



HEDBERG & BOULTON ATTORNEYS RESPOND TO RULING IN VETO CASE ***District Court Rules that Line-Item Veto was Unconstitutional***

Earlier today, District Court Judge Brad McCall ruled in favor of the plaintiffs in a lawsuit challenging Iowa Governor Terry Branstad's use of item vetoes in a bill that appropriated funds for Iowa Workforce Development field offices across the state.

Attorney Mark Hedberg:

"Our clients are certainly pleased with this result. The District Court rightly determined that there was an unmistakable intent on the part of the legislature that these appropriations were to be used to keep those workforce centers open. The legislature wrote into the bill that the number of field offices was not to be reduced below the number in operation as of January 1, 2009. There is no reason for that language to be in the bill unless it was intended to be a condition upon which these appropriations had been made. As Judge McCall wrote in his ruling, that condition was the clear intent of the legislature and it applied directly to the appropriations of approximately \$8.6 million and \$4.3 million in state funds. The only options the governor had when this bill came to him were to either accept the funds and keep those workforce centers open or veto both the appropriations and the conditions upon which they were made."

Attorney Nate Boulton:

"This case really comes down to the basic and fundamental concept that there are separate and shared powers among our three branches of government. The ruling explains that the very nature of the item veto power is a strictly limited one and that it is to be construed narrowly. It is a transfer of a limited legislative power to the governor, and it is absolutely essential under the Iowa Constitution that the transfer of that legislative function to the executive branch is interpreted with all doubts in favor of maintaining the traditional separation of powers. This ruling is important in reaffirming the principle that the item veto power cannot be used to nullify the clear intent of the legislature when it comes to accepting funding that was appropriated for a deliberately limited purpose."