

1           SENATE CONCURRENT RESOLUTION NO. 102  
2   BY GRONSTAL, KIBBIE, McCOY, COURTNEY, RAGAN, HATCH,  
3       DOTZLER, SENG, BOLKCOM, WARNSTADT, KREIMAN,  
4   QUIRMBACH, BEALL, STEWART, DVORSKY, CONNOLLY, FRAISE,  
5       HORN, DEARDEN, BLACK, and HOLVECK  
6   A Concurrent Resolution requiring the House Speaker  
7       and Senate Majority Leader to cease the litigation  
8       against the Governor regarding certain item vetoes of  
9       legislation.  
10   WHEREAS, the Iowa Legislative Council, on June 30,  
11 2003, authorized the retention and compensation of an  
12 attorney to provide legal and litigation services to  
13 the Legislative Council to challenge the Governor's  
14 exercise of the item veto authority with respect to  
15 legislation passed by the Iowa General Assembly during  
16 the 2003 Regular and Extraordinary Sessions; and  
17   WHEREAS, Representative Christopher C. Rants and  
18 Senator Stewart E. Iverson, Jr., individually, and as  
19 members of the House of Representatives and Senate,  
20 respectively, and as Speaker of the House of  
21 Representatives and Majority Leader of the Senate,  
22 respectively, of the Eightieth General Assembly of the  
23 State of Iowa, and as Chairperson and Vice Chairperson  
24 of the Iowa Legislative Council, respectively, filed a  
25 declaratory judgment action on July 30, 2003, seeking  
26 a judgment that Governor Thomas J. Vilsack's item  
27 vetoes of certain provisions in House File 692 were  
28 unconstitutional; and  
29   WHEREAS, Plaintiffs Rants and Iverson and Defendant  
30 Vilsack filed cross-motions for summary judgment which

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RULES &amp; ADMINISTRATION

1 were heard on October 31, 2003; and

2 WHEREAS, the Honorable Don C. Nickerson, Judge of  
3 the Fifth District Court in Polk County, Iowa, on  
4 December 1, 2003, entered an order denying the  
5 plaintiffs' motion for summary judgment, and granting  
6 the defendant's motion for summary judgment; and

7 WHEREAS, the plaintiffs filed an appeal of Judge  
8 Nickerson's order on December 8, 2003, with the Iowa  
9 Supreme Court; and

10 WHEREAS, this appeal is not well-advised and could  
11 detrimentally affect the relationship of the Executive  
12 Branch and the Legislative Branch with respect to the  
13 Governor's exercise of the item veto authority  
14 contained in Article III, section 16, of the  
15 Constitution of the State of Iowa; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
17 REPRESENTATIVES CONCURRING, That House Speaker Rants  
18 and Senate Majority Leader Iverson shall provide  
19 direction to the attorney retained to pursue this item  
20 veto litigation to immediately cease further legal and  
21 litigation activities and on behalf of the plaintiffs  
22 to withdraw the appeal of Judge Nickerson's order to  
23 the Iowa Supreme Court; and

24 BE IT FURTHER RESOLVED, That Speaker Rants and  
25 Majority Leader Iverson shall provide direction to  
26 those persons executing the Iowa Legislative Council's  
27 authorization to compensate the retained attorney to  
28 immediately cease compensating the retained attorney  
29 for any legal or litigation services, other than the  
30 withdrawal of the appeal, performed after the passage

1 of this resolution.

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