

FILED JUN 1 1971

*See Appropriation 6/9, Page 6/7*

SENATE FILE 561

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 6-3-71 Passed House, Date 6-10-71

Vote: Ayes 43 Nays 0 Vote: Ayes 72 Nays 11

Approved June 19, 1971 (with veto)

## A BILL FOR

1 An Act to appropriate from the general fund of the state to  
2 the Iowa state fair board for capital improvements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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### GOVERNOR'S ITEM VETO MESSAGE (Senate File 561, Item 2, Section 2)

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June 19, 1971

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Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol  
Local

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Dear Mr. Synhorst:

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I hereby transmit Senate File 561, an act to appropriate from the General Fund of the State to the Iowa State Fair Board for capital improvements.

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Senate File 561 is approved June 19, 1971 with the following exception: I am unable to approve Item 2 designated as Section 2 in the Act which reads as follows:

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"Plans and specifications for improvements for which funds are appropriated by this Act shall be submitted by the State Fair Board to the budget and financial control committee, except that items commonly known as change orders need not be submitted to such committee unless such change orders increase the total cost of that particular project."

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I have disapproved this Section because it violates the constitutional separation of the legislative and the executive branches of government. If the Budget and Financial Control Committee performed its duties under this Section and exercised the powers given to it, the Committee would be acting in an executive capacity or using delegated legislative powers. In either situation, they would be acting unconstitutionally. (1963 OAG 44, June 14, 1963)

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I hereby disapprove this Item as provided for in the Amendment to the Constitution of the State of Iowa adopted in 1968. All other Items of Senate File 561 are hereby approved this date.

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Sincerely,

ROBERT D. RAY  
Governor

1 Section 1. There is appropriated from the general fund  
2 of the state for the Iowa state fair board for each fiscal  
3 year of the biennium beginning July 1, 1971 and ending June  
4 30, 1973, the following amounts, or so much thereof as may  
5 be necessary, to be used as follows:

6	1971-72	1972-73
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	IOWA STATE FAIR BOARD	
9	For major repairs to buildings	
10	and grounds.	\$100,000.00 \$100,000.00

11 Sec. 2. Plans and specifications for improvements for  
12 which funds are appropriated by this Act shall be submitted  
13 by the state fair board to the budget and financial control  
14 committee, except that items commonly known as change orders  
15 need not be submitted to such committee unless such change  
16 orders increase the total cost of that particular project.

17 Sec. 3. Where any of the laws of this state are in con-  
18 flict with this Act, the provisions of this Act shall govern  
19 for the biennium.

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1 Amend Senate File 561, page 2, by inserting the  
2 following after line 19:  
3 "Sec. 4. Notwithstanding the provisions of section  
4 eight point thirty-three (8.33) of the Code, all  
5 unencumbered or unobligated balances of appropriations  
6 made by this Act for the first fiscal year of the  
7 biennium commencing July 1, 1971 shall, on September  
8 30, 1972, revert to the state treasury and to the credit  
9 of the fund from which appropriated. The Iowa state  
10 fair board may make application to the committees on  
11 appropriations for the reapportionment of any funds  
12 that do revert, or probably will revert upon the dates  
13 herein set and the respective committees on  
14 appropriations or a subcommittee thereof shall hold  
15 a hearing upon the application while the general assembly  
16 is in regular session. In all other respects the  
17 provisions of section eight point thirty-three (8.33)  
18 of the Code shall apply to appropriations made for the  
19 first fiscal year of such biennium. Unencumbered or  
20 unobligated balances of appropriations made for the  
21 second fiscal year of such biennium shall be subject  
22 to section eight point thirty-three (8.33) of the Code."  
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Filed - *Adopted 6/3*  
June 2, 1971

By COMMITTEE ON APPROPRIATIONS

1 Amend Senate File 561 as follows:  
2 1. Page 2, lines 13 and 14, by striking the words,  
3 "budget and financial control committee" and inserting  
4 in lieu thereof the word "governor".  
5 2. Page 2, line 15, by striking the words "such  
6 committee" and inserting in lieu thereof the words  
7 "the governor".

Filed and lost  
June 3, 1971

By HILL