental health services and institutional mental health services for counties located within the catchment area for the Clarinda mental health institute.

Sec. 14. There is appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the following amounts or so much thereof as is necessary, to be used for the purposes of funding programs designated in the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), as amended by this Act, as follows:

- 1. Section one (1), subsection two (2) \$ 4,200,000
- 2. Section one (1), subsection four (4) \$ 340,000
- 3. Section one (1), subsection nine (9) \$ 4,251,000
- 4. Section one (1), subsection ten (10) \$ 3,775,000
- 5. Section six (6), subsection four (4), paragraph a \$ 2,000,000
- 6. Section twelve (12), subsection one (1) \$ 478,000
- 7. Section fifteen (15), subsection one (1), paragraph a,
subparagraph one (1) \$ 1,000,000
- 8. Section fifteen (15), subsection five (5) \$ 130,000
- 9. Section seventeen (17) \$ 60,000

Sec. 15. There is appropriated from the general fund of the state to the department of general services, office of the director, for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred two thousand six hundred fifty (102,650) dollars, or so much thereof as is

necessary, to be used for the purchase of land north of Grand avenue, south of I-235 freeway, east of Pennsylvania avenue and west of east fourteenth street.

Sec. 16. There is appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the following amounts or so much thereof as is necessary, to be used for the purposes of funding programs designated in Acts of the Sixty-seventh General Assembly, 1978 Session, as amended by this Act, as follows:

- 1. Chapter one thousand eleven (1011), section one (1), subsection two (2), paragraph b \$ 155,350
- 2. Chapter one thousand nineteen (1019), section four (4), subsection three (3) \$ 226,000

Sec. 17. There is appropriated to the state conservation commission for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of two million seventy-five thousand (2,075,000) dollars, or so much thereof as is necessary, for capital projects to be determined at the discretion of the state conservation commission.

It is the intent of the general assembly that in allowing the funds originally appropriated for the Brushy Creek project now to be used for other capital projects, the general assembly is not canceling or abandoning the project. The general assembly intends to reappropriate funds for the completion of a project in the Brushy Creek area when the environmental impact statement for the existing project is completed and a final proposal is approved.

It is the intent of the general assembly that the state conservation commission give priority to the construction of impoundments on watersheds where permanent soil conservation practices have already been constructed above the proposed impoundment when approving capital projects which are to be funded with the funds made available by this section.

Sec. 18. The Iowa state fair board may accept gifts or grants from sources other than the state or its agencies for the purpose of implementing the redevelopment proposals prepared for the Iowa state fair master plan committee, and shall deposit the gifts or grants in the fair redevelopment fund which is created within the state treasury. The state comptroller shall issue warrants for claims against the fair redevelopment fund subject to the conditions contained in this section.

Sec. 19. Funds appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by this Act are not obligated funds for the purpose of determining the unobligated state general fund balance under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section one (1), paragraph e with respect to the computation of the annual inflation factor for the 1980 and 1981 calendar years.

Sec. 20. Unobligated or unencumbered funds appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by this Act remaining on June 30, 1985, shall revert to the general fund on September 30, 1985, however if after completion of the project for which the funds were appropriated and before the June 30, 1985 date, there remain unobligated or unencumbered funds, such funds shall revert on September thirtieth following the end of the fiscal year in which the project is completed.

Sec. 21. This Act, being deemed of immediate importance, takes effect from and after its publication in the Osceola Tribune, a newspaper published in Osceola, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 22, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2595, an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

House File 2595 is approved May 22, 1980, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 5 which reads as follows:

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph one (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building..... \$ 3,000,000
2,000,000

The department of general services may expend not exceeding two hundred sixty-seven thousand two hundred (267,200) dollars for architectural fees for the renovation and remodeling authorized by this subparagraph. The appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau.

This provision of the capitals bill reduces the appropriation for renovation of the Lucas Office Building on the Capitol Complex from \$3 to \$2 million. Because the architects for the renovation project have already completed their plans based on the larger appropriation, a provision was added to the Section which permitted the architects to be paid in full for their services rather than a reduced amount based on the second and lower appropriation amount. On the last day of the legislative session, legislators added a further condition to this appropriation mandating that a portion of the State Auditor's Office be moved from the State Capitol to the Lucas Building and the vacated space be assigned to the Legislative Fiscal Bureau.

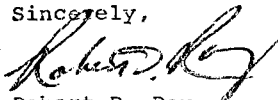
The State Auditor has raised legitimate concerns on the impact this unanticipated, forced move would have on the operations of his office. The portion of the office that would be required to move is currently occupied by the administrative division of the Auditor's Office which has the responsibility for processing and assembling the audit reports. During the assembly process, it is important that the two Deputy Auditors of State have easy access to answer any questions about the audits being prepared. In addition, the administrative division serves as the coordination unit for the Auditor's Office. The Auditor has a sincere belief that physical separation of this division from the rest of his office would impair the effective administration and management of the Auditor's Office.

What makes the legislative decision to require the move baffling is the fact that there was a mutual agreement between the legislative, judicial and executive branches of government in 1978 on the allocation of space in the Capitol. In January, 1978, the Chairman of the Legislative Council, the Chief Justice of the Supreme Court, the Treasurer of the State of Iowa, and the Director of the Department of General Services concurred in a specific plan to provide substantially more space on the first floor of the Capitol to the legislature and the Court of Appeals. To resolve differences, the State Treasurer generously ceded his personal office to the legislature, a move which successfully brought an agreement among all parties. That agreement further recognized that adequate space within the Capitol remained a problem. It urged the participants to work together for any further adjustments of space allocation that might become necessary. Apparently, the legislators, who engineered this relocation of the Auditor's Office in favor of the Legislative Fiscal Bureau, have forgotten about this joint agreement. A surprising vote for this provision came from the former Chairman of the Legislative Council who signed the earlier agreement. One must ask himself whether it is productive to enter into negotiations with the legislature, if a signed agreement can be so easily cast aside when it suits a legislative desire. Fortunately the item veto is available to remove this section from the bill.

Vetoing Section 5 has the effect of restoring the full \$3 million appropriation for the Lucas Building renovation. In light of our continued decline of state revenues which prompted the other reductions to capital projects contained in the bill, I have indicated to the Director of the Department of General Services that he should proceed with the renovation project as if only \$2 million were available. This will accomplish basically the same purpose as the reduction called for in the bill but the Auditor will not be forced out of his offices.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2595 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

I hereby certify that the foregoing Act, House File 2595, and Governor Robert D. Ray's item veto message were published in entirety in the Osceola Tribune, Osceola, Iowa on June 3, 1980, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 29, 1980.

MELVIN D. SYNHORST, *Secretary of State*