

FILED MAY 18 1971

See Appropriation 5/26, Item 6/7

SENATE FILE 545

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 5-25-71 Passed House, Date 6-10-71
Vote: Ayes 45 Nays 9 Vote: Ayes 78 Nays 4
Approved June 19 1971 (Item Veto)

A BILL FOR

1 An Act to appropriate from the general fund of the state
2 for capital improvements for physical plant and facili-
3 ties and for the discharge of duties by the superinten-
4 dent of public buildings and grounds.

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

GOVERNOR'S ITEM VETO MESSAGE (Senate File 545, Item 3, Section 3)

June 19, 1971

Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Des Moines, Iowa

Dear Mr. Synhorst:

I hereby transmit Senate File 545, an act to appropriate from the General Fund of the State for capital improvements for physical plant and facilities and for the discharge of duties by the Superintendent of Public Buildings and Grounds.

Senate File 545 is approved June 19, 1971, with the following exception: I am unable to approve Item 3 designated as Section 3 in the Act which reads as follows:

"Sec. 3. Plans and specifications for improvements for which funds are appropriated by this Act shall be submitted by the superintendent of buildings and grounds to the budget and financial control committee, except that items commonly known as change orders need not be submitted to the budget and financial control committee unless such change orders actually 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, 1968)

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 545 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

1 Section 1. There is appropriated from the general fund
2 of the state of Iowa for the biennium beginning July 1, 1971,
3 and ending June 30, 1973, to the superintendent of public
4 buildings and grounds the sum of nine hundred thousand
5 (900,000) dollars, or so much thereof as may be necessary,
6 to be used for major repairs to the physical plant and
7 facilities located at the seat of government, automatic
8 elevators at valley bank building, and new service and re-
9 wiring of the capitol building and to supplement any prior
10 appropriations for capital improvement items.

11 Sec. 2. Before any of the funds appropriated by this Act
12 shall be expended it shall be determined by the superinten-
13 dent of buildings and grounds, with the approval of the
14 executive council, that the expenditure shall be for the best
15 interest of the state.

16 Sec. 3. Plans and specifications for improvements for
17 which funds are appropriated by this Act shall be submitted
18 by the superintendent of buildings and grounds to the bud-
19 get and financial control committee, except that items com-
20 monly known as change orders need not be submitted to the
21 budget and financial control committee unless such change
22 orders actually increase the total cost of that particular
23 project.

24 Sec. 4. Any unencumbered balance remaining as of June
25 30, 1973, of the funds appropriated by this Act, shall re-
26 vert to the general fund of the state as of June 30, 1973.

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