

FILED MAY 12 1971

The Appropriation 5/26, Page 4/

SENATE FILE 543

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 5-25-71 Passed House, Date 6-10-71

Vote: Ayes 42 Nays 1 Vote: Ayes 82 Nays 3

Approved June 16, 1971* (for interstate)

A BILL FOR

1 An Act to appropriate from the general fund of the state for
 2 capital improvements for institutions under the department
 3 of social services, including construction of new buildings,
 4 repairs, improvements, replacements, or alterations.

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

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1 Section 1. There is appropriated from the general fund
2 of the state to the department of social services for the
3 biennium commencing July 1, 1971 and ending June 30, 1973,
4 the sum of three million (3,000,000) dollars, or so much
5 thereof as is necessary, to be used to supplement any prior
6 appropriations for capital improvement items for construction
7 of new buildings, repairs, improvements, replacements, or
8 alterations, or for any capital expenditures the department
9 of social services may deem necessary, except as otherwise
10 provided in this Act, for the proper and necessary function
11 of any institution under its jurisdiction, including the sum
12 of one hundred twenty-four thousand eight hundred (124,800)
13 dollars to be used for air-conditioning of the hospital
14 building at the Iowa soldiers' home, Marshalltown, Iowa.

15 Sec. 2. Plans and specifications for improvements for
16 which funds are appropriated by this Act or previous Acts
17 of the general assembly shall be submitted by the department
18 of social services to the budget and financial control
19 committee for approval, except that items commonly known as
20 change orders need not be submitted to the budget and financial
21 control committee unless such change orders increase the total
22 cost of that particular project.

23 Sec. 3. Funds appropriated by this Act shall not be used
24 for any capital improvements at the four mental health in-
25 stitutes or the institutions for juveniles located at Davenport
26 and Toledo, Iowa, under the control of the department of
27 social services, however such funds may be used for repairs
28 of an emergency nature at such institutes and institutions.

29 Sec. 4. The department of social services, the governor
30 and the state comptroller may obtain federal grants to the
31 state to be used in connection with the funds appropriated
32 by this Act.

33 Sec. 5. Funds appropriated by this Act shall not be subject
34 to reversion as provided in section eight point thirty-three
35 (8.33) of the Code, however, any unencumbered balance of the

1 appropriation made by this Act remaining as of June 30, 1975,
2 shall revert to the general fund of the state as of June 30,
3 1975.

1 Amend Senate File 543, page 2, by striking lines
2 15 through 22.

Filed and Lost By NEU
May 25, 1971

1 Amend Senate File 543, page 2, line 19, by striking
2 the words "for approval".

Filed and Ruled By WALSH
out of order
May 25, 1971

1 Amend Senate File 543, page 2, by striking lines
2 15 through 22.

Filed - *Lost 6/10* By EWELL of Black Hawk
June 2, 1971 District 39

House

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GOVERNOR'S ITEM VETO MESSAGE

June 16, 1971

Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Local

Dear Mr. Synhorst:

I hereby transmit Senate File 543, an act to appropriate from the general fund of the state for capital improvements for institutions under the department of social services, including construction of new buildings, repairs, improvements, replacements, or alterations.

Senate File 543 is approved June 16, 1971, with the following exception: I am unable to approved item 2 designated as section 2 in the act which reads as follows:

"Sec. 2. Plans and specifications for improvements for which funds are appropriated by this Act or previous Acts of the general assembly shall be submitted by the department of social services to the budget and financial control committee for approval, except that items commonly known as change orders need not be submitted to the budget and financial control committee unless such change orders increase the total cost of that particular project."

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 543 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S ITEM VETO MESSAGE

June 16, 1971

The Honorable Roger W. Jepsen
Lieutenant Governor of Iowa
State Capitol
Local

Dear Governor Jepsen:

I have on this date signed and transmitted to the Secretary of State's Office Senate File 543, an appropriation bill, with the exception of item 2, designated as section 2 of the said bill which I disapprove.

Pursuant to Amendment 4 of the 1968 Amendments to the Constitution of the State of Iowa, I hereby return to the Senate item 2, designated as section 2 of Senate File 543, being an item of this appropriation bill.

This said item that I am unable to approve reads as follows:

"Sec. 2. Plans and specifications for improvements for which funds are appropriated by this Act or previous Acts of the general assembly shall be submitted by the department of social services to the budget and financial control committee for approval, except that items commonly known as change orders need not be submitted to the budget and financial control committee unless such change orders increase the total cost of that particular project."

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)

We have been operating under a system whereby the executive council approves plans and specifications for improvements for which funds are appropriated by the General Assembly. This is a reasonable and working arrangement with the responsibility resting not only with the departments affected by the appropriation, but also with elected officials in the executive branch of government. These are people whose positions are fulltime and who provide interim safeguards for the system of state government.

Therefore, I am returning this item of Senate File 543 to the Senate where this appropriation bill originated pursuant to Amendment 4 of the 1968 Amendments to the Constitution of the State of Iowa.

Very truly yours,
ROBERT D. RAY